YUKON TERRITORIAL COUNCIL

FIRST SESSION 1967

Votes and Proceedings

Volume 2

Wednesday, April 12, 1967.
10:00 o'clock a.m.

Mr. Speaker read the daily prayer and Council was called to order.

Mr. Speaker: Is there a quorum, Mr. Clerk?

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: Have we any correspondence this morning, Mr. Clerk?

SESSIONAL PAPERS

Mr. Clerk: I have three Sessional Papers for tabling this morning, Mr. Speaker. Sessional Paper No. 81, Yukon Flag; #81
Sessional Paper No. 82, Reference for Advice, Grade 13; and #82
Sessional Paper No. 83, the Yukon - Taiya Diversion Project. #83
That's all I have this morning, Mr. Speaker.

Mr. Thompson: Mr. Speaker, I have some correspondence that I would like to table at this time. I have a letter from the Yukon Electrical Company addressed to the Speaker and #84
Members of Council. I also have before me a letter from the Whitehorse Theatres addressed to Mr. Speaker and Mem- #85
bers of Council. I have a further communication from the President of the Porter Creek Citizens' Association with #86
reference to the rebuilding of the school in Porter Creek and I would also like this to be tabled.

Mr. Speaker: Thank you. Would you please give a copy to the Clerk, Mr. Thompson. Have we any further correspondence.

Mr. MacKinnon: I requested last evening that I table a #87
copy of a letter from the Hotel and Motel Operators on the North Highway.

Mr. Speaker: Have we any further correspondence. If not, we will proceed to Reports of Committees if there are any. We will now proceed to Notices of Motion and Resolution. Have we any Notices of Motion and Resolution?

Mr. MacKinnon: Mr. Speaker, I beg leave to give Notice of Motion re nominal fees.

Mr. Speaker: Mr. MacKinnon, I will have to rule that out of order at this time because we have three Motions on the Order Paper at the present moment and that is the limit allowed Members. You could possibly bring that up tomorrow if we dispose of the ones we have.

Mr. MacKinnon: An oversight on my part, Mr. Speaker.

Mr. Speaker: I am very sorry. Those are our Rules. Have we any further Notices of Motion and Resolution? If not, have we any Notice of Motion for the production of papers?

NOTICES OF MOTIONS FOR PRODUCTION OF PAPERS #2 #3

Mr. Thompson: Mr. Speaker, I would like to give Notice of Motion for the Production of Papers re Liquor Price Compari- sons and also Notice of Motion for the Production of Papers re Water and Sewer Costs, Crestview.

Mr. Speaker: Are there any further Notices of Motion for the Production of Papers? If not, we will proceed to Motions. We have Motion No. 6, Mr. Watt.

Mr. Watt: Mr. Speaker, could I just defer that until Monday morning, please?

Mr. Speaker: Monday morning we will bring that up. Very well. We next have Motion No. 8, Mr. MacKinnon, Caution Lights.

MOTION #8 Mr. MacKinnon: Mr. Speaker, Motion No. 8, moved by myself, seconded by Mr. Watt, re Caution Lights. "It is respectfully requested that Administration consider maintenance and upkeep of caution lights at Haines Junction for the protection of school children in that area. These lights will be purchased and installed by the Haines Junction Lions Club." May I proceed, Mr. Speaker?

Mr. Speaker: Proceed, Mr. MacKinnon.

Mr. MacKinnon: Mr. Speaker, this is nothing new before Council. I have brought this before Council a couple of years ago and it did receive Council's approval at that time but Administration saw fit to kick it down the drain. There is a great necessity for these caution lights at Haines Junction. The Alaska Highway runs directly through the center of Haines Junction. The tourist is not aware of the dangers that exist in that area and, therefore, they are travelling much too fast and it is very dangerous for the children. As a Member of the Lions Club, we have decided that we will go so far as to purchase those lights ourselves and we will install them ourselves and we are asking the Territorial Government for maintenance and upkeep only. Before it was too costly but we found that the people of Haines Junction are willing to pay more than half of this initial cost, or all the initial cost I would say. So, I believe this is being very lenient asking Administration for maintenance and upkeep. They already have a quote and for Council's information, I would say that it is approximately $4.50 per month for each one of three caution lights. Now, if Council wants to go against this, this is fine. The Lions Club are willing but they have other projects at hand. For instance, at the present time, we are fencing the graveyard at Haines Junction which I personally donated the posts. I do hope to have Council's support on this very very reasonable request I would suggest.

Mr. Watt: Mr. Speaker, as seconder of the Motion, I support the wishes of the Member from Kluane-Carmacks and I think that anything that can be done to help improve the flow of traffic and standards of traffic in small communities as well as the large ones should be encouraged. Unofficially, I think I should go and ask the Lions Club of Haines Junction to think about doing the same thing to a couple of streets in Whitehorse, but I support the Motion, Mr. Speaker.

Mr. Speaker: Have we any further discussion on Motion No. 8?

Mr. Thompson: Mr. Speaker, I would like to direct a question to Mr. MacKinnon with reference to this. I have no objections whatsoever and I think it is highly commendable. I am wondering...he says that...caution lights and he mentioned two or three and I am wondering just what the locality is or are we just considering the Alaska Highway or where the school is

Mr. Thompson continues: MOTION #8
situated in relation to all these caution lights and also the remark that these lights will be purchased and installed by the Haines Junction....but Mr. MacKinnon said that he thought that they were going to bear half of the cost and then he corrected himself. I am just wondering whether this is a 50-50 deal or just what is the arrangement? Is it the Lions Club will purchase them and install them at their expense?

Mr. MacKinnon: Mr. Speaker, I am sorry Mr. Thompson. Possibly you weren't listening. I thought I made it quite plain. We have already purchased those three lights and we are going to install those three lights whether we get assistance or we don't. To your first question...would you mind to repeat your first question, Mr. Thompson?

Mr. Thompson: I take it, Mr. Speaker, that Mr. MacKinnon in this instance wasn't listening when I gave the question. I asked where the three lights were to be located in respect to the school and the Alaska Highway.

Mr. MacKinnon: Mr. Speaker, yes. As Mr. Thompson is quite well acquainted around Haines Junction, he realizes that there is a road coming in from the East going West and from West going approximately North West. There would be one...it is the Alaska Highway I am speaking of....there would be one on the approach coming from North. There would be one on the approach coming from East and there would also be one on the Haines Highway entering Haines Junction.

Mr. Thompson: Mr. Speaker, I would just like to further ask...these are not school crossing caution lights then. These are just general caution lights at the entrance of all accesses to Haines Junction. Is this correct?

Mr. MacKinnon: Mr. Speaker, every part of Haines Junction seems to be a school crossing as every part of Whitehorse seems to be a central point to cross from one side of the street to another. It may be a little bit irregular but as protection for the younger folks, we believe it is necessary to install those lights even though they would be installed and operated at our own expense and we are asking the Territorial Government to go along with a little assistance in this respect.

Mr. Speaker: Does that answer your question, Mr.Thompson?

Mr. Thompson: Mr. Speaker, I think the Honourable Member is getting slightly confused here. He just says that now they are going to install and operate them at their own expense and I think he probably is still considering assistance from the Territory but I have the general picture now. These are in fact caution lights. I would like to direct one other question to the Member. Could he tell me what is the speed limit through Haines Junction at the present time?

Mr. MacKinnon: Yes, Mr. Speaker, it is 15 m.p.h. There is a caution sign and it's not very effective. For instance, we have three members of the R.C.M.P. that are also members of our Club and they do see the necessity of installing these lights at Haines Junction. It is a very, very dangerous situation for the young people that do have to cross the Alaska

MOTION #8 Mr. MacKinnon continues:
Highway. As Mr. Thompson is aware, there is as many lives on one side of the Highway as there is on the other so, therefore, it is basically a street through the center of town.

Mr. Boyd: Yes, Mr. Speaker. I can see the use of the lights in the winter time...when there is no traffic..at least we hear the hotels are all closed up and there is no traffic at all...only one truck a day...but when we do have the traffic which is in the summer time by the great numbers, I am wondering what effect the lights will have on this kind of traffic. If a sign that says 15 m.p.h. is not effective, what will a light in broad daylight be? What do you propose to do for the summer time? Are the lights going to stop the tourists and slow them down if the signs already there won't?

Mr. Speaker: Is that a question, Mr. Boyd?

Mr. Boyd: Yes, that's a question.

Mr. Speaker: What is your question?

Mr. Boyd: What does he propose to do in the summer time with regard to lights? I don't think they show up very well. What kind of lights are you going to put up that will show up and slow the people down?

Mr. MacKinnon: The type of lights, Mr. Boyd, is flashing lights. They seem to be very effective on Fourth Avenue even though the sun is shining. We have various colours and they do reflect even against the God given sunshine.

Mr. Taylor: I don't know. They haven't got dust on Fourth Avenue like they have on the Highway. I would say that I am remarkably surprised to hear that there is a 15 m.p.h. speed limit through the Community of Haines Junction because all other communities are 30 m.p.h. This is the Alaska Highway we are speaking of. I will go along with the Motion but really what we are talking here is not school caution lights. We are talking about municipal service...putting lights....amber flashing lights I imagine these are...at the entrances to a community. I think all communities along the Alaska Highway should enjoy this facility. That's really what we are talking here. We are just singling one out of many. I think that if we approve this Motion that we should give consideration to putting them in all the other communities along the Alaska Highway because they are just a community service.

Mr. Speaker: Is there any further discussion on Motion No. 8?

Mr. MacKinnon: This seems to be belabouring the point. It's a very, very small request and we have heard opposition from just about every point. I wouldn't say that this was necessary in every locality in the Yukon. Haines Junction is a very dangerous situation. We have a very dangerous curve in the Alaska Highway that you could not make at 30 m.p.h., and we also have the entrance of the Haines Highway and there's also a very heavy grade running into Haines Junction which also makes it a very, very dangerous situation and all

Mr. MacKinnon continues: MOTION #8
I can ask the Members is for their support of this Motion and leaving me personally out of the picture and please do consider the situation as it exists.

MOTION CARRIED MOTION #8 CARRIED

Mr. Speaker: The next Motion is Motion No. 9, Mr. MacKinnon, Time Change.

Mr. MacKinnon: Yes, Mr. Speaker, moved by myself, seconded by Mr. Southam, re a Time Change. Mr. Speaker, I wish the Commissioner was present at this time. Could we refer this Motion to Committee, Mr. Speaker?

Mr. Speaker: We'll put it this way. A Member is not allowed to amend their own Motion, however, any other Member could move that this be referred to Committee of the Whole.

Moved by Councillor Watt, seconded by Councillor Boyd, that Motion No. 9 of Mr. MacKinnon's in relation to Time Change be referred for discussion to Committee of the Whole. MOTION #9 REFERRED TO COMMITTEE

MOTION CARRIED MOTION CARRIED

Mr. Speaker: We next have Motion No. 10, Subsidy, School Children, Mr. MacKinnon. MOTION #10

Mr. MacKinnon: Mr. Speaker, moved by myself, seconded by Mr. Boyd, re Subsidy-School Children. "It is respectfully requested that the Administration review school childrens' room and board subsidy allowance, and keep it in line with the continuous increase in the cost of living". May I proceed, Mr. Speaker?

Mr. Speaker: Proceed, Mr. MacKinnon.

Mr. MacKinnon: Mr. Speaker, I feel that this Motion is very self-explanatory. We realize that wages and the cost of living continually increase. We realize that the Territorial Government at the present time have made quite a step forward in the maintenance of highways in regard to wages and they have done this for one reason only...because the cost of living continually increases. Now let me go into further detail on this, Mr. Speaker. The Government is now paying for primary grades that board away from home, $50.00 a month - secondary grades, $60.00 a month. A year or so ago, these children could be boarded out in an institution for an additional $10.00 per month. Now this is getting a little far reaching. This has stepped up to something like $25.00 a month so all I am asking of Administration, which Mr. Boyd has generously gone along with my thinking and decided that it would only be fair to keep it in line with the continuous increase in the cost of living.

Mr. Speaker: Have we further discussion on Motion No. 10?

MOTION CARRIED MOTION #10 CARRIED

Mr. Speaker: The next item on the Agenda will be the question period, however, the Commissioner is not here at the present moment so perhaps we can utilize this time to process the Public Bills and Orders we have before us and if the Commissioner comes later, we could embark on the question period so I would ask that we process these Bills at this time.

FIRST READING BILL #10 MOTION CARRIED

Moved by Councillor Boyd, seconded by Councillor Southam, that Bill No. 10, an Ordinance to Amend the Game Ordinance, be given First Reading at this time.

MOTION CARRIED

SECOND READING BILL #10 MOTION CARRIED

Moved by Councillor Boyd, seconded by Councillor Southam, that Bill No. 10, an Ordinance to Amend the Game Ordinance, be given Second Reading at this time.

MOTION CARRIED

FIRST READING BILL #11

Moved by Councillor Southam, seconded by Councillor MacKinnon, that Bill No. 11, An Ordinance to Authorize the Commissioner to Borrow a Sum not Exceeding Six Million Dollars from the Government of Canada and to Authorize the Commissioner to enter into an Agreement Relating Thereto, be given First Reading at this time.

Mr. Watt: Mr. Speaker, speaking on the Motion, I would like to...after carefully looking at this Ordinance last night...I would like to go on record as being opposed to this Bill even going out of second reading. I think that it should die where it is right now and not go beyond the stage that it is right now. It should simply die here. My reasons are that I think that this Ordinance will give the Commissioner and the Yukon Government....Territorial Administration....power to carry on the administration for the next six months without the approval of the Five Year Agreement. It's for six million dollars and with their usual 15% to 20% cushion, they can carry on until about October. That is after the next fall election. I think that this will leave the Administration in a position where they will not have to bring forward a Bill with respect to a new Two Year Agreement, or Five Year Agreement, or whatever type of Agreement that is going to be presented to us. Mr. Taylor was trying to make the same point a couple of days ago with respect to the Budget. I agreed with the point but I thought, at that time, that we should carry on with the Budget in order to hurry up with our deliberations but I agreed with his point and I think that the point can be made right now without delaying our Budget with respect to this particular Bill. I don't think that there is a good enough reason given to us why this Agreement for the next two to five years, or whichever type of Agreement is going to be given to us, has not been presented to us now. Our Financial Agreements parallel that of the N.W.T. The N.W.T. received their Agreement six weeks ago and it has been discussed for the last month and I think that if Ottawa were sincere about presenting an Agreement to us and having this Council, with the experience they have got in the discussions they have had, they could have had this Ordinance before us or, conversely, they could send down a top notch Ordinance drafter and have it drafted here right in the Yukon Territory or relieve our present Legal Advisor from some of his other burdens right now to give him a free hand to carry on with the drafting of this with our instructions and possibly some guidance from the Commissioner and Ottawa. Now, some of the terms of this Ordinance...."(c) such other terms and conditions as may be agreed upon by the Commissioner;" and section 4, "The Commissioner is empowered to do every act and exercise every power for the purpose of implementing every obligation assumed by the Government of the Yukon Territory under the agreement entered into pursuant to section 3." This virtually gives the Commissioner, without the consent of Council.. the Commissioner it says..not the Commissioner-in-Council...

Mr. Watt continues: BILL #11
the leeway to enter into an Agreement and as far as I am concerned....entering into an agreement with respect to levying taxes, such as liquor taxes and accommodation taxes and other taxes, and the situation, the way it is right now.. the steps that have been taken, it appears as if steps have already been taken towards the levying of some taxes in the Yukon Territory. I think that this would just throw the ball back to the Federal Government's hands to get down to some serious thinking, get this Ordinance drafted for us, get this Agreement in our hands in a hurry. If we carry on with this particular Ordinance, any lever that we had with respect to the voting of money is out of our hands sufficiently so that this Council may not have to deal with it. I think it would be unfair for us to ask a new Council to have to deal with the Five Year Agreement such as this. I would like to ask my fellow Councillors to seriously consider letting this die in Committee. We have two more readings to give this, two or three. I went along with the introduction of it to give me more time to have a look at the Ordinance, but I would simply request the Council to go along with me when the question is called to have it not passed and let it die in Committee. Otherwise we are going to be delayed. It will go to Committee of the Whole. It will be discussed there for a day or two...and go back to Ottawa....a quick decision on our part....it's not a quick decision. It's a decision on our part...a request on our part to have Ottawa come forward with an Agreement, either two years or five years or something concrete that we can discuss. There are so many things up in the air now with respect to taxes, meetings and everything else, that we are in a pretty vulnerable position. We're in the middle. This would bring it to a head I believe. I would like the support of the rest of Council of having this particular Bill die right in Committee and this will say once and for all that we are not interested in any short term, interim, make shift, patched up method of carrying along with our Agreement.

Mr. Taylor: Mr. Speaker, I am glad a little light finally shone through. This is what I spent a great deal of time in this Session talking about...the terms of this Agreement. I certainly concur with Councillor Watt's remarks. He's got the point finally. This Bill would give the Commissioner all the power he requires, as Councillor Watt has pointed out, to run the Territory for a few more months until possibly they can elect a new Council to consider the Agreement that they would normally have difficulty selling to us. In relation to the Budget, I say we should not discuss the Budget because the Budget is based on an Agreement which does not in fact exist. If the Agreement does not exist therefore the Budget does not really exist either and it would be a waste of time to discuss it. I feel that the Federal Government have put themselves in a pickle, have suggested to us that by means of this Ordinance now under consideration... first reading...and the manner they are approaching us.... they are just trying to pull a sandy on the Council of the Yukon Territory in the hope that we are dumb enough to go along with it. I say refuse them the money. I very sadly regret that we gave them that one-twelfth of the Budget, Interim Supply, and the other Bill as well, but of course at that time we did not know that this Agreement was not being processed in the manner we thought it was. I, too, am contrary to this first reading of this Bill and I feel it should be left to die.

BILL #11

Mr. Boyd: I would just like to point out to members paragraph 5....."No amount shall be borrowed by the Commissioner pursuant to this Ordinance after the 31st day of March, 1968." So they do intend to run for a year. There is nothought here...could have at least said we surely will have this by 90 days..... 90 days on this Bill ought to be sufficient to see that the Agreement is here and have it discussed. This isn't even in their thinking. I am getting leery of this too. I am getting leery. I don't think we should be put in the position of where we don't know whether we are going to get it or not and I think we should be told that it's either going to be here within so many days or weeks so that we will know where to stand and possibly we can make up our mind whether we should go home and come back and discuss the Budget in 60 days. Something has got to be clarified.

Mr. MacKinnon: Mr. Speaker, I can only agree with the Members that have sat at this table just twice as long as I have and have a very complete knowledge of the manoeuvers of Government, and I think we did experience a manoeuver of Government yesterday and, therefore, I would have to go along with Mr. Taylor, Mr. Boyd and Mr. Watt in this respect. Giving the Commissioner the right to borrow money for a year - I don't believe that this is right. This is taking everything away from the people. Then we don't need an elected representative at all. Let's give the whole thing to Administration and they will continue to make the same manoeuvers as they have been making in the past undoubtedly so for the protection of the people, the taxpayer of the Territory, I must vote against this Bill No. 11.

MOTION DEFEATED

MOTION DEFEATED

Councillors Taylor, Watt and MacKinnon voted contrary. Councillors Boyd, Southam and Thompson abstained.

Mr. Speaker: I must say..a very unusual situation. That pretty well completes the orders of the day. We have the matter of questions if any Members have any questions to ask at this time....that would be perfectly in order. We have no Commissioner here but we can still proceed with the questions.

Mr. Taylor: Mr. Speaker, I have a question without going to a Motion at this particular moment. I am wondering if it would be possible to have the concurrence of Council to discuss a matter which arose yesterday in relation to the Liquor Department....if we could discuss this in Committee of the Whole possibly this morning.

Mr. Speaker: It has been suggested by the Chairman of Committees, who of course is one of those that have a great deal in making up the Agenda, that we discuss this matter of the liquor question relating I think more particularly to Dawson City in Committee of the Whole.

All: Agreed.

Mr. Thompson: Mr. Speaker, I would like to direct a question to the Commissioner but conceivably I could ask the question and Administration could find an answer at some later date. I am wondering if he could advise me whether there is anything in any of the Ordinances, particularly the Liquor Ordinance, that says that Administration can raise the price of liquor without concurrence from the Territorial Council.

Mr. Speaker: Would you make a note of that Mr. Clerk and get an answer for Mr. Thompson as soon as possible.

QUESTION RE MOTOR VEHICLE ORDINANCE

Mr. Watt: Mr. Speaker, I have a question that I would like to direct to either the Commissioner or the Legal Advisor and that is with respect to changes in our motor vehicle licences to rectify the apparent confusion or irregularity with this Ordinance with respect to licencing vehicles and the expiry date of new licences. I think that everybody is familiar with the problem and if nothing is drafted now, I will take steps to have this drafted as a private member's bill but if it comes from the Administration, I will leave it in their hands...time is getting on....I will have to get this drafted myself. I think we all understand the problem. It has to be rectified. It has made Justice look a little foolish, our Ordinance look a little bit foolish, the police look a little bit foolish and it is simply changing the Ordinance as necessary to rectify the situation.

Mr. Speaker: Gentlemen, we have the Commissioner in the public gallery at the present moment. I would ask him if he would join us at this time and possibly we can direct the questions necessary...Mr. Commissioner, would you please join us?

Mr. Commissioner enters the Council Chambers.

Mr. Speaker: I would ask that during this question period that you confine your remarks to the question. Explain the question but this is not the time for debate. Mr. Watt, would you like to direct your question...you said either the Commissioner or the Legal Advisor....proceed.

Mr. Watt: The question was is there any amendments to the Motor Vehicle Ordinance contemplated or already drafted or being introduced by the Administration with respect to the motor vehicle licences and the apparent confusion or irregularity or misinterpretation of the Ordinance with respect to the date when a new licence takes effect that has caused quite a few Court cases...people operating unregistered vehicles which has resulted in nominal fines and it has apparently made the Council look a little foolish. It has put the police in an uncomfortable position, plus the Magistrate. I think it is a mere change in the Ordinance. Is there any draft contemplated or already drafted?

Mr. Commissioner: Mr. Speaker, we have had some discussion on this particular matter and it is my understanding that the question is going to be raised in our Legislative Programming Committee meeting. I believe there is a meeting either today or tomorrow. The question will be raised at that time and I am sure that after it has been discussed there that Mr. Legal Advisor will be able to speak very fully and frankly to Council on what the basic problem is and how it can be corrected.

Mr. Speaker: Thank you, Mr. Commissioner. Does that answer your question, Mr. Watt?

Mr. Watt: Yes, Mr. Speaker. Could I just leave this as notice....possibly a written answer would save Council's time with respect to this. I will wait for a couple of days.

RE MOTOR VEHICLE ORDINANCE

Mr. Taylor: I have two questions. One just arose out of the last discussion, Mr. Speaker, which I would direct to the Honourable Member from Whitehorse West. To my knowledge there has only been one Court case involved in this. Is there more and if so, how many?

Mr. Watt: I believe there is more. Exactly how many, I don't know. I haven't got the statistics but I think the answers we get from Administration will fill us in on this.

Mr. Speaker: You cannot answer the question, is that correct?

Mr. Watt: The question itself....I believe there is quite a few more that either were caught or should have been caught, including myself...expired licence plates.

QUESTION RE FLAG

Mr. Taylor: I have a question, Mr. Speaker, I would like to direct to the Commissioner this morning with respect to the notable flag debate. Council approved a Motion that these flags be prepared in some cloth form or something of this nature and be presented to Council. The question would have two parts. First, what would be the cost, or has the cost been determined, to produce these flags and two, is it possible that we could have this matter taken to a flag manufacturing company expediently in order that we can have these things back at this Session and give the Yukon a centennial Yukon flag?

Mr. Commissioner: Mr. Speaker, I cannot give an answer to the last portion of this question but the first part of it.. it was part of the Votes and Proceedings and I have instructed here several days ago that this be looked into to see what can possibly be done and we will advise Council just as quickly as possible. The second part of the question I make very clear, Mr. Speaker, I have not made any attempt at that aspect of it.

Mr. Speaker: Have we any further questions?

Mr. Commissioner: Mr. Speaker, may I add further to the last answer that I gave here? The flag samples, if you would refer to them in this manner, Mr. Speaker, should be available here for Council's perusal in approximately ten days and the cost that will be involved will be something less than $100.00. While I am on my feet, Mr. Speaker, may I say something else in connection with a question that was asked yesterday in connection with the liquor pricing at Dawson?

Mr. Speaker: Council has moved that into Committee. At that time we will be very pleased to hear it.

Moved by Councillor Boyd, seconded by Councillor Southam, that the Speaker do now leave the Chair and Council resolve itself into Committee of the Whole to discuss Bills, Memoranda, Sessional Papers and Motions and questions.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: The Motion is carried and Mr. Taylor will take the Chair in Committee of the Whole.

Mr. Taylor: Gentlemen, we will be proceeding with discussions relating to the pricing of liquor at Dawson City. I will call a short recess at this time.

LIQUOR PRICING IN DAWSON

Mr. Chairman: I will call this Committee to order. The first matter of discussion this morning is matters relating to the pricing of liquor in Dawson City. We have with us Mr. Commissioner to assist us in this discussion. Proceed.

Mr. Commissioner: I would report to Council that the information that was given here yesterday afternoon by Mr. MacKinnon is in essence correct. I have verified that, for reasons which I am not yet aware, that the liquor vendor in Dawson has increased prices on liquor there and he has been ordered to get them returned to the levels that they are in all other liquor stores in the Territory and Mr. Vars is on his way there, or will be as soon as transportation is available. I have requested his presence there in Dawson to investigate this matter fully to see just what brought this about. As soon as I have him back here and have his report, I will be tabling it for Council.

Mr. MacKinnon: Mr. Speaker. Mr. Commissioner, I am led to believe that there is a price list that has been distributed already at the outlets in Dawson City. I am wondering if this had been prepared by the Territorial Government.

Mr. Commissioner: This particular question I cannot answer one way or the other, Mr. Chairman, at the moment, but I am positive than when I get Mr. Vars' report on this whole situation that this question, along with any others, will be fully explained and will be tabled here for Council's information. I feel that I cannot comment on any factual information other than what I have already verified for you here, Mr. Chairman and my means of ascertaining these facts to see exactly what surrounded this is to get the Superintendent of Liquor Control right to the scene of this complaint which appears to be a proper and legitimate one as quickly as possible and this we are proceeding to do, Mr. Chairman.

Mr. MacKinnon: Mr. Chairman, a supplementary question. Does the Territorial Government propose to refund to the general public, the average Joe on the street, the 15% that he has been charged since the first of April?

Mr. Commissioner: At this point in time, Mr. Chairman, I am not proposing anything. The first thing I want to know is the facts surrounding the situation. As soon as we have these facts, we will be in a lot better position to know just exactly what should or could be done with regard to the whole problem.

Mr. Shaw: Mr. Chairman, this is a very unfortunate occurrence. I think that we must get all the facts first before we start conjecturing on what the situation is. As you know, gentlemen, I am 350 miles away from that area and the first I knew of this condition existing was when Councillor MacKinnon raised the question. He said nothing to me prior to that. He just dropped the question more or less as a bomb shell on Council's table and appeared to be very happy to be able to pass it along, however, the facts are, Mr. Chairman, that this has happened and this has meant that the people in this area have, perhaps in an illegal manner, been forced to pay more than what they should have been called to pay for this.

LIQUOR PRICING IN DAWSON

Mr. Shaw continues:
I don't know just what the inquiry will bring forth but one thing I will assure you, Mr. Chairman, I shall be bringing a Motion before Council when this is settled to see that restitution is made to all of these people. I am not just referring to bartenders or any individual groups. I am saying all people in some form or another. Once something has happened, we can't go back in history. It has happened. All we can do is try and rectify a most unfortunate situation.

Mr. Boyd: Well, I am a little bit amazed that it's necessary to go 400 miles to find out...to talk to a man...when we can pick up the telephone and talk to him the same way we did yesterday. We found out that prices had been increased and I think I could find out why they were increased and at whose instigation. I don't think this is hard. I wouldn't have to go 400 miles to find out I don't think, but I am quite prepared to wait for the answers and when we get them, we can discuss it further.

Mr. Shaw: It's quite obvious that when a situation comes like this it is no problem to contact 400 miles or 40,000 miles but when those situations exist that would cause concern and no information is given....I don't think that Councillor Boyd could possibly know what was going on in Watson Lake if something happened tomorrow. It may be three or four days before he heard of it...or I should say Councillor Taylor. He would have no way of knowing unless someone informed him, but once the matter has happened, it's a very simple matter. Everybody can find out about it then because they know where to get the information.

Mr. Boyd: I don't understand you. I was just merely saying that we don't know what happened and we are going to send a man to find out and I am prepared to wait until we find out before we discuss it any further. There's no point in talking any more. I do say that a telephone is also available for facts.

Mr. Shaw: I very much concur with the Commissioner's action. I would say that a situation like this, as serious as this, requires a little more than a talk over the telephone. It needs an investigation. It needs a thorough investigation and I expect that there will be a thorough investigation and that Council will be appraised of all the facts as they are....not just a telephone conversation.

Mr. Watt: Mr. Chairman, the thing that I am concerned with with respect to this...a farther reaching problem...that is that apparently there was a letter sent indicating that there should be an increase in liquor prices and here we have before Council a Five Year Agreement and one of the terms of the Agreement is an increase in liquor prices. Apparently, at some level of the Administration, a letter has gone forward saying that the policy has already been established...increased liquor prices. There was a little mistake in Dawson City. They jumped the gun. However, if the thing is that a letter has gone out already saying that liquor prices are going to be increased...there's just a little mistake on the date. My question is what are we doing here if the Administration is going to go ahead and do this? I know that they have done in the past and I don't think the Administration necessarily has to ask us. I appreciate them coming to us and at least getting our

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Mr. Watt continues:
approval with respect to these liquor prices and these increases in taxes. I recall an experience in the past where the Council had made a Motion for the reduction of liquor prices, a particular liquor price, because of a saving in freight. It should be passed on to the consumers. The very next day....now there hadn't been an increase in liquor prices of any kind for two and a half years and there hasn't been since....but the very next day...headlines in the newspaper where the price of liquor had increased. I don't think it was an accident at that time so it proves a point to me that the Administration has the authority to go ahead and increase the price of liquor without our consent. I am convinced of that and I appreciate the Administration at least giving us the opportunity to have something to say on this but what I am concerned with...if the situation is going to continue to exist where these taxes can be levied in spite of what Council does or irregardless of the wishes of Council, then there is really not much point in us...the existence of Council. It hardly justifies our existence at all and this is what I am concerned about. I hope these can be answered when the Commissioner gets the available information. With the price list being issued.....I don't know whether they are issued from Whitehorse or Dawson City or what's happened...but it looks as if it was a pretty generally circulated letter throughout the Territory. There was just a slight mistake in the date of the release of the new price list in Dawson. This is what it appears to be. I don't know. Possibly the Commissioner can answer this. My main concern is what are we doing here if these taxes can be increased without our consent or in spite of what we do.

Mr. Thompson: Mr. Chairman, I did have a question this morning directed to the Commissioner in his absence but this would conceivably bear out what Mr. Watt has just said. Are there means of increasing the price of liquor without the consent or the concurrence of Council? I would like a detailed answer in this respect.

Mr. Commissioner: Mr. Chairman, I would have to refer the question to the Legal Advisor because, quite frankly, I can't even tell you.

Mr. Legal Advisor: The merchandising of liquor in the Territory has always, so far as I can discover, been the function of the Administration and the only point at which Council comes in contact with it is in the course some estimate of the revenues to be derived, the cost of providing the liquor administration, but as to the day to day control, prices, or indeed location of the liquor stores.. this has perhaps been a matter of consultation but the control I have to advise appears to lie clearly with the Administration.

Mr. Watt: Mr. Chairman, a supplementary question. This could serve as notice if the Legal Advisor would like a little time for this. Is this also true with respect to occupancy tax, sales tax, and all these various five, six and seven taxes that we were asked to consider, particularly the occupancy tax? Can the Administration just go ahead in spite of anything that we do? If this is so, then I think what we should be considering here is a recommendation for changes in the Yukon Act. This will serve as notice if he would like more time.

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Mr. Legal Advisor: Well, it's a broad question, Sir, and I would like more time although I have to point out that there is a distinction in the principle here. The Administration is engaging, one might say, in trade. The price of liquor is not increased by a tax but by a mark up whereas you are referring now to the imposition of a tax which would, of course, be under an Ordinance so that there is a difference in principle there. I don't know whether that clears the point for the Councillor or not or whether he would like me to see if I could come up with anything further observation.

Mr. Watt: Mr. Chairman, I will just leave that with Mr. Hughes. I'm a little up in the air with respect to it right now. I will just leave it for the time being. We will be going into this a little bit later anyway. This will give you notice to be able to prepare yourself a little bit more for this kind of tricky question.

Mr. Thompson: Could I ask the Legal Advisor a question then with reference to this. He is in fact stating that the Administration have the right to raise the price of liquor in the Territory at any time at their discretion and what we in fact have been asked to do, or it is being implied, is that the Territorial Council will be asked to increase an existing tax. Is this in effect what is the exercise?

Mr. Legal Advisor: I am afraid that I didn't quite get the full implication of the question...the existing tax... as such. I understand that the price charged for liquor incorporates a mark up of some percentage or another which off hand I can't recall and the tax aspect has never come into the picture but if there is an element of tax there, this might in fact be a misnomer even though it may be called tax. Maybe somebody has said in the past that.... 15% tax and a mark up. This might in fact be the wrong use of the word "tax". It's all mark up. That's what I would expect to find out even though people have grown accustomed to calling it a tax. How is it a tax? Is it a tax that the Territorial Government imposes upon itself because the Territorial Government is the only body that owns the liquor until it is sold so, therefore, it would apparently be a mark up charged to the customer. I am sorry...if the Councillor could explain what he meant by "existing tax" there. I would like to make a note of the question and see what further comment I could offer.

Mr. Thompson: Well I think Mr. Legal Advisor you have probably clarified the situation that it is a mark up as opposed to a tax. It's been called a tax in error and so, theoretically, if this is the case, then Council is not needed. You don't need the sanction of Council to increase your mark up to an additional 15%. Is this correct?

Mr. Legal Advisor. That, of course, is the $64.00 question and I would like to consider it a little more fully before I give a conclusive answer on it.

Mr. Thompson: Mr. Chairman, one further question. Have the Administration raised the prices previously by concurrence with Council or have they done this on their own? Have you any knowledge of this?

Mr. Legal Advisor: I have been here five years. There has been at least one price increase in that time. I have attended all Councils. I am not aware of a specific concurrence although I believe there was consultation... to what extent that consultation went, I don't know. I do not attend Financial Advisory Committee so there may have been discussions there. I don't know. LIQUOR PRICING IN DAWSON

Mr. MacKinnon: Mr. Chairman, as a matter of information, I would like to mention that since the first of April the mark up on hard liquor at Dawson City for instance has been 140%.

Mr. Boyd: I would like to ask the Commissioner or whoever sees fit to answer how they arrive at what is a fair mark up. How do they base it? Do they base it on the value of the product? Do they base it on the needs of the people? Is it what the traffic will stand? How do you gauge a fair mark up? I would like that answered.

Mr. Commissioner: Mr. Chairman, I can only speak in connection with a situation that I have never come face to face with and have never come to grips with but to the very best of my knowledge, the generalized mark up with regard to liquor, and I exclude beer when I speak of this, has been for the cost landed of this product, to be doubled plus 25¢ per bottle and this for some years past, to the best of my knowledge, has been the procedure or the formula that the Territorial Government have used in their liquor pricing. In other words, if a bottle of liquor costs $3.00 here..landed here in Whitehorse...the selling price at that point would be $6.00 plus the 25¢ per bottle, which I do believe is looked upon as tax or a special levy shall I say. Maybe it isn't referred to as a tax. In other words, the selling price of this particular item would be $6.25. In the report that I give you in connection with this liquor pricing problem, I will certainly see that included in this is the pricing formula that is in actual existence but to the very best of my knowledge, this is the formula that is presently in use and is presently in existence.

Mr. Boyd: That's the formula and because it's the formula, it's considered to be a fair mark up. Now what would you call the additional mark up you are going to get? Is it more than a fair mark up or is it in the form of a tax even though you are able to call it an increase in the price of liquor because nothing has happened with the operation of the cost of liquor...the cost of operating your stores and so on that has changed your profit structure. You are not losing any money by any sense of the word but you are attempting to put on an increase in price. Do you call it justified? Do you call it a tax? Or do you just simply call it we need more money for the Territorial Government? You just can't go on by saying we are increasing the price and call it justified because you need money. I think this is the answer to my question. This is simply what you are doing but it is in the form...it takes the place of a tax. If you were to put this earning power of the Government on any other product, it would automatically be a tax but because you operate this business, you are calling it an added price and there is the difference. It is a tax if you get down to it in order that the Territorial Government can get more money. Is this correct?

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Mr. Commissioner: Well, Mr. Chairman, you can call it anything that you want to and I would be perfectly amenable as an individual to have it referred to as anything. Mr. Legal Advisor no doubt would want to qualify as to whether or not it is called a tax. The fact remains that everything over and above the cost of liquor and the cost of distribution to it reverts to the Territorial coffers to be used in the Territorial Consolidated Revenue Fund for the payment of bills the same as any other monies whether they be taxes or levies or profits that accrue to the Yukon Consolidated Revenue Fund.

Mr. Boyd: The reason that I am asking this...if it is just considered as an increase in price, it's under the management of Administration and beyond anybody else's control. If it's a tax, then it comes into a different category and I think you would have a hard job convincing the people that this was simply an increase in price because nothing warrants it...nothing justifies it...in comparison to the operation of the liquor so it has to be considered in the light of a tax in the long run.

Mr. Southam takes the Chair.

Mr. Taylor: Mr. Chairman, there is one little angle to this that nobody has thought to consider and that is the fact that, theoretically at least, and in fact on paper, that liquor revenues and liquor tax....liquor pricing is established in the form of a Five Year Agreement, or a Two Year Agreement, or an Agreement of some sort, with the Federal Government. Now, in the now expired Agreement that we have just concluded, they...for instance...."the Committee notes that the Territorial Government controls the sale of all spirits, wines and beer in the Territory through a Territorial liquor system. The prices of these commodities are substantially higher than in the provinces and the Committee believes that while a general increase in these prices would not be advisable at this time, the Territorial Government should continue its present pricing policy during the 1962-67 period." Now, this is the Committee who sit down and negotiate these fiscal agreements. They don't call this a tax although it is a liquor tax in the heading. They call it a surcharge and their recommendation, of course, was no change in either the Territorial pricing policy....be made. However, about two years ago, the Liquor Department decided, in spite of this Agreement, that they would in effect raise the price of liquor which they did. They did this on imported items and certain brands...certain Canadian brands I believe. They increased the price. So whether or not they could legally do that I don't know. This is all bound in this Agreement. Now it brings us to this position....there is no Agreement so I don't know really whether we can legally apply this tax. That's a matter for the Legal Advisor to decide. I don't know if we can levy any tax to any Yukoner right now with no Agreement with Ottawa or whether we can go right on and do what we want, but certainly there is no agreement with respect to the pricing of liquor and it seems to me the Liquor Department have every right, with no Agreement holding them down, to go and charge anything they jolly well want for a bottle of liquor because there is no agreement in existence. There is none under discussion. Consequently it's loose. It's open.

Mr. Shaw: Mr. Chairman, there are four Members of Council who were at this table when this very same matter came up a number of years ago. Council in I think 1956 or so...I might be a year or so out...decided to put a tax on Liquor.. 50%. A certain amount was to be used for the Community Development Fund and the balance of this was to go to Education so Council certainly had a hand in passing this Ordinance creating this tax. As far as the normal selling price of liquor, it would appear to me that that does not require an Ordinance for the simple reason that two years ago when the Administration came forth and said that they were raising the price so much per bottle on goods because imported liquor had gone up and they were also raising the price on Canadian brands. I objected to the price being carried over to the Canadian brands. I said that if the price had gone up on the imported liquor, I am quite amenable myself to have that carried along but certainly do not penalize the Canadian production, however, at that time, the Administration went ahead and put the overall increase on all these brands so it would appear to me by this action that they indeed and in fact do have the authority to put the price at anything they want. It is not a tax. It is revenue. It is profit and utilizes revenue. I think that's the summing up of the situation. There are four Members who are aware of that very conversation right here now.

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Mr. Taylor resumes the Chair.

Mr. Watt: Mr. Chairman, I would like to point out that the tax that Mr. Shaw talked about was a surcharge that was agreed upon by Council. The situation that I was talking about was something where the Administration went ahead in spite of Council and contrary to their wishes and I think it was illegal at that time and it was wrong but we couldn't do anything about it simply because they went ahead and did it at that time and as Mr. Taylor has pointed out, this should have been under agreement with the Territorial Council or with the Commissioner-in-Council. I would also like to point out with respect to what Mr. Taylor has said. We have no Agreement. One of our most important sections of our last Agreement... "the natural resources of the Territory, except Game, are administered by the Federal Government. All revenue from natural resources except royalties on fur exports and game, and taxes on Crown-granted mineral claims, accure to the Federal Government." Now, there is no reason why, if there is no agreement, we couldn't start taxing that. This is one reason why I think that the Federal Government should make sure that we do get a Five Year Agreement or an Agreement of some kind in front of us or we might be in the delightful position of being able to tax this and this will no longer accrue to the Federal Government. I would like to point out.. not only liquor tax but other taxes are involved in the Five Year Agreement and if they do not want to take into consideration and consider the wishes of Council with respect to this, I think that the Yukon Territorial Council, as a body, and the people of the Yukon Territory, are certainly willing to throw this wide open and have some kind of a new investigation in how this Yukon Territory is being legislated, administrated, and probably the Justice Department as well.

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Mr. Thompson: I just have one further observation to make, Mr. Chairman, and that is the new price list for the N.W.T., effective the first of April, although showing a considerable increase over the Yukon pricing...prices in the spirituous field are considerably higher, but I notice that their beer and ale price is only $4.20 per dozen and this covers places such as Inuvik and Frobisher Bay so there is much room for reorganization and improvement as far as the Liquor Department is concerned I believe.

Mr. Chairman: Anything further? Mr. Commissioner, I believe, will be getting some information for Committee and he will bring it to our attention as soon as he has it.

Mr. Commissioner: Yes. Mr. Chairman, I assure you that the report from Mr. Vars will be tabled for Council as soon as I get it.

Mr. Chairman: Gentlemen, we will now proceed to Bill No. 10. Is it your wish that Mr. Game Commissioner join us at this time?

All: Agreed.

Mr. Watt: I would suggest that we have Mr. Pearson, the biologist, also join us. He may have something to say on how the Ordinance would affect the future game production of the Yukon Territory.

All: Agreed.

Mr. Fitzgerald and Mr. Pearson enter the Council Chambers.

BILL #10

Mr. Chairman: Gentlemen, we will proceed with Bill No. 10, An Ordinance to Amend the Game Ordinance. We will take this section by section until we have completed the Ordinance. (Reads section 1(1), 1(2) and 1(3).)

Mr. Watt: I would like to go back to (sa) private game farm. How does that affect say somebody that owns a wild animal? For example, Kay MacDonald has a white fox or had a white fox. Would they have to be licenced for anything like that? To what extent does this affect this?

Mr. Fitzgerald: The purpose for this was to try and control these animals in captivity for propagation or commercial purposes for displays and attractions around certain places... certain business places and so on. I would feel that if she had this fox just as a pet and not used for propagation or commercial purposes, this would not include here.

Mr. Thompson: Mr. Chairman, could I ask Mr. Fitzgerald... there is no law then that says that I cannot keep a fox or a wolf or a lynx or something like this as a pet?

Mr. Fitzgerald: First of all you would have to obtain the animal. You would have to have a permit to capture it.

Mr. Thompson: Mr. Chairman, this would lead to a supplementary question. Is there any problem in obtaining a permit to capture an animal live for personal use..personal purposes?

Mr. Fitzgerald: I haven't had any permits for this purpose. Usually the permits issued are for the purpose of capturing these animals and getting them outside to zoos or some other place of business outside. This is controlled to some extent under the Ordinance...the manner of shipping, the crates used, etc. There's a price for the permit to capture an animal and a $2.00 price for shipping each animal outside the Territory. This is for the purpose of endeavouring to control animals held in captivity in the Territory to try and see that they are properly penned, shade, water and so on and so forth. BILL #10

Mr. Thompson: What you are in fact saying then is that there is nothing to prohibit a lodge owner...I use this as an example...having a cub bear tied up to a post in their front yard for display purposes?

Mr. Fitzgerald: Not at the moment, Mr. Thompson.

Mr. Thompson: That answers my question.

Mr. Chairman reads subsection (4) of section 1.

Mr. Boyd: This now changes the time required to be a resident to six months as against what was a year before. Is this correct?

Mr. Fitzgerald: A Canadian non-resident had to be here six months, Mr. Boyd, and an alien two years but this last suggested subsection...if he had resided here previously for a period of years and returned to reside here, that he would have to reside necessarily for 30 days, if this becomes law, before he could enjoy the rights of the citizen of the Territory.

Mr. Shaw: Could someone direct me to where the existing Ordinance is in respect to this Game Law?

Mr. Chairman: I believe, gentlemen, this has been amended. There is a consolidation. Mine is in my hotel room unfortunately. Could copies of the consolidation of this Ordinance be made available to Council this afternoon, Mr. Clerk?

Mr. Watt: Mr. Chairman, I would like to go back to this subsection 3(w) and the definition of "vehicle" and how it is changed from the definition that we had before. I think there was quite a bit of discussion. Isn't this the section that we had a lot of discussion on at the last Session.... with respect to planes and helicopters?

Mr. Shaw: Mr. Chairman, if we could get the conolidated Ordinance....we have a change here. We have six changes in the Ordinance so in other words, there are six places to find this. I think that if we had the consolidated Ordinance, we could just follow it as we went along and we would have no problems. I think that would be the easiest way.

All: Agreed.

Mr. Chairman: Gentlemen, in view of the time, and it will take a few minutes to get this material up here, I will declare Committee in recess until two o'clock this afternoon.

Mr. Chairman: Gentlemen, we will now call this committee back to order.

(Present were Dr. A. Pearson, Biologist, Canadian Wildlife, Mr. J.B. Fitzgerald, Director of Game)

Absent: Councillor J. Watt
Councillor K. Thompson - with permission.

Mr. Chairman: Gentlemen, Councillor Thompson indicated by telephone that he wished to be absent for a short time and permission was given by myself that he be absent until he can get here. And I note that Councillor Watt is not present. We will proceed, then, gentlemen, with your questions on Section 1 of the Game Ordinance.

Mr. Boyd: Well, Mr. Chairman, I resent the fact that Councillors are not all here. Two o'clock is two o'clock! We have been putting up with this to no end and I dislike starting and going through a Bill and finding a Councillor coming in late and wanting to go back over what we have already dealt with. I think it is high time that council did something about it. In this particular case it is Councillor Watt who wants to ask a question about this particular paragraph. Mr. Thompson, I think, is another one and we are going to be required to go back. This is not good enough. I would ask that the Councillors take this into consideration and at least be here on time so that we don't waste our time going over things twice.

Mr. MacKinnon: I note that Mr. Speaker is absent too. Maybe he is consulting with his constituents.

Mr. Chairman: Order please. I might say that Councillor Shaw is doing business for Council in the Commissioner's office, at the present time, endeavouring to make arrangements for a meeting with the Unemployment Insurance people.... Now, gentlemen, may we proceed with the Bill? BILL NO.10

Mr. Boyd: Proceed.

Mr. Chairman: Have you any further questions on Section 1?

All: Clear

Mr. Chairman: I will proceed with Section No. 2.(reads Section 2 of the Ordinance to Amend the Game Ordinance).

Mr. Chairman: I have one question from the chair I might direct to Mr. Game Commissioner. Would this prohibit a person or would it not permit a person authorized by the Director to take, or drug game for scientific purposes?

Mr. Fitzgerald: We don't consider this interfers with that. The Commissioner has authority under Section 79 to grant permission.

Mr. Chairman: Any questions, gentlemen?

Mr. Watt arrives in Council.

BILL NO. 10

GAME ORDINANCE

All: Clear.

Mr. Chairman: Section 3 (reads Section 3). Might I ask why .24 calibre? What is the change here?

Mr. Fitzgerald: From .25 to .24.

Mr. Chairman: For what purpose?

Mr. Fitzgerald: There are several calibres out now in that range ...(inaudible) ...purchased rifles until they found it is unlawful to use them.....further out and more power. I personally fired one of these and it is a very nice rifle.

Mr. Boyd: This would be a new gauge - as such - that has come on the market.

Mr. Chairman: Are you clear gentlemen?

All: Clear.

Mr. Chairman: Section 4 is next. (reads Section 4).

All: Clear.

Mr. Chairman: The next item is Section 5. (Reads Section 5).

Mr. Southam takes the chair.

Mr. Taylor: Mr. Chairman, in respect of this, on face value, it seems to be accomplishing what is to be accomplished. However, there is another factor to consider in relation to this and that is how you define hunting gear. Now, hunting gear could be defined as a rifle and bush gear that a hunter would normally take with him in the process of hunting an animal but the same gear could be considered to be survival gear in an aircraft or a helicopter, and the same gear might also be gear normally carried in the duty, or the object of bona fide mining exploration. In any event this is not defined in this Section and though I find no fault with the section stating that no one should hunt game from a helicopter I find trouble with how we define hunting gear and I think it very important that this be spelt out. As I've stated, this Section is not clear by any means. I would ask Mr. Game Commissioner if he has contrived a means by which this could be defined.

Mr. Fitzgerald: It shouldn't be. In my opinion there shouldn't be any difficulty in distinguishing between a prospector and a hunter. We don't expect, if this becomes legislation, to have any difficulty with this.

Mr. Taylor: Well Mr. Chairman, I believe we have a section in the Ordinance whereby game can be taken in case of dire need - is this not correct?

Mr. Taylor continues.

Then in order to take game a prospector, a legitimate prospector or one who is not normally hunting, is conveying at all times he is in the bush, hunting gear because the only way you can hunt this game in dire need is with this hunting gear - how do we accomplish this?

Mr. Fitzgerald: What I meant to say there was, it is expected that the majority of prospectors carry fire arms and it is very likely if he takes game to survive on, that he isn't going to have a helicopter to move it around for him and I know personally I would have no difficulty telling the difference between a person who is actually hunting game or a prospector who is travelling about the country prospecting or returning to an airport or some other location with an aircraft and carrying a rifle.

Mr. Taylor: Mr. Chairman, we're not talking, possibly the Director himself would be, as he said, he'd be able to distinguish between this that and the other thing but every R.C.M.P. Constable and every game guardian in the country is going to have to live by this Ordinance and every Justice of the Peace from here throughout the Territory is going to have to interpret this and it would seem to me that it would be desirable, in order to achieve the object of the exercise, which is already provided for, incidentally, in the existing Ordinance which states no person shall hunt game from or by means of an aircraft, that by singling out helicopter and defining or not defining hunting gear, we jeopardize the position of everyone in the bush for other reasons than hunting who carry gear which can be considered hunting gear.

Mr. MacKinnon: Seeing I represent the largest group of outfitters in the Yukon I would like to mention that Mr. Taylor is belabouring this point. This was belaboured at the last session of council by Mr. Taylor and Mr. Thompson and we have since that time not only with recommendations from the outfitters association, we have got recommendations from the Yukon Fish and Game Association in agrement with discontinuing the use of helicopters for this purpose and I am forced to go along with Mr. Fitzgerald. It is very easy to determine whether a man is a prospector or whether he is hunting game, there is no comparison in these two types of person. At the present time the use of a helicopter is a very dangerous thing as far as the protection of game in the Yukon Territory is concerned. For instance living in the dall sheep area I had a helicopter land in my yard and take out hunters and fly back in the next day and bring out the meat and the hunters. I think this is wrong and as I mentioned last year, in discussion over this particular matter, was the discussion of game that had been, I would say promoted through one of our Departments. ...they ...to go to a survey crew and send them out by helicopter to kill a bunch of sheep, sheep that were mothering lambs at that time. I believe this was used for bate in an experiment that had been tried out with bears. And I thought it was very wrong. In fact, I helped the Forestry

Mr. MacKinnon continues.

Warden load them on his vehicle and every animal that was brought in for this use, and it was late in summer, was an ewe, and, that had been ran down and riddled full of holes from a helicopter and then picked up and put on the under-carriage and flown back into camp at 27 Mile on the Aishihik road. And I thought this was a ridiculous situation. They could have came into Burns and Company - they could have bought first-grade meat and used that as bate, much cheaper than paying one hundred and some dollars an hour for a helicopter to go out and destroy nature.

Mr. Taylor: Mr. Chairman, one thing. What was observed by the Honourable member was contrary to law as it exists. Because I just cited a law which said no person shall hunt game from or by means of an aircraft and that is already an existing Ordinance. And citizens who deplored this had only to cause these people to be reported and charged, being an infraction of the Game Ordinance. There are a lot of things - lots of people who abuse Ordinances - not only the Game Ordinance but the Motor Vehicles Ordinance and so forth and I agree with the Honourable member. Some of the things that are going on are absolutely deplorable. However, to get back to the point at hand. What we do in this Section is say three things. We say 'no person shall transport game by helicopter! And I agree that no one should transport game by helicopter, just to clarify this point. And in the second instance, it is said no person shall transport hunters by helicopter. I agree with this too. I think this is a good law. But where I have difficulty is with the third thing. That no person shall transport hunting gear by helicopter. And it is the definition of hunting gear and here is a case where we must be a little open-minded and consider this, because, as I say, a rifle of a heavy calibre is carried in most aircraft as survival equipment. It is not used necessarily for hunting unless something should happen to the flight of that airplane causing it to go to the ground and ...it up, and then a rifle, which will be used no doubt for hunting - either that or protection of life and property. And I need not go into the life and property angle because everybody knows the troubles that one can on occasion get into..... And I would strongly recommend that some consideration be given to this section before it be agreed upon. I would like to have the Legal Adviser present to have him take a look at this problem and possibly he may have some idea how this could be resolved and I would suggest, Mr. Chairman, that when the Legal Adviser comes back we take this matter up with him and get his opinion on the use of the words 'hunting gear'.

Mr. Chairman: Mr. Clerk, will you see if Mr. Legal Adviser is available?

Mr. Boyd: Mr. Chairman, first of all there is hunting gear and there is prospector's gear. Both may resemble one another in principle. But a prospector, if he is out prospecting with prospector's gear, he need have no fear whatever of the law if he is living within it. This is just a case of common sense, and I think, as Mr. Fitzgerald pointed out, there is no trouble in distinguishing this principle. Now, as for the aircraft themselves, they have the rifle in case they are hungry or broken down.

Mr. Boyd continues.

I know of some who have the rifle and it is sealed and it could stay that way for a year. That's just fine. There is no trouble here, none whatever. These are honest people, these kind of people. It the other kind of person you are after. So, the helicopters can protect themselves without any trouble, and still have their protection out - for food, out in the country. I think this is the way it should be, a sealed rifle. Now, I have only one question. I am in favour of leaving this just as it is. It's worth giving a try and I think it will work. And I think Mr. Taylor is just trying to get the line drawn too fine - after all, you are not sewing up a woman's dress or something. But I would like to ask the Game Commissioner, 'what if a man happened to break his leg or any part of his body, a helicopter then would be permitted to pick him up, in view of what is written here?

Mr. Fitzgerald: Yes, there would be nothing to prevent that.

Mr. Taylor: Mr. Chairman, it states you can't fly a hunter but I don't think anyone would lay a charge under such a circumstance. It would be not permitted under the Act. Because you are not allowed to fly a hunter in a helicopter whether he has a broken leg or broken.....or what. But as I state I would like Mr. Legal Adviser present for an interpretation on hunting gear. I would agree with Councillor Boyd that the gear is the same - it is just how it is intended to be used after the man is left and the helicopter has flown away - this you don't know. I think that there should be a definition of hunting gear. Nobody can tell me what hunting gear is and nobody at this table can, and what the difference is between hunting gear and prospecting gear as defined in the Ordinance.

Mr. Watt: I think we have discussed this for two or three hours at previous sessions when we were discussing the Game Ordinance and I really don't see where Mr. Taylor's point can be taken too seriously. The head of the Game Department, Mr. Fitzgerald said that he didn't think there would be any administrative difficulties. If there is I'm sure he will come to the Territorial Council in the following session and ask for a change in the Ordinance, and to prove whether a gun is used for hunting or whether it is used for survival or whether it is used to rob a bank with. It's pretty difficult.....same type of machine, same type of gun and I think that we are just carrying on splitting hairs so fine we are not allowing the administration enough manoeuvrability to use their common sense and as Mr. Fitzgerald has said, he doesn't foresee any administrative difficulties. I think that we should go along with it; I can't foresee any myself and apparently neither of the other councillors can so it is up to the committee whether they want to carry on with this particular point or whether they want to try this for a while and see if there is any difficulty with respect to the administration of this.

Mr. Taylor: Mr. Chairman, Councillor Watt stated that in the reply that Mr. Game Commissioner made he said he didn't think this was the case but he indicated to him what is not expressed is not implied and it has got to be expressed

Mr. Taylor continues.

in the Ordinance because what is the use of us making law when you can place six different interpretations upon it. This is poor law and all that would be required to meet this problem would be a sub-section under 10 (a) Sub-section 2 which states "notwithstanding this sub-section 1, that make provision there for survival gear in a helicopter and the use of hunting gear or a similar type of gear by bona fide people involved in resource exploration.

Mr. MacKinnon: Well, Mr. Chairman, Mr. Taylor continually tries to come in from the back door and I suggest that this is a very worthless approach and I believe at this time this particular section should come to a vote and we go on with the Game Ordinance.

Mr. Shaw: Mr. Chairman; we are battling back and forth and getting no place. It does appear,Mr. Chairman, that the committee is agreed that a helicopter shall not be used for transport of game. I think that is the effect that is desired and an have Section 10 (a)that could be, perhaps, a little ambiguous and Councillor Taylor has brought that to committee's attention. I would suggest, Mr. Chairman, that when Mr. Legal Adviser gets here this afternoon after he has finished with his meeting, that he attempt to put that in such manner that it would serve exactly the same purpose and perhaps make Mr. Taylor feel better and also myself because it is somewhat ambiguous- it could be very general, what you call hunting gear. There may be a possibility that Mr. Legal Adviser could just check over this point and we leave it at this time and continue with other sections of the Ordinance.

Mr. Chairman: Are you agreed with Mr. Shaw?

All: Agreed.

Mr. Taylor resumes his chair.

Mr. Chairman: Gentlemen, We will be standing over Section 5 and proceed to Section 6. (now reads Section 6 of the Game Ordinance).

All: Clear.

Mr. MacKinnon: Mr, Chairman, I'm not quite clear. This concerns the use of wild game in various places like hostels, hospitals, camps and dining rooms and such things as this. And sometimes when a moose is hit on the highway and crippled, it has later got to be destroyed and given to possibly a mission, and possibly there is some submission of monies received for children staying at particular places or elderly people, and I would like to hear from the Game Director as to whether this would have an effect on this particular Section.

Mr. Fitzgerald: Well, most of the game that is accidently struck and killed on the highway that falls under my jurisdiction within the area, I usually try and see if it can be

Mr. Fitzgerald continues.

handed over to a needy family in the area. On occasion there is a possibility that some of this meat has been handed over to such a place as Mr. MacKinnon mentioned. I am not aware of this. However, again under Section 79, if I may refer to that for a moment, the Commissioner has authority to issue a permit for it to be used in any of these places or to have it sold where you charge admission to a banquet and so on and so forth. I don't anticipate any trouble there.

Mr. MacKinnon: Well, Mr. Fitzgerald, you are suggesting that the Commissioner will eventually over-rule this Section of the Ordinance regardless.

Mr. Fitzgerald: I am not suggesting that Mr. Chairman, I'm suggesting that a permit, if asked for, can be obtained, would very likely be obtained in that matter.

Mr. MacKinnon: Now Mr. Chairman, the word 'directly' or 'indirectly' I find very confusing in regard to this Section 13 (b) and do you find this necessary to have this 'directly' or 'indirectly' in the last of this Section?

Mr. Fitzgerald: I'm sorry - I was reading the section as it now exists in the present Ordinance and there is very little change there to what we are asking for right here. ..(inaudible) .. It is already in our Ordinance in Section 13, sub-section 2.

Mr. Boyd: Mr. Chairman, here I think this is a little trivial also. What is game and what is not game? ... something that is dead by an accident one could hardly classify it as game. I think this comes under management- what shall be done with it and I think management would certainly - are certainly capable of using their best discretion in disposing of meat in a proper manner. I don't see where this has anything to do with the Bill as such.

Mr. Chairman: Councillor Shaw.

Mr. MacKinnon: Mr. Chairman, I believe that we are discussing a dead animal.

Mr. Chairman: Councillor Shaw, please.

Mr. Shaw: I was wondering, Mr. Chairman, ..for the object of splitting hairs, we have this particular Bill in; we also have a regulation where the Commissioner may issue permits and I think it is very good that the Commissioner can issue permits under certain circumstances but I don't believe the Commissioner has authority to make regulations that are contrary to the Ordinance and the Ordinance states this shall not be done. Unfortunately we haven't Mr. Legal Adviser here. He could probably answer that particular question, but definitely, regulations cannot be made contrary to the Ordinance and if this particular Ordinance goes through I

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Mr. Shaw continues.

think it would abrigate the rights of the Commissioner to ....inaudible.. I would like the Legal Adviser's interpretation of that thing.

Mr. Chairman: Do you agree that we stand this over until Mr. Legal Adviser can be in attendance?

All: Agreed.

Mr. Chairman: I'll proceed to Section 7, gentlemen. (reads Section 7).

All: Clear.

Mr. Chairman: Section 8 (reads Section 8 of the Ordinance).

All: Clear.

Mr. Chairman: Section 9. (reads Section 9).

All: Clear.

Mr. Chairman: Section 10. (reads Section 10).

All: Clear.

Mr. Chairman: Section 11. (reads Section 11).

All: Clear.

Mr. Chairman: Section 12 (reads Section 12).

All: Clear.

Mr. Chairman: Section 13 (reads Section 13)

All: Clear.

Mr. Chairman: Section 14 (reads Section 14).

Mr. Shaw: Have we forms for such things Mr. Chairman that the public can get?

Mr. Smith: We don't have until this is passed.

Mr. Shaw: I should have reframed this - would we have forms....

Mr. Smith: ...will be a necessary item to give effect to this if Council ..imaudible....

All: Clear.

Mr. Chairman: Section 15 (reads Section 15). I would ask from the chair, item four, is this a requirement that one have a First Aid certificate or just knowledge of first aid?

Mr. Fitzgerald: We consider that a working knowledge of first aid.

Mr. Southam: Mr. Fitzgerald, don't you think that a big game hunter should have more than just a working knowledge of first aid when out in the bush? Don't you think he should have a certificate and really understand it? Same as anything else - you get away out in the bush and you want to know how to do these things, how to stop bleeding- I think he should have a darn good knowledge.

Mr. Fitzgerald: Mr. Chairman, we are referring here to Assistant Guide Licence. Some of our outfitters, most of them are Chief Guides, hold First Aid Certificates, but this is an Assistant Guide who works under the direction of the outfitter or the Chief Guide in the field. If I may mention the reason for this being here is that Canadian citizens .....inaudible.... is open to persons from Alaska ....inaudible....and to alleviate the guide situation - if the outfitter wishes to vouch for a guide from British Columbia or Alberta in order to keep business going he will be issued this licence but he must vouch for him; it is the way the law works, has worked .....

Mr. MacKinnon: I don't like this particular section. You are telling an outfitter that he is not capable of selecting an assistant guide, that this must be at the direction of the Director of Game to decide whether a man is worthy of hiring. I'll assure you Mr. Director that the outfitters are very capable and very good judges of the type of person they should take to the bush. I don't mind to see these restrictions in the secondary basis such as a Chief Guide but when we start splitting hairs and get down so close as to where we cannot issue an Assistant Guide Licence without direction from the Director of Game, I think it is ridiculous. I think we have outfitters in the gallery, I'll assure you are quite capable of picking capable men to fill these duties and I do not believe this power should ever go into the hands of any part of administration. These people are of a private enterprise nature and this is an attempt to cripple private enterprise ..give them the say so through administration before they can hire a person. I think this is a ridiculous

Mr. Fitzgerald: Mr. Chairman, I never said or suggested what Mr. MacKinnon just repeated. This Section 42 under Guides has been in effect ever since I have been the Director of Game and I think it is there at the request of the outfitters originally and it has been under the definite - not definition, but he had to be a resident one time before he could obtain this licence-at the suggestion and request of the outfitters and I agree, it had to be thrown open in order to get additional personnel in order to fill in as Assistant Guides. I think the way this thing is working right now meets with the full co-operation and assistance and agreement of the outfitters.

Mr. Southam: Well, I don't agree with Councillor MacKinnon for several reasons. I think it is a good thing that we have somebody who can check over and give some assistance to these said guides. I'm not a hunter myself so I don't know too much about it myself, I'll admit it, but in any

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industry you have laws and regulations and therefore you have to be governed by them, and I think personally that it's a good thing that we do have these things that we do have these things. I would take it from this that a man asking for Assistant's Guide licence must have certain qualifications and he has to meet them - the man who is hiring him naturally asks for these qualifications and I would take it from the wording of the thing that you, as Director of Game, do pass on it. Am I right or not? This is the way I would interpret it.

Mr. Fitzgerald: Yes, Mr. Chairman, usually the Assistant Guide, starting out in first employment in that capacity is recommended by the outfitters. And he is vouched for. He takes him, more or less under his wing and sees how he operates-there is a possibility that there could be a conference with the outfitter that fall and when the situation arises that a decision is almost made that the man will never make an Assistant Guide, possibly there was an error in vouching for him in the first place. However, you don't know until you give him a chance. Most of them are... very seldom that this happens, very seldom.

Mr. Boyd: Mr. Chairman, I think it is a good paragraph and I feel Council would be prepared to move on to the next subject.

Mr. Watt: Mr. Chairman, I'd just like to ask Mr. Fitzgerald, Mr. MacKinnon may have a point there - he's pretty close to the outfitters and pretty familiar with the problem. I'd just like to ask the Director if there have been any cases of..in the past where a hunter has recommended that somebody be an assistant and you have refused this - has this happened and on what grounds, in spite of the outfitter wishing to have this individual assist him?

Mr. Fitzgerald: There may have been possibly one or two isolated cases but they do not readily come to mind. It is very unlikely it has happened unless there is something quite detrimental to the man on the books some place that the outfitter is not aware of. Ordinarily I think they use pretty good judgment in picking their employees.

Mr. Chairman: Are we clear on Section 15?

Mr. MacKinnon: Well, Mr. Chairman, I would like to suggest going along with what Mr. Fitzgerald has had to say - that the outfitters are very capable of picking their employees - then this Section could easily be deleted. It is not necessary and there is no need for this to come under the direction of the Director of Game.

Mr. Boyd: Mr. Chairman, Mr. Fitzgerald indicated that this was at the request of the outfitters in the first place and

Mr. Boyd continues.

I think the outfitters appreciate it very much. It is a real boon to them - like putting them in a position of where they don't have to make the decision, they can pass the buck, so to speak. I think there is nothing finer than this thing here and don't know just what we are talking about any more or why we are talking about it.

Mr. Fitzgerald: Mr. Chairman, if the complete Section 42 which is now in operation, and we have had it in here for years, is read by everyone, you will see that "a chief guide must serve as an assistant guide for 3 years before he can obtain a chief guide's licence. So therefore if we don't have a record of a person having served for three years as assistant guide, our whole matter of licencing our guides is thrown out of wack sort of thing.

Mr. MacKinnon: Mr. Chairman, I would like to comment on what Mr. Boyd had to say. There's an opportunity here to pass the buck and this seems to be what we are the best at, passing the buck, so I will have no further discussion on it.

Mr. Chairman: Are we clear on Section 15?

All: Clear

Mr. Chairman: I'll proceed. Section 16. (reads Section 16).

Mr. Southam: Mr. Chairman, don't you think that this is a little far-fetched? 25 yards, that's roughly 75 feet a hundred feet away from the pens and would a dog molest animals in this particular area. In other words, it says strictly, as I understand it, that if a dog runs at large you can shoot him. That's about the size of it. Is that right?
Mr. Fitzgerald: It reads, 'any dog found terrifying captive game within 25 yards - the dog could be within 25 yards and not bothering game.

Mr. Shaw: Would the conditions to having game be based, Mr. Chairman, on matters of humane treatment of the game - is that the object of this.....?.....no restrictions there.... inaudible...

Mr. Fitzgerald: Yes, Mr. Chairman.

Mr. Thompson returned to council chambers.

Mr. Chairman: Section 17 (read by the Chairman).

All: Clear.

Mr. Chairman: Section 18. (reads Section 18).

All: Clear.

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Mr. Chairman: Section 19 (reads Section 19).

Mr. Boyd: What is the purpose, Mr. Chairman, of this change?

Mr. Fitzgerald: Honorary Game Guardians, Mr. Chairman, are to be appointed - I think you could go over on to the next page and it is self-explanatory and duties to be outlined in the appointment..... by commissioner, for licencing, compiling permits and things of that nature.

All: Clear.

Mr. Chairman: I think it is about time for recess.

Wednesday, April 12, 1967
3:30 p. m.

Commissioner Absent.

Mr. Chiarman: Well, I will now call this Committee back to BILL #10 order and we are proceeding to Section 20 of Bill #10. Reads Section 82.

Mr. Shaw: One thing, Mr. Chairman, that means that only the Fisheries Officer is Deputy Game Guardian. The others are Game Guardians. Is that correct?

Mr. Fitzgerald: The last number listed there are all Deputy Game Guardians.

Mr. Chairman: Clear?

All: Clear

Mr. Chairman: Section 21. (Reads Section 21)

Mr. Boyd: Would these people have something in their possession to indicate they are temporary or whatever the word is, Game Guardian? I am thinking of the Fisheries men. Who would accept his word, that he was a Game Guardian.

Mr. Fitzgerald: This is provided for him by forms.

Mr. Shaw: Just one thing, the Commissioner is taking oaths and affidavits as it states here for the Game Regulations, Game Ordinance Regulations not...(inaudible)

Mr. MacKinnon: Mr. Chairman, if I remember correctly, when this brought up in the previous Session that we were talking of the Game Guides as being Game Guardians. Now, I would like to ask Mr. Fitzgerald if he feels that all of these Game Guides are capable in swearing affidavits and handle this procedure in a proper manner.

Mr. Fitzgerald: Mr. Chairman, as noted under "B" an outfitter or chief guide are only acting in this capacity while guiding hunters.

Mr. Chairman: Are you clear?

All: Clear

Mr. Chairman: Reads Section 22, Sub-section 86.

Mr. Watt: I would like to know why it would be necessary to arrest somebody in a case like this without warrant. Why could not the officer let out a ticket or charge or something like that and arrest in the normal manner. Why would it be necessary to arrest without warrant in what it would appear to be minor cases and giving authority to 40 or 50 outfitters as a guide and 30 or 40 members of the R.C.M.P. officers appointed under the Fourth Section Ordinance...all these people have these provisions would have authority to arrest without warrant which I think should be preserved for pretty serious cases. And, only done in serious circumstances. Arrest without warrant is a pretty strong measure to take. Possibly there is something I don't understand. Could Mr. Fitzgerald explain

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this a little bit to us?

Mr. Fitzgerald: Mr. Chairman, first of all under 86 of the present Ordinance has provisions there and if--it is pretty hard to service summons on a person just travelling through the Territory and will be in the Territory for a day or two, either by car or aircraft or some other means of travelling and it has been in the Ordinance for some time.

Mr. Shaw: Under 86.

Mr. Watt: Well, Mr. Chairman, I would like to suggest this arrest without warrant would probably be more...with respect to motor vehicles and we have not found it necessary there. And, just because it is in the present Ordinance I don't see why we should continue this. Do you really think this would hinder the Administration of this Ordinance if you didn't have this power of this arrest without warrant. And, how many times have you had to use this arrest without warrant?

Mr. Fitzgerald: I have only used it on a few occasions myself, and I think if my opinion has been asked for whether or not it is essential, I think it is very, very essential. It is along with all the Provincial Acts to start with. They have a more combined area to work in than we have. The situation being what it is here and what have you, if you turn your back and try to locate the matter again it takes weeks and months and maybe he is even out of the Territory. I honestly don't think Mr. Chairman, the residents of the Territory are being abused by this Section.

Mr. MacKinnon: Well, Mr. Chairman, this is exactly the point that I was trying to make and this goes along in reference to Section 21. And, arresting without warrant in my questioning is as to the capability of the persons that are going to be making these arrests. You are talking in terms of people with Grade 1 and Grade 2 education, and maybe never went to school at all. Possibly they have a ... guide licence or something of this nature. Maybe we ... carried out for three months of the year. But, will this person be qualified to carry out these suggestions. Is he qualified to come up to a taxpaying citizen of the Territory and put him under arrest and find later that the offence is not valid, that there was no offence in the first place. This is a ridiculous situation. And if this man is as I would say, incapable of writing out a ticket and giving it to the offender then he would be qualified. But the men you are talking about, Mr. Fitzgerald I doubt that fifty percent can even write out a ticket. And, therefore I feel that this is very wrong. You say we have this in the provinces. But we have not got the leniency in selecting these officers in the provinces as what we are taking here.

Mr. Shaw: Mr. Chairman, I don't think this is so wrong. I myself have turned around and arrested a man. You yourself can. It is what they call citizen's arrest for breaking laws of the country. And, so I don't think that has been taken away from any citizen in Canada. I think it is the duty of any citizen to arrest anyone that is

Mr. Shaw continues... BILL #10

doing wrong. That includes a person that is breaking game laws ar any other law. And I think the United States and Canada are realizing that when they give citations to these people that rescue people from floods and some of the other things. I think it is about time the citizens themselves were aware of that fact.

Mr. Boyd: Yes, Mr. Chairman, this is a good paragraph and as far as I am concerned I am behind it 100 percent. And, I think Mr. MacKinnon is being a little hard on the people whom he is talking about. They at least have sense and capability and I could remind him that the man who is the President of the CPR for 25 or 30 years is just one of the very men you are talking about. But he has a lot of status and that is what we are depending on.

Mr. MacKinnon: Well, Mr. Chairman, I realize I have been saying more so than Mr. Boyd that these people have sense and capability but not in this capacity. And, Mr. Boyd has not got any room to tell me of the capabilities because I think I understand the capabilities far better than he does. And I think it is a ridiculous situation. I think it is defrauding the people of their public rights to pass this kind of legislation. This is fine for Mr. Shaw, and Mr. Boyd. Maybe they are going to sit home in their easy chairs and not take any chances on being arrested. But, I don't like this particular section and I think it is in correspondence with Section 21 and I at this time will make a Motion to delete Section #22 of the Game Ordinance.

MOTION RE DELETE SECTION 22 OF THE GAME ORDINANCE

Mr. Watt: I'll second that Motion.

Councillor Southam takes the Chair.

Mr. Taylor: Well, gentlemen we get back to the old stand. Anything that spells law and order and good things, seems from the other end of the table we have got to get right up and stop it now. The--without this provision the whole Game Ordinance is really hampered. It is unworkable. You might as well have no Game Ordinance. If you go out and you say you can't arrest people, well how are you going to convict under the terms of the Game Ordinance. You are putting Game Wardens in the field or hope to be. We are supposed to have three of them this year. Originally anyway. Should have had them ten years ago. Now if you tell them they can't walk up and fine somebody committing an offence, that is what the word says, any Game Guardian or Deputy Game Guardian who finds a person committing an offence. Now, he just doesn't go up and arrest somebody if you are doing nothing. He finds them committing an offence. Breaking a law. Then under the powers of the Ordinance, under Section 86 he can if he so feels it is in the best interest of all concerned to do, he arrests that person without warrant. Now, there is nothing wrong with this. Otherwise why have an Ordinance and why put peace in an Ordinance if you can't enforce it. Now, to suggest that we delete Section 22 is a complete act of utter irresponsibility. Utter irresponsibility to those who propose it and to those who subscribe to it. Because Section 22 has many provisions. But they all of course relate to law. This is the enforcement section of the Ordinance. Without it you can't do a thing. And I would suggest before members get

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Mr. Taylor continues...

up and make Motions such as this to delete Section 22 which is a fairly lengthy section, that they first look at it and read it. We have come down to the first paragraph of Section 22 and there are eight paragraphs to this Section. So this is utterly ridiculous, so I would suggest that in the interests of sanity that the mover of the motion and the seconder of the motion withdraw the motion.

Mr. MacKinnon: Mr. Chairman, question on the Motion. I would just like to comment on what Mr. Taylor has had to say and according to what he is saying that this has not been read by myself and possibly other members. And I will tell the member from Watson Lake that it has been well read. And maybe he should reread it and to get up and blow off and pretend that you are supporting the public and at the same time you are deceiving the public, this is an entirely different situation. Are you Chairman Mr. Boyd?

Mr. Boyd: I am asking for order. Stick to the subject and not...

Mr. MacKinnon: And, I will refine this Motion to Section 86 of Section 22.

Mr. Taylor: Well, Mr. Chairman, the Motion was to delete Section 22 and until that Motion is either withdrawn or a new one submitted that is the way it reads. And number two point is it is not my intention to deceive anybody and this is the best interest of the people of the Yukon Territory to, of those law-abiding citizens of the Yukon Territory, to have this clause remain. Possibly in 22 there is one Section I see that I have trouble with, that I may not agree with. But, certainly this is the most important Section and it must remain. It is there now and it should stay.

Mr. Watt: If Mr. Boyd doesn't want to listen I will certainly excuse him. With respect to this and the reason I brought it up, I wasn't trying to interfere with the Administration of the Ordinance. I think there are some people that would need the power to arrest without warrant such as the Director and possibly some classifications of individuals. But really this power, but this is too broad. There are possibly two or three hundred people in the Yukon Territory that this would give power of arrest without warrant to. And, then we have this power of arrest without warrant for and as this section says, in the Game Guidance or the Deputy Game Guidance. And, in the Deputy Game Guidance, the Deputies are pretty vast, to fine a person committing an offence against this Ordinance or Regulations. Not only the Ordinance but against any Regulations. They may arrest that person without warrant. Now including that is several Sections in 86 including which is if I were stopped and when asked to furnish such...86B. furnish such guardian with any information he may require in fulfilment of his duties. In other words, if I were stopped and when asked for this information, and I couldn't give it or the guardian thought I couldn't give it, he could arrest me without warrant. It is possible. He could arrest me without warrant or anybody else without warrant. If I resisted this arrest, it would be a pretty serious offence I would be committing then. And, I think there are certain cases in which arrests without warrant are warranted. But,

Mr. Watt continues...

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it is far too broad. It is the individual rights of the man on the street. It's his rights we are giving away here. That we are legislating. And I would like to ask Mr. Fitzgerald right now, and I understand there are blanket warrants that cover a lot of situations. I think the R.C.M.P. possibly Mr. Fitzgerald, know more about it. But possibly with the Game Ordinance that this blanket warrant can be filled out to cover certain circumstances and then you have a warrant to arrest. Does Mr. Fitzgerald have any information on blanket warrants and if this would be sufficient. This way we could control the number of people that these warrants were given to. If it were just a half a dozen people possibly a member of the R.C.M.P. in this locality such as the Director or other R.C.M.P. members in these other localities would have more control over it. I would like to hear Mr. Fitzgerald's comments on this.

Mr. Fitzgerald: Well, there is no blanket search warrant or blanket warrant under our Ordinance at present. There is other blanket search warrants and different Ordinances in the Territory as you know. There is none under this Ordinance, and the matter of search or arrest without a warrant is an ordinary thing under most game acts that we checked over when we were drawing up trying to get something workable. We are just enlarging a little bit on what we already have in the Ordinance. But, while I am-- could I Mr. Chairman just enlarge on a few points here. There are not that many people that would have such authority in the Territory regarding this Ordinance. There is a few people, the chief guides and outfitters and they just have this authority while they are handling their hunters. They have nothing to do with the general public. This is just while handling their hunters in the field. And this is what this very thing was meant for. They have to compile they have to sign hunting licences, they have to submit reports and the chief guide or outfitter signs them. But, he has nothing to do with enforcing this Ordinance away from the scene of operation.

Mr. Watt: I would just like to ask Mr. Fitzgerald now includes every member of the R.C.M.P. for example we had a case in our Council before in which there were a lot of arrests a lot of powers for the R.C.M.P. for arrests without warrant were requested and it was refused by Council. And, I think rightly so. And, here we are apparently asking for the members of the R.C.M.P. again and a lot of other people besides including and I realize that it is for the outfitters and their guides in the performance of their duties. Now, much of this could be done, these people could still be arrested and the but they could do it in the ordinary method. They could just give them a ticket, confiscate the illegal game that they have and then they could be arrested in the proper way. But, to put this power in the hands of so many people, I don't think it is right. And, I don't think it is necessary. It doesn't eliminate the possiblity of arresting people. I can see where it is possible in situations such as Mr. Fitzgerald has described in the past where some helicopter operator has been picking up game, and and they are trying to get ahold of him. And they have come pretty close to him. Well you need your powers of arrest pretty quick. Well, you could have a provision such as we have in other Ordinances

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Mr. Watt continues...

for types of blanket warrants to cover this circumstance. But, I would have to vote agains this particular Section and any other Section right now. If your broad coverages of arrests without warrants are going to be so broad. There are just too many people involved, and these people are not responsibly trained in this type of thing. I myself am not capable of having the power of going around arresting people without warrant. Now, I wouldn't legislate it for myself, and I don't think I would legislate this for any other Councillor here either. I wouldn't give him this power. But there are certain people in the Yukon Territory that need the power to arrest without warrant. But this is why I, this is far broader than is necessary, and this is why I think this broad arrest without warrant power because you are going to have people resisting arrest. But, then this becomes a pretty serious offence and everything associated with it.

Mr. Taylor: Mr. Chairman, this is nonsence. It is just absolute utter nonsence and I figure possibly the members could understand this. There is a Section that we dealt with in the liquor ordinance, I believe, whereby we gave powers under the liquor ordinance which were not contained in the Criminal Code. And, I think there is one possible case here further on in Section 22 where this is being suggested and this is a matter of another suggestion. I can only say that in the instance that the honourable member was requested or information was requested from him and should he not provided it, or refused to provide the information and been arrested, he should have properly been arrested because honest people would provide information to a Game Guardian. In the second instance, that if an arrest is made by any member of or any Game Guidian, or Deputy, he must then take that person so arrested before a court and that could be a J.P.'s Court or a Magistrate's Court. He has got to take them before a court of law. And, at that time if there has been an injustice done the magistrate will so determine and the matter will be recitfied. I fail to see where anybody would be arrested withou good cause for him to be arrested. And this is the sum and total of it and I suggest we call question on the Motion and be done with it.

Mr. Chairman: Gentlemen, I have a Motion here before me moved by Councillor MacKinnon and seconded by Councillor Watt that Section 22 of Bill #10 be deleted. Are you ready for the question gentlemen?

Mr. Watt: I would like to reply to Mr. Taylor...

Mr. Chairman: Order, a question has been called on the Motion. Are you ready for the question?

Mr. Watt: Could we go around the Table and ask who is in favour of the Motion and who is not in favour of the Motion?

Mr. Chairman: Are there any further questions, gentlemen?

Mr. Watt: Could we take a vote here, Mr. Chairman?

Mr. Shaw: I haven't had a chance. I really haven't.

Mr. Chairman: It seems to me that everybody is talking.

Mr. Shaw: It seems to me that somebody is...nuts around here in some form or other. Why delete Section 22. Section 22 encompasses number 22 on this, it encompasses 86, 86A, 86B, 86C, 86D and 86E. We have a whole page. Are we going to cut off the whole page.

BILL #10 MOTION RE DELETE SECTION 22 OF THE GAME ORDINANCE

Mr. Chairman: This is what the Motion calls for Mr. Shaw.

Mr. Shaw: This is almost paralysing, Mr. Chairman. If there is a particular Section I think the Section referred to is the matter of Sub-section 3 of Section 84. I think that is what we are talking about. Every honourary Game Guardian has the authority of a Game Guardian to the extent prescribed by the Commissioner. I don't understand what I am voting on. I don't think the movers of the Motion...

Mr. Boyd: Well, Mr. Chairman, on a point of order will you read the Motion out and certainly everybody should be able to understand it.

Mr. Chairman: It was moved by Councillor MacKinnon and seconded by Councillor Watt that Section 22 of Bill #10 be deleted. So, I take it that this is 22, 21 and 22.

Mr. Shaw: All that?

Mr. Southam: Well, this is the way I understand it.

Mr. Watt: Mr. Shaw is absolutely right and has a very good point there which Mr. Boyd I don't think understands. (Inaudible)...and then find out what he has done. We have not even read the entire Section yet, Mr. Boyd. And, that we are moving on. One more thing. I would like to point out in answer to Mr. Taylor's remark on what I have said. He is trying to dam a vote here which we just sit here and we listen to Mr. Taylor for many hours, and...try to push anything down anybody's throat. This is important. This is the rights of the man on the street we are talking about. Arrest without warrant. And, I think we should be allowed a little bit of discussion on it and there is one point that I did make. Mr. Taylor took objection to and that was that if I was giving false information I could be arrested. The point I am trying to make here and I think it was missed entirely and that is it is up to the Game Guardian to decide on whether the information that I have given to him was correct. He is deciding on the spot and in other words you have your trial in the bush, you have your trial on the spot there. Then, you say you have an appeal. Well, your appeal isn't too good if you are in jail over the weekend. You lose your hunting trip. You may win your appeal. But what if you have won. You have won a lawyers bill of two or three hundred dollars and you have won the dying respect of your Territorial Council for passing this foolish bill. Ordinance and I think this could be cut done. I think there are some arrests without...(inaudible)and, this Motion may have been a little bit hasty, but it has been made because it was going to be passed over if it hadn't been made. And, it was an effort on the part of some of us to fluff over this in order to jam it down our throats. And I would like to see some amendment made. Possibly with the assistance of the Legal Advisor some proposition put forward where you could cut down the broadness of this arrest without warrant and confine it to situations where you have either the blanket warrant to cover situations where it is necessary or something along that line. But as

BILL #10
MOTION RE
DELETE
SECTION 22
OF THE
GAME
ORDINANCE

Mr. Watt continues...

it is I am going to have to support the Motion, and if it is reduced as Mr. Shaw has suggested, I will gladly withdraw the seconding of the Motion if the Motion which means we will withdraw the Motion so that we can reintroduce it to mean only the elimination of 86A or another alternative would be to change the classification of the people that would have the power of arrest without warrant. But I think it is far too broad and I couln't support the Bill as it is.

Mr. MacKinnon: Mr. Chairman, I fully agree with Mr. Watt. Power of arrest without warrant and may I read to you the part of...

Mr. Chairman: Stick to the question.

Mr. MacKinnon: This is the question, Mr. Chairman. 86C.

Mr. Chairman: We have another question here Mr. MacKinnon.

Mr. MacKinnon: Well, I just wanted to make a point here Mr. Chairman if you will permit me. And, this is giving these persons the right to stop a vehicle, bring or cause this vehicle to be brought to a stop. Maybe people that are not qualified would bring this particular vehicle to a stop with rifle fire. This could easily happen. Have you thought of this. And I still say that this is not fair to the public. The men are asked to carry this part of the Ordinance out and they are not qualified in at least fifty percent of the cases and I believe that we are defeating the very purposes that we are here for if we pass this type of thing. ... I am very opposed to this and I think it is very wrong and I am quite sure if Mr. Boyd puts on his thinking cap he will go along with us on this.

Mr. Shaw: Mr. Chairman, to delete Section 22 as the Motion says means we are going to delete something we have not even gotten to discuss yet. Now, there may be a sub-section of 22 I do not agree with, but I think--I cannot agree with deletions of this until I have read what it is all about and have discussed it. So, I am afraid I would have to go against the Motion otherwise you put out the whole works.

Mr. Taylor resumes the Chair.

Mr. Southam: Well, it looks to me gentlemen, that somebody went off half cocked and I think if you take a little time and do a little straight thinking before you go off the deep end, that probably you will find yourselves getting to where you are supposed to be. Now, I don't see too much wrong with this particular section, but there are several subsections in it--I don't say I agree with them. But I think as Councillors it would be doing us a little more good if we sat down and did a little plain common thinking before we went off the deep end, and fly up into the air just to talk to the gallery and that is all you are doing. Talking to the gallery. You have done it all day. Let us get down to business and do something. That is what I have got to say.

Mr. Chairman: Question has been called.

Mr. Watt: I certainly agree with Mr. Southam and I would

Mr. Watt continues...

BILL #10
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like to suggest that this whole Section 22 is it has just about every Section that would concern arrest without warrant and I would like to suggest it be deferred. I would like to make a Motion that it be deferred until Committee as a whole tomorrow morning so that we can think about it. We can carry on with the rest of the Bill. We can do that. We have had one other Section deferred before and it is perfectly in order to defer this. We could just read through it and defer it. I have already gone through it a couple of times. Defer it until tomorrow morning and that will give us time to discuss the various possibilities with ourselves. I could possibly talk to Mr. Legal Advisor and possibly talk to Mr. Fitzgerald. I don't want to take the beat out of the Ordinance, but on the other hand I don't want to vote this power of arrest without warrant in this broad number of cases. So I would like to move this particular Section 22 be deferred until Committee as a whole tomorrow morning...

Mr. MacKinnon: I will second that Motion.

Mr. Chairman: I would move that Motion out of order. We have one matter before Council, question has been called and one Motion at a time gentlemen.

Mr. Watt: Mr. Chairman, are you making new rules. Is it not in order to have a Motion called or to defer a Motion. We could have this deferred until tomorrow.

Mr. Chairman: Councillor Watt, I have ruled this Motion out of order as we already are considering a Motion. Question has been called. If you wish to appeal this ruling you may do so through the Speaker tonight.

Mr. Watt: I appeal your ruling now, Mr. Chairman.

Mr. Chairman: Gentlemen, question has been called. Are you agreed with the Motion.

Mr. MacKinnon: I second Mr. Watt's appeal.

Mr. Chairman: Are you agreed with the Motion, gentlemen? Order please. Are there any contrary to this Motion? I will declare the Motion defeated.

MOTION
DEFEATED

MOTION DEFEATED

Mr. Chairman: Gentlemen, may we now proceed with the balance of the discussion...

Mr. Watt: Could we have a count of those in favour with the Motion, Mr. Chairman?

Mr. Chairman: Would those who are in favour of the Motion please signify - (2). Would those who are contrary to the Motion please signify - (4). The Motion is defeated. Now gentlemen, we will proceed again, 86A. (Reads Section 86A).

Mr. Shaw: Mr. Chairman, this is just when hunting season is in effect.

Mr. Chairman: Are you clear?

All: Clear.

BILL #10 Mr. Chairman: Reads 86B.

Mr. MacKinnon: Well, Mr. Chairman, I object to this again. Now, you are giving the Game Guardian the right to search any person and I presume that most of these game guardians will be of the male sex. Can this particular game warden search one of the female sex as was outlined in the paragraph. Now, I would like to direct this question to the Game Director.

Mr. Fitzgerald: Mr. Chairman, any people who have anything to do with the enforcement of this Ordinance will before they go into the field and start to enforce it will be very closely instructed on the manner in which they conduct themselves and the manner in which they enforce the ordinance. Now, it is well known by any person that has the latest ideas of enforcement that you do not search a female prisoner without a matron being employed for such a purpose. This Section of the proposed Section reads reasonable grounds to believe an offence has been committed doesn't apply to a private dwelling. Now, if I could while I am speaking on this Mr. Chairman if I could refer...oh, no, fine...

Mr. MacKinnon: Mr. Chairman, I would just like to say that you are taking into consideration approximately one half of the population.

Mr. Fitzgerald: I do not understand that question, Mr. Chairman.

Mr. Chairman: Repeat your question, Councillor MacKinnon.

Mr. MacKinnon: Well visualizing that half are male and half are female then this will apply to one half of the population.

Mr. Chairman: What is your question Councillor MacKinnon?

Mr. MacKinnon: I am just asking Mr. Game Director if my assumptions are correct.

All: Clear.

Mr. Chairman: Reads Section 86C.

Mr. MacKinnon: Well, Mr. Chairman, for the record I would like to say I oppose this very strongly and I think I have every right to oppose this. You are again striking at the man on the street and I think our duty is to represent everybody and be fair and reasonable with the laws that we impose. This is a very, very drastic measure. Shall bring or cause his vehicle to be brought to a stop. Or cause his vehicle to be brought to a stop. Now, this is indicating possibly drastic measures. We don't know for instance how these people are supposed to be identified. And, you don't have to stop for everybody you meet on the highway. Are they going to carry a red flag or wear a big star or are they going to borrow a uniform from the R.C.M.P. This is my question.

Mr. Fitzgerald: Mr. Chairman, yes, these people are on the highway and naturally if you can't stop a vehicle and you have reason to believe an offence probably has been committed, and this is probably a vehicle you are up against quite an

Mr. Fitzgerald continues... BILL #10

obstacle. You could already do this under the...(inaudible) Now, the reason although it isn't spelled out here, one of the main reasons is the defence side and then there is the survey portion of this. If you are going to conduct certain surveys concerning animals killed, where they were killed, the type of animal killed and so on you must have this authority to see the animal and the vehicle and to get survey information which in this day and age is becoming more and more important in game management. This is the biggest reason I see.

Mr. Chairman: Clear?

Mr. MacKinnon: No, I am not clear. As Mr. Taylor says, what is not written is not implied. And, now Mr. Fitzgerald is talking about something that isn't written, but they mean to do it this way. This is the way they mean to handle it. But, this is not proper. This is an Ordinance. And if this is the way you plan to handle this, this is the way it should be written. And this is just giving more and more leaway to deprive the public of their rights and I just don't go for it at all.

Mr. Chairman: Are you clear, gentlemen?

All: Clear

Mr. Chairman: Reads 86D, subsection (1), and subsection (2). Are you clear?

All: Clear

Mr. Chairman: Reads 86E. Mr. Legal Advisor I wonder if you would have a copy of the Criminal Code with you today.

Mr. Legal Advisor: I haven't got it immediately available and the time being what it is I wonder whether you would be proceeding to complete your discussion on this Section. I could get a copy within a couple of minutes. Do you wish it now?

Mr. Chairman: Not necessarily, thank you Mr. Legal Advisor. I had a little trouble with this Section that I would like to clear myself.

Mr. Shaw: I too have a little bit of trouble with this myself. I could perhaps see where you are a hundred miles away and there is a house there and it is necessary to search, but them you can't get a warrant. I could quite understand something like that. However, where a justice of the peace is within a reasonable distance, of 20 or 30 miles or something like that, I don't think this should apply. Now, this is necessary in certain degrees such as I have mentioned, but I don't think in an overall policy it is desirable and I think that I would feel better if this particular Section was only applicable and I say only applicable where it is not possible or totally unreasonable to get the normal warrant required.

Mr. MacKinnon: Well, Mr. Chairman, it has finally gotten through to Mr. Shaw, and I would like to compliment him.

Mr. Shaw: I might state that I have never had the oppor-

BILL #10 Mr. Shaw continues...

tunity to discuss this question before...

Mr. Southam: Well, Mr. Chairman, here again I disagree with the members. Certainly, it is my privilege and I could well understand why they should search these places at times. It is every easy to get rid of evidence. Especially if you are 20 or 30 miles away from the Justice of the Peace. Have they got any idea of what you are looking for. It is very easy for you to take a chunk of moose or anything else and bury it or get rid of it. So, therefore, I can't see why you have to go to the Justice of the Peace when you are that far away. You should be able to...it is the same thing of stopping somebody on the road. If you are going to stop somebody on the road, or wherever it is, I can see the idea of this thing and I agree with it.

Councillor Southam takes the Chair.

Mr. Taylor: Mr. Chairman, I had hoped to have a copy of the Criminal Code when we discuss this. No doubt we will be furthuring discussions on this tomorrow. My only trouble is wondering whether or not in this particular item, 86E here granting a power that may not be provided under the Criminal Code. This is just something I want to review and look at before deciding on the--in my own mind in this particular portion of Section 22. I just want to make that clear for the record.

Mr. Shaw: Mr. Chairman, could we perhaps defer discussion on this until the information is available tomorrow and go on to some other Section?

Mr. Taylor resumes the Chair.

Mr. Chairman: Would Committee agree to defer this to tomorrow morning with the other two items?

All: Agreed

Mr. Chairman: Reads Section 87, subsections (1) and (2). Are you clear?

All: Clear

Mr. Chairman: Reads Section 88. All clear. Reads Section 23 (1), (b), (iv). I wonder if I could have an explanation of this Mr. Fitzgerald?

Mr. Fitzgerald: ...amendment $2.00 to $5.00...(inaudible).

Mr. Chairman: Does this refer Mr. Fitzgerald to the resident hunting licence?

Mr. Fitzgerald: Right, yes.

Mr. Boyd: Mr. Chairman, any other resident. Is that word "other".

Mr. Chairman: Gentlemen, are you clear on this one? I will take these one by one. It will be easier than reading it all at once.

Mr. Shaw: Mr. Chairman, I am just wondering, I believe Fish and Game recommended that. It seems to be...from what it was. BILL #10

Mr. Fitzgerald: It may be some time ago Mr. Shaw. I don't recall.

Mr. Boyd: Council passed a Motion about two years ago that this fee should be raised to $5.00. While I am on my feet are there changes in the rest of these things Mr. Game Director, or are they as they were before?

Mr. Fitzgerald: There is another change on spring bears and two additional licences Mr. Boyd. And the reciprocal bird licence agreement between the Yukon Territory, Alberta and British Columbia.

Mr. Chairman: Are you clear on this gentlemen? I do have one question from the Chair, too. Is there any indication of what additional revenue will accure from these licences.

Mr. Fitzgerald: Well, approximately two hundred residents or may be twenty one hundred residents take out licences each year. While I am answering that question, Mr. Taylor, may I mention here too that an additional licence there... take game birds for instance...at times a person and resident who then draw licences says well then I am not a big game hunter I only want to hunt birds, can I get a bird licence. So the bird licence alone is listed at $2.00 as suggested there.

Mr. Boyd: That is strictly for Canadian citizens.

Mr. Fitzgerald: A Yukon resident.

Mr. Chairman: Are you clear. All clear. Reads subsection (v) (a) and (b); (vi) (a), (b). Is this not an increase of $50.00.

Mr. Fitzgerald: No, Mr. Taylor, that is the same. But additional trophies if I may mention refers to different species.

Mr. Thompson: Mr. Chairman, I don't mean to go back to this, but 23 (1), all that portion of Section (1) of... paragraph 3, paragraph (B) therefore is dealing with the following subsections. I take it that 1, 2 and 3 have been deleted? Is this the same? Well, if 1, 2, and 3 are the same why isn't 1, 2, 3, and 4 the same? There was no 4 before.

Mr. Fitzgerald: Down, below what has been mentioned there is where the changes are made.

Mr. Chairman: Are we clear?

All: Clear

Mr. Chairman: Reads subsection (C) (i), (ii), (iii).

Mr. Thompson: Mr. Chairman, do we have the same reciprocal agreement as British Columbia?

Mr. Fitzgerald: Yes, Mr. Chairman, we do. I believe

BILL #10 Mr. Fitzgerald continues...

though that the licence there costs a little more than what you have to pay in the Yukon Territory.

Mr. Thompson: I would suggest we up this fee and bring it in line with theirs.

Mr. Fitzgerald: If I may answer, mention Mr. Chairman, what the Yukon resident holding a Yukon bird licence would pay there is equivalent to their resident fee.

Mr. Thompson: In other words, you are considered a resident of British Columbia or Alberta even if you live in the Yukon.

Mr. Fitzgerald: If you can produce your Yukon bird licence to show that you are licenced here.

Mr. Chairman: Are you clear? All clear. Reads subsection (d) (i), (ii), (iii). Might I ask, is this in addition to a general hunting licence?

Mr. Fitzgerald: Well, Mr. Chairman, a general hunting licence doesn't apply--it only applies to trappers. I am speaking of it generally.

Mr. Chairman: What I would ask to clarify the point from the Chair is does this mean that a person wishing to hunt bear if he holds a resident hunting licence or any type of a licence must pay an additional $5.00 to hunt that bear?

Mr. Fitzgerald: Mr. Chairman, this is a situation that has to be cleared up. The way our licence is right now, it runs from the 1st of August to the end of June and ordinarilly you are allowed fall bear in that and spring bear. You are allowed several. Blacks and grizzley in the fall and blacks and grizzley in the spring. This is something I have to get cleared. Whether the fall licence will run into the spring or the $5.00 is accepted...(inaudible)... You see, the way it was listed before in the schedule, I believe it was three. I think we all realize the grizzley is getting a little harder to find as time goes on. And this is probably some measure of protecting them.

Mr. Chairman: This is not yet provided for and we have a problem here.

Mr. Fitzgerald: I would like to suggest we call it straight spring bear licence and have the other licence cut off. Mr. Chairman, could we defer this until we have an opportunity to speak...

Mr. Chairman: Would you gentlemen agree to defer this matter until the Administration have had a chance to look into this.

Mr. MacKinnon: (Inaudible) entire Ordinance, Mr. Chairman.

Mr. Chairman: Gentlemen, I draw your attention to the time. I wonder if Mr. Fitzgerald and Mr. Pearson could be excused. Is it your wish that we discuss this matter again tomorrow morning?

All: Agreed

Mr. Chairman: Thank you, gentlemen, ...approximately 10:30 tomorrow morning. BILL #10

Mr. Fitzgerald: Thanks very much.

Mr. MacKinnon: Mr. Chairman, I move that the Speaker do now resume the Chair and hear the report of the Committee. MOTION RE SPEAKER RESUME CHAIR

Mr. Thompson: I will second the Motion.

Mr. Chairman: It has been moved by Councillor MacKinnon and seconded by Councillor Thompson that Mr. Speaker do now resume the Chair and hear the report of the Chairman of the Committee. Are you prepared for the question? Are you agreed to the Motion? Is there any contrary? I will declare the Motion carried. MOTION CARRIED

MOTION CARRIED

Mr. Speaker: Thank you, Mr. Chairman. I will now call this Council to order and hear the report of the Chairman of the Committee.

Mr. Chairman: Committee convened at 10:55 a.m. this morning to discuss Bills, Sessional Papers, Motions and Memoranda. Committee first dealt with matters related to the pricing of liquor in Dawson City with Mr. Commissioner in attendance. Committee next dealt with Bill #10 with Mr. Fitzgerald and Mr. Pearson in attendance. Committee recessed at 12 noon and reconvened at 2:10 p.m. with Mr. Watt absent. It was moved by Councillor MacKinnon and seconded by Councillor Watt that Section 22 of Bill #10 be deleted. Motion defeated. Councillor Watt asked to appeal my ruling respecting the introduction of a Motion after question had been called on a prior Motion. I have ruled Councillor Watt's Motion as being out of order and instructed him to refer the matter to the House if he so desires. It was moved by Councillor MacKinnon and seconded by Councillor Thompson that Mr. Speaker do now resume the Chair and hear the report of the Chairman of Committees. Motion carried. REPORT OF CHAIRMAN OF COMMITTEES

Mr. Speaker: Well, gentlemen, you have heard the reading of the Report of the Chairman of the Committees. Are you agreed to the Report?

Mr. Watt: Mr. Chairman there's a couple of things I think should be included. One is that we adjourned at about ten to twelve without the approval of Council as a Committee. It was just a simple adjournment by an individual. I had just finished asking Mr. Fitzgerald a question and somebody got up to speak and then after the adjournment Mr. Fitzgerald answered the question. There was an unwarranted delay for Council and Mr. Speaker I think it should be recorded that we adjourned at ten to twelve or quarter to twelve or whatever the time was, before twelve o'clock. And I take exception to the procedure this afternoon any appeal to a ruling is dealt with immediately. It is not waited until tomorrow or the next day or afterwards. It is done at the time on the time on the spot. But there is nothing I can do about the rules, Mr. Speaker. I have done everything I possibly can. I have brought this to the public's attention. There was a rule set before Council at one time that the ...(inaudible)... Council is following now. I was reelected with a vote of non-confidence from

REPORT OF CHAIRMAN OF COMMITTEES

Mr. Watt continues...

those that remained and they are carrying on with the same type of thing that they carried on then. I am afraid there is nothing I can do about it Mr. Speaker. I am out-voted here on everything including the rules and anything that can be thrown open, anything that can be put through, anything can be rubber-stamped and and my rights as a Councillor from Whitehorse-West has sure been trampled on this afternoon. And, I want this recorded and it is being recorded and I want it to go on record. And because of this violation of my rights as a Councillor, this afternoon, I am afraid I am going to have to vote against this entire Game Ordinance. We could have worked something out on a reasonable compromise I believe. But, I am going to have to vote against the entire Game Ordinance and all its readings and I want to have the public realize what is going on here and they will take it into consideration when they count their ballots next September.

Mr. Speaker: Thank you, Mr. Watt.

Mr. MacKinnon: Mr. Chairman, Mr. Speaker, I feel exactly the same way. There was a lack of co-operation around the table. There was every attempt to defeat the purpose that we are supposed to be here for. There was no consideration given, where consideration should have been given by the elected members of Council and I feel that we have completely wasted the entire afternoon with a lack of co-operation around the Table.

Mr. Speaker: Thank you, Mr. MacKinnon.

Mr. Chairman: Well, Mr. Speaker, just to keep the record a little bit straight, in Committee this afternoon as Committee Chairman I did adjourn Committee ten minutes to, pardon me, I did not adjourn Committee at ten minutes to twelve because Committee has not the right to adjourn it's own sitting. I did hold the Committee in recess at ten minutes to twelve to ... copies of the Game Ordinance to all members. And this is quite within the practice of Committee. And in respect of Councillor Watt's problem this afternoon, he has been denied no rights whatsoever. And though I say as Chairman of Committee he made it extremely difficult for the Chair, I still say as I have recorded in my report, that his right of appeal is to the Speaker and all members of the House and if there is an appeal to be launched, then this is what we are sitting here for.

Mr. Speaker: Thank you, Mr. Taylor.

Mr. Watt: Mr. Speaker, ...(inaudible)...ten to, Mr. Taylor recessed. Committee didn't recess. He took it upon himself to recess and we have established this principal clearly once before. If this is going to be a continuous procedure Mr. Speaker, I'll go along with it, but let's make it fair for everybody. So that I can get up and say we now recess for noon at any time I want. And this has been done by Mr. Boyd before, in his wisdom, his usual wisdom and we have established a principal after that episode or performance made at that time. Now, it is being--the performance is being carried out by the member from Watson Lake. Now I realize I can be out-voted on anything in this Council because there is a click here...

Mr. Speaker: Mr. Watt, order...point of Order Mr. Watt. REPORT OF CHAIRMAN OF COMMITTEES

Mr. Watt: ruling this thing....and if you...as long as we have got something to do.

Mr. Speaker: I would state for the benefit of the record that the Chairman recessed the meeting, which is the Chairman's privilege, without calling a question on the matter. I would also state that adjourning the Council before five o'clock or twelve o'clock does require a majority vote of the Council. I think I have made that explicit, and I think we will let the matter drop at this point. Now, gentlemen, we have the agenda for tomorrow.

Mr. Chairman: Mr. Speaker, for tomorrow morning, we have the Game Ordinance and some matters to complete in respect of it and possibly we could with the concurrence of Council continue discussions on this tomorrow and include also Bills, Memoranda, Sessional Papers and Motions.

Mr. Speaker: Is that agreed, gentlemen, for tomorrow's agenda?

All: Agreed

Mr. Speaker: What is your pleasure at this time?

Mr. Boyd: I would move that we call it five o'clock, Mr. Speaker. MOTION RE ADJOURN COMMITTEE

Mr. Southam: I'll second the Motion.

Mr. Speaker: Moved by Councillor Boyd and seconded by Councillor Southam that we call it five o'clock at this time. Are you ready for the question? Are you agreed to the Motion? Are there any contrary? The Motion is carried and this Council now stands adjourned until tomorrow morning at ten o'clock. MOTION CARRIED

MOTION CARRIED

Mr. Speaker read the daily prayer and Council was called to order. Councillor Thompson was absent.

Mr. Speaker: Is there a quorum, Mr. Clerk?

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: Have we any correspondence this morning, Mr. Clerk?

TELEGRAM RE ACCOMMODATION TAX

Mr. Clerk: Mr. Speaker, I have a telegram addressed to Mr. George O. Shaw, Speaker, Yukon Legislative Council. The text of the wire is as follows: "Alaskan Lodges Beaver Creek protests the discriminatory ten percent tax on hotel accommodations under consideration for Yukon Territory. Such a tax on hotels has to be passed on to the tourist who I am sure you will agree already provides a large source of new dollar revenue for the Yukon both direct and indirectly to other tax basis. Kenneth F. Friske, Vice President." I also have a memorandum to the Council. "Pursuant to section 8 of the Yukon Lands Ordinance, herewith for your information are copies of all documents covering the sale of Yukon land from December 5, 1966, to April 5, 1967". This is signed H. J. Taylor, Territorial Secretary. Also, we have three Sessional Papers this morning that are the text of the three letters tabled yesterday. These are Sessional Papers 84, 85 and 86. That is all I have this morning, Mr. Speaker.

MEMO RE SALE OF YUKON LAND

REPORT RE UNEMPLOYMENT INSURANCE DISCUSSION

Mr. Speaker: Thank you, Mr. Clerk. Have we any further correspondence? Our next item will be Reports of Committees. I have a report to make, gentlemen, not as a Committee of course but this is the most appropriate time. Yesterday I was in discussion with Mr. Fraser of the Department of Labour in which I endeavoured to try and arrange a meeting between the gentleman and the Council to discuss matters of Unemployment Insurance. However, the Committee was tied up at the time and he had to get on the plane for Vancouver in about an hour's time. There just wasn't the time available to arrange a meeting. However, I am pleased to inform you that Mr. Fraser will in all probability be available for discussion with Council if they so wish on the 24th or the 25th of April.

Councillor Thompson enters the Council Chambers.

Mr. MacKinnon: Mr. Speaker: maybe you could enlighten me on this particular item. I noticed that some letters that were tabled have been made in the form of a Sessional Paper and the one that I tabled is not in the form of a Sessional Paper. I did give all Members a copy and maybe this took care of the situation. I am just not fully aware of the procedure on this, Mr. Speaker. That is the reason I bring it to your attention.

Mr. Speaker: I didn't know that these communications went in the form of Sessional Papers. Where do you find that Mr. MacKinnon? What do you note as the correspondence being in Sessional Papers?

Mr. MacKinnon: Well, Mr. Speaker, Sessional Paper 85.... the following is a text of a letter. Sessional Paper 86.. the following is the text of a letter. These letters were tabled at the same time that mine was tabled, Mr. Speaker, and it is now in the form of a Sessional Paper. I don't know whether this is necessary. Now, I am not trying to belittle the situation in any way but I am just wondering if it should have been a Sessional Paper.

Mr. Clerk: The letter referred to by Councillor MacKinnon is in fact being prepared as a Sessional Paper. It is being typed on stencils and we should have it sometime this morning to add along with our Sessional Papers.

Mr. Speaker: I might state that this is something that is somewhat new. It's very difficult to know what to do with a lot of this correspondence and I felt that the only way that we could do this where the Members could table the particular correspondence during the morning's correspondence and then they could be recorded in some form in the minutes or Sessional Papers. Do we have any Reports of Committees? We have no Bills to introduce. Have we any Notices of Motion and Resolution?

NOTICES OF MOTIONS #11

Mr. Boyd: Mr. Speaker, I beg leave to give Notice of Motion concerning Sales Tax.

#12 #13

Mr. MacKinnon: Mr. Speaker, I beg leave to give Notice of Motion re Compensation and, Mr. Speaker, I beg leave to give Notice of Motion re Government Liquor Stores.

#14

Mr. Watt: Mr. Speaker, I would like to give Notice of Motion respecting a Vote of Non-Confidence in the Speaker of the Yukon Legislative Assembly.

Mr. Speaker: Thank you very much. Have we any further Notices of Motion? If not, we will proceed to Motions. We have Motion No. 9, Mr. MacKinnon, Time Change.

Mr. Taylor: Mr. Speaker, I believe that is in Committee.

Mr. Speaker: That is quite correct. That was dealt with yesterday, Mr. Clerk. I think we can take that off.

Mr. Taylor: Mr. Speaker, it should remain on the Order Paper but it should be noted on the Order Paper that it is in Committee. It would remain until it is completed in Committee.

Mr. Speaker: Thank you. Have we any questions this morning?

QUESTION RE BANK CHARGES

Mr. Boyd: I have a question, Mr. Speaker, that I would like to direct to the Commissioner. Do you not think that it is time that the Government pointed out to Banks that we are no longer isolated far northern people in terms of transportation and services?

Mr. Speaker: Could you speak up please, Mr. Boyd. I can hardly hear you.

QUESTION RE BANK CHARGES

Mr. Boyd: The Banks seem to consider that we are still in the same position as Old Crow in this Yukon and we have more services here in the Yukon than other people have in most places and yet we are forever being charged exchange on cheques that get out of here the same day that they are cashed. I am asking Mr. Smith if he doesn't think it is time that Administration pointed this out to the Banks with the view of getting it eliminated.

Mr. Commissioner: Mr. Speaker, I would like to advise Council that the Commissioner doesn't only think it is time, he thinks it's about 67 years late. Last fall, approximately November, I took this matter up and suggested to the manager of one of the local banks that he might consider having this matter brought to the attention of his principles that maybe as a Centennial project and a gift to Canada's North from the Canadian Bankers Association that they would consider at least the partial elimination of this charge. He didn't take very kindly to the suggestion and I didn't hear anything further from him but I took the matter up with our Minister when we were in Ottawa for discussions on the fiscal agreement, when Council and I were there, and I was given the Minister's assurance that at the appropriate time that he would put this matter forward. Now, Mr. Speaker, I am not too familiar on just what Committee of Parliament it is that deals with the Bank Act and such things as are involved with it but it was through this particular parliamentary mechanism that the Minister was going to make this proposal. I have not heard anything further from him on this and I will endeavour to see if anything is going on, but I would like to assure Council, Mr. Speaker, that they have my fullest support for this particular thing and that it is definitely being attended to at the present time as what I have outlined to you.

Mr. Thompson: Mr. Speaker, further to this, would the Commissioner feel that a Motion at this time would assist in this matter or is it well enough under control that we can let it lay.

Mr. Commissioner: Mr. Speaker, a Resolution of Council would do nothing but good in this particular matter. This is a very entrenched position and has been used as a means of justifying banking services and the high cost of maintaining and providing these services in relation to banking facilities and services in other parts of Canada and while no doubt it had a place in the past, in my opinion it has no place in the present, nor does it have in the future unless it can be properly justified. I would strongly recommend that...my position in the matter and the Administration's position in the matter would be assisted by a Resolution of Council and I would be most happy to assist in making up an appropriate Resolution to give effect to Council's wishes.

Mr. Boyd: Mr. Speaker, if I could suggest....I will endeavour to carry out the Commissioner's thoughts. I did make a Motion two years ago on this but I can understand it falling into the water and it will have to be brought up again.

Mr. Taylor: I would like to direct a question possibly to Mr. Commissioner, Mr. Speaker. In view of the recent visit of the Deputy Minister Mr. Cote and in view of the impending visit of Mr. Pickersgill and also in view of the fact these gentlemen occasionally issue Northern Affairs press releases of their speeches and so forth...speeches given during their visit, if these are available, could Members of Council receive copies of these?

Mr. Commissioner: Mr. Speaker, there is no reason at all why Council cannot be provided with copies of these speeches. Mind you, Mr. Pickersgill....I have no knowledge of whether he is going to be giving any public speeches or anything. I couldn't even tell you, Mr. Speaker, but Mr. Cote issued copies of his speech to the Press and I am sure we could get a hold of these. I don't have one in my possession myself but I am certain that there would be no problem involved in this.

Mr. MacKinnon: Mr. Speaker, I would like to suggest that Members could attend these public meetings.....

Mr. Speaker. Mr. MacKinnon, this is a question period not a discussion period.

Mr. MacKinnon: And then they wouldn't require this....

Mr. Taylor: Point of order. What was the question?

Mr. Speaker: I think I have.....have we any further questions?

QUESTION RE CARROTHERS TYPE COMMISSION

Mr. Watt: Mr. Speaker, I have a question I would like to direct to the Commissioner. He may be able to give us the answer right now...with respect to the Carrothers type committee that Council had asked for when they were in Ottawa. I disagreed with this Carrothers type committee before but I understand that agreement was made..... Minister on this type of report. What steps have been taken and have they chosen members for the study and will the Yukon Territorial Council be given an opportunity to possibly recommend a member or two that would belong? Do you have any information on this?

Mr. Commissioner: The only current information that I have on this was part of a telephone conversation that I had with the Minister here a few days ago and our current information is that Dr. Carrothers has up until now not indicated that he will have time available promptly to do this study and it is my understanding that other suitable people are presently being sought by the Department in this particular regard and as more information becomes available to me, I will be very happy to pass it on to Council.

Mr. Speaker: Are there any further questions?

Mr. Watt: I would like to ask the Commissioner....he could probably give a written answer...what I would like is a breakdown of the rules that you are using and the type of pay structure that you are using for the Territorial Council with respect to a Session.....both out of Council and in Council.

Mr. Speaker: Mr. Watt, that I am afraid is out of order and will require a Notice under the Production of Papers. Have we any further questions?

Mr. MacKinnon: Mr. Speaker, seeing the question has already been asked, I wonder if the Commissioner is interested in answering.

Mr. Speaker: There is no question to be answered in this. The question is out of order. A question that is out of order does not require an answer. Have we any further questions?

QUESTION RE WOOD CONTRACTS FOR GOVERNMENT CAMPGROUNDS

Mr. MacKinnon: Yes, Mr. Speaker, I would like to ask the Commissioner a question in regard to the wood contracts for Government campgrounds. When these notices are posted, we will say in liquor stores, post offices and general stores, is there a posting date on these notices or should there be a posting date?

Mr. Commissioner: Mr. Speaker, I wonder if I could clarify the point and then I will get an answer. I do not have the answer right off hand but when the Councillor is asking is there a posting date, does he mean is there a date that these notices are to be put up in these public places? The question is not concerning the date that the notice expires. It is the date that it is to be put up. Is this the question?

Mr. MacKinnon: Yes, Mr. Commissioner. May I further explain this, Mr. Speaker?

Mr. Speaker: Proceed.

Mr. MacKinnon: I have been informed by one of my constituents that these postings have not had any date on them. They are simply nailed to the wall and it doesn't say that they start from, we will say the first of April and continue to the 18th of April. There is no dating. This is what I am led to believe and I would like to confirm this, Mr. Speaker.

Mr. Commissioner: Mr. Speaker, I will be very happy to get a proper answer for Councillor MacKinnon.

Mr. Speaker: Thank you, Mr. Commissioner. Have we anything further?

QUESTION RE AREA DEVELOPMENT ORDINANCE AND HEALTH ORDINANCE

Mr. Taylor: Mr. Speaker, I have two more questions to direct to Mr. Commissioner this morning. My first one would be in view of the discussions and the problem created in the conflict between the Area Development Ordinance and I believe the Health Ordinance whereby we have the well septic tank situation. Is this matter now under review by the Administration in order that this be resolved?

Mr. Commissioner: Mr. Speaker, the matter is definitely under review. I was totally unaware of this particular conflict until it was brought to my attention here at the Council table and I have asked my Administrative staff to give me some outline of just exactly how the problem has arrived. Apparently it has arrived through a conflict of regulations more than a conflict of legislation. The matter is definitely under review and as soon as we have come up with something that would appear to take care of the legislative requirements of these two things, I will be advising Council just what course of action we will be proposing.

QUESTION RE INSURANCE

Mr. Taylor: My second question would be, Mr. Speaker, in view of the discussions respecting Insurance and the excessive cost of Insurance in the Yukon in pretty well all Insurance fields, is the Administration still taking under active review and prepared to give a report to Council during the Session now assembled on the reasons for the implementation of a 25% surcharge on Insurance in the Yukon Territory?

Mr. Commissioner: This matter is also under investigation. Now, Mr. Speaker, we are dealing here with private enterprise in a field that is specifically in the private sector of the economy and, also, we apparently have certain legislative privilege here...perhaps privilege is not the right word...but certain legislative provisions and what I am endeavouring to find out and I also have placed this in the hands of my Administrative people...to see at what point we have legislative ability in regard to the problems that apparently exist, or the inequities that apparently exist... where the sixtieth parallel crosses our borders here. We are on one side with one set of conditions that exist in the private insurance field and how another set exists on the other side of it. Now, Council is asking for this to be available at this Session. Now, Mr. Speaker, I am not going to guarantee you that this will be available at this Session. I do promise you that the matter is getting as much information gathered together as we possibly can and whether Council is in Session or it is out of Session, Mr. Speaker, I will supply Council with all the information that I get.

Mr. Taylor: A supplementary question to the last question, Mr. Speaker. If it is found that there is in fact price fixing, is it conceivable, or is there a means by which the Yukon Territorial Government could have these insurance companies, were this to be the case, charged under the Combines Investigation Act? Do we have the machinery to do this?

Mr. Commissioner: Mr. Speaker, this would require a proper reply from the Legal Advisor. I would say this to you, Mr. Speaker, that the Act that the Councillor refers to is in fact a Federal Statute and while it may be very and right and proper that, if we find any apparent indication of this, it would be only right and proper that our Administration should bring this to the attention of Federal Authorities, I question very much if we have the right or the legislative ability to instigate action unless we ourselves, as a Government, were an aggrieved part. At that particular point in time, we would have our day in Court the same as any other individual, Mr. Speaker, but I think that the question that the Councillor is asking here as to whether as a Government we would have the right to start action in this regard, I think that we would only have it as a corporate entity. In other words, if we ourselves, as a Government, were an aggrieved party. Further to that, Mr. Speaker, I would suggest that Mr. Legal Advisor would like to offer something further when he is present but that would be my immediate interpretation of the problem that the Councillor refers to.

Mr. Speaker: Have we any further questions?

Mr. MacKinnon: Mr. Speaker, I would like to ask the Commissioner if he anticipates the change of policy in the disposal of hay from the Experimental Farm at 1019. I think the Commissioner is aware of this problem. In the past, just to brief the other Councillors, this hay has been purchased by a Department of the Government and then sold to one individual. This hay was badly needed in the Yukon and I am led to believe that it has been sold to British Columbia...to an outfitter in that area and I would like to hear the Commissioner's comments.

QUESTION RE HAY FROM EXPERIMENTAL FARM

Mr. Commissioner: Mr. Speaker, this particular matter that the Councillor brings forth at this time was brought very forcably to my attention at a community meeting in the Haines Junction area and while I do not have an answer that I can supply Council with at the present time, it was one of the matters that we have taken up with the Federal Authorities and as soon as an answer is available, I will be very happy to table it for Council's information.

Mr. Speaker: Thank you, Mr. Commissioner. Have we any further questions? If not, I would be prepared to accept a Motion in relation to reverting to Committee.

Moved by Councillor Taylor, seconded by Councillor Boyd, that the Speaker do now leave the Chair and Council resolve itself into Committee of the Whole to discuss Bills, Memoranda, Sessional Papers and Motions.

MOTION CARRIED

Mr. Speaker: The Motion is carried and Mr. Taylor will take the Chair in Committee of the Whole.

Mr. Taylor: Gentlemen, we will be proceeding with Bill No. 10. I wonder, Mr. Clerk, if Mr. Legal Advisor would be available this morning. I will declare a short recess.

Mr. Chairman: I will now call Committee back to order. We are dealing with Bill No. 10, An Ordinance to Ament the Game Ordinance, and we have with us Mr. Fitzgerald and Mr. Pearson to assist us in this endeavour. We are dealing with section 23. When we rose last evening, we had been dealing with subsection (d) referring to licence to hunt bear.

BILL #10

Mr. Watt: Mr. Chairman, could I just say that I would like to be excused for the rest of the discussions on this particular Ordinance. My presence here would give approval in principle to the Councillor from Whitehorse West being here and the methods that you used yesterday in voting closure without a vote in order to ram in these sections...arrest without warrant...so I would like to be excused.

Mr. Chairman: Would Committee agree that Mr. Watt be excused?

All: Agreed.

Mr. Chairman: You are excused Mr. Watt. (Mr. Watt leaves the Council Chambers). Gentlemen, have you anything further on subsection (d) licence to hunt bear?

BILL #10 Mr. MacKinnon: Yes, Mr. Chairman. I note that we have a change of fees and I would like to bring to your attention that this is much like the accommodation tax on hotel rooms. This is not the proper time of year to introduce these, the reason being that the outfitters are all booked and they have brochures out stating prices and what overall trophy fees will cost. This would be a change that the outfitter himself would be held responsible for at the present time. The contract more or less is already signed....for the Season. I believe that....now...the outfitters that I have talked to are not objecting to this being approved in the future but seeing the bookings are already made and payments have been made on these bookings and the contracts have been signed that this might be more suitable if it was held over until the Fall Session and then it would come into regulation... period where no contracts had already been signed.

Mr. Chairman: Mr. Fitzgerald, possibly you could clarify this matter.

Mr. Fitzgerald Mr. Chairman, this proposed increase in the cost of licences does not apply in any manner to a non-resident hunter. It does not interfere in any way with bookings now completed by our outfitters. This applies only to a resident licence. The proposal is to handle this increase in resident licence in the same manner as our $2.00 hunting licence is now being handled...that is a resident buying a licence now for $2.00 in the fall season, he carries on with this licence until the end of June or until the end of the spring bear season, and this covers birds and big game. On this licence he is allowed to take a grizzly in the fall and a grizzly in the spring. We would like that, if the increase is legislated, that it would apply in the same manner as our $2.00 licence and that is if a person did not buy a $2.00 licence in the fall and appeared in the spring and wanted a licence to take bear, he would have to pay the same fee whether he got his licence in the fall or in the spring. This avoids spending expenditures on new types of licences. We can carry on with the licences we already have in stock and so on, except for the increase in the price.

Mr. Shaw: Mr. Chairman, what I don't quite understand is that with the two licences, could it not be possible with a resident hunting licence that you could get that resident hunting licence and it would be effective from a date in the year to the same date in the following year, that would permit this person to hunt bear, moose, cariboo..you know.. big game, regardless of whether it was June or July, in accordance with the provisions of open season and closed season and have one big game licence. I seem to recollect many years ago, Mr. Chairman....I don't know how it is in effect now....when in British Columbia, this was in 1931 or something like that....you had a $5.00 licence...what they called a big game licence....which you could use for one year and you could hunt all these particular animals which were considered large game. It was for a twelve month period. Coulc we not have the same thing in the Yukon that would make this much more simple than breaking it up into June and July and so on?

Mr. Fitzgerald: Mr. Chairman, that's what we propose. The only time that the licence then...it ends at the end of June. A new licence is issued in July and runs to next June. What the proposal is that a person who does not pick up his licence in the fall for some reason or another and maybe gets his licence in the spring with the idea of getting a spring bear, the same type of licence would be issued but that, naturally, just runs to the end of the spring bear season. But, if you obtained your licence in the fall, this covers birds, big game and it's the same type of licence only there is a notation on it what the licence is for. BILL #10

Mr. Shaw: Mr. Chairman, in the particular instance that I was referring to....it was that if you bought it on the first of June, it expired on the 30th, you paid your $5.00 just the same. It was very easy to administer. It was very easy for the public to understand and it was a sensible way of putting out licences and, therefore, you would have no such a thing as a resident bear licence at all. You could just scrath that off and include it in your big game category.

Mr. Southam: Mr. Fitzgerald, do I understand that you have this general licence....is that just $2.00? Do I understand this right?

Mr. Fitzgerald: Right now the resident hunting licence is $2.00, and that's for birds and big game. On this licence you are allowed two grizzly bear. On the proposed licence, we are trying to cut it to one grizzly. You take it either in the fall or in the spring. This is just a small step in conserving our game.

Mr. Southam: Why don't we do it like Councillor Shaw says. Make the licence $5.00. I think $2.00 is not enough and I don't think that anybody that hunts.....and do away with the $2.00 licence altogether.

Mr. Chairman: Speaking from the Chair, I believe we have already agreed on that. I would like to direct another question to Mr. Fitzgerald. Would it not then be in the best interest of all concerned to remove subsection (d) entirely as being not required in view of the fact that other licences are already being issued....other than making a special bear licence?

Mr. Fitzgerald: In this, we have involved, Mr. Chairman, a non-resident Canadian and a non-resident alien, where it sets out their licence for spring bear....$25.00 and $50.00. This has not been altered.

Mr. Thompson: Could Mr. Pearson give me any indication as to the population of the grizzlies we are concerned about.. if we are concerned about the depletion of the species?

Mr. Pearson: Mr. Chairman, I am afraid I can't give you any indication. Really, this was not put in to conserve the bear. This is not the start of a program to manage our grizzly bear population. It was just something that was giving Administration problems. It was a misnomer. We are just trying to clarify it so we can get some organization to know who is hunting bear and when they are hunting bear and things like this but it's not an attempt to really cut down the number of bear taken...this particular licence.

BILL #10

Mr. Thompson: Mr. Chairman, didn't Mr. Fitzgerald make reference yesterday to the fact that the specie is becoming extinct? Am I right in this?

Mr. Fitzgerald: Mr. Chairman, my information is that this is correct. Grizzly bear are not as readily available as they have been.

Mr. Thompson: Could I ask what the source of your information is? Is it Mr. Pearson, or is it game guides?

Mr. Fitzgerald: Mr. Chairman, with all due respect to Dr. Pearson, he is confining his efforts to certain areas in the Territory in his research and he probably has access too to the information where I have obtained mine and this is through guides and outfitters, trappers and prospectors and I would like to say again that the suggestion is, and I haven't discussed this thoroughly with Dr. Pearson, but the suggestion is why should a person holding a resident licence for the rate we have been charging be allowed to take two grizzly on this licence? We would like to confine it to one and this would be, in my opinion, a slight step towards maybe cutting back the take on grizzly.

Mr. Thompson: It would be then, Mr. Chairman, you would issue a licence and produce one tag. Is this the idea?

Mr. Fitzgerald: We would like, Mr. Chairman, very much to avoid getting into the tag business as long as we can. This costs money, more administration. We have had some abuses but we hope that they are few and we are naturally depending somewhat on the good sportsmanship of the licence holder to some extent to take one bear only.

Mr. Chairman: Another question from the Chair. If a resident had a hunting licence for the current year..licence period...and had shot a grizzly in the fall, is it then possible under subsection (d) to obtain a spring bear licence for an additional bear at the additional cost of $5.00?

Mr. Fitzgerald: This was not the intention, Mr. Chairman.

Mr. Chairman: But is it possible that this could be done?

Mr. Fitzgerald: Well, I suppose if a licence was issued here...the first one...and then he moved to some other part of the Territory and obtained another licence, it would be possible but it is not intended that you can be issued two licences in one season.

Mr. Chairman: Again from the Chair, what I am referring to is not that. I am saying that the licence to hunt bear obviously refers to spring bear and for a resident it is $5.00. In other words, for an additional grizzly...$5.00. It appears here that he can obtain another licence and go take another bear in the spring....for an additional $5.00.

Mr. Fitzgerald: We have had no problems with this in the past.....operate in the same manner.

Mr. MacKinnon: Mr. Chairman, I would just like to mention that this was thoroughly aired three Sessions ago and I believe at that time Council did more or less request Mr. Fitzgerald to have this particular licencing made active and I am well aware that the bear population is decreasing according to the hunters...the big game outfitters and the

Mr. MacKinnon continues:
guides and when the hunter buys one of these licences to hunt for trophies, I think that the bear is possibly the one that they get the least of. There's an awful lot of hunters who are disappointed in this respect and return back to their homes without getting a grizzly and I believe it is necessary....I would like to see it much stronger for the protection of bears in this particular way. I think that the outfitters feel very strong about this... that they can hunt for days and never see a bear where a few years ago they could pretty well guarantee a hunter to get a good trophy and it seems to be getting harder all the time.

Mr. Chairman: Gentlemen, what is your pleasure in relation to subsection (d)? Are you agreed that it remain as such? What is your direction?

Mr. Shaw: Mr. Chairman, I would like to....just first... it seems to me that the Director of Game intimated that subsection (1) of subsection (d)...a resident...$5.00... will be eliminated and that will be taken into consideration with the normal resident hunting licence. Is that correct?

Mr. Fitzgerald: Yes, Mr. Chairman.

Mr. Shaw: I quite agree with that, Mr. Chairman.

Mr. Chairman: Is this amendment agreeable to Committee? I would think that a Motion should be forthcoming on this matter if we are to delete any section of this Bill...it should come from Committee.

Mr. MacKinnon: Mr. Chairman, could we hear an interpretation from the Legal Advisor at this time?

Mr. Legal Advisor: Mr. Chairman, I can't give an interpretation without the framework in the form of a question. It seems to me that the Committee and the Administration must decide between themselves the function that this licencing section is to perform. Is it to perform simply a revenue getting function or is it to perform a game preservation function or is it to perform an administrative head count function so that you have some statistical information or is it to perform all three of those functions in greater or lesser degree? If it is to perform a preservation function, then I have to advise that nothing is achieved by this and on the face of it, there is nothing which would compel a man coming in the spring, after having had a fall bear hunt, from taking another bear. If that is what you want and if that is what the Administration wants, then it will have to be redrafted on that point...to limit it. This may not be what they want at all or what the Committee wants. On the wording as it stands now, it seems quite open to me to take two bears if we are talking about a black and a grizzly. I am having a little trouble at the moment in distinguishing between...to quote a Councillor recently...between the bulls and the bears on this thing and I wonder if the purpose of the licencing could be defined? Is it to be a revenue getting? Is it to control indiscriminate hunting? I will then see whether I could make some suggestion about the wording..... whatever the main purpose of the clause is.

Mr. Chairman: At this time I will call a short recess and possibly you could consider this question.

Thursday, 11:15 am
April 13th, 1967

ABSENT: Councillor Watt

Mr. Chairman: I now call the Committee back to order and Mr. Legal Adviser has asked some direction in reference to Subsection (d). Mr. Fitzgerald would you like to answer the question? BILL #10

Mr. Fitzgerald: Mr. Chairman, we would like to propose that under Subsection (d) the word "Spring" be added between "hunt" and "bear" and that (i) of Subsection (d) be deleted as we feel that this is covered under any other resident at the top of Page 9 under (b)(iv).

Mr. Chairman: Mr. Legal Adviser would this suffice at the moment?

Mr. Legal Adviser: My first reaction is Yes, it would eliminate the confusion which certainly existed in my mind. I think it would be safe to introduce this change.

Mr. MacKinnon: Well Mr. Chairman, I might ask a question to the biologist and through a statement that he made a while ago I think that possibly Council was led to believe that bear were not being depleted and harder to find and I would like to clarify that particular question.

Mr. Pearson: Mr. Chairman, if that was the meaning that was obtained from the words I said it was not what I meant. What I really meant to say was that what we are talking about in the Ordinance here is not a measure to conserve bears. I am not saying that we don't need some measure to conserve bears and I am sure that there will be some proposals for this in the future. I don't have the answer now but we all realize I think that the grizzly, not the black bear is in danger and something must be done which is what we have to determine but the discussion in the ordinance here about this licensing is not concerned with the scarcity of bears or anything else.

Mr. MacKinnon: Mr. Chairman: seeing we have one of the big game outfitters in the gallery I would ask Council's permission to call Mr. Derosier as a witness and further to this he has brought to my attention the dangers of garbage disposals especially around mining camps where it attracts the bears and then the bears are being killed off for no purpose other than for molesting the garbage dumps and I think somewheres in this ordinance we should set some very stiff regulations in regard to this particular matter and if Council will give permission I am quite certain that Mr. Derosier would be very enlightening to all of us in this regard.

Mr. Chairman: Well gentlemen I wonder if we could resolve this business of licences before we digress on to something else in the ordinance. I think this should be dealt with as a separate matter. I am wondering if with your concurrence we could conclude the matter in hand.

BILL #10
MOTION RE AMENDMENT: BILL #10 SCHEDULE A

Mr. Shaw: Agreed. Mr. Chairman, I have a motion I would like to propose. It was necessary to make it long and get it down. I tried to shorten it but it doesn't seem to be possible. And the motion would be that Subsection (d), (i) of Section 1 of Schedule A be deleted and that resident bear licence be incorporated into the normal resident hunting licence and that the word "Spring" be inserted between "hunt" and "bear" of the heading of the said Subsection (d).

Mr. MacKinnon: Now Mr. Chairman I wish Mr. Shaw would see fit to hold this motion aside until we go deeper into this particular matter and this evidently is the proper time to put more teeth in this Ordinance for the protection of bear which has been overlooked at the present time and actually your resident is the very very dangerous part of this ordinance and been very destructive against bear and it is not the non-resident - they don't get that many bear - but the resident is I believe shooting bear unnecessarily and as I pointed out before some of the main causes are caused by the garbage dumps that bring bear in and make them easy to shoot.

Mr. Chairman: Gentlemen, once again I would ask that we remain if we could to the matter of licence and then continue with any other matters as suggested by the honourable member. If we deal with one thing at a time it would be most appreciated by the Chair.

Mr. Shaw: What I am endeavouring to do Mr. Chairman is the fact that I am talking about the average hunter in the Territory, not the game guide or the non-resident but about the average hunter and I say this Mr. Chairman, that this is a resource of the Yukon and that the people of the Yukon should be entitled to utilize that resource; the residents of the Yukon are the ones that have the first charge on this resource. All I am endeavouring to do is to make this as uncomplicated as possible, that these residents that are entitled to it can utilize that resource in accordance with good game management. Now if the Department of Game feel that any specie is being dessimated, that reservation should be made to conserve this game under sound game management I am all for that. That does not appear to be a vital issue at the present time. All this motion would do is to enable a person, a resident who has first, and I say first, right regardless of non-residents, they have first right to the utilization of their resources. This would enable them to go out to get a licence which would include bear, which would include whatever the Game Department consider big game and it is as simple as that, nothing could be simpler, but I still maintain that the residents are the people that have the first chance with this resource of our Yukon Territory.

Mr. Chairman: Well is there a seconder to this motion?

Mr. Thompson: I wonder if I could hear the motion again Mr. Chairman?

Mr. Shaw: Mr. Chairman, would it be easier if I pointed out what is intended in the motion? In this Subsection (d)

we put "Spring" in between "hunt" and "bear". The next one is to cross out "a resident" - the five dollar hunting licence. In other words this will be incorporated in the normal hunting licence which we have up at the top. If a person has a licence for what is up at the top, he can also hunt bear on the licence, which I think is common in any of the provinces. It simplifies it and it does not create any dessimation of game or anything like that; it just simplifies the whole thing. It is a sensible way in my estimation of having a licence. I had to put in subsections so I will read the motion again: that Subsection (d)(i) of Section 1 of Schedule A be deleted and that resident bear licences be incorporated into the normal resident hunting licence, and that the word "Spring" be inserted between "hunt" and "bear" on the heading of Subsection (d). BILL #10

Mr. Southam: I will second the motion.

Mr. Legal Adviser: Mr. Chairman, I hope that I caught your eye before it was seconded. I wonder if the word "normal" could be replaced by direct reference to Paragraph (b)(iv) rather than say "normal" so that we pinpoint the exact one. I know we are all looking at it and we know which one the Councillor means but if he could refer to it by its section reference so that we have a future record?

Mr. Shaw: Mr. Chairman: Would Mr. Legal Adviser mean that I cross out "normal" and just have into "resident hunting licence referred to in Subparagraph (iv)"?

Mr. MacKinnon: Well Mr. Chairman, the motion has been introduced and I believe this would call for an amendment to the motion.

Mr. Chairman: Order please.

Mr. Legal Adviser: Well Mr. Chairman, I was trying to raise this point before it was seconded so that the mover could make the alteration without having to withdraw and do it again.

Mr. Chairman: Right.

Mr. Shaw: Well I will read this again Mr. Chairman. That Subsection (d)(i) of Section 1 of Schedule A be deleted and that resident bear licences be incorporated into resident hunting licences referred to in Subparagraph (iv) and that the word "Spring" be inserted between "hunt" and "bear" on the heading of Subsection (d).

Mr. Chairman: Does this conform Mr. Legal Adviser to the requirement?

Mr. Legal Adviser: That is what I wanted covered Mr. Chairman.

Mr. MacKinnon: Mr. Chairman.

Mr. Chairman: Order please Mr. MacKinnon. Mr. Southam do you agree?

Mr. Southam: I will second the motion.

BILL #10 Mr. MacKinnon: Mr. Chairman: I am very sorry that I did not have this right yesterday; when I wanted to change the wording of my motion it couldn't be changed according to regulations but Mr. Shaw's motion can be seconded, it can be changed and there is no question. It doesn't come in the form of an amendment and this is the reason that Mr. Watt has left this Council this morning and it is a one-sided situation. One group continue to do as they so wish whether this is within the rules or against the rules. I just want to make you aware that I am aware of the situation.

Mr. Shaw: Mr. Chairman.

Mr. Chairman: Order please Councillor Shaw. Just for the edification of Committee, when this matter arose the Legal Adviser signified his intention to me to speak as the Legal Adviser and the honourable member seconding rose at the same time. However, the Chair had recognized Mr. Legal Adviser at that point and the matter is closed as far as the Chair is concerned. I might say it is a very difficult job trying to resolve this problem and I would like that all members of Committee endeavour to be as helpful as possible and not obstruct the normal process of Committee. I am attempting to be abundantly fair in this matter and at the same time expedite the duties of the Committee in the manner best in the interests of the Committee and this is my ruling that the motion as stated may be considered as stated.

Mr. Shaw: On the matter of preferage, I did not change my motion, I merely changed the word to make it clearer. I did not change the motion.

Mr. MacKinnon: Well Mr. Chairman I wanted to change my motion respecting the wording to make it clear; it was a figure - instead of Section 22 it was Subsection 86 that I had asked to change and I did not have that right and I will assure you that this is not following our rules by any means and as I said before there is a certain group at this table does exactly as they feel like and is getting away with it.

Mr. Shaw: Mr. Chairman, the group at this table that is doing what it wants is the majority of Council, which is their right.

Mr. Chairman: Well gentlemen, we have a motion with respect of Section 23. It has been moved by Councillor Shaw and seconded by Councillor Southam that Subsection (d)(i) of Section 1 of Schedule A be deleted and that resident bear licence be incorporated into resident hunting licence referred to in Subparagraph (iv) and that the word "Spring" be inserted between "hunt" and "bear" on the heading of Subsection (d).

Mr. Boyd: Could I ask one question. Does this meet with the approval of the Game Commissioner? Do you see any obstacle if this motion is passed?

Mr. Fitzgerald: Agreed. BILL #10

Question called. Mr. MacKinnon contrary.

MOTION CARRIED MOTION CARRIED

Mr. Chairman: Gentlemen we must proceed to Subsection 2

READS SUBSECTION 2

Mr. Boyd: Might I ask, is this any different to what it has been, or what is the score?

Mr. Fitzgerald. Mr. Chairman, this could be an error; this licence to take live animals in the past has always been $1.00 and to export this animal from this Territory is an additional cost of $2.00. One and two. I just don't know how this $2.00 is listed here, it is supposed to be one. It could be a typographical error.

Mr. Boyd: The purpose of this $1.00 is merely to have a record of what people are doing, if the animals are taken out.

Mr. Thompson: Mr. Chairman, typographical error or not I think probably it is not going to hurt anybody to pay the extra dollar and I think $2.00 is far too low as it is but if it is just a matter of keeping the records of these things I suggest it remain.

Mr. Legal Adviser: Of course the licence to export still remains. We are only striking out the Section 11 - licence to take live animals for a dollar. So in fact the fee is going up by one dollar. But 12 still remains.

Mr. Chairman: Committee agree with this?

Committee: Agreed.

Mr. Shaw: I agree with this Mr. Chairman but I would like to raise a question. Would that mean then that if I wanted to capture a moose - I know that's a large undertaking - but if I wanted to catch a moose it would cost me $2.00 and if I wanted to shoot a moose it would cost me $5.00, is that correct?

Mr. Fitzgerald: Yes Mr. Chairman.

Mr. Chairman: Gentlemen, next is Subsection 3.

READS SUBSECTION 3.

Mr. Thompson: Mr. Chairman, could I ask one question. Does this in any way contravene the present licensing functions of the Territorial Secretary's office? Do they have existing licences for taxidermists or game farms?

Mr. Fitzgerald: As far as I know, my information Mr. Chairman is that the only licence they handle in connection with this would be a business licence.

BILL #10 Mr. Legal Adviser: There is in the business licence ordinance, they are designed almost to be complementary so that if you have a licence in connection with one ordinance then you don't as a rule need a licence under another ordinance. Now we have the advantage of Mr. Pearson here and he handles the business licence downstairs and if he can confirm what I am saying, that may dispose of the question Councillor Thompson has in mind. I don't look at the business licence very often so if I can just take a minute or Mr. Pearson can possibly confirm my suspicion.

Mr. Chairman: Mr. Clerk, can you add anything to this discussion?

Mr. Clerk: Yes. If licences are issued by the Game Department then we do not licence.

Mr. Chairman: Does this clarify your question Councillor Thompson?

Mr. Thompson: Well Mr. Chairman, Mr. Legal Adviser says that one complements the other. Is the cost of the business licence the same as the licence fees you are suggesting here or is there a variance or can I go down the street and get a better deal from the business licence department than from you?

Mr. Fitzgerald: Well Mr. Chairman, I'm not exactly sure what the cost of a Territorial business licence is right now, but if the private game farm licence pertains to holding animals for propagation of commercial purposes and we would like to maintain the control of these if possible as well as the taxidermist licence.

Mr. Thompson: I concur with the Game Director by all means. I think in comparison that these licensing fees are extremely low but I think that for something of this magnitude and this importance there should be a little more monetary value attached to them so that they will mean something.

Mr. Chairman: Mr. Clerk, do you have something further?

Mr. Clerk: I might clarify this further. We have in our ordinance in the 1961 First Session an enumeration of business licences issued. Section 38, if I might read it, says "Any business of any nature whatsoever not referred to in this schedule and in respect of which the licence fees are not imposed herein, nor by the provisions of any other ordinance." This is a $25.00 fee. Now if the Game Ordinance does provide for a private game farm licence it is provided for by another ordinance, consequently we do not issue a business licence under the Business Licence Ordinance.

Mr. Legal Adviser: To put it another way Sir I think they would get a better deal if they did their shopping for a licence at the Game Director's counter than if they went to the hard trading section.

Mr. Thompson: Well this is getting back to what I say. I think in the circumstances that in both of these instances a minimum licensing fee of $25.00 would not be out of line and I would therefore make a motion to this effect that

in Section 3 Item 16 and 17 should be amended to read $25.00, but as I say I would like to hear Mr. Fitzgerald's comments and Mr. Pearson's.

BILL #10 MOTION RE AMENDMENT: SECTION 23 (3)

Mr. Fitzgerald: Mr. Chairman: We have had several people in the Territory in the past endeavour to keep a few animals around the place of business along the highways where tourists would probably stop and take a look and show them to their families and what have you. However, this was never under the control of our ordinance and there were complaints about the way some of these animals were treated. Now the idea of this in the first place is to more or less be able to exercise more control over these animals, who has them in their possession, how they are treated, the pens provided, and so on and one of the reasons for suggesting the low rate was to see how this worked out and this also applies to the taxidermist licence. We haven't got a qualified taxidermist in the Territory and I felt that if we could make it attractive to a good taxidermist to set up business some place in the Territory I think it could develop into a real asset to the community and be beneficial to a lot of our local people and may be some visiting hunters. However again the question comes up, if the taxidermist was located within the municipality or within the City limits, would he also be required to comply with the byelaw and obtain a licence?

Mr. Tnompson: Yes.

Mr. Fitzgerald: I see. I don't wish to say that I am opposed to Mr. Thompson's suggestion, I am just trying to qualify the reason for the low rate in the first place.

Mr. Thompson: I would also suggest then Mr. Chairman that the majority of people probably in Whitehorse in view of the new rates that are coming in for keeping animals both male and female that they will come to you and get a game farm licence and be quite happy.

Mr. Boyd: I'm going to second Mr. Thompson's motion because a taxidermist, if he does anything, even though he is not a qualified one, for five dollars he can collect that off me and the first pelt man and from there on he's home free and if he's capable of doing a job, be it good or poor for a fee then $25.00 is little enough. And the same goes for the private game farm licence. This is not enough the way it is.

Mr. Shaw: Might I ask a question Mr. Chairman of the Game Director: are there any persons in the Yukon at all that at the present moment carry a taxidermist licence and if so where would they be located?

Mr. Fitzgerald: Mr. Chairman, we don't have such a licence at the moment or the handling of such a licence and there's a possibity that only one business licence covering such a venture is in existence, maybe Mr. Clerk can clarify that. I think this man is probably located at Carcross.

BILL #10

Mr. Shaw; Mr. Chairman, there was a fellow in my area who occasionally used to stuff a squirrel for somebody, or a small animal such as that. It was a hobby, not a business exactly and if he had to pay $25.00 for doing something like that, in fact I think even one person that took on the job also as a hobby of stuffing birds. Now they may have made a nominal charge for the transaction and if they then had to pay $25.00 for a licence for something like this I don't think that they would go into business because it would not be a large enough business, so that would mean that it wouldn't get done. I was wondering how it would work out in cases like this. I can quite understand a person that is a qualified taxidermist going into the business and carrying on as a commercial operation in an area such as Whitehorse, but these little odd places out in the sticks sometimes people do it more or less as a hobby and I am wondering how this would affect them if they charge five cents they would have to get a $25.00 licence?

Mr. Fitzgerald: Mr. Chairman, if I may speak on that, I realize that there are quite a few people who do this work as a hobby and I don't think it is intended that they would be saddled with a licence such as this.

Mr. Shaw: Mr. Chairman: As Mr. Thompson has stated that it should be a $25.00 licence for operating a business I certainly agree with him one hundred per cent. I was just wondering (inaudible).

Mr. Chairman: Anything further on this item gentlemen? I have a motion moved by Councillor Thompson, seconded by Councillor Boyd that Subsection 3 of Section 23 of Bill #10 be amended by increasing licence fees from $5.00 to $25.00.

MOTION CARRIED

MOTION CARRIED

Mr. Chairman: Gentlemen, the next section is Section 24.

READS SECTION 24

Mr. Thompson: Mr. Chairman, this is probably very clear but up to now I haven't had one of these search warrants served on me and I am wondering, there are quite a few initials around here. AB to me is an Able Seaman and CD is the Canadian Defence medal and CC has always been Canadian Club, so I am just wondering if you could give me some detail on this please.

Mr. Chairman: I believe this was just explanatory, is this correct Mr. Legal Adviser?

Mr. Legal Adviser: Yes, they are only demonstrative. Of course we could have put TGIF in there or something like that.

Mr. Thompson: Clear!

Mr. Chairman: Gentlemen, having read the Bill I will draw your attention to those items now which have been deferred for the presence of the Legal Adviser, and the first item is Item #5 respecting the transportation of game hunters or hunting gear by helicopter. Was there anything prior

to this gentlemen that I may have missed? I believe yes, there was a question in relation to vehicles on Subparagraph (3), of Section 1 on Page 1 of your Bill respecting vehicles. Does anyone recall what that question was? I believe Councillor Watt was the one who raised the question and he is not present. Are you gentlemen clear on this Section?

Committee: Clear.

Mr. Chairman: The next is Section 5.

READS SECTION 5

Mr. Chairman: Any question?

Mr. Shaw: Mr. Chairman I had a question there. I think I stated that I am also of the opinion, very much so, that helicopters should not be allowed to hunt game and so on. There was just one part that concerned me; that was Subsection 10A of Section 5 on Page 2 which states "No person shall transport game, hunters or hunting gear by helicopter." And I just thought that the wording of that would possibly, if you got an over-zealous game guardian, could easily mean that a person that was going prospecting for example could be misinterpreted that he was going hunting and it seems to be quite ambiguous, or not very clearly defined, and at the time my question was if the Legal Adviser could perhaps make this a little more specific. It seems to be quite difficult to me but that is Mr. Legal Adviser's profession and I thought he may be able to clarify this a little more.

Mr. Legal Adviser: Well Mr. Chairman, I don't think that I can make any suggestion to improve the wording but after all we are daily confronted with this question as to whether a man is hunting or not, whether he is doing it from a helicopter or whether he is walking through the bush with a gun over his shoulder. He may be carrying the gun for defensive purposes. The test does not lie in the mind of the game guardian, zealous or otherwise, but the matter has always to be sorted out on its facts in the Court in front of a magistrate if this does come to an issue, and then the magistrate, taking all the circumstances into consideration, taking a more dispassionate view than the game guardian out in the bush may take, he may very well come to the conclusion that the man was not hunting or that the gear was not in fact hunting gear, that it was just ordinary equipment of a man following a pursuit as a prospector would normally have gear;if he was a pilot of a helicopter, survival equipment. It would be for the Court to decide in the light of the person's conduct and the light of his conversations, the whole picture would have to be put together. So as it is, if we leave the wording undisturbed then the Court can make a decision. I don't think that I can, certainly not in the space of a half an hour or so, come up with any more specific wording. One has to repose some confidence in the ability of the Court to decide whether the man is hunting or not hunting.

MR. SOUTHAM TAKES THE CHAIR.

BILL #10

Mr. Shaw: To follow that along Mr. Chairman, we have to consider too I think the fact that the persons that are game guardians, and this is with all due respect, they do not have the same knowledge of law enforcement say, as the Royal Canadian Mounted Police and an over-zealous game guardian might charge this person and this might be a bonafide prospector; so this person is all primed up to go into the woods with this outfit for prospecting and he is called into court and we will say he is proven innocent. That same thing may have serious complications or results in the efforts that he was legally involved in. I just wondered when there was always that situation to consider, though he may be proven innocent he will have lost a great deal; he can't be reimbursed for it, so that's something to think about.

Mr. Taylor: Well Mr. Chairman, I concur with Councillor Shaw in this respect but I have several things I would like to point out in respect to this section. The entire section is extremely discriminatory but just before we retire or rise for noon recess I would like to leave with Mr. Legal Adviser a question which no one else in the building seems to be able to answer and that is in law we are specifying hunting gear, and how hunting gear can specifically in terms of law, how this can be distinguished from prospecting gear or the gear carried by one who is photographing game and I speak in terms of where the gear consists of a packsack, a sleeping bag and a rifle. Possibly Mr. Legal Adviser over the noon recess may be able to give some thought to this and I feel that in this particular aspect of the new Section 10A, this is very important that we should not put into law what cannot be defined. Insofar as the rest of the transportation of game or the transportation of hunters I still think it is discriminatory but as I say I will have more to say on this this afternoon.

Mr. Thompson: Mr. Chairman I wholeheartedly concur with Mr. Taylor that it is very discriminatory; it's not only discriminatory, it's dictatorial and I think this Section 10A should be deleted in its entirety and I think that in the existing ordinance where it says that "no person shall hunt game from or by means of an aircraft" this is fine but "nothing in this Ordinance shall be deemed to prohibit a hunter a trapper, a guide or an outfitter from making use of an aircraft" and I think it should be put in there "or helicopter as a means of transportation between the settlement in the Territory where he outfits and his principal base camp." And I think that that's the only change that's needed in this instance and as Mr. Taylor has pointed out, it is lunchtime and we will probably discuss this a little further afterwards.

Mr. Southam: Gentlemen, seeing the time I will now declare a recess to 2:00 pm this afternoon.

RECESS

Thursday, April 13, 1967.
2:00 p.m.

Mr. Watt absent.

Mr. Chairman: I now call committee back to order. We were discussing Section 5, sub-section 10 (a). We will now proceed, gentlemen.

BILL NO.10

Helicopters

Mr. Taylor: Mr. Chairman to get down to the meat of this matter, I think we should, without forming an opinion that this is necessarily good, we should look at this in its broad aspects and in order to do so we should take a look at the general situation as a whole. In the first instance we are speaking of a helicopter. Now, just what is a helicopter? It is a fixed-wing aircraft. A helicopter has capabilities that possibly a rotary-wing aircraft has capabilities that a fixed-wing type of aircraft does not have. I believe, though there is a fixed-wing aircraft known as a Super Cub that fast approaches some of the capabilities of a helicopter, with the exception of that capability of vertical landing and vertical taking-off, and otherwise you can land Super Cubs on mountain tops, you can drop flaps in the Super cub and slow down to about 30 miles an hour and do all the essential aerial reconnaisance work that you can do with a helicopter but possibly in a helicopter your visibility may be a little better and you don't have the big wing to worry about. Now I just want you to remember that in thinking about what I am going to have to say about helicopters and Section 5 of this Ordinance. Now, I'd like to take you back, gentlemen, to a problem that is giving most members, I think, a great deal of difficulty and that is where we are concerned about the use of helicopters, or in fact aircraft, or in fact most anything, but right now aircraft, in relation to hunting with these types of vehicles. I think that you will all agree that this should not be permitted to hunt from an aircraft and we have covered that by stating already, gentlemen, in this Bill - we have covered this, "all persons shall (a) hunt game from or by means of an aircraft', and this means herding sheep or game, it means shooting the game from the aircraft or what have you. And I just point out that this Section says that no aircraft - you cannot also, under (b) you cannot or shall from an aircraft in flight locate game birds or big game and communicate the location or approximate location thereof by any signal to any person on the ground, or in a vehicle for the purpose of hunting such game birds or big game. And then we make a little provision because we must make it possible for one segment of our society --the big game outfitter and the trapper and the hunter, of course, so we say nothing in subsection 1 shall be deemed to prohibit a hunter, camper, guider, outfitter from making use of an aircraft as a means of transportation between the settlement in the Territory where he is outfitted and his principal base camp. Now in Section 5 we are stating it is fine but he cannot go from his principal, or his settlement in the Territory to even his principal base camp in a helicopter. This, gentlemen, I would say, is discrimination, because it states no person shall transport game hunters or hunting gear by helicopter. You are saying, well we will let the fixed-wing operators haul this man but we'll certainly not let the helicopter people haul these people - maybe they don't need the revenue or maybe we don't feel that they should have the revenue. I just cite this as an argument, and it should be taken very closely into consideration. Now, all right, we have provided there shall be no hunting from aircraft and this means helicopters. We have found, though, that a Super Cub, you can

Mr. Taylor continues.

hunt from a Super Cub illegally just as you can hunt from a helicopter illegally. You can land, as I say, Super Cubs on mountains tops, you can haze game with them. It is capable of doing this. It is somewhat like saying in law, in logic, I saw this in a gun magazine, one of the master gun magazines that there was a vehicle which was capable of breaking the law cited there, and it happened to be a little appendage that man was born with, and they said that this was capable of rape and consequently it should be outlawed, and this type of attitudeyou can say here because there is a helicopter and it is capable of doing these things that we are going to outlaw. Gentlemen, I say the same logic applies. Think that one over. Now, we speak in terms of violations of the Ordinance. Well, I don't doubt in the very least that somewhere in past history that the outfitters themselves as in outfitting as in other segment of society we have good and we have bad, and it is entirely possible somewhere back down the train some outfitter shot a sheep for his hunter and nobody else is around, and saw a bigger one and possibly had taken the bigger one. I have heard of this being done in British Columbia and I have had knowledge of it being done in the Yukon in past years. It is a violation. Who is going to catch him. ....some of these people, even Game Guardians. All right, what about the guy in the aircraft? You say, well, by God, whose going to catch him? We'll have no more difficult time catching him than we will the guy on the ground. So, just bear that in mind. Now we say in the transportation of game - we say well we don't want these helicopters transporting any game meat- in other words if a hunter legitimately hunts, climbs a mountain stalks his game as other so you prohibit him from having a helicopter come and take his meat back to base camp or fly it home to wherever he is going. You say no, we won't allow that, but we will allow him to put this meat on a pack board if the man is physically able to handle a pack of 150 pounds or whatever he puts on this pack and we are going to make him run down through the bush and we are going to legislate that he'll have to do this - that we will not, under any circumstances, permit a helicopter to go up and assist this gentleman and bring his meat home. And I say, this is what you are saying here. You're going to prohibit this because you are not allowed to transport game, even if the game is taken in the right of the law, the proper terms of the Ordinance, honestly and honourably. I say, consider this, gentlemen. We also say, and we must recognize, that the helicopter and fixed-wing type of aircraft is playing an ever-increasingly, more important part in the development of the Territory. As a matter of fact it is these aircraft that are building the Territory - without the aircraft and without the helicopter we would be little further ahead. Now, as I say I also recognize that there have been abuses in the past. There will be abuses in the future but the way we are segregating this and discriminating here - what we're doing is saying well all these people do this and of course this is not the fact. Any day in the newspaper

Mr. Taylor continues.

or on the radio that there is an aircraft crash killing three people. Boy, you'll hear all about it. It will be in the headlines right across Canada even though maybe 200 people that day may have been killed in trafficeaccidents on highways. For some reason we single out the aircraft operations- the three people killed in the aircraft as opposed to the 200 killed on the ground in their cars. There is logic here- or is there. This is what's going on. We are saying helicopters, they are terrible, but are they as terrible as a fixed wing aircraft or all other forms of aircraft? Are they as bad as maybe shooting boluga whales from the deck of a submarine? It's discrimination. It would be like saying, well Weaver people put out a scope which they put on - this is the logic - which we put on a rifle and it is a ten power scope and this scope is an exceptionally good scope and gives the hunter an advantage over all other scopes so we should legislate that we should give the game a change that we shall not use a Weaver scope but you can use a Bushnel or anything else. The same logic can be applied to this - it is discrimination and where you would not discriminate as to type of scope you should not, gentlemen, in the interests of good and sound laws, discriminate in the type of aircraft. We have under Section 5 - just a few little points to think about - Section 5, sub-section 2 of our Ordinance which states: 'notwithstanding any other provisions of this Ordinance, game may be hunted and eggs of upland game birds may be taken by a person who needs the game or eggs to prevent starvation of himself and his immediate family. We provide for someone who gets into trouble in the north in order that he is not required to starve in any manner - I think ...inaudible.. we have lost men in the bush and the Game Department came into the Northwest Territories and the Police Department and took away the game that they had to keep them from starving - so as a result two of them starve, one blew himself up with dynamite in order - rather than go through the rigors of the final end of starvation and another two managed to be rescured just before they starved - and so we have a section that provides this. We also have another Section stating that we shall not leave game to waste in the bush - this has effect all through the Ordinance . So, when a person has taken game and maybe he ... a moose or a sheep or anything else.... and is finally picked up by a helicopter - you say, well leave the meat to rot - you are not permitted to bring that meat or to take it on to the next camp or to do what you will. This is illogical, gentlemen, It is illogical to say that a person is combining his fall hunting trip with a little prospecting session shall we say, in the bush, or something else and gets his game legally, gets his trophy and .... a helicopter is involved or a helicopter can move him from one point to another point and he has taken his game legally, there is absolutely no reason in this whole wide world why he should be discriminated against and told to leave his meat lay in the bush or find some other means of getting it out of there but can't fly it in a helicopter. There is no sense or logic to this. In British Columbia the hunter can be conveyed up the mountain in a helicopter. In B.C. you can haul hunting gear, you can haul game meat in a helicopter but in British Columbia you cannot hunt from them- the helicopter. You can't haze sheep and you can't do these other things. You have a situation whereby you have hunters

Mr. Taylor continues...

who are old, elderly gentlemen, who have great difficulty in going through the rigours of a horse party and a horse trip up the mountain - they can be conveyed by a helicopter. It has been brought to my attention by the Game Director that there is a move being made by the B.C. Game Department in an effort to have some -to have this situation changed-but this is a move to effect a change that has not yet been effected and may not be accepted by the Provincial legislature. Possibly on the very same grounds that we submit here. I also understand from private conversation that this particular section does not come from any Canadian law but it comes from the State of Alaska - from the Alaskan Game Laws and it is thought by, I believe, Dr. Pearson to be a good thing for our Ordinance and apparently that is where it comes from and possibly he could correct me later if I have had this wrong. We have a situation now involving the hunting gear - what goes into law should be quite defineable and if you walked out and said - and a Game Guardian arrested somebody and said, 'I charge this man with conveying in his helicopter hunting gear' and in fact the man was not a hunter, he was a prospector, he was a photographer, he was anything but a hunter, and that that man had a pack sack and a sleeping bag and a rifle they are normal things carried in the bush by all people in the bush, not only hunters - then the J.P. would look at this and say "well hunting gear" what does that mean, does it mean gear that is capable, or that you are capable of using on a hunt? How do you specify it? Maybe it is hunting gear- even the...in a helicopter, the kind of gear you take hunting so it must be hunting gear. It cannot be defined and if you say a compass is hunting gear, well then you can't carry a compass but there is one in the aircraft - this sort of thing. I cannot be interpreted. I believe Mr. Legal Adviser this morning made reference to a situation where the judge or the magistrate, or the judge, in his wisdon would try to determine the facts of this case, but unless it is spelt out and what is not expressed is not implied and what is expressed here is implied-hunting gear- but what is it? It is an intangible thing - you can't describe it - no one has been able to describe it yet and I don't feel that this type of terminology has any place in law. You have legitimate business enterprise going on. A helicopter, as I say, is playing as much a role today in the development of the north as the Norseman and fixed-wing aircraft have done in the past and as the dog team before it. I say, gentlemen, that it would be wise to delete this entire section in its entirety on the grounds that I have submitted to you, on the ground that it is entirely discrimatory and not in the best interests of the laws of the Yukon Territory.

Mr. MacKinnon: Well, Mr. Chairman, I don't know if I've learned anything from listening to Mr. Taylor; nevertheless I would like to ask a question to Mr. Pearson just in case he has had previous experience with this particular situation. Mr. Taylor is talking in favour of transporting equipment to and from the field. Now, we will take a hunter for instance, 220 pounds; possibly his guide 200 pounds; the pilot approximately 200 pounds. Now in order to use this type of machine or the average type of machine that we have in the Territory we plan to bring back a trophy and the meat. Would it be possible for a helicopter of this capacity to carry these three men plus the meat and trophy? As a point of interest I would like to have Mr. Pearson answer that question? Also, ..I'll leave it for a supplementary question.

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Dr. Pearson: Well, I can guarantee if you were hunting sheep and using what is the common aircraft which is a Bell G-2 and were setting up a camp, you would not get off with one trip but of course you could make more trips, but the cost is $90.00 per hour and there are very few people who will pay that money. Very few Yukoners use the helicopter as a hunting tool - there are a few, very few, and in fact I have talked to some in Whitehorse who have used it and they are fully in agreement with the proposed legislation. They do not feel that this is justified if this is the only way that you can properly control the misuse of the helicopters.

Mr. Chairman: Does that answer your question Mr. MacKinnon?

Mr. MacKinnon: Well, yes, I believe this is a very important factor in this particular case. Then I would suggest that the use of the helicopter is not practical for the transportation for hunting purposes. It is far too costly and it is not being used, and Mr. Taylor also brought up Super Cub for transportation. I doubt very much, in the years I have lived in the Yukon that I have seen gear transported by Super Cub and I doubt Mr. Taylor has either, unless it was his own pack sack, but I don't think it is possible. I also believe it is impossible to pretend and make it stand that the helicopter is a necessary feature in this particular Ordinance and I believe the Ordinance is laid out for the protection of the game. Some sections I do not agree with in this Ordinance - in this particular Ordinance I think it is very necessary and I'm working for the benefit of the country. I'm not trying to go against or go with any part of this country and I think it is wrong that any member should fall in stride at this time with any company wishes in regard to this situation.

Mr. Taylor: Mr. Chairman, I can't agree. I don't get his line of thought. It certainly isn't logistics. There are over, say 300 hunters every year come to Watson Lake district and everyone of them goes out in an aircraft with his gear, Super Cub, 180, Beaver, and some of them utilize helicopters to get themselves to camp. You are stating here - you said you are not going to permit him- you're legislating against people who have helicopters and there of course..increasingly more. You are saying any other type of aircraft but helicopters can have the business but not the helicopter. This is very discriminatory. If you said no person ahall transport game, hunters or hunting gear by an aircraft, fine, this is swell. There is nothing wrong with this at all except you shut down the outfitters. They'd have to start hauling their outfitters to base camp on horses or by means of a vehicle other than an aircraft, but don't segregate all aircraft. This is the object of the exercise. Mr. Chairman, I would like to move at this time that Section 5 of Bill No. 10 be deleted.

MOTION TO DELETE SECTION 5

Mr. MacKinnon: Mr. Chairman, I think that Mr. Pearson has made it quite clear that the helicopter is not a practical machine for transport of this gear and are we willing to listen to facts or are we here to satisfy our own egos. I would like to hear from Mr. Boyd: I think it only fair that we hear from every member at the table regarding this important Ordinance.

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Mr. Thompson: Mr. Chairman, I think probably the member of Watson Lake had fully expounded on the inequity of this Section and I don't wish to go to the extent that he did to make the point but I do concur with his thoughts and I would second his Motion with respect to the deletion of section 5 of Bill No. 10.

SECONDING MOTION RE DELETION SEC. 5

Mr. Shaw: Mr. Chairman, I have listened to some very good presentations in respect to hunting by helicopter - the various facets. Now, to me hunting is not something that should be done as easily as possible. I think it is something they do for exercise and do something different than travelling in the normal comforts of modern civilization. The technical achievements in the last number of years have made it to a point now where if we are going to use the various and sundry technical improvements we will have game eliminated in two years. In my area there have been many helicopters in the last number of years and there are many people - many of these people who go back and forth in a helicopter, are residents of some other place than the Yukon Territory and as far as they are concerned they have a job and what happens .... they couldn't care less and they have been, certainly, doing things that maybe weren't illegal at that time because there was no provision otherwise. But, if we will permit hunting by people getting helicopters you might as well forget about the normal form of hunting because myself, if I was very interested in getting a trophy I would ... by helicopter ..... the same as I do now and I have to go and stake an area many miles away - I'd say I'd get me a helicopter - that's a lot better than walking over ten miles of tundra and I've done lots of those ten miles on foot. On many occasion Mr. Chairman I have trudged off in the woods to..... property that took me three days of walking to get there and about half an hour to get there in a helicopter so I can assure you that my objection in the future, if I was hunting, which I won't any more, and lots of it, probably more than any member of this council, I lived on wild game during the depression for many years. I would take a helicopter and I would just ....inaudible.... and I would shoot whatever I had to and I'd yard it back in a helicopter and I'd be home in a couple of hours and..... and I'd have the horn that I wanted. We may say that this is discrimination and quite possibly, Mr. Chairman, it is discrimination, but we have to get to a point where it is sometimes necessary that discrimination has to be in effect for the general good of matters that are on hand --good of the public in general. We have game in this country and to me, persons as I stated before that (inaudible) are the residents of the Yukon Territory and those residents as a general rule cannot afford nineteen, two or three hundred dollars to buy a helicopter and I feel that if we should keep the hunting as close as possible - it's just what is, a sport - where you give an animal a little bit of a break in order to preserve these animals so we ....inaudible... That is what I feel in respect to this. There is only one section, Mr. Chairman that I cannot feel satisfied in this particular Bill and that is where the hunters or hunter - the interpretation of what would be hunting gear in a helicopter because I do feel in all sincerity, Mr. Chairman, that a

Mr. Shaw continues.

bona fide prospector, under the terms of this, could be yarded in front of the Justice of the Peace and accused of being a hunter so that is why I would not like to agree with this Section as it is, but I certainly cannot agree with rubbing that out. In other words, it's the lesser of the two evils is to have that remain there but I'm not satisfied that that remains there if it could be worded in some other manner because I still feel that every effort should be made for the general preservation of game and other things that fairly strict control should be used over these modern air devices. And I quite agree that some people would be very, very careful about this but if you let the wedge in to allow these people to do this and do that with helicopters, abuses, and quite considerable abuses would be made because I have known the people in my area who operate, run these things and travel back and forth and there are many, many of them who have a total disregard for many of the laws we have in the country.

Mr. Boyd: That oratory from Councillor Taylor, Mr. Chairman, a monumental bunch of words seemed to me to have only one thing - perseverence, and that is the use of the helicopter. There was no respect or regard s own for the game, absolutely none. He isn't one iota concerned about what will happen to the game. He states an airplane, a fixed-wing is about the same. In fact he indicates it is just as equal as a helicopter when it comes to hunting. I would like to ask him if this is so.... (inaudible). helicopter essential in the Dynasty area .... Obviously the helicopter has much superiority. And also, if British Columbia administration do accept the proposal that is before them I would assume then that Mr. Taylor would seem to think it would be in order for us to do it, but don't let us do it unless they do it first. I don't agree with this kind of thinking. I am thinking of the game. True, the helicopter, it can build this country, it is doing a lot towards building it but it can be just as destructive towards the game - the game hasn't got any fixed wings or rotary wings to fly with when these things appear. They are not birds so they have to trust to shanks pony and they are not sufficient to beat a helicopter. If somebody can show me where the game is not being unduly molested and can be protected then I can see where we can consider helicopters, but up until now it is generally accepted and it is proven in Alaska, and it is just as good a place as Canada as far as guaging their facts by, that the game took an awful beating. I don't want to wait until they give it a beating here before I start to protect them. I'd like to protect them now. So, even though it is discrimination - you are going to discriminate against the game if you allow it. It's simple. And if the helicopters don't get this business there isn't too much of it after all is said and done. They are not going to go broke. They didn't buy their helicopters on the strength of the business the game people provide for them. Maybe I could suggest a rewording of the "gear" as it simply said 'no person shall hunt, transport game or hunters by helicopter. This gets rid of defining what 'gear' is- you get the same answer. Certainly eliminates 'gear'. Unless someone can show me --if man was what he is supposed to be - he's a terrible creature and I mean what I say.

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Mr. Boyd continues.

When he gets a gun in his hand some of these fellows have no more respect for game preservation or anything else. They are murderers and they think nothing of shooting an animal, eating a few steaks of it, leaving it and going off. Now we are not all like that but these are the kind of people who cause the trouble and they make it bad for everyone. And in this case they are making it bad for the helicopters.

Mr. Taylor: Mr. Chairman, Councillor Boyd asked a question about the Anvil area and why the fixed-wing, if so good, why they don't use them and why they use helicopters. Well it was unfortunate when we were out the other day we didn't have a chance to show you some of the airstrips around the country. Especially during the winter time every lake and - foxed womg aircraft are in wide and continual use in the Anvil area as are helicopters. Helicopters are used to a great extent to land at drill sites and haul in supplies and this type of thing. And it needs no further comment. But Councillor Boyd has stated, he said he is trying to get at the guides who have no compunction about going up, killing game, taking a steak and walking away,- that is not a helicopter operator, that's man, as the Councillor stated himself. The only way you can do this is to take guns away from man-to keep them completely away, but not from any segment of man but all men, in other words don't discriminate and say we'll take it away from the boy scouts but we'll let the girl guides carry them. Take it away from all, to be fair. It has been stated that the helicopter is being painted at this table as an enemy, as a real enemy of civilization and in fact a helicopter is a dear friend of civilization because it is this same ogre some gentlemen would have it to be that does assist us in fire suppression in order to not only save timber but to save game - use it to restock lakes with fish. We use it in - I believe Dr. Pearson made, has been making proposals respecting a game inventory- guess what he is going to ride around in for that? Gentlemen, a helicopter, so that we can find out more about our game. Law enforcement agencies use the helicopter and so the helicopter is not really the ogre it is painted out to be. But it is, gentlemen, I say, being singled out discriminately. Now Councillor Shaw is having problems stating that he does not believe that anybody should be able to hunt in a helicopter. And I agree with Councillor Shaw wholeheartedly and I think Councillor Shaw has possibly missed my point because Section 10 - no person shall hunt game from or by means of an aircraft and that is it and he cannot hunt by means of it - you can't jump in a helicopter and go ramming about .... and blasting at sheep because if you are caught you are done. It states in this Ordinance already you can't do that but where we are having troubleis what a helicopter can fly - that's like telling him you can haul any kind of soup you want but don't haul Campbell's, because we won't let you. It's the same thing - you can haul a piece of meat in a pack sack and it may be good old Canadian beef but if it is moose you can't haul moose. As I say, this is,..why

Mr. Taylor continues:

not then say, apply it to all aircraft, why discriminate- why not say right across the ..... You can hunt with a Super Cub as easily as easily as you can with a helicopter and I say to you, gentlemen, if you are going to outlaw the helicopter, you must, you are duty bound to outlaw the fixed-wing category of aircraft, and without, as I say, discriminating and Councillor Boyd has also inquired as to why I am not concerned with game - I am as concerned about game as any member at this table. As a matter of fact the reason this Bill is here is at my constant urging that we get some necessary amendment to the Game Ordinance prepared and submitted for the consideration of council. And that is why I am quite interested in game. But I am not interested in legislation which is not in the best interests of the people. I do not encourage the adoption of Ordinances which are discriminatory. Gentlemen, we have all had experiences in discriminatory legislation here - we have deplored it at all times and here is another time, gentlemen, where we are discriminating. And I would like you to give it much, much thought before you accept any portion of it and this is why I suggested the deletion by motion. There is no place, gentlemen, for discrimination in any of our laws.

Mr. Thompson: Well, Mr. Chairman, we are back around to circles again but I cannot but agree with Councillor Taylor. I think, as has been pointed out, and Mr. Shaw and Mr. Boyd have made reference to, that, and Mr. Taylor has pointed out, that as the Ordinance stands no person shall hunt game from or by means of an aircraft and as I say, by the deletion of this Section 10 (a) or, Section 10 (a) of Part 5, item 5 on this, you are in fact leaving as much authority in the Ordinance and the only necessary change would be would be to add the words 'or helicopter' after an aircraft. It is an offence now to hunt from an aircraft so this is just an extension of the wording to cover a helicopter. Now, Now, the Game Director mentioned at one time this would be very difficult to police but I don't know to what extent this would reach - I think at one session I asked the Game Commissioner how many infractions of this Ordinance had been successfully upheld in court and if my memory serves me correctly there has never been an infraction of the Ordinance that has ... or anybody been convicted..correct me if I am wrong..so I..inaudible.. so I don't think this has a direct bearing on the ..this idea of having this Section inserted here and I would like to ask Dr. Pearson at this time - your remarks that this was put in at Dr. Pearson's insistance, I don't think this has been concurred or denied and I'm just wondering it it has been and would he enlarge on this - is this in fact from the American law or just why, why have we discriminated against this particular type of machine?

Dr. Pearson: Mr. Chairman, I don't think that all the credit or blame, whichever side you might be on, is entirely with me for bringing this piece into the Ordinance. I think it is a culmination of a great many people experiencing a great many alleged infractions of the Game Ordinance in the use of helicopters. I was involved in several of them

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Dr. Pearson continues.

very closely involved with them and we investigated these and we could not get a conviction because true, it is illegal to shoot game from a helicopter but where this is done is on the top of a mountain, perhaps in a little draw and there is almost never an eye witness and so then the gentlemen take the meat or trophy and they put it on the helicopter and they bring it out into civilization. Then somebody grabs them and says 'all right, where did you get this game from ?' And they say well, we camped, we camped on the top of a mountain, we cooked something to eat and looked up and the sheep were up on the mountain beside us so we climbed the mountain and shot the sheep and threw them into the helicopter. There is nothing you can do and this happens not just one instance, it has happened in several instances here last summer and this is only one summer. Another instance was the case of a pilot going into Alaska - a helicopter pilot employed in Canada - employed by a mining company, to go into Alaska and actually shot some sheep in Alaska. When he was stopped by some hunters or talked to some hunters he got away by telling them I had given him permission to shoot sheep in Alaska and they believed him and he took off and came back to Canada and they couldn't take him out. But they did investigate it. So when we became aware of all of these infractions going on and it is common knowledge that for every one you have personal experience with there are probably a dozen more going on - you just start asking a few of the people who are in the bush, prospectors and others alike and prospectors, by the way, are not against this. I don't think there are many prospectors who feel they are going to be mistaken for hunters because they take a gun and a sleeping bag. Many of the prospectors are very concerned about the killing of our wild life and the misuse of helicopters. However, the idea was how can we make this Ordinance such that we can prosecute people who do this. The only place we could find a workable Ordinance was in Alaska where they have this ..... who cannot carry hunters, hunting gear or game in a helicopter. This was taken word for word straight from an Alaskan Ordinance. One other thing is that the Alaskans have many more Super Cubs which is the next most efficient airplane to the helicopter and yet they don't feel that they are anywhere near as dangerous as a helicopter to their game population. Through a Super Cub you can haze sheep but nothing like you can with a helicopter, nowhere near as efficient as a ..... aircraft. That is how it ended up in our Ordinance.

Mr. Thompson: Thank you Mr. Pearson. One further question. You say you have had personal knowledge of incidents relating to these infractions and yet conviction was not possible because of lack of cooperation or witnesses or something. Are these so called fly-by-night helicopter operators or are they reputable firms who are in the area or are they - just what category do they come under. I mean, as Mr. Boyd pointed out, you don't buy an 80,000 or 100,000 dollar helicopter to go hunting sheep. That's for sure. By the same token I don't think the helicopter people who are in business should be deprived of any additional revenue that might be the difference between profit and loss on their year's operation so I'm wondering that, if in specific instances where you say you know the people, you may, how they know they have lied to you,

Mr. Thompson continues.

that they were in fact violating the Ordinance but without conclusive substantiating evidence weren't able to convict them but by the same token can pressure be brought to bear on the companies or the agents that these people are flying for or representing?

Dr. Pearson: Mr. Chairman, it is very difficult to bring this pressure to bear. The helicopter people recognize the problem. The owners are reputable helicopters and the management recognized the problem but there is such a tremendous shortage of pilots and of course there is always the out that you hire a pilot and tell him 'all right, no hanky pankying around - we don't want any infractions with our helicopters but that helicopter in essence is his and it is up to the integrity of the pilot and the pilot alone to follow the orders of the boss - and as it is under our present Ordinance if there isn't a chance in a thousand of convicting one of these fellows the guy really doesn't have to worry and then back to this case of the fellow in Alaska, he left the employ of the company immediately after that, left the territory but was immediately hired by another helicopter company in the southern part of Canada. Although I'm sure all this information about the investigation and the allegations by the Alaskan people is on his record and believe me it is permanently on the files of the Alaskan people if this gentleman should wander across the borderinto America any time and any place, the Alaskan people are going to want him in Alaska and I think they have the power to get him. The helicopter people are aware of the problem. It is just outside of the control of the base manager or the owners of these big helicopter companies.

Mr. Taylor: Well, I just can't quite agree. If there was a dozen or so incidents last season, last year, where a helicopter was involved in the destruction of game, would it not be safe to say for those ..... probably 200-300 other infractions committed in the Territory in relation to this. That would be my first question to Dr. Pearson.

Dr. Pearson: You were referring to infractions of other types, other than helicopters? There may have been, I cannot say. But my answer in reply to this, perhaps anticipating your next statement, is that two wrongs don't make a right.

Mr. Taylor: Mr. Chairman, what I'm getting at here is that you are discriminating against one particular segment of the economy and as I say, you are talking about maybe-you know two infractions, but you say maybe there are a dozen, and if there is a dozen we'll just assume that there is a dozen and very likely there isn't but we know of two incidents and yet there might have been two or three or five hundred infractions of the Ordinance - why not concentrate on any other segment of this , stating that nobody may take game or take the guns away from everybody or something, but rather do it equally across the board - take it away from all aircraft operators. Now we have stated

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Mr. Taylor continues.

here - it states in our Ordinance 'by means of an aircraft no person shall hunt from or by means of an aircraft'- it seems to me that gives plenty of latitude. You have stated also that the only place you could find that this law existed was in another country, wasn't in Canada obviously. The only place you can find it exists is in Alaska, which, as I say, is tied up to a great extent in national parks, national forests and state land and all this sort of stuff but I don't think that we at this table should discriminate to our legislation at a time when no one else in Canada has considered this. Now Councillor Boyd has raised this point. He said just because B.C. hasn't done this no reason to say we shouldn't. ....my idea. My argument is that for some reason this hasn't been done. What it is I don't know. And we certainly, - I doubt-we will find that reason out from our Game Department at this time. Possibly they don't know. What I am saying is that we should not discriminate until we are tabled to say let's not hunt game, ..we have provided for that, but let's not let the fixed-wing operators - any aircraft operators, transport game. Dr. Pearson has stated that it is up to the integrity of the helicopter pilot. But I submit gentlemen, that it is up to the integrity of the average citizen as far as this Ordinance is concerned- not only the helicopter pilot but everybody that goes and buys a hunting licence to have the privilege to take game under the terms of this Ordinance . We depend upon him too to have sufficient integrity that he does not break the law and (inaudible) and I don't think the argument that has been presented here on integrity and so forth bears very much weight. I really don't. You've just singled out one group for discrimination and I feel this is grossly unfair. Oh, just as a point of interest to Councillor MacKinnon, who had enquired earlier about what a helicopter will lift- .....3 D1..... will lift 600 pounds , depending on elevation a Bell 204B will lift 4,000 pounds.

Mr. Thompson: Mr. Chairman, I'd like to ask the Game Commissioner, he didn't have an opportunity previously to either concur with me or deny my statements with reference to infractions that had been dealt with under the law and I was wondering if he would tell me how many infractions to the Game Ordinance have been successfully led to conviction under this Ordinance.

Mr. Fitzgerald: Mr. Chairman, does that mean concerning the use of aircraft?

Mr. Thompson: Not specifically.

Mr. Fitzgerald: I don't know at this time Mr. Chairman, the greater majority of cases are dealt with through the police detachments throughout the Territory. We get copies, I think, of all the reports. I don't know how many cases. But I would say - I'm not sure of the exact figures but none that I am aware of concerning aircraft.

Mr. Thompson: Has any action been instituted by the Game Department with respect to violations of this Section 10 now written?

Mr. Fitzgerald: There have been no investigations carried out Mr. Chairman because it isn't legislation.

Mr. Thompson: No, no, the existing 10.

Mr. Fitzgerald: Yes, there was one case that I am personally aware of and I think that perhaps Dr. Pearson has some knowledge of this too. It was a fairly lengthy thing with numerous statements and what have you, but it was never in court. There could have been other which I have not got reports on - probably instituted by the police.

Mr. Thompson: But there are none to your knowledge.

Mr. Fitzgerald: None.

Mr. Thompson: Just one other point I would like to ask. I would like to refer back to some of Mr. Shaw's statements previously. He said that he was aware of - I think that is what he said - of violators of the Game Ordinance in his area and I'm wondering, am I correct in this assumption?

Mr. Shaw: I'm afraid this is not a correct assumption. I can't recall exactly what I said but I stated that people with helicopters shot game that I considered an abuse but it was not against the law to do it so it was quite all right. Do you follow what I mean? This was a new regulation to stop.... Up to this time you could go with a helicopter ....(inaudible) you can take a helicopter and you can land right close by the game - you can walk out of the helicopter - you can go and shoot the game - put him in the helicopter and go back. If you have a hunting licence there is nothing in the law to say - that will prevent that. I would like to pose a question, if I am correct in this-to the Game Director?

Mr. Fitzgerald: Mr. Chairman, I think that probably in one of these cases in particular sounds familiar to me. I think the excuse used was 'we were camped on this mountain looking at some rocks and what have you - we killed this ram and this where we got the ram'. They denied herding it up the side of the mountain and placing it in a position after playing it out, where they could shoot it. Land there and shoot it. The number of the machine, the people, were not identified although they were placed in the area. I think it was impossible to prove they actually herded the sheep with the aircraft, got them into proper position where the animal was killed and taken away. You see, under our existing Ordinance where it is permissible to use an aircraft to fly into an area to hunt - you recognize this- this is fine but ordinarily with a fixed-wing aircraft you still have a lot of climbing to do. The sheep has a chance , a good chance, but he has none with a helicopter. You can place them in any position you want. He has no place to hide. But this is the excuse they use and nobody

BILL NO. 10Mr. Fitzgerald continues.

could prove otherwise. This is what happens.

Mr. Thompson: You still haven't answered Mr. Shaw's question.

Mr. Fitzgerald: This was what I was referring to - aircraft. The point was that if it could be proved that this machine was actually used to haze, or a shot fired from it, but I don't think it is very likely, then of course I would feel there may be sufficient grounds to go to court - I'm not sure - it wasn't placed in the hands of my department.

Mr. Thompson: The thing that I'm trying to clarify here - now you say in specific instances you assume or somebody told you that they had got this sheep or ram into position that they wanted by running it up the side of the mountain or something and yet you say these people were not identified - the aircraft was not identified so then are you just assuming that this is what they did to get the animal? Or how, how are you.....

Mr. Fitzgerald: I'll put it this way, Mr. Chairman, I know this happened.

Mr. Thompson: Well then, why, why wasn't something done about it?

Mr. Fitzgerald: The court, Mr. Thompson, doesn't take my assumption as evidence. You have to have corroborative evidence.

Mr. Boyd: We have discussed this much more than what is actually necessary. There is a motion before us and I would like to make a motion but cannot do so until we have dealt with the motion already before us. As further thought I understand a pilot flew a helicopter into Dynasty last summer some time or maybe fall and he had a bear tied underneath the helicopter. I wonder how he got that bear. Did he get it because he had a helicopter and why did he get it. All this, these go on indefinitely, as you say so I would, Mr. Chairman, ask that you call question on the motion that is now before us.

Mr. Taylor: Just before this question is called, Councillor Shaw's question has still not been answered. Mr. Shaw indicated in his prefix to his question that it was quite legal for a helicopter to drop off a hunter while the hunter went and shot a moose or sheep or whatever it was and to return and just to dispel that this was legal - this was, I say, illegal under Section 10 (1) under the present Ordinance - no person shall hunt game from or by means of an aircraft. Is this not correct Mr. Game Commissioner?

Mr. Fitzgerald: I agree that that is correct but the excuse used here is that they fly into an area , put up a tent- it is my base camp - and I'm not referring to outfitters when I say this. I'm referring to any individual so he.... These people camped there and used the helicopter to get on the mountain and were camped there...

Mr. Taylor: I want to make this point clear for Mr. Shaw. ...would feel it was quite illegal to do this and it is still not legal to use a helicopter, by means of a helicopter to shoot from a helicopter or to step out and start shooting - anything of this nature, it is against the law to hunt

Mr. Taylor continues.

with a helicopter today and I want to make this straight because Mr. Shaw was under the impression it wasn't against the law and let's keep the game straight here. And it is also to be pointed out that whenever so required by a game guardian, - this is existing law - every operator of an aircraft who has transported an hunter, trapper, guide or air freighter shall make available for inspection by such game guardian any log books, records pertaining to such flight. If he fails to make these entries in the log books as to where he has been or what he is doing he can be fined by the - under the D.O.T. Aeronautical Act. But in any event it is now not legal to use a helicopter and I say again before the question is called gentlemen, that we give consideration to the deletion of this item. We are not talking about the hunting now. We are talking about the transporting of meat, the hunter and hunting gear. We are not talking anything about the hunt - the hunt is provided for. And this is discrimination, telling an operator what he can haul and what he can't haul. And if you do leave this I suggest you apply this to all aircraft, not just one type of aircraft - all aircraft, Super Cubs, Beavers, 180s helicopters, anykind of aircraft whatsoever, even Hovercraft if you want to get them into it. And we make sure that it is illegal then to take -- no person shall transport game hunters or hunting gear by aircraft and this is what you have to do, otherwise you discriminate.

Mr. Shaw: Mr. Chairman, I think I quite understand the law as it is but I will give give an illustration of what can happen and has happened and I will use myself as an illustration, for this particular purpose, Mr. Chairman. I decide I'm going out on a prospecting trip some place or any other kind of a trip and I hire this helicopter at so much an hour and on my way to where I'm going - this destination - I see a moose down below. I am the holder of a resident hunting licence. O.K. I say to the helicopter pilot put down here. So, I'm paying for the shot. He puts down there. I go shoot that animal and I put it in the helicopter. I continue about my business and get back. Now, who is going to prove away out in the sticks, that I didn't hunt that game in a legal manner? I doubt that it can be proved I'm very well aware of this situation. But when we talk about discrimination and discriminating against against helicopters, when you allow that you are discriminating against the average Joe in the Yukon Territory who can't afford this $105.00 an hour - I've never paid $90.00 it has always cost me $105.00 an hour. So you are discriminating against most hunters in the Yukon who can't afford this luxury type of travelling. So discrimination works both ways, and I think that the person who should get the most consideration is the person who lives in the Yukon Territory.

Mr. Chairman: Well, gentlemen, we have had considerable chin wagging over this Motion. At this time I think I will call the question on the motion, Moved by Councillor Taylor and seconded by Councillor Thompson that Section 5 of Bill 10 be deleted. Are you ready for the question. Are you agreed. Contrary?

MOTION DEFEATED

MOTION DEFEATED

Mr. Thompson: Well, Mr. Chairman, I would like my vote to be recorded as being unalterably opposed to this decision.

Mr. Taylor: Mr. Chairman, I would also like my vote to be recorded as being opposed to this.

Mr. Southam: At this time gentlemen I will call a recess.

Thursday, April 13, 1967,
3:30 p.m.

Commissioner Absent
Councillor Watt Absent

Mr. Chairman: Gentlemen, I will now call Committee back to order. BILL #10

Mr. Taylor: I have a question, Mr. Chairman, if I might ask, direct a question to Mr. Game Director at this time in the light of the fact that Council or Committee do not wish a Motion to delete Section 5 of the Ordinance. Is it then the intention of the Game Department in order to comply with law if it remains as such that no trapper may now use the facilities of a helicopter in transporting his fur or meat or anything in relation to trapping. Is this now prohibited, or this the intention of the Game Department that this will be effected.

Mr. Boyd: Well, Mr. Chairman, are we talking about trappers or hunters now. Does this have anything to do with this Bill in any way?

Mr. Taylor: Yes, because it states no person shall transport game or hunting gear by helicopter. And, a trapper is a hunter hunting game for food for his dogs and takes the health of his animals for resale. And somehow he gets lost in the shuffle. Could I have my question answered?

Mr. Fitzgerald: Well, Mr. Chairman, I do not believe that this is implemented and become and this becomes legislation. It certainly is not meant to interfere in any way with a trapper or his operations. If he is moving fur, destination of fur bearing animals doesn't include big game.

Mr. Taylor: Well, Mr. Chairman, fur is game. Wild game and this is automatically included under this Ordinance and also the movement of meat for dog feed or his own feed. It now prohibits the helicopter operator from utilizing the facilities of the helicopter. In other words, you have told the helicopter operators that they may no longer service the trappers in this respect. Is this correct?

Mr. Fitzgerald: Now, Mr. Chairman. You can service the trapper if the trapper wants to move fur. I don't see any problem there. Fur bearing animals are defined and so is game defined. And moose meat for dog feed is contrary to the Ordinance.

Mr. Taylor: Well, for his own consumption, Mr. Chairman. Man living in the bush lives off the meat. He doesn't run into Burn's Meat Market every second day to go get himself a slab of bacon or something of this Nature. You have legislated--by allowing this to stand, am I correct in saying he has limited use of the helicopter by stating he cannot transport game and regardless of what the Ordinance says, fur is fur and fur is game and hides are game. Hides of moose are hides of game, and must be considered to be game. And the meats for his own consumption cannot be now be moved by helicopter. Is this correct. It appears to be that way.

Mr. Fitzgerald: I would say Mr. Chairman, that this is

BILL #10 Mr. Fitzgerald continues...

correct. If a trapper asked me to transport game meat by a helicopter and this was possibly legislated, I would say no. Incidentally I don't know a trapper in the country that uses a helicopter.

MOTION RE 10(A) Mr. Boyd: I would like to move a Motion concerning 10A which says no person shall transport game, hunter or hunting gear by helicopter. I would like to amend that to "No person shall hunt, transport game or hunter by helicopter with the exception of hunters requiring medical aid".

Mr. MacKinnon: I'll second that.

Mr. Taylor: Mr. Chairman, this would be redundant. You say no person shall hunt from a helicopter. This is already provided for in Section 10 (1). This would be quite redundant. It is already there. You can't hunt game by helicopter. So this would be redundant.

Mr. Shaw: It seems all we are endeavouring to do is take away the section which states hunting hear so there is no confusion in respect to hunters and trappers and what not

Mr. MacKinnon: Clear, question on the Motion.

Mr. Chairman: Any further discussion, gentlemen? Well gentlemen I have a...

Mr. Thompson: Slow down--slow down. Lets take this again...

Mr. Chairman: This is exactly what I am going to do. Wake up you people. What's going on here. I have a Motion in front of me gentlemen moved by Councillor Boyd and seconded by Councillor MacKinnon. No person, shall hunt or transport game or hunters by helicopter with the exception of hunters requiring medical aid. Any discussion on the Motion gentlemen?

Mr. Taylor: Mr. Chairman, I would like the legal advisor to be present while we consider this particular Section. I just pointed out a few minutes ago and Mr. Game Director agreed if we do not permit these people to haul game, we are going to place an imposition on trappers who may use helicopters and may plan on making increasing use of helicopters. I think that we should be giving some consideration to this at this time.

RECESS Mr. Chairman: At this time gentlemen, while the Legal Advisor is getting here, I will call a short recess.

RECESS

Mr. Chairman: Well, gentlemen, I will call this Committee back to order again and we were discussing a Motion by Councillor Boyd. Any further discussions on this Motion, gentlemen?

Mr. Boyd: I would like to clarify a point with the Council. I have discussed this with the Legal Advisor and anyone else is quite welcome to do so as far as I am

Mr. Boyd continues...

BILL #10
MOTION RE
10(A)

concerned. But he does state that this wording is quite in order. He also has an idea concerning the present wording and I would like to ask you Mr. Hughes what is your idea concerning the present wording. Is this sufficient without an amendment?

Mr. Legal Advisor: Mr. Chairman, apart from the fact that there are members in the Committee that are troubled by the use of hunting here, feel that there should be a definition, I wouldn't be alarmed as to the proposed 10A. the way it is drawn. For instance, the point was made there is no specific definition of hunting gear. Well this is ture. But you are all familiar with the type of offence being found at night with house breaking implements. Again there is no definition of a house breaking implement. A screwdriver found in the hands of a man who has several convictions of breaking and entering and knows how to use it. It is a house breaking implement quite often. Or, just a ... and brown paper and a small stone to break a window. That's house breaking implement. Then the possession of an offensive weapon. What is an offensive weapon? A jack-knife a pocket knife? It is always a question of circumstances. Now, if you prefer the former wording suggested by Councillor Boyd, I have seen the wording there, I would recommend that to Committee. I think that it would achieve the main purpose equally well and it would at least get you away from this area of nervousness on the question of the meaning of hunting gear. Take that right out of the picture. So if you prefer that, I would be quite happy to recommend that wording to you and it does eliminate the problem raised by Councillor Shaw and Councillor Taylor, I think also makes the point. So, I would say to the Administration accept the proposed wording. I would say to the Committee, don't be afraid to go to the wording suggested by Councillor Boyd. I hope that clarifies the position.

Mr. Taylor: Mr. Chairman, I cannot agree. If you take any piece of legislation respectfully, Mr. Chairman, and you can place six interpretations on it then it is not good legislation. If someone was charged and taken before a Justice in respect to this Section, as it reads, lets take the hunting gear end of it. Now how is that Justice going to determine what hunting gear is if a trapper or if a prospector or a game photographer who packs the same gear--rifle, pack sacks and sleeping bags, are taken before the Justice. What is the Justice to think when he reads that. He could say I know the guy is not a hunter he is a prospector, so maybe I can't charge him here as the game guardian seems to think. But on the other hand looks at it and says by God, this gear he carries is capable of hunting with alright because he has got a rifle there. And, I guess if he wanted to he could hunt with it so he might interpret it and say I know the guy is innocent, but gee it says here that it is hunting gear and it is hunting gear if it is used to hunt. And charge him under it. This cannot be described. I have yet to find anybody who can describe to me what hunting gear is as opposed to prospecting gear. I'd like to draw your attention too gentlemen to both the proposed Motion and in the existing interpretation of this Section--No person shall transport game. I would like to tell you what game is under the Game Ordinance. Subsection G of subsection (2)--

BILL #10
MOTION RE
10(A).

Mr. Taylor continues...

Game means big game, fur bearing animals which are wild by nature and wild in the state of nature and includes the head, skin or any part thereof. And that means you discriminate against the trapper. It is now by accepting this or the proposed Motion you say that notonly is a helicopter operator not allowed to pack game or things which may be construed to be hunting gear, but you say also he is not allowed to pack any fur, he can't bring out a couple of bales of beaver in the spring to assist the trapper. I know this is done on many occasions. He cannot convey at any time any meat for a trapper when a trapper wishes to move from one area in his trap line to another and have the convenience of a helicopter. You have by accepting either one of these things legislated against him, the very person this Ordinance is supposed to be assisting. What is now in fact a dying industry. People...(inaudible)...around here. Here you legislate against him too. And it gets worse, and worse, and worse as you go. And I say to you gentlemen, the only thing to do is throw thing thing completely out. But please take into account what you are doing.

Mr. MacKinnon: Question on the Motion Mr. Chairman.

Mr. Chairman: Any further discussion on the Motion, gentlemen? Gentlemen, are you ready for the question on the Motion? Are you agreed with the Motion? Any contrary? The Motion is carried gentlemen.

MOTION
CARRIED

MOTION CARRIED

Councillor Thompson, and Councillor Taylor contrary to the Motion.

Mr. Taylor resumes the Chair.

Mr. Chairman: Is there anything further on Section 5?

Mr. Thompson: In this heated battle there is nothing in here about Skidoos yet. I am wondering if they haven't overlooked this, an item that they could conceivably outlaw as well.

Mr. Chairman: To whom do you direct that question?

Mr. Legal Advisor: Mr. Chairman, I don't know, but I think the definition of motor vehicle embraces the snow toboggan and that would be relied on by the prosecution in the way of Skidoos.

Mr. Chairman: Well, gentlemen, you next Section is Section 6, proposed 13(B) respecting inserting of game or parts thereof. Will you proceed with this Councillor Shaw.

Mr. Shaw: There is a question I have Mr. Chairman in reference to 13(B), on the bottom of the page. I am referring this to the Legal Advisor, Mr. Chairman. Which it states you cannot serve meals to hotels, logging camps, etc. etc. But, in other words there is a prohibition disallowing such action, and yet I believe later on in the regulations there is permission for the Commissioner to make certain exceptions. Now, in order to get the record straight I think this is quite fine. There are exceptions

Mr. Shaw continues... BILL #10

in which it is necessary to have the Commissioner's permission. But, can the Commission go contrary to the Ordinance when it states you cannot do this and yet makes legislation stating that he can. It is an academic question, Mr. Chairman.

Mr. Legal Advisor: Could I just have a moment. Because I find the question really isn't an academic one. It is an important question. Could I just have about one minute. In the meantime, I think the Director has some suggestion.

Mr. Fitzgerald: I beg your pardon, Mr. Chairman. Can I go up the the Legal Advisor's table for just a moment?

Mr. Legal Advisor: Mr. Chairman, Section 79 allows the Commissioner to exercise certain powers and it there allows him to permit the Paragraph G and that is in the green book on Page 492 in the Consolidated Volume, Section 79, Page 492 allows him to permit the meats of game to be had in possession and served in schools, hospitals or hostels in case of need and in hotels, or restaurants or dining rooms of clubs or other occasions or other organizations on special occasions. Now that is the authority for the exception. If you want to change that, then I'll certainly make a note of any of your comments. Page 492,

Mr. Shaw: Well, Mr. Chairman, if that is the case here I will be happy to know of...it seems somewhat confusing when it states that no person can and then later on some person can. I think it is very necessary to have regulations such as that. I have no objections to that. I am wondering how that could fit in.

Mr. Chairman: Are we clear? Gentlemen, the next, I believe the last item of controversy was Section 86E on Page 7 in Section 22.

Mr. Shaw: I did have objections to that. 86D I think is very good and 86E though I think in my estimation, Mr. Chairman, goes a little too far, where in one instance you have to have a warrant and the next instance for not--notwithstanding you don't have to have a warrant. In other words in 86D it is almost redundant except it doesn't permit you to get a warrant. I would understand certain authority be given when you are 25 or 30 miles away from the Justice of the Peace, that it may be a necessity for a quick look over things. But, for example it could happen right here in the middle of Whitehorse that a warrant, a man could go into a house and search it without a warrant because maybe he was too lazy to walk about ten blocks to go see the Justice of the Peace. And, it does appear to me that this is a little too much authority given to this particular Section and as I have stated before particularly to some persons that are not trained officers of the law. Myself, I certainly agree that we do not want people breaking the law and I think there has to be a little reason entered into in matters such as this. And, if it were 20 miles away from where a Justice of the Peace was, I could quite understand that. It would be impractical to get to a Justice of the Peace. But, not just a blanket not even a blanket search warrant. It is just a

BILL #10 Mr. Shaw continues...

little too much authority in my estimation, Mr. Chairman, and I think a little unnecessary.

Mr. Legal Advisor: Mr. Chairman, may I just indicate there are models on Section 65 of a Saskatchewan Game Act which has certainly been in existance there since 1963, and it simply says there and I think the words are almost identical. Where a provincial game guardian or member of the Royal Canadian Mounted Police has reason to suspect that game has been taken, a violation of this act or the Regulations and is concealed in any of the places mentioned in Section 64, that's rather similar to 86D. He may without warrant or legal process enter and search it. And if the game is found, may seize the game and take it before the Justice of the Peace. So that what is laid before you is not without precedence. It is a question for you to determine where you feel it goes too far and to decide accordingly. The Administration has felt itself I think compelled to bring this before you, if it is not laid before you then you can't discuss it. And when you have discussed it and you want to throw it out, you throw it out. This is the purpose of putting it before you. Not for the purpose of defending it as such, but for discussion.

Councillor Southam takes the Chair.

Mr. Taylor: Mr. Chairman, one of the first abuses I have heard and this was suggested before and turned down, in earlier days of Council, was that on an occasion or so, now this was some time ago, this wasn't in the present this was in the past. Some of the RCMP Constables in the outlying districts had used this in order to gain access to a building to see about bootleggers home brew operations and other things not connected with the Game Ordinance. But they used the matter of gaining access, I believe this was in the Game Ordinance and taken out, or something of this nature. I just forget all the details about it. But this is one of the reasons why it was either removed or that it was not agreed to because this was what could happen. And, I have been mulling through the Criminal Code, I haven't gotten all through it to try and find similar types of situations in which to relate this to. But I don't feel that a search without warrant in this particular case is warranted and I am just trying not-- this refers to a building, to a home, to a house and I can't say that I am at this time in favour of Section 86E.

Mr. Chairman: Anything further, gentlemen?

Mr. MacKinnon: Well, Mr. Chairman, I agree with Mr. Taylor on this particular point. I don't think we are going quite far enough. I also disagree on Section 86 arrest without warrant and I believe this is going too far also. I hope the other Councillors will comment on this.

Mr. Taylor: Mr. Chairman, Section 86 as already been dealt with. We are dealing with Section 86E.

Mr. Legal Advisor: Mr. Chairman, may I refer to Section 86 in that form of the Ordinance at present. That is not anything new.

Mr. Taylor: Mr. Chairman, I would like to move that Section 86E of Section 22 of Bill #10 be deleted.

BILL #10 MOTION RE DELETION SECTION 86E

Mr. Fitzgerald: Mr. Chairman, could I have an opportunity to say a word here please. No doubt members of Council know that privileges of search without warrant is not open to all people who have appointments under the Ordinance. The Game Guardian, myself or a member of the Royal Canadian Mounted Police who have had experience along this line and realize the responsiblity involved. Now, the matter of the police searching under the pretense of looking for game, they all have blanket search warrants to cover the liquor ordinance. They used to have and to cover home brew as I know it, is the Customs and Excise. The two different paragraphs or Sections cover a situation where probably a situation exists where a Justice of the Peace is readily available and in order to seize these particular types of things concerning the violation that you reasonably believe an offense has been committed where you would obtain a warrant. I just though I would point this out particularly as it pertains to Section 86E. But I agree with Mr. Taylor's remarks that it was in the Ordinance at one time and deleted some years ago.

Mr. Boyd: Mr.Fitzgerald, said deleted because of the reasons it was used for purposes other than what it was intended. In other words it was intended to run down game, but they were using it for purposes as stated to run down bootleggers and so on. Is this the reason it was taken out?

Mr. Fitzgerald: No, I wouldn't say that Mr. Boyd, because at the time it was taken out I think I was in the police force myself. This was never abused. I believe there is Councillor at the table who probably had something to say about it at the time it was deleted...

Mr. Legal Advisor: Mr. Chairman, may I just...perhaps I am going on...to restrictions. Council is obviously troubled and very rightly with this question. It is a rather difficult question. May I suggest that this be taken out. You are negative there and if in a year's time the Director of Game can bring back to you a record of cases where wrong doers have managed to get away with something which impresses you enough, to justify putting in this 86E then you can entertain that application then. Nobody wants to strain or cramp the freedom of the individual in any way, but if the circumstances should warrant a change then we would want to come back and say here are a dozen clear cut instances where violators were able to escape and I am sure Committee will look at the whole question again in the light of the circumstances. If I may make that suggestion, sir.

Mr. Boyd: I agree with the suggestion to a point... I would say possibly the Game Director could give us a dozen circumstances now or tomorrow if he so desires and it might leave us in a position where we could leave it in or take it out more knowingly.

Mr. Shaw: Mr. Chairman, I take a very dim view of people that are doing things illegally. That is not right and should be...(inaudible)... But on the other hand when you are permitting people just to walk into somebody's house--I don't think this constitutes a serious offence as to warrant such drastic action as would be necessary against the private citizen. I believe that when we have game regulations we must have peace in this. I subscribe

BILL #10
MOTION RE
DELETION
SECTION 86E

Mr. Shaw continues...

to that absolutely. ... I myself am very much concerned about Section 86E because it is too drastic for the offence that is involved and I would certainly feel that if this is taken out at this time if the occasion warrants it and sufficient evidence can be produced at the table, I would perhaps take another look at it. In view of that Mr. Chairman I will second the Motion to delete Section 86E.

Mr. Chairman: Any further discussion, gentlemen?

Mr. MacKinnon: Question on the Motion.

MOTION
CARRIED

Mr. Chairman: I have a Motion before me gentlemen, moved by Councillor Taylor and seconded by Councillor Shaw that Section 86E of Section 22 of Bill No. 10 be deleted. Are you ready for the question? Are you agreed? Contrary? I will declare the Motion carried.

MOTION CARRIED

Mr. Taylor resumes the Chair.

Mr. Chairman: Gentlemen, this brings us to all the points I believe that were raised. I wonder if at this time if there is anything further on the Game Ordinance, and if not why we will await the arrival of the new Ordinance with the amendments.

Mr. Boyd: One question. Each game guide, is now or will be a warden while he is in the field. Is he a warden while he is in the field at the--each game guide, in other words does he have to get your signature. I could be a chief game guide and take a stroll over the ridge knowingly but I might be a good horse rider. Mr. Chairman, do you sanction being a chief game guider is it automatic because ...deputy game warden, or is it automatic because he is a chief game guardian, automatically.

Mr. Fitzgerald: Well, Mr. Chairman, provision is every outfitter and chief guide is a deputy game guider and only holds that authority while in the field.

Mr. Chairman: Anything further gentlemen.

All: Clear

Mr. Chairman: I wonder if at this time Mr. Game Director and Mr. Pearson could be excused? Thank you, gentlemen. Gentlemen, we have concluded those Bills available to us with the exception of 5. However, we do have some Sessional Papers and we also have one Motion in Committee. Motion #9 related to time change. What is your pleasure at this time.

Mr. MacKinnon: Mr. Chairman, that is a Motion and it will be necessary to wait for the Commissioner to be here to discuss this Motion.

Mr. Chairman: Do you gentlemen agree?

All: Agreed

Mr. Chairman: Mr. Clerk would you determine as to whether the Commissioner is available at this time. Gentlemen, I will call a short recess. MOTION #9 TIME CHANGE

RECESS RECESS

Mr. Chairman: Gentlemen, I will call Committee back to order, and we have before us a Motion, Motion #9 moved by Mr. MacKinnon and seconded by Mr. Southam re time change. It is respectfully requested that the Commissioner establish a uniform time throughout the Territory. Will you proceed gentlemen.

Mr. MacKinnon: On advice from Haines Junction, I have made this request to the Commissioner and also on recommendation on behalf of Carmacks. Now the point has been made quite clear by Administration that there is a possible time change coming into effect in Southeastern Alaska. And, I understand that this has been taken into consideration by the Commissioner not to make any fast move in regard to this time situation until we were confident of what is happening in Southeastern Alaska. But in talking to the Head of the Advisory Committee at Haines Junction they are not concerned with the time change in Alaska. They prefer to have one time established and be on the same time as the capital city regardless of what the time might be. This is very inconvenient to have one time at Haines Junction and another time at Whitehorse. Because this is our main source. We do our shopping here and our banking here and such things of this nature and as you are well aware we are usually an hour or so late. I hope the Commissioner at this time sees fit to make some move in regard to equalizing the time situation.

Mr. Commissioner: Well, Mr. Chairman, we have done a considerable amount of work on this time zone situation because I find that travelling throughout the Territory the distances are very great and what is a good thing in one part of the Territory is poison in another part, Mr. Chairman. We initially had a Motion that Council here last fall we instituted certain conversations with the State of Alaska in this particular regard and we have a paper ready for Council. I am very sorry I thought that possibly this would be delayed until tomorrow and I will have this paper ready to table for Council in the morning Mr. Chairman and I think at this point it would be in order to answer questions that arise concerning time zones in neighbouring areas which really have just about as much effect on the people as what Councillor MacKinnon has indicated about the time in the capital as related to the time in other parts of the Territory. I would respectfully ask Mr. Chairman that perhaps Council would, I don't like to say delay because I know...delay anything, but could we possibly put this forward until a suitable time in Committee possibly tomorrow Mr. Chairman, when we will have the Sessional Papers tabled before you and I would be in a much better position to hear the whole thing. I am well aware of the fact that the Commissioner may establish time zones and everything else, but I am not about to make any midnight moves with regard to this matter at all until I has been thoroughly studied, Mr. Chairman.

Mr. Chairman: Gentlemen, would you agree that Motion #9 respecting time change be deferred until po sibly tomorrow morning?

MOTION #9 TIME CHANGE

All: Agreed

Mr. Chairman: What is your pleasure at this time, gentlemen? We will go to Sessional Paper #81. (Reads Sessional Paper #81 re Yukon Flag).

SESSIONAL PAPER #81

Councillor Watt enters Council Chamber.

SESSIONAL PAPER #82

Mr. Chairman: Clear? Did you wish to embark on Sessional Paper 82 at this time, Reference For Advice, Grade 13? I believe we were wishing to have Mr. Department of Education here when we discuss this item.

Mr. Commissioner: Would you let me know, and I would be very happy to have him.

Mr. Chairman: What's your pleasure gentlemen?

MOTION RE SPEAKER RESUME CHAIR AND HEAR REPORT OF THE COMMITTEES

Mr. Boyd: Well, Mr. Chairman, it is getting close to the hour of retirement and I would suggest that Mr. Speaker do now resume the Chair and hear the Report of the Committee.

Mr. Southam: I'll second it.

All: Agreed.

Mr. Chairman: Gentlemen, is it your wish that Mr. Commissioner be excused at this time?

Mr. Commissioner: Thank you very much, Mr. Chairman. Mr. Chairman, could I respectfully ask that perhaps Mr. Speaker would let me know what is on the agenda for tomorrow because Mr. Pickersgill is coming in in the morning and I would like to spend time with him and also he is meeting with Council in the afternoon, so if I had some way of informing him of what you will...

Mr. Chairman: As far as we know it will be Motion #9 first and then Grade 13 Sessional Paper.

Mr. Shaw: It is necessary for me to make arrangements with the Commissioner's office regarding Mr. Pickersgill so I will go after this.

Mr. Chairman: I have a Motion here moved by Councillor Boyd and seconded by Councillor Southam that Mr. Speaker do now resume the Chair and hear the Report of the Chairman of Committees. Are you prepared for the question? Are you agreed? Any contrary? I declare the motion carried.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: I will now call Council to order and hear the Report of the Chairman of Committees.

Mr. Chairman: Mr. Speaker, Committee convened at 10:30 am this morning to discuss Bills, Memoranda, Sessional Papers and Motions. Committee first dealt with Bill #10 with Mr. Commissioner, Mr. Game Director and Mr. Pearson in attendance. It was moved by Councillor Shaw and seconded by Councillor Southam that Subsection D, number (1) of Section (1) of Schedule (A) be deleted and that resident bear licence be incorporated into resident hunting licence

Mr. Chairman continues...

REPORT OF CHAIRMAN OF COMMITTEES

referred to subparagraph (iv) and that the word spring be inserted between hunt and bear on heading of Subsection (D). Motion Carried. It was moved by Councillor Thompson and seconded by Councillor Boyd that Subsection (3) of Section 23 of Bill #10 be amended by increasing licence fees from $5.00 to $25.00. Motion carried. Committee recessed at 12 noon and reconvened at 2 pm to continue discussion on Bill #10. It was moved by Councillor Taylor and seconded by Councillor Thompson that Section 5 of Bill #10 be deleted. This Motion was defeated with Mr. Taylor and Mr. Thompson contrary. It was moved by Councillor Boyd and seconded by Councillor MacKinnon that shall hunt, transport game or hunters except hunters requiring medical aid. This Motion carried with Mr. Taylor and Mr. Thompson opposed. It was moved by Councillor Taylor and seconded by Councillor Shaw that Section 86E of Section 22 of Bill #10 be deleted. Motion carried. I can report progress on Bill #10, Mr. Speaker. Motion #9 respecting time change was deferred in Committee until tomorrow morning. It was moved by Councillor Boyd and seconded by Councillor Southam that Mr. Speaker do now resume the Chair, and hear the Report of the Chairman of Committees. Motion carried.

Mr. Speaker: Gentlemen, you have heard the reading of the Report of the Chairman of Committees. Are you agreed to the Report?

All: Agreed

Mr. Speaker: Thank you. We now have the agenda for tomorrow.

Mr. Chairman: Mr. Speaker, we have gone about as far as we can with Bills at this particular moment. However we have deferred Motion #9 to Committee for tomorrow morning and we do have some Seesional Papers and no doubt there will be more coming in tomorrow morning. I would suggest Bills, Memoranda, Sessional Papers and Motions.

Mr. Speaker: Thank you. There is just one matter I believe the Commissioner informed us a little while ago that he would be meeting possibly Mr. Pickersgill tomorrow and if we could lay out the agenda now, we do have Motion #9. Is there any other particular matter you wish to discuss for example the next Sessional Paper refers to Grade 12 or 13?

Mr. Chairman: Yes, Mr. Speaker this is what I referred to in the Sessional Paper as we mull through them. After Motion #9 we could go on with Sessional Papers.

Mr. Speaker: Thank you. Are you agreed to the agenda.

Mr. Thompson: Mr. Speaker, Mr. Chairman mentioned the fact that the Superintendent of Education would be required and I am wondering whether he could be advised on this, the discussion on Sessional Paper 82 tomorrow or 83 and be informed that his presense will be required at approximately 10:30 or 10:45.

Mr. Chairman: Mr. Speaker, this is a very good point that

REPORT OF CHAIRMAN OF COMMITTEES

Mr. Chairman continues...

I overlooked. But in light of the morning activity I would suggest that possibly he could be kept on standby. It would only take him a matter of ten minutes to come from his office to here. He could be just informed that sometime tomorrow he would be requested to join us for the discussion of Sessional Papers.

Mr. Speaker: Sounds reasonable. Are you agreed with that gentlemen?

All: Agreed

Mr. Speaker: What is your pleasure now at this time.

Mr. Watt: Could I ask that when we have discussions with Mr. Pickersgill, is there any particular topic he has outlined that he wants to discuss with us, possibly I could review the matter tonight?

Mr. Speaker: Well, in answer to that question, Mr. Watt I have a letter here in relation to the time he would be with us. I think it is about 3:30 or something I would have to look up the paper, but I will inform you of the time tomorrow. But this will be strictly an informal discussion as far as I am aware of.

Mr. Watt: Thank you

Mr. Speaker: It will probably be over a cup of coffee or a cup of tea around 3:00 pm. Have you anything further gentlemen?

MOTION RE COMMITTEE ADJOURN

Mr. Boyd: I would move we call it five o'clock Mr. Speaker.

Mr. Southam: I'll second the Motion, Mr. Speaker.

Mr. Speaker: It has been moved by Councillor Boyd and seconded by Councillor Southam that we call it five o'clock at this time. Are you ready for the question? Are you agreed to the Motion? Are there any contrary?

MOTION CARRIED

The Motion is carried and this Council stands adjourned until 10:00 o'clock tomorrow morning.

MOTION CARRIED

Mr. Speaker read the daily prayer and Council was called to order.

Mr. Speaker: Is there a quorum, Mr. Clerk?

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: Have we any correspondence this morning, Mr. Clerk?

Mr. Clerk: Mr. Speaker, we have Sessional Paper No. 87. This is the copy of the letter received from the motel and hotel owners on the Alaska Highway North, which was tabled two days ago in Council. We also have Sessional Paper No. 88 re Time Zone, Yukon Territory, in answer to Motion No. 15 of the last Session. That is all I have this morning, Mr. Speaker.

SESSIONAL PAPER #88

Mr. Speaker: Thank you, Mr. Clerk. Is there any further correspondence? If not, we will proceed to Reports of Committees. Have we any Committee Reports this morning? We have no Bills this morning so we will proceed to Notices of Motion and Resolution. Have we any Notices of Motion and Resolution?

NOTICES OF MOTION

Mr. Boyd: Mr. Speaker, I beg leave to give Notice of Motion concerning exchange charged by banks. #15

Mr. MacKinnon: Mr. Speaker, I beg leave to give Notice of Motion re Nominal fees. #16

Mr. Watt: Mr. Speaker, I beg leave to give Notice of Motion re appointment of Mr. Ben Sivertz, former commisssioner of the N.W.T., to head the Carruthers type commission to make recommendations for changes in Government in the Yukon Territory. #17

Mr. Speaker: Thank you, Mr. Watt. Have we any further Notices of Motion and Resolution. If not, we will proceed to Orders of the Day. The first item is Notice of Motion for the Production of Papers. Have we any Notices of Motion for the Production of Papers?

NOTICE OF MOTION FOR PRODUCTION OF PAPERS #4

Mr. Watt: Yes, Mr. Speaker, I have Notice of Motion for the Production of Papers respecting allowable expenses re Territorial Councillors.

Mr. Speaker: Are there any further Notices of Motion for the Production of Papers? If not, we will proceed to Motions for the Production of Papers. We have No. 2, Mr. Thompson, Liquor Prices.

MOTION FOR PRODUCTION OF PAPERS NO. 2

Mr. Thompson: Mr. Speaker, moved by myself and seconded by Mr. Southam, re Liquor Prices. "It is respectfully requested that comparable figures on liquor prices in British Columbia, Alberta and Ontario be supplied Council and that the various taxes in connection with these prices in each Province be identified."

MOTION CARRIED

Mr. Speaker: We next have Motion for the Production of Paper No. 3, Mr. Thompson, Water & Sewer Costs, Crestview.

MOTION FOR PRODUCTION OF PAPERS #3

Mr. Thompson: Mr. Speaker, moved by myself, seconded by Mr. MacKinnon. "It is respectfully requested that Administration produce figures concerning the proposed installation costs of water and sewer services as applicable to the Crestview Subdivision".

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: That completes the Motions for the Production of Papers. We next proceed to Motions. We first have Motion No. 11, Mr. Boyd, Sales Tax.

MOTION #11

Mr. Boyd: Mr. Speaker, Motion No. 11, moved by myself and seconded by Mr. Southam "That Administration consider the feasibility of imposing a 5% sales tax against non-resident construction companies on the value of the equipment brought into the Yukon who operate in the Yukon from time to time." May I proceed?

Mr. Speaker: Proceed, Mr. Boyd.

Mr. Boyd: If a construction company from the Yukon bids on jobs in British Columbia and should he be successful in getting the contract, when he moves his equipment down there, he is immediately charged a 5% sales tax before he can turn a wheel so we don't stand much of a chance of doing business in British Columbia. Now, at the moment, I think there is something in the neighborhood of four million dollars worth of contracts let to construction companies other than those in Whitehorse and I understand that these companies are paying $1.00 an hour less than the going rate in the Yukon. That is for heavy duty operators. They employ help from the province from which they originate. The employees return to that Province and take all their money with them and so does the contractor. None of it is really left in the Yukon. Our own construction companies...they leave their money here. They spend it here. Their employees are residents of this Yukon and they in turn keep this country moving along. They are an asset and it seems to me it is only fair that something of this nature should be imposed, otherwise another angle would be to request that these people do pay the Yukon rate and hire Yukon help where it is available. Now, this Motion simply asks that Administration consider the feasibility of imposing this 5% sales tax and I think there is no need for me to go further. I have made the points clear that I have in mind and I would like Council's concurrence.

Mr. MacKinnon: Well, Mr. Chairman, it sounds very good in a way, but on the other hand we find that many of the bids at the present time are of a ridiculous figure on a per footage basis for construction of new buildings and this would possibly.. we will say for instance on a million dollar contract, I don't think the contractor would expect to end up with 5% profit on the overall construction job but by imposing this on a non-resident contractor, then you are pretty well leaving it within the hands of the local contractors as they see fit - bid anything at all. You either don't get the building built or you pay three times what it is worth. I understood from a conversation in Ottawa last winter that they had to discontinue the building of their own buildings for several years on account of the bids being placed about twice what they are actually worth. I believe that at the present time this is about the only protection that we actually have against

Mr. MacKinnon continues: MOTION #11
this...a little competition from outside firms. I hope everybody takes this into consideration.

Mr. Boyd: Mr. Speaker, could I clarify a point that Mr. MacKinnon seems to have missed? The tax I am asking to be considered is on the value of their equipment - not on the value of the contract.

Mr. Taylor: Mr. Speaker, in relation to this Motion, I commend the Member for his attempt to obtain revenues to the Territory but I must point out that this 5% sales tax which is charged against value of equipment in British Columbia is part of an overall 5% sales tax program and this, of course, is not desirable in the Yukon Territory, at least in this non-autonomous state. I think what would be more beneficial to the problem is to go back to our old proposal whereby we had a preferential bid consideration policy in the Yukon where a local bidder in some local area of the Yukon would have a 5% bid margin on the bidding of contracts in that area or where Yukon contractors would have a 5% preferential bid consideration in relation to Yukon projects. This has continually been turned down by Ottawa on grounds that....of course there are Federal monies involved and Federal people must be able to participate. I also submit that the 5% sales tax levied on equipment brought into the Yukon is certainly going to do nothing to solve the labour problem as suggested by Councillor Boyd and I would finally submit that tax considerations, Mr. Speaker, are a matter which can only be resolved by a firm agreement with the Federal Government and the Government of the Yukon Territory by virtue of a fiscal agreement and this, of course, has not yet been forthcoming and this is what we are waiting for but in relation to this Bill, I could not consider at this time, especially in view of the fact that we have no knowledge of what the other tax considerations might be in this forthcoming agreement. I would, for both those reasons, vote negative in relation to this Motion.

Mr. Watt: Mr. Speaker, I won't vote on this particular Motion but I am certainly free to comment on it but I feel I have a pecuniary interest because I have a little bit of equipment that might be considered as competing with this type of equipment but there are a couple of comments that I think Council could consider. One is that I agree with the point that Mr. Boyd is trying to make but he is going to have difficulty making it because a large number of the people that he is trying to get at are actually resident entities here. They are legal entities and they have an office open here in the summer time...they are registered companies here but some of them don't have a person living here right now or an office open but they are what you might call Yukon companies. They are registered companies. They are registered in the Yukon. Maybe in summing up he might clarify this. He may have something on it. I agree with the point he is trying to make here and this is one thing I am certainly concerned about and I would overwhelmingly support it if I could, particularly if it were amended along the lines to suggest that if this sales tax were levied in lieu of or instead of occupancy tax. This would possibly create some of the extra revenue that we need so that we could offset this occupancy tax. Mr. Speaker, I am going to have to not vote on this because I consider I have a pecuniary interest in the subject under discussion.

MOTION #11 Mr. Southam: Mr. Speaker, as seconder of the Motion, I have seen quite a few of these construction companies in operation around our neck of the woods where most of the work....construction...is done by outside firms. They get a lot of leeway. They get a lot of advantages that Yukon people don't get. They get concessions here and concessions there and it is my thinking that while the tax on the equipment I don't think is out of reason and also I agree with Mr. Boyd that you should write something into the contracts whereby they hire local people as much as possible which is pretty near impossible. I will admit that too. I think that in future something should be done to either give the people in the Yukon a little preference on these contracts. People with big equipment that can do these jobs....it seems to me that every job I have seen lately, they have been outside contractors - firms from Edmonton, Alberta, or elsewhere. Your road jobs - you can name them all. It appears to me that it is practically all outside firms and the difference may be just in this thing that we are talking about.

Mr. Thompson: Mr. Speaker, speaking on this Motion, I feel that the intent is genuine. The timing is excellent but the procedure is a little dubious. I feel, as Mr. Taylor has pointed out, that in view of a non-existent financial agreement that we are being a little premature in this matter but I think this should be actively kept in mind that conceivably something of this nature could be imposed to gain tax relief for the rest of the Territory. I can't agree with the Motion at this time but I think that in due course something of this nature will perhaps reap the Territory a considerable amount of revenue, but I think that until such time as our financial agreement has been put before us and clarified so we know just where we do stand, we should forego this for the time being.

Mr. Boyd: Mr. Speaker, my intention in the first place was to get an expression from Administration - something that would have a few facts and figures and learned thoughts and it might take from now to next fall to get some action on this and it seems to me that it makes little difference at the moment whether we have an agreement before us or not. All it is is an expression of opinion that is being asked for but if we have it, or if the next Council have it, they can then be in a position to proceed further rather than leave it until, shall we say, next fall. It may not even get brought up. I don't know but certainly a year would be lost but if we can deal with it now....I am not asking for any action....just an opinion.. I don't see where the Agreement is going to affect this at all.

MOTION #11 DEFEATED

MOTION DEFEATED

Councillors Southam, Taylor, Thompson and MacKinnon voted contrary. Councillor Watt abstained.

Mr. Watt: I would like to go on record as abstaining for the reasons stated, Mr. Speaker.

Mr. Speaker: That will be recorded in the Votes and Proceedings Mr. Watt. We next have Motion No. 12, Mr. MacKinnon, Compensation.

Mr. MacKinnon: Mr. Speaker, this is Motion No. 12, moved by myself, seconded by Mr. Watt, re Compensation. "It is respectfully requested that the Territorial Administration take steps to have the headquarters for the Yukon Workmen's Compensation Board immediately transferred to the Yukon Territory". May I proceed. MOTION #12

Mr. Speaker: Proceed, Mr. MacKinnon.

Mr. MacKinnon: I believe everyone at this table is well aware that it is time this particular office was situated in the capital city of the Yukon. It is very unreasonable. In fact, it's just unreasonable as having our Unemployment Office in Prince George. It has proven itself not to be satisfactory... the Compensation Office where it presently is located...is not a very satisfactory circumstance for the people of the Territory. We have had considerable correspondence in regard to compensation claims as brought before us by the Member of Parliament, Mr. Nielsen, and trifle matters such as this could be dealt with fairly if the office was located right here in Whitehorse.

Mr. Taylor: Mr. Speaker, I know of no Yukon Territory Compensation Board unless maybe I'm.....I understand that we use the services of the Alberta Compensation Board and that we have a referee there that decided on these cases and I believe the rest is straight administration. Might I ask Mr. Clerk possibly if we do in fact have a Yukon Workmen's Compensation Board.

Mr. Clerk: No, Mr. Speaker, we do not have a Board. We use the services of the Alberta Workmen's Compensation Office referee. Our office in Edmonton is an administration office.

Mr. Taylor: Thank you, Mr. Speaker. With that being the case, I certainly could not agree with the Motion. I think the intent was good...to try and get a Board set up in the Yukon is something that all Council have tried to do for many years and though we have an Ordinance, Mr. Speaker, we find some failings with it involving itself around funded programs and insurance rates and so forth but there being no Compensation Board to move to the Yukon, I therefore couldn't support the Motion.

Mr. Watt: As seconder of the Motion, I was aware that we didn't have a Workmen's Compensation Board but our claims go through our Workmen's Compensation Board that do not have a headquarters in the Yukon Territory and they should have a headquarters in the Yukon Territory. Whether it is called a Yukon Compensation Board or Yukon and N.W.T. Compensation Board or just a N.W.T. Compensation Board or an Alberta Compensation Board, it is still in fact, if not in name, a Compensation Board for the Yukon Territory. It is a Yukon Compensation Board and it should have a headquarters here. This is why I seconded the Motion. I carefully considered it and I think it should have the support of Council. I think we all agree that something should be done about Workmen's Compensation and the main problem involved is getting this closer to home. This is one of the main obstacles that we have to overcome. I therefore respectfully request that the rest of Council support this Motion and I think a lot of good can come. There are very few Motions that are ever made, Mr. Speaker, before this Council that cannot be turned down or some excuse cannot be found or some trivial reason for...some excuse found for turning it down...either a technicality or a name or some such thing. I have a letter here from the Workmen's Compensation Board of Alberta and they have an officer,

MOTION #12 Mr. Watt continues:
Mr. Post, Northwest Territories and Yukon Workmen's Compensation Officer. You have a Workmen's Compensation Officer who has no headquarters here and this officer is part of a Compensation Board and our claims go through the Compensation Board. I respectfully request that this Motion be passed so that the intent of it can be acted on by the Administration so that they can make provision for this if possible or come back to Council with an answer why. This gives them the freedom and the leeway and the approval of Council in principle through the establishment and the increase of compensation services at the grass roots and right here in the Yukon Territory closer to home.

Mr. Southam: Mr. Speaker, I don't know very much about compensation but there is one thing that I do know that this letter that we have from Mr. Nielsen which my Right Honourable friend on my right here referred to - there's nothing to it. If you have a safety engineer on the property which you are supposed to have and so on and investigate these things, you will find out that a lot of these things that we are talking about have no background to them. Coming back to an office in the Yukon Territory, are you prepared to lay out a couple of million dollars and start a compensation fund? This is what you've got to do if this is what you are talking about. Now the Yukon Northwest Territories in agreement with the Alberta Government have the facilities and the use of the Federal Building in Edmonton where the Compensation Board is located but your compensation in the Yukon Territory and the Northwest Territories is operated and run by the Prudential Assurance Company. These are the men that pay your claims. These are the men....this Mr. Post he is talking about. I know Mr. Post. I also know Mr. Pratt and I know quite a few of these people. I have had dealings with them for the last five years. I know what I am talking about. Now, if you want to start a Compensation Board in the Yukon Territory, you must be ready to pay out and lay out at least a fund of from one to two million dollars before you can do anything. In the meantime, until you get this fund ready, I think you would be far better to stay the way you are. There is no great trouble. We've handled all kinds of cases. I've handled all kinds of cases that have been processed to the satisfaction of all concerned. It's not that difficult at all. I can't understand why, at the present time, why you want a head office in the Yukon Territory unless you are prepared to lay out the money. This is what it is going to take. It's not small business. It's big business and the Yukon Territory isn't big enough for it so, therefore, you must, in my estimation, do with what you have in the meantime. I understand, if I am right or wrong you can correct me, that we last Session made a Motion that was passed that we would keep all these statistics and when the time was ripe, then we would make the move and this is what I think we should do.

Mr. Boyd: Mr. Speaker, could I ask the mover of the Motion a question?

Mr. Speaker: Proceed, Mr. Boyd.

Mr. Boyd: Could you tell us, Mr. MacKinnon, just how much more it would cost us to operate this, under this proposal you make here, than it is costing us now? You must have looked into it and got something to go by otherwise.....

Mr. MacKinnon: Mr. Speaker, I would suggest the general public would be saving money, and we will be transferring a person... MOTION #12

Mr. Boyd: Point of order. I just asked if he had any figures that he could quote.

Mr. Speaker: Have you any figures, Mr. MacKinnon?

Mr. MacKinnon: Well, Mr. Speaker, I don't believe that that was the question. If you would like to play the tape back, I will gladly listen.

Mr. Boyd: I agree whole heartedly with Councillor Southam's remarks and this Motion is also very definite. It says "take steps to have the headquarters for the Yukon Workmen's Compensation Board immediately transferred to the Yukon Territory." This is pretty drastic. There's no figures quoted. There is no cost indicated. It's just simply do it. I can't vote for something in the dark. I must know what I am voting for so I will not go along with this.

Mr. Speaker: Is there any further discussion on Motion No. 12.

Mr. MacKinnon: Mr. Speaker, it appears that some are taking the wrong view towards this Motion. There was no intent of causing extra expenses. It was a matter of co-operation with the general public involved in the Territory, and as I said, it is asking for the transfer of a person and an office so we could deal directly with that office. I believe at the present time we are having a lost cost housing office set up in the Yukon. This will also cost a few dollars. It will also be of benefit to the general public. I would like to hear from the Commissioner to see what remarks he will have in regards to extra expense by making this change.

Mr. Speaker: That question would be out of order, Mr. MacKinnon.

Mr. MacKinnon: How come?

MOTION DEFEATED — MOTION #12 DEFEATED

Councillors MacKinnon and Watt voted for the Motion. Councillors Boyd, Thompson, Southam and Taylor voted contrary.

Mr. Speaker: We will next proceed to the next Motion, Motion No. 14, Mr. Watt, Vote of Non-Confidence in Speaker. MOTION #14

Mr. Watt: Yes, Mr. Speaker, Motion No. 14, moved by myself, seconded by Mr. MacKinnon, Non-Confidence Vote. "I respectfully move a vote of non-confidence in the Speaker of the Yukon Legislative Council." May I proceed, Mr. Speaker?

Mr. Speaker: You certainly can, Mr. Watt.

Mr. Watt: This is a very simple Motion, Mr. Speaker and the reason I made it is that in the long run it will save the taxpayer nothing but money. We are coming into our fourth week now. We have not even scratched the surface of the work that we have to do. We have our Budget. We have the Five Year Agreement which encompasses the Yukon Health Plan, possibly a new Engineering Services Agreement and we are looking forward to weeks and weeks ahead of us, and I think that part of the bogdown is because of irrevelancies, insults and personality

MOTION #14 Mr. Watt continues:

clashes within the Council. I think that when this happens in Committee, an appeal can be made to the Speaker and if we had a Speaker that was less involved personally, it may be worth appealing sometimes in the conduct of Committee. We had a situation here two days ago in which closure was arbitrarily invoked without a vote of Council. I won't say any more about that because I think that possibly there will be an appeal as to the legality of this in the Courts so I won't say any more about this right now, but I think that this has bogged us down so badly that we are not doing a job that we are paid to do here. I think this is partly because there is a Territorial Election coming up in September. Some of the Councillors may be running again and I honestly feel that most of the work we have done, most of the speeches that are made, are not to benefit the Yukon Territory but are simply using the Council Chamber here as a platform and we are continuing to allow these irrevelancies to carry on. After I left Council in the discussions after the closure was invoked on the Game Ordinance, my presence alone did not create.... this is true...yesterday the irrevelancies and everything continued after I left. I think it is part of the action of Council as a whole. We should have a new look at ourselves. This is intended to be constructive. It's not intended to be derogatory towards anybody. We have had experiences here . The Council had meetings about two months ago upstairs here. Mr. Thompson has chaired a meeting and this was the best run meeting that I have ever seen the Territorial Council have, either in Council or in Committee. I think I would be doing my duty for Whitehorse West in trying to take further advantage of his talents so I would like to see him given an opportunity to see if he could help us in our difficulties here. The reason that I say...I am making this appeal to the Speaker is that what happens in Council is appealed to the Speaker and if anybody is unhappy with what happens in Council in Committee, they can appeal to the Speaker, but I feel the Speaker has become so emotionally involved, so personally involved, with a certain clique here that I don't feel that the appeals are just. I honestly feel that, Mr. Speaker. If I am wrong, I have no doubt this will be voted down, but the intention here is not to be derogatory....to thank you for the services that you performed and we would like to see somebody else have an opportunity to perform the duties as well. I would like the support of Committee with respect to this. I think that a lot of friction would be eliminated and I would certainly give the Speaker my whole hearted support, any Speaker of the Territorial Council, wherever possible, but I am only human too and when we get involved in personality clashes and this type of thing, we all get our back up and the loser is the taxpayer. There are approximately...my estimate is approximately 25 or 30 people, tied up and being paid by the Territorial Government when you take the Territorial Council, all the supporting help which are given it by the Administration and the continual questions that are being asked, some of them, and some of the Motions and some of the Sessional Papers and discussions on them, are for fighting the next Territorial election rather than to benefit the Territory right now. I think that this could be cut down a lot and if you consider 25 and 30 people a day that are being tied up....it would save an awful lot of money. So I would simply ask Mr. Speaker... I would like to ask the Council for the support of this Motion and I think we could probably get off...I know it's getting late in our Session....late in our term of office, but we still have a lot of work to do ahead of us and I would have liked to have waited but it seems impossible to carry on the way we are. I have at least a dozen Motions written out for

Mr. Watt continues: MOTION #14
benefit of Whitehorse West and the whole Yukon Territory. Right now, nothing that I could put forward would be considered rationally I don't think. I have been saving these Motions but even the one I do have on the Paper right now, I have had it held over hoping that we could look at these things more objectively. I respectfully request the support of Council on this Motion.

Mr. Taylor takes the Speaker's Chair.

Mr. Shaw: This Motion, Mr. Speaker, introduced by Councillor Watt, is a very serious charge. I am accused of something... I don't know what it is. There was nothing definite that came out of the accusation so far of prolonging debate in this Council to the detriment of the public. That is a serious charge and on top of that, of course, non-confidence in my management of the affairs as I have been elected to do. This I feel, Mr. Speaker, is completely unwarranted, completely unjustified, and completely without any basis in fact. Now, I did not press for the position of Speaker. I was elected to this office, an office that is an honour position in the Council of this Territory, however, I must say, Mr. Speaker, that due to the antics of Councillor Watt, this honour has almost turned into an imposition placed upon an elected representative of the Territory. The position of Speaker carries no additional salary whatsoever but it does carry a great deal of work, additional work and responsibility. There are times that when Members of Council get into heated debate, all of a sudden I am asked to give a ruling. I have no opportunity to think it over. I have to all of a sudden make a decision that will satisfy the other six Members of Council. This is an impossible task to always do with complete accuracy. We are governed, Mr. Speaker, by this book Beauchesne's Parliamentary Rules. There are six hundred pages in this book and I certainly....I am not sufficiently a constitutional expert as to be able to quote from that book exactly how it is. It is very difficult at times to get it exactly right, however, I do think that at all times I have made every effort to be impartial and to be fair. I feel that my job has been firstly and above all things...is to endeavour to make this Council run as smooth as possible in order that we may conduct the business of the people as efficiently as possible and at no time has closure ever been effected in the Council of this Territory while I have been the Speaker. The recent fracas in which the accusations are levelled was something that happened in Committee of the Whole at which time any offended Member can carry an appeal to the Speaker against the ruling of the Chairman of Committees. I would state emphatically, Mr. Speaker, that no appeal was made to the ruling although the statement was made that "It is no use me appealing to the ruling because I will get outvoted anyway". If a four to two or a five to two vote is a clique as the accusation is made, I suppose a democratic process is also a clique because we must finally, after all the discussions that we have, must be resolved by a vote either one way or another. This is indicative of a democratic system. Mr. Speaker, I am sure that all Council Members are aware that we cannot win all the battles. We are bound at times to lose a battle in which we, in all sincerity, try to win. Most Councillors accept this loss gracefully, however, Councillor Watt takes all opposition as

MOTION #14 Mr. Shaw continues:
a personal affront and screams, "Foul! Foul!" and then later admits that he would have been outvoted anyway. It is this immaturity, Mr. Chairman, that makes the task of Chairman of Committees and the Speaker so difficult. Mr. Watt says, "Let us work longer hours." At the same time and without question, Mr. Speaker, Mr. Watt has the highest absentee record in this Council. I could quite understand why he would want to work longer hours because he doesn't have to be here anyway but we certainly are here. In the time that I have been in this Council, a period of nine years, I have missed two days from my duties as a representative of the people and at that time, Mr. Speaker, I was in the hospital. However, I do not feel that I have to further justify my actions to you gentlemen. You have all been witness to some of these disgraceful proceedings and when you vote on this particular issue, I think that you will take these matters into consideration. Thank you, Mr. Speaker.

Mr. Shaw resumes the Speaker's Chair.

Mr. Taylor: I wonder if at this time we could declare a short recess.

All: Agreed.

Friday, 11.10 am
April 14th, 1967

Mr. Speaker: I will now call this Council to order and Mr. Taylor has the floor.

DISCUSSION: MOTION #14

Mr. Taylor: Mr. Speaker, I can only reassert that the that the matter raised this morning in the motion of non-confidence is one of the most serious that the house has had to face during these past three years. It is a bad thing really when such a motion is brought forward and yet has no foundation. I would like to comment as much as possible Mr. Speaker in this debate on the items as raised by Councillor Watt as he had raised them in his prefixing remarks in order that we might place this matter in some sort of perspective, if this is possible to do. Now I believe the first item for some reason in determining that the Speaker deserved a vote of non-confidence was that we were going to save the taxpayer nothing but money and I fail to understand this point unless of course we consider the fact that how much is this debate costing the taxpayer by the very raising of the matter. He feels that irrelevance, insults and personality are running rampant in Council and I assure you Mr. Speaker that I have seen no evidence of this in the general Council and I can only assume that such accusations are a product possibly of a persecution complex on behalf of the member involved. It is a difficult thing Mr. Speaker, serving as your Deputy Speaker and as Chairman of the Committee of the whole to do things properly and in relation to Beauchesne, the rules of Council and those other guidelines we have for the conduct of the business of the people of the Territory and the conduct of members themselves, and extremely so in Committee of the whole when you are continually challenged when irrelevancies occur and these are coming generally from one or two individuals in Committee. The member is apparently opposed to a ruling I gave in Committee of the whole some two days ago in which a member had proposed a motion in haste to take away from a Bill a complete section of the Bill and this was pointed out in discussion that this was a very ill-prepared motion. However, it was a motion and it had to stand. Eventually in the latter part of the debate it was time to put the question, the question was called and at this time the honourable member from Whitehorse West rose and wished to propose another motion, not an amendment but a motion. I immediately ruled the member out of order and tried once again to call the question when another member arose to second the motion proposed by the honourable member from Whitehorse West and I immediately put the question on the main motion, as I am to do under the terms of the rules of the House, and the member began somewhat of a tirade about his rights and requested an appeal. I directed him to appeal to the Speaker of the House; such direction is noted in the Committee report of that day, and I believe having gone back to Council and reading the report, this was in it and delivered to Mr. Speaker and all members of Council. The member again rose to protest the actions in Committee at which time I rose as a Councillor in Councillor state and

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said "the time is now to make the appeal." For a second time the member was asked to state his appeal, at which time he refused to do so and consequently in my opinion negated any rights he thought he might have. Mr. Speaker, just for the record and for the edification of all members of Council and more particularly the honourable member who has levied this charge of non-confidence, I would like to read from Annotation 55, Subsection 2, Beauchesne - Parliamentary Rules and Forms, which states:

> "The rulings of the Speaker or Chairman must always be respected even though the member against whom they are given may find them arbitrary. If he declines to bow-down and does not appeal to the House he inevitably places himself in the position of having infringed upon the rules of parliamentary practice. In committee of the whole, on May 25, 1956, Mr. Fleming, M.P. for Eglinton, rose for the purpose of raising a question of privilege and was not allowed to speak as the Chairman was then on his feet about to give a ruling. Other members were then given the floor and addressed the committee on matters of privilege. Mr. Fleming protested and was ordered to resume his seat, which he refused to do. Thereupon the Chairman left the Chair and made to the House a report to which Mr. Fleming took exception saying he had merely asserted his right to be heard which had been accorded to other members and denied to him. The leader of the House, Mr. Harris, moved that Mr. Fleming be suspended for the remainder of the day's sitting. The motion carried by a vote of 131 to 55."

Here is a case Mr. Chairman where a member felt that he had been aggrieved or had been denied his rights for one reason or another, but here again it is the House and the rules that govern the House that must decide this issue. I believe the honourable member has stated he may take this to the Courts and I think that this is not a matter that the Court can decide. This has already been proven in some litigation of some sessions ago. This is only a matter for the Council itself to resolve. Now there has been an accusation by the honourable member that members of Council are using the Council chambers for a platform in the next election. I fail to see this, unless the members who raise this are doing it themselves. I know of no other member or members of this Council who are doing such a thing. I think that we are here to conduct the business of the Territory in the most expedient and best manner possible under the circumstances. I noted in relation to a debate yesterday when the honourable member departed from the chambers, a headline in the paper, banner headlines: "Watt fights Search". Councillor Watt was never here to fight any search. Councillor Watt was absent when the discussion on matters of search under the Game Ordinance were heard. So how he could fight it in the newspapers is beyond me. As a matter of fact when the matter first arose the day prior it was myself Mr. Speaker who passed the Chair and rose to ask that the matter of search - I believe it was under Section 95(e) - be deferred until the Legal Adviser had arrived and I have double-checked the Votes and Proceedings to ensure the accuracy of

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my statement. And so I can only say that it is possibly the member himself who is doing the lobbying in the newspapers; possibly not, I don't know how these things come about, but this is what has been going on. Councillor Watt has stated that the days are very difficult here in Council, that we are getting very little work done, and I might say that yesterday was one of the many days that the honourable member was not present in these chambers that we had a very pleasant day. We had good debate, there were no insinuations as the member has indicated. I don't know where he gets his information because he wasn't here to observe it, and it was a very pleasant afternoon. The debates were good and sound and there was no trouble that I know of and so that is that. In the matter of attendance I certainly concur and I am sure all members will agree that Councillor Watt has the greatest record of not being here of any member of Council and why he is worried about the time - if Committee closes ten minutes before noon or this type of thing - escapes me. However I believe everyone, and the people of the Territory are certainly smart enough to realize that when you lose a battle you don't walk out, you stand to fight another day and take your licking like a man and I certainly hope the people of the Yukon Territory will take this into account. Now there has been no appeal launched to Mr. Speaker on the matter to which he feels he is grieved and I fail to see how Councillor Watt can propose a motion of non-confidence in the Speaker when the Speaker only directs the question to the Council and the Council decide. The Speaker does not decide this issue. This is a matter that he maintains control and puts the question to the Council, if such an appeal were launched, and I reiterate, such an appeal was not launched. This is no reason whatsoever to voice non-confidence in Mr. Speaker; it just goes without saying. So Mr. Speaker I can only say that you have the wholehearted support and confidence of the member from Watson Lake and I am sure the other honourable members here, with the exception of the mover and seconder of this motion. Possibly the other members may wish to substantiate this. Thank you Mr. Speaker.

Mr. Boyd: Mr. Speaker, the situation seems to have been pretty well covered. I intend to say a few words only. The first thing I would like to get clarified though is this clique business. I belong to a clique all right. It's the Boyd clique. No Councillor here can class me in as his friend in a clique way. I will vote against him as fast as I will vote for him and I think everybody understands that. I think Councillors are also fairly rational most of the time, most of the time Mr. Watt. The Speaker's job is a headache; I think if it was offered to any one of us we would probably shake in our shoes - I would anyway. I couldn't do as good a job as is being done. I have never had occasion to feel that I have been wronged by the Speaker as long as I have been here and I really feel that the motion was not in the best interest in the first place. I think it could have been forgotten just as easily.

Mr. Thompson: Yes Mr. Speaker, I would just like to thank Mr. Watt for his generous remarks as to my proposed capabilities. However I feel that we have a most capable Speaker at the time and I can see no reason why we should consider a change.

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Mr. Southam: Well Mr. Speaker, I have served as your Deputy Chairman of Committee on several occasions and I can only agree with you that it is a most unthankful job to get co-operation from all members of this Council. Why this charge has been laid is beyond me. I see no reason for it, I have no complaints. I have lost several motions, been voted down, it's all in the day's work, it's nothing to worry about that I see. And I can only say I have had the best of co-operation from most of the members and the Speaker in any advice that I needed. This is what I understand the Speaker is for - to guide us and in my opinion I have had good guidance and I am quite thankful for it. Also Mr. Speaker I have every confidence in your ability - I make no bones about it - and I hope for once the press will get me right in what I am saying. There is no reason that I can see for this charge being laid against a man's integrity. To me this is going beyond all reason. It would have been far better as Mr. Boyd said if the thing had been dropped, forgotten about. There was no closure, we were just trying to do a job to the best of our ability and I think this is what we are doing. And so Mr. Speaker in closing I will say again you have my confidence in your ability. Thank you Mr. Speaker.

Mr. Speaker: Thank you Mr. Southam. Have we any further discussion on Motion #14? Mr. Watt.

Mr. Watt: Yes Mr. Speaker, I have a couple of statements to make. First of all everybody here seems to be under the impression that this is a serious charge, almost a criminal charge. It is not a serious charge Mr. Speaker. In most organizations there is a Chairman, which is basically what a Speaker is, he's a chairman and a guide for us. You have a chairman and this rotates every year or every two years and it's a healthy thing to have this thing move around a little bit and I have suggested this in the secret session that we held in which the Speaker and the Deputy Speaker were (inaudible) in the Commissioner's office previously. Now I have been accused of antics by Mr. Shaw and its a personal accusation, something anybody can say about anybody. And this is probably an antic too. He said I should have appealed. Well Mr. Speaker, this is exactly what I am doing: I am appealing to the Council and I am appealing to the public and I want the public to know exactly what is going on here and how the Council here and the Committee here has pushed this one thing through such as the arrest without warrant in a lot of offences by a lot of people. This is just one example, this just happened to be the straw that broke the camel's back, it's not the major issue. The major issue is that the taxpayer himself will be better served I think if somebody else has an opportunity to do this for a little while. I am not a stickler for detail and I'm not going to haggle if somebody misses a Council rule or something but when you have this personality build-up, these cliques forming. Now there are certain members here that will get up and argue even if they agree with the motion. You've seen this at this session where Mr. MacKinnon and I have made a motion a couple of days ago and one member couldn't help but agree with it

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but we had to listen to five minutes of personal insult before he'd even agree with it. He agreed with the motion, he could hardly go against it because it was a good one but we still had to listen to five minutes of personal insults. Now Mr. Speaker, this is unwarranted and unnecessary and I think we could appeal to a different Speaker but I don't feel that I can appeal to you because you are too emotionally involved in this right now. Possibly after a little rest you would be the best Speaker in the world but I think I would like to suggest a pass at this just for a few days. Now I think the point that I am trying to make is that the harm that is being caused to the Yukon Territory and any hope for any future increase in self-government is affected by our pettiness here; not only here but in Ottawa. I've seen the same personality clash come out of the same clear blue sky directed at the Minister of Northern Affairs and this is uncalled for and unwarranted. The damage that was done to the Yukon Territory cannot be estimated. Cannot be estimated. And it's the same people that are doing it there are doing it here. It is unfortunate Mr. Speaker, I don't know how that damage can be taken care of. Mr. Taylor had made a few comments. His main comment was the seriousness of this charge and again I simply say it is no criminal charge, and the rest of his argument was that I have been absent and one statement that he made was - I hate to even bother arguing with Mr. Taylor - but just to check the record, and I would like the press to check for themselves the many days I was not present. I would like you to check...

Mr. Speaker: Please address the Chair Mr. Watt.

Mr. Watt: Mr. Speaker I would like you to check the many days I was not present. I know every time I left for the bathroom or excused myself for a few minutes to make a phone call or something, to check something I was reported as leaving for ten minutes. My departure was recorded, my entry was recorded and this Mr. Speaker interpreted to be the correct procedure. I don't recall this being reported for any other members except Mr. MacKinnon and once for Mr. Thompson. But this is a detail; it's just a simple matter where the Chairman of the Committee used his position to vindicate himself, to take out a little spite on a member that he's having an argument with. An Appeal was made to the Speaker but it was lost in its usual form. Now with respect to the procedure the other day, closure was invoked, the question was never called for the closure. I did also make a motion to Mr. Taylor asking him to have it deferred so that I could talk further to Mr. Fitzgerald and Mr. Legal Adviser to see if some reasonable compromise could be reached. This was refused, contrary to our rules. Then closure was invoked without even having it put to the vote. Now this has never been done in the House of Commons of Canada even. Even the Pipeline debate proposal that was invoked there, there was a vote called, and this didn't happen here. Once again the main opposition to this motion seems to be my absenteeism. Now I would like you to check the record , and you can do it, the only time I have ever left outside of the other day when I asked permission and Council agreed that I could

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leave under the circumstances, was when Mr. Speaker, Mr. Shaw as a Councillor or Mr. Taylor were speaking and they had gone off at a tangent which was irrelevant and so I no longer felt that I should stay here as a member for Whitehorse West until they agreed to keep to the discussion and I returned as soon as I felt that they would be finished with that part of their effort. I have never left when any other member of Council has been speaking. Several members here have said we should forget about it and this was the attitude that the Chairman of Committee took and the Council took. The other day when I was going to make this appeal they were not even going to put these discussions into the Committee report, they wanted it swept under the rug and it took a vote of Council even to finally have it put into the Committee report. This is just the attitude of a lot of these Councillors - anything disturbing, sweep it under the rug. This isn't right; we are here to face problems, we don't sweep things under the rug. So I think that the charge here isn't serious, it isn't a criminal offence, you are trying to make it such, we are simply rotating the position of Speaker for the duration of our term here I hope so that we can take advantage of the talent that I believe we have among us. I think that the Yukon Territory would get their business done a lot faster and a lot better and even as a result of making this motion it is going to save us an awful lot of time in the long run and so therefore I consider the motion and the discussion itself worthwhile and hope that the result, even if it does fail will have the effect of cutting out a lot of irrelevance and pettiness that is practically bogging down the work of the Yukon Territorial Council, and I would also like to suggest that there's nothing to stop us from starting on that budget work right now and getting right with it and then as soon as that five-year agreement is here getting right with that. We should get down to brass tacks here and we should do some work. I would like to call the question Mr. Speaker.

Mr. Speaker calls the question

FOR: Councillors Watt and MacKinnon
AGAINST: Councillors Boyd, Southam, Thompson, Taylor

MOTION DEFEATED

MOTION DEFEATED

Mr. Speaker: The motion is defeated and I would thank you at this time for your confidence gentlemen. The next matter will be questions. Have we any questions this morning? Well Mr. Commissioner, would you have any answers to questions put?

Mr. Commissioner: Mr. Speaker may I be permitted to ask a question?

Mr. Speaker: Proceed Mr. Commissioner.

Mr. Commissioner: Mr. Speaker, in the fifth session in 1962 an Ordinance was passed that has been entitled "An Ordinance to Authorize the Commissioner of the Yukon

Territory to Enter Into and Execute an Agreement with the Government of Canada respecting Fitness and Amateur Sport". Now this Ordinance does not cite this in the plural, nor does it specifically refer to any one point in time that this agreement was to be entered into. As a consequence of this Ordinance being passed the Commissioner of the time did in fact enter into an agreement with Canada for the purpose of an Amateur Fitness and Sport Act. Now this Agreement has in the course of time expired and there is now before me a request to sign a further agreement and my question, Mr. Speaker, is do Council feel that I should bring before them a further Ordinance to permit the signing of this next agreement or as this agreement is basically simply a continuation of the one that is presently in existence might I consider this Ordinance that was passed in 1962 to be my authority to sign the continuation of this Amateur Fitness and Sport agreement?

QUESTION: FITNESS & AMATEUR SPORT

Mr. Speaker: Thank you Mr. Commissioner.

Mr. Taylor: Well Mr. Speaker, I wonder if we could discuss this in Committee of the whole?

Mr. Speaker: I was about to suggest Mr. Commissioner, could you present a sessional paper on this matter and we can discuss it in Committee of the whole in the various aspects. We have in reverse where the Council did have notice of the question.

Mr. Commissioner: Mr. Speaker, I will have Mr. Legal Adviser prepare the necessary document for tabling here in Council. May I speak further at this time?

Mr. Speaker: Proceed Mr. Commissioner.

Mr. Commissioner: Mr. Speaker, I would like to advise Council of some few days between now and the end of the month when my duties are going to take me away from the building here. On Monday afternoon, the 17th, I am going to Pelly River in company with certain other members of the Administration and private citizens and also one member of Council in connection with the official opening of the Pelly Crossing school. I will be absent on Monday afternoon until Tuesday afternoon. On Thursday of this coming week, the 20th, in company with members of the Administration, the general public and the Councillor from the area I hope to go to Ross River to officially open the school there. I will be absent on Thursday afternoon until Friday morning. There should be very little time during Council session that I will be absent; it will be more of an overnight trip. The next one here poses a question that I would like to have Council's comments on. I have been invited along with my wife to officially represent the Yukon Territory at the opening of Expo on the 27th and 28th of this month which would, if I am to attend, necessitate my absence from the afternoon of the 25th until the plane time on the 1st May. This could effectively be reduced if I was fortunate until the 30th April Mr. Speaker, but I bring these potential absences, particularly this three working day absence, for Council's attention at this time as I would not wish to absent

myself for that length of time during Council's session unless Council is agreeable to it. Now I would also ask while I am on my feet that I would report further. I have been in conversation with department officials in Ottawa this morning and I would report to Council that the proposed fiscal agreements are at the very highest level at the moment. Our own Minister and the Minister of Finance have been in conversation with this and I am hopeful that the results of their conversations will expedite this agreement to us here as quickly as possible. I just wish to report this to Council Mr. Speaker so that they know that I am doing my utmost to get this agreement here for their perusal. I would also report to you that Mr. MacKenzie and Mr. Fingland will both be absent in Ottawa on official duties this coming week and when speaking with departmental officials this morning they indicated this would be a very useful thing to help them expedite representations and assistance in making presentations to Treasury Board. Mr. MacKenzie's trip at this time I realize is possibly not of the best but is unavoidable as it is in connection mainly with Medicare and this has tremendous impact and I want to be certain that I have the financial side of my administration fully aware of what the impact of this is going to be so that when the matter comes before Council - I don't believe it will be here this session - that I have someone who is fully aware of the complete and total details. These things I have passed on for Council's information.

REPORT: FISCAL AGREEMENT

Mr. Speaker: Thank you Mr. Commissioner. Gentlemen, would it be agreeable that we discuss this first item under the agenda of the Committee of the whole the matters that the Commissioner has brought to our attention at this time?

Council: Agreed.

Mr. Speaker: Well that will be the time to attend to that. Have we any further questions?

Mr. Taylor: Yes Mr. Speaker, I would like to direct a question to Mr. Commissioner and that would be in view of the meetings which have now been concluded in Juneau, Alaska between the Minister of Transport of the Canadian Government and the Governor and State officials of the State of Alaska; would Mr. Commissioner be able to inform me as to whether or not any reported communique has been received or issued in respect of the results of these discussions in Juneau, Alaska?

Mr. Commissioner: Mr. Speaker, I would advise that there has been nothing received along these lines in my office.

Mr. Speaker: Does that answer your question Mr. Taylor?

Mr. Taylor: Thank you Mr. Speaker.

Mr. Speaker: Any further questions?

Mr. Thompson: Mr. Speaker I have one question to direct at the Commissioner. Early in the session we had a sessional paper with reference to the proposed paving of

the Alaska Highway in the heavily travelled areas and the Commissioner intimated at that time steps would be taken to ascertain whether the Department of Public Works, the Norther Affairs or whoever was concerned with finances would in fact have some money available in the budget as of the 1st of April. I am wondering if he has any information at this time as to the possible inclusion of this work done and if not why not?

QUESTION: PAVING OF HIGHWAY

Mr. Commissioner: Mr. Speaker, I would say that perusal of Federal budgetary information that we have in my office did not reveal any indication of the potential or possible paving that was mentioned in Council and I have enquired of my departmental officials in Ottawa and as soon as I have an answer I will be happy to table it for Council's supervision.

Mr. Speaker: Thank you Mr. Commissioner. Does that answer your question Mr. Thompson?

Mr. Thompson: Yes, I would just like to leave it with Administration. I believe I heard via one of the news media yesterday that the Minister and some of his engineering people will be coming into the Yukon via the Northwest Territories later on in the year with the intent of looking over the Territory to see where this proposed ten million dollars is going to be spent on roads and I would suggest that they keep this paving to the fore because I think that although there are roads to resources very dearly needed it is about time that a little consideration could be given to the rest of the people, the majority of the people who travel the heaviest travelled portion of this highway and in fact at one of the Porter Creek-Crestview meetings it was seriously considered if they couldn't make application for tote trail assistance to up-grade the section of highway between the Circle and Mile 925. If anybody happens to be going out that way this is an excellent time to judge it for yourself, it's abominable and full of potholes. It's a disgrace and I think something should be done for this.

Mr. Speaker: Thank you Mr. Thompson. Mr. Taylor.

Mr. Taylor: Mr. Speaker, some time ago at this session I raised a question as to whether or not there were cutbacks being effected in Federal-Territorial road programs in the coming season and in the light of the announcement by the Watson Lake Chamber of Commerce that Mr. Laing will be coming some time in June to talk about these very roads may we assume that there will in effect be cut-backs this year in the light of the fact that there isn't much time after June to get these contracts underway?

Mr. Commissioner: Mr. Speaker, along with continuing to press our departmental officials in Ottawa for this financial agreement the next subject that I am continually pressing them on is the money requirement for the continuation of the road programs that in essence the Government is already committed to and these are the road programs I am sure that the Councillor has referred to and I would like to make it

PAVING OF HIGHWAYS

very clear Mr. Speaker that my Administration, myself personally and my Minister are sharing the concern that Council has expressed in this particular regard and just the same as the housewife who goes to the store and finds out that what a dollar bought last year and what it buys this year are two different things, so has our Government found out that in road contracts what a million and a half dollars was supposed to provide for two years ago, we found out last year that it would cost $2,350,000 to buy this particular amount of road work and when you get this multiplied over three or possibly four large projects it doesn't take very long to have a short fall of two and a half million dollars and a monetary requirement to proceed with programs that are basically what we are committed to not only as a Territorial Government but as a Federal Government and likewise the people who are developing resources who are dependent upon these roads being finished at specific times and I am sure Council know that the roads that I refer to are mainly the road network that is available between here and Ross River and various internal points and likewise the upgrading in the road situations to Clinton Creek for the Cassiar Asbestos Corporation. I would like to assure Council that there is no lack of communication between my Minister and the department heads of Northern Affairs in Ottawa in this connection and as soon as something has been of a definitive nature that I can advise Council on I will certainly do so but I don't want Council to think for one minute that there is any lack of awareness or that I am lax in any way shape or form in bringing this matter to the Minister's attention Mr. Speaker and advising him of the utmost urgency of this. I may say that I was very happy to hear on the news yesterday that my Minister is going to come into the Territory and announcing such a far-reaching program; this I appreciate very much.

Mr. Speaker: Thank you very much. Have we any further questions?

MOTION TO RESOLVE TO COMMITTEE

Mr. Taylor: I would now move that Mr. Speaker do now leave the Chair and that Council resolve into Committee of the whole for the purpose of discussing bills memorandums and sessional papers, and motions.

Mr. Boyd: Second the motion.

Question called and Motion carried.

MOTION CARRIED

Mr. Taylor takes the Chair and declares Committee in Recess until 2:00 pm in the afternoon.

RECESS

Friday, April 14, 1967.
2:00 P.M.

Councillor Thompson absent.
Councillor Watt absent.

Mr. Chairman: It now being two o'clock I will call committee back to order. Gentlemen, Mr. Commissioner is somewhat delayed at the moment so I wonder if you would be prepared to discuss at this time Sessional Papers.

Mr. MacKinnon: Mr. Chairman, both Mr. Watt and Mr. Thompson asked me to mention they would be a few minutes late. They are attending to some business.

Mr. Chairman: Thank you Councillor MacKinnon. This is Sessional Paper No. 82 (Reads Sessional Paper No. 82 - Reference for Advice, Grade 13). SESSIONAL PAPER #82

Councillor Thompson enters Council Chambers.

Mr. Chairman: I believe, gentlemen, we were going to ask the Director of Education to be with us today when we were discussing this paper. However we have not notified him.

Mr. Clerk: It has been done, Mr. Chairman.

Mr. Chairman: Thank you Mr. Clerk. Would you proceed gentlemen.

Mr. Shaw: Well, Mr. Chairman, in the event it would appear necessary to get further information in relation to this particular subject, perhaps we should leave this in abeyance and await the arrival of the Superintendent of Education in order that perhaps more explanation can be given to this subject.

Mr. Chairman: Agreed?

All: Agreed.

Mr. Chairman: The next Sessional Paper is No. 83- Yukon-Taiya Diversion Project. (Reads this Sessional Paper No. 83). SESSIONAL PAPER #83

All: Agreed.

Mr. Shaw: I was wondering how we arrived at this decision- is this more or less a matter for information, Mr. Chairman?

Mr. Chairman: Are you clear on this point, gentlemen?

Mr. Shaw: I'm certainly not in agreement with this resolution but I am clear.

Mr. Chairman: The next Sessional Paper is No. 84, gentlemen. and I believe it is the intention of committee to deal with this when dealing with the Bill respecting the Ordinance re electrical equipment and wiring. Is this correct? SESSIONAL PAPER #84

All: Clear.

SESSIONAL PAPER #85

Mr. Chairman: The next is Sessional Paper No. 85-1967 (1st) Session. (reads Sessional Paper No. 85 regarding removal of amusement of tax on theatre operations.). Mr. Commissioner, would you care to join us at this time. Mr. Commissioner, we are at the present moment dealing with Sessional Paper No. 85.

Mr. MacKinnon: Yes, Mr. Chairman. I would like to comment on the presence of the students in the gallery. I believe they should be recognized by this Council and by our Chairman.

Mr. Chairman: Thank you Councillor MacKinnon. We are happy to have these students present today.

Mr. Chairman: Gentlemem, we will return to Sessional Paper No. 85.

Mr. Southam: Mr. Chairman, I think the revenue collected from this amusement tax is very small and I think we should bring in a motion to wipe it out altogether. This is the intention as I understand it and the means of revenue is very small and I think we might as well do away with it.

Mr. Thompson: Mr. Chairman, I think you omitted the back page of this. You should have included that in your reading too.

Mr. Chairman: This is an appendage to Sessional Paper 85- it is found on the reverse side of your Sessional Paper. I have not been reading these additiinal items but I can do so if you so wish - but it is there.

Mr. Southam now takes the chair.

Mr. Taylor: Mr. Chairman, in relation to this, I believe we will be getting back to this whenever our fiscal agreement comes, which is the proper place for it. I wholeheartedly concur that the amusement tax should be withdrawn in this next agreement. However, it is my understanding that Administration do not necessarily feel - or should I say that the Inter-departmental Committee on Finance do not necessarily feel that this is a good idea. We have a commitment of government from back in November of 1965 in which they state, over the signature of the Commissioner, that it is intended to repeal the Amusement Tax Ordinance effective 31st March, 1967, which is now, of course, gone by, and I wholeheartedly support this position. I feel it is unrealistic and if an amusement tax is to be charged on these three theatres then amusement tax should be charged on all forms of entertainment and possibly even television, and to include Government films coming up and down the highway and so forth. It is somewhat discriminatory in its present application and no doubt when we do discuss the fiscal agreement we will have much to say in this regard. However, it seems to me that the government are pretty firmly committed to its removal at this time. Those are my comments and thoughts on the matter.

Mr. Shaw: Mr. Chairman, I feel very much the same way. However, perhaps we could let this matter go until we got the matter of the Fiscal Agreement and the revenue that is involved in this particular subject.

Mr. Chairman: Does Council agree with Mr. Shaw's wishes?

All: Agreed.

Mr. MacKinnon: Mr. Chairman, I wonder if Mr. Shaw might repeat that, I missed part of it.

Mr. Shaw: I don't know whether I can repeat it word for word but the text was that we leave this matter in abeyance until we get to the revenue section of the budget and also the Inter-departmental agreement.

All: Agreed.

Mr. Taylor now resumes the chair.

Mr. Chairman: This time, gentlemen, we will go back to Sessional Paper No. 82 and I believe we now have the Director of Education with us. Is it your wish that he attend Committee?

SESSIONAL PAPER No. 82

All: Agreed.

Mr. Chairman: Gentlemen, we have with us Mr. Thompson. We were discussing Sessional Paper No. 82 relating to reference for advice - Grade 13.

Mr. Shaw: I have a query with respect to that Mr. Chairman. At the present moment I believe we have nine students in the Grade 13 class. As we are very well aware, it takes top quality teachers to teach Grade 13, with the resultant high costs in respect to this particular matter. Now, I am not too qualified to know all the ins and outs of the value of Grade 13 as opposed to University training. However, I have had quite some indication that it is preferable to have the University training as against the Grade 13 program. In other words the student does start in that particular curriculum right in the university. We take the matter of costs in relation to Grade 13. We have nine pupils, admittedly there seem to be more for next year but that is something we are not sure of - it is a guess - 15. However, could the possibility of making grants, larger grants to students to attend university as opposed to attending Grade 13. Perhaps it would be, on the one hand more economical, and on the second hand more advantageous to the students. Perhaps I have been too diverse, I think in education we must look at it from the advantageous program to further the cause of education and perhaps the financial part is secondary. However, we do have a question that is involved there and I wonder if Mr. Thompson could perhaps give us his views and clarify this matter more in my mind.

Mr. H. Thompson: Mr. Chairman, if I may comment firstly on Councillor Shaw's remark or possibly query as to whether Grade 13 was better than first year university or vice versa. I don't think that one can generalize on this matter. There are many people who have gone through Grade 13 and entered second year university and done well. I can speak from personal experience on this matter. I took Grade 13 in Burnaby North High School - second year university and I

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found no problem - some of my Grade 12 classmates took -went on to first year university and I didn't feel that they had an advantage over me or that I had an advantage over them. I think it depends on the individual student. Sometimes it is recommended - if a student is thinking in terms of taking Applied Science at University or pure science - there is a great deal of lab work and familiarity with the labs - can take place at the first year level- it might be advisable in such a case for a student to go on to first year university. But if one is thinking in terms of going into Arts and Science, Commerce, I would not want to say it would be preferable to go on to university. As to the second point, the suggestion is, let us raise the grants and make it easier for our Grade 12 graduates to go on to university and this can - would presumably eradicate the need for having Grade 13. May I suggest that this is not so because, I don't have the exact figure in my mind but of the nine students who are in Grade 13, registered in Grade 13, this year, I would say that the vast majority are only partial Grade 13 students. In other words they are completing their Grade 12 program and they may be lacking one or two subjects in Grade 12 and they are rounding out the rest of their program by taking Grade 13 courses. This is one reason for having Grade 13. The second reason why some students take Grade 13 is because they may not have the necessary average for entering the University of British Columbia or the University of - Simon Fraser University after having completed Grade 12-although they may have university standing, they don't have the 60% average which is required for admission into the two institutions. However, if a student who has, say a 55% average is not accepted into first year U.B.C. but if that student takes Grade 13 and completes the program he then can enter second year at U.B.C. or Simon Fraser. So by eliminating Grade 13 you in effect are making it impossible for some students to go beyond Grade 12 or in some cases it becomes difficult for a student who say is lacking one subject or perhaps two subjects in Grade 12 to complete that and at the same time earn some courses at the first year university level, which is what Grade 13 is.

Mr. Boyd: This means that, say a pupil with an average of 55% here couldn't go to Simon Fraser but he could carry on here and catch up on that 5% in Grade 12 while taking Grade 13. Would this be right?

Mr. H. Thompson: Well, Mr. Chairman, he doesn't have to catch up on that 5% in Grade 12. If he meets with success, if he meets his Grade 13 program then he is accepted into Simon Fraser or U.B.C.

Mr. Watt enters council chambers now.

Mr. Boyd: I have a supplementary question. You said that a student could finish off Grade 12 and take up a portion of Grade 13.

Mr. Thompson: Yes.

Mr. Boyd: Where would he fit in when he got outside? Would he start second year university or would he have to start first year university?

Mr. H. Thompson: This would be up to the university authorities. I would think that if the student had most of his Grade 13 courses that he would probably be accepted into second year. Let me speak with regard to the University of British Columbia. A normal year's program consists of five courses . If a student passes three of those courses he is placed as a provisional student into the next year. In other words if I were a first year student at U.B.C.-I passed three of my courses, I would be registered in second year university but I would not of course have complete first year standing. I'd have to complete the two courses before I was given complete standing. But for administrative purposes I would be placed in second year university.

Mr. Chairman: May I ask from the chair it is noted that there are drop-outs in Grade 13 and no doubt a fair amount at the Grade 12 and 11 category. Has a study ever been made by the Department of Education Mr. Chairman why the alarming number of drop-outs in higher grades and as to whether it would be the curriculum that is too difficult or social or an economic problem?

Mr. H. Thompson: Mr. Chairman, the Department of Education has not made a detailed study of drop-outs at senior secondary school level. I would agree with Councillor Taylor that this is something that should be done when time permits. However, I did have a study made of the drop-outs in Grade 13 this year-since there were only five out of the fourteen-it was easy enough for the Principal to give me what he considered were the reasons - the reasons he was given for these students dropping out. And I think I can say that in every case it was a personal reason. It had nothing to do with the teaching-learning situation. In one case it was a question of living accommodation, in another case the student was waiting until he was nineteen at which time he could be accepted by the R.C.M.P. and so on.

Mr. Chairman: Councillor Southam.

Mr. Southam: Mr. Chairman, I would like to ask Mr. Thompson a question. Don't you think that the reason for the drop-outs even in the first year of university, or second year university, whichever you want to take it, the reason of the low standard of marks which are acceptable at this day and age for university entrance. Don't you think that 55% is a fairly low mark and also do the Grade 13 students - a student who finishes Grade 13, isn't he or she more liable to finish their university education than a student who goes into university from Grade 12. And also, maybe I'm asking too many questions at the one time. If you only have a Grade 12 from the Yukon are you acceptable at any university in Canada other than B.C.? What I mean by this can you attend any university in Canada with a Grade 12 pass from the Yukon?

Mr. H. Thompson: Councillor Southam asked three questions? I hope I can remember them all. I'll go backwards and answer the third question first. It is true that some universities in Canada require senior matriculation or what we call Grade 13 here for entry. The University of Alberta, the University of Saskatchewan, the University of Toronto to name three- the universities in British Columbia and the University of Alaska will accept graduates of Grade 12 and there are certain other Canadian universities such as Carleton College which will accept junior matriculation graduates. The university of Manitoba, up until recently - I don't know what the present position is but up until recently it accepted at either the Grade 12 or the Grade 13 level; if you had completed Grade 12 then it took you four years to get an Arts degree and if you had completed Grade 13 it took you three years. The other question Councillor Southam asked, I think he was indicating that Grade 13 provided this additional year of materity for a young person before entering what I consider the fairly complete freedom of university life. In providing Grade 13, I think we here in Whitehorse and the schools in B.C. that teach this level try to make this a little different from the Grade 12 program year in which the students are given a little bit more freedom but not the complete freedom of first year university. If you were to go to the University of British Columbia in your first year there might be five thousand other students in first year who may attend classes that are as large as 3-400 students and no one really pays too much attention as to whether you are doing your homework or keeping up with your assignments - you are supposed to put in two hours study for each hour of lecture. This is what is suggested but no one keeps tab to see that you are doing this. And consequently all too often with the young people when they enter the first year they find nobody is checking up on them and they feel that things are going fine until they write their first examinations and find out quite differently. So, this is very true, Grade 13 does provide this additional year of maturity and there is some reason to think that a student completing Grade 13 and going on to first year university should meet with better success than the average student who completes Grade 12 and goes on. I've forgotten the other question.

Mr. Southam: These are my thoughts - that a student that finishes Grade 13 and then goes to university - I'm talking from past experience of students I have known and not only my own family but others that I notice that the students who have Grade 13 were more liable to finish university and finish in a good standing- honorary students and so on. And I think Grade 13 has this, as you say, that the first year of university as I understand it, they are on their own more or less. If they don't study or if they don't get it that is just up to them. It is too bad-they have nobody checking on them. So therefore I think it is essential myself that we should teach Grade 13. I also think that there should be a Grade 13 pass to take them to university because in my way of thinking if the mark is too low and the student has to be driven to study all the time then I can't see the use of going to university.

Mr. Shaw: I have one matter in my mind and that is the over-crowding in the universities. There is just not enough space available and yet the university curriculum will include this first year of university which can be obtained apparently in Grade 13. If Grade 13 curriculum is equivalent to first year university it would appear to me that the general principal of establishing Grade 13 in classes - all over British Columbia- this would be a very good policy to bring into force. It would alleviate to some extent the undergraduate of first year university and provide more room for other students. However it does appear to me by virtue of the fact that this policy does not seem to be generally in effect, that they still have a first year university, it must indicate a preference in some education circles and particularly universities that that first year university is very necessary, perhaps more necessary than Grade 13 by virtue of the fact that it is in force. Does the Superintendent of Education have any comments on that I wonder,

Mr. H. Thompson: Well I do know that this question of whether or not Grade 13 should be abolished from secondary school has been discussed in B.C. but as yet there has not been any decision to abolish it. For one reason I don't think that B.C. is in a situation where it has the post secondary institutions to handle the - all the students who then might want to get in say a junior college or university. British Columbia hsa a number of more than just one university - now there is the University of British Columbia, Simon Fraser, University of Victoria, Notre Dame University- it has established a junior college at Cranbrook, Selkirk Junior College and it is considering the establishment of junior colleges in one or two other places. It has established what is in effect a junior college in Vancouver - Vancouver City College is the equivalent of a junior college. These institutions are still not enough to handle all students who want to get into them. Then again, of course, as I said some students would not be eligible because they have not completed their grade 12; they are lacking one or two subjects.

Mr. K. Thompson: I'm wondering, Mr. Chairman, if administration have any comparable cost analysis on the cost of education in the Territory as opposed to taking it in an outside university and also there has been some discussion as to the merits of whether you would take the Grade 13 here or at university. Are there any figures as to the eventual outcome as far as student averages grades are concerned with the ones who take their training in the Yukon as opposed to Edmonton or Alberta? Either Mr. Thompson or Mr. Commissioner?

Mr. Thompson: With regards to the first question I'm not to clear as to what the question is. It takes approximately 1½ teachers' time to handle our Grade 13 courses. I think this is the closest I can come to answering the question and we could absorb more students within this teacher time without additional cost, or at least without additional

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teacher time. Our classes, you will appreciate, are small. We could quite easily absorb another ten or so students within these classes and not require additional teachers to handle them. It should be kept in mind that our teachers who are teaching Grade 13 subjects are also teaching subjects at other levels - they are specialists- the English specials might teach the Grade 11, 12 and 13. When you get into your sciences you have your biology specialist, you may have a teacher specializing in chemistry and so on. With regard to the quality of students or quality of instruction I think is perhaps the point that we are getting at because the achievement of the student depends on a number of factors. One is the quality of instruction, the facilities in the school. Another important factor of course is the student himself. We have students outside now attending university who have gone through our Grade 13 program and who are doing well. We have had students who went through just our Grade 12 program, completed the Grade 12 program, have gone out and are doing well too and I can say that as far as our Grade 13 results are concerned these have been very very good, far higher than the average in B.C. Last year 91% of the papers written in Grade 13 here received pass marks. The year before 92%. I would suggest that this is an extremely high average.

Mr. Smith. Well, Mr. Chairman, I would appreciate the opportunity of having a word on this. I think the paper that is before you here on the questions that you have had Mr. Thompson answering have given quite a bit of background here in connection with it. However, there are one or two things I suggest should be available for us to get our teeth into when we are talking about such a very important subject as this and I think that Mr. Thompson will agree with what I have to say here, and that is; first and foremost a senior matriculation class, the one and only in the Territory at the F.H. Collins High school here was started approximately four years or five terms ago. Am I correct when I say this Mr. Thompson?

Mr. Thompson: Yes.

Mr. Smith: And at the time I can honestly say that this was-I pushed quite hard for the Territorial Council of the day because we felt that the cost factor involved in many young men and young women going out to university as opposed to possibly getting first year university here in the Territory was such - in other words the differencial was so great that any detriment - to the academic level that they might suffer was more than compensated for by the tremendous economic differences involved. I think that it was strictly economics that got Grade 13 going in the first place. Now the effectiveness or the non-effectiveness of Grade 13 has really never been put to the test. Now I don't see how you can say that this has been an effective program or non-effective program because really there have been no alternatives offered on an equitable basis to boys and girls. In other words I think the students who have gone to Grade 13

Mr. Smith continues..

have for the most part gone there for exactly the two basic reasons that Mr. Thompson has told you; namely that they lack subjects in Grade 12 and to fill out a full time-table or a full year's program they were benefitting from the presence of Grade 13 by using the time to take some Grade 13 subjects and pick up those subjects which they lacked in Grade 12. Now you can't judge the effectiveness of a program on this basis. It has served a very good purpose but whether or not this would prove a point that you should have Grade 13 - I think Mr. Thompson will agree with me as a kind of a pointed question - in other words a student is getting a full year, this is absolutely correct but whether it justifies having Grade 13, now this is another question. Also too I suggest to you Mr. Chairman that there have not been alternatives available in many instances due to economics. In other words the very reason that we started Grade 13 has maybe been its greatest reason for its continuation. So, we had a paper earlier before you in the session in which we have proposed a system of student subsidy combined with the Canada Student Loans which would give an effective alternative to the student with a clear pass who then at that point of time could decide whether he wished to participate in Grade 13 or whether he wished to go to university. And it would appear to me that it is going to take us at least a year, gentlemen, to assess this properly; in other words unless you offer both things at one time you cannot judge the effectiveness of one against the other. Am I not right when I say this Mr. Thompson?

Mr. Thompson: Yes.

Mr. Smith: In other words, you have to have Grade 13 and the alternative program too for the students to be able to judge the effectiveness of one against the other. Now, also, you have asked about a cost analysis of Grade 13. It is not too easy to give an effective cost analysis of one grade as opposed to any other in the school system, because, as Mr. Thompson points out, many of the teachers not only teach Grade 13 they teach throughout the whole school system. However, I think it was fair to say that what the average cost of a student going to school in the Territory of about $700.00 a year, it is a reasonable assumption that you are not going to affect the average cost of education per student in the Territory very much one way or the other if you have Grade 13 or if you do not have it. Would that be a fair statement Mr. Thompson? In other words you can't pin-point this too easy- it would be just the same as how much does it cost to operate the school at Pelly River, for example. You can't pin-point it - you can pin-point the physical action of it but when it comes to across-the board situation it doesn't really make too much difference one way or the other. However, the next question that was asked and that is as to what is the end result of these boys and girls as to the Grade 13 program as opposed to first year university. I think that this is really the question. Now, I have been able to secure and I have written away for ten further copies of a report of a President's Committee on academic goals that was compiled in 1964 at the University of British Columbia. Now we are very close to the University

of British Columbia as many of our students from our high school system go either to the University itself or to an affiliated university - Simon Fraser, the University of Victoria, and so on down the line. Now in their analysis of this here, and I think this is the point that Council really wants to get an answer on here - the performance of senior matriculation students as compared in their second year as opposed to the performance of men and women who have attended university is not too good. Now the indication here of this committee, the findings of this committee indicate, and Mr. Thompson has already effectively said this in his comments - he said the committee therefore recommends that the students entering from senior matriculation must have a clear pass at first attempt in five subjects and an average of 60%. In other words what they are saying here in this report is that the conditions that apply for a junior matriculation entrance must also apply to a senior matriculation entrance. Isn't this right, sir?

Mr. Thompson: Yes.

Mr. Smith: This is in effect that they are telling you. In other words many people have been using Grade 13 as back door to get into University. Now, this is exactly what has been going on and the effect of this regulation should be studied and if there is no appreciable improvement in the performance of the students concerned consideration should be given to abolishing Grade 13 as a means of entering second year university. Now, they compare here what happens here - the performance of first year arts and senior matriculation students and second year Arts, Commerce and Applied Science . Now, the men and women who went to University - their pass percentage was 58.2 in second year compared to 34.8 for men and women who took senior matriculation. In other words the senior matriculation students only did approximately half as well passing out of second year university as what the men and women did who went to university all the way through. In Commerce it is effectively the same - 51% compared to 27.8 and in Applied Science it is horrible, 58.3 % compared to 20.8. Now I think this is really what Council wants to know. In other words, what in the final analysis is the effect upon the student of whether he does better at the senior matriculation when he gets into university or whether or not he does worse. Now this particular study is only one and there are possibly a dozen others and possibly Mr. Thompson has some further comment to make on these things but I do believe that what I have told you gentlemen concerning the factual situation here is the knowledge and the information that you wish to have in order to formulate your ideas and my personal thinking at the present time is that Grade 13 should be carried on at the F.H. Collins school for at least one year along - in parallel with a student subsidy program which will permit us to really assess at that point the effectiveness of Grade 13 when there is an alternative available for the students. And I am quite confident that my Superintendent of Education would agree with me on this particular approach to it because you should have an alternative. In other words if you are going to compare something, gentlemen, you need an alternative to compare it with. And the comparison will not be available to us until a student is able to attend Grade 13 or university

Mr. Smith continues.

on reasonably equitable economic terms.

Mr. Boyd: Mr. Chairman, I would like to ask Mr. Smith why he says carry on for one year to make a comparison. Don't you consider you have proven beyond all doubt the comparison there that you have just read off to us. Do you figure it will be changed by our actions here in any way? Will it improve that percentage or have I misunderstood you?

Mr. Smith: No, Mr. Chairman, the Councillor has me absolutely correct. However, I say this to you that to come up at this time at this point and time, we are in the month of April, now Mr. Chairman, to come up at this point and time and say that we are not going to carry on Grade 13 next year - I think from an administrative point of view and likewise from an organizational point of view particularly in view of the fact that we have been assured by Mr. Thompson in a previous paper here that we do have space available in the high school for this coming year. I don't think that the saving, in other words I question if we will be able to eliminate any teachers by it. We have made certain physical changes in the classroom sizes to accommodate some of the smaller classes - in other words my approach gentlemen is that you would gain complete and utter factual knowledge by the continuation for one more year of Grade 13 . I don't think you are going to change this percentage factor here at all, Mr. Chairman and the Councillor is absolutely correct in what he has to say. I simply point out to you at that point in time you would then have an irrefutable set of conditions in front of you at the end of the school year 1968 where you would be able to truthfully and honestly say Grade 13 now either fulfills the purpose which we have proven this past year or it fulfills no purpose and therefore should not be carried on.

Mr. H. Thompson: Mr. Chairman, may I make a comment with regard to this report. I am sure the facts in this report are quite correct. However, I don't think we should jump to the conclusion that because these facts are so that Grade 13 is not as good a learning situation as first year university. This is why I brought in this matter of quality of students. If the only way you could assess this is by having the same quality of students taking Grade 13 as taking first year university, and unfortunately this is not so - and I'm only speaking in generalizations now- not with regard to any one student because you can have good students taking Grade 13 and you can have poor students taking first year university. But by and large, and this is certainly true in British Columbia, generally speaking the better students go on to first year university. Of course it is quite understandable that the Grade 13 students when they go on - the average Grade 13 student going in for second year university doesn't do as well as the average first year university student who has gone on to second year university. I remember one District Superintendent in the Fraser Valley saying to me that out of his

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Mr. Thompson continues..

perhaps 60 students with university entrance standing he might have fifteen taking senior matriculation, but generally speaking these fifteen students would be poorer students of the Grade 12 class and yet the parents expected the results of Grade 13 to be as good as the results of the first year university which was completely unreasonable.

Mr. Chairman: Anything further gentlemen?

MOTION RE RETENTION GRADE 13 FPR COMING YEAR

Mr. Shaw: Mr. Chairman, we have this paper before us which almost recommends the Grade 13 program and we have also just listened to Mr. Commissioner where he gave a different picture of it by statistics obtained no doubt from the University of British Columbia. He also made a very good suggestion in the form of a compromise which is very good and I would be pleased, Mr. Chairman, at this time to move that we continue with Grade 13 for the comming year with a combination of this university assistance program as the Commissioner has just outlined.

Mr. MacKinnon : I'll second the motion.

Mr. Southam: Well, speaking on the motion and speaking from past experience, having raised a family who went to university and knowing quite a few people, boys out of high school that had 880 some students, I do know that the percentage of students that went through Grade 13 and I have every faith in Grade 13 and think it is a thing that should be taught and also Grade 13, I think, gives a student from the Yukon a better chance, better opportunity because he is home to a certain extent, not away from home and under a different environment - I would say it gives him a little better ground. If, as you have been talking here in the past that it is too early to bring youngsters into Whitehorse to teach them Grade 8 what do you expect about sending them out a little early to university - it is the same thing. So why not teach them here if possible. I agree with that motion 100% but I do think it should be carried on longer than a year.

Mr. Watt: Mr. Chairman, I would like to ask Mr. Thompson if the Department has any statistics or figures to indicate when could the Yukon expect to have enough students graduate through Grade 13 and also want to continue beyond that in the Yukon Territory such as a junior college. Most of the junior colleges in provinces I came from taught beyond your high school and grade 13 and university, and beyond that. This would,-when we can provide a school such as that then your learning conditions are closer to that of a university. Have you any idea when (inaudible).

Mr. Thompson: Mr. Chairman, we don't have any information with regard to that. The junior colleges in B.C. would teach first and second year university - they have what you would call Grade 13 plus second year...plus other areas as well. In other words a junior college is not necessarily oriented towards having all its graduates goinG on to university, some of them may be specializing in technology rather than university oriented courses.

Mr. Chairman: Gentlemen, we have a motion moved by Councillor Shaw and seconded by Councillor MacKinnon that we continue with this program this year in conjunction with the students' assistance program. Anything further before I put the question. Are you agreed with the Motion? Are there any contrary?

MOTION CARRIED

MOTION
CARRIED

Mr. H. Thompson excused at this time.

Mr. Chairman: It now being three o'clock, I will stand the committee recess.

Mr. Chairman: At this time I will call Committee back to order. I believe Mr. Commissioner inquired in Council this morning if he could bring to the attention of Committee certain items. Mr. Commissioner, would you proceed.

FITNESS & AMATEUR SPORT PROGRAM

Mr. Commissioner: Yes. Possibly the most important item is the request as to whether or not Council would wish to have another Ordinance to permit me to enter into another agreement with the Federal Government on the Fitness and Amateur Sport program. I pointed out to Council this morning, Mr. Chairman, that we already have an Ordinance on the books which in effect gives the Commissioner authority to enter into an agreement in this regard, however, it doesn't say whether this Ordinance was for the specific Agreement or whether it meant agreements on into the future and the Agreement that I have available now to sign is a continuation of one that presently exist and perhaps Council would like to hear from the Legal Advisor in this regard but I would like Council's direction as to whether they wish me to use the present Ordinance and its content as the principle to go ahead and make this Agreement...enter into this Agreement with Canada...or whether they wish to have another Ordinance brought forward. Whatever Council's wishes are, I would like to be so informed so that we can proceed without delay in getting this matter attended to.

Mr. Boyd: You are suggesting a renewal and for how long?

Mr. Legal Advisor: I didn't realize this matter was coming up. May I go back to the early history of this thing. 1963, there was an agreement dated in 1963 which was made pursuant to the Ordinance which passed as Chapter 1 of the Fifth Session of 1962 and that provided for the distribution of monies made available by Canada at the Federal level. It was to be shared among the Provinces and there were two sums payable. One was a flat sum of $35,000.00 to each Province each year and there was a per capita contribution. The Yukon's entitlement under the early agreements was in the order of $35,460.00. I may be wrong as to the dollar and that agreement ran for three years. You had that agreement before you. You were thoroughly advised about the form of the agreement and now we come to the end of that period. There was an interim agreement and then the main agreement took over so it expired on the 31st of March this year. The question is quite simply this. You may accept my assurance that it is essentially in the same form as the original agreement. There is a difference of I think $18.00 or $28.00 drop in the per capita contribution. Those per capita contributions are based on the estimates of the Dominion Statistician and the question really is do you wish to have a specific Ordinance to approve this specific Agreement? The Commissioner was given power to sign an agreement. Well, he did sign an agreement and there is nothing really that prohibits him from signing another agreement but the Administration wanted the Councillors to be aware of the fact that this is the eve of a new agreement. There is, as I said, a minute drop in the per capita contribution but each year, 1967-68...no 1968-69 and 69-70, the per capita contribution is recalculated in the light of the informed estimates made by the statistician. For the comfort of the Councillors I should note perhaps that the Northwest Territories' per capita contribution has gone up about $12.00 or $18.00 and ours has gone down by about $15.00

FITNESS & AMATEUR SPORT PROGRAM

Mr. Legal Advisor continues:
or $20.00 so there is no substantial variation in any of the contributions to the Provinces or the Territories. I have the whole file on my desk. I was preparing a draft message to Council. That's why I haven't got it here.

Mr. Chairman: Might I ask one question from the Chair. Mr. Legal Advisor, am I to understand that this is clearly a separate agreement and forms no part of the fiscal agreement that we are awaiting?

Mr. Legal Advisor: It is completely separate. It is made under the Federal Fitness Act.

Mr. Shaw: Mr. Chairman, as a separate agreement, I believe that this amount of money which the Territories contribute.. I believe is in the normal budget arrangements under the general section. I wondered if the agreement has been signed by the Commissioner to continue with this that it would be dependent on the acceptance under the Supply Bill under that particular heading. No doubt we will have information as to what the current terms of the agreement are but with the passage of this Supply, it would appear to me that that would be sufficient authority so far as an agreement has already been made...I should say an Ordinance...between the.. to permit the Commissioner and the Government of Canada to enter into an agreement.

Mr. Chairman: Who would you direct that to?

Mr. Shaw: I was not directing that to anyone, Mr. Chairman. I was merely stating my opinion. My opinion was asked for and the Chairman just informed me it is an amount of $59,114... so that with the passage of this Supply Bill and the authorization already extended to the Commissioner, it would appear to me that that would be all that would be necessary.

Mr. Watt: Mr. Chairman, with respect to our last agreement under Physical Fitness, we had some supporting documents which outlined the conditions under which these funds could be used and we had some changes that we recommended be made at that time, particularly with the funds being used to assist in the outlying areas, small communities, in getting directors or part-time directors to help with the Physical Fitness program. Do you have supporting documents such as that this time and how have they changed in comparison to the last Agreement?

Mr. Commissioner: Mr. Chairman, there is no change...no change of any kind except on the per capita grant and that has changed by roughly $20.00 or $28.00.

MOTION RE PHYSICAL FITNESS & AMATEUR SPORT AGREEMENT

Mr. Thompson: Mr. Chairman, I think that this is one program that has greatly benefited the Yukon Territory and I would, therefore, move that we extend the Physical Fitness and Amateur Sport Ordinance agreement for a period of three years. This has been seconded by Mr. Boyd.

Mr. MacKinnon: Mr. Chairman, did I get this straight...that on a per capita basis it has decreased by approximately $20.00?

Mr. Commissioner: Mr. Chairman, this is in total - not $20.00 per capita, Mr. Chairman. The total decrease is from $25,466.00 to $35,444.00.

Mr. MacKinnon: Then we are talking about nothing....

FITNESS & AMATEUR SPORT PROGRAM

Mr. Commissioner: Excuse me, Mr. Chairman, if I misled Council that this was $20.00 per capita. I am sorry.

Mr. Southam: Well, Mr. Chairman, I am heartily in favour of the Commissioner signing this Agreement because I see nothing but good from it and I am sure that when we get the new Director, it is going to be a lot better and it should be administered a lot better than what it has been and I am sure the young people of the Territory are going to get the benefit of it.

Mr. Watt: I would just like to ask one question of the Commissioner and that is I have heard a lot of discussions with respect to the use of this fund as far as transportation is concerned. Do you have any comments? What is the policy with respect to this? Is it allowed for a percentage of transportation within the Territory but not across a line? Is that it?

Mr. Commissioner: Mr. Chairman, I think I would have to refer you to Mr. Don Fraser's comments when we had him here in Council in this regard concerning transportation and transportation beyond the borders of the Territory for those over sixteen years of age.

Mr. Legal Advisor: Frankly, I am not too sure. I do not handle the day to day administration of that thing. I know that our projects are subject to the approval of the Minister and there is a line of communication there that I am not privy too. I can only turn back the Votes and Proceedings when Mr. Fraser was here to refresh this.

Mr. Commissioner: Mr. Chairman, I think I know what the Councillor is asking about here and this concerns the question of the young boys and girls when they are travelling beyond the borders of the Territory. I think this is the point that is raised and I am quite confident of my words when I say that when Mr. Fraser was here he explained that this was not an acceptable share cost item but for the adults it is an acceptable share cost item under this program. Now, this is beyond the borders of the Territory, Mr. Chairman.

MOTION CARRIED

MOTION CARRIED

Mr. Chairman: Mr. Commissioner, will you proceed.

Mr. Commissioner: I advised Council, Mr. Chairman, that Mr. Treasurer and Mr. Fingland are both going to be in Ottawa. Mr. MacKenzie left this afternoon. I believe that Mr. Fingland will be leaving on Sunday and they will be available there should any of the administrative people of our Department in Ottawa require their services in connection with any representations to Treasury Board on the Fiscal Agreement. I also advise Council that I will be at Pelly River and unavoidably absent from Council for a portion of the day Monday and Tuesday and the trip out to Ross River will possibly make a short absence from Council on Thursday afternoon unavoidable, Mr. Chairman. Also I would like Council to advise me of their wishes concerning my possible absence from the 25th of April until the 30th of April or possibly the 1st of May as I have been invited along with my wife to represent the Yukon at the official opening of Expo but I am not going to absent myself for that length of time during Council working days if it is not their wish for me to do so.

Mr. Chairman: Mr. Commissioner, it is not really the duty of the Council to excuse or to accept...to pass judgement upon the days that you will do in the course of your duties. This is only for Councillors but I would think that if there was a member of Administration to assist us in your absence it would be most appreciated and I am certainly sure that other Members would concur however, I will leave it up to them.

Mr. MacKinnon: Mr. Chairman, we will have the Clerk with us and any subjects that we don't see fit to handle, we have lots of work to do and I would suggest that we can get by during the period of time that the Commissioner is not available.

Mr. Watt: Mr. Chairman, you certainly have my concurrence to go and carry out your duties, Mr. Commissioner, and I wish you good luck.

Mr. Shaw: Speaking on my behalf, I will certainly give the Commissioner my blessings to represent the Yukon. It is very fortunate that we have the Yukon represented at Expo. I think that we have a very good exhibit and I think that the Chief Executive should certainly be there to really inform those people that besides a physical plant we have a person to represent us at the opening.

Mr. Chairman: Is there anything further, Mr. Commissioner?

Mr. Commissioner: This is everything I have at the moment, Mr. Chairman. Thank you very much for your concurrence and I wonder, if there is nothing further that you need me for, if I may be excused?

Mr. MacKinnon: Mr. Chairman, it would be very nice if we could come up with a time change for this weekend. I am sure it would please a lot of people.

Mr. Chairman: I believe it is the Committee's concurrence that Mr. Commissioner may be excused at this time.

Mr. Commissioner: Thank you very much, gentlemen. Have a pleasant weekend and we will see you here on Monday.

Mr. Commissioner leaves the Council Chambers.

SESSIONAL PAPER #86

Mr. Chairman: We will resume discussions on Sessional Papers and proceed with Sessional Paper No. 86, a letter received from the Porter Creek Citizens' Association which was tabled in Council on April 12, 1967. (Reads the Sessional Paper).

Mr. Shaw: I think, Mr. Chairman, that we settled this a few days ago, didn't we?

Mr. Chairman: I think the matter has been resolved.

Mr. Thompson: Yes, Mr. Chairman, there is no problem. The only reason for this inclusion at all is because it was Administration's desire to table Sessional Paper No. 69 which was a letter from the residents of the Crestview area saying that they were not in favour of a school and the Porter Creek residents felt that they would like their wishes to be aired as well. That's the only reason.

SESSIONAL PAPER #87

Mr. Chairman: Next is Sessional Paper No. 87, text of a letter received from the hotel and motel owners on the North Alaska Highway, which was tabled in Council April 12, 1967. (Reads Sessional Paper No. 87).

Mr. Shaw: I can quite understand that this type of document should arrive here. It is quite understandable. It is...this is going to affect these people to a certain extent, mainly through the additional work load of Government information and so on and I see nothing wrong. It is most appropriate and expected. However, I think this should be dealt with on a factual basis rather than an emotional basis and in the next few days I think we will have complete information from the Administration in relation to the various ways and means that tax can be collected...taxation can be imposed...if this taxation is imposed....and at that time we would have the complete facts before us so that we can then go through the whole matter and decide whatever is to be decided. I wouldn't advise that any action could be taken on this except that it has been tabled at this time and we can go through this at a later date as I have pointed out when we have all the facts in front of us. SESSIONAL PAPER #87

Mr. Chairman: Gentlemen, I wonder if you would concur to stand this matter over until the discussion does come up on this particular tax. It will be in our agreement or additional information will be forthcoming. Would you concur, gentlemen?

Mr. MacKinnon: Mr. Chairman, I believe that Mr. Shaw has before him a complete page of facts and I don't believe any more facts are required than what we have before us...that the proposed accommodation tax is not the proper way of levying tax. I am in agreement to go along with the recommendations that Mr. Shaw has made at the present time and come back to this at a later date. SESSIONAL PAPER #87 DEFERRED

All: Agreed.

Mr. Chairman: The next Sessional Paper is Sessional Paper No. 88, Time Zones, Yukon Territory, Motion No. 15. SESSIONAL PAPER #88

Mr. MacKinnon: Mr. Chairman, seeing this is a concern of the Commissioner, I would ask to defer this until the Commissioner can be present. I think this would only be practical. We would only be wasting time.

Mr. Chairman: Gentlemen, the Sessional Paper has got to be read. We could read it and then defer it if you so choose. (Reads Sessional Paper No. 88).

Mr. MacKinnon: Mr. Chairman, I would move that we defer this Sessional Paper No. 88 until the Commissioner can be present. SESSIONAL PAPER #88 DEFERRED

Mr. Watt: I'll second that, Mr. Chairman.

Mr. Chairman: I don't believe a Motion is necessary. It only needs the concurrence of Committee. I would ask that prior to making Motions that you give some consideration to these matters because it entails a fair amount of work and effort from the Chair when it is not really required.

MOTION CARRIED MOTION CARRIED

Mr. Chairman: Gentlemen, that concludes our Sessional Papers. I believe Mr. Legal Advisor had some questions on one Bill, however, he does not seem to be present.

Mr. Shaw: Could we call a short recess and see if we can get the Legal Advisor here?

Mr. Chairman: Yes, I will declare a short recess.

BILL #5 Mr. Legal Advisor enters the Council Chambers.

Mr. Chairman: I will call Committee back to order. I wonder if I could draw your attention back to Bill No. 5, An Ordinance respecting Cemeteries and Burial Sites. As you gentlemen will recall, we were having some difficulty with section 6 of this Ordinance. I have had a communication from our Legal Advisor that he has some additional information to set before you this afternoon. Mr. Legal Advisor, would you care to proceed?

Mr. Legal Advisor: Mr. Chairman, when you called me in the other day the question was raised rather suddenly and at that time....I have focused all my thinking.....I would like to refer...if you have the green volume in front of you... to the present Cemeteries Ordinance, section 44 on page 75. For those who haven't got their volume available, I will read it. "Except with the approval in writing of the Commissioner, no person shall erect any marker, monument, sign or notice on any burial site unless he is a relative of a person whose body is buried or a member of the Royal Canadian Mounted Police engaged in marking or protecting such site in the course of his duties." Now, I think that apart from the layout of the proposed section 6, that is word for word. Now, that has, of course, worked with apparent satisfaction in that form for something like sixty years and as I warned Committee the other day, I had some hesitation about how to define a "fraternal organization" or a "clergyman" and I felt that we might have some trouble there. I did speak to the draftsman in Ottawa who discussed it with me on the telephone and neither of us could come up with a form of wording which would achieve anything without creating difficulties. If a person was refused a reasonable request for permission, I would feel quite sure that the matter would find itself in the Council Chambers and the Councillors would want to find out from the Commissioner why he had acted in an arbitrary fashion. It would be at this table that the Commissioner would have to justify a refusal so really the solution to any problems arising on the question of permission lies in your hands at this table as guardians of your constituents privileges so rather than disturb a wording which has remained hallowed, if I may say, for something like sixty years, I can only recommend that that be left in its present form. If I could, with confidence, improve on the wording, I would have done so but neither the draftsman nor myself felt that we could accomplish a useful purpose.

Mr. Shaw: I think I brought this matter up, Mr. Chairman. I would like to state an example. The pioneers have their own cemetery and when Members of the Lodge die they are buried in this Cemetery and, generally speaking, there is a headstone that is somewhat uniform. They keep it in as good repair as possible and to my knowledge, at no time have they applied for a permit. They just feel it is their own right to bury their own in their own cemetery. If, all of a sudden they are going to bury one of their own members...it's been the custom for as long as this country has been a Territory I believe....by the time they write down here and get permission or go to the expense of a telephone call, it appears to me to be just an awful lot of paper work that could be quite easily avoided. Now, in matters such as this, would it be possible under this Ordinance that the Pioneer Lodge for example, or any other Lodge, could write to the Commissioner for permission to do this erection of headstones and burials and what not with a blanket type of approval? I suppose that this could be investigated each time on its merits but to save this writing letters back and forth down here....I mean we have a similar situation with Unemployment Insurance where

Mr. Shaw continues: BILL #5
everybody is having a pretty rough time and this is just an extension of the same sort of thing. Now, this has been in law and hasn't been followed up to the present time, I'll admit that. The point is that nobody knew about it I guess but now a lot of people do know about it.

Mr. Southam: Mr. Chairman, according to the Department of Veteran Affairs, the Cemetery in Mayo, the Legion Cemetery, is the full and total product of the Legion and they have the say of what will be done there. Now, I wonder what this new Bill is going to do in this case. Having accepted money from the Department of Veterans Affairs for fixing up cemeteries, this puts us in the bracket of being responsible for the cemetery which we are. Now, in all Canada there are the cemeteries and anybody that is buried by the Legion with the last post funds is buried with the consent of the last post fund and there is a marker...a marker is given if we decide to bury a veteran that has no way or other of getting buried and we do not apply to the last post fund within... anytime once he dies...we have to make it within fourteen hours...ask for the agreement to bury him...in which they pay the shot. Then we have to provide the stone and in this case we have provided markers for most of the graves that are there. I was just wondering where do we stand under this situation? Now I had from the Department of Veterans Affairs in Vancouver....I was told that we have the sole right of saying what can be done in this cemetery, and I was just wondering....according to the way this reads, the Territory of the Yukon or the Commissioner will tell us what we can do and what we can't do. I was just wondering where we fit in on this one.

Mr. Legal Advisor: Mr. Chairman, with due respect to the Department of Veterans Affairs, they have absolutely no status to give a ruling. The only ruling can be given in Courts and I am bound to say that I question very seriously the accuracy of the so called ruling made by the Department of Veterans Affairs. They do not act as arbiters for what goes on in the Yukon. This Council makes the laws - not the Department of Veterans Affairs. With regard to the questions that were raised by the Councillor from Dawson and the Councillor from Mayo, the Councillor from Dawson has said that no permission exists. Now, with all due respect, it may be that a blanket permission was granted in 1899 and merely because he hasn't seen it doesn't mean that it doesn't exist. I would reject any thoughts that the pioneers had been commiting offences for the last sixty years. I prefer to think that they obtained that consent and they have been perfectly correct in their actions ever since so I would urge the Councillor not to confess to some sin that he may not have committed or they may not have committed. With regard to the Mayo situation, it is true that on the face of the section that has been in existence, if you are not a relative or a member of the R.C.M.P., you shan't erect any marker or monument sign without permission, written permission. Now how am I to know if the Legion in Mayo didn't have written permission in the past which has covered their actions. The purpose of this section is not to interfere with decent efforts of decent people but it is to prevent some of these tasteless monuments from proliferating in the Cemeteries of the Yukon. Just imagine somebody who wanted to put up an unpleasant monument. He could do it unless this section was there. For instance, a person who disliked the deceased might cause a most unpleasant monument to be erected over the grave of the deceased. This is what this is designed to eradicate. You might have a carving by Henry Moore or whatever the man's name is, the rather controversial sculptor which

BILL #5

Mr. Legal Advisor continues:
would offend a lot of people whose relatives were buried in the churchyard or cemetery. That's all this is designed to do and there will be no interference with the decent efforts of decent people to commemorate those who they have known and respected. That's all it is and sixty years of experience have demonstrated this is the way it's always used. There have been no problems in connection with this section for sixty years and unless somebody does something unpleasant, puts up a completely tasteless piece of sculpture, there will be no trouble in the future. In the meantime, I prefer to rely on the theory that consents were obtained many years ago but they are not conveniently on file now.

Mr. Boyd: Mr. Chairman, I am not involved with these private cemeteries and so on but it seems to me that things could carry on very well for as long again as they have already been progressing and I don't think any of us will be around here too long so by the time any trouble arises, somebody else will look after it.

Mr. Shaw: I would like an answer to my question, Mr. Chairman.. under certain terms and conditions, would it be possible to get a blanket permit?

Mr. Legal Advisor: I think that the Commissioner could give an appropriate form of consent but I also feel confident that in 1899 such a consent was given to the pioneers.

BILL #5 PASSED OUT OF COMMITTEE WITHOUT AMENDMENT MOTION CARRIED

Mr. Chairman: What is your intention with this Bill?

Moved by Councillor Boyd, seconded by Councillor Watt, that Bill No. 5, An Ordinance Respecting Cemeteries and Burial Sites, be passed out of Committee without amendment.

MOTION CARRIED

BILL #10

Mr. Chairman: I wonder if I might have your permission to return to Bill No. 10 for a moment.

Mr. Southam takes the Chair.

Mr. Taylor: Mr. Chairman, yesterday we had concluded proposals for amendments with respect of this Bill and we left them in the hands of Mr. Legal Advisor for proper drafting. I have given a great deal of consideration to the results of one section of the Bill which is section 5 and the amendment to it and I have noted that we have excluded by the very reference to game the right of a helicopter operator to haul a trapper or a native Indian, or in fact anyone who is in the fur business, even a fur buyer I suppose...we have denied him the right to haul fur by the very explanation of the definition of game in the Game Ordinance which states that fur pelts are considered game for the purposes of the Ordinance. So I endeavoured today to find an acceptable solution to this problem and I would like to propose, Mr. Chairman, a further amendment to section 5. It has been moved by myself and seconded by Councillor Boyd that section 5, item 10(a) be amended by adding thereto the words "but nothing herein shall be deemed to prohibit the carriage of game pelts lawfully taken".

Mr. MacKinnon: Mr. Chairman, I would like to ask the Legal Advisor if he feels it is necessary and if the way the Ordinance is presently written...if it will be a hardship on such case as this.

Mr. Legal Advisor: Well, if one accepts that helicopters BILL #10
are used for transporting skins taken on traplines, lawfully taken, then it is possible to argue that the pelt itself would fall within the definition of being game and to avoid this unnecessary argument so that if people have taken their pelts lawfully...it avoids that argument so you might find that the question would never arise, but on the other hand, it would dispose of the question if it does.

Mr. MacKinnon: Mr. Chairman, as a supplementary question, what if there was some meat inside of that pelt?

Mr. Legal Advisor: Well, then the question you see...the words occur "lawfully taken".....now, if you want to extend it to allow the flying out of game lawfully taken, you can do so. You don't even have to restrict it to pelts but you yesterday said that a helicopter was prohibited from doing that and therefore this is a slight compromise on the fringe to allow pelts to be taken out. Now, it's the Councillor's Motion and the wording does help to distinguish between shipping our meat in a helicopter and just simply packing out your furs with a helicopter that has just dropped in at your camp or something.

Mr. MacKinnon: A supplementary question to that, Mr. Chairman. Then where do we get off that with trophies? Could we include trophies such as the horns and the like of this?

Mr. Legal Advisor: May I suggest it's not my Motion but it might be acceptable to the Council if the words "trophies and game pelts lawfully taken".....the main control is in the words "lawfully taken".

Mr. Taylor: Mr. Chairman, in this regard, I don't think it would be advisable to broaden the Motion unless you wish to allow the permission to haul game meat because the idea here is that you would be able to haul the trophy but the meat would rot in the bush. Meat will rot in the bush now...if there is no other means to get it out and a helicopter is available and he can't haul it, the meat will just have to be left to rot and the head could be possibly packed out but I...unless we broadened the thing broad enough to...unless another Member wishes to propose to broaden it to allow the carriage of meat. What I refer to here is the trapper...in this case the pelt. Now, game is interpreted in the Game Ordinance means "big game, fur-bearing animals and game birds which are wild by nature and while in a state of nature and includes the head, skin or other part thereof" so you see, gentlemen, this means that presently, without this amendment, it would be unlawful for a helicopter company to fly a trapper or trapper's fur unless we have made provision for this. This would, in some instances, place a hardship on some native people. I know, myself, from my own experience involved in mining, I have on several occasions and at least on one occasion have hauled bales of pelts out...beaver fur...for trappers thus saving them packing them out on dog packs and this type of thing because I happen to be in areas when they are bringing them out late in May so this is what the amendment suggests.

Mr. Shaw: Well, Mr. Chairman, that seems like a very reasonable approach to it. If the objective is to allow these trappers to get their furs to market and so on and there's a helicopter around, I don't think that that would be any threat to game which, of course, was my original objection. Something like that seems quite reasonable. I think that...as defined..if it's for fur...trapping furs and things, well, that is okay with me.

BILL #10 Mr. Chairman: Well, gentlemen, I have a Motion before me here. Moved by Councillor Taylor and seconded by Councillor Boyd that 10(a) be amended by adding thereto "but nothing herein shall be deemed to prohibit the carriage of game pelts lawfully taken".

Mr. Shaw: Mr. Chairman, does that mean....I didn't notice the game part. I thought this was according to trappers. Does this refer to moose hide and horns and bears and all this kind of stuff?

Mr. Boyd: A pelt is a pelt. It isn't a horn.

Mr. Shaw: I'm thinking of the trapper getting his stuff out. Does this only mean the trapper or does this men that game hunters can go out and bring in game pelts? What's the difference between a beaver pelt then...you call that a game pelt? I would assume that you call a bear a game pelt and I would assume you call a moose a moose pelt and a sheep a sheep pelt. I don't know if you call it a game pelt. I wonder if the Legal Advisor could answer that question, Mr. Chairman.

Mr. Legal Advisor: A pelt is...a game pelt is a pelt that has come off any game animal as defined in the Ordinance but the essential control, short of an absolutely flat prohibition, lies in the words "lawfully taken". Now, if those skins have been taken unlawfully, then there is trouble ahead for somebody but does Council wish to say that notwithstanding the fact a pelt has been taken lawfully, it should not be put aboard a helicopter to be thrown out. That would be the effect of negating the Motion as I see it. The sin attaches to the helicopter - not to the way it was hunted. That is the difficulty which seems to confront us.

Mr. Shaw: Mr. Chairman, I would have another question to the Legal Advisor. Would it be possible...would this serve a purpose if this were further amended to...as it is there...lawfully taken by a registered trapper so that it would be a person that is trapping?

Mr. Legal Advisor: That's one suggestion but once you come to that position, Sir, if you have somebody who has taken a pelt improperly, he is simply going to say, "Oh, well, I'm taking it out for so and so. Charlie Joe has got that trapline up there". You see, you're just creating another area for lies and falsehoods. This is the difficulty. It is true it would improve it but you would simply be making more lies on the part of the wrong-doer.

Mr. Watt: Mr. Chairman, could I just say that I am kind of in doubt about this and I would like to have Mr. Fitzgerald here....it looks like something has been rejected and now it's coming in through the back door. I would like to have this deferred and give it to Mr. Fitzgerlad to consider it and pass his opinion to us and then we could find out how this pelt is defined. This wasn't in the original draft by Mr. Fitzgerald and the Legal Advisor or the Administration I should say so I would like to have Mr. Fitzgerald here to help advise on this. He has to administer these laws...and how difficult it would be so I would, therefore, ask for Committee's concurrence in a Motion that this be deferred. Now, this is simply a Motion to defer - not to amend...until our agenda on Monday to be discussed in Committee and request Mr. Fitzgerald's presence.

Mr. MacKinnon: I'll second that Motion.

Mr. Taylor: Mr. Chairman, I might say that it seems odd that the Member should rise and again try and delay the time of Council by suggesting deferral when he wasn't here for the whole debate on this matter yesterday and made it quite clear and received permission of Council or Committee to leave the Council Chambers because he did not wish to deal in any manner whatsoever with this Bill and now he rises, not having been here, to waste the time of Committee. BILL #10

Mr. Watt: Mr. Chairman, I would like to rise on a point of order. Could we talk about the amendment and get away from this personality stuff, please. I would like to have that respect anyway, Mr. Chairman. Here is a Motion here to defer and a seconder and it's open to discussion.

Mr. Shaw: Mr. Chairman, I don't think we need to get excited about this particular thing. This could be deferred until a later date. I don't know that it requires a Motion. I think the concurrence of Council would be sufficient for this. We have a Motion and we can take the Motion and vote on the Motion at the present time. I feel that I would like to see the trappers haul their stuff out. I'm in agreement for that. If I thought this could be abused, I would then have to vote for the Motion and defeat the purpose in which I would like to have this particular thing. If we just deferred this, Mr. Chairman and discussed it the first opportunity with the Game Director, I think it would satisfy myself anyway and possibly other Members and I don't think it would do any harm. I think that we could arrive at an answer that would be quite understandable by all members of the Council without us getting into a hassle at this particular time.

Mr. Chairman: Is this agreeable with the mover and the seconder of the Motion?

Mr. Boyd: I agree.

Mr. Chairman: Is it agreeable that this Motion be deferred until Monday morning until we can have Mr. Fitzgerald? Does Council agree to this?

All: Agreed.

Mr. Legal Advisor: Mr. Chairman, could I comment please. I think Mr. Pearson was checking to make sure that he would be available. Is he available?

Mr. Clerk: I can't contact him right now.

Moved by Councillor Boyd, seconded by Councillor Southam, that the Speaker do now resume the Chair and hear the Report of the Chairman of Committees.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker resumes the Speaker's Chair.

Mr. Legal Advisor leaves the Council Chambers.

Mr. Taylor: Mr. Speaker, Committee convened at 11:50 a.m. this morning to discuss Bills, Memoranda, Sessional Papers and Motions. Committee recessed at 11:55 a.m. and reconvened at 2:00 p.m. with Mr. Commissioner in attendance to discuss Sessional Papers. It was moved by Councillor Shaw, seconded by Councillor MacKinnon that we continue with this program this year in conjunction with the Students Assistance Program. This Motion carried and this had reference, Mr. REPORT OF CHAIRMAN OF COMMITTEES

REPORT OF CHAIRMAN OF COMMITTEES

Mr. Taylor continues:
Speaker, to the Grade 13 program. It was moved by Councillor Thompson, seconded by Councillor Boyd, that we extend the Physical Fitness Agreement for another three year period. This Motion carried. It was moved by Councillor MacKinnon, seconded by Councillor Watt, that Sessional Paper No. 88 be deferred. This Motion carried. It was moved by Councillor Boyd, seconded by Councillor Watt, that Bill No. 5 be reported out of Committee without amendment. This Motion carried. It was moved by Councillor Taylor, seconded by Councillor Boyd, that Bill No. 10, section 5, item 10(a) be amended by adding thereto the words "but nothing herein shall be deemed to prohibit the carriage of game pelts lawfully taken". This Motion was deferred until Monday morning. I would also like to correct an error, Mr. Speaker, in my Committee Report of April 11 as noted on page 417 of Votes and Proceedings wherein I erred in reporting progress on Bill No. 5 when in fact I had intended to refer to Bill No. 4. It was moved by Councillor Boyd and seconded by Councillor Southam that Mr. Speaker do now resume the Chair and hear the Report of the Chairman of Committees and this Motion was carried.

All: Agreed.

Mr. Speaker: Now, gentlemen, we have the matter of the Agenda for the next sitting. What is your pleasure at this time?

Mr. Taylor: Mr. Speaker, we have concluded all the Sessional Papers to date. I believe there are some in abeyance pending further information. We have just about completed all our Bills. We have some amendments coming for some of them, other than those of supply and I don't believe the Agreement in respect of them has arrived yet. We have one Motion in Committee on time so, therefore, I would suggest that....we also have a matter of course involving Bill No. 10 to be discussed...so I would suggest Bills, Memoranda, Sessional Papers and Motion for possibly Monday morning.

All: Agreed.

Mr. Speaker: Now we have one other matter that has to be attended to, namely the matter of sitting tomorrow morning. If it is not your pleasure to sit tomorrow morning, it will be necessary that I have a Motion to waive the Rules in respect to sitting in the morning and reconvening this Council on Monday morning.

Moved by Councillor Thompson, seconded by Councillor Taylor, that Council do waive the Rules and after adjourning tonight not sit until Monday morning.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: The Motion is carried and this Council stands adjourned until Monday morning at 10:00 o'clock.

Mr. Speaker read the daily prayer and Council was called to order. Mr. MacKinnon was absent.

Mr. Speaker: Is there a quorum, Mr. Clerk?

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The first item on the Agenda is the correspondence. Have we any correspondence this morning, Mr. Clerk?

Mr. Clerk: Mr. Speaker, we have Sessional Paper No. 89 for tabling this morning. This is in answer to Question No. 3, Canol Road. SESSIONAL PAPER #89

Mr. Speaker: Have we any further correspondence? Have we any Reports of Committees? I believe we have an introduction of a Bill this morning.

Moved by Councillor Taylor, seconded by Councillor Southam, that Bill No. 12, An Ordinance respecting the Public Service of the Yukon Territory, be introduced at this time. BILL #12 INTRODUCED

MOTION CARRIED MOTION CARRIED

Mr. MacKinnon enters the Council Chambers.

Moved by Councillor Southam, seconded by Councillor Boyd, that Bill No. 13, An Ordinance to Amend the School Ordinance, be introduced at this time. BILL #13 INTRODUCED

MOTION CARRIED MOTION CARRIED

Mr. Commissioner: Mr. Speaker, could Council give me an approximate idea of when they will be discussing Bill No. 12 in Committee as I know it is Council's wishes to have someone here for that particular discussion? That was intimated to me, Mr. Speaker, so I would need a little notice.

Mr. Speaker: We will so inform you, Mr. Commissioner. Have we any Notices of Motion and Resolution?

Mr. Taylor: Mr. Speaker, I would like this morning to give Notice of Motion respecting the Commendation, Yukon Centennial Committee. NOTICE OF MOTION #18

Mr. Speaker: Have we any further Notices of Motion and Resolution? If not, we will proceed to Notices of Motion for the Production of Papers.

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion for the Production of Papers this morning re Rental Office Accommodation. NOTICE OF MOTION FOR PRODUCTION OF PAPERS #5

Mr. Watt: Mr. Speaker, I beg leave to give Notice of Motion for the Production of Papers respecting legal fees charged for processing CMHC Loans. #6

Mr. Speaker: Have we any further Notices of Motion for the Production of Papers? We will next proceed to Motions for the Production of Papers. We have No. 4, Mr. Watt.

MOTION FOR PRODUCTION OF PAPERS #4

Mr. Watt: Mr. Speaker, this is Motion for the Production of Papers No. 4, moved by Mr. Watt, seconded by Mr. MacKinnon, re Allowable expenses for Territorial Councillors. "It is respectfully requested that all pertinent information with respect to allowable expenses for out of town as well as in town Councillors be submitted to Council.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: We will next proceed to Motions. The first Motion on the Agenda is Motion No. 6, Mr. Watt, Kindergarten Classes.

MOTION #6

Mr. Watt: Mr. Speaker, Motion No. 6, moved by Mr. Watt, seconded by Mr. MacKinnon, re Kindergarten Classes. "It is respectfully requested that the Administration make provisions for the teaching of Kindergarten in Yukon Territory Schools." May I proceed, Mr. Speaker?

Mr. Speaker: Proceed, Mr. Watt.

Mr. Watt: Mr. Speaker, this is something that a lot of thought has been given to and as we all know, there are some kindergartens presently operating in the Yukon Territory for those who can afford it. The basis of the Motion is that kindergartens that are in the Yukon Territory, and those additional ones that would be established, would be of an even calibre and they would be under the supervision of the Department of Education. I think this would benefit the Yukon Territory and particularly those that are starting in Grades 1 and 2 now in that all children will have the same pre-education level. Right now we have children that are born in January and they cannot start school until they are about seven years old. This would allow them to get some of their pre-education and possibly they could be promoted into maybe their second and third levels the first year. At present I believe that there is a tendence for a class that is just starting, for those that are not able to cope with the work, to kind of hold back part of the rest of the class so I think this would bring most of the children up to a fairly common level to start with and then the classes could go ahead a little bit faster, saving us money in the long run....saving the Territory money in the long run in that they would get through their first several years a little bit earlier. I think that this Motion has the support of the Department of Education. They feel that it is a good thing. They have recommended that it be included in our estimates and I think that a provision had been made for it so the cost is something that is being added right now. There is an argument against this and that is it is increasing our operating expenses in the Yukon Territory but I think the Administration has already made provision for this expenditure. It is a classroom that can be used both in the morning and in the afternoon and it is not a full-time teacher per class. This would be of particular benefit to the native children and part native children. Presently it is basically only those that can afford to supply the tutoring in kindergarten that are getting it. It should be broadened a little bit so it puts all the children on a fairly equal basis. Another thing is that in the Yukon Territory this year, with the increase in mining and oil exploration, there is quite a bit of increase in revenue as there should be so the Federal Government should not in any way blink at this additional

Mr. Watt continues: MOTION #6
little bit of expenditure. I think that the classrooms are available and they are being provided for in any new structures in case they are needed or they can be used for an alternate purpose. It isn't a case of can we afford it. I don't think that we can afford not to provide as good an education as we possibly can in the Yukon Territory. In order to keep good men here to develop the mining potential that we have and other potentials that we have, we have to provide the best education possible and it is false economy to save a few dollars here and a few dollars there in not providing the best possible education right from the pre-schooling right to the Grade 13 and whenever possible right to the college level. In order to keep good men in the country to develop these mines...these machines can't operate by themselves...you have to have good men and one of the basics of keeping men in the country is having good educational facilities. I would like to ask for the support of Council for this Motion, Mr. Speaker. I think that the whole Council will be well thought of in their communities when they go back if they support this Motion. I think the cost is very negligible in respect to the whole Budget that we have before us.

Mr. MacKinnon: Yes, Mr. Speaker, as you might recall, during the Advisory discussions, I did show some concern in regard to the Motion but apparently, from prior Votes and Proceedings, it was proven that Council had more or less kicked it out at that time. There is possibly a reason at this time for a change of thinking. I have talked to several teachers during the weekend and according to what they tell me, there is an urgent need for kindergarten teaching amongst the natives especially. As I pointed out, we could not have such a thing as discrimination. We must have the same rights for both natives and whites. Just about everybody you talk to is quite interested in establishing kindergartens with our school system. We realize it will cost money. Everything costs money, but in my estimation, it will be money very well spent.

Mr. Speaker: Is there any further discussion on Motion No. 6?

Mr. Southam: Well, Mr. Speaker, as you know I am a proponent of the kindergarten classes and one of my reasons is this - that in talking to a lot of people that have to do with education throughout the Territory, it has been pointed out to me that if you are going to have the natives, so-called natives of the country, assimilated or integrated, then we have to start earlier in the schools. With this I certainly agree and it appears to me that something should be done in the next Agreement to make allowances for at least a kindergarten in every school and if we cannot afford to pay it from the public funds, then they should be subsidized and at least a room should be made available for teaching of kindergarten classes. In the outlying districts or up in the Elsa district, we have had a kindergarten class up there ever since I have been there for ten years or more. This is paid for by the parents or the people. Now, I don't think this is right. I don't think that the parents or the people should have to pay for a kindergarten class. In the Provinces this is taught and I know some of you are going to say it's subsidizing babysitting but this is the wrong attitude to take. If you are going to start education, let us start at the bottom level

MOTION #6 Mr. Southam continues:
and see if we can bring these people into our economy a little bit sooner than we are now. It is only right, as I see it, that we should provide at least a kindergarten classroom. If it has to be subsidized, then I say let us subsidize it. Surely the Government of Canada....is always talking about the poor natives....the poor natives this and the poor natives that...and I believe the point has come where you've got to start a little earlier in life to educate these people so that when they do go to school they don't feel left out on a limb and way behind all the rest of us and let us get going and make this allowance in our next Agreement.

Mr. Boyd: Mr. Speaker, I would like to point out to the Honourable Member from Mayo that a room for the pupils we are talking about is $100,000.00 cost. There are several places where this room would be used two hours a day only. Who is going to pay for it? What is the cost per pupil going to be? School teachers - it's fine for them to say... it's nice for them to have somebody that is pre-taught and so on but the school teachers don't pay any bills either by and large. They don't have their grass roots down here. The main theme as I hear around this table concerning kindergartens is for the poor native child and I say this with respect, or the near native child. He needs a place to go. His home is not what we think it should be. This child lives in that home for 24 hours a day. What good is it going to do to take him out of the home for 2 hours and put him back for 22 hours? If you are going to do something for that child, do it by starting in the home. Make the home worth living in. Teach him how to keep a home, how to cook, and see that it is done. This is simple. Obviously Mr. Southam and Mr. Watt figure that the Federal Government should pay this - no thought of the people paying anything. They shouldn't blink an eye. That's a good attitude. Mr. Watt is a man who has recently advocated do not increase taxes one iota but give us the money. This is going to cost millions of dollars in the first place because unless you want to build it in Whitehorse and forget about the outside areas, which I don't think you do, it's a big deal. Education already is exceedingly dear. If we are going to put another load or another bundle on the top of the load that already exists, something will happen unless we are prepared to pay for it ourselves and that something will be that Ottawa will simply say, "We haven't got enough money to keep you going. You will have to cut." So, what are you going to cut? What are you going to cut? Since we have been in Ottawa, I understand there has been some cutting done now - I believe to the tune of $600,000.00 in one Department. They didn't cut the Department of Education but they cut progress, shall we call it, and the economy. If there is enough on top of the Education bill, well we won't have anything left for anything but education. Another thing about this kindergarten, is it going to be compulsory that these children go to school? I don't think it is. If it isn't, is it going to be a hit and miss deal? How many are going to be in school today and school tomorrow? Another thing, because of their size, they are going to have to be bussed. They attend school two hours so they will have to be bussed in the morning and they will be bussed back home. In Whitehorse where there is room for more than one class per day, they will be bussed in again in the afternoon and bussed home again. Bussing is very dear. Councillors here are here to manage and the most important thing that concerns the people, I think, first of all

Mr. Boyd continues: MOTION #6
is money....how we spend their money. Now, I would like to see these people educated but I think that the first place to start educating the very people you seem to be so concerned about is in the home. Nobody has ever done this. Nobody. They've carted them in here to hostels because their homes weren't good. They have carted them back from the hostels back there and built a school there but they have never gone into the home. Never. That seems to be a job that nobody wants to undertake. Another thing, the parents have some responsibility in this thing. They have some responsibility. They should pay something. It shouldn't be left to Ottawa and they are not very willing to pay. They actually expect Ottawa to do it. They don't want their taxes raised and I don't blame them for that and I don't blame them for getting Ottawa to do it if Ottawa will do it but not at the expense of something else. We had a petition here as I recall it signed by Citizens of Porter Creek. It was quite a lengthy petition. All kinds of people on there. When they were asked if they would pay $10.00 per pupil, per child, per month, what was the answer? Two families would do this. The rest wouldn't and one of those families happened to be a Territorial Councillor so that put it down in reality to one that was really sincere. He was probably obligated. Now, I am for educating these people and I am for putting it into some kind of a form that will make sense but not at the expense of the Territorial Government. I am not for putting it into the school system unless I know how many pupils are going to be going. Is it going to be compulsory? If it isn't going to be compulsory, is it going to be a flop? How much are the people going to pay? Let them tell us a few of these things. Now, on top of this, we are bussing children right past the school over to another school and passed another one and back to this one....people living side by side. Are we going to have a lot of this too? This is expensive. It's cumbersome....cumbersome for the Department of Education. The Department of Education can't function in a first class manner whereby we get the most for our money and we should be getting the most for our money. It's not the Department of Education's fault entirely that this situation occurs. Here is something where the people should get together themselves and iron out some of these things. They see it going on every day but it's fine as long as somebody else is paying for this shot. I am here not to build white elephants that the people can't pay and find ourselves behind the eight ball and, as I say, I think the education in the home....get that thing running right and it's worth several years of two hours a day in school.

Mr. Speaker: Have we any further discussion on Motion No. 6?

Mr. Thompson: Yes, Mr. Speaker. I think if the mover of the Motion were to check the proposed additional costs of a program such as he is envisaging, it is going to add considerable to the capital side of the picture as well as the operating and we are looking at something like four million dollars for a program such as this so I don't see where you can say that there isn't too much involved. I think there's considerable involved and it will, regardless of whether the Territory do it or the Federal Government do it, it's still going to be an increase in taxation because it is going to have to be paid from somewhere and if it isn't paid locally, then it's going to mean an increase in your income tax because the bills have to be paid. Mr. Southam intimated that it wasn't a subsidized babysitting service that

MOTION #6 Mr. Thompson continues:
they were asking for but I am at differences with the Honourable Member there because I think this is just entirely what it is. Mr. Boyd tried to make one point with the...with regard to the people who could pay for this and wouldn't, or didn't want to, and this is quite true. When this subject came up in the Porter Creek area a couple of years ago where we had a qualified teacher and she wanted to put it on a paying basis, we petitioned the people out there to see if they were willing to pay a nominal fee per month and the results were disastrous as Mr. Boyd has pointed out. It boils down as far as I am concerned as the people wanting something for nothing and I don't agree with this philosophy. I think that where monies to the extent of four million dollars are required to get the program in operation for the Territory and when you say the Territory, this means separate schools and this means duplication and it is just unending additional expense. For this reason I can't possibly vote for this Motion at this time inasmuch as it had a full airing at the last Session and it was turned down then and I think it should be turned down again.

Mr. Taylor: Mr. Speaker, when we last discussed this it was.. we started discussions on December 7, 1965, upon receipt of directives from the Administration and apparently on receipt of a petition from the Yukon Federation of Home and School Association, copy of which all Members of course have or they did at that time. In looking into this, I don't think there was any Councillor at the table at the time, in 1965, that did not agree that there were certainly benefits to be accrued from a kindergarten system in the Yukon Territory, however, when we started looking into the situation we found that indeed the costs were more than prohibitive in order to provide this facility throughout the Yukon at that time and it was agreed upon by all Members that it be deferred. Now the matter has once again arisen. I think it is well to bear in mind that the figures, the estimates, were estimated in 1964-the projected costs of this thing for 1967-68, based on a projected enrollment in 1967-68 of 491 kindergarten students in six classrooms, and the forecast for 1967-68 was $111,270.00 for operation and maintenance; 1968-69, $120,348.00; 1969-70, $129,926.00; 1970-71, $138,504; and 1971-72, $147,582.00, giving us a total of $647,603.00 for projected operation and maintenance cost of this particular kindergarten facility. On top of that, we add the classroom requirement of six classrooms at $71,000.00 a classroom as projected at that time which gives us 426,000.....gives us a total of $1,073,630, Mr. Speaker. Now, on top of that...I have neglected in my calculations to add another $10,000.00 per classroom for outfitting which I won't involve at this moment. Then we say we must...that's for six classrooms only and already we are up to a million some odd dollars so then we are going to require twelve additional classrooms in order to provide for the rest of the Territory from Old Crow to Watson Lake so we multiply that by three, so we have a figure of $3,210,890.00 and we have yet to add $120,000.00 for equipping these classrooms. We have yet to consider a possible 20% cost increase over those 1964 projected figures. We have yet to add $1,000.00 per month per bus for bussing costs and already, as Councillor Thompson has pointed out, we are over $4,000,000.00 and these are the facts that justify this, Mr. Speaker. As I stated

Mr. Taylor continues: MOTION #6
earlier, the Financial Advisory Committee dealt with this. In their wisdom, we took into account the decision of Council, of six members of Council...the Motion read as follows: "Therefore move that it is the opinion of Council that due to the excessive costs involved that no kindergarten program be undertaken at this time by the Education Department". That was Council's last decision on the matter and having full knowledge of this and all Members on the Financial Advisory Committee having full knowledge of this from the many days of debate and discussion, factfinding and information gathering, we turned it down in Financial Advisory Committee on this grounds because then we thought we were only looking at two million dollars. Already now we are looking at four and so forth. The Honourable Member, the mover of the Motion, I might say at this time was on one of his many well-advertised and publicized walks and was not present in the Chambers at that time and obviously has not read the Votes and Proceedings which gives many days of debates and background and information on this thing. So, Mr. Speaker, I must conform to the initial feeling in this regard. Kindergartens would be a nice thing but, Mr. Speaker, when we scrape for $6,000,000.00, or have to tax the taxpayer already for $6,000,000.00 and we have to fight and argu and debate and move around and try to find $6,000,000.00, to place another $4,000,000.00 over a five year period on the taxpayer of the Yukon is unthinkable and, therefore, I would vote contrary to the Motion.

Mr. Speaker: Have we any further discussion on Motion No. 6?

Mr. Watt: Mr. Speaker, in summing up, first of all I would like to remind you that any barbs that are thrown like that reflect back on the whole Council...these uncalled for comments that were made a few minutes ago and I would just like to assure you that when this was put forth before I was not here and the largest heavily populated constituency in the Yukon Territory, one of the biggest tax paying areas in the Territory, was not represented when this was jammed through and this has happened before in Council. I think it is a system that is being used to jam things through Council until a little bit of publicity is given and then they back water a little bit when they are trying to sneak things through under the table. I am sorry I had to bring that up but whenever you allow this type of thing, you have to expect a little bit of backlash. I would like to comment on Mr. Boyd's statement first. Mr. Boyd said that it was going to cost $100,000.00 for a classroom and $4,000,000.00. Now, I don't know....maybe he's better at books than I am but our whole Education budget is only three and a half million dollars for all our labs, and all our classrooms for our high-schools and all our complicated machinery, and you are saying it is going to cost three and a half million dollars just for 4,000 students of kindergarten that are taking a couple of hours in the morning and a couple of hours in the afternoon. This is fantastic figuring and I don't think it's realistic. I think that you are emotionally wound up...that you appear to be impossible to look at the facts. We have been given facts that classroom construction has been estimated a year ago at $35,000.00 per school...per room...and this has increased. In Dawson City, it's a little bit higher. In Old Crow, of course, it is higher but around Whitehorse here, it was estimated at $35,000.00 but then it's increased since that. The figures that are being used here...this $4,000,000.00.... it's completely unrealistic. I cannot visualize how anybody could come up with a figure like that. This is the main argument against this...the cost. In page 16 of our Vote, 1967-68

MOTION #6 Mr. Watt continues:
estimates, it has Operation and Maintenance of Kindergartens, $98,480.00. That's the operation and maintenance of kindergartens. Now, part of this cost is already being born by your population that are presently supporting kindergartens such as myself. My children go to kindergarten. I support it. I pay for it. Maybe in Porter Creek they don't want to pay for it but the kindergarten that my children went to, everybody paid for it and we did our own transportation. If they were in the school, they could possibly have caught the same school bus that the other children caught in the morning and the other class could have caught the afternoon. These buses come home at noon in town. I think the bussing problem isn't as great as it is being made out. The costs are so grossly overestimated that they are not even realistic. If they were anything like that, I wouldn't be making this Motion I assure you. This takes care of one level of those who are presently being educated through kindergarten. Another level is the native children. The Federal Government have assumed responsibility for native children and they accept it, accept it in our regular school system. They will accept it for the kindergarten children too. So this is recoverable from the Federal Government. We are not getting something that the rest of Canada is not getting with that respect. The Federal Government does this for all of Canada. You say I am just asking the Federal Government to provide this for the Yukon Territory. Well, the Federal Government provides grants to all the Provinces for deficits and in some parts of Canada, the deficit is greater per capita than ours and we pay this through our income tax. Now, if we can help a child in Nova Scotia..to send a child to kindergarten, then certainly we should be able to help ourselves a little bit through our Federal Income Tax so I'm not asking that this all be thrown on to the Federal Government. This is ourselves and we should vote to take advantage of this and help our people along. The Federal Government has, or must have, in fact approved it in principle already or it wouldn't be in our Budget. This is part of an Agreement. I don't think that the cost is going to be too great. The kindergarten education that our children are already getting is not supervised and this is the main point. I am paying for it now, directly, and those whose children are going to school in kindergarten are paying for it but there is no supervision. We don't know what type of teaching they are getting...what kind of training they are getting and this is the whole point to have something supervised by the Department of Education and operated by the Department of Education. The capital cost - the provisions are made and are largely born by the Federal Government. A kindergarten classroom, you can't compare to a laboratory or a workshop. They are comparatively simple.....type of classroom. Mr. Thompson said that separate schools are going to want these, we are going to be overlapping the schools and we are going to be bussing children past other schools. I was talking to a member of the Catholic Episcopal Corporation and they said that they are not interested in establishing Separate kindergartens. At the present the Catholic Episcopal Corporation does not own any schools in the Yukon Territory. We own them all. They are Territorial schools. I think that the vote against this, if it is voted down, is more a matter of being so emotionally involved that.. the Councillors who are voting against it have not honestly and objectively looked at the figures and the comparatively

Mr. Watt continues: MOTION #6
small cost that it is costing us. This figure of $98,000.00 for 4,000 students is a pretty realistic figure and part of this $98,000.00 is already being paid by individuals who are sending their children to kindergarten schools so this $98,000.00....it is saving some people money who will be paying it in taxes in a different way. So, the cost isn't that much and I think it is something that we should do in order to upgrade our standard of education right from the bottom up. I would like the support of all Council on this Motion, Mr. Speaker.

MOTION #6 DEFEATED

MOTION DEFEATED

Councillors Watt, MacKinnon and Southam voted for the Motion. Councillors Taylor, Boyd and Thompson voted contrary.

Mr. Speaker: I shall vote in the negative and the Motion is defeated. The next matter is Motion No. 13, Mr. MacKinnon, re Government Liquor Stores.

Mr. MacKinnon: Mr. Speaker, I would like to refer this to Committee. I believe the Commissioner might have a word to say in Committee. MOTION #13 REFERRED TO COMMITTEE

All: Agreed.

Mr. Speaker: This will then revert to Committee. We next have Motion No. 15, Mr. Boyd, regarding exchange charged by Banks.

Mr. Boyd: Mr. Speaker, moved by myself, seconded by Mr. Thompson, "That Administration make every attempt to have the banks review and revise the status of the Yukon in respect to exchange rates charged to the extent that the term "Far Northern Area" be eliminated and that the Yukon be treated the same as any other area with comparable services". May I proceed, Mr. Speaker. MOTION #15

Mr. Speaker: Proceed, Mr. Boyd.

Mr. Boyd: We have discussed this before. It is an accepted fact that the people are not being treated fairly as far as this exchange business is concerned. They have...it's a quarter of 1%...and it doesn't make much difference who you are or what you are. You will have cheques for thousands of dollars where it says "Negotiable at par anywhere in Canada except the far Northern areas" so you don't get your cheque at par. We have daily service out of here. We have as good a service out of here, out of this Yukon, as there is most anywhere in Canada and I think it's high time that we got rid of this little bit of discrimination and if we do not do it from this end, I don't think it will ever become a reality because the people who collect this money by and large live a long way aways. Some of them don't know where the Yukon is. They don't know whether it's in the Northwest Territories or whether it is a part of Canada. I had a man in the far East here this year, when I told him where I lived, he said "How do you spell it?". Well, I nearly flipped a biscuit so, gentlemen, I hope that Council will give me their concurrence in this.

MOTION #15 Mr. Taylor: Mr. Speaker, I wholeheartedly concur because when we find...we go to the bank and we wish to transfer money, we are charged....I just forget what the rate is.. it's a portion of 1% of the amount over a certain amount.. but this is transferred by mail, by wire, by telephone and by various means, usually confirmed by wire and the customer is charged for the wire, or the phone call, or anything else in relation to this, so I don't see why this should be levied any more on the people of the North even from Bank to Bank within the Yukon where you write a cheque in Watson Lake and it is sent to someone in Whi tehorse a levy is charged there as well. I think that the time has come when this policy should be reviewed and brought up to date and streamlined to modern day needs and requirements and I think this is something that should receive the support of Council.

Mr. Thompson: I wholeheartedly concur not only as the seconder of the Motion but when you can pick up any cheque that is printed and practically without exception it has "Yukon Territory and Northern Branches excepted"...in other words, you can cash a cheque anywhere else in Canada and there is no exchange between the negotiating Bank and the Bank that cashes it, but for some reason, dating back to the Gold Rush Days of '98, they instituted this exchange because of the difficulties in communications and travel so we have decided that this is a nice means of revenue and it amounts to one-quarter of one percent on all your transactions, an eighth going to the local Branch here for cashing the cheque and an eighth going to the Branch in Canada. I use the term..... everything below the 60th seems to be in Canada and we don't seem to be part of it yet. It's strictly a bookkeeping entry as far as I am concerned and there is no reason why it should exist and I think that if Council will see in their wisdom to pass this then it is possible that the Administration would have some basis in which to pursue this and get this problem rectified.

Mr. Watt: Mr. Speaker, I would just like to say that I wholeheartedly concur. We have discussed this two or three times and we have all agreed so far so I would suggest that we get with it without doing any more speaking.

MOTION #15 CARRIED

MOTION CARRIED

Mr. Speaker: We next have Motion No. 16, Mr. MacKinnon, Nominal Fee.

MOTION #16 Mr. MacKinnon: Mr. Speaker, moved by myself, seconded by Mr. Watt, re Nominal Fee. "In the opinion of Council, it is respectfully requested that Administration investigate the necessity of establishing a nominal fee for camper and trailer units entering the Yukon and using Government Campground facilities". May I proceed, Mr. Speaker?

Mr. Speaker: Proceed, Mr. MacKinnon.

Mr. MacKinnon: Well, Mr. Speaker, I think that other Members are well aware that I have brought this up sometime ago. We have a lot of campers. I think there is 75.4% of our travel that are campers today. They are travelling through the Yukon and we are providing campgrounds. I believe there are 35 throughout the Territory which we supply wood and also supply garbage removal. These campers are very well taken

Mr. MacKinnon continues: MOTION #16
care of I would suggest. The campgrounds are in the best of localities. They are well gravelled and well maintained but nevertheless it is of quite a cost to the people of the Yukon Territory. A few minutes ago we were quibbling over the cost of kindergartens and then, at the same time, we are letting 75% of our travel go through the Territory without spending a cent. When I say 35 campgrounds, I am not including the privately owned campgrounds which I have one of my own and it is also a free campground. I will say it has cost me nothing but money. There is anywhere up to ten cord of wood burned in it each year. Twice a week I have to go and collect the garbage or hire someone to collect the garbage out of that campground. I might state at this time that at least 80% of the tin cans and disposals that I remove are U.S. products. They are not even bought in the Territory. Figuring out what we get from gasoline on a per mileage basis at 9¢ per gallon, it's less than $4.00 per camper for travelling through the entire Territory. Now here a short time ago, we were discussing the fact of an accommodation tax, 15% in liquor tax, which will only affect the people of the Yukon and the 24.6% of the travelling public that are the best of our travelling public that are eating their meals and staying over in the motel accommodation. I have discussed this with Administration and most all of the Councillors at different times to consider the charge for campers entering the Yukon Territory. I believe they will be quite glad to pay. For instance, we plan to set up a checkpoint at Watson Lake. The estimate of trailer cost for this season is over $70,000.00.. to see if a truck is bringing in a little extra fuel in his tank. Now we are going to have, I believe, something like $48,000.00 worth of Territorial Government employees to check those tanks and I believe that we could put this on a paying basis by having them collect the fee from the campers entering the Yukon.

Mr. Boyd: Mr. Speaker, could I ask the Honourable Member to repeat that cost. Is it $48,000.00 or $4800? Did you say $48,000.00 to operate a check point at Watson Lake?

Mr. MacKinnon: To my knowledge, that is correct Mr. Boyd.

Mr. Taylor: Mr. Speaker, I cannot agree. I wonder if before I proceed with my discussion on this debate, Mr. Speaker, if we could have a recess for change in stenographic help?

Mr. Speaker: Yes, we can have. I will call a short recess.

Monday, April 17, 1967,
11:00 o'clock a.m.

Mr. Speaker: I will now call Council back to order. We were discussing Motion #16 moved by Mr. MacKinnon re Nominal Fee. Any further discussion?

MOTION #16
NOMINAL
FEE

Mr. Taylor: Yes, Mr. Speaker, I think that in dealing with this Motion which seems to be aimed at trying to get some revenue from campers and trailers, we must also take into consideration, Mr. Speaker, the fact that we are spending thousands of dollars a year in order to encourage these people to come to the Yukon to see your country and in effect build a tourist industry. Now, we have spoken of camp grounds. I guess there are individual operators who do operate their own camp grounds which they should, because there are certainly more campers and trailers than we have camp grounds to accommodate them all coming through the Territory. However, when you think of camp grounds, and that is the Federal Government camp grounds and tourist facilities, we must also think of the reason that they are there and it has been stated by the honourable member moving the Motion, that this is--we are losing money on these people. The reason camp grounds are there basically, is to try and get camp fires into one place as well as to make their stay enjoyable and prevent what could be a holocaust in any part of the Territory at any time during the summer in the form of forest fire protection, or forest fire loss, pardon me. And in this respect of course wild life and everything with wither if we have a fire, and I need not elaborate on this point. Therefore, we provide camp grounds for those two purposes. One, to protect the resources from someone who may not be familiar with how to handle a camp fire and this type of thing and the ways and wilds of living in the bush, and the other to offer them a place to pull over, stop and enjoy some of the good Yukon air and scenerey and so forth. Now, any effort made to tax these people at this time, I would be opposed to. I don't think this is conducive to a good tourist promotional program. And, I think also Mr. Speaker you must consider many of these people are just travelling through to the State of Alaska as well, through a road route or a ribbon of road that extends and offers them the possibility of conveying their vehicles from the United States to the State of Alaska. Now, I have heard bitter complaints about people using the ferry system, and what not coming along certain parts of the highway. This is one of the reasons why this would inhibit this. People might just go up and put their trailers and campers on a ferry and go on up to beautiful inland water ways on up to Alaska and neglect the Yukon entirely. So I think Mr. Speaker, in dealing with such matters I think we must consider the effects this will have on the economy of the Yukon. The matter of a checkpoint was brought up. This is a matter for another discussion and I believe that there are some proposals coming up as a matter of fact from Watson Lake on this. And they are to be delived to me this week. But all in all over all I do not feel it would be wise at this particular time to start charging people for the privilege of coming through and taking part in our tourist promotional program. And, therefore I would vote contrary to the Motion.

Mr. Watt: I have been at this Council table for the last

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Mr. Watt continues...

six years, and of all the Motions that I have ever seen before Council this is one of the best worded Motions I have ever seen. It doesn't say the Administration is supposed to tax them. It merely is asking for an investigation. I can't find a thing wrong with the wording of the Motion which is the usual reason for turning down a Motion such as this that asks for information to be gathered. We have about 45,000 or 48,000 checkpoints being established or possibly being established. And, this is just asking the Administration to to gleam additional information and see if they could pass on opinions to us from this checkpoint possibly to the tourist bureau and any other way they could get it and this will give us a greater return on the investment that we already have in both tourist information centers and our checkpoints. It is merely a request to investigate the necessity of establishing a nominal fee for camp service in the Yukon and using Government camp ground facilities. Camper units and trailer units are using the highways and of all the vehicles on the highways, they are the most cumbersome. They are under-powered and they are in most cases road hogs because of the very nature of the vehicle itself. And, I think this is worthy of investigation. It is a simple motion and it is just a request for Administration to get information for us. And, to vote it down would be in effect to say we don't want Administration to get this information for us. If they cannot get the information, they will let us know through the Sessional Paper before the next sitting of Council or maybe before this is over. But this is very straight forward and a very simple Motion. And, I suggest that Council go along with it.

Mr. Southam: Well, Mr. Speaker, I used to be quite against this charging for camp ground, but I have changed my mind to a certain extent. I--talking about the money we spend on travel publicity and in the provinces of Ontario I think the bill for travel and publicity this year is a little over a half a million dollars. Now in the Lake of Two River's Park in Algonquin, the Lake of Two Rivers Camp Site in the Algonquin Park the charge is two dollars per night per tent. Two dollars per night per tent. You go to Lake Lahash in B.C. if you stay over one night, then you pay a dollar per night. You go to Whistler's Park on the highway, the same thing happens there. In Alberta I have never had to pay there yet. However, I am told by my son who goes down that you do pay, you pay a dollar per night. Now, these charges are for the caretaker. And, I quite agree with this. I think this is a good idea. He polices the park and also makes sure it is kept clean and the people pulling have a site to hook into, and so on and so forth. Now, it is quite alright to provide these camp sites, but I think it has come to a time now when we have to or the Administration will have to get a source of revenue to help to pay these people to look after the sites. Now, as you know as well as I know you can't get people working for nothing today. No matter what kind of job it is, the ordinary Joe that used to work for 75 cents or a buck a day, now he has got to get $15.00 or $16.00. So you have to pay these people. And, therefore I think we should be thinking about getting some kind of revenue. Now, I could also quote in the Bay of Funday Park in Nova Scotia which I was in 1964 or 1965 to be exact, we paid when we camped there $2.00 per night for the tent. Now

Mr. Southam continues... MOTION #16 NOMINAL FEE

this is a Federal Government park, a National Park. It is not a Territorial Park, it is not a Provincial Park--it is a Federal Park, but we paid this. It was a good park, there was nothing wrong with it. We didn't mind paying it. And I think maybe that the Councillor has a point here that maybe we should think of these things and see what can be done. If we agree, as the Motion says it is just an investigation to see where we can go or what we can do, I am certainly for the Motion.

Mr. Thompson: Yes, Mr. Speaker, I think this is an excellent field for the raising of revenue. It is aimed at the tourist as opposed to the native and it is quite conceivable that Administration in their widsom will use this as a future source of revenue. I think we are a little beyond ourselves if we anticipate putting somebody in the camp ground at the moment to collect the nominal fee. I don't think this is the answer. But I do think probably a nominal fee at the entrances to the Territory be it one dollar for motorists and two dollars for this and five dollars for a man with a trailer. You have three or four prime locations and then they could have a sticker on their car that allows them to stay at the various parks throughout the Yukon while they are here. I think this is quite a sound suggestion. There have been comments in respect that we are trying to tax the tourist out of existence, and give all the benefits for mining fraternity and this is quite true. This seems to be the tendency of the Territory at the moment. But I think that there are very substantial reasons why this could be pursued and as Mr. Watt says it is one of the best written Motions, and I imagine he wrote it for Mr. MacKinnon under the circumstances and that's why the comments. Any way I am wholeheartedly in support of this.

Mr. Speaker: Gentlemen, any further discussion on Motion #16.

Mr. MacKinnon: Mr. Speaker, I would just like to clarify one point. I did write the Motion.

Mr. Speaker: Thank you Mr. MacKinnon. I must say you did an excellent job. Are you ready for the question? Are you agreed to the Motion? Are there any contrary? The Motion is carried. MOTION CARRIED

MOTION CARRIED

Mr. Speaker: We next proceed to Motion #...

Mr. Watt: Was anybody contrary?

Mr. Speaker: I didn't hear anyone contrary Mr. Watt. It wasn't indicated, let's put it that way. And when it was not indicated I assume it was not contrary. We next proceed to Motion #17 re Appointment of Mr. B. Sivertz former Commissioner of the Northwest Territories to head the Carrothers type Commission to make recommendations for change in Government in the Yukon Territory. MOTION #17

Mr. Watt: Yes ,Mr. Speaker, Motion #17 moved by Mr. Watt seconded by Mr. MacKinnon--(reads Motion #17). May I proceed Mr. Speaker?

MOTION #17 Mr. Speaker: Proceed Mr. Watt.

Mr. Watt: Well, Mr. Speaker, as we all know we had discussions in Ottawa with respect to changes in Government in the Yukon Territory and we had a meeting with the Minister of Northern Affairs Mr. Laing, and this was held in the form of a formal meeting and we had one member get up and make a Motion and Mr. Taylor seconded the Motion that we have a Carrothers type Royal Commission to study government in the Yukon Territory. Mr. Laing said he would certainly be willing to have a Committee report studied and tabled and have it made public on investigations in the type of government we could possibly have in the Yukon Territory. And Mr.Carrother's name was mentioned. I was sorry to see his name mentioned because I think that he would be working on the basis of preconceived notions, and I am using the N.W.T. report as the basis. And as we all know the basic fact is that all resources should be Yukon resources and N.W.T. resources should be reserved for all of Canada, which I heartily disagree with. But, this was one of his reports that he is too busy to carry on with a Committee report for the Yukon Territory and this may happen to be a blessing in disguise. And as I understand from what the Commissioner has said the other day that Federal Government was looking around for another man to fill the position of Chairman of this type of a Committee report. I think that--I mentioned Mr. Sivertz' name because I think it is of interest to the Yukon Territorial Council to take the initiative in this. It has already--they have already indicated that they wish to have a report but if they do wish to have a report, I think we should take the initiative in establishing a Chairman of the Committee that makes the report. If we know of anybody that could possibly do this, I think it would be a good idea to make a recommendation such as this, and see if it will be acted upon. The Northwest Territories--we could follow their example with respect to this. They take the initiative in a lot of respects. They even took the initiative in the appointment of their own Commissioner over there. They made a recommendation and their recommendation was acted apon. So I don't think this is something new, mind you we have recommended the Commissioner we have already got right now. But this is something that the N.W.T. Council is taking initiative in and we could do likewise. If there is another name that somebody else would like to suggest that they know that could be the Chairman of this Committee, then they could possibly amend the Motion or something like this. But this is one person we all know. We have had an awful lot of experience in the north. He is very, very talented and knowlegeable in the ways of the north and in the ways of the government. It would be too bad if has talent and his experience and his training were available to us and we did not make use of it. I understand he is going on a trip. I don't know when, but possibly this Committee report wouldn't take too long as Mr. Laing has suggested most of the pertinent information is already available. It is a matter of getting it together and making a report on the future government. By way of comment I would also like to suggest that the Territorial Council also be on this Committee instead of a bunch of university fellas from down south someplace or down east someplace. I think that the Territorial Council or possibly the Speaker could also be on this. But right now the Motion states that

Mr. Watt continues... MOTION #17

Mr. Sivertz is to be the Chairman, and we could give him a clean slate, something to work with. He is knowledgable with both the N.W.T. and the Yukon and the Federal Government. He knows what could happen and primarily he is independent. He has a mind of his own and I think if we won't pass a Motion such as this we are leaving it up to the Federal Government to shop around the universities and all the highschools and everything else in Canada to find themselves somebody that agrees with their opinion. So I think that we--I would like to have the Council's support on this. And, it is set forward for us to start taking the initiative in not only this but other types of things with respect to--concerning our type of Government for the Yukon Territory. So I humbly request support of all Councillors in this Motion.

Mr. Taylor: Well, Mr. Speaker, this one absolutely confounds me. It baffles me because here the honourable member was fighting exactly the opposite point of view in January of this year. And, now he goes to the other side. And, obviously he must have been sleeping when we had that discussion in Ottawa because I would like to state--to put the record absolutely straight Mr. Speaker, that at no time did I propose a Carrothers type study in Ottawa. As a matter of fact I vigorously rejected it and I stand here today to continue to vigorously object a Carrothers type study in Ottawa. What I did propose was that some immediate form of self government should be given to the Territory and steps taken to achieve full autonomy in the spce of four or five years for the Territory. This I did do. And, I also stated that if this were not possible and if the Minister and his Department were of the view that they would resist any change in the Yukon Territory from the colonial status in which we now exist, I stated then and if a study must be made a study should be made by the Parliament of Canada who are most concerned with Federation and that no study, absolutely no study be made answerable to the Minister and his Department. This is in fact what went on in Ottawa, not the statement made by the former speaker, the former member speaking, Mr. Speaker. That is the truth. That is the record. I believe I recall one of the things that substantiated my point in that agreement that we should not--and we should resist any Carrothers type study--was substantiated when the Minister said, well, we could do it here oh in a couple of months here indicating the Centennial Tower where this great administration of Northern Affairs is housed. We could do it here in a couple of months. It won't take us long as the Northwest Territories because we don't have to send these people all around. The information is already here in the building. Do you remember this? And he also said we can send a team north for a few interviews to wrap it all up. A few interviews. This I have not forgotten, Mr. Speaker because this is a subject near and dear to my heart--autonomy. And believe me before the Council sits down we are going to have an interesting go around on autonomy. As soon as all the information and all the serials are available towards the end of this Session . You bet your boots. Now, I say to you gentlemen, as I did in Ottawa, and I say now that there is no requirements for a consitutional study in the Yukon Territory. Absolutely none. The objectives are clearly defined. If we would only sit down with Administration and work out a program

MOTION #17 Mr. Taylor continues...

aimed at achieving these objectives. There is no constitutional study required by answerable to the Minister. And, believe me I know what happened to the Carrothers Commission report. I know how it was gathered and I know the manner in which it was made public, and I know why it was made public and I would not want to see a Carrothers type study in the Yukon Territory. And neither would Councillor Watt up until this particular moment. I can't understand why he changes his mind so often, Mr. Speaker. This time I would like to read into the record an excerpt from the Canadian Broadcasting interview on the program the Yukon and Autonomy-- broadcast at 8:03 pm Friday, February 3, 1967. The interviewer was Les MacLaughlin. The interviewer asked or stated--Your major point is that in order for us to become a province of consequence at this moment we must have control of our basic resources, minerals, oil and gas. Now in a recent statement in Ottawa, Mr. Laing stated that the Carrothers Commission report says and he accepts without any qualifications that the continued sole responsibility for northern resources shall remain with the Federal Government. This would indicate that Mr. Laing is not prepared at this time or in the forseeable future to turn over control of basic resources and this would of course slap down any proposal you may make so far as Mr. Laing is concerned. And the honourable member from Whitehorse-West replied. Well, the Carrothers Commission report to begin with is a report that was compiled by the Carrothers Commission. It was appointed by Ottawa and paid by Ottawa and presumably they were interviewed by Ottawa before they were hired. And if they had thought anything other than that I don't think they would have been hired. They thought anything other than that I don't think they would have been hired. They would have got somebody that would have been thinking along the lines they wanted them to think before they would have been hired. And, Mr. MacLaughlin answered that by saying--So you think the Carrothers Commission Report is of real...ah...no consequence as far as we are concerned. And the reply by the member from Whitehorse-West was--It has nothing to do with the Yukon Territory and as far as I am concerned I hope that no report like this is ever made by Ottawa and I wouldn't pay one cent of taxes towards it. And now the honourable member comes up and practically begs us on bended knee to go along and do exactly what he proposes we should not do. And he told every member or every person listening to the C.B.C, radio of the Yukon Territory this was his advice to the people. Now I can't condone this Mr. Speaker. It shows that the submission is completely confused, ill-considered and I would also like to say that in talking with senior members of government informally and many people of the Yukon Territory, it is agreed that no Commission study is required in the Yukon Territory. And, if the Council accepts this Motion #17, for any reason it would mean that you in fact endorse a Carrothers type Commission study answerable to the Minister and not to the people. And, I heartily suggest gentlemen that you do not vote in favour of this Motion. I would also ask principally that the services of Mr. Ben Sivertz be required to head up this study. I am not so sure Mr. Sivertz would want to head such a study were there ever one made. I personally talked to Mr. Sivertz and I think he feels as we do, I know he feels as we do, he told me personally. He doesn't feel any study is required either.

Mr. Taylor continues... MOTION #17

So, as I say this Motion is ill-founded, is a product of confusion and gentlemen, I urge that you defeat this Motion.

Mr: Speaker, Mr. Taylor would you please take the Chair?

Mr. Shaw: Mr. Speaker, in discussing this Motion I didn't bring it with me...I might state for the record that I am myself in favour of a type of Commission such as has been proposed. I don't know if I was one of the movers of the particular Motion or not. However, I think it has quite some merit. The investigation of the Commission or whatever you call it, will come up with certain proposals and some of those proposals might be quite good. The government have seen fit to give autonomy to many of our former colonial possessions and therefore have appeared to be extremely knowlegeable in this matter of what we call constitutional procedures. So, I just want it established that I am an opponent of this particular Commission. However, I am sorry to state that I am not agreeable with this particular Motion #17. And my reasons are, I think I should state them, that appointing Mr. Sivertz, now, certainly Mr. Sivertz in my estimation is a man of extreme ability. I have the very highest regard for his ability. I think I could also say he is a very good friend of mine. I have had considerable acquantiships with him over the past number of years and he has tremendous qualifications. There is just one thing that lies in the back of my mind though, and that is the fact that Mr. Sivertz has been a public servant for a large number of year, , a considerable number of years. And when a person is in one type of position, for a very long time, it is inevitable that the thoughts and procedures that must become a type of habit of the period of years would remain certainly at this stage of the game. In otherwords, from the public service view point and from my experience in government, I find that indeed people that work for the Government for many years have a certain fixation in regard to the functions in which they perform if they did not there would be no necessity for having elective representatives because the people could always carry out the work of the people and therefore and elective representative wouldn't be of any particular use. However, the reason we have an elective representative is to convey to the management of this country the civil servants, the views and the opinions of the people whom they represent. And I think gentlemen, Mr. Speaker, that you will agree that the Council itself and the Administration do disagree on many, many points and therefore it is evident there is a difference between an elective person and an Administrative person. So, that I think that Mr. Sivertz would make a tremendous contribution as being a member of the particular Committee and I would certainly like to see him with his knowledge and ability to be on this Committee. But, I would not--I would feel to head this Committee would require a person of vast knowledge in the constitutional field and those, Mr. Speaker would be my feelings in respect to this particular Motion and I would like to see Mr. Sivertz on the Committee, but not as the head of the Committee.

Mr. Speaker: Thank you Councillor Shaw, will you take the Chair?

MOTION #17 Mr. Speaker: Any further discussions on Motion #17?

Mr. Boyd: Mr. Speaker, I too have the utmost regard for Mr. Sivertz. But this is a pretty potent question or request and being as important as it is, I don't--I just can't see myself being qualified to go along with the Motion as much as I respect it without having first had a chance to talk it over with some of the people who know the ins and outs and what it is all about. If I could have had a chance to do this I could have certainly made up my mind then, but here right out of the sky with the utmost respect I would much have preferred the Motion being handled in another manner where the mover of it possibly could have gone on record has having discussed it with--well, with some people of import that would give us a clue as to what their reactions are. If we pass it, I suppose Ottawa would suit themselves anyway. So this is my answer to that--they would suit themselves regardless. So, I am not very happy about the Motion the way it is worded, in as much as I haven't had time to look into it.

Mr. Speaker: Thank you Mr. Boyd. Any further discussion on Motion #17?

Mr. MacKinnon: Well, Mr. Speaker, as seconder of the Motion I think it is a very good Motion. It is clued for thought to the Minister and I am sure he will not burden us with somebody he doesn't consider fit to handle the Commission. He hasn't gone that far yet. So, I can't see any reason why we shouldn't pass the Motion and give it to the Minister as a thought and he will work it through the best advantage for all of us undoubtedly. I believe the study is necessary. We more or less agreed to a study last winter. The Commissioner or the Minister he felt a thought type study would be very beneficial to the Territory and I think very much along the same lines. And, it is only a suggestion. He doesn't have to hire Mr. Sivertz and possibly they never thought of it and the matter of bringing this to their attention. And, if it works out they will in the final analysis do as they see fit. And I believe this is a very necessary evil too, but I hope that other members see fit to support the Motion because it is very harmless and it would not be fair to Mr. Sivertz to defeat this Motion, I don't believe after the years he has spent helping the north and the development and the people of the north.

Mr. Speaker: Thank you Mr. MacKinnon. Is there any further discussion? Are you ready for the question?

Mr. Watt: I would just like to say that we have all pretty well stated that we all have a very, very high regard for the person that is mentioned in this Motion and the Federal Government does not have to act ot it. They can disregard the Motion if they so wish, but I think it is simply a case of us taking the bull by the horns and taking the initiative. If they can't find Mr. Carrothers then maybe they will look around for another six months before they find somebody else to take his place. And they may never find somebody. They may not be looking in the right place. So I think this is something to bring this to a head, I hold it against the Royal Committee Report or the Royal Commission Report as Mr. Taylor wanted. He wanted a Royal Commission Report in the Council to go along with the Committee Report. To me there is very little

Mr. Watt continues... MOTION #17

difference. It would probably be the same individual or it would be the same individual and the same report as the one that is tabled in a different place from the other. So it is the same thing, virtually the same. It will have the same results. And I recall a twenty minute discussion between Mr. Taylor and Mr. Laing in which they were arguing against the differences between the Committee Report and the Royal Committee--Now I have not changed my mind. I think we would be better off without any report. I think we would be better off to sit down and make recommendations right here in Council concerning our future. Perhaps the Federal Government can change the Yukon, but I don't think the Federal Government will act on our recommendations. We had a Motion #40 which I would have gone along with if it had--to reports in lines of minerals, oil and gas, etc. But we didn't approve that so I couldn't go along with that Motion. But we are asked to make another Motion so I don't think that will be acted on any further or any faster than Motion #40. So If a Committee Report is going to be tabled and a study is going to be made then I think we should take the initiative and have something to say about who is going to Chair it. Of all the people--I think if we were given a secret ballot I think his name would probably come up first. Now, what Mr. Taylor said from the document he was reading, I don't know what document it was, it appears to be a piece of paper he has typed stuff out on when he heard the broadcast--his impressions of the broadcast. So it is nothing official. But he did say I had said I agree with it, but I don't think a Committee Report or a Royal Commission is necessary. But let's face it, we are faced with a bad situation so let's make the best of it. Let's get the best we can under the circumstances. So I would suggest we take the intiative, which is our responsibility. Mr. Boyd said this is shoved at us too fast, but I would like to say to Mr. Boyd this is fine, on Friday I tabled this and I waited for the weekend on purpose so that he knew what this was all about Friday, Saturday, Sunday and today is Monday. He had the whole weekend. I don't think this would be any good deferred or anything else. We have either got to decide are we going to have something to say in this report or not and this is our opportunity. So I would like to have the support of Council with respect to having Mr. Sivertz Chair this. MOTION #40

Mr. Speaker: Are your ready for the question? Are you agreed with the Motion? Are there any contrary to the Motion? Would those who favour the Motion indicate by raising their right hands - Councillors Boyd, MacKinnon and Watt. Thank you - that's three. Those that are not in favour please raise their right hands - Councillors Thompson and Taylor. The Motion is carried. MOTION CARRIED

MOTION CARRIED

Mr. Speaker: Now, gentlemen, the Commissioner issued an invitation to Council to be present at his office at a quarter to twelve. We have gone five minutes over. In which a presentation is going to be made to the Commissioner of a film and with your pleasure--is that agreeable? I will now call a recess of Council until 2 o'clock this afternoon. RECESS

RECESS

Monday, 2:00 pm
April 17th, 1967

ABSENT: Councillor Watt

Mr. Speaker: I now call Council back to order and the business on the agenda at the present moment is the matter of questions. Do we have any questions at this time? QUESTIONS

Mr. MacKinnon: Yes Mr. Speaker, I would like your good graces to take the afternoon off and possibly tomorrow morning.

Mr. Speaker: Gentlemen, Mr. MacKinnon has asked a question, are you agreed to go along with the request?

Council: Agreed.

Mr. Speaker: You have permission Councillor MacKinnon and we wish you a very pleasant journey on your visit to the northern part of your constituency. Are there any further questions? If not I would be prepared to accept a motion that we revert to Committee.

Mr. Boyd: Mr. Speaker, I would move that the Speaker do now leave the Chair for the purpose of convening into Committee of the whole to discuss bills, motions, sessional papers and memorandums. MOTION TO CONVENE INTO COMMITTEE

Mr. Southam: Second the motion

Question called and motion carried

MOTION CARRIED MOTION CARRIED

Mr. Taylor takes the Chair.

Mr. Chairman: Gentlemen I believe Mr. Commissioner has a few items of discussion for us firstly this afternoon and then I believe that we will proceed with game and then on to the time motion. Proceed Mr. Commissioner.

Mr. Commissioner: First Mr. Chairman I would like to advise Council that the CMHC have named a representative who is going to be in residence here in the Yukon Territory. His name is Gross. He is at the present time an employee of CMHC based in the Calgary office and we have been in touch with him and as soon as suitable housing has been arranged he will be moving to Whitehorse. We are hopeful that there will not be any delays in this and my administrative assistant advises me that he has been in communication with the Department of Public Works and is seeking their assistance in securing housing for this man. I also believe that we have been endeavouring to find suitable office space and we are hopeful that there will not be any undue delays in getting this attended to. The next thing that I would report to you Mr. Chairman is that there was a question asked verbally of me and I asked for time to answer in connection with the United States Army pipeline as far as the paying of Territorial land taxes was concerned

REPORT RE: CMHC REPRESENTATIVE

U.S. ARMY PIPELINE

REPORT: U.S. ARMY PIPELINE

and I would have to refer you to the most recent information that we have which was tabled for Council on April 18th 1966: The Haines-Fairbanks pipeline is a military pipeline and therefore not subject to Yukon taxes under an agreement known as Visiting Forces North Atlantic Treaty Act; there is no commercial product put through this pipeline, it is strictly military. Now the question was mostly related not only to the question of taxation but as to the question as to whether or not the product being put through the pipeline was anything but a military product and I would report to you Mr. Chairman that we find it practically impossible from our resources to determine if in fact any of the product is other than military that is going through the pipeline and while the member who asked this question and who intimated that some of the product was other than military, well he is not here just now, perhaps he could supply us with any more information that we might follow up on I would be very happy to do so.

SELECTION COMMITTEE FOR SUPERINTENDENT OF EDUCATION: COUNCIL'S NOMINEE

The next item that I would raise Mr. Chairman concerns a selection board that I am setting up to choose the new Superintendent of Education. Now through the Personnel Department and the advertisements that we have placed we have a considerable number of applicants for this position and I am in the process of setting up a selection committee to go through these applications and interview prospective candidates and advise me of their choice and as this is a most important position and very sensitive in the field of the public domain it is my wish to have a Councillor on this committee. There were two alternatives facing me here: I can either outright appoint a Councillor or I could ask Council to give me their nominee whom I would be very happy to appoint to this selection committee and I have chosen the second alternative here Mr. Chairman and I would ask Council to give me the name of their nominee to sit on this selection board. I may say for Council's information that on this board representing the Administration will be Mr. Keith Fleming;to give education representation I have secured through the good graces of the Department of Education in British Columbia Mr. Levers who as some of you will remember sat on our school committee and is the man who took Mr. Brown's place after he died during the committee's deliberations here a few years ago, and there will be Council's nominee. I would ask Mr. Chairman that if Council could advise my office before the day is over as to their nominee I would be most appreciative as time is the essence in order to make proper plans to do this job in a manner that is suitable and fitting for the importance of the position that is involved.

Mr. Shaw: Mr. Chairman, in respect of that, due to the great deal of good work that he has done in representing this Council in education I would myself, if Mr. Boyd would think it acceptable, be very pleased to nominate Councillor Boyd for this particular position.

COUNCILLOR SOUTHAM TAKES THE CHAIR

Mr. Taylor: I would certainly agree and I would second Councillor Shaw's nomination.

COUNCILLOR TAYLOR RESUMES THE CHAIR

Mr. Chairman: Is there any discussion on this gentlemen? DISCUSSION: COUNCIL'S NOMINEE

Mr. MacKinnon: Well Mr. Chairman, with all respect to Mr. Boyd I believe that after a man has served so long in a particular thing of this nature a little new blood doesn't hurt and I would like personally to see some other Councillor enter the education field at this time and I believe it would be only fair, Mr. Southam has been all over North America and he would be a very very good man and at the same time you are making a change. I don't know how Mr. Boyd feels about the position but he might like to be relieved from this type of responsibility for a period of time and I thought it would only be fair that somebody else is willing to step in and take over for a period of time.

Mr. Chairman: Is there anything further gentlemen?

Mr. Southam: Well Mr. Chairman, seeing as I'm leaving the Territory in the not too distant future - mind you I wouldn't mind helping out if necessary - but Mr. Boyd has worked on your board for quite a while and I think he may be the suitable man. I thank Councillor MacKinnon for his thoughts and as I say if it was a case of sticking around I would certainly be only too glad to give you a hand but I think at this time maybe somebody else.

Mr. Chairman: Gentlemen, it has been moved by Councillor Shaw and seconded by Councillor Taylor that Councillor Boyd be appointed to serve as Council representative on the Director of Education Selection Committee. MOTION RE NOMINEE

Question called and motion carried.

MOTION CARRIED

Mr. Commissioner: May I accept it, Mr. Chairman, without a formal indication from Council that Mr. Boyd is your representative and I will so advise my office?

Mr. Southam: If Mr. Boyd agrees.

Mr. Boyd: Well I have time and I have no objections. I appreciate Mr. Smith's thinking that a Territorial Councillor should be on this Committee and I am quite prepared to sit in on it. Thank you.

Mr. Commissioner: Thank you very much Mr. Boyd. Mr. Chairman I am very well aware that due to unavoidable absences on my part Council's work cannot be delayed, but I heard you mention the subject of time in the Territory and I have done a considerable amount of work and had maps prepared and what have you; I haven't put this down in the way of any further sessional paper because I felt that you had enough information here along these lines now, but if Council felt that the research and background work that I have been able to do on this would be of value to them I would be very happy to discuss it upon my return if this was of any value to them Mr. Chairman. I simply pass this information on for what it is worth in case that you felt you wanted more information than you presently have.

PROPOSED DISCUSSION OF TIME

Mr. Thompson: Mr. Commissioner, are you contemplating leaving forthwith?

Mr. Commissioner: Yes I am.

Mr. Thompson: Well I think then in this case it could be held over until such time as Mr. MacKinnon and the Commissioner are both back.

Mr. Chairman: Are you gentlemen agreed to defer this discussion on time again?

Committee : Agreed.

Mr. Commissioner: May I ask to be excused Mr. Chairman at this point?

PROPOSED DISCUSSION OF BILL #6

Mr. Thompson: There is one other matter Mr. Chairman and that is with respect to Bill #6 - An Ordinance respecting the installation of electrical equipment and wiring. I see that the Territorial Engineer is in the gallery today. I am wondering if we could set a time certain so that we could conceivably discuss this without further delay. The last time there were road blocks set up because he wasn't here, which I didn't feel were valied at that time and I still don't feel that they're valid; inasmuch as he is back I assume that it would be permissable to set a time certain so that the elusive Territorial Engineer will be available.

Mr. Chairman: Thank you Councillor Thompson, I believe I was informed this morning that he would not be available today but any time after tomorrow he would be. However we can determine this possibly in a recess. I believe Councillor MacKinnon wished also to be excused today. Would you gentlemen agree that Councillor MacKinnon and the Commissioner be excused at this time?

Committee: Agreed.

The Commissioner and Councillor MacKinnon excused and a short recess declared

RECESS

Mr. Chairman: I will now call Committee back to order and we have Mr. Fitzgerald to discuss Bill #10

DISCUSSION: BILL #10 AMENDMENT

COUNCILLOR SOUTHAM TAKES THE CHAIR

Mr. Taylor: In respect of this Bill, Mr. Chairman, for the edification of Mr. Game Director, it has been recognized that the proposed amendment as outlined to Section 5 with reference to 10A respecting the prohibition of transporting game, hunters, by helicopter unless there is an injured hunter and it precludes the use of this thing by trappers for the conveyance of fur or native Indians, so this was of course precluded because game includes the head, skin or other parts thereof which means that it is not permissable for a helicopter to haul fur, so in order to get around the problem one thought was a motion which has been prepared and moved by myself and seconded by Councillor Boyd that 10A

be amended by adding thereto the words "but nothing herein shall be deemed to prohibit the carriage of game pelts lawfully taken" and at this point the presence of the Game Director was requested for his comments. BILL #10

Mr. Fitzgerald: Well Mr. Chairman, after this was discussed the other day I thought about this trapper thing that was brought up and I would like to respectfully suggest that if the word "big" was placed between the word "transport" and "game" this would cover the situation. The definition of big game does not include pelts, the fur bearers and if that was placed in there so it would read "No person shall transport big game or hunters by helicopter" this would leave it open for pelts of any fur bearers to be transported by a trapper as suggested. The definition of "big game" under Section 2 Subsection (a) of our present ordinance covers only big game. The definition of fur-bearing animals covers all our pelts and so on that a trapper would be hauling. The two definitions separate these two items.

Mr. Shaw: Mr. Chairman, I wonder if the Legal Adviser would feel that this would serve the purpose to allow the trappers to pack their rigging and stop big game pelts from being toted around in helicopters.

Mr. Legal Adviser: Well that is another approach to the problem. The Councillor from Watson Lake as I remember did have a specific motion before the Committee and suppose Mr. Fitzgerald's suggestion was adopted now, we would want to introduce an amendment to the motion so it becomes a procedural matter for the Committee. Certainly the suggestion that he makes that big game be specifically prohibited would get us over the problem of the small fur-bearing animal but you really have to come back to the question of whether it is the size of the fur or the source of the fur or the type of machine that it's being flown in which is the tainting factor. From the legal point of view Mr. Fitzgerald's suggestion would seem to offer a solution to the problem that we have in mind but there is at the moment I think a motion which has been seconded and Mr. Fitzgerald's suggestion, if adopted, would probably need a mover and a seconder by way of amendment to Councillor Taylor's motion.

Mr. Shaw: Mr. Chairman I forgot about the motion; that was a deferred motion wasn't it?

Mr. Legal Adviser: Mr. Chairman, as a further thought possibly that motion could be withdrawn and then re-phrased.

Mr. Boyd: Yes Mr. Chairman, it seems to me that to amend the Bill by inserting one word: "big" would be the simplest way, probably the best way to get around the problem and if the mover of the motion thinks the same way as I do I would be quite happy to withdraw as seconder.

Mr. Taylor: Well Mr. Chairman now that everybody's got this all sorted out this is exactly what I was going to suggest. I was just preparing another amendment. I am just wondering what is wrong with the amendment as it is suggested, other than possibly a person could haul a moose hide or something like that around and I think we are determined that we are going to let the meat and moose hide rot in the bush rather

BILL #10

than have it flown out. If this is the case, that the meat and the hides will be left to rot then I will withdraw my motion and my seconder has indicated he would withdraw so with the concurrence of committee that we are permitted to withdraw I do have another amendment.

Mr. Chairman: Does the Committee agree with the suggestion that this motion be withdrawn?

Committee: Agreed.

Mr. Taylor: Well Mr. Chairman I just still feel that the section as it now stands - again I haven't got the exact wording here but I believe it is to the effect that no person shall transport game, hunters or hunting gear by helicopter except in the case of an injured hunter. I think that's the crux of it now as it stands and I still wish to say I am unalterably opposed to this proposal; I think it's discriminatory and I don't think that anyone who brings this amendment into the Game Act is really and truly working for the people of the Yukon or understands what their wishes are and as I said before it is not permitted to hunt from a helicopter, it never has been and it still is not under the present ordinance and this is gross discrimination. Normally with these two members absent I would move that the whole matter be deleted entirely. I will not do that so I will move that the motion be amended to substitute the words "big game" for the word "game" in Section 5 (10A) of Bill #10.

MOTION TO AMEND BILL #10

Mr. Shaw: Mr. Chairman, do we leave out this section in the case of the injured hunter?

Mr. Taylor: Mr. Chairman, I am just amending the motion in order to substitute the words "big game" for the word "game" in Section 5 (10A) of Bill #10. The rest of it remains as is.

Mr. Shaw: Well Mr. Chairman, we have left out a Section that was contained in a motion which was withdrawn so therefore I think perhaps before we get to any amendment and making it complicated if the mover of this particular motion did put in that particular section covering the injured hunters it might save a lot of formal work.

Mr. Taylor: Well Mr. Chairman, I submit the motion that I read before was to add some words to Section 10A. Now I have taken that out of there, Section 10A is back to what it normally was and now I am stating take the word "game" out and call it "big game". It's as simple as that, the other provision is still there.

Mr. Shaw: Well Mr. Chairman, the think the injured hunter - the whole motion was withdrawn. That's my impression.

Mr. Taylor: This is the problem Mr. Chairman, people are making things that don't understand what's going on. I would say throw the whole darn shooting match out.

Mr. Shaw: This is why I am asking these questions and I still think I'm right. This motion was withdrawn, the amendment was withdrawn.

Mr. Taylor: Well Mr. Chairman, round and round we go again. The motion reads now as it stands "10A:No person shall hunt, transport game or hunters by helicopter with the exception of hunters requiring medical aid." I then proposed a motion to add to it the words "but nothing herein shall be deemed to prohibit the carriage of game pelts lawfully taken." This has now been withdrawn. Now, in its place I am proposing another motion which states "to substitute the words "big game" for the word "game" in Section 5 (10A) of Bill#10" Nothing complicated about that that I can see. BILL #10

Mr. Boyd: That to me is precisely what the Game Commissioner indicated and it is what the Legal Adviser suggested would be quite satisfactory and I will second the motion.

Mr. Chairman reads the motion and calls the question.

Mr. Shaw: No, I am not ready for the question. What does it say about the hunters? Here I have a section that says "No person shall transport game, hunters or hunting gear by helicopter." We are changing "big game" Mr. Chairman. I haven't heard the motion or the amendment, I have heard an amendment to an amendment to an amendment. I am just asking to have the whole motion, surely I am entitled to that Mr. Chairman?

Mr. Taylor: Well Mr. Chairman I have just read it to the honourable gentlemen but I will stand here and read it all afternoon. He obviously must have been asleep when we were talking about helicopters , but the motion now reads - let's try this all over again - "No person shall hunt, transport game (not big game, just game) or hunters by helicopter with the exception of hunters requiring medical aid." And this was an amendment approved by you gentlemen a few days ago. Now the motion with the amendment before us would amend this motion and essentially take out the word "game" and make it read "big game". I don't think I can put it any clearer than that Mr. Chairman.

Mr. Shaw: Yes I agree Mr. Chairman. The only thing is, why couldn't - now this has been amended and the motion reads so and so and read the whole section which we are doing, no excuses. This is absolutely confusing to me. I am trying to find out what is going on. Now finally through about six amendments I've found out.

Question called and motion carried.

MOTION CARRIED MOTION CARRIED

MR. TAYLOR RESUMES THE CHAIR

Mr. Chairman: Have we anything further on this ordinance gentlemen? Can Mr. Fitzgerald be excused at this time?

Committee: Agreed.

Mr. Chairman: Gentlemen the only remaining piece of business that we can conduct today is the matter of the motion on time has been deferred, the bill respecting the electrical ordinance will require Mr. Territorial Engineer

who informs us Wednesday would be the earliest he would be able to discuss this with a rare possibility of Tuesday afternoon and possibly I think we have one sessional paper. We have Motion #13 (inaudible) Mr. MacKinnon and he's not here to discuss it.

Mr. Boyd: You could read sessional paper #89. I don't think that has been dealt with Mr. Chairman.

SESSIONAL PAPER #89

Mr. Taylor: Yes, we have one sessional paper. This is Sessional Paper #89 - Question #3: Canol Road.

READS SESSIONAL PAPER #89

Mr. Boyd: Well Mr. Chairman, there was a time not too many days distant when they were going to open this road, at least they led us to believe they were going to open this road. I even went so far as to communicate with a mining company to indicate that it would be opened and they could figure on getting their supplies in without trouble and I intimated to Government circles that I wanted to do this and I received their blessings but this looks like another one of those cut-backs which we will not hear anything about - it simply won't happen. It's true, the sessional paper is vague, it doesn't say they did intend to do this or why they changed their minds, it's just one of those thing where we put so many words together without saying anything, without any explanations. But I think if you can add two and two together it's simply a case of where Ottawa has run out of money, they want to use it somewhere else and the less said about it the better as far as the explanation is concerned. This is the way I see it.

MR. SOUTHAM TAKES THE CHAIR

Mr. Taylor: Well Mr. Chairman, the question really hasn't been answered in this paper. I agree with Councillor Boyd, it would appear that is what the case is and in personal conversations with the Deputy Minister he seemed to indicate that some thought would be given to it, but the visit of the Minister and his entourage on Yukon roads is not coming until May or June which doesn't leave much time to get the work done that should have been done in here about six years ago. I know the opening of the Upper Canol Road was to have been done many years ago but as you see here they're still reluctant to open it up and this is a very active area and mining companies are quite active in there and unfortunately even some of them are so bad that they are using helicopters but this of course is because there is no road and we have one mine or potential mine up the road, a ten million ton proven ore body - Hudsons Bay people - and until we open this road we cannot expect to see these resources developed and I am fast coming to the conclusion that possibly the Federal Government are attempting to retard the development of these facilities until some later date. But all they say is that no provision of funds has been made in the Federal estimates and they say that funds for this project would be the responsibility of the Federal Government, and that's what I asked them to determine and this of course would take a telex or telephone call to determine just what

their thinking is. My question is unanswered but I would assume that they have no intention of doing anything at this moment so I will just let it go at that.

Mr. Thompson: Further to this Mr. Chairman, this memo that was handed to us this morning that relates to road program - Yukon and Northwest Territories. This is a letter signed by Mr. Yates, there is no date on it but it says: "In the Fall of 1965 the Minister of Indian Affairs and Northern Development announced a ten-year road program for the Yukon and Northwest Territories which was the start of a twenty-year program" Further down he says " the Minister has now directed that a group of departmental officials led by myself (who is Mr. Yates) should obtain the views of interested parties from the North. I would liketo know whether your organisation proposes to make representations and if so please inform us by April 1st or sooner." So Mr. Taylor's saying he wants to postpone these enquiries and I think that probably now is the time to get our two cents worth in because if we don't we're going to be further out than we are at the moment. Granted this is supposedly a Federal proposition as opposed to a Territorial but I think that they all tie in in the overall road network program.

Mr. Taylor: Mr. Chairman, I never suggested we postpone these things I just said that the lateness of the time they are coming up would postpone any road development for the Yukon this year. I had no idea of leaving you with the impression I suspect it be postponed. I say it's been postponed for about six years, another year isn't going to hurt. But as I say this is just another case of where Government lags three to six years behind industry. In other words private enterprise will develop the Yukon inspite of the Government.

Mr. Chairman: Might I ask Mr. Thompson from the Chair if this is a private letter, because I didn't receive any notice of this.

Mr. Thompson: I was of the opinion that all Council members got it. It was in a great big brown envelope on my desk when session started this morning.

Mr. Boyd: Mr. Chairman, I think Mr. Thompson appears to be the honoured gentlemen in this case because I haven't had any such letter.

Mr. Chairman: Well it seems as though us people out in the left wing here are left out.

Mr. Shaw: Mr. Chairman I am very happy to see that someone has put a pipeline some place because I don't have one of these either but while I am on my feet, I don't understand about the road being re-opened or the location and I can only agree with the members in this particular area wanting this thing. However, I would just like to clarify something - Section B of this, as far as the ferry goes, I understand that this new ferry, as you know I would like to see a bridge

in, not a ferry, however this new ferry is being constructed, that appears to be the thing that is going to be used, but I have been given to understand that this thing won't be ready until possibly some time in August - quite late. Well in the meantime they have two ferries in Dawson at the present moment; one is the ferry that came from Stewart I believe, one is a much smaller one that is used at Dawson. However, these ferries are somewhat old ferries and it seems like you have to have one to substitute for the other one from time to time and sometimes you have to use two of them at the same time because of the size of them and it would appear to me somewhat impractical to use one of those away at this time because you could tie up the whole Clinton Creek operation besides the tourist activity that goes back and forth. It's pretty well inadequate, or it would be if there was only one, if one broke down.

Mr. Boyd: Mr. Chairman, might I ask Mr. Thompson to enlighten me. It's suggested in that little part that you read out that submissions would be acceptable. Who is he addressing this to, is it the Administration? Who is he referring to for these submissions?

Mr. Thompson: Well gentlemen, the cover letter is dated the 12th April 1967 and it is addressed to members of the Yukon Council, so I just naturally assumed it was common knowledge and it just says"Roads Program - Yukon and Northwest Territories: The Minister of Indian Affairs and Northern Development has appointed a fact-finding committee to discuss priorities for road construction programs with associations and groups operating in the North. Three members of the committee, Mr. A.B. Hunt, Mr. K.W. Stairs and Mr. A.B. Yates propose to make the trip to the North in May. Letters giving details of the programs and the purpose of the trip have been sent to interested parties inviting their comments. For your information I have attached a list of the persons contacted regarding this trip, a copy of the letter sent to the above persons, a copy of the attachments: Northern Roads Policy, Northern Resources Roads Information booklet, List of work underway in 1967 and a map of the northern roads network. If you know of others to whom this letter should be sent please let me know as soon as possible." And it's signed by some unintelligible person for the Director.

Mr. Boyd: Well Mr. Chairman, I would like to ask the Clerk if it would be possible for the rest of us to get a copy of this and possibly Council should discuss it a little bit further at a later date.

Committee: Agreed.

Mr. Shaw: If this communication came in the mail Mr. Chairman it's possible they could all have been sent and one got ahead of the others and they have such good service in Porter Creek that they got it first.

Mr. Chairman: Speaking from the Chair I notice that Councillor Watt also has one so it seems that the road committee of the Council got theirs .

MR. TAYLOR RESUMES THE CHAIR

Mr. Chairman: Well gentlemen it seems that you have concluded what work you can do at this particular moment with the members away. Councillor Watt is not with us, Councillor MacKinnon is away on business and time change, Government Liquor stores, the Electrical Ordinance cannot be discussed. We seem to have run out of work for the moment gentlemen.

RECESS

Councillors MacKinnon and Watt absent.

Mr. Chairman: I will now call committee back to order, gentlemen. What is your pleasure at this time.

Mr. Shaw: Mr. Chairman, if I could think of anything to do, or we could do at the present time. Could we waive the rules at the present time and deal with this new Ordinance- at least we could get that one done - completed. Perhaps this small item that could be attended to..

Mr. Chairman: What Ordinance is that, Mr. Shaw?

Mr. Shaw: Bill No. 13, Mr. Chairman.

REFERS TO BILL 13

Mr. Chairman: There are two members absent. However, whatever you gentlemen wish gentlemen. We would have to revert to Council and waive the rules and give first and second reading to this Bill in order to discuss it, gentlemen. That would be the only matter of business we could conduct this afternoon unless you wished to leave it until the members are all present.

Mr. Shaw: Well, Mr. Chairman, if the other members aren't present, that's not my fault. I'm here.

Mr. Chairman: What is your further pleasure gentlemen?

Mr. Boyd: Mr. Chairman, we could only give this first and second reading and then we would be through with the Bill.

Mr. Shaw: We could pass it on to Committee?

Mr. Chairman: This is the only matter of business, gentlemen. We could do it this afternoon or tomorrow morning. It does not matter to me. It is whatever you gentlemen wish to do.

Mr. Thompson: We'll be damned if we do and we'll be damned if we don't. And I wouldn't like to be an obstructionist, so I think we probably should go along with Mr. Shaw's suggestion. If he will instigate the necessary procedure I will agree.

Mr. Shaw: Mr. Chairman, I would move that the Speaker do now resume the chair regarding processing Bill No. 13.

MOTION RE BILL NO. 13

Mr. Boyd: Mr. Chairman, I second that Motion.

Mr. Chairman: Or do you wish that Mr. Speaker just do now resume the chair is all that is required. It has been moved by Councillor Shaw and seconded by Councillor Boyd that Mr. Speaker do now resume the Chair. Are you prepared for the question, are you agreed? Motion carried.

Mr. Speaker: I will now call this committee to order. What is your pleasure gentlemen?

Mr. Boyd: Mr. Chairman, I would move that we eliminate the rules as they exist, for the time being, in order that Bill No. 13 can be given first and second reading.

Mr. Southam: I second the motion, Mr. Speaker.

MOTION RE FIRST AND SECOND READING OF BILL NO. 13

Mr. Speaker: Moved by Councillor Boyd and seconded by Councillor Southam that the rules be waived in order to give first and second reading to Bill No. 13. Are you ready for the question. Are you agreed with the motion? Any contrary?

MOTION CARRIED

MOTION CARRIED

Mr. Thompson: Mr. Speaker, I beg leave to give first reading to Bill No. 13, An Ordinance to Amend the School Ordinance.

Mr. Southam: I second the motion, Mr. Speaker.

FIRST READING BILL #13

Mr. Speaker: It has been moved by Councillor Thompson and seconded by Councillor Southam that first reading be given to Bill No. 13, an Ordinance to Amend the School Ordinance. Are you ready for the question, Are you agreed with the motion. Any contrary?

MOTION CARRIED

MOTION CARRIED

Mr. Thompson: Mr. Speaker, I beg leave to give second reading to Bill no. 13, An Ordinance to Amend the School Ordinance.

Mr. Southam: I second the motion, Mr. Speaker.

Mr. Speaker: It has been moved by Councillor Thompson and seconded by Councillor Southam that Bill No. 13, An Ordinance to Amend the School Ordinance, be given second reading at this time. Are you ready for the question? Are you agreed with the motion? Any contrary?

MOTION CARRIED

MOTION CARRIED

Mr. Boyd: I move that Mr. Speaker do now leave the chair for the purpose of convening the committee as a whole to discuss bills, memoranda and Sessional Papers.

Mr. Thompson: I'll second the motion.

Mr. Speaker: It has been moved by Councillor Boyd and seconded by Councillor Thompson that the Speaker do now leave the Chair and the council now resolve itself as committe as a whole to discuss Bills, Memoranda and Sessional Papers. Are you ready for the question? Are you agreed with the motion? Any contrary? Motion carried. Mr. Taylor will now take the chair and the committee as a whole.

Mr. Chairman: Well gentlemen, we will proceed to Bill 13. This is Bill No. 13, An Ordinance to Amend the School Ordinance (reads Bill No. 13). BILL NO 13

Councillor Watt enters Council Chambers.

Mr. Shaw: Mr. Chairman, I don't know this is quite what I feel it would be. I wonder if we could get Mr. Legal Adviser to explain this Bill.

Mr. Hughes: The Committee wants an explanation of why this is before them? I didn't hear the question. The problem arose last fall. Labour Day, if you will remember, was about the 4th of September and Administration was then faced with the problem of when the school year should start. Should the pupils and should the staff be brought back before Labour Day or after Labour Day; and if so they were going to have difficulty in getting the necssary 180 days attendance out of the year. They were going to be backed up towards Christmas and the term wouldn't end until rather late and the position became rather awkward. The old Section - I hadn't prepared an explanatory note on this because I had assumed that Mr. Thompson would have been here. Section 78 as it presently exists - in 78(2) it says 'the school year shall consist of two terms, the first term commencing on the first day of September or if the 1st, 2nd or 3rd day of September in any year is Labour Day or the day following Labour Day ending on Friday immediately preceding the week - that includes Christmas Day, and the second term commencing....so on. So, that was the difficulty. It was felt that there was a certain amount of inflexibility in the way it was set down there so rather than be caught on that one again it was recommended by Mr. Thompson to the Commissioner that he should ask for the power to fix the commencing date. Apparently nobody had ever thought that Labour Day was ever going to be as late as the 4th of September, which I believe it was last year. That gave rise to the difficulty. That's really all that's involved there.

Mr. Boyd: Mr. Chairman. I would move that this Bill be moved out of Committee without amendment

Mr. Thompson: I second the motion.

Mr. Chairman: It has been moved by Councillor Boyd and seconded by Councillor Thompson that Bill No. 13 be reported out of Committee without amendment. Ready for the question? Are you agreed? Any contrary? I declare the motion carried.

MOTION CARRIED MOTION CARRIED

Mr. Chairman: What is your further pleasure, gentlemen?

Mr. Boyd: I move that the Speaker resume the Chair and hear the report of committee.

Mr. Southam: I second the motion, Mr. Chairman.

Mr. Chairman: It has been moved by Councillor Boyd and seconded by Councillor Southam that Mr. Speaker do now resume the chair to hear the report of committees. Are you prepared for the question. Are you agreed. I declare the motion carried. MOTION RE SPEAKER RESUME CHAIR

MOTION CARRIED MOTION CARRIED

Mr. Speaker: I will now call this Council to order and hear the report of the Chairman of Committees.

REPORT OF CHAIRMAN OF COMMITTEES.

Mr. Chairman: Mr. Speaker, the Committee convened at 2.00 p.m. this afternoon to discuss Bills, Memoranda Sessional Papers and Motions. There was one member absent, Councillor Watt. The Committee first discussed matters raised by the Commissioner. It was moved by Councillor Shaw, seconded by Councillor Taylor that Councillor Boyd serve as Council representative on the Director of Education selection committee and this motion carried. Mr. Fitzgerald attended committee to discuss Bill No. 10 and motion made Friday last in committee respecting Bill No. 10, Section 5 was withdrawn . It was moved by Councillor Taylor and seconded by Councillor Boyd to substitute the word "big game" for "game" in Section 5, 10(a) of Bill No. 10. This motion carried. It was moved by Councillor Shaw and seconded by Councillor Boyd that Mr. Speaker do now resume the chair. This motion carried. Committee reconvened at 3.30 this afternoon. It was moved by Councillor Boyd and seconded by Councillor Thompson that Bill No. 13 be reported out of Committee without amendment. This motion carried. And it was moved by Councillor Boyd and seconded by Councillor Southam that Mr. Speaker do now resume the chair and hear the report of the Chairman of committees and this motion.

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

Mr. Watt: Mr. MacKinnon and I both agree.

All: Agreed.

Mr. Speaker : What is your pleasure now gentlemen? It appears that we have somewhat run out of work.

Mr. Chairman: Mr. Speaker. Tomorrow morning we have before us two motions in committee, Motion No. 9 on Time Change and Motion No. 13, Government Liquor Stores which could possibly be discussed. We have some Bills in abeyance which would have been processed tomorrow morning and unless there are Sessional Papers tomorrow - I don't know- I think we will have to play that one by ear. I would suggest for tomorrow morning Bills, Memoranda, Sessional Papers and Motions.

Mr. Speaker: Are you agreed, gentlemen?

All: Agreed:

Mr. Speaker: Thank you. What is your pleasure at this time.

Mr. Boyd: Mr. Speaker, I'm not quite clear - will you be putting forward a suggestion for further consideration of the budget, in a manner, say tomorrow morning, when we can deal with it tomorrow morning?

Mr. Speaker: Yes, Mr. Boyd, I will make proposals in the morning so we can work out, if possible some form of agenda which will be acceptable to the Council. At the present moment we do seem to be out of work under the present time-table or agenda and I will need to get the concurrence of Council as to what procedure we shall take from tomorrow morning on.

Mr. Watt: Mr. Speaker, what's to stop us from carrying on with the budget right now?

Mr. Speaker: Well, perhaps you were not here, Councillor Watt. It seems to be there is a difference of opinion as to whether we should carry on with the budget or whether we should not, and due to the fact that there were just five members of the council to discuss it at the time when we ran out of work I felt that this very important matter should be introduced at a time when all members of council are present. Is that clear?

Mr. Watt: Agreed.

Mr. Speaker: What is your pleasure now, gentlemen?

Mr. Thompson: I move we call it five o'clock, Mr. Speaker.

Mr. Southam: I second the motion.

MOTION RE ADJOURING COMMITTEE

Mr. Speaker: Moved by Councillor Thompson and seconded by Councillor Southam that we call it five o'clock. Are you ready for the question. Are you agreed with the motion? Any contrary? Motion is carried, and council now stands adjourned until tomorrow morning at ten o'clock.

Mr. Speaker read the daily prayer and Council was called to order. Councillor MacKinnon was absent.

Mr. Speaker: Is there a quorum, Mr. Clerk?

Mr. Clerk: Yes, Mr. Speaker.

Mr. Speaker: Have we any correspondence this morning, Mr. Clerk?

Mr. Clerk: All we have this morning are the Amendments to Bill No. 10, An Ordinance to Amend the Game Ordinance. All Councillors have been provided with a copy.

Mr. Thompson: Mr. Speaker, I have a communication from the owner of the Kopper King Cabaret in Whitehorse with reference to entertainment licences in respect to the Liquor Ordinance and I would submit this to the Clerk at this time for tabling. SESSIONAL PAPER #91

Mr. Speaker: Thank you very much, Mr. Thompson. Have we further correspondence? Have we any Reports of Committees?

Mr. Watt: Mr. Speaker, I would like to give a Report of Committee re Lot 19. Copies will be ready for Council in a few minutes. SESSIONAL PAPER #90

Mr. Speaker: Thank you, Mr. Watt. The next item is Notices of Motion and Resolution. Have we any Notices of Motion and Resolution?

Mr. Thompson: Mr. Speaker, I have a Notice of Motion with reference to Letter Drop Boxes. NOTICE OF MOTION #19

Mr. Speaker: Thank you, Mr. Thompson. Have we any further Notices of Motion and Resolution? Mr. Taylor, would you please take the Chair.

Mr. Taylor takes the Speaker's Chair.

Mr. Shaw: Mr. Speaker, I would like to give Notice of Motion in relation to Hotels at Dawson City. NOTICE OF MOTION #20

Mr. Shaw resumes the Speaker's Chair.

Mr. Speaker: Have we any Notices of Motion and Resolution? Under the Daily Routine, gentlemen, before we proceed to Orders of the Day, it is my pleasure to inform you that there will be a film showing...this film which Mr. Minter made a presentation to the Yukon Government of yesterday... there will be a showing of this film at the Inn Ballroom tonight at 8:00 o'clock in which Council Members and their wives and their friends are invited to attend. I might also state that the Inn Management has very kindly donated the use of this facility for this purpose. That's 8:00 o'clock tonight. Are there any questions? We will proceed to Orders of the Day. First we have Notices of Motions for the Production of Papers. We have Motions for the Production of Papers No. 5, Mr. Taylor.

MOTION FOR PRODUCTION OF PAPERS #5

Mr. Taylor: Mr. Speaker, this is Motion for the Production of Papers No. 5, moved by myself, seconded by Mr. Thompson, re Rental Office Accommodation. "The Administration is respectfully requested to table before Council the contract that exists between the Yukon Territorial Government and Lynn Holdings Ltd., in respect of office rental space."

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: We next proceed to Motion for the Production of Papers No. 6, Mr. Watt, Legal Fees Charged - CMHC Loans.

MOTION FOR PRODUCTION OF PAPERS #6

Mr. Watt: Mr. Speaker, this is Motion for the Production of Papers No. 6, moved by Mr. Watt, seconded by Mr. Thompson, re Legal Fees Charged - CMHC Loans. "It is respectfully requested that the Administration furnish Council with information concerning the legal fees charged to process standard CMHC loans and outline the duties performed for these service fees.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: We next proceed to Motions. We have Mr. MacKinnon, Time Change. That's in Committee. Mr. MacKinnon, Government Liquor Stores. That's in Committee. Motion No. 18, Mr. Taylor, Commendation - Yukon Centennial Committee. Mr. Taylor.

MOTION #18

Mr. Taylor: Mr. Speaker, this is Motion No. 18, moved by myself, seconded by Councillor Shaw. "That the Yukon Legislative Council do commend the members of the Yukon Centennial Committee for their outstanding and dedicated efforts and achievements in relation to the celebration by the people of the Yukon Territory of this Centennial Year." May I proceed?

Mr. Speaker: Proceed, Mr. Taylor.

Mr. Taylor: Mr. Speaker, from time to time during the past several years, I have had an opportunity to observe this Committee in action. The Committee itself has received not too much publicity....a dedicated group of individuals. Some of the original Members of the Committee are still with it. Some Members have since left the Committee and today we have a Committee of eight whose purpose it is to see the Yukon Territory have a bang up party this summer and celebrate Canada's Confederation. I think it well to point out, Mr. Speaker, that these people, believe it or not, have since August of 1964 completed a meeting every month of their own time. This is their own volunteer time. They have been reimbursed only to the extent of their transportation and accommodation wherever they meet and the rest of it is strictly your own time. There is no pay for this at all, and they have had to date a total of 57 meetings, regular monthly meetings, not to include special meetings called for special purposes. Individual Members in their areas in the outlying districts have in addition to this taken of their own time and effort to drive to communities to present centennial plaques, to sit down and discuss with communities throughout their districts, the districts that they represent, problems, ideas and plans for centennial programs and I think all Councillors who understand what it is to get around these large

Mr. Taylor continues: MOTION #18
areas at their own expense will certainly appreciate the magnitude of the tasks that these people have undertaken. As I stated, this Committee was founded in August 1964 and functions even now. Through their untiring efforts they have provided very imaginative programs for the people of the Yukon in order that they can enjoy and participate in the Centennial Year and the fruits of their efforts have been seen since January in the activities that have been created. Certainly the Committee will continue until fall and the real fruits of their efforts will be seen this summer with bands and programs and caravans and mountain climbs and all these wonderful things that are going to happen in the Yukon this summer. Mr. Speaker and Honourable Members, this is due to the unselfish work of these Members of this Centennial Committee and though it is difficult for me to conceive how we can show our appreciation on behalf of the people of the Yukon Territory to these people, I felt that one way that we could do it is to have them commended and receive the highest commendation possible from the Legislative Body of the Yukon Territory on behalf of the people of the Yukon Territory. Mr. Speaker, I would ask for the full support of all Members of Council in this regard.

MOTION CARRIED MOTION #18 CARRIED

Mr. Speaker: I am happy to say the Motion is carried unanimously. We have arrived at the question period. Are there any questions this morning?

Mr. Taylor: Mr. Speaker, I have one question I would like to direct...possibly Mr. Clerk might be able to answer this. In view of the contract tenders appearing in the newspaper last night calling for tenders on an air spray program, which of course has not been considered as yet in any budget, I am wondering if Ross River has been included in this air spray program. Maybe Mr. Clerk would know.

Mr. Clerk: I am sorry I don't have the answer however I could get it I am sure.

Mr. Taylor: I would much appreciate that information, Mr. Speaker.

Mr. Speaker: Have we any further questions. If there are no further questions, we will proceed to Bills. We have a number of Bills for processing - Bill No. 12 for First and Second Reading.

Moved by Councillor Boyd, seconded by Councillor Southam, that Bill No. 12, an Ordinance Respecting the Public Service of the Yukon Territory, be given First Reading at this time. FIRST READING BILL #12 MOTION CARRIED

MOTION CARRIED

Moved by Councillor Boyd, seconded by Councillor Southam, that Bill No. 12, an Ordinance Respecting the Public Service of the Yukon Territory, be given Second Reading at this time. SECOND READING BILL #12 MOTION CARRIED

MOTION CARRIED

THIRD READING BILL #13 MOTION CARRIED

Moved by Councillor Boyd, seconded by Councillor Southam, that Bill No. 13, An Ordinance to Amend the School Ordinance, be given Third Reading at this time.

MOTION CARRIED

TITLE BILL #13 ACCEPTED MOTION CARRIED

Moved by Councillor Boyd, seconded by Councillor Southam, that the title to Bill No. 13, An Ordinance to Amend the School Ordinance, be accepted as written.

MOTION CARRIED

BILL #13 PASSED

The Motion is carried and Bill No. 13, An Ordinance to Amend the School Ordinance, has passed this House.

THIRD READING BILL #5 MOTION CARRIED

Moved by Councillor Boyd, seconded by Councillor Southam, that Bill No. 5, An Ordinance Respecting Cemeteries and Burial Sites, be given Third Reading at this time.

MOTION CARRIED

TITLE BILL #5 ACCEPTED MOTION CARRIED

Moved by Councillor Boyd, seconded by Councillor Southam, that the title to Bill No. 5, An Ordinance Respecting Cemeteries and Burial Sites, be accepted as written.

MOTION CARRIED

BILL #5 PASSED

The Motion is carried and Bill No. 5, An Ordinance Respecting Cemeteries and Burial Sites, has passed this House.

Mr. Speaker: Gentlemen, we have pretty well completed the Orders of the Day. There is just one matter. Did you get the answer to that question, Mr. Clerk, regarding Ross River?

Mr. Clerk: Yes, I did, Mr. Speaker. Ross River settlement is included under the area spray program for this year.

Mr. Taylor: Thank you, Mr. Speaker.

Mr. Speaker: Next...we seem to be having quite some difficulty at this time in getting sufficient work to do to keep us busy so I would propose for your consideration that at two o'clock this afternoon when we expect to have all Members present...Mr. MacKinnon is out on more or less Council business you might say at this time...that we discuss the matters of the agenda in relation to the Budget and how we should proceed from there. What is your pleasure at this time?

Moved by Councillor Thompson, seconded by Councillor Southam, that the Speaker do now leave the Chair and Council resolve itself into Committee of the Whole to discuss Bills, Memoranda, Sessional Papers and Motions.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: The Motion is carried and Mr. Taylor will take the Chair in Committee of the Whole.

Mr. Taylor: Gentlemen, we will proceed to Bill No. 10 and we will get rid of the Amendments to that and I will declare a short recess.

Mr. Chairman: I will call Committee back to order. We have before this morning the Amendments to Bill No. 10. I will read the Amendments. The first is found in Section 5..."The said Ordinance is further amended by adding thereto, immediately after section 10 thereof, the following section: 10A. No person shall hunt, transport big game or hunters by helicopter with the exception of hunters requiring medical aid." The next Amendment is found on page 7 and that is the deletion of 86E. The next Amendment will be found on page 8 under sub clause (d), section 23, subsection (i) where we have deleted the words "a resident, $5.00" and we have included "spring" between hunt and bear which now reads "Licence to hunt spring bear if issued to (i) a non-resident Canadian and (ii) a non-resident alien", the amounts of $25.00 and $50.00 respectively. The next Amendment is subsection (3) of section 23, "Schedule A to the said Ordinance is further amended by adding thereto the following sections 16. Private game farm licence $25.00 and 17. Taxidermist licence $25.00". Those, gentlemen, are the Amendments to Bill No. 10.

AMENDMENTS TO BILL #10

Moved by Councillor Shaw, seconded by Councillor Boyd, that Bill No. 10 be reported out of Committee as Amended.

BILL #10 AS AMENDED REPORTED OUT OF COMMITTEE

MOTION CARRIED

MOTION CARRIED

Mr. Chairman: Now, gentlemen, the only other matter that I believe we can discuss at this time is Sessional Paper No.90 regarding Lot 19, Report of the Committee of Council. (Reads Sessional Paper No. 90).

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Mr. Watt: Mr. Chairman, there are several things that I would like to mention with respect to this. One is that I believe that if anybody phones up with respect to their lot right now to find out when they can purchase it, the answer that is being given is that it depends on the Territorial Council. That's what is holding it up right now. I just found this out yesterday. I didn't realize that we were holding this all up. I thought we had done everything that we possibly could to try and get these lots on the market and get them sold as soon as possible. There are several things I think that are open to comment here. One is the price of the lots and then they are charging for the connection from the property line to the house. It seems kind of strange to me that they are charging for this. This has been usually a field of private enterprise. It seems it is $310.00 for each combined service connection of water and sewer from the mains to the property line. This appears to be a new one to me and I imagine that this would be on top of the original purchase price. That would bring a $1700.00 lot up to $2000.00, plus your $1.94 per front foot which to me is a fantastic price. That's almost $2.00 a foot. Over thirty years, that's $60.00 a foot. Now, I don't know what kind of pipe they are putting in but $60.00 a foot - that's a fantastic price even with the interest...even if the interest rates double the original cost. That would still mean $30.00 a foot. That's a fantastic price. It's unbelievable when you compare this to Riverdale where they don't pay a cent for front footage and lower Whitehorse where they pay 65¢ a front foot. I think this takes some justification from the Engineering Department and Mr. Spray's Department and I would like to have this....now this figure of $310.00 for connection charges. I haven't seen this figure before so I would like to hear the comments of the other Councillors but at the moment I would like to suggest that we

Mr. Watt continues:
possibly request the presence of both Mr. Spray and possibly Mr. Baker to justify these costs because this is...these lots are going to be a fantastic price. They are going to be what was $1700.00 to $2000.00 per lot is now up to $2000.00 and $2300.00 per lot, plus $1.94 a front foot. They are going to be fantastic prices and I would like to see this justified, Mr. Chairman.

Mr. Thompson: Mr. Chairman, I think Mr. Watt is way off on a tangent or out on left field because the paper that we just signed this morning giving effect to this gave the breakdown on costs and the lot prices were $1400.00....with $310.00.. bringing it up to $1700.00....or the larger one....$2078.00 which were the prices we had originally established.

Mr. Shaw: Mr. Chairman, I think Committee should be commended on doing a good job on looking into this matter and it does appear that the lots are not out of line in relation to the costs, however, I must agree with Councillor Watt when we come to a cost of $60.00 for a foot of pipe. There is no doubt that there is interest that is concerned in this and that could be it but this would still be $30.00 for the frontage. The person purchasing this will be paying pretty near $3500.00 to have this water going past and the sewer and that seems extremely high. I don't know how they do calculate that but I suppose the Committee has gone into all the matters in relation to this and feel that it is justified but it certainly seems a lot of money. I was just wondering.. the future installation of water in Porter Creek which I hope will come about this summer that we can watch it insofar as how much it is going to cost the people to have it in. At this rate it's going to be pretty high.

Mr. Boyd: Well, I'll stay off Porter Creek until the time is opportune but I would like to ask Councillor Watt just how the answers that are being handed out to the public... depending on what the Territorial Council do. Where do we come into this picture as far as selling the lots are concerned?

Mr. Watt: This I can't answer. It's just the story that is being given. This is just something that I wanted to let you know. We are being blamed for holding this up. This is why I mentioned it. I would like to mention that Mr. Thompson has recently given me some more figures on the breakdown of the cost of these lots which I didn't have before and which were not on the original paper that I had and which I hadn't seen before and if I was off on a tangent it was a honest mistake, Mr. Chairman. I can see where the $310.00 is included in the $1700.00 and the $2000.00 lots but I still would like to hear some justifications for the cost of the installation of the sewer and water, Mr. Chairman, and I believe we do have an agreement...in our old Five Year... we had an agreement in our old Five Year Agreement with respect to the cost of sewer and water and what the home owner would be asked to pay with respect to this and this was broken down into classifications of full water and sewer systems, partial systems and truck systems so I think that Five Year Agreement and any new agreement that we have with Ottawa will have a breakdown also with respect to what the home owner is supposed to pay as far as maintenance and operation of the system is concerned, cost of water and also the installation of it and

Mr. Watt continues:
this not only affects us here. It affects the whole Territory...Porter Creek's installation, Mayo, Watson Lake, anything else. This agreement that we did have...if it is going to be extended or if there are similar conditions in the new agreement, it should carefully be thought out to see what will be paid in these subdivisions by the Federal Government. I am certainly not satisfied with this $1.94 per front foot. It sounds fantastic. It's almost $2.00 a front foot and this $2.00 times 30 years is $60.00, Mr. Shaw, if you are concerned about $60.00 a foot....2 times 30 is 60. It's almost $60.00.....let's face it, this is the figure I am questioning and I would like to have it further justified.

Mr. Shaw: We had the Committee that investigated this...I thought the Committee would explain. They wouldn't ask at this time. That might be a question for a Members that wasn't on the Committee and the Committee would, I assume that they have gone into the cost of this and found that that's just what it costs and we can't do much about it with present day costs. I am somewhat surprised that a Member of the Committee would question at this time because this is part;of the report that this is what it is going to be and I thought they would be cognizant with the facts involved.

Mr. Boyd: Mr. Chairman, I could point out the word...it says "estimated at $1.94"....estimated to be. It is not finalized until they know what it is going to cost and I am sure they are putting it at a pretty high estimate.

Mr. Watt: Mr. Chairman, I would just like to assure Mr. Shaw that I questioned this before in Committee and the answers I got then were no more satisfactory than we have now. Just the estimate...just the word estimate is so fantastically out of line.....how can you compare 65¢ a front foot with almost $2.00 a front foot? They are both sewer and water systems and the first one was put in....larger contract but there was larger mains and everything else to offset it. This was the cost for the main part of Whitehorse.. 65¢ per front foot. Now, a few years later...for water and sewer....in Whitehorse you pay 65¢ a front foot for water and sewer...that's your frontage tax - it pays for the installation, the capital cost. That's what the frontage tax is estimated at. It seems fantastic that the figures should be so far different now than it was a few years ago. It's fantastic. I find it hard to believe. I would like to have it further justified. There may be some reason for it that I can't just understand and this is why I suggest that we have someone from the Engineering Department here.

Mr. Shaw: Mr. Chairman, could I inquire as to whether I am to accept this Report of the Committee or not? The Committee, three Members of Council's Committee, reported that this is the way it is going to be. I would like to know whether.... I felt it was put here for Council to accept or otherwise and it appears that it hasn't been clarified to some Members of Committee....or a Member of the Committee. He is not satisfied with this Report.

Mr. Watt: I would just like to state that a Report is a Report. This is just a Report of what has happened. That's all it is. A Report is a Report. A Report isn't a contract for selling land. It's a Report and you can accept it or reject it, whatever you want, but this is a Report that was

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Mr. Watt continues:
tabled for Council's perusal...to look at and to consider and if they are satisfied with everything in it, they can suggest that these lots be put on sale for these particular prices plus $1.94 per foot if they want to but I would like to see more justification for this frontage tax of $1.94. I think it is out of line until it's justified to me a little bit further. I raised the same questions in Committee and we had some discussion on it and there have been several reasons for it. One is the high cost of financing. Another is the high cost of installation. I'm still not satisfied and possibly our Engineering Department, since our last meeting, can satisfy our curiosity with respect to this. This could make the difference between the sale of those lots and not the sale of those lots. This is a big item and you have mains in the area now so the amount of footage that is going to be necessary to install is very little. It is probably the most efficiently laid out area in the Yukon Territory, and this is why I think the cost should be no more than they are in the main part of Whitehorse here, maybe less, because of the particular lay out. I don't know what they are expecting us to pay for them....this Lot 19 but surely there must be an awful lot more than just the sewer and water for the area. Maybe they are asking us to pay for part of the installation of the resevoir and the mistakes they made in the main part of Whitehorse. I don't know but they didn't ask the rest of Whitehorse to pay for this so I would like to suggest, Mr. Speaker, that we have this clarified a little bit more.

Mr. Shaw: Mr. Chairman, I am at a loss. I have the document in front of me. It has the signature of Councillor Boyd, Councillor Watt and Councillor Thompson and they were the Committee and I must say that this Committee...I agree with what the Committee has stated here, and it states in the last paragraph here, "This report is respectfully submitted with the recommendation that Council accept the procedures which have been followed in preparing for the disposal of this land." I am quite prepared to accept this Report however we have a Member of the Committee that has his signature on here that says we'd better have more information. I don't know which way to go now.

Mr. Chairman: Gentlemen, am I to assume then that this is not the wishes of Council, or the Members of this Committee, that this be done so that we know how to deal with this Paper?

Mr. Watt: Mr. Chairman, to answer Mr. Shaw, we helped make recommendations for the procedure to dispose of this land. We had a lot to do with the procedures and I certainly agree with it...the procedures that have been taken. We had a lot to do with the forming of these procedures and I think that they were handled pretty well but I do question this cost of the foot frontage. Is it not possible for a Member of Council to question the foot frontage of an area that is being developed in his constituency? I would like to ask Mr. Shaw that.

Mr. Shaw: Mr. Chairman, I would be very pleased to answer that. In the first instance, we have a Committee. That is what you have a Committee for - to investigate thoroughly and then report back to the main body which happens to be the Council in this instance. I would feel that the Committee would know all the ins and outs of this otherwise there would be no point in having a Committee. We might just as well have a recommendation for Council. Now, this Committee has turned

Mr. Shaw continues:
in a Report, I think a good Report and I think they have spent a great deal of time investigating it and then they have come back and said that they accept the recommendations. Now, some of them don't accept the recommendations so I don't know which way to go. That's all. I felt that any of these details should have been worked out by the Committee ....satisfaction and apparently they have because their signatures are under this recommendation. That's all I have to say. I am not arguing about it either for or against. I feel the Committee are much more conversant in this through their factual knowledge on this. They are saying it is a good deal. Accept it. So, I'm prepared to accept it and now I find out that it isn't a good deal in some respects. Well, I don't know.

Mr. Boyd: Mr. Chairman, we did question this price and until the contract is called and so on, there is no way of knowing and Administration is protecting themselves against a loss and it does state in here "estimated" so let's watch the tenders. Time will tell. I would ask that Council accept this Report. It's the best that we can do. I don't expect Administration to put a figure in at $1.20 or $1.30 when it could well cost $1.70 so they are protecting themselves and I am certain that it will be dealt with fairly and honestly when the time comes. Mr. Watt and I also... all of us, particularly Whitehorse Councillors, can take another look at this thing at some other date when the tenders are being called and decide what the score is.

Mr. Watt: Mr. Chairman, the reason I bring this up now... Mr. Shaw is trying to jam this through exactly word for word the way it is. You can either accept this Report or you don't. I don't care whether you accept it or not. It doesn't make any difference to me whether you accept it. The fact remains that I would like a little bit of justification for the cost of this front footage. It says, "This report is respectfully submitted with the recommendation that Council accept the procedures which have been followed". Well, we have set up the procedures that have been followed and we discussed the $1.94 per front foot and the last time we discussed it Mr. Spray and Mr. MacKenzie said that they would get together on this discussion of the front footage and the cost of the money it was going to take to put it in. We are going to have to borrow the money and they would let us know later but this question of $1.94 was up for debate then....was up for discussion then...and is still up for discussion as far as I am concerned and this is a big question. How can you possibly justify it...an expense like this...a frontage tax like this without going into it at least a little further? They came out with a figure that is three times as much...over three times as much...as the rest of Whitehorse and we the Territorial Councillors are the people that are establishing this. This could mean that the City is not prepared to collect this $1.94 foot frontage. In other words, they are not going to accept the area. This could happen because they might think that this is exorbitant and it could be. This is why I would like to get this justified. It's in my constituency and it's a concern of mine and the people that are living there are concerned about it and the people that are going to buy lots are concerned about it and this is why I think we should get some clarification to see what principles are involved in the setting of

Mr. Watt continues:
this. There's something out of this world about it as far as I am concerned. I can't see how they can come to a figure like that in the light of what has already been done with respect to both Riverdale, where they pay no frontal tax, and Whitehorse where they only pay 65¢ a front foot. The figure...the estimate is so fantastically out of line that I can't see how it can be. It sounds impossible to me and it did at these Committee meetings but just because I disagreed with...questioned it...doesn't say that I have to disagree with the whole Report...the whole procedures that were followed in spite of my questioning that particular thing. I still went ahead and helped make recommendations for the sale of these lots. I don't know...if we do what Mr. Shaw says and Mr. Boyd is suggesting, what we are doing is approving in principle the estimates that they are using for this $1.94 front foot. This is what we are doing and this is what I would like to question. You are setting the rates and this is what I am questioning. Now, we've done so much work on Lot 19 now. I've been working on it for six years myself but it is possible to make it so that it is only half utilized, maybe less, because of this one particular figure unless it is justified. It may invoke a saving some place else but it hasn't been brought to my attention yet so this is one thing I would like to have clarified and possibly the Engineering Department, or Mr. MacKenzie or Mr. Spray can clarify this a little bit further.

Mr. Southam takes the Chair.

Mr. Taylor: Mr. Chairman, I would suggest that this matter should be resolved by sending this Committee back again. It states that the Committee are agreed with the procedures. Obviously one Councillor is not so the thing to do...this is why this Committee was formed in the first place was to get this information and if not a Committee, possibly the Councillor could call the offices of the Administration involved and get these answers by telephone over the noon hour. This is the manner in which I get my information just by phoning these offices and as a means of settling this debate..... because we seem to be getting absolutely no place. Other than that, the only thing to do is ask the Committee to go back and find out this information but I can't see as we're going to find it out here and if we do, I can't see what good it is going to do. It's just wasting the time of Council.

Mr. Watt: Well, Mr. Chairman, all I would like to do is just state that we have here a figure that could put these lots off the market. We have done so much work on it now and we haven't had satisfaction in Committee. Now, maybe Mr. Taylor is impatient to get home. If he is, fine. I haven't wasted too much time in Committee or Council and you can....the fact of referring us back to a Committee solves nothing. We want to get this down here on the Votes and Proceedings and get this justified before Council. If you are not interested in the development of the Whitehorse area...Lot 19, well just say so. Just say so. Try and turn it over to the City but you are going to have an awful lot of hollering done around here. Remember, just remember now, this Council here closed down the subdivision in Canyon Crescent. You guys closed it down and it was mostly the Members from out of town that have taken it on their own to jump into somebody elses constituency and close down their subdivision. We are trying to

Mr. Watt continues:
make land available in the Whitehorse area somewhere. Now, I tried to make it available up the hill in a subdivision where it was easy to put in sewer and water and where there is unlimited land. There's thousands of lots up there that would have been available. There was 125 of them sold right off the bat. Now, this Territorial Council, in its spitefulness closed down that particular subdivision because it happened to be in my constituency and this is a fact Mr. Boyd. You went along with Mr. Taylor on this. It was a disgraceful situation. Disgraceful that this had to be closed down when it was needed and it is needed more now than it ever was and I am going to make a Motion that this be reopened again too because it is certainly necessary. There is no land available down here to speak of and anytime that it is available, there are riders put on it so that it is practically impossible to either afford it or get it one way or another outside of Riverdale. The Government here is trying to push the sale of lots in Riverdale and a lot of people don't want to live in Riverdale and a lot of people are leaving the country, believe me. The proof of the pudding is in the eating. Just look. We put up 60 lots in Lot 19.. 62 lots...and 60 of them were sold. Now, if people were willing to invest in Riverdale, why weren't these 60 lots sold over there? Because this land isn't particularly suitable. People don't want to - a lot of people don't want to. Some people do. Some people don't so other land should be made available and there are a couple of places where it could be made available. One is Lot 19 and the other is Canyon Crescent and Council shouldn't be too proud of itself for their action in both instances and to make Lot 19 more useful, I think we should pursue this a little bit further and do it in Committee...rather in Council...because in Council at least we have a little bit more order than we do in Committee here. If the Committee is not willing to discuss this basic figure of $1.94, then just jam it through. See what happens but you should take responsibility for it too.

Mr. Taylor: Mr. Chairman, I can't understand what this Member is getting at. This is the confounded thing about Council is having to listen to this. He comes up here and he's got a signature....John W. Watt....

Mr. Watt: Order. Order. Order now, Mr. Chairman.

Mr. Taylor: ...and on this paper and it states that the Report is respectfully submitted with the recommendation that Council accept the procedures which have been followed in preparing for the disposal of this land. This is one of the items considered here. In fact, one minute he asks me over his signature to accept the procedures which I do because I notice two more and I assume that the other two Members agree that we should accept this. Now he stands up and says that the Committee is dissatisfied. Well, if the Committee is dissatisfied, then why don't they put it on this paper? This is utter nonsense. The Member talks about spitefulness. That's a persecution complex, Mr. Chairman. Nobody is spiteful against the Member.....

Mr. Watt: Point of order, Mr. Chairman, can we discuss Lot 19 and not.....

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Mr. Taylor: I am discussing the matter but the Honourable Member.....

Mr. Chairman: Order, please, gentlemen.

Mr. Taylor: ...and I have been accused of shutting down subdivisions and everything else and this is just absolutely wasting the time of Council and if the Honourable Member when.....

Mr. Watt: Order. Order. Order. Order now.

Mr. Taylor: ....makes these....

Mr. Watt: Order. Order. Order.

Mr. Taylor: ....would refer to Votes and Proceedings, he will find that the Honourable.....

Mr. Watt: Order. Order. Order. Mr. Chairman, can we talk about Lot 19. Mr. Speaker, I move that you resume the Chair.

Mr. Chairman: Order, Mr. Watt. Speaking from the Chair, it seems to me that both of you are wondering off on a tangent and I think you'd better stick to the question.

Mr. Taylor: Well, Mr. Chairman, I just wanted to make the point that this subdivision is not closed. It is an open subdivision made so by this Council. A little more attention around this table would certainly help. I say and I would move that this Committee agrees with this Sessional Paper.

Mr. Thompson: Mr. Chairman, I would like to point out that 60 of the 62 lots were sold in Lot 19 so I can't see that there is too much concern about the price because the original price that was estimated was $1784.00 for a 50 by 100 and $2078.00 for a 60 by 100. Now, the only variance that has come up is that Administration have seen fit in their wisdom to break this down to show a square footage cost plus a service connection so once the original purchase price is completed, then the service connection is there and there is no more cost there other than the foot frontage tax. This has been discussed and this, as we have said, is purely an estimate and this includes not only water but water and sewer and I can see no imminent problems and I think that if the Honourable Member from Whitehorse West has any further questions with reference to this that he is quite at liberty to go ahead and find them out to satisfy himself but on the recommendation of the Territorial Engineer and the Municipal Affairs Department, I am quite happy to go along with their estimated figures at this time until we can see what the actual costs are and I take exception to Mr. Taylor moving the adoption of this. I don't feel that this is necessary but I feel that if this is the way to dispose of it, then I will concur but I don't think it is necessary to make a Motion.

Mr. Watt: Mr. Chairman, I would just like to say that everyone of us here....I just want you to know what you are doing. We had a Motion here that somebody tried to jam through and they are trying to set this $1.95 a front foot. Now, this is what this Member is trying to do. He is trying to set

SESSIONAL PAPER #90

Mr. Watt continues:
this $1.95 a front foot which I would like to question and is it beyond the patience of this Committee if we want to defer this until Mr. Baker is here, or Mr. Spray is here, when we are discussing the Budget under this particular thing or to have him here today to justify this $1.95 a front foot....$1.94 a front foot? This is simply a question that I would like to question and have it justified. It is an important question. Now, each one of you. Now, Mr. Shaw, are you recommending that we charge $1.94 a front foot? Mr. Boyd, are you recommending that we charge $1.94 a front foot? Mr. Thompson, are you recommending that we charge $1.94 a front foot?

Mr. Thompson: Nobody is.

Mr. Watt: And, Mr. Southam, are you recommending that we charge $1.94 and....oh, I won't bother with you. Every one of us are recommending the charging of $1.94 a front foot and this is something that I would like to question..... question it further and if the Council haven't got the patience to question something like this...

Mr. Shaw: Order. Order. Order. No personal reflections, please.

Mr. Watt: ...then I suggest we might as well prorogue if we're not willing to question something as important as this and it is important. There's a half a million dollars worth of real estate tied up there and a lot of it is hinging on this particular question. I would like to say once again that this subdivision of Canyon Crescent was withdrawn by Council so I would like to move that this be deferred until we can have discussions on this and arrangements made by the Clerk and with Mr. Spray and Mr. Baker and Mr. MacKenzie and as soon as possible so we can get this resolved or at least leave it in a position where it's at least more realistic. It's fantastic...the estimates for this foot frontage in both the costs of the financing of the debt and the cost of the installation. It's fantastically out of line and it is for sewer and water. They pay for sewer and water in Whitehorse too...for 65¢ a front foot and zero in Riverdale.

Mr. Taylor resumes the Chair.

Mr. Chairman: Gentlemen, I.....

Mr. Shaw: Mr. Chairman, I just have a question, please. This question is...Mr. Watt has asked me to accept this under his signature. Now, what does he want me to do - accept the report or not accept it? I would like to ask that question. He has asked me to here and now does he want me to accept it or not accept it?

Mr. Watt: We could go along nitpicking like this all day. The question that we want to solve is the justification of this foot frontage which is the main obstacle for the sale of this property in Lot 19. It is something that has to be resolved a little bit further. Now, if Mr. Shaw wants to sit

Mr. Watt continues:
here and nitpick, he can nitpick all day.....

Mr. Shaw: Order, Mr. Chairman, I am asking a question please. Can I have my question answered please, Mr. Chairman? Yes or no? That's all I want. I don't want a tirade. Do I agree with this or not? I am asked to agree with it now what action should I take in Mr. Watt's opinion?

Mr. Watt: Mr. Chairman, I don't care what he does but I would like to have the concurrence of Council to justify this one figure that we are concerned with. I concurred with the basic recommendations of the Report but I still am concerned about this one figure. I think the way the land was sold was good, and I think the Committee there had a lot to do with the way this was sold and if it hadn't been for the Committee, there would have been a lot more criticism with the way in which it was sold I believe...the plans that were being made..and I think that the Committee did a good job and I don't care if you accept the report or not. It's immaterial to me. It's elementary. One question is important...is this $1.95 a front foot which must be resolved which is more important than the details of who particularly accepts it.

Mr. Chairman: At this time, gentlemen, I will declare a short recess. We are twenty minutes over our change of stenos now.

Tuesday, April 18, 1967,
11:35 a.m.

Commissioner Smith and Councillor MacKinnon absent.

Mr. Chairman: Well, gentlemen, I will now call this Committee back to order. I wonder if Councillor Southam will take the Chair a moment?

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Councillor Southam takes the Chair.

Mr. Taylor: Well, Mr. Chairman, over the recess the short recess I managed to accompany one of the other Councillors to obtain the information that was required and as requested here. If you have a pencil and paper handy I can relay it on to you. Cost of the sewers--these are estimates, estimated cost. The cost of the sewer is estimated at $71,662.87. This was estimated on 62 lots on Lot 19. The Water service estimated cost is $31,262.65. And this gives a total cost of $102,925.52 for the total cost of estimated cost for sewer and water for Lot 19 on 62 lots. The amortization period is 30 years at the rate of 5 3/4%. The front footage, total front footage of lots to be serviced is $3,750.00. Considering the amortization period of 30 years the annual per front foot cost of a lot in Riverdale is calculated on these figures at $1.94 per front foot per year. No, in Lot 19. The annual repayment on 5 3/4% is $7,278.48. And there is an option Mr. Chairman in Lot 19 if you purchase your lot and wish to purchase--to pay all your capital side of your sewer and water off, you may do so at a cost of $27.45 per front foot upon purchase and then you do not have to pay the 5 3/4% which is over which the rest of it is amortized. And this gentlemen is the facts and figures.

Mr. Shaw: Thank you Mr. Chairman. That's certainly enlightening and it certainly justifies the cost according to the figures estimate and I am quite satisfied with those figures. I am very glad to have them.

Councillor Taylor resumes the Chair.

Mr. Chairman: What is your further pleasure in relation to this Item, gentlemen?

Mr. Watt: Well, Mr. Chairman with respect to those figures now for an ordinary lot--your $2,000,00 lot to the fact that you want to pay off your sewer and water immediately would cost you $33.50 according to these figures. Whereas the same lot in Riverdale would be $2,500.00 - $3,000.00. I don't know Mr. Chairman, it seems pretty high. I still can't actually see how this is justified. This is almost $100.00 per year a foot frontage. And, whereas over here in lower Whitehorse it is about $35.00, and in the main part of Whitehorse it is about $35.00 a front foot. So, over in Riverdale you don't have the efficient use of the land that you have here on Lot 19 where it is neatly cut out in squares your cost for sewer and water in Riverdale is much higher and here is your--your actual cost over there is higher, but here they are charging more for it. So, I would still would like to--Mr. Shaw would like to accept the report. I would like to accept the report myself with the questioning of this one figure. I would still like to leave this open to question and we could have this carried through with as it says here this is

Mr. Watt continues...

just an estimate. And I want to go on record as suggesting the estimate is way too high, and if Council wants to concur with this, I would like to suggest we concur with this with the exception of the questioning of this one particular item and you have an item in our budget, and they can go ahead with the calling of the lots with the calling of the tender and this should be done immediately if we have to pass an Ordinance with respect to this so that the Engineering Department can call the tender immediately. I think this should be done tomorrow if possible so that contractors can plan on this and earlier in the year you can get a better price on a job such as this before the contractor submits all of his equipment for the year. So, if the Engineering Department would like a special Ordinance to let them go ahead with this so that the Commissioner could assent to it on this particular one so that we don't have to rely on the passing of the budget which some people don't even want to discuss. And, I would suggest that we go ahead and do this and then this would give us more figures to work with. And the Engineering Department could come back in a short period of time and say well the estimated cost of the installation of sewer and water is such and such and therefore the cost of the installation of the foot frontage is this much less or this much more. But the way things have been going the costs have been in some cases exceeding the cost of the estimate. One of the big costs here is the cost of financing. So, I would like to suggest that we take steps to have the Engineering Department call these contracts right away, call tender on the contracts--on this sewer and water so we can get a more accurate estimate of what it is actually going to cost. As it says here it is an estimate. I think the estimate is high and I think more information can be received both as to the financing and the actual cost that could benefit Council. So personally I would accept this report completely except for one this one thing. This would be with a reservation that this is questioned--this particular item of the cost of the foot frontage.

Mr. Boyd: I would just like to point out to the members of this Council that we paid $115,000.00 on that chunk of ground over there, and we didn't have to buy Riverdale at all. You have to respect the peoples' money and, you spend it and you have to try and recouperate some of it at least. And I think what we should be doing here Mr. Watt, is not an Ordinance, but this Report. This is what we are trying to get cleared off the desk and when the tenders are called we will know what the cost will be and Administration will deal with it in a manner which is most acceptable to the public. We may have to resort to something else and put in--I don't know what you would put in, but if it is out of the question, then it has got to be decided. So, I think Mr. Watt you should drop this point and let us get rid of this Motion, this Report.

Mr. Watt: Mr. Chairman, I would just like to point out to Mr. Boyd that the way we can get our money back from the lot is the sale of the lot. If we don't sell the lot then we are not going to get our money back. Then it is just taking space in Whitehorse here and although they have spoken for it, a lot of people have spoken for it--and they think this estimate is fantastically high and they may not

Mr. Watt continues... SESSIONAL PAPER #90

firm up their sale. And, I know several in that position right now that they think that this figure was pulled out of the sky. So, I would like to suggest to Mr. Boyd that the people are going to be holding that piece of property for a long time unless the Committee can resolve one way or the other. And, the only way that we are going to get our money back is through the sale of the property. And the point that I am raising is the main point concerned with the sale of the property and this is the point, and I would certainly accept this Report subject to that one little detail of this $1.94 a front foot. And they can go ahead and even the Administration are not going to be able to resolve that firmly until they call the tender. They say so themselves. So I think we should accept this subject to this reservation and urge the Administration to call tenders for it immediately--call tenders for the installation of sewer and water contracts immediately if not sooner. And, this would be a constructive step to get the ball rolling in a hurry and it would get us the figures we need in actual cost, because we are not going to be able to get the actual cost of installation of water and sewer until such contractor comes and says I am going to do this for such and such and then we are going to know. So I would like to suggest that we accept this subject to this one condition and ask the Administration to go on record to ask the Administration to take immediate steps to call tenders for this water and sewer contract.

Mr. Southam: Well, gentlemen, chances subject being debated when going over the budget...

Mr. Shaw: We have a Report to accept in connection with this Mr. Chairman. I would be prepared to accept it assuming that all the members of the Committee knew what they were doing, but apparently they didn't. It took us an hour to find out, and now it seems to be unanimous that we accept the report. I suggest that we accept the report Mr. Chairman and I will move that we accept the report and we can get on with further discussions. MOTION RE ACCEPT REPORT SESSIONAL PAPER #90

Councillor Southam takes the Chair.

Mr. Taylor: I will second the Motion.

Mr. Watt: Mr. Chairman, I would just like to propose an amendment to the suggestion subject to the questioning of this $1.95/$1.94 front foot. Because I think, if we accept the Motion just stated there by the member from Dawson City --I interpret this he is in effect establishing a price of $1.94 a front foot. This is what I interpret. So, I would like to have someone second this amendment subject to the questioning of $1.94 per front foot which we can further pursue after the contract, after the tenders are let or after the tenders are called. And, when we have Mr. Spray and Mr. MacKenzie here. We will have them here when we discuss the area development part of our budget, and this will not take up any more time with the Administration.

Mr. Thompson: Mr. Chairman the third last paragraph in the report states that this is surely an estimate as Mr. Boyd has pointed out, so I don't know what the purpose of an amendment is for or what it will do because the whole basis of this is on estimates. Your estimated cost of the

MOTION RE ACCEPT REPORT SESSIONAL PAPER #90

Mr. Thompson continues...

construction of the sewer lines and the estimated cost of the water lines and in the final analysis it is an estimate of $1.94 per foot front and this will be subject to change according to this Sessional Paper. So I see no reason for an amendment.

Mr. Watt: Well, Mr. Chairman, apparently there is no reason for amendment there should have been no objection to an amendment either. Apparently this is an effort to try to firm up this price of $1.94 or $1.95 per front foot. I know if the Councillor from Porter Creek were to question the cost of sewer and water in his area, I am certain that I would certainly go along with a type of thing such as this if he were questioning it. I wouldn't try to obstruct anything to try to close the door should further questioning be necessary on it. Now, apparently the Council wants to give approval of principal to the estimate the way it was established with respect to this $1.95 setting up of foot frontage and I am going to be out-voted to this and I haven't even got a seconder to this.

Mr. Thompson: You sure will be.

Mr. Watt: With respect to the Motion Mr. Thompson? Is that what you were saying? I would like that on the Votes and Proceedings. Mr. Thompson said I sure will be. So, the obstruction of this Committee with respect to trying to get this resolved a little bit better should go down on record. I would just like to say Mr. Chairman I am going to have to see that the question has been put this way, the Motion has been put by the Member from Dawson City in that particular way. Who seconded that Motion, Mr. Chairman?

Mr. Chairman: Councillor Taylor.

Mr. Watt: And the member from Watson Lake seconded it. And it is in my constituency. I would thank you for the co-operation you are giving in the obstruction you are doing here and at least I would like to have the maker of the Motion leave it open for questioning. That is the least he could have done. I would certainly have done the same thing with respect to Dawson City, or Watson Lake, or Porter Creek or any place else. And, but, no doubt there is hard feelings here and this is what this debate is about. I will have to vote against this particular thing. I agree with the recommendation even after I signed it. I hadn't read it before I signed it, by the way, it was just given to us this morning. And I will have to vote against it and go on record as having voted against it for that particular reason.

Mr. Shaw: The member representing this particular area submits to me a report. As a member of the Committee it is not customary that members of a Committee move their own recommendations to what they have done. The usual courtesy is that other members will do it in the Council. It happened to be two members outside naturally, but we are only agreeing with what the member has put down on the Paper and testigated to the same. That is all I can say. I am not pushing anything Mr. Chairman. I am taking the recommendations of the Committee in accepting it. I think it is sound and effective. If I belong to a Committee, Mr. Chairman, I don't put my name down to something unless

Mr. Shaw continues... MOTION RE ACCEPT REPORT SESSIONAL PAPER #90

agree to it.

Mr. Chairman: Gentlemen, I have a Motion before me that was moved by Councillor Shaw and seconded by Councillor Taylor that Committee agrees with Sessional Paper #90. Are you ready for the question? Are you agreed? Contrary?

Mr. Watt: Mr. Chairman, I would like to go on record as being contrary to the front footage clause in that Paper.

Mr. Chairman: I will declare the Motion carried. MOTION CARRIED

MOTION CARRIED

Councillor Taylor resumes the Chair.

Mr. Chairman: I will note that Mr. Watt is contrary.

Mr. Watt: Will you state your reason, Mr. Taylor please?

Mr. Chairman: I believe it is not required that the reason be given. It is only noted by the Chairman in Committee that...

Mr. Watt: I will state it later then.

Mr. Chairman: It will be noted in Votes and Proceedings. Well, gentlemen, we seem to have concluded any business we have before us at this time. If Councillor MacKinnon and the Commissioner are here this afternoon we will then be able to proceed with Motions. I believe there is one in relation to time change and also one on the liquor store but otherwise we seem to have run out of business at this particular moment. Gentlemen, I will now declare Committee in recess until 2 o'clock. RECESS

RECESS

Tuesday, 2:00 pm
April 18th 1967

PRESENT: Mr. Commissioner
ABSENT: Councillor MacKinnon

Mr. Chairman: Gentlemen I will at this time call Committee back to order. Councillor MacKinnon has not returned as yet however I believe we should continue with his motion - Motion #9-and in this regard I will read sessional paper #88 which was deferred until this discussion.

MOTION #9

SESSIONAL PAPER # 88

READS SESSIONAL PAPER #88 - Time Zones, Yukon Territory - Motion #15

Mr. Chairman: And gentlemen, in addition to this paper we are discussing Motion #9, moved by Councillor MacKinnon and seconded by Councillor Southam that it is respectfully requested that the Commissioner establish a uniform time throughout the Territory. And this motion will require at the conclusion of your discussions a yea or nay. Would you proceed gentlemen?

Mr. Thompson: I would suggest that the Commissioner proceed on this matter in as much as he has gone to considerable trouble and detail to come up with a possible solution to the problem.

Mr. Commissioner: Mr. Chairman, I appreciate the opportunity of conferring with Council on this and seeking your advice on just what should be proceeded with at this point. In travelling around the Territory in the course of the last two months I find that generally speaking the people who are living in the south-eastern part of the Territory are quite happy with the time zone as it has been created in that particular area and in enquiring into this I find that this is good for them from the point of view of what goes on in the neighbouring province of British Columbia particularly as it applies to the business day and also the times of arrival and departure of tourists during the summer time. In other words people don't come to one point of the highway and find that there is a two or three hour difference in the course of possibly ten or fifteen miles of driving. I also find that in the extreme western part of the Territory where we have another border crossing situation, namely the Dawson area, the Mile 1202 area on the Alaska Highway and the intervening areas close by, the people are also very happy and satisfied with the time as it presently exists, namely under the name of Yukon Northern time. However, there is a very great area of dissention and should I say disappointment in the dual time zone area throughout the central part of the Territory and particularly in such centres within roughly speaking 100 or 150 miles of the Whitehorse area here where they find that their business oriented day is disrupted by this one hour time change. Now in looking into this situation to find out what might be done or what might be suggested to keep the people in the western section of the Territory happy with the time zone that they appear to feel is logically to their needs and also to keep the people in the south-eastern portion here happy

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with the time zone that appears to be logical to their needs, I find that if we were to follow the pattern that is laid on across Canada for time zones, namely that every 15 degrees of longitude is the demarkation for an hour's time change, we would be using the 135th parallel as the true time change in the Territory and it lies through this area here (indicates wall map). It runs on a line which effectively runs just to the east of Whitehorse, in fact I believe it cuts right through Macrae. In other words to bring it into close geographical areas here this would put everything to the east of this line into the Pacific time zone where by virtue of using the 15 degrees of longitude as a demarkation line and then we would at that particular point theoretically or could conceivably create the Yukon Time zone in here on the western section of the Territory. However, it would appear to me gentlemen that all this would do would be to create more problems than we presently have now. We would have then in the settled areas - Watson Lake, Ross River and so forth - on Pacific Standard time; we would at that point have Whitehorse and everything to the west of this on Yukon Standard time and I'm afraid we would have even worse confusion than we have right now so I would very strongly like to suggest gentlemen that we would consider using the 138 meridian as the demarkation zone where we would leave everything to the east of this on Pacific Standard time and everything to the west on Yukon Standard time. Now if for any reason after a year's trial this did not work I would feel that we would have no alternative at that point but to go to one time zone throughout the Territory, either Yukon Standard time or Pacific Standard time. Now no doubt we could take a considerable amount of time and hold possibly more plebiscites or whatever you wish on the thing gentlemen, I am very amenable to any suggestions you may have. I don't wish anyone to have any ideas here that I have a pre-conceived notion, that what I am suggesting to you here is what I feel must be done. I don't feel that at all, but I certainly would say this, that what we have at the present time is not a satisfactory business-like arrangement and we are having many millions of dollars coming to be invested in our Territory right at this very minute and I think it behoves us to put forward the best business-like approach in all matters that come under our control to those people who are coming to invest in our country and we certainly don't have a business-like approach to the time zone in the Territory at the moment. I also say this, that the width of the Territory at its southern borders which encompasses from the 124th to the 141st meridian is too great a span to expect the reasonable application of one time zone, in other words the element of distance is just simply too great, and this is all there is to it. To use the factual meridian of 135 I don't think solves any problem either because at that point you are cutting off the Panhandle of Alaska and its time zone from its inter-connection to the interior of the Yukon. I may say the Panhandle of Alaska is going to remain on Pacific Standard time and they have no intentions of going to daylight saving time, according to information we have received from the State of Alaska and I would strongly recommend gentlemen that we seriously consider establishing 138 as the demarkation line for the time zone, everything to the east being on Pacific Standard time, everything to the west on Yukon Standard time and allow that to remain for a period of a year, at which time we will take a look at it

again and if in fact it is proven to be workable, as I think that it will, we would at that point say either we're going to continue with this or we are going to revert to one time zone throughout the Territory. MOTION #9 SESSIONAL PAPER #88

Mr. Thompson: Could I ask the Commissioner where this intersects the Alaska Highway and where it intersects the Dawson-Stewart Highway?

Mr. Commissioner: Yes, this is very evident here Mr. Chairman. It is approximately halfway between Haines Junction and where the highway touches Kluane Lake on the Alaska Highway and on the Stewart Crossing-Dawson road it passes just to the west of Gravel Lake.

Councillor Watt: The Haines Road, would that be all inside this?

Mr. Commissioner: Yes, and that would tie into your Panhandle. In other words the time zone throughout your Panhandle and right up to Haines Junction would be the same time zone; whatever way your watch was set when you left Juneau would still be set at that time when you came to Haines Junction. If you continued back down through Whitehorse you would leave at the same time, if you headed on towards the border you would have an hour time zone change approximately halfway between Haines Junction and Kluane Lake.

Mr. Thompson: Excellent. Agreed.

Mr. Shaw: Mr. Chairman, we have been diggling around with the time a considerable amount these last number of years. We had quite some difficulty in resolving this in Council and finally we decided we would have a plebiscite on the matter and the people voted by majority to retain Yukon Standard time. However, due to pressure groups in this area for one, they prevailed upon the Commissioner to proclaim another time factor - most undemocratic but it was done none the less due to the fact that the Commissioner does have the power to change the time zone. Now it made a difference of three hours in the Dawson area between Alaska and Dawson and it created tremendous confusion; it was absolutely out of this world in relation to business orientation, travelling back and forth in that particular area. That was changed a little later and we produced a phony time called Yukon Southern time which was in fact nothing more nor less than Pacific Standard time. Now there is a change about to be made, I believe, in the State of Alaska in relation to getting some conformity in their particular time zones. Well at this time Mr. Chairman I would feel that this is a motion that has come into being. I haven't had an opportunity to discuss it. Now the proposals that the Commissioner has on that board appear to me quite sound and reasonable. The only difficulty I have Mr. Chairman at this time is the fact that I am not quite sure on how the time zones will work out, say, in relation to Alaska. Now if the State of Alaska, the border where we come in on the west, is Pacific Standard time, as it appears it might be,

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then we may have a sound reason for making the whole of the Yukon Territory on Pacific Standard time. These are matters that come to my mind so that we would have one time zone in the whole Territory and one in Alaska and it might be a very sound way of ameliorating the whole situation. Unfortunately at this time Mr. Chairman I am 350 miles away from my constituents in order that I can discuss this matter with them and get their viewpoint; as well as being a Yukon Councillor I represent a certain area that has been affected by a certain regulation or ordinance that is different to the rest of the Territory so I would feel that in view of the fact that I don't think this would be a good time to make any change in time, due to schedules, airline schedules and other things at this time of the year, that this could be made in the Fall and be just as effective to be proclaimed for the year 1968 and I would ask Mr. Chairman for the concurrence of Council if they would defer this matter for decision in the Fall. The reason I state that is that we have juggled around with this time to a very abnormal extent. It was actually an edict, if I may use the word, and it has resulted, as I thought it would result and I believe for certain I stated at the time that this would ultimately create confusion for the simple reason that when you have the largest populated area in one group such as you have here, that the pressure emanating from that might be food for the people around here, it might be the very thing, it might be absolute poison to other persons that are four and five hundred miles away. So all I ask Mr. Chairman is that decision on this be deferred and I think it is quite reasonable under the circumstances to defer this until next Fall when whoever the member may be from the Dawson area will be able to come down here and take the opportunity of having assessed what the people in that area feel about it and then act accordingly. I would like to ask one little question: I would presume that Mr. Commissioner would not intend to put this into effect right now?

Mr. Commissioner: Mr. Chairman, I would advise you that I have no intention of doing anything without some recommendation or concurrence of Council and this is exactly the intention of my paper, Mr. Chairman and this is why I laid it before you because I feel that a matter of this nature is of very great public importance. This isn't something that's trifled around with in the hands of one individual who does whatever he feels like. However, I would say this to you Mr. Chairman: it would appear to me that if we were to clear up our time zone areas and make a clean cut situation out of it we would encourage the State of Alaska to do the same; their Secretary of State, a Mr. Keith Miller, indicates that south-east Alaska will remain on Pacific Standard time this year; no daylight saving time is contemplated and I simply pass this on to you for your information, Mr. Chairman.

Mr. Thompson: Well Mr. Chairman, I think with the proposed change that you have intimated there are only three centres that are at all involved and those would be Mayo, Carmacks and Haines Junction. Now it would mean a time change for Haines Junction; I am not too sure about Carmacks or Mayo, but there would be no time change as far as Whitehorse is concerned or Dawson so I don't know what all the concern is of the member from up there. Maybe he could... well I don't want to ask him to further elucidate because for five minutes he talked and as far as I can see he didn't say too much

other than he was concerned about a time change but I don't think there's any time change concerning Dawson at the moment.

Mr. Shaw: Mr. Chairman: I appreciate that. I don't appreciate the remarks but I appreciate that there is no change. I would submit, and I think I made myself quite clear, that when we find out - now so far south-eastern Alaska Mr. Chairman will be on Pacific Standard time but I haven't heard yet what the north-western section of Alaska might be. If they also went on Pacific Standard time, then after I had seen the people in my area and had their concurrence it may be most practical that the whole Yukon Territory be on Pacific Standard time so then if we made the change at that time then everybody would be reasonably happy. I am not against the proposed change as far as that is concerned Mr. Chairman, I am just wondering if later on we have Pacific Standard time where the Mountain ought to be and Yukon Standard time where it should be, and another Pacific Standard time on the west, there will be a request for another change in time. We will be changing time like we change our shirts, so that if we can get this thing resolved with one change it may be a better thing. It's just a matter of six months. I wouldn't think that this is going to hurt a thing.

Mr. Thompson: Well Mr. Chairman, all you are saying then is that you are going to wait until Alaska make up their mind and change it to oblige them and I think that this is what we want to get away from. As the Commissioner says, if we make up our mind and decide this is the best course, that's it and maybe Alaska will conceivably fall into line with our time.

Mr. Shaw: Mr. Chairman, I think the Commissioner said the people of Alaska wait and see what we'll do, so which comes first, the chicken or the egg?

Mr. Southam: Delicate subject gentlemen. As far as I am concerned we have been working on daylight saving time up in Elsa since it came into being but Keno City works on the old time and so does Mayo and so does Stewart Crossing. Now don't ask me why, I don't know. They get most of the living from the mine, they have to get up there; they have to get up there to tote our men back and forth to the planes, the planes work on the daylight saving time out of Whitehorse. I really don't understand why this is so but this is the way the people wanted it and that's what they got. Now I don't know whether I should agree to this time change, I've already had my head chopped off once and I suppose I could stand it a second time. I realize gentlemen that I am here to represent the people and I certainly have no intention of going back to Mayo and asking them what they want, at this particular time; I am here to represent them; as a representative I will stand and fall on what I say here, and gentlemen let's have a vote on this thing and see where we go.

Mr. Boyd: I would just like to inform the member from Mayo that when the vote was taken on this that area tallied in at about 50:50; in other words half of them were willing to change and the other half didn't think we should change, so

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there's a toss-up there. But to get back to Mr. Shaw's point, the violent explosion that occurred over this thing from his very constituents leads me to believe that they are not in too much of a hurry, or not too apt to change their minds even though Alaska should change their time table by one hour. I am talking for the benefit of the crowd. Now 1016 have asked for a time change six months ago and we did delay until now. Now Mr. Shaw is suggesting that 1016 should be patient and wait for the Dawson area to make up their minds by another six months, so I don't think this is fair to the people in the 1016 area and I do know it caused quite some confusion because of DPW going on Whitehorse time and the people themselves living on an hour behind them, so they are entitled to some consideration I think now. There are not that many people living in the area that is going to remain on the old time as it is now; it's 1202 by and large who are in the same boat as Dawson City, and that's all we are concerned with. The rest of the Yukon I am certain would be quite happy and I think we should deal with them in that manner.

Mr. Southam: I wonder if I could ask the Commissioner a question. Could you tell me what time the DPW - the people on the roads - work; do they work on the old time or do they work on daylight saving time?

Mr. Commissioner: Mr. Chairman, I could only answer that question factually as far north on the highway as Haines Junction, and they are in fact working on Yukon Southern time as far as Haines Junction. I cannot say beyond that point Mr. Southam.

Mr. Shaw: Mr. Chairman, it just amazes me why I am called such an ogre on matters like this. It's very evident when we hear members say why these people wanted this, now the people of Haines Junction wanted that. The people of the Yukon Territory voted by majority to have Yukon Standard time, let's not fool ourselves about who voted for the time. I am not being a crank about this, this is something that the people themselves voted for and the people of Haines Junction voted for Yukon Standard time but due to the pressure emanating from this area and the Department of Public Works and other things having their own time, it brought about a situation where they said well, let us give in and elect for the same time so at least we know what time we've got. I think that is about the situation. I have asked a perfectly reasonable request and I am not going to flog this very much alive horse; if I am voted down on the situation I will have to accept it; I will not go into any tantrums, it's just one of those things that we have to accept. I think it would be most unfair to institute this at this time and I have only asked for a period of time to next Fall and those are my feelings.

MR. SOUTHAM TAKES THE CHAIR

Mr. Taylor: Mr. Chairman, in respect to this time I think it should be recognized, and it was pointed out by Councillor Shaw that this was confusing, but it must be remembered this was Councillor Shaw's proposal that made two time zones in the Yukon and I think this should be borne in mind and this

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I believe was in aid of Dawson City and even though I was opposed to this Yukon Southern Standard time when it first came into being, my constituents weren't; they told me that this is what they wanted, they wanted this daylight saving business and as I say I was personally opposed to it but I had to respect their opinions and I find that it worked very well and so have most people down our way that thought that it might be disastrous and I am of the firm believe, and I would support the motion, I am of the firm believe that the rest of the Territory should go on this same time and be done with it and then the whole Territory is on one time . Then every effort should be made, if this should still place an imposition on the people of Dawson, to communicate with State officials in Alaska to see if the Alaskans could fall into line and solve the problem that way. But I am unalterably opposed to taking a North Yukon South Yukon time zone which we have now and try and remedy the thing by making it an east-west deal instead of a north-south deal. I don't think this is the answer. I was opposed to the two time zone situation as it was presented by Councillor Shaw; I think he made an honest effort to try and find a solution but as he states himself it leads to confusion, and my vote would be, and I would stand here for the whole Yukon Territory to be on what is now known as Yukon Southern Standard time and be done with it. That's my opinion.

ENTER COUNCILLOR MACKINNON

Mr. Shaw: I think there is a little transposition in this matter of two time zones. I requested at that time that due to the fact that there was such a vast difference for the tourists coming into Dawson City, which concerns people's livlihood, that if the Territory did vote overwhelmingly by majority to go on daylight saving time, would they consider that that area there could remain on Yukon Standard time. Now that was completely turned around when the thing came into being - we don't want to pull the wool over anybody's eyes, I know the circumstances in and out and it concerned these people very much because there was a three hour differential between the State of Alaska where the people came in to Dawson. They would land in there at six o'clock our time and wonder why the stores were all closed. So all I ask is that we let this go until the Fall, I can explain the thing fully in the interim to the people in the Dawson area and whoever comes down at that time Mr. Chairman, should be able to say this would be a very practical solution and fit in fine with the general plan. And of course we have this western Alaska time to find out just what they're going to do about that. I haven't heard that answered.

Mr. Watt: Mr. Chairman, I would like to ask Mr. Commissioner, has he had any indication from the Clinton Creek area as to what they would like to have done? The only reason I mention this is because, to use Mr. Shaw's argument, it is intercommunication between northern Alaska and the Dawson City area that makes them want the time that they have now, and if Clinton Creek feels the same way it would seem that most of their intercommunication is going to be out that way, possibly with Valdez or something. If their intercommunication or inter-travel is going to be through Whitehorse here it would seem that they would possibly want to go on to the time that we're on here. Could I ask Mr. Commissioner if he could

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answer for any indication from the area.

Mr. Commissioner: No, Mr. Chairman, I have nothing specific from these people . All I can say is that one in company with several members of the Administration and I believe Councillor Boyd and Councillor Shaw when we were in Clinton Creek to the best of my knowledge their time was the same as Dawson's time. Might I say something else here in this connection Mr. Chairman? I would want you to recognize gentlemen, and I don't want my remarks to be misconstrued, but remember that we have more than one border crossing point to consider; we are talking of Alaska, not only Dawson gentlemen; we have the Mile 1202 border crossing. Now if you can see any merit in what I have put forth here to you it simply means that you will continue with a one hour differential when you cross the border here at 1202 and when you cross into Dawson. And certainly every indication would appear to me to be that Alaska has no intentions of changing the time zone, at least in the foreseeable future on the east-west border, the border between Yukon and Alaska and likewise they intend to maintain Pacific Standard time in the south-eastern part of the Territory, so when you are talking about this border crossing remember that you have 12 months crossing at Beaver Creek where I am sure that these people wouldn't want to find that they had a few hours differential any more than Dawson wanted to find themselves with a two or three hour differential. And just the same I'm sure that Councillor Taylor would agree the people in his area didn't want to find a two-hour time differential either between (inaudible) and Watson Lake. These are big important points gentlemen, to keep in mind when making your decision.

Mr. Thompson: Well Mr. Chairman I think the basis for the decision for the southern Yukon, for the Whitehorse area, was strictly from a business point of view, that the majority of people here did have business dealings with Alberta and British Columbia and wanted the additional hour for transacting business and it was this primarily that turned the request for a change in the time in this area but here again you have mining concerns such as United Keno Hill, Anvil and Clinton Creek, who are doing business with not only Whitehorse but the outside world and if there is this additional hour change and this sometimes makes a considerable difference - it can make as much as twentyfour hours difference when you are ordering parts and things like this from outside. It's a case of either the place is closed up or you wait until tomorrow morning and there's no other way out of it. It would seem to me that Dawson's prime concern is with the tourists, they don't have anybody in that area that's doing business like this with the outside world, they're only concerned with the tourists, so I'm wholeheartedly in concurrence with the Commissioner's suggestion that the 138 parallel be used as a dividing line for a two time zone in the Yukon and if a motion were required Mr. Chairman I would so move.

Mr. Shaw: Mr. Chairman, we are not legislating for a Clinton Creek Corporation or any other corporation, we are legislating for the people of the Yukon and I am talking for the people of my area. They have proven by their ballots, cast in a free manner, that they want Yukon Standard time and so therefore

I am here to present their views to Council. Another thing while I am on my feet, why do we call it Yukon Southern Standard time? Call it Pacific Standard time. Call it what it is. MOTION #9 SESSIONAL PAPER #88

Mr. MacKinnon: Mr. Chairman, I have a question of Mr. Shaw. When did you have this last vote in Dawson City Mr. Shaw?

Mr. Shaw: I think that the member from Carmacks Kluane has been in the Territory as long as I and I feel he should know that question as well as I and I don't care to answer a kindergarten question like that.

Mr. MacKinnon: Well Mr. Chairman, I didn't mean to be rude by asking the question because at Haines Junction we did have another vote on October 25th in 1966. I thought possibly that the people of Dawson might have done the same as we did there.

Mr. Shaw: No Mr. Chairman, up there they know what they want, they vote for it, that's it. If you had been here before, I would point out to the member of Carmacks Kluane, I had stated that due to the pressure from here and the various and sundry government departments, they had their own time, or the time that is in operation down here, they were more or less forced into this situation. I believe they voted to have Yukon Standard time but due to the pressures from various and sundry areas they almost, I can see their viewpoint that they want a change, I don't blame them at all. The situation has been made untenable for them and I can quite understand them.

Mr. MacKinnon: Well Mr. Chairman, I will suggest that they have seen the light.

Mr. Taylor: Mr. Chairman, just before resuming the Chair, in respect of this motion of establishing a uniform time throughout the Territory, which is the first we must consider, that if a deciding vote is cast and I do have an opportunity to vote, I will vote in favour of the motion because I feel very strongly that there should be one time zone in the Yukon Territory and I feel that should be Yukon Southern time. I leave it to you gentlemen to decide what you're going to do.

Mr. Shaw: Well Mr. Chairman, to use a phrase of Mr. MacKamey, "over my dead body" because I could not possibly agree to that standard time for the whole of the Yukon, unless of course it were Yukon Standard time.

MR. TAYLOR RESUMES THE CHAIR

Mr. Thompson: Mr. Chairman, with the mover's permission, as opposed to establishing a uniform time throughout the Territory I would propose an amendment to Motion #9 and it would respectfully request the Commissioner to establish the 138th parallel as the dividing line for Yukon Southern and Yukon Standard time. That is seconded by Mr. Boyd incidentally Mr. Chairman. MOTION RE AMENDMENT TO MOTION #9

Mr. MacKinnon: Well Mr. Chairman I would like to ask Mr. Boyd if he realizes just where the 138th meridian comes in. Mr. Thompson is referring to parallel, is it proper or have I been misconstrued?

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Mr. Boyd: Mr. Chairman, in seconding this motion I am doing so with the feeling that it in no way changes 1202 nor Dawson City in any shape or form; it doesn't affect them in any way; their status remains unchanged and it does oblige some others who are desparately in need of this change. I think Mr. Shaw is trying to intimate to us that he wants to find out if his people would be prepared to go on our time; this is the only reason I can see for him asking for postponement and six months later whoever is at the table will probably have that answer and no difficulty getting it all into one pot then if necessary, but we will be taking care of a situation that is not good at the moment without affecting Dawson or 1202.

Mr. MacKinnon: Yes Mr. Chairman, this motion is completely in the left field. We don't have any such thing as a 138th parallel.

Mr. Chairman: I take the motion to refer to the 138th meridian.

Mr. Thompson: Thank you Mr. Chairman, my apologies Mr. MacKinnon, I hope you have made your point.

Mr. Taylor: Gentlemen, I have an amendment to a Motion #9 which reads as follows: it respectfully requests that the 138th meridian be used as the dividing line for Yukon Southern and Yukon Standard time.

Mr. Commissioner: Mr. Chairman, I am assuming that you would then refer to everything east of the 138th meridian as Pacific Standard time and everything to the west of the 138th meridian as Yukon Standard time?

Mr. Chairman: That's the way I've got it here.

Mr. Watt: Before I vote on this I would like to hear from the member of the area to see if there has been changes in the feelings of 1202 similar to the change of feelings that there has been at 1016. If this is the case then the only hold out would be the time at Dawson City. That would appear to be the only hold out to having one time in the whole Yukon.

Mr. MacKinnon: Well gentlemen as you are well aware my area do change their minds; they're very agressive people and it's quite possible that this time 1202 have changed their minds. The last time I heard from them was a couple of years ago in regard to this time situation and I have been trying to get the president of the community club on the phone this afternoon - that's one of the reasons I was a little bit late getting in - and I was unable to contact him but I did manage to contact Burwash and 1083 and they would also like to go on Whitehorse time and this would leave them out, so I would like to see this deferred and I will try to get in touch with the president of the Community club at 1202 before we make a decision on this.

Mr. Chairman: Gentlemen, I have an amendment, what is your further pleasure?

Committee agree to recess

RECESS

3.30 p.m., Tuesday,
April 18, 1967.

Councillor MacKinnon absent.

Mr. Chairman: I will now call this committee back to order. I believe Councillor MacKinnon did have something he was going to obtain but unfortunately, time being what it is, I think we should proceed. I have an amendment to Motion No. 9 which reads as follows: (reads Motion No. 9 - Time Change). Anything further on this before I call the question? MOTION NO. 9

Mr. Watt: Mr. Chairman, I think the reason that we adjourned for tea was to give Mr. MacKinnon a chance to phone the 1202 area. It appears that there is an additional area that maybe wanted to be included in this Yukon Southern Standard Time and it could be that to satisfy the other members that it could be possible that maybe a request to have have... on one particular time as a result of these phone calls that Mr. MacKinnon is making.

Mr. Chairman: Well, gentlemen, this has taken 45 minutes of recess.

Mr. Shaw: Mr. Chairman, the member who is now investigating what his constituents want is the member who introduced this Motion to have this time changed. I don't understand why it is necessary for him to have to take off. If it were myself I didn't introduce it, I didn't have the opportunity to find out how my constituents feel. So, I'm afraid that is not a very valid excuse.

Mr. Chairman: Well, are you prepared for the question on the amendment, gentlemen?

Mr. Watt: Mr. Chairman, I'd just like to suggest that we go on to something else for a few minutes and then when Mr. MacKinnon comes back we complete this question. After all it is his Motion and as a matter of courtesy it is not a particularly good thing to do to take somebody's Motion while he is gone. I think it's a matter of courtesy of Council to wait for the maker of the Motion to be here before discussing his Motion and it is regrettable he is not here at the moment - possibly he is having difficulty getting through. It is simply a matter of courtesy and I think he has some information that he thinks is important and may reflect on the decision of Council.

Mr. Boyd: Mr. Chairman, we already have waited some considerable length of time and he could have made the phone call here which is what he was going to do. It is only a phone call, nothing private about it and if he is having trouble the least he could do is come along and say 'gentlemen I am unable to get through' or make a request but he is not even here to talk for himself and there is a limit to all this. He knows the score as well as anybody else and I say this with respect. I'm not belittling the man but he should be here.

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Mr. Chairman: Well, gentlemen, what do you wish to do at this particular moment with respect to this amendment?

Mr. Boyd: Question on the Motion.

Mr. Chairman: Are you gentlemen prepared for the question?

Mr. Watt: Can we have both the Motion and Amendment to the Motion Read again so we have this clear?

Mr. Chairman reads both as follows: The Motion is that it is respectfully requested that the Commissioner establish a uniform time throughout the Territory. The amendment is it is respectfully requested that the 138th Meridian be used as the dividing line for Yukon Southern and Yukon Standard time. Gentlemen, we must first deal with the amendment, to determine whether or not you wish to amend this Motion and then we will deal with the main Motion itself.

Mr. Boyd: Question on the Motion.

Mr. Chairman: Question has been called. Are you agreed with the amendment?

All: Agreed.

Mr. Chairman: Those please signify who are agreed. - 3 Those contrary so signify. The amendment is carried.

AMENDMENT CARRIED

AMENDMENT CARRIED

Mr. Chairman: Gentlemen, the Motion, Motion No. 9 as amended now reads: That it is respectfully requested that the 138th meridian be used as the dividing line for Yukon Southern and Yukon Standard Time. Are you prepared for question on the main Motion? Are you agreed with the Motion? Are there any contrary? I will declare the Motion carried as amended.

MOTION CARRIED

MOTION CARRIED

Mr. Watt: I am confused. First of all you had a Motion to say that it should all be in one time and then split it up and now we carried both motions. What have we got?

Mr. Chairman: You have a Motion as Amended, gentlemen. Gentlemen, we have another Motion but unfortunately this is also Councillor MacKinnon's Motion and he is not present. What do you wish to discuss at this time?

Mr. Boyd: Weren't we going to discuss in committee the item of more work, particularly to decide whether we were going to discuss the question of the budget or not?

All: Agreed.

RE BUDGET DISCUSSION

Mr. Chairman: Gentlemen, Councillor Shaw, I'll turn this over to you for comments on the matter of the budget.

RE BUDGET DISCUSSION

Mr. Shaw: Mr. Chairman, due to the fact that we are running out of work it has got to a point for the last two or three days it seems we have to adjourn early and we have some difficulty in finding out what work we can do. We have pretty well cleaned up about 90 Sessional Papers and now it comes to the point of either attacking the budget or otherwise. And I think we have the choice of studying the budget, processing it through to the end of its committee stage and then possibly withholding the third reading until we have the signing of the Agreement. If Council so wishes to do that then we have sufficient work to carry us through. If it is not the wish of Council to go through the budget then of course we are, you might say, unemployed for a period of time. I think that this is the matter Mr. Chairman, a very good matter to resolve at this time, whether we go through with the budget or whether we recess and wait until the agreement has returned from Ottawa and then continue on with our work. There is no point, as far as I can see it, of spending a few hours a day just trying to find something to do - we either work full time or recess. That is the way I feel and I think this would be a very good time to discuss this particular matter and proceed. Now as far as I am concerned personally, Mr. Chairman, I feel that it would be most advantageous if we tackled the budget and processed it through committee up to that stage and that way we could go along with the business of Council in the most expeditious manner.

Mr. Boyd: I would like to go on record as being prepared to discuss the budget. That much can be accomplished and when it comes time to give a third reading I will think further before I will do this but I am quite prepared to go through the budget so that I don't have to go through it later. By doing so we are admitting nothing, committing ourselves to nothing until such time as third reading has been given and that is the time to think.

Mr. Thompson: Mr. Chairman, I think that this is a sound approach to the problem - there is no reason to recess or adjourn at this time. There is much detail that has to be done at some time or another and there is no reason why it cannot be done now. Mr. Boyd says that we will withhold reading of the budget for the third time until such time as the fiscal agreement is before us.

Mr. MacKinnon: Mr. Chairman, on point of privilege. I would like to thank the members for their cooperation in regard to the time change. I was on the phone calling the president of the Community Club at 1202. We were finally fortunate enough to get ahold of him on his car radio. And I think it was very, very poor ... for Council not to see fit to wait until I had completed that phone call. Mr. Thompson told me that he would inform you that I was still on the phone and still trying to get Mr. Lafroth. And, nevertheless you called question while I was not present and this man is at work but fortunately he does have a car radio and I finally contacted him and I think that this was very very deceitful.

Mr. Chairman: Councillor MacKinnon, I wonder if we could have your views on the matter of the budget.

RE BUDGET DISCUSSION

Mr. Watt: My opinion hasn't changed too much. I think we should have started this budget three weeks ago when we first - we could have gone through the Sessional Papers in a hurry rather than use the Territorial Council for a political platform to fight the next election for those who are running hungry. I think we should get at the budget, we should have got at it three weeks ago and we should have been sitting night and day to get the darn thing finished. And there is no reason why it should be held up and as Mr. Boyd said, wecould take action later on with respect to an agreement of some kind if we wish but the budget is something we are going to have to do if we want to accept our responsibilities as Territorial Councillors and I think the sooner we get at it the sooner we will be accepting our responsibilities and we should have been doing it three weeks ago.

Councillor Southam: I'm quite agreeable to discussing the budget and I think there are a lot of little points we can clean up and when the time comes we can withhold agreement to it until we get it from Ottawa, this agreement, and I say let's get at the budget and pick it to pieces.

Mr. MacKinnon: Well Mr. Chairman, just for the record I feel the same way. I feel we could have been through the budget if it wasn't for all the grandstanding that goes on around this table. The sooner we get at it the better.

Mr. Chairman: May I note in report then that committee agrees to proceed with discussions on the budget.

All:Agreed.

DISCUSSION OF MOTION NO. 13

Mr. Chairman: Gentlemen, would you care at this time to discuss Motion No. 13? We now have Mr. MacKinnon with us.

Mr. Shaw: Mr. Chairman, could I take off and find out what the people at Dawson City feel about this?

All: Agreed.

Mr. Chairman: Do you wish permission to do so Councillor Shaw?

Mr. Shaw: Will you defer the situation until I get back?

All: Agreed.

Mr. Chairman: All right, gentlemen, order please. We have before us Motion No. 13 moved by Councillor MacKinnon and seconded by Councillor Watt respecting Government Liquor Stores. (reads Motion No. 13 - Government Liquor Stores). This is Motion No. 13 Gentlemen, dated April 17, 1967.

Mr. MacKinnon: Mr. Chairman, I guess it is not necessary to reread the Motion. Well gentlemen, in order to bring our own labour force in line with the Canada Labour Code it will be necessary to make some changes and, for instance, in the outer areas the liquor vendor is also the Territorial Agent and burdened with a six day week. It gives him very little time, if any, only Sunday, with no provisions made for a second day off. The liquor vendor must come to town- he must employ somebody with his own money...(inaudible) So, I believe, I have had correspondence with the previous Commissioner concerning this and I believe this will

Mr. MacKinnon continues. MOTION NO. 13

call for a change in the Ordinance giving the Commissioner power to set the time and I suggest that we go along and give the Commissioner the power. At the present time it has to be Commissioner in Council and I think this is very wrong. I think it is a trifling matter, it is a labour matter and if we just change that Ordinance to give the Commissioner control over this particular small request and at this time I would like to ask the Commissioner a question as to whether he sees anything deeply involved or in his estimation is this a necessary move to make.

Mr. Smith: If I may be permitted an observation on this. I have, personally, no strong feelings one way or the other in connection with the actual content of the Motion as it is presented for your consideration. However, I do say this to you gentlemen, that the way the Liquor Ordinance is written at the present time there is no leeway involved at all with regard to the hours at which a liquor store shall open. It says - it enumerates specifically the hours of the Whitehorse Liquor Store and then it goes on to enumerate the other store hours -other stores than in Whitehorse and I am in the process of getting a paper ready to give to Council concerning a number of items other than the Liquor Ordinance. There appear to be continuous discussions with regard to it and in this paper gentlemen I am certainly going to propose to you that there be some administrative leeway concerning hours for the liquor stores. It is very possible that we are going to be faced with opening other liquor stores in the Territory in the reasonably near future due to centres of population changing and new ones springing up and it may be very conceivable (inaudible) might not want to operate these liquor stores on, say, full-time hours and maybe we may wish for economic reasons to create a liquor store that we may wish to operate possibly somewhat less than full-time hours but at the same time sufficient hours to give a good standard of service in the locality that they are located and I simply say to you from straight business operator point of view that while I certainly think it is only right for Council to have some control over the total package, I do feel that the way the Ordinance is written at the present time is a very confining situation that does not give any room for manoeuvre at all. and one of the suggestions, one of the items that will be in this paper along with multitudinous other matters connected with the Liquor Ordinance is going to be asking for Council's consideration or their thinking with regard to the loosening, at least to a certain degree of the stringency of the liquor store hours.

Councillor Southam takes the Chair.

Mr. Taylor: Mr. Chairman, the reason it is spelt out in the Liquor Ordinance as I can recall it is because we wanted to ensure that the liquor store was open six days a week. This was a service to the public and it is still my contention that they should be open Monday through Saturday. The hours were changed when we brought in the proviso that you could buy liquor over the bar now- at cocktail lounges for off premise sale and it didn't require the liquor stores to be open at night, as they formerly did,

MOTION NO.
13 Mr. Taylor continues.

or were required to do. So now they close up at six o'clock at night as most other businesses and this was resolved in this manner. I definitely would ask that Council do not approve the closure of any liquor store in the Yukon Territory on a Monday or on any day during the week - are we operating a business here or just what are we doing- we talk about liquor profits and this type of thing - well if you don't have the doors open you don't sell the liquor. We are talking about a service to the public and let's face it- Monday is a big day - people have just gone through a weekend - the operators themselves are restocking, Iimagine, their premises on a Monday and so forth and I can't understand why this comes in at this time but I certainly would not concur that we should close these things down on a Monday. We want these liquor stores open six days a week.

Mr. Shaw: Mr. Chairman, we are back to the same old thing. Council wanted to have this in an Ordiance so that these liquor stores would be open - that is why it is in an Ordinance. Now we have a suggestion that this be taken out of the Ordinance or another Ordinance be made. I think that the liquor store should be open six days a week the same as any other store is open six days a week, or a grocery store is open six days a week. They don't say, well, I want a holiday - I'm going to close up on Monday. They are open six days a week and of course in the summer time sometimes seven days a week and if there is a matter of the fellow that has been there has to work seven days a week or eight days a week - that is not a fault of the Ordinance. If there is a fault in fact it could be something to do with the internal management of the liquor store and that is the Liquor Department- I feel that is their function to arrange the help so that they are not in fact conflicting with any labour standards. I would -- for example, we have a liquor store in Dawson and two people employed in the liquor store. I don't see any reason why on a Saturday that the second person could carry on and he could have his holiday on a Tuesday or Monday or some other time. Council felt at the time that when these stores opened six days a week it would be a tendency to minimize the amount of bootlegging and so on. So I feel that we should definitely keep these open for six days a week. However, as the Commissioner has pointed out it may be a small liquor store in an out of the way place where there is .. it may not be possible to do that but certainly in the larger centres where we have them established now, it would appear to me, where they have stores and so on, they are open six days a week then the liquor store should be in the same category. I would like to pose a question - the Commissioner has been accused, you might say, of working people contrary to the Canada Labour Code or Labour Standards- would that be correct Mr. Commissioner that employees in a liquor store are worked contrary to that code'...or contrary to the law?

Mr. Smith: Well, Mr. Chairman, if this is the case I am not aware of it and I feel quite confident that if such was the case certainly I'd have been appraised of it but

Mr. Smith continues

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NO. 13.

I would have to check further but I am certainly not aware of any situation where we are working our employees without compensation beyond their normal working hours. Where they are working beyond their normal hours there is compensation involved in the payment for these hours beyond their normal hours, Mr. Chairman.

Mr. MacKinnon: I feel I should say a word here. Mr. Shaw refers to accusing the Commissioner of working somebody. It is the Territorial Council, Mr. Shaw. The commissioner has no control over the hours. The Territorial Council has laid down the policy and I'm not accusing the Commissioner of anything I'm accusing the Territorial Council as holding the guidelines of this particular matter and Mr. Shaw, I think you are well aware of who holds the guidelines. I am asking you to release those guidelines and put them within the hands of the Commissioner. If he sees fit to close on Monday then it will be his prerogative. I think the man is quite capable of handling this labour situation. And, I believe it's only fair to release this almighty power that we have in this particular instance and put it in the hands of the Commissioner and this is all I am asking.

Mr. Shaw: To answer that. The council has stated that the liquor storeshall be open but it did not say that that man had to be there for fifty or sixty hours a week. That is the prerogative and duty of the Commissioner to attend to that and let us be cognizant of the fact that though the Commissioner, I appreciate the fact that the Commissioner can't see everything that is going on - my goodness he's got about ten times too much work right now for one man, but in spite of that the Commissioner is still the one that has the authority to say that man works so much or doesn't work so much. The Council doesn't establish that- they establish the liquor store hours - you could have 50 men in there working one hour a week and accomplish the same thing.

Mr. MacKinnon: Mr. Chairman, this doesn't sound very sensible to me. We are discussing outer areas such as Haines Junction. You have a liquor outlet there. You have off sale liquor. How many liquor stores should you have open in the one day in one place? If you can give this man a day off a week then why not give it to him. I think the Commissioner has looked the situation over and I would once again ask the Commissioner to comment on this particular circumstance and see if it is not necessary to put it within the control of the Commissioner instead of hiring extra help-the way Mr. Shaw is talking that we just go and hire two or three extra men but maybe we could cut down and get by with the one man and do him justice by giving him say a five day week such as everybody else in the Territory and employed by the government are getting. And at this point I would like to hear what the Commissioner has to say in regard to this.

MOTION NO. 13.

Mr. Smith: Well, Mr. Chairman, I would much prefer to reserve any further comment that I have to the paper that I am tabling for Council in connection with the total package of the Liquor Ordinance Mr. Chairman. However, I do say this to you that we do find difficulties in the in the one man liquor store at Haines Junction with regard to maintaining a six day operation a week. It is not too easy - you simply cannot go out and hire someone or take in any person at all for this. However, I think the point that the Councillor raises here is a very valid one with regard to this particular liquor store that he is referring to and I would like to suggest Mr. Chairman that when we see the total paper that I am preparing for Council with regard to the Liquor Ordinance and some of the attendant problems that are involved in it it may put this particular problem in its proper prespective insofar as the total situation is concerned.

MOTION RE DEFERMENT TILL COMMISSIONER'S PAPER RECEIVED

Mr. MacKinnon: Well, Mr. Chairman, I would move at this time that the Motion be deferred until we receive the Commissioner's paper and then we will discuss it further.

Mr. Watt: I'll second that motion.

Mr. Boyd: Mr. Chairman, by all means, I believe there is no point in talking about anything concerning this Motion and liquor outlets until we have the Commissioner's paper and I'm certain from past experience that it will get a discussion that is second to none and I think that we are just plain foolish wasting our time now when we will have to do it all over again. I am going to vote against the Motion and we will deal with it in principle when it comes up in the Commissioner's paper which is the proper way.

Mr. MacKinnon: We have a Motion on the floor Mr. Chairman.

Mr. Boyd: I am not prepared to defer it. It can be dealt with in principle when we discuss the Commissioner's paper when he submits it - can be dealt with when it comes up.

Mr. MacKinnon: I don't believe that is the proper procedure to forget it. We have a Motion on the floor at the present time.

Mr. Shaw: The Motion we are talking about is something that apparently wanted to be decided in Haines Junction. Now if they want something in Haines Junction, fine, lets have it that way but don't ... something here that will be active for the whole Territory - there is a difference. In view of the fact that Mr. Commissioner is going to produce a paper on it with possible good solutions to resolve the difficulties, I myself would be very glad to see that paper and discuss it. In the meantime this Motion is where we set something up, certainly that they don't want in my area so I have to go against the Motion now it is to defer the Motion. I would like to see the Motion voted down but we have this Motion to vote on first and let us vote on that and then we can ....(inaudible).

Mr. MacKinnon. Mr. Chairman..

Mr. Chairman: Order, please. Damn it, order!

Mr. Chairman: I have a Motion before me here. It is moved by Councillor MacKinnon and seconded by Councillor Watt that the Motion be deferred, that Motion 13 be deferred.

Mr. Watt: Speaking on the Motion Mr. Chairman, I think everybody is entitled to speak on the Motion and I haven't spoken. I think the Commissioner has indicated that there is a paper coming that may explain some of this and if we defeat the Motion to defer - then we can't defer and have to call on the main Motion and if it is voted out then we cannot pick it up again ... it is out for this session. We want to face the problem and this would leave it open - if this Motion to defer passes then we can simply bring it up where everybody appears to want to bring it up. Where the Commissioner said there is something being prepared already that would help us out of the situation and as far as the main Motion is concerned I certainly agree that we should allow administration leeway in setting the liquor store hours in some of these smaller stores . We have a Commissioner that is hired for about $20,000.00 a year to look after some of these administration details of the Yukon Territory and I certainly have a lot of confidence in him and he can certainly take care of this little matter of setting a few hours and if a change in the Ordinance apparently is needed I don't think it's abrigating the rights of the Council - it is asking administration just to take care of this administrative detail so that we can efficiently and properly serve the public ..and do it in a way that provides an adequate service to the Territory.

Mr. MacKinnon: Mr. Chairman, I would just like, speaking on the Motion, I would like to mention for Mr. Shaw's and Mr. Boyd's benefit that Mr. Shaw brought up a matter about Haines Junction liquor store - well this is exactly the point and as he wouldn't necessarily want the liquor store hours changed in Dawson, nor would the people, and the only way of achieving this would be to pass this Motion and put the responsibilities in the hands of the Commissioner by diverting this from Council to the Commissioner's powers which he has not got at this time and this is the sole purpose. I did not mean to approach this in a derogatory manner and I still don't. But I thought that we could give the Commissioner those powers and I assure you that the Commissioner will work with Dawson City, with Haines Junction, with every community in the Yukon and I'm saying this from experience from dealing with him and he is not going to go and change the liquor store hours at Dawson City if the people don't want it changed and this is a ridiculous thought, Mr. Shaw and possibly at Haines Junction the people in that area are quite willing to give the liquor store man a day off and if we have provisions there for liquor from other outlets - we have what we could say self-contained liquor stores and so then the Commissioner would then just be drawing the line instead of us setting a special designated time that every liquor store in the Territory must abide by and this is the point and I hope that I have got across this to you. I'm not an expert in explanations but I do hope that you have got these points I am trying to make.

MOTION NO.
13

Mr. Taylor: Mr. Chairman, in respect of both the amendment and the Motion. This Motion has been deferred for five or six different occasions for lack of somebody here to discuss it with. The Motion asks that the outside areas of the Yukon remain closed on Monday. Regardless of what the Commissioner's recommendations are my feelings are just the same - that it is not my desire to see any liquor stores in any outlying districts closed on Mondays. These operate, I understand, by the Government on a private enterprise basis and this is a service to the public and it should be open as private enterprise should be open. The only ones that could be satisfied by closing liquor stores on Monday as far as I am concerned is the clerk and any bootlegger in the Yukon Territory and this would be a bootleggers paradise by shutting this down on Monday and this is exactly why we established the liquor store hours to prevent and I'm not in favour of deferring this matter - I feel it should be dealt with at this particular moment . I feel the Motion should be defeated and then possibly when Mr. Commissioner brings in his data on the Liquor Ordinance in general - I imagine it is mostly composed of other problems - that we can then deal with the matter of liquor stores and the problems related to them at that time. But I definitely would live to see this Motion defeated at this time, and I would not vote to have it deferred.

Mr. Taylor resumes the chair.

Councillor Southam: Speaking on the Motion - in the first place I don't think a liquor store should be closed on a Monday and in the second place, what - there must be a certain amount of hours that these clerks of the liquor store work per week and I don't see any reason why, at least in the bigger liquor stores where they cannot work a swing shift with a man releaving or changing around, and thirdly I don't think that the Commissioner's job is to go around and see that everybody is working a certain amount of hours and for this I understand we have a Superintendent of Liquor and I would assume that he is the man who is in charge of these clerks and what have you, and this is what Superintendents are for. I may be mistaken in my views but I certainly don't think you should close on a Monday - the industries, any of them that close are closed on a Saturday and surely this could be made to co-ordinate with the industry of the Territory. You drive into Mayo to the liquor store and find it closed-if you want any liquor where do you go - you got to go to the hotel and if you are in at the right time of the day that is fine, otherwise you got sit there and pay twice the money to drink it over the counter. Now, my opinion of the whole thing is that there must be a certain amount of hours and if the man is paid by the hour then he is paid for the hours he works and I assume that there must be, here again-maybe this is where we are at fault because we have no Labour Code. Maybe this is our trouble. I believe we have a certain extent - haven't we got a code that says 48 hours a week, unless otherwise ordered, or something like this? In this case then you have to find out where you could work

MOTION NO. 13

Mr. Southam continues.

in a swing man here and there and it is the same as any other industry. You give a man a day off and somebody else takes up a little of the slack. It hink this can be done - I don't see why it cannot be done. It is done in other industries. It's done all over. And talking about Haines Junction I understand there is only one man there. Well then, the sooner we get out of the liquor industry into private industry the better. That is all I can say for that. Instead of opening up new liquor stores put it into private industry and your troubles are over.

Mr. Chairman: Gentlemen, I think at this time I must - Order, please, I must advise you that the Motion to defer this item is quite out of order, for two reasons, order please - one is that the mover of a motion cannot propose an amendment to his own motion and it is out of order, gentlemen, to move as an amendment to another question standing on the order paper as a notice of motion. In any event I cannot accept an amendment in the chair by the mover of the motion. If someone else would wish to move such a motion I would entertain it but not by the mover of the main motion.

Mr. Watt: I would like to move, Mr. Chairman, that this be deferred until we get those papers from administration. MOTION FOR DEFERRING

Mr. MacKinnon: I'll second the Motion. MOTION SECONDED

Mr. Chairman: Gentlemen, it has been moved by Councillor Watt and seconded by Councillor MacKinnon that Motion No. 13 be deferred. Are you prepared for the question, are you agreed - those agreed please signify. Would those contrary to the Motion please signify? May I have those agreed again, please. I will declare the Motion defeated.

MOTION DEFEATED MOTION DEFEATED

Mr. Chairman: Gentlemen, we have the Main Motion. Motion No. 13. Are you prepared for the question on the Motion?

All: Agreed:

Mr. Chairman: Would those agreed on the Motion please signify?

Mr. Watt: Would you please read the Motion?

Mr. Chairman: The Motion is that it is respectfully requested that the liquor stores in the outer areas of the Yukon remain closed on Mondays each week to bring government employees closer in line with the Canada Labour Code. Gentlemen, would those in favour of this Motion please signify? - 4. Would those contrary to this Motion please signify? - none. I would declare the Motion defeated. MOTION DEFEATED

Mr. Watt: You have three for and three against.

Mr. Boyd: How many were in favour of the Motion?

Mr. Chairman: There were none opposed and four in favour.

MOTION NO
13

Mr. Chairman continues.

The Motion is now defeated.

Mr. Shaw: Mr. Chairman, to satisfy the gentlemen, would you please take another count?

Mr. Chairman: Would those gentlemen in favour of Motion 13 please signify. Would those contrary please signify-4. Gentlemen, the motion is defeated. Now, what is your further pleasure, gentlemen. We seem to have run out of work again. One item I would like to draw to your attention and that is we have before us a Bill with respect to the Public Service of the Yukon Territory and I believe it might be an opportune time gentlemen to discuss with the Commissioner a time suitable for discussion of this Bill- I understand a witness will be brought from Ottawa to assist us.

Mr. Smith: It would be Council's prerogative on this Mr, Chairman, but if Council wished I would endeavour to get Mr. Ritchie here - he is the man we spoke to before in connection with this and who is one of the Personnel Officers in the Department of Northern Affairs who has considerable experience in this line of work and if Council would like to have him I would endeavour to get him here but I should have some reasonable indication from Council, Mr. Chairman, as to when the matter would be brought up for discussion.

Mr. Shaw: Mr. Chairman, in respect to this where we have a person four to five thousand miles away to come here to - it is very difficult for us to say be here at a specific hour. I would think it would be quite reasonable if the Commissioner could make arrangements for this gentleman to be here at the earliest available opportunity and so advise council. Personally I would be prepared to discuss this Bill when this gentleman is here - when it is possible for him to be here according to the arrangements the Commissioner can make. Those are my feelings Mr. Chairman.

Mr. Chairman: Are you gentlemen agreed to this.

Mr. Boyd: I would like to ask a question. What can this man tell us that Mr. Commissioner can't tell us? I remember the last time talking to this gentleman he was going to be able to decrease the number of staff required and so on - if this was implemented. Does Mr. Commissioner hold with this idea still and so on - laying off employees- reappointment of employees - competitions- to be considered for appointment- termination of lay-offs- status - this Civil Service stuff - I don't think I would be any wiser when this man got through with me - leave of absence - I don't need this man here. I can make up my own mind Mr. Commissioner, and gentlemen, and I will be quite satisfied to go by your decisions but I think I would like to go along with the Bill and try it out for once and if we get stuck then we can talk to Mr. Ritchie after that.

TALK RE PUBLIC SERVICE AND MR. RITCHIE

Mr. Shaw: Mr. Chairman, I was of the understanding that this Mr. Ritchie was one of the makers of this particular Bill and he has the answers. Now, if you yourself Mr. Commissioner or members of your administration have the answer the answer-that is satisfactory as far as I am concerned. I thought perhaps it was your wish that this person could explain it in its entirety. I would like to hear your view on that.

Mr. Smith: Mr. Chairman, I have no strong views on the matter and certainly, far from insisting that we inflict another Bill of expense on the general taxpayer I would be certainly most happy to go along with Council's wishes either way, either get him here or conversely, as suggested that you will proceed with the Bill and if difficulties present themselves at that point, then call upon Mr. Ritchie. If the latter course of action is your wish, gentlemen, I can assure you that our Personnel Officer, Mr. Strong and Mr. Fleming and myself along with the Legal Adviser here who have all worked on this Ordinance I am sure that they would be most happy to try to co-operate with Council in every respect. Whatever the Council wishes, I Mr. Chairman, and I make it very clear to you, that I and my staff are very happy to go along with it.

Mr. Shaw: Mr. Chairman, I just have one question. Does this Bill have the approbation of this Mr. Ritchie?.. Well then in which case Mr. Chairman I would be quite satisfied to carry on without the gentleman.

All: Agreed.

Mr. Chairman: Gentlemen, we also then have another Bill respecting the Electrical Wiring in the Yukon Territory and I believe that Mr. Baker has indicated he would be with us tomorrow. Would you desire to say attempt this following Orders of the Day tomorrow and have Mr. Baker and Mr. Choate present?

All: Agreed.

Mr. Smith: I can assure you of Mr. Baker's presence here-now do you wish Mr. Clerk to ask Mr. Choate to be here? Is that my understanding?

Mr. Chairman: Yes, Mr. Commissioner.

All: Agreed.

Mr. MacKinnon: Mr. Chairman, I would like to see Mr. Chamberlist also brought in on this discussion if it would be permissible.

Mr. Chairman: I might say that there are three or four other electricians wanting in here too - do we take the whole works or do we take a representative of industry and a representative of Government. This is a thought for committee's consideration.

RE ELECTRICAL
WIRING
BILL

Mr. Boyd: I think one representative of industry is ample. After all, we all belong to the same organization - we are not going to run a guessing contest. We are looking for answers to questions we may ask and a little bit of advice , and one man, if he is certificated, as the wording goes, should be sufficient for my ideas-along with our own Engineer.

Mr. Chairman: Any other feelings of committee on this matter?

Mr. Watt: Mr. Chairman, I think we should have a representative from business to attend too. I think that Mr. MacKinnon had a good suggestion (inaudible) how it would affect the general public.

Mr. Shaw: Well, Mr. Chairman, you could have a dozen here if you want - I can think of three or four more. All I am concerned about is getting information on this particular Bill. Whether six people can answer it or one.... I recall when meeting with the City Council there were two persons who spoke - the Mayor and Alderman Collins. The rest of them just sat and just took up their time. This might be the same thing. If the gentlemen want this, fine. It is going to take up some amount of his time. That is all.

Mr. MacKinnon: Mr. Chairman, Mr. Chamberlist has already made it quite plain to myself that he would gladly attend this discussion.

Mr. Boyd: Was that on the basis that we required his presence or that he wanted to be here to discuss it.

Mr. MacKinnon: No, if we required his presence, Mr. Boyd

Mr. Southam takes the chair.

Mr. Taylor: Well Mr. Chairman, in respect of these witnesses coming before council I certainly can think of at least two more electrical contractors who would like very much to come to these council tables. And when we discussed matters related to the Game Ordinance Dr. Pearson showed up here which was fine and I wanted to bring a helicopter operator but I didn't do it because I didn't think this was in the best interests of council that we drag people in from industry because if you bring one you got to bring them all and it seemed to me that in the matter of this Ordinance that Mr. Choate, as an electrical engineer, can act on behalf of all industry. It was my feelings on the matter that rather than filling this table full of people and I would say that if we get to a position where we find ourselves in a bind and Mr. Choate and Mr. Baker cannot answer the questions, then we go out and look .... to go out and determine whatever it is we wish to find out. But I certainly do not agree that we start loading the council chambers up with business men here. This is not the way that business is done and it is not befitting a legislative council. I think if we have one representative Mr. Baker, our Territorial Engineer here and one on behalf of private enterprise - Mr. Choate, I think this would very much suffice. Otherwise you are just going to have people trundling in here for every Motion and everything else and I say, watch this very closely. Thank you, Councillor Southam, I will now resume the chair.

RE ELECTRICAL WIRING BILL

Mr. Southam: Mr. Chairman, it appears to me, and I don't suppose that we have such a thing in the Territory, and all you need is such a thing as an Electrical Inspector and that's the man who can tell you what the law calls for and what it does not call for, and who, if I might ask, if anybody should know and can answer the question, who inspects the wiring in the Yukon and who says what is what?

Mr. Chairman: I believe that is under Territorial Engineering. Mr. Baker..

Mr. Smith: Mr. Chairman, I think this is the point of your Electrical Inspection Ordinance. At the present time you have a very loose conglomeration of instructions or requirements under the Canadian Building Code and this is exactly what you are trying to do here in this Ordinance is to properly answer the very question the Councillor has raised, Mr. Chairman. And I would defer anything further on this matter to the Legal Adviser but I think that he will simply verify what I have told you that the very question you are asking right now is in fact the intent of this Ordinance here, in other words at what point in time and under what terms and conditions can you effectively permit electricity to be used in a home or a building. Mr. Legal Adviser, Mr. Chairman - might answer that?

Mr. Hughes: I say that there has been no standardization - nothing to provide anybody with a a working book of rules so far and this Ordinance is intended to set the matter on a regular basis. So, I can't add anything to the Commissioner's reply on that point.

Mr. Boyd: Mr. Chairman, I would like to ask Council to go along with just one outsider and our own Engineer - and I think we'll get along very nicely, without confusion.

Mr. Chairman: Does committee agree to this?

Mr. MacKinnon: I still suggest we have somebody from what I call small private enterprise and hear their views. Now, with all respect to Mr. Choate. I don't know that this man has a full knowledge of wiring or is he just an electrical engineer? I think we are looking at things from two different angles. I believe that he is possibly-that his capabilities could possibly be in a different field than what we are discussing and knowing that Mr. Chamberlist has been-has done major contracts like for the U.S. Army that went under very definite and hard scrutiny I feel this man would be very capable of giving us tips that we might not be able to pick up from Mr. Choate, with all respect to Mr. Choate. And therefore I ask council to consider this. I think it is important on this particular Ordinance that we have somebody fully qualified in the field. This is what we are talking about. And this is the very essence of this Ordinance and I don't know really of too many that are fully qualified to that capacity, as Mr. Chamberlist appears to be because I do know that he had done the wiring for the U.S. pump stations and as I mentioned, did come under very close scrutiny by the United States government.

QUESTION RE OTHERS BESIDES MR CHOATE & MR BAKER AT COUNCIL

Mr. Chairman: Well, gentlemen, would those in favour of having more than two representatives here, Mr. Choate and Mr. Baker, please signify? Would those in favour of remaining with just Mr. Choate and Mr. Baker at this time please signify? Gentlemen, the matter is resolved. How, we seem to have run out of work, gentlemen, we will be dealing with the Electrical Ordinance tomorrow morning and proceeding from there, I imagine, with the budget and any other Ordinances - the Public Service Ordinance if you so choose. And may Mr. Commissioner be excused at this time.

RE BUDGET DISCUSSION

Mr. Smith: Mr. Chairman, just one point. Could you give me any indication - will you simply be starting at the start of the budget so I would know who to advise to be available to call.

Mr. Chairman: Well, we would be on the Electrical Ordinance to begin with in the morning and depending on what Committee wished to go on to from there - if they wished to go to Public Service Ordinance or the budget would be determined by committee. We will try to notify you.

Mr. Smith: I would appreciate it very much. May I be excused at this time?

All: Agreed.

Mr. Smith: Thank you very much, gentlemen.

Mr. Thompson: Mr. Chairman, I would move that Mr. Speaker do now resume the chair and hear the report of the Chairman of Committees.

Mr. Southam: I second the Motion.

Mr. Chairman: It has been moved by Councillor Thompson and seconded by Councillor Southam that Mr. Speaker do now resume the chair and hear the report of the Chairman of Committee.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: I will now call this Council to order and hear the Report of the Chairman of Committees.

Mr. Chairman: The Committee convened at 10.25 am to discuss Bills, memoranda, Sessional Papers and Motions. Committee first dealt with Bill No. 10. It was moved by Councillor Shaw and seconded by Councillor Boyd that Bill No. 10 be reported out of Committee as amended. This motion carried. It was moved by Councillor Shaw and seconded by Councillor Taylor that committee agrees with Sessional Paper No. 90. This Motion carried with Mr. Watt contrary. Committee recessed at twelve noon and reconvened at 2.10 p.m. with Councillor MacKinnon absent and Mr. Commissioner in attendance. Committee first dealt with Motion No. 9. It was moved by Councillor Thompson and seconded by Mr. Boyd that Motion No. 9 be amended to read as follows: that the 138th meridian be used as dividing line for Yukon Southern Time and Yukon Standard Time. Amendment carried. Committee also agreed to proceed with discussions related to the budget. It was moved by Councillor Watt and seconded by Councillor MacKinnon that Motion 3 be

Mr. Chairman continues.

deferred. This Motion was also defeated. Motion No. 13 was also defeated in Committee. It was moved by Councillor Thompson, seconded by Councillor Southam that Mr. Speaker do now resume the chair and hear the report of the Chairman of Committees and this Motion carried, Mr. Speaker.

Mr. MacKinnon: Mr. Speaker.... under your policy here -- I object to this. I had permission of Council to leave here and I didn't set any time when I would return and now Mr. Taylor has it in his report that I was late. I told you before I was phoning my constituents about the time change and are we going to continue this nonsense, Mr. Speaker? Its..

Mr. Speaker: Order

Mr. MacKinnon: Staying here...

Mr. Speaker: Order, order. Would you please give me the phrase that the objection is for? I didn't catch it.

Mr. Chairman: Mr. Speaker, the phrase in the report is that Committee recessed at twelve noon and reconvened at two p.m. with Councillor MacKinnon absent and Mr. Commissioner in attendance. It has been the policy of the- of Committe Mr. Chairman and agreed to by council and committee that an attendance record be kept of those members absent and this conforms with that. I believe that the member had indicated he wished to be excused from council and was so and.....

Mr. Speaker: Order.

Mr. Chairman: for going to Pelly River. And this party returned at twelve noon today and he was naturally reported absent, by not being here. Unless the council or committee wish to change this then I will not refer to these in my committee report. This has been the program and this is why it is here.

Mr. Speaker: Well, gentlemen, the objection is to Councillor MacKinnon has an objection to the fact that it was reported that he was not here at one o'clock when the committee convened.

Mr. Chairman: Two o'clock.

Mr. Speaker: Do you wish to have this striken from the report. Please raise your right hand. I don't want any discussion. There is no discussion on this Motion. It is a vote on the motion. Do you wish it striken from the report? Please signify? No, there is no motion, I am asking for your vote on this particular objection - a matter of privilege. Would you please signify if you wish it striken from the report?

Mr. Watt: Mr. Chairman..

Mr. Speaker: Would you please signify. There is no discussion on the motion no.... Those for leaving it in the report please signify? The matter stays in the report.

Mr. Watt: Mr. Chairman, Mr. Speaker, in discussing the report in general. Now, has there been a change in policy with respect to the report. I understand now there is an attendance record taken. An attendance record has given an impression here in this report that Mr. MacKinnon was gone for a little while, a few minutes - it gave the impression that he was away all day. This was the intent of the report and I understand, and was a spiteful little thing and it is knit-picking and this is the intent of the, of the Council, to keep doing this? If so, say so, if you want to knit-pick like this - you know (inaudible) causes hard feelings and you know this has

Mr. Speaker: Order please, Mr. Watt. This had been a decision of Council by vote. I'm not making the rules. I have asked Council what their opinion is on this particular matter and the opinion has been verified by a vote and I cannot do anything with that. I have not the power to over-rule Council. So, I'm afraid that this must stand as is.

Mr. Watt: Mr. Speaker, can I ask you when was this decision made?

Mr. Speaker: Just now. It was taken by vote- shall it remain in the record or shall it not...

Mr. Watt: This decision to not reporting attendance- if I go to the bathroom - I say that I leave and never given credit for returning at all - when has this decision been made- you said it is a decision of Council - it must have been a change of rules - talking that an attendance record be kept. I don't know and I would like to know- you said this was a..

Mr. Speaker: You would like (inaudible) Mr. Watt.

Mr. Watt: Knit-picking as far as I am concerned..

Mr. Speaker: Order, please. The rules of Council state that everyone is bound to attend Council. Therefore it is recorded when he does not and if you do not wish it recorded all you have to do is be here on time and there is no problem.

Mr. MacKinnon: Now, Mr. Speaker..

Mr. Speaker: Order. We have discussed this long enough. The vote of council has been taken and that is it. It is satisfactory to me.

Mr. MacKinnon: I appeal your ruling, Mr. Speaker.

Mr. Speaker: I had no ruling, this is a ruling of Council Mr. MacKinnon. It is not my ruling. Council has ruled that that stay on record. I have no further say on the matter. I can say nothing.

Mr. MacKinnon: You denied me the right to speak, Mr. Speaker.

Mr. Speaker: I did not deny you the right ....inaudible..

Mr. MacKinnon ... ruling.

Mr. Speaker: You have..(inaudible)

Mr. MacKinnon: ..enough

Mr. Speaker: The motion was closed. You had no business talking on a motion after it was passed and voted upon..

Mr. MacKinnon: ....

Mr. Speaker: Order please, order.

Mr. MacKinnon: ..know what..

Mr. Speaker: Order, order please. What is your pleasure gentlemen at this time.

AGENDA

Mr. Chairman: Mr. Speaker, in respect of the agenda it was determined by committee that we could possibly proceed tomorrow morning following orders of the day with the Ordinance respecting Electrical Wiring in the Territory and it was requested that possibly Mr. Ken Baker, Territorial Engineer, and Mr. Bob Choate of the Yukon Electric could be here say following orders of the day and beyond that we have also as noted in the committee report, decided to proceed with the budget, Mr. Speaker, so committee may proceed with either Bills or the Budget at this time and therefore I would suggest Bills, memoranda, Sessional Papersland Motions for tomorrow.

Mr. Speaker: Thank you Mr. Taylor. It has been suggested that we proceed tomorrow with Bills, memoranda, Sessional Papers and Motions. Are you agreed. What is your pleasure now, gentlemen?

Mr. Southam: I move we call it five o'clock, Mr. Speaker.

All: Agreed.

Mr. Speaker: Mr. Watt, you request permission to leave while Council is in session.

Mr. Watt: May I leave, Mr. Speaker.

Mr. Speaker: No. Could I have a seconder to the motion?

Mr. Boyd: I second the motion.

Mr. Speaker: It has been moved that Council do now adjourn until tomorrow morning at ten o'clock. Are you agreed with the motion. Any contrary? The motion is carried and this Council now stands adjourned until tomorrow morning at ten o'clock.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker read the daily prayer and Council was called to order. Councillor Thompson was absent.

Mr. Speaker: Is there a quorum, Mr. Clerk?

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: Have we any correspondence this morning, Mr. Clerk?

SESSIONAL PAPERS #92 #93 #94

Mr. Clerk: We have three Sessional Papers for tabling Mr. Speaker: Sessional Paper No. 92, Fire Marchall, Yukon Territory; Sessional Paper No. 93, Provision of Mortuary Facilities; and Sessional Paper No. 94 re Anvil Townsite Development. There is also a letter addressed to Mr. Speaker and Council of the Yukon Territory. "Bill No. 6 - Proposed Ordinance respecting the installation of electrical equipment and wiring. On reading the Votes and Proceedings to date of the present Session on the above matter I find that Council have requested the attendance of the Territorial Engineer and Mr. R. Choate of Yukon Electrical Company Ltd. to be present. I agree that the necessity for these two gentlemen to be present is obvious. However, Mr. Choate represents a Utility and I feel sure it would be of advantage in providing this legislation that opinions other than that of a Utility only should be heard. I feel I can add my knowledge on this subject to your deliberations and will be pleased to place myself at your disposal accordingly. I have been concerned for many years with the need for legislation on this matter and it is commendable that Council have now considered the need for it. Yours very truly, Whitehorse Electric Co. Ltd., Norman S. Chamberlist, Manager."

LETTER FROM WHITEHORSE ELECTRIC

Mr. Speaker: Thank you, Mr. Clerk. Have we any further correspondence? Have we any Reports of Committee? The next matter is introduction of Bills.

BILL #14 INTRODUCED

Moved by Councillor Taylor, seconded by Councillor Boyd, that Bill No. 14, An Ordinance to Amend the Yukon Housing Ordinance, be introduced at this time.

MOTION CARRIED

MOTION CARRIED

BILL #15 INTRODUCED

Moved by Councillor Boyd, seconded by Councillor Southam, that Bill No. 15, An Ordinance to Amend the Low Cost Housing Ordinance, be introduced at this time.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: Have we any Notices of Motion and Resolution this morning? If not, we will proceed to Orders of the Day. Have we any Notices of Motion for the Production of Papers? We have no Motions for the Production of Papers. We will proceed to Motions. Motion No. 19, Mr. Thompson, Mr. Thompson is not here. Motion No. 20, Mr. Shaw. Mr. Taylor will you please take the Chair.

Councillor Thompson enters the Council Chambers.

Mr. Taylor takes the Speaker's Chair.

Mr. Speaker: Councillor Shaw, would you be prepared to discuss Motion No. 20 at this time?

MOTION #20

Mr. Shaw: Motion No. 20, Mr. Speaker, moved by myself, seconded by Mr. Southam, respecting Hotels at Dawson City. "It is respectfully requested that the Administration review the fire hazard conditions existing in the hotels in Dawson City for the purpose of preventing closure and if possible to extend the time period of rehabilitation consistent with public safety." May I proceed, Mr. Speaker?

Mr. Speaker: Proceed, Mr. Shaw.

Mr. Shaw: Quite recently the Fire Marshal has conducted an extensive survey of the fire conditions which are existent in the hotels in Dawson City and it appears to be not a very encouraging report. In view of this....and there have been some very drastic measures that have been...the hotel owners have been informed that they must comply with in order to make these facilities safe for the public. Now, Mr. Speaker, I very much agree that one of our concerns should be to make public facilities safe for public use and I am not against that in any form, however, the amount of work that has to be done entails a tremendous amount of financing and cost and it is proven that it is beyond the financial capabilities of some of these people to bring into force, in the time given, the amount of work necessary. It's just not possible as far as they are concerned. This means that these buildings will have to be closed down in a very short time. Now, I was hoping, Mr. Speaker, that we would have the opportunity to discuss this with Mr. Whatmough the Fire Marshal. I expected that we might have the opportunity that he would be at Council to perhaps give further explanation on this matter. Some how or other, somebody's wires got crossed or perhaps it might have been my own fault, however, we do not have the opportunity to discuss this with Mr. Whatmough and what I am asking, Mr. Speaker, is that the Administration review this situation and as stated, consistent with public safety, that they give these people a chance. It must be possible that maybe some way this can be done...to review it and give them an opportunity to make these necessary changes within their financial ability.

Mr. Boyd: I feel certain, gentlemen, that Mr. Whatmough, or whoever was responsible for issuing the orders, was not hasty in doing so. I feel that the people concerned had ample warning and now we come with a further postponement being requested. I don't pretend to know more than the Fire Marshal knows and I would not want to have the Fire Marshal's rulings overruled by a person or persons such as we are at this table. If we do overrule his decisions, we are taking responsibility for what may happen. He is there to do a job. He is paid to do a job and that's what we hire him for. Now, if we are going to turn around and say, "We know better than you know", then you had better be the Fire Marshal and take the responsibility for it. If Councillor Shaw can assure me that these people have had no warning or the time allotment set on them has been unfair in any way, it might just paint a different picture, but I am not for overruling the Fire Marshal's decisions, nor am I going to step into his shoes.

Mr. MacKinnon: Mr. Speaker, I can only go along with what Mr. Boyd has to say and I operate an old fire trap myself and I am making every attempt to get rid of it. I believe that they must do the same thing in Dawson City. They have got to get up and on their feet and keep up with the rest of the world. They haven't done this since 1898 but the time has come where we must either go ahead or move out completely. There is no question about it and the Yukon is full of fire traps. There are fire traps right down the main drag here in Whitehorse and I will assure you there are plenty of fire traps in Dawson City. With all due respect to the people of Dawson City, I could not oppose the Fire Marshall on the request that he has made. Some of these buildings are two and three story buildings and this is quite a hazard to the people that are renting rooms and no fire escapes...there is nothing and I can quite well see the Fire Marshal's point. I hope that Council see fit not to step in and interfere with the operations of the Fire Marshal. Then, if we do, we might as well not have a Fire Marshal. Let's ask the Commissioner to get rid of him...fire him.... if we are going to impose on this man and create a hardship in his operations. Nobody can properly operate with somebody pulling the jerkline all the time and I think that this Motion is attempting to defeat the purpose of the Fire Marshal, and I think this is very wrong and I am very surprised at Mr. Shaw to come forth with such a request to undermine a man of this calibre. I think he should be ashamed of himself. MOTION #20

Mr. Southam: Well, Mr. Speaker, as seconder of the Motion, I think that all it requires...if the Administration says, "No dice", it's no dice, but I do think they could possibly extend the time of rehabilitation a little further if necessary. I don't think that this is the intent of the Motion....that they are not going to fix up or they're not going to do this or they are not going to do that. I think, from what I understand, that they want a little more time and also with regard to public safety and if this is so, then I'm still agreeable.

Mr. Thompson: Mr. Speaker, didn't I see in the newspaper either today or yesterday that two of the hotels were closing down because of this recommendation by the Fire Marshal. Could I ask Mr. Shaw if this is correct or is this hearsay.

Mr. Shaw: I think that is correct, Mr. Chairman.

Mr. Thompson: Mr. Chairman, I am in accord with the sentiments of the other Members that have risen with respect to this. I do feel that some consideration should be given to the operators. Make it firm. Give them the rest of the summer or something like this to either make the necessary renovations or close down, one of the two. As Mr. Boyd has said, they have had since 1898 to make improvements and I think that probably they don't want to because they probably expect to be taken over by the National Historic Sites and Monuments Branch, but I feel that if they have a genuine interest in this that they would, if given the necessary time, make the appropriate renovations to comply with the Ordinance as it stands.

MOTION #20

Mr. Watt: Mr. Chairman, just before Mr. Shaw completes debate, I would like to have more information possibly from Mr. Shaw when he concludes. I am not quite sure...I am not familiar enough with the circumstances up there. On one hand, it's kind of a loss of faith in the Administration in passing the Motion. We don't have any trust in our Fire Marshal or we don't have sufficient trust in our Fire Marshal and his judgement. On the other hand, if there is a disastrous fire where people perish, then the finger could be pointed at us that we overruled the Fire Marshal and caused this catastrophe or helped cause this catastrophe. Right at the moment, Mr. Speaker, I don't have sufficient knowledge and right at the moment, I would have to abstain from voting unless further information is given by Mr. Shaw that would sway me one way or the other.

Mr. Speaker: Mr. Shaw.

Mr. Shaw: Thank you, Mr. Speaker. This is not overruling anyone. The Fire Marshal is also part of the Administration, Mr. Chairman, possibly not this Administration but Administration. So, this is not a matter of overruling. I am not intimating, Sir, by any means that what the Fire Marshal has done is wrong...is incorrect. All I am asking is that.... we have some very drastic changes to be made which are beyond the financial capabilities of the owners of these places. I am not saying that what has been done in the matter of public safety is wrong. That is what we have a Fire Marshal for. All I am asking is that every consideration and assistance possible should be given to these people in order that they can effect the necessary changes within their financial ability. There are five hotels, I think, concerned. I think we can roughly put it at five hotels and it appears to me, Mr. Chairman, that without a question of doubt, under the existing orders that are given, that four will close. There is one that is able to and is making preparations...one of the small ones...to affect the changes as ordered by the Fire Marshal. These hotels as we all realize are in not too good a shape, however, one of the orders is that all the rooms be covered with gyproc. Now when you take thirty rooms and you have to enclose each one of those in gyproc in a very short period of time and I believe it is a very short period of time, Mr. Speaker, that is a tremendously expensive proposition. It runs into $20,000.00 or $30,000.00 or possibly $40,000.00 for some of these places which is a financial impossibility for these people to meet. Now there may be ways and means whereby a certain section can be utilized and gradually fixed up and later on another floor and so on. I don't know. I'm not getting into the ramifications. All I am asking is that the Administration, Mr. Chairman, consistent with public safety, review it and see if there is some way that possibly a little more time could be given so that it is possible....it's financially impossible at the present moment... so that it is possible. That's all I am asking, Mr. Chairman. I am not making any remarks that what has been done is wrong except that I do feel that it is somewhat strict...the rules and regulations. I know there are many places in the Territory, and as Councillor MacKinnon has stated, right in the City of Whitehorse...I can pick out this can be done and that should be done, and no doubt other areas of the Territory including, as Mr. MacKinnon just said, hiw own place. I don;t know whether the Fire Marshall has shut that down or not. It is just asking to review it and see if there is some way where we can, consistent with public safety, allow these people to continue.

Mr. Boyd: Mr. Speaker, could I ask a question of the Councillor? MOTION #20

Mr. Speaker: I notice several Councillors have indicated their desire to ask a question. Would you ask your question Mr. Boyd.

Mr. Boyd: Could Mr. Shaw tell us...first of all he states that the cost is beyond their capabilities. Could he say that if the Fire Marshal's regulations...instructions..were overruled and an extension of time given, say for this summer, that these things would all be done before they operated through the winter months, that has been requested or would it still be beyond their ability to do it, financially?

Mr. Shaw: Mr. Chairman, I am not asking for anything to be overruled. I am asking to review. It would depend...to answer the question...it would depend on what was required. If it was still too stiff, then, of course, I suppose they couldn't go ahead but if it was possible, then they could probably go ahead and affect these changes. I say review. I didn't say overrule, Mr. Speaker.

Mr. Thompson: I was wondering, Mr. Speaker, if Mr. Shaw could indicate when this ruling was actually put into effect and what the existing time limit is.

Mr. Shaw: Mr. Chairman, this was put into effect I think... oh, the early part of the year....in January I believe...that the notices were sent to the particular people....possibly around the middle of January but it was somewheres in there, and of course, as we all know, in January, the people in the Yukon, particularly the Northern end of it, business is very poor and they are pretty well financially stunted at that particular time and these had to be effected. I haven't the report with me, Mr. Chairman. It went to the operators in the City of Dawson. I had a look at the report but I haven't the report myself, however, what had to be done was very much in accordance with what I have said. It would run into $30,000.00 or $40,000.00 which is absolutely beyond their financial capabilities.

Mr. Thompson: Could I ask one supplementary question. Was this the first indication that the Fire Marshal had made that these places had to be upgraded or have they had previous warning on this subject?

Mr. Shaw: Mr. Chairman, I am not quite sure of what they were told. I do believe that they had been told prior to this that they must make certain changes but not as drastic as what this last one that came up.

Mr. MacKinnon: I would like to ask Mr. Shaw why he had not prompted the people of Dawson City on the Fire Protections Ordinance when it was passed two years ago seeing he represents Dawson City?

Mr. Shaw: Mr. Chairman, I do represent the people of Dawson City but I am not a town crier to go up and down the street and call out the Ordinances. I did notify the people that Ordinances had been passed but for going around and enforcing.. I don't think that that is my function...what I was elected for.

Mr. Speaker: Question has been called.

MOTION #20 DEFEATED

MOTION DEFEATED

Councillors Shaw and Southam voted for the Motion. Councillors Boyd, Thompson, Watt and MacKinnon were contrary.

Mr. Shaw resumes the Speaker's Chair.

Mr. Speaker: The next Motion is Motion No. 19 re Letter Drop Boxes, Porter Creek, Crestview, Mr. Thompson.

MOTION #19

Mr. Thompson: Yes, Mr. Speaker. Thank you for your indulgence. The Motion, moved by myself, seconded by Mr. MacKinnon, reads, "It is respectfully requested that Administration approach the Postmaster General's Department with a view to installing letter drop boxes in both Crestview and Porter Creek." This is in essence in keeping with the Metropolitan expansion program. We have letter drop boxes in various parts of Whitehorse. The people in the Porter Creek - Crestview area feel that it would be a decided benefit if there were letter drop boxes in this vicinity. Whether this can be implemented is something for the Administration to ascertain but I would respectfully request their co-operation in this matter.

Mr. MacKinnon: Mr. Speaker, as seconder of the Motion, I wholeheartedly agree with Mr. Thompson and I would suggest that I would like to see these services extended much farhter. I would suggest that Porter Creek and Crestview should have a post office instead of driving five miles to get their mail. This is fine. The City of Whitehorse they want everything. The only thing they don't want is to raise their mill rate. Porter Creek is on the same mill rate and they have nothing. I have operated a business in Porter Creek and it's a disgraceful situation where the people have got to plug their cars in over night. It costs them a lot of dollars to be able to go to the post office in the morning and pick up their mail, and I don't think it's right. I was under the same obligation and even though I didn't have time, I had to make a trip downtown every day to get my mail and I think this Motion should go farther and they should establish a post office in Porter Creek. There's a lot of people there.. Porter Creek and Crestview. Why shouldn't we have a post office? It's not reasonable not to have a post office. Mr. Boyd, he might think well it is not necessary. I imagine that he will get up and say this, but I would like to point out to Mr. Boyd that it is necessary.

Mr. Speaker: Mr. MacKinnon, would you please.....Mr. MacKinnon, would you please restrict yourself to the subject matter.

Mr. MacKinnon: I am reading your mind, Mr. Boyd.

Mr. Southam: Mr. Speaker, I think if you want the answer, you just go right down to the Post Office here and just get it. You write to the Post Master General in Ottawa, which I have done on several occasions, and here is the place he sends you. Right here. So, I think if you go down there you will get your answer.

Mr. Watt: Mr. Speaker, I would just like to say that I agree with Mr. MacKinnon suggesting that it is falling a little bit short whether I agree with the part about Mr. Boyd or not. I think that it would be justified to request a Post Office at Porter Creek. I certainly agree with this Motion and possibly go further. They have a small Post Office at the Air Base right now...a little satellite Post Office that works out of this main Post Office here and there is no reason why the same thing couldn't be justified in the Porter Creek area. I certainly hope that the Post Office Department looks at the Votes and Proceedings and sees how we have gone on record in supporting Mr. Thompson and the Porter Creek - Crestview area with not only their drop boxes but also a Post Office and if that fails, at least a mail delivery or something. MOTION #19

Mr. Speaker: Gentlemen, at this time I would like to ask you to, if possible, keep your conversations from personal reflections. If that is complied with, we will save a great deal of trouble in this Council.

MOTION CARRIED

MOTION #19 CARRIED

Mr. Speaker: That completes the Motions this morning. Have we any questions?

Mr. Taylor: Mr. Speaker, a question that just occurred to me was that in view of the interest in Teslin by some people to establish a museum there in order to preserve some of the history of that area, I am wondering if there is anything provided in the Estimates or anything forthcoming from the Administration with respect of a cost-sharing program for the citizens who wish to develop this throughout the Territory. Has this been given any consideration in the last two three years? COST SHARING PROGRAM RE MUSEUMS

Mr. Commissioner: Mr. Chairman, certainly not to my knowledge. If anything of this nature has been proposed at any time, I am certainly not aware of it and speaking from memory, I don't remember any suggestion that is in the Budget that is going to be at the present time, but I would certainly be very hopeful that the Territorial Historic Sites Board would be coming forth with proposals along these lines. I don't think it is only the matter of Teslin that the Councillor has raised. I think that this particular thing is prevalent and quite important throughout the Territory, Mr. Speaker, and while I am sorry that I can't give any affirmative assurance to the Councillor at this time, I would feel very disappointed if upon the formation of the Territorial Historic Sites Monuments Board proposals along these lines were not made. I am not certain as to whether or not all the Councillors have their nominees in at this time for this Board. It is my intention, as promptly as possible after we have all the nominees, that we will be having an initial organizational meeting of this very important board and I will advise Council of the time that it is to be held.

Mr. Speaker: Are there any further questions?

Mr. Southam: Yes, Mr. Speaker, I would like to ask the Commissioner a question. In perusing the daily newspapers, I see an advertisement here for an Assistant Superintendent of Vocational Education. I was just wondering, Mr. Speaker, is there no chances of promotion within the organization? Does this have to be on a competition basis all the time, Sir? Would you enlighten me?

AD FOR ASSISTANT SUPT. OF VOCATIONAL EDUCATION

Mr. Commissioner: This was a question that came before me here a few days ago, Mr. Speaker, and effectively, the position as it is outlined here is a new position within our Administrative framework. If Council will remember, we presented to you a completely new organizational setup for the Department of Education where the Superintendent or the top man in the organization would have effectively under him three Directors of various parts of his educational program. One was to be in charge of secondary schools. Another was to be in charge of primary schools and the other one to be in charge of the Vocational Training Program in the Territory. As this was a complete and utter departure from the position as it presently stands and as it is presently occupied by Mr. Holland, I felt it only fair and proper that it should be a complete competition. In other words, this does not preclude in any way, shape or form any of the people who are presently in the Territorial Government's employ and likewise there is nothing there that would prevent any promotions to this job but I certainly do feel that in all fairness to the Territorial School System that there should be opportunity for applicants not only within the present service but also from without so that when our Selection Committee is acting, they will have ample opportunity to assess the work of all possible applicants for this very important job.

QUESTION RE MEETING WITH CITY

Mr. Watt: Mr. Speaker, I have a question I would like to direct to the Commissioner. Has there been anything done with respect to or any steps taken, or any decisions made, with respect to the negotiations between the City and the Territorial Government....Territorial Administration...concerning the taxes and the possible necessity of the City raising the taxes by 30% in the City of Whitehorse? Has there been any meetings and what are the results of these meetings?

Mr. Commissioner: Mr. Speaker, after the meeting that the City Council had with the Territorial Council here approximately one week or ten days ago, the Municipal Affairs Director Mr. Spray addressed a letter to the City of Whitehorse indicating the agreement that we came to at that meeting and asking the City to appoint a representative to come and sit with us as per our arrangement at that time and to the very best of my knowledge, we have not heard from the City on this matter. I asked Mr. Spray about this I believe on Friday of last week and he had had no word from them at that time. If we have received word, Mr. Speaker, it has been received within the last two days.

QUESTION RE REPORT OF LIQUOR SUPT.

Mr. MacKinnon: Mr. Speaker, I would like to ask the Commissioner. I would like to ask him if his Liquor Superintendent has returned from the far North, Dawson City. This was first brought about, Mr. Commissioner, seven days ago today. You had contemplated tabling a Paper the following morning.

Mr. Speaker: What is your question, Mr. MacKinnon?

Mr. MacKinnon: The question, Mr. Speaker, is what happened to the Paper, Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I am very happy to report that my Superintendent of Liquor has returned from the far North and I have his written submission on my desk this morning. I would venture to say that it has probably been there since Monday morning but due to my absence in helping the Councillor who asked the question attend to certain very important matters in his constituency, I haven't been around to peruse this and as soon as I have read the report of the Superintendent of Liquor Control, it will be getting formulated into a Paper and tabled for Councillors' information.

QUESTION RE DEPARTMENT OF ADMINISTRATIVE SERVICES

Mr. Taylor: Mr. Speaker, I would like to direct a question to Mr. Commissioner in respect of the re-organization of Government in the Yukon Territory. My first question would be that in view of the proposal whereby a Department of Administrative Services be created, is it intended still that a Federal Government Civil Servant will head up this Department?

Mr. Commissioner: Do I get the question here that as per the outline that Mr. Executive Assistant, Mr. Fingland... for administrative purposes....yes, Mr. Speaker. Mr. Fingland in this particular respect is responsible to me and the fact that his salary comes directly from the Federal Government does not remove him from my jurisdiction as far as his day-to-day work is concerned and I can assure Council, Mr. Speaker that this in no way, shape or form will have any detrimental effect or any change. In fact at the present time, Mr. Fingland effectively does this particular job except that it doesn't show on the organizational charts as such.

Mr. Taylor: Well, I shall have more to say on that subject at another time, Mr. Speaker. I would also like to ask then if we are also going to provide administrative services for such departments as the Mining Inspector, Yukon Forest Service, and so forth, will we be levying a normal fee or charge or levy for this administrative service provided to the Federal Government by the Territorial Government?

Mr. Commissioner: Mr. Speaker, such administrative services as are done by Territorial people on behalf of the Federal Government are done on a contractual basis and recoveries are made in relation to the services that are rendered and this is a regular practice.

Mr. Taylor: Just for clarification - I realize that Mr. Commissioner said that it has been done. My question was will it be done under the terms of this new reorganization?

Mr. Commissioner: Mr. Speaker, I am sorry if I phrased my wording wrong. I can assure you that this will be done.

QUESTION RE ECONOMIC & RESOURCE DEVELOPMENT STUDY

Mr. Watt: Mr. Speaker, I have a question I would like to direct to the Commissioner and this is in respect to the Yukon Economic and Resource Development Study. Could he tell me how many submissions or applications have been made.. from how many different companies...to take on this study? My second question is have they all made written applications? Thirdly, will they be tabling a copy of their applications and the type of study that they envision before Council?

QUESTION RE ECONOMIC & RESOURCE

Mr. Speaker: I might say that four questions at once are very difficult for anyone to remember. Could you state your first one and you will be permitted to ask the others as you go along. It will make it easier to answer one question at a time. What was your first question?

Mr. Watt: I think Mr. Commissioner has them all, Mr. Speaker. Have you got the first question?

Mr. Commissioner: Yes, Mr. Speaker. I would say that we have invited and received replies and submissions in this particular regard from six organizations. The content of their submissions has been the subject of considerable work and analysis by a Committee that I have set up to have this done and the actual submissions themselves and the analysis of them and the recommendations that this Committee have made in respect of these people or in respect of the submissions will be made available to Council here very promptly.

Mr. Taylor: This gives rise to another question, Mr. Speaker. Will this Committee's recommendation as to who will be the successful applicant be considered final or is it still intended that the Minister in Ottawa will in truth make the decision?

Mr. Commissioner: Mr. Speaker, the content of this question, I think, was outlined in the understanding that I had with Council last fall and there is not any reason that I am aware of that this would be...that this understanding will be changed and the basis of the understanding is that effectively I am acting on behalf of Council and the Yukon Territory in consultation with the Minister in the chosing of the party who will do this particular study. I think this was the content of the understanding we had with Council last fall.

Mr. Taylor: In other words, I have it that the Minister will make the decision.

Mr. Speaker: I believe you have your question answered Mr. Taylor. Have we any further questions?

Mr. Watt: Mr. Speaker, my last question was would these written submissions...a copy of these....I think I have seen a copy of one of them...and if there are six...could a copy of all six of them be tabled in Council or left in the Council Chambers for our perusal? I understand the Territorial Council voted the money so they should have some say. Could this be done?

Mr. Commissioner: Mr. Speaker, I can't table these submissions in Council because they are, effectively speaking, given on a confidential basis but there is certainly no reason at all... and I have endeavoured to make available to Councillors upon request so to speak...but I will make them readily available to any Councillors, any and all of these submissions. I believe that there have already been three or four of them passed around to the Councillors, one of which I am having a search conducted for this morning because it has turned up missing.

Mr. Watt: There is just one supplementary question. Could Mr. Commissioner name the individuals on this Committee that has been set up to select somebody?

Mr. Commissioner: This is...I am taking this from memory but I think I have this correct. Mr. Baker; Mr. Fleming; Mr. Judge Parker from the Economic Council here....Yukon Economic and Development Council; Mr. Oliver, the Mining Inspector, and these people have had here for the last couple of days consultations with Dr. Wise, an economist from our own Northern Affairs Resource Division in Ottawa.

Mr. Speaker: Have we any further questions? If not, we will proceed to the next matter of business. We have Bill No. 10 for processing.

FIRST READING AMENDMENT BILL #10 MOTION CARRIED

Moved by Councillor Taylor, seconded by Councillor Boyd, that the Amendment to Bill No. 10, An Ordinance to Amend the Game Ordinance, be given First Reading at this time.

MOTION CARRIED

SECOND READING AMENDMENT BILL #10 MOTION CARRIED

Moved by Councillor Taylor, seconded by Councillor Boyd, that the Amendment to Bill No. 10, An Ordinance to Amend the Game Ordinance, be given Second Reading at this time.

MOTION CARRIED

THIRD READING BILL #10 MOTION CARRIED

Moved by Councillor Taylor, seconded by Councillor Boyd, that Bill No. 10, An Ordinance to Amend the Game Ordinance, be given Third Reading at this time.

MOTION CARRIED

TITLE TO BILL #10 ACCEPTED MOTION CARRIED

Moved by Councillor Taylor, seconded by Councillor Boyd, that the title to Bill No. 10, An Ordinance to Amend the Game Ordinance, be accepted as written.

MOTION CARRIED

BILL #10 PASSED

Mr. Speaker: The Motion is carried and Bill No. 10, An Ordinance to Amend the Game Ordinance, has passed this House.

Mr. MacKinnon: Mr. Speaker, I abstained on this vote and the reason was that I was at Pelly River for the school opening when this Ordinance was finally threshed out and given approval by Members at this table and I haven't really had time to find out what the final analysis was and for that reason, Mr. Speaker, I would like to go on record as abstaining.

Mr. Watt: Mr. Speaker, I would like to go on record too as abstaining because of the invoking of closure during the discussion on this.

Moved by Councillor Boyd, seconded by Councillor Southam, that the Speaker do now leave the Chair and Council resolve itself into Committee of the whole to discuss Bills, Memoranda and Sessional Papers.

Mr. Watt: Mr. Speaker, could I ask when the Council is going to discuss the Budget? It appears that we had a vote in Committee respecting who wants to discuss the Budget and get into it, which is one of the main reasons we are meeting here, and it apparently was a vote of 6 to 1. When could we proceed with the Budget or is one person going to be able to continue to obstruct the Council on this longer?

Mr. Speaker: In a matter such as that...this discussion was brought up yesterday on the matter of whether we would be out of work and have to discuss the Budget and would we discuss the Budget prior to the Agreement...the financial Territorial fiscal agreement and it was agreed that we would continue at the first opportunity to discuss the Budget. Council, or Committee, whichever you call it, has decided that on the Agenda that we discuss Bills, Memoranda and Sessional Papers and whether we discuss first the Bills or the Budget, providing we are kept occupied, I see little difference. The Agenda calls for discussing a Bill this morning so when the Bill is completed, I assume we will discuss the Budget. I can't tell you when. Does that answer your question, Mr. Watt?

Mr. Watt: Yes, Mr. Speaker, I assume then that the Budget is a Bill that we can go ahead and discuss now.

Mr. Speaker: Bills and Bills and the Budget is a Bill. The Electrical Ordinance which is on the Agenda this morning is also a Bill.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: The Motion is carried and Councillor Taylor will take the Chair in Committee of the Whole.

Mr. Taylor: Gentlemen, we will be discussing Bill No. 6. Committee is now recessed.

Wednesday, April 19, 1967,
11:00 a.m.

COMMISSIONER SMITH ABSENT
PRESENT - MR. K. J. BAKER, TERRITORIAL ENGINEER
MR. R. CHOATE OF YUKON ELECTRICAL COMPANY LIMITED

Mr. Chairman: I will now call Committee back to order, and just before we proceed, gentlemen, I have two notations. One is the Report asked for in Council will be tabled on the Clerk's desk sometime today for your perusal and also Mr. Commissioner advises me he would very much appreciate an opportunity some time today to discuss the Sessional Paper related to the Anvil townsite. Well, gentlemen, may we proceed with Bill #6. We have with us Mr. Engineer and Mr. Choate. I will proceed with the Bill, and I believe it will be wise to take this section by section. BILL #6

Mr. Boyd: Mr. Chairman, we have an Ordinance here it was moved to read respecting the installation of Electrical Equipment and Wiring. We have with us two gentlemen whom we are going to lean on quite heavily, I would think maybe not so heavily after all. But, for the record I ask with respect that each of these gentlemen should state or quote their qualifications. What do they hold which makes it possible for them to be able to say to what I know, I have done this, I have a certificate or I have something, or do they have a certificate. What kind of certificate.

Mr. Chairman: Would you mean engineering qualifications Mr. Boyd?

Mr. Boyd: What do you hold that make you men qualified that we can accept your answers. It is alright to say I am an electrician or a contractor calls himself an electrician, he went out and did his own wiring. I wouldn't accept this as qualified wiring. And this is what I am trying to get all. How qualified are these gentlemen.

Mr. Engineer: Well, Mr. Chairman, I hold a Bachelor of Engineering, Civil Engineering.

Mr. Choate: I hold a Bachelor of Science and Electrical Engineering and I have had 15 years experience with electrical utilities.

Mr. Boyd: I want this on the record because somebody might come back and say who are they, what do they know.

Mr. Chairman: Well, gentlemen, we well proceed with the reading of the Bill section by section. An Ordinance Respecting the Installation of Electrical Equipment and Wiring. Reads Section 1. All clear. Reads Section 2 (1), (a), (b), (c), (d), (e), and (f) and Section 2.

Mr. MacKinnon: Mr. Chairman, I have a question for Mr. Choate. I would like to ask if he has personally ever inspected wiring of any large installation, and I would also put the same question to Mr. Baker.

Mr. Chairman: Well, gentlemen, I thought we had resolved this problem.

Mr. Choate: Mr. Chairman, I have inspected a number of installations. Not as a--because we don't have the right to rule as a regulatory body whether the installation is

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correct or incorrect. But, I have inspected it to determine whether or not it is safe to connect to our own distribution system. I would say yes, I have.

Mr. MacKinnon: Mr. Chairman, then you are not authorized to make these inspections.

Mr. Choate: No, we are not.

Mr. MacKinnon: Be qualified under a code.

Mr. Choate: We are not authorized to make the inspections, no.

Mr. MacKinnon: Not qualified.

Mr. Choate: I would say I was...

Mr. Chairman: Gentlemen, order please. The witnesses are not here to be cross-examined. They are here to assist in this Council. I would ask for your assistance in conducting this in an orderly and proper manner. Gentlemen, are you clear on Section 2?

Mr. MacKinnon: Mr. Chairman, maybe Mr. Baker would like to answer the same question.

Mr. Engineer: Yes, Mr. Chairman, I have undertaken this inspection.

Mr. Chairman: Gentlemen, are you clear with Section 2?

All: Clear

Mr. Choate: I think possibly the Canadian Electrical Code has a number of parts. Part 2 refers to specifically joint construction of telephone circuits on power lines. Part 2 refers to the crossing of power lines and communication lines over railways. These latitudes don't normally come under the jurisdiction of an electrical inspector so possibly it should refer to Canadian Electrical Code, Part 1. Rather than the whole Canadian Electrical Code.

Mr. Boyd: Would you say this cannot...(inaudible).

Mr. Choate: Well, the Canadian Electrical Code has a number of parts. Part 1 is governing wiring, electrical installations, etc. Part 2 covers joint construction of power lines and communication circuits. Part 3 covers electrical and communication circuits crossing railways and also covers such things as pipelines underneath, or power lines. Pardon me, power cables so that...(inaudible)

Mr. Chairman: Would you feel, asking this question from the Chair, then that Part 2 and Part 3 of the Canadian Electrical Code would not be applicable to this Ordinance?

Mr. Choate: Right.

Mr. Shaw: Mr. Chairman, could I inquire from the Legal Advisor in respect to this particular section that they intended it to cover all these three sections mentioned or the section referred to, namely Section (1) the very purpose of having the whole code in it.

Mr. Legal Advisor: Mr. Chairman, it's an administrative question as to what it intended. However, Council has Mr. Baker regarding what he thought. I can only say that in the Northwest Territories since 1956 they have had an Electrical Protection Ordinance and they have never distinguished between one part of the code and another. And of course, if at any time you did want to control wiring you might have to consider writing in Parts for reference Parts 2 and 3 in order to deal with electrical problems on the Whitepass or indeed in connection with the supply of electricity by a major supplier. But, what is intended, what is desired is something that would come better from the administrative representative, either by the Commissioner or Mr. Baker. BILL #6

Mr. Engineer: It would be Part 1, Mr. Chairman.

Mr. Choate: I would just like to point out to Council that we are already subjected to Parts 2 and 3 because they form part of General Order #12 of the Board of Transport Commissioners Regulations so that this is a Federal statute and we must comply with these regulations because of Federal--we come under the Board of Transport Commissioner.

Mr. Boyd: Well, Mr. Chairman, ...Part 1 of the code, could we then put it under the heading of construction of buildings and so on only. Is that the intention in this case to just have it eliminated.

Mr. Engineer: Well, not really Mr. Chairman. Because later on in the Ordinance you will notice some exclusions and consequently this Ordinance will apply to everything except those two things which are excluded in a later paragraph.

Mr. Shaw: Mr. Chairman, in other words, Mr. Baker would you say that it is necessary to have it as written. It's a blank code including the two sections or should only be Section 1.

Mr. Engineer: Well it will probably be more clear Mr. Chairman, if after code the word "Part 1" be included.

Mr. Shaw: I would move that Part 1 be put in this, Mr. Chairman. MOTION RE AMENDMENT SECTION 2.

Mr. Watt: I will second that.

Mr. Chairman: It has been moved that Section 2 be amended to add the word "Part 1" after the word Canadian Electrical Code. Are you prepared for the question: Are you agreed? Any contrary? I declare the Motion carried. MOTION CARRIED

MOTION CARRIED

Mr. Chairman: Anything further on Section 2, gentlemen? The next Section is Section 3, subparagraph (1), and subparagraph (2).

Mr. MacKinnon: Mr. Chiirman, I would like to ask the Legal Advisor the true definition of ex officio.

Mr. Legal Advisor: The best that I can offer is by vitue of his office if he is appointed as an electrical inspector in the municipality, and then by viture of that appointment

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holds, while he holds that appointment, he is an inspector under this Ordinance. And, consequently the Commissioner wouldn't have to appoint him under 3 (1).

Mr. Chairman: Are we clear, gentlemen?

Mr. MacKinnon: Well, the only thing that I question, the Commissioner may appoint. But there is qualifications here. He can appoint an electrical inspector. For instance he could appoint me and there is no qualifications. And I believe this should be outlined. That this person must have qualifications in order to be appointed by the Commissioner.

Mr. Southam: Well, Mr. Chairman, I hardly think the Commissioner would appoint somebody who had no qualifications. I am certainly sure he would not appoint me.

Mr. Boyd: We are talking about a new municipality and we are not appointing an ex officio inspector which you take it out of the hands of the Commissioner entirely and they... Well, am I off the beaten track here?

Mr. Chairman: Here, here, order please. I believe what the Councillor referred to Councillor Boyd is subparagraph (1) Section 3, The Commissioner may appoint a chief inspector.

Mr. Boyd: No, I am on the next one, (2). A person who is appointed by...who may appoint a chief inspector or one or more inspectors to carry out provisions of this Ordinance. That is fine. I thought you were on the next one. A person who is appointed by an electrical inspector by a municipality. This means that anybody in a municipality, I should say in the City of Whitehorse for example, could appoint their own inspector. But what qualifications has he got to have and who regulates it.

Mr. Thompson: Well, Mr. Chairman, this is precisely one of the comments submitted to us that it should be more consistent if the inspector were responsible to the chief electrical inspector of the Yukon. This is probably what he desires so whether this is an indication--if this is in fact a reasonable submission.

Mr. Engineer: Mr. Chairman, I wonder if the Legal Advisor could tell us if the chief inspector would have control over a municipal inspector?

Mr. Legal Advisor: Well, if he was within the municipality acting under the direction of the Council under the bylaws they pass, he would be in charge of himself at the moment ...our municipality still available as an inspector under this Ordinance. And at that time he would certainly be under the direction of the chief inspector. We have rather the same situation with the fire marshals. We have fire marshals who may be appointed in a municipal area, but he would still perform a function when he goes outside the city. But they are under the--they have a sort of dual personality. All I can say is that their experience suggest that it doesn't create real difficulty. You have the same thing with the Health inspectors. A number of years with functions in and out of the city on an arrangement between the two Administrations. So I can't do more than point to past

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experience as a guide to how this would work.

Mr. Watt: I have a couple of questions I would like to ask the Legal Advisor. If we pass this Ordinance could a municipality have a bylaw that could allow for substandard electrical work in a municipality that doesn't meet with what we have passed or a Yukon Electrical Ordinance or a Yukon Territorial Electrical Ordinance. Is the question clear Mr. Legal Advisor?

Mr. Legal Advisor: Yes, Section 13, it is difficult to answer these questions until the Bill has been given a complete reading Mr. Chairman. To refer to Section 13, it provides a municipality has by bylaw a certain standard to which installation of electrical equipment and wiring shall conform. Such bylaw shall be observed in lieu of any section in this Ordinance that conflicts with that bylaw. They will be in charge of their own standards. But obviously, the degree of co-operation available to them from the Administration from this Council would vary very sharply if a municipality was foisting off unreasonable standards. The Administration and this Council would not accept the creation of electrical hazards when the whole purpose is to upgrade and at a time when the city budget came under review I am sure that there would be some rather pungent comments raised by the Administration of the Territorial Government.

Mr. Thompson: Well, in conjunction with the Legal Advisor's comments, I think that this would be quite the state of affairs because I think the Territory is subsidizing a few municipalities to the extent of 90%. So I think it would be in our own interest that the Territory have the final say in this. I was wondering if Mr. Choate would like to comment on this matter because this is one of the items that did come under comment.

Mr. Choate: Mr. Chairman, the reason we raised this point was we feel very strongly that the act should be consistent throughout the Territory both for our sake and more so for the electricians sake who have to work in both areas. If he knows what he has to comply with throughout the Territory, it is a lot easier than if he has to worry about meeting the requirements of the various municipalities. Speaking from a personal view point, speaking from the company's view point, we would prefer to see one act being uniform throughout the Territory and then this would certainly solve a lot of problems.

Mr. Boyd: This is certainly the only way to approach this thing. I am sure you could take the provinces, and they are quite large, and they must have one Ordinance--the city's side they would be identical to the provinces. And, I think that's the way we should work here.

Mr. Shaw: We have an inspector for municipalities and the main inspector doesn't say the ex officio inspector would be under the chief inspector. However, it would appear that to carry out the provisions of this Ordinance under the direction of a municipality would be under the direction of this person. It appears to me that if the Canadian Electrical Code that has been followed, it doesn't matter whether its a municipality or a hamlet on the top of that

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mountain over there. That's the code. That's what you have to go by, and if the Electrical inspector in the municipality is under the main inspector, which I think it should be, they can still appoint the inspector. It would serve the purpose.

Mr. Watt: Would you kindly excuse me for a couple of minutes? I would like to go across the street and get a box of kleenex.

Mr. Chairman: Does Committee agree?

All: Agreed

Mr. Southam: Well, Mr. Chairman, I think it is the same as any other inspection job. You have your appliance inspector and he is underneath the chief inspector, and whether you are in the province or in the Territory it doesn't make any difference. And, I would assume that when we have this Yukon Electric Code or whatever you are going to call it, when it does come into being the municipalities as well as the rest of the Territory, if you don't have it this way, then it's no good to nobody because if you are going to have it so that everybody and anybody can wire to their own specifications, what's the good of having an electrical code. So, therefore, I can only see one thing you can do. You have got to have it underneath the code and this is what you have to live up to. And I can't see where a municipality of Whitehorse, they have their own inspector, why they shouldn't be underneath the same code as the Territory as a whole. And this I think is what we have to do.

Mr. Thompson: Could I ask that the recommendations would be from the Territorial Engineer or Mr. Choate, how it could be reworded to apply, Mr. Baker?

Mr. Engineer: Well, I agree Mr. Chairman. There should be some uniformity throughout the Territory, and I think subsection (2) should be reworded to make sure that the municipalities--the electrical inspector of the municipality will act under control of the chief inspector.

Mr. Chairman: I would direct a question to Mr. Legal Advisor at this point. Mr. Legal Advisor, I wonder if you could enlighten me as to whether this could be reworded or would we require a new subsection to cover this particular point.

Mr. Legal Advisor: Well, Mr. Chairman, I would have to sit down and look at the Bill as a whole now because of the effect it would have on Section 13 for instance. On one hand the Ordinance as drawn is proposing to give recognition to municipal bylaws which are in conflict with the code standards or in conflict with the Ordinance. So I would have to look at the Bill itself in order to decide what changes would have to be made to adjust this to bring it into line with this new thought. I would try and do this over the lunch period but it is clear to me that just changing 3 (2) alone would create a difficulty later on.

Mr. Chairman: Gentlemen, is it then your désire I bring this to your attention this afternoon. We could probably

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go on with the Bill? Do you agree?

All: Agree

Mr. Chairman: Section 4. All clear. Section 5, (a), (b), (c) and (d).

Mr. Thompson: Mr. Chairman, here again we have a submission from the Yukon Electrical Company which states that the proposed Ordinances gives the inspector the right to ask for the submission of plans and specifications in writing for any installation in public, industrial, commercial or other buildings in which the safety of the public is concerned. And at the present time because of the lack of consultant engineering firms in the Yukon this clause could work a considerably hardship on the owner of any project. And they have suggested, although they don't want to see the regulation changed, in so far as public buildings are concerned they feel that the same results could be achieved by rewording the Ordinance so that all Ordinances meet the Canadian Electrical Code standards and any installations which do not, would have to be altered. And the requirements of the plans and specifications being submitted could in addition to working a hardship on the owners of any project might also mean that the Territorial Government would require additional staff to study and include all these various drawings. Mr. Baker would you care to comment on this aspect?

Mr. Engineer: Well, all I can say, Mr. Chairman, is that I think the chief electrical inspector should have the authority to inspect drawings and specifications for any building or any installation as far this goes. This should be particulary concerned with this type of building. Certainly it may make a bit of a hardship for the chief inspector who may require additional staff, but this is something we have to face up to, this is a service which we have to provide to the public.

Mr. Thompson: In effect you feel the Ordinance as written covers this aspect quite thoroughly?

Mr. Engineer: Yes, I do.

Mr. Thompson: Could I ask Mr. Choate your comments with reference to this. Are you thinking in terms of hardships to individuals as opposed to public buildings. Is this something that would in the forseeable future that will mean considerably more submissions in this respect?

Mr. Choate: The point I would like to make is that if under this Ordinance, under the plans to be submitted for approval, this is jumping ahead but it partially covers that a person proposing to add to his premises or build a new premises would be required to prepare these plans or have them prepared and submitted prior to construction. I would suggest it would be far easier to word the Ordinance such that a person can proceed providing the installation meets the code and if he decides he will try and cut corners, he is putting himself in jeopardy and faces the possibility of having to change it. In other words your main control is with your inspector, not with-- not through the purusal of plans prior to the commencement of construction.

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Mr. Thompson: In other words what you are saying, Mr. Chairman, it doesn't matter what kind of plans you have, it is the end product that is concerned.

Mr. Choate: Right, correct.

Mr. Southam: I wonder if I might ask a question. Now, in these new builgings that are going up, that have been going up and houses too, if there is no one or is there anyone. I suppose this question could be asked to Mr. Baker or Mr. Choate. Is there anyone that is asked to inspect before your power is turned on. In other words, in Ontario when I built houses there in 1930, 1925 or 1926, the houses had to be inspected by an inspector regardless of who wired it before the hydro would connect in the wires. This is what I am getting at. Is there anyone in the Territory that goes around. For instance this building, has anybody inspected this building when it was built and said that the electricity was O.K. This is what I would like to know. Is there such a thing. This is where I think a lot of your trouble is.

Mr. Engineer: Mr. Chairman, I think the only inspection that was done here on this construction was done by the resident inspector on the work. And, this chap of course inspects all these constructions, but this doesn't mean to say that he is specifically trained to conduct an adequate inspection of an electrical installation. But some form of inspection generally is done.

Mr. Choate: Speaking for the utility, we will connect a building or a house or residence as long as the equipment up to where our meter is located meets what we feel are adequate standards. Past that point we don't go. This is up to the owner then to determine whether this is adequate.

Mr. Southam: In other words the, if a firm does the electric wiring we would assume it is correct. But are there cases--I suppose there are cases where anybody could wire a house. Now, here again this is the thing I am trying to get into my mind. There is no one then that could officially--no official electrician in this particular case, is there?

Mr. Engineer: This is quite correct, Mr. Chairman. There is nobody in the Yukon that is an electrical inspector or anywhere...(inaudible).

COUNCILLOR WATT ENTERS.

Mr. Southam: That's what I thought.

Mr. Shaw: So, Mr. Chairman, having two corporations ... (inaudible)...this could be quite trying on a small person who is going to put up a building. Many people put up buildings and don't have plans here where an outlet is going to be here and an outlet there and normally have an electrician as I have done and he does the job for you. He is the best man available and the job is done. You assume he knows what he is doing. However, to have to lay out a plan of it you might decide to change and have an outlet here instead of there and then of course you would have to resubmit plans creating hardships on the person building the house. Particularly the person going around and building the house in sections wouldn't have these plans,

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so that if this were in such a manner that they come up with a...standard inspection, I think that would be adequate without having to have plans. If it were possibly a public building, that might be a different matter. I don't know. But certainly not the small people putting themselves up a home and they still require standards. I agree with that. But having to submit plans is to go through that much more red tape.

Mr. Engineer: Mr. Chairman, as I understand this, this is a discretion at the power of the inspector. He may or may not pass this on. (Inaudible)...case of a very minor project and I don't think we would bother to ask for anything smaller even under the Inspection after the work is installed.

Mr. Boyd: Well, Mr. Chairman, this is very fine. It's a good thought and I appreciate it. I have seen a lot of empire buildings around these parts. And we would have a...(inaudible). This is the first time I have gone into this and I don't want to leave it in the hands of--I have pointed out more than once we have been faced with a one man deal here and I defy you to ... the one man any more. There are six of us or more, and I wouldn't want this to happen with this same--we are now talking about a building inspector. The same thing can happen and as far as I am concerned anyway and I would like to nail this down a little bit. The poor man building a house may not be very popular or something and he could be in trouble. I would like to see this nailed down a little more clearly in writing so this would not happen.

Mr. Chairman: What is your direction to the Chair, gentlemen?

Mr. Shaw: Mr. Chairman, I just can't see how the small fella would come up with what you would call adequate plans and when an inspector may or may not be given the authority to inspect if he happens to wake up in the morning and he is feeling kind of tough and decide whether he may or may not. I think as Councillor Boyd has mentioned this should be spelled out.

Mr. Southam: Well, my point is that a house doesn't need a plan for the wiring, but before the wiring is closed in, before the wiring is closed in before the house is boarded inside or the partitions, when you put the partitions up you put them up before you close it in. Now before that is closed in or before the electricity is sealed, let's put it this way, then it should be in my mind it should be inspected so that the joints or the commissions or whatever you want that they are right. Now, this is my argument. Therefore there should be an inspector from somewhere or this should be his job. To inspect this house, this new house. You are building a bunch of new houses in Riverdale and you are going to build a bunch on Lot 19. Are you just going to let these houses go through with no inspection? I think there should be an inspection. I think it is only right. This to me is one of your fire hazards. I am not saying the contractors are doing a bum job or anything like this, but I think it is just for the safety of everybody concerned. And I think this is a proper thing. You don't need a plan for it, but before it is sealed in it should be inspected.

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Mr. Shaw: I just wonder how you do that. I have just constructed a building and this has happened to a lot of people. The electrician comes and works for a couple of hours and in the daytime the carpenter is raming up boards. Now, ... should be I am sure ... he would have to be at every place every day.

Mr. Southam: Well, Mr. Chairman if an electrical inspector this is his job and this is his job to go around and when the man who has the installation turns it in to so and so or whoever it is that this house is ready for inspection, he is supposed to get there. Because that is his job, that's his job. He is an inspector. If this place or if you are going to have an inspector in the Yukon I would think you are going to have enough wiring and that sort of thing that he could run over it. This is my interpretation.

Mr. Boyd: I agree that there will be inspection and this is up to Administration to handle this to the best of their ability. What I don't like is the idea of leaving it open that an inspector can demand a drawing of any plans stated. He could go there and inspect this for you and these people get carried away with their important positions and they just might wind up by having a draft table and having a dozen or more men sitting around it creating jobs for themselves at the expense of the public. This is what I am trying to avoid. So I wonder if Mr. Legal Advisor thinks he could find a word or two that would fit in here that would give us that protection.

Mr. Legal Advisor: Mr. Chairman, may I deal with points first of all made about closing off installation. The trouble we are looking at the Bill piece by piece and you will find when you come to Section 10 (2) that no electrical equipment or wiring in an inspection area shall be made inaccessible by any person until it has been inspected and approved in writing by an inspector. I thought I would bring that to the attention of the Committee at that time because of Councillor Shaw's remark. And in regard to the preparation of plans and specifications, you either have to have some control, you are either going to give the inspector some authority which you hope he will not abuse or you remove an area of authority which experience suggests he should have. Speaking for a moment on rather boarder terms, almost anybody who undertakes electrical installation of any magnitude is going to ask for plans. He is going to have some idea of what he is doing. He is going to have some specification of what weights of cable he is going to use and there is nothing in this that requires plan and specification be certified by a firm of highly qualified electrical engineers. But when it comes to an inspection of an installation wouldn't it be helpful to an inspector if he knew where the wiring was and before the householder committed himself to an investment in the wrong type of cable the inspector could possibly say to him, look I will not approve this. This is found to be unsatisfactory. Now, the inspector can work for the benefit of the person who is having the work done. It is true that empire building does go on. But he can make a contribution to the other side of the coin. But I can't suggest any form of wording which will achieve the protection requested by Councillor Boyd. It is a case of you pay your money and you take your choice on this. Either the man has this power and he will have to use it with discretion otherwise the Administration will be spoken to. Or you don't give him the power at all and you

Mr. Legal Advisor continues... BILL #6

then bring in trained collection of other little problems. So, it is merely a matter for decision by the Council "yea" or "nay" on that.

Mr. Watt: I would just like to ask Mr. Baker right now first of all, all Central Mortgage and Housing buildings are inspected for electrical as well as other things, are they not. And, secondly, any building that is put up or any major additions put up in a building in the Territory... they have to get a building permit and do they indicate on that the type of wiring that they use.

Mr. Engineer: As far as CMHC housing is concerned, Mr. Chairman, these things have to be inspected by the CMHC inspector. Buildings outside the organized municipalities as far as I know do not require a building permit.

Mr. Watt: (Inaudible)

Mr. Engineer: The buildings being constructed outside the organized municipalities do not require building permits. There has been no provisions issued ...

Mr. Watt: Mr. Chairman, I have got a letter on record demanding me to stop excavating and I am not in an organized municipality unless I first get a building permit ...in office and in that building permit I have to indicate the type of materials. It was a very simple structure.

Mr. Engineer: Mr. Chairman, was this in a subdivision like Porter Creek.

Mr. Watt: No, Mr. Chairman, this was off the Alaska Highway.

Mr. Engineer: Well, I stand corrected.

Mr. Shaw: Mr. Chairman, would this particular subsection (c) of Section 5 there is some reference to a public building serviced in this particular purpose.

Mr. Chairman: Whom do you direct this question, Councillor Shaw?

Mr. Shaw: Well, I will direct that to the Territorial Engineer, Mr. Chairman.

Mr. Engineer: Well, I don't think I can answer that Mr. Chairman, because I don't know what the definition of a public building is.

Mr. Shaw: You have point there.

Mr. Boyd: I suggest we call it 12:00 o'clock Mr. Chairman.

Mr. Shaw: The point I wish to stress Mr. Chairman is the small fella building something will still I would imagine will want to build by the code. I certainly would. However, when they have to put in plans and they may change them in a moment's notice and that happens quite frequently. He may have a very good system and if you don't overload the circuits you have to make plans and then you change the plans and no doubt you will be in trouble for changing the plans and overloading the circuit or something or other

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and therefore it would be a hardship on a person attempting to build a small dwelling. In fact I agree that it should be inspected. But you have to make out plans for something like that. I think it is going a little bit too far.

Mr. Chairman: Well, gentlemen, in view of the time you may wish to consider this during the noon recess and we might have some answer to the problem at 2:00 o'clock. In view of the time I will declare Committee in recess until 2:00 o'clock this afternoon.

RECESS

RECESS

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Mr. Chairman: I will now call Committee back to order. We have with us Mr. Choate and Mr. Baker and I will note the absence of Mr. Thompson. Would you proceed gentlemen, we are discussing Bill #6.

Mr. Boyd: Mr. Chairman, this bill is full of all kinds of code words concerning inspectors' rights and so on and it is based on a code that takes up about two hundred pages in a little book and I for one frankly admit that I cannot go ahead confidently with what is in this bill without relying solely on others who are in this type of business and I think this is applicable to the rest of Council. I say that with respect. We will spend an awful lot of time taking the word of somebody else and I would like to think that we could elect a committee of three who do know the ins and outs of this electrical business. We know what the public desires, we know what Administration desires and we know what the contractors desire. If we had a committee that we could rely on to consider the interests of all these people, take this bill and study it and bring it back to us in a manner that we could accept as being acceptable to all concerned I think this would be a far better way than what we are doing now.

ENTER MR. THOMPSON

MOTION RE BILL #6

And so I would make a motion, seconded by Mr. Southam. The motion is that Messieurs Baker, Choate and Chamberlist be appointed a committee of three to study Bill #6 with a view to bringing it back to Council before we prerogue with the assurance that Administration, contractors and the people's interests are duly protected.

Mr. Chairman reads the motion

Mr. MacKinnon: Speaking on the motion Mr. Chairman, I believe that we must ask the acceptance of Mr. Choate and Mr. Chamberlist - I don't know if it would be proper to ask the man in the gallery at the present time if he would accept this position - but I believe that we should hear from Mr. Choate and Mr. Chamberlist as to whether they are willing to accept the responsibilities that we are imposing on them. It would be worthless to pass the motion if these gentlemen were to refuse the nomination, so to speak.

Mr. Chairman: Mr. Baker would you be agreeable to serve on such a committee?

Mr. Baker: Yes sir.

Mr. Chairman: Mr. Choate?

Mr. Choate: I would be agreeable. I am just somewhat apprehensive that you will ever be able to get something that is agreeable to everybody, the contractors and the Administration and the public. This is sometimes difficult and the intent of the Ordinance is to protect the public, not the contractors; it's to indicate what the contractors shall and shall not do.

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Mr. Shaw: Well Mr. Chairman, perhaps in this report if there was dissention voiced in any particular section it should be duly noted; I think we will be the ones that will have to be the judges of the results but if there is dissention voiced I think it should be noted and I don't think that would be too difficult.

Mr. Chairman: Mr. Clerk could you communicate with Mr. Chamberlist to determine what his feeling are about serving on this committee? Is there anything further on the motion gentlemen? I have been informed by Mr. Clerk that Mr. Chamberlist is also agreeable to serving on this committee. What are your further pleasures gentlemen?

Mr. Thompson: Mr. Chairman, could I ask a question of Mr. Boyd: what inspired this motion?

Mr. Boyd: Well I have already explained why I was making it for the benefit of Council but I will do so again.

Mr. Thompson: I apologize for being late Mr. Boyd.

Mr. Boyd: I didn't mean to ask for any apology. It seems, Councillor Thompson, that everything we are talking about here is subject to us getting into a little quibble over for instance "ex officio" and many aspects of the wording of this bill and when we do finish our quibbling we have taken the word of a couple of gentlemen who are competant and capable, that's why they are here, but I think we are wasting all seven Councillors' time. If they could take a look at it and come back to us and say now this is as near as we think we should have, we think this is workable; and I for one would be prepared to give it a try and certainly we need the Ordinance before we prerogue to be dealt with, and if there are some factors that might loom up that don't work too good the next Council could deal with them by way of amendments.

Mr. Thompson: What you are saying in effect then Mr. Boyd is that you have no confidence in the Legal Adviser and the people that have drawn up this motion here and there will be the same cotton-pickin haggling when it comes back to Council a week, two weeks, three weeks from now. So why delay it? You will go through it word for word whenever it comes back so I see no point in stalling and I will vote against it.

Mr. Chairman: Anything further on this motion gentlemen?

Mr. Boyd: I would just like to clarify that it's not a case of me not having any confidence in anybody. I am quite prepared to put my confidence in the very people I am talking about and this doesn't rule out the Legal Adviser. He is here to serve in his capacity and I am sure that Mr. Baker along with his cohorts would use him when necessary, and he will certainly have to be brought into the picture, I'm sure we're going to come up with a few changes and as far as this bill is drawn up, I don't think the Legal Adviser drew it up in the first place, I think Ottawa probably put this out. And I say that with respect.

Mr. MacKinnon: Mr. Chairman, I would like to ask the Legal Adviser if this is merely a re-drafting of the Northwest Territories Electrical Ordinance? BILL #6

Mr. Legal Adviser: Well it is based on it. There are changes made because of the different conditions in the Yukon and I would say you are essentially looking at the same animal. There are changes of detail, some changes of wording, some changes of purpose, but comparison suggests they are pretty closely related. That deals with that. Could I have a direction, Mr. Chairman, in the sense of what Committee intends if this motion goes through. This morning you were discussing the position of Municipal Councils, municipally appointed inspectors. Now that of course involves a question of principle. Would the committee be asking the gentlemen concerned to review the question of principle or would committee be simply looking at technical aspects and if they are going to look at the technical aspects what does the Council intend when regulations are prepared? Are you now establishing a sort of standing advisory committee on matters electrical because the regulations are much more technical than anything that you will see in here. They're bound to be We haven't got any regulations yet, but I gather the Northwest Territories' regulations would frighten anybody except a professional electrician. So you have got to look past that and perhaps the committee would consider whether the committee has power to constitute a committee outside its own members. I leave that question - I have no ready ruling on that point because this is a matter which the Committee must itself decide. I think it may be all right if the committee returns its report during the current session but it certainly would be quite wrong, I say this confidently, if you establish a committee that was to be a standing committee. Now I thought I should perhaps raise this point while I was on my feet Mr. Chairman.

Mr. Boyd: The Committee is to deal with Bill #6 only. That limits it. They are to report back to this Committee before we prerogue and as for regulations, we are not concerned with them at the moment, we are concerned with Bill #6 only and I don't see any reason why this committee cannot ask those with knowledge to support us. After we have had this report that I am sticking to get here we can read all this statistical stuff here and so be it. That's it. It will be it.

Mr. Watt: Mr. Chairman, I would just like to say this: the whole thing is kind of sudden. I thought when we started out here we would make amendments as we went along but I will certainly go along in the spirit of co-operation and wisdom with the Councillors that have already decided that they think this is a good thing, so for the sake of unanimity and co-operation and everything else I will certainly go along with the Councillors that made this particular motion, but I don't think I want to pass all our responsibilities; any change that will have to be made will have to be made through Council in the form of possibly suggested amendments to the Ordinance and then I could

BILL #6

comment on the Ordinance at that time. But I will go along with the motion on this understanding.

Mr. Thompson: Mr. Chairman, could I ask Mr. Baker a question? No doubt you have perused the Ordinance as it stands and have you contemplated any amendments or changes to it other than what has actually been submitted to us here?

Mr. Baker: About the only amendment that I would include would be the provision of the words "Part 1" to be read after Canadian Electrical Code.

Mr. Thompson: Well Mr. Chairman, this to me then is the answer to your question. This motion is worthless, it's out of line and there's no justification for it.

Mr. Shaw: Mr. Chairman, there is one other point that has come up and that is are we going to have two municipalities? We have the Territory, are we going to have three kinds of jurisdiction? It would appear so under this particular heading, and of course if we had more municipalities and it seems to be the considered opinion, certainly of the two witnesses, as far as I can remember, that this would be uniform throughout the Territory, so there is another omission and we have only got to the first page, so presumably there will be others.

Mr. MacKinnon: Question on the motion Mr. Chairman.

Mr. Chairman reads the motion and calls the question.

MOTION CARRIED

Contrary: Councillor Thompson MOTION CARRIED

Mr. Chairman: Gentlemen, may Mr. Choate and Mr. Baker be excused at this time?

Mr. Choate and Mr. Baker excused.

Mr. Chairman: Thank you gentlemen, good luck with your committee. Well gentlemen, we have a matter the Commissioner would like to deal with today in respect of Anvil town site if you wish to deal with this at this time. Mr. Clerk, would you see if the Commissioner would be available and I will declare a short recess.

RECESS

SESSIONAL PAPER #94

ABSENT: Councillor Watt

Mr. Chairman: I will now call the Committee back to order gentlemen and we have with us Mr. Commissioner to discuss Sessional Paper #94 - Anvil Town Site Development.

READS SESSIONAL PAPER #94

Mr. Thompson: Could I ask one question Mr. Chairman? I think this is an excellent suggestion and I wholeheartedly concur. The only problem I can see is that Central Mortgage and Housing will do a preliminary draft study of this

proposition. There is no Central Mortgage and Housing monies available for the future expansion or development of this property. Am I correct in this Mr. Chairman?

Mr. Commissioner: To a degree this is correct but in total this is not quite correct, Mr. Chairman. The initial cost of this planning will have to be done by monies that Territorial Council will be asked to vote and monies which we cannot provide from our own resources will have to be made available to us from the Federal Government. Recovery of these monies for planning purposes will be added to the cost of the surveyed properties so that, say we wind up with a town site with initially one thousand lots and possibly provision for two thousand more. Now the initial one thousand would have to bear the vast majority of the cost of the survey and planning and the extra two thousand for future purposes we would expect the Federal Government to provide us with these funds on the basis of over-planning here and they would have to wait on recovery of this until such time as we needed the extra two thousand lots. Now concerning the installation of services, the same situation will prevail here Sir, that we will expect the Federal authorities to loan the money to the Territorial Government so that in turn we will recover these monies from frontage taxes in much the same way as we recover these monies in the City of Whitehorse or in any other subdivision where we put them in. Likewise CMHC funds will be available for either the Corporation of Anvil or individuals. Remember that this will be in the public domain this town site
Mr. Chairman, this will not be a private operation, so that say you as an individual Mr. Chairman wished to build a home in the Anvil municipality, CMHC funds would be available to you there in the same manner as they would be available to you in Whitehorse or any other part of the Territory where CMHC was prepared to operate. Also in matters of land assembley, supposing we get to a point where we have to consolidate lands in order to make them available for larger developments in the area, CMHC through certain aspects of their act which were explained to us when we were in Ottawa, they would make funds available on this aspect of it too.. So that the question the Councillor raises - there will not be CMHC funds available for the planning but there will be CMHC funds available for actual developments that take place on the ground after it is laid out. Is this a satisfactory answer to the Councillor's question?

Mr. Thompson: Right, this is fine. But what it boils down to in fact is that there will be no Territorial monies expended, in other words it's all going to be recoverable either from the sale of the land and/or the Federal Government where the Central Mortgage and Housing are concerned.

Mr. Commissioner: This is correct. Now Mr. Chairman, when we say that there will be no Territorial funds actually expended in this area, this would not be one hundred per cent accurate either. We are going to have to of necessity spend some Territorial funds, in other words we may find ourselves in a position - here I am suggesting that Mr. Baker will be the contact man who will conduct the negotiations and will be available concerning the plans,

we need someone from our Engineering Department. Now it may be that Mr. Baker would find it necessary under certain terms and conditions to provide a man or perhaps office staff, something of this nature. It isn't right to say that there will be no Territorial funds spent Mr. Chairman but I would put it to you this way, that all extraordinary expenditure will be fully recoverable. Would that explain the situation?

Committee: Clear.

Mr. MacKinnon: Yes Mr. Chairman, I would like to ask the Commissioner if I am on the right track in assuming that Anvil will not be a closed town site such as Clinton Creek? Now I might put another question at the same time: Council two years ago was led to believe it was necessary for a mining company of that magnitude to have a closed town site at Clinton Creek and as I gather it today we don't anticipate a closed town site at Anvil Mining.

Mr. Commissioner: Yes, the concept that is laid before you Mr. Chairman is for an entirely open town, in other words it is the same as the municipality of Whitehorse or Dawson are open towns so will Anvil municipality be an open town and in the conversations that I have had with the principals of the Anvil Mining Company this is their desire and to the best of my knowledge Central Mortgage and Housing funds are not available if it is not going to be an open town.

Mr. MacKinnon: Mr. Chairman, we were led to believe by the previous Commissioner that it was a necessity to establish a closed town site to go ahead with the operation within the bounds, we will say, of the magnitude of Clinton Creek and there was no other way around it, and if you go back through Votes and Proceedings you will find those very words and I was very opposed to a closed town site at Clinton Creek but we were led to believe by the previous Commissioner that there was no other way around it, and all of a sudden now we have a bigger company and we don't have a closed town site.

Mr. Commissioner: Mr. Chairman, I cannot be accountable for the words of my predecessor and I do not know the circumstances under which it was presented but to my knowledge the townsite requirement at Clinton Creek, a closed townsite has been requested by the company and they have simply requested land from the Federal Government wherein they will develop their own townsite. Now this is the very converse approach. Anvil Corporation, at least in conversations I have had with them, do not wish to have a closed townsite, they wish to have an open townsite. I I think it is a matter of the discretion of the principal operators and I think the conception here in the Anvil area is that this will be a townsite that conceivably will have very great growth potential, not only to serve the Anvil Corporation's own housing and settlement requirments but also for other operators who conceivably would be in reasonably close proximity in the area. Now with the Clinton Creek people, from what I see of the correspondence and one thing and another, it is their desire to have a

closed townsite. As long as land is made available to them it would be up to the company itself to provide streets, sidewalks, sewers, street lights and what have you. This will be the company's requirement at that particular point. This one will be the one that is in the public domain and it will be public funds that will be required to develop this townsite, but it will be available for anyone.

Mr. Thompson: Mr. Chairman, could I ask the Commissioner one question. You are saying then in fact that with the establishment of this proposed communicty that Central Mortgage and Housing monies will be available for the construction of housing.

Mr. Commissioner: This is quite correct Mr. Chairman.

Mr. Thompson: Well Mr. Chairman, I have only one comment to make; if this is the case why isn't Central Mortgage and Housing money available to Porter Creek and Crestview residents?

Mr. Commissioner: Well Mr. Chairman, this was very clearly answered when we were meeting with the Central Mortgage people in Ottawa and one of the basic problems being that sewer and water were not readily available for Crestview and Porter Creek, if my memory serves me correct, and I'm sure we have minutes of this particular meeting.

Mr. Thompson: Well Mr. Chairman, what you are saying then is that water and sewer will be provided to the townsite of this proposed Anvil community?

Mr. Commissioner: This is certainly correct Sir. This will be done as I have outlined here with initial financing from Federal sources which will be repaid in a similar manner to what Whitehorse sewer and water loan is being repaid on the basis of frontage tax and such other taxes as are (inaudible).

Mr. Boyd: Mr. Chairman I just have a short question to ask the Commissisner: could he tell us where this Anvil townsite will be? Will it be, shall I say, within fifteen miles of the Anvil mining camp as we know it now or is it Ross River as we know Ross River?

Mr. Commissioner: No, Mr. Chairman, I cannot say how many miles it is from the camp, but Councillor MacKinnon suggested approximately 12 miles and also I may say Mr. Chairman that this would be part of the study that CMHC would undertake to do on our behalf to see that the area picked out for the townsite is the most suitable one in that general area in consultation with Mr. Baker and the Anvilve officials.

MR. SOUTHAM TAKES THE CHAIR

Mr. Taylor: As this falls within my electoral district Mr. Chairman I am interested in it. I am troubled with a couple of things though. That is the matter of an open or a closed town concept. Now it's stated in this

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sessional paper that the Yukon Territorial Government will develop the Anvil townsite on the same basis as that developed at Pine Point Mining Corporation in the Northwest Territories. Well in Pine Point, it's said to be an open town but it's still a town under the control of the Pine Point Corporation. I can recall the instance where several people were bidding on a hotel in the vicinity of Pine Point and this had to be first cleared through the mine and I see the same thing happening up here, and though I wish to see these townsites encouraged I would say that if public monies are to be expended in any manner in these town sites they must be considered to be absolutely open townsites. I just point this out because here you say you are going to develop it like Pine Point and Pine Point is under the control of the company, or the Government, as the case might be. Secondly I think that the site location will be a few miles down the Pelly valley at an altitude of about 2500 feet. Some tentative sites have already been selected and this will be about 50 miles from Ross River by road. In respect of utilities, I kind of sympathize with Councillor Thompson in this regard. I know that even at the present time we are talking about getting a water system in at Ross River and no doubt we will have a system in one way or another. Private enterprise might have to put it in this summer and it seems to me that any monies expended for these facilities right now at Anvil should come from the Federal Government as has been outlined here and that our actual direct costs should be kept to a minimum until we have determined as to the status of this townsite. Now another point is that when we talk about putting in these facilities - streets, street lights, sewer and water facilities, no doubt there will be fire fighting equipment and those normal facilities which could be found in any municipality or town, when we put them in and charge some of this against the purchase price of the lots, say for the survey and everything else, we are going to have a situation something like we do at Riverdale where you have very very expensive lots - they're going to have to be in order to pay for these services. The taxes will be quite substantial too I might assume. Is it intended that there will be an area provided in this townsite for the people who are not so solvent, who do not have the amounts of money that is required to buy these lots? I would cite for example the Porter Creek area in relation to the Riverdale area.

ENTER MR. WATT

Would we be able to have an area set aside out of the Anvil townsite where the people who haven't got too much money can build homes somewhat like Porter Creek is in relation to Riverdale and will this be provided for or are we building another Inuvik type situation?

Mr. Commissioner: Well Mr. Chairman; you are asking me a technical question here now that I am just not qualified to answer. This is basically the idea of getting an outfit such as CMHC to do the planning of this area because these people have had umpteen years experience in dealing with similar situations and this is why we bring them in

to see that they give us or provide a plan that is going to take care of all reasonable contingencies with regard to this townsite planning. But I would say this to you gentlemen that do we want to have in any townsite, not necessarily, never mind whether it's Anvil, Porter Creek, Ross River or wherever it is, do we want to have townsites in the Territory where normal municipal services are not available to every piece of property.

Mr. Taylor: Well Mr. Chairman in answer to that I would say certainly not. I think I agree that whenever we propose a townsite in the Yukon we should try and provide facilities but at a price which the people can afford to pay, if you get what I mean, because things are a pretty high cost in the Yukon and sometimes when we put in a sewer and water system in these townsites you have got to try and produce such a price on the lot that the average citizen can afford to buy one, let alone build on it.

Mr. Boyd: Well Mr. Chairman, what is Mr. Taylor suggesting? Is he suggesting that the price of a lot because it is what it is a certain man can't pay for it and we should cut it in half to oblige him? Just what are you trying to get at, what kind of an answer do you want?

Mr. Taylor: Well Mr. Chairman, what I am saying is what about the guy who hasn't got the money to be able to buy one of these homes in this townsite - I'm still not clear whether it's actually open or closed - it's my impression and my information that it's going to be an open townsite but it's going to be more of a company controlled town. There's very little doubt about that, but what I want to know is where does the guy go who wants to live in that community who has not got the money to buy the expensive lot with all these facilities? Will there be another area set aside like Porter Creek where he can buy a hundred by two hundred foot lot and go out and put in your well and septic tank and set up your house and you don't have to have a mansion to live. Is this going to be possible?

Mr. Commissioner: Well Mr. Chairman, in answer to this I would say that if you would like to see a recommendation made to CMHC that they consider such an area to be available in the Anvil townsite that you do this by resolution of Council and we will pass this on to them but as far as me answering that technical question I don't think it's even fair that I should attempt to answer the question because for all I know I would possibly be committing us to a course of action that could conceivably work to the total detriment of the whole operation. I see the point Mr. Chairman that the Councillor is making, make no mistake about that, but I certainly think that if Council feels it is desirable to have such an area, a non service or a minimum service area in the townsite that they should do this by resolution in Council and I would be happy to have this passed on to the CMHC people or such people as they have working on the overall plan.

Mr. Taylor: Yes, I really feel that this is very important Mr. Commissioner and I would no doubt under Orders of the Day maybe possibly propose such a recommendation for the consideration of the Council because we cannot lose sight of the fact that some people just are not affluent enough to be able to cope with a high cost situation such as is proposed. And there are no Government subsidies to offset these costs so as I say it seems to me you have to have an area set aside somewhere to provide for the little guy who can't put down enough money. So I will bring this up under Orders of the Day under a motion for further discussion.

Mr. Commissioner: I would recommend that this would be the way to deal with this because I don't think it would be right that I should attempt to second best the people who are going to do this particular thing. Mr. Chairman, I don't like to ask this but I wonder, could I please be excused, I have a phone call from Ottawa. I will be right back.

Mr. Commissioner excused and Committee recessed.

RECESS

Wednesday, April 19, 1967.
3.30 p.m.

Mr. Thompson absent.

Mr. Chairman: I will now call Committee back to order. We were discussing Sessional Paper No. 94. Please commence gentlemen.

SESSIONAL PAPER 94.

Mr. Boyd: I would suggest that there has been considerable discussion and I think we all concur in what is in Sessional Paper and I would like to suggest that we give the Commissioner our blessings and tell him to proceed.

Mr. Taylor resumes the chair.

Mr. Southam: Well Mr. Chairman, before we depart from this subject I would like to enlighten you a little on Cominco at Pine Point. In the first place . In the first place it is an open town. In the second place, if a company wants a closed town they can have it but they have to be responsible for all facilities in this town, also the housing and everything that goes with it. Now in Pine Point the houses were built, I believe, under the Housing Corporation or whatever you call it - Canadian Home - and these houses are bought by all concerned who work there, even to the Mine Super and I know this for a fact that the Mine Superintendent is paying for his own house. He had to sell his house in Kimberley when he was transferred there and Cominco, even in Kimberley do not own any houses, you have to buy them. I know this for I worked for Cominco for roughly seven years and I know this is exactly what they do. Now in the case that Councillor Taylor was talking about where as he says you haven't got the wherewithall to buy the house the company will either make the loan to you and you pay the company over a period of time and if you quit or wish to quit the company naturally has the first choice of buying back the house. This is also the same procedure that is worked by the Giant Yellowknife Mines at Yellowknife at the present time- they are doing the same thing. And I do not agree with any section of a place being set apart where you are going to put up a bunch of shacks and what have you. I don't believe in it. I think if you are going to have housing if you are going to have a town, have a town and I am sure that a company like Anvil where they are looking for long-term employees- they are not looking for somebody that is going to work for three or four months and pull out - they are looking for somebody who will stay with them five, six maybe ten years and therefore they would give them every encouragement to own their own home. I'm positive of this because this is the way these companies work. Now I notice if you don't work for the company there is no reason in the open town why you can't go in and buy yourself a lot. This is not against you. But the thing is that you would have to make your own arrangements how you are going to pay for it. I'm talking about the ordinary Joe that comes in and is working for shall we say basic rates only and maybe he can afford to only pay $45-50 a month. The Company will meet him half way - I know they do and this is what I think will happen at Anvil. And I don't think that you would have to set

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Mr. Southam continues.

aside a place where they are going to have substandard housing and this sort of thing so therefore I would say that they should be pretty well all alike.

Mr. Watt: I'd just like to make one comment and that is with respect to the area that Mr. Taylor is talking about-in the Anvil area. Mr. Commissioner made a statement that he thought that it would be wise if the votes were put to council with respect to this it would be unfair for him to comment on it at this time if CMHC were going to have a plan and this is possibly presupposing or offering pre-conceived ideas as to what this plan should be. Now I feel as I'm in the same position as the Commissioner that if this was passed on to us I think it is unfair for the same reasons as it is unfair to ask Commissioner to take these steps and it is equally unfair to ask the Council to make these decisions on this particular motion and I'd like to hear several comments on this --we, we are being put into the same position as the Commissioner.... I don't want to be put in the same position either; Mr. Commissioner could you comment on this?

Mr. Smith: Well, the only appect that I endeavoured to prevent myself from either prejudging council's wishes or second-guessing the Central Mortgage and Housing Corporation was with regard to their suggested town plan, Mr. Chairman; insofar as what I have set forth here I have not endeavoured to deliniate here what CMHC should do and certainly while I thoroughly appreciate the comments that both Councillor Watt has made at the present time and also the initial comments made by Councillor Taylor, it would appear to me gentlemen that the problem at hand that I am seeking your approval on is for to permit me to enter into an agreement with CMHC to come up with a town plan which will be a suitable and creditable effort that everyone will be happy to be associated with and my thinking at this point and time, gentlemen, is that this is the first time in the Yukon Territory's history to my knowledge that we have had an opportunity from the very beginning to play a part in the development of what could conceivably could be a very model and desirable community in a section of the Territory that up until now has not had any appreciable type development in it. Now if at some point in time council would feel in their wisdom that the elaborateness of what may conceivably be presented to us is not covering the total strata of the requirements of the population I'm quite confident that they can assert their wishes at that time and something can conceivably be done about it. Now I hope that I am not being misinterpreted in what I am saying Mr. Chairman. Certainly I think that we should all be very anxious to see that what is done here now is something that everyone, not only the legislative bodies but Commissioners if any, that follows, but also remember that you are going to be looking for a municipal government to be established in Anvil. In other words, you don't want the problems of Anvil to be at this council table - you want them to be handled by a a mayor and council and a municipality at Anvil. Now, you give these people good tools to work with - in other words a good town plan and a good set of utilities and other municipal services and they will be a

Mr. Smith continues.

self-sufficient and reliable community in every sense of the word. Possibly if we put certain impediments in there at this particular point and time it is conceivable that this may result in something that might not be too easy to live with and maybe future legislatures may have to undue some of the things that we are called upon to do and all I suggest to you gentlemen is that we meet the problem at this point and time (a) there is nothing there now, let's see if we can create something that will be a credit to all of us who are associated with it and if Council feel that there should be an area set aside where lesser standards than what might be the main part of the townsite are concerned, it is up to Council to give that recommendation to me and I will pass it on to CMHC for their comments and they in turn may turn around and say well this is not a desirable thing to do or is a desirable thing to do - I can't tell you what their comments would be.

SESSIONAL PAPER #94

Mr. Boyd: Question on the Sessional Paper.

Mr. Chairman: We require a motion, gentlemen.

Mr. Shaw: I haven't discussed this plan at all. I have been doing a lot of listening and I am extremely happy to see that this will be a town that will be planned from the start that due to this planning and the knowledge of the CMHC people that we will have a community of which we can be proud of and the people that live in this community can be proud of. It can be developed with a maximum of efficiency in mind and also from the aesthetic point of view and I am certainly opposed to having any fringe areas that sub-development can be created in. I have seen over the past where these things have been occurring in the Territory. I have seen this town Mr. Chairman when it had about two streets in it and they went about three blocks and I have seen over the years the problems that have beset the city of Whitehorse and in fact are still besetting it by virtue of the fact that they just happened and there was no planning. Here is something that is going to be of tremendous benefit to the Yukon Territory and it is going to be a place where the people of that particular district can life with the utmost efficiency as far as services go and amenities that are possible to have in the north and I would hesitate to put anything in the way of CMHC other than drawing up a good sensible plan so all people from the start can get all these amenities at the minimum cost. It is going to cost money and if you put in a sewer, water, these other facilities, someone has to pay for them and it usually falls on the person who has the benefit of these things so I certainly give this my blessing 100% and I would be very pleased to move that the Council accept recommendations of Sessional Paper No. 94.

Mr. Boyd: I second the Motion.

All: Agreed.

Mr. Chairman: Anything further?

Mr. Chairman: The question has been called, are you agreed with the Motion gentlemen? Any contrary.

MOTION CARRIED

MOTION CARRIED

Mr. Chairman: Gentlemen, do you wish to proceed with the balance of the Sessional Papers or do you wish to go on to Bills?

Mr. Watt: Could I suggest that we start on the budget and while we are going through the budget if there are times when we cannot get a witness to help us to proceed with the budget then we could use a Sessional Paper and use our time ...fill in the time in periods between being able to carry on with the budget. But the budget is an important piece of work and I feel we should get started on it, Mr. Chairman.

Mr. MacKinnon: Agreed.

Mr. Chairman: What is the wish of Committee? Do you wish to proceed with the budget at this time.

Mr. Shaw: If members are available for discussion of the budget, Mr. Chairman?

RE BUDGET DISCUSSION OR SESSIONAL PAPERS

Mr. Chairman: Who do you wish, gentlemen, to start off the budget. I believe Mr. MacKenzie is in Ottawa.

Mr. Smith: I think I can provide you with suitable Treasury Department assistance. I would subject though--- whatever department it is that you wanted .... the availability of someone from the Department and I would appreciate it if you would let me know what department.

Mr. Shaw: There was one matter why, I think the reason we have been going through Sessional Papers, Mr. Chairman, was the fact that in most cases the budget is a kind of housekeeping proposition and the Commissioner will not be here next week - he will be away at Expo and since Sessional Papers are to quite an extent a matter of policy, that is why I felt that going through these Sessional Papers would resolve, in other words could have the Commissioner here to discuss these particular papers and while he is away representing the Yukon at Expo next week the budget being mostly matter of housekeeping could be attended to by some of his officials. That was the reason for suggesting Sessional Papers now.

Mr. Chairman: I might also point out gentlemen, you have the Public Service Ordinance which is fairly lengthy, to discuss as well.

Mr. MacKinnon: Mr. Chairman, did we not agree to go ahead with the budget?

Mr. Boyd: Mr. Chairman, I think Mr. Shaw has made a very good point. The Commissioner will be away a week and we can do an awful lot with that budget with some of his right-hand men left behind to deal with it. I don't know if Mr. Watt would concur with this or not.

Mr. Chairman: Well, gentlemen, what would you like to discuss, Bills, Sessional Papers ?

Mr. Shaw: Mr. Chairman, if the committee wishes to go ahead with the budget I don't mind. I just pointed out these facts. If you want to go ahead with the budget, fine- but next week when we complete this and get into Sessional Papers we won't have the Commissioner here to answer questions.

Mr. Boyd: Do you want to go ahead with the budget, Mr. Watt?

Mr. Watt: I suggest that we do carry on with the budget and get started there are certain things here the Commissioner could help and Mr. Commissioner won't be gone forever and it looks like we will be sitting here almost forever. And he can help us with any Sessional Papers that he wants to present to us. Any time that we have trouble getting a witness to help us with the budget- right now I suggest that we read Vote No. 1 rapidly which is Territorial Council and then make arrangements in our - when we discuss the agenda to take care of one other Vote ... witnesses summoned for tomorrow morning. This will at least get us started.

Mr. Shaw: Mr. Commissioner will be here tomorrow - will be away Thursday, will be here Friday and away then for about 8-9 days, pretty close to that.

Mr. Chairman: I would recommend from the chair that we do proceed with Sessional Papers and get them up to date but I am at your direction.

Mr. MacKinnon: Well, Mr. Chairman, I think Mr. Shaw is exaggerating the length of time the Commissioner anticipates being away. I believe it is about half that time.

Mr. Shaw: Can I ask Mr. Chairman, whether the Commissioner is going away Sunday or Monday when does he normally expect to be back?

Mr. Smith: Mr. Chairman, I will be absent from Council tomorrow afternoon on a trip to Ross River; I will be in town until Tuesday afternoon this coming week and will be returning the Sunday so that I will be available for council the following Monday. I would anticipate, Mr. Chairman, that I would actually be absent four days as far as Council is concerned. Tuesday, Wednesday, Thursday and Friday of next week.

Mr. Chairman: Gentlemen, is it your wish to proceed with the budget?

Mr. MacKinnon: Agreed.

Mr. Chairman: Are Committee all agreed?

All: Agreed.

DISCUSSION OF BUDGET

Mr. Chairman: Mr. Watt, where do you wish to start?

Mr. Watt: I suggest we start with Vote No. 1 and complete that Vote.

BILL NO. 9

Mr. Chairman: I will proceed with the reading of the Bill gentlemen. This is Bill No. 9, an Ordinance for granting to the Commissioner certain sums of money to defray the expenses of the public service of the Yukon Territory. (reads Bill No. 9). Might I direct a question from the chair. Is this Bill to be amended to provide for those monies now expended?

Mr. Smith: It will of necessity have to be because of- by virtue of a prior Ordinance you have already committed to us and given us authority to spend effectively one-twelfth of the totals that are involved in this matter.

Mr. Watt: Agreed.

Mr. Chairman: Well, we have Vote 1, gentlemen, Yukon Council, in the amount of $56,437.00 as itemized.

Mr. Shaw: I have no questions, Mr. Chairman.

Mr. Boyd: Clear.

Mr. Chairman: All clear?

All: Clear.

Mr. Chairman: Next is Vote No. 2, Department of the Territorial Treasurer and Collector of Taxes in the amount of $338,476.00 as itemized, and you will find this on page two of Vote 2.

Mr. Watt: Would the Commissioner clarify Establishment No. 54, a reduction of travel and living expenses of $12,000 in Vote 1?

Mr. Smith: I'll have my copy here in just a minute but there should be quite a clear explanation in the detail pages in connection with this, Mr. Chairman.

Mr. Shaw: Mr. Chairman, what did Councillor Watt say? $12,000.00. Where is it?

Mr. Watt: Page 1, Primary 54, there has been a decrease of $12,491.00.

Mr. Chairman: Gentlemen, we are on Vote 2. Would you wish to return to Vote 1. I thought we were clear on this. Would you proceed with the question.

Mr. Smith: May I answer this question, Mr. Chairman. I think you will see here that in this year's estimates you are not contemplating a total seven man council going to Ottawa and this is the reason for the reduction in your travel estimates, Mr. Chairman. In the estimates for the fiscal year just past you were called upon for money to take care of not only the travel in front of you here at the present time in Primary 54 but also the total seven man council trip to Ottawa and this is the reason for the reduction here and I know of no other reason at all remember too, gentlemen in former years you had living expenses

Mr. Smith continues.

involved here whereas now you have it in the Councillors' indemnity instead of ..allowances - these are what make the difference.

Mr. Chairman: Clear, gentlemen?

Mr. Watt: Well, according to my figures there should only have been a reduction of $5,000.00 if I am correct. And this is what I assume it was but there must have been some extra changes against this particular item. Could it have been from administrative staff and some of the other costs that were entailed in Ottawa that didn't involve the actual seven councillors?

Mr. Smith: Well, all...

Mr. Watt: If that is the case I don't particularly remember this particular vote.

Mr. Smith: Well, if you take a look at your Item No. 1, gentlemen, Salaries and Wages you have a total decrease in this particular Vote of approximately $10,000.00 and the vast amount of this is involved in travelling and living expenses so it is very obvious that the requirements as they present themselves for the coming year are of considerably less magnitude than what they have appeared to be previous couple years.

Mr. Chairman: Are you clear?

Mr. Watt: I'm not clear.

Mr. MacKinnon: I'm not.....

Mr. Smith: Mr. Chairman, I'll get one of the Treasury men here.

Mr. Chairman: I'll declare a short recess.

Mr. Chairman: We have with us Mr. Smith of the Treasury Department to assist us in the discussion.

Mr. Smith: Mr. Chairman, the question here on Vote 1 and the question concerning the - Primary No. 54, the apparent considerable dilution from $16,000.00 to roughly $14,000.00 is the point in question. We have offered as an explanation for this that there is no longer the per diem allowance for Councillors and likewise not a requirement for a total seven man travelling back and forth to Ottawa, this being the explanation for this. Now could you verify this?

Mr. J. Smith: This is quite correct Mr. Chairman. All we are providing for is the trips in the various localities in the Yukon and the other is out now.

Mr. Watt: I would just like to point out that our sessional indemnities - Primary 81, are the same. The Federal government was kind enough to give us a raise and therefore saved $12,000.00. Now, if they give us a raise how can they save money at the same time?

BILL NO. 9 Mr. Watt continues.

I understand that part of this is because of the trip to Ottawa but I think that for seven men to go to Ottawa didn't cost $12,000.00. If it did I don't know who got it. I certainly didn't.

Mr. J. Smith: ...the $25.00 per diem rate which you are not getting now that when you are sitting in Council and this accounts I would say for the majority of the $12,000.00. The $5,000.00 indemnity gives you, I think, $1,000.00 living allowance- am I correct on this? Is there tax-free allowance in that?

Mr. Watt: Mr. Chairman, I'd just like to point out that previously before we got this change of rate we were given what was it, $2,000.00? $2,000.00 by seven is $14,000.00- it was $35,000.00 the previous year and Primary 81 is Wages and Allowances remain the same so it shouldn't have any affect on the Primary....inaudible. So the only thing I can see that does affect it is this seven man trip to Ottawa.

Mr. J. Smith: I don't agree with this. Twenty-five dollars a day for seven members for oh, fifty, sixty days a year - that would come in the neighborhood of $12,000.00 a year of which there is no provision this year for it under Primary 54.

Mr. Smith: Could I say something here. I think it would clarify the Councillor's point. I think that if you look under the explanation of 81 you will see that in 1966-67 the amount voted shown here under Primary is $21,200.00 which in actual fact is the figure that should be over here on page 1 - not $35,200.00. I think this is where the problem shows up.

Mr. Watt: That would solve the problem if this is the case.

Mr. Shaw: I believe that next year, unless I am incorrect that administration foresaw there would be this particular change and made an amount available in budget. I seem to recollect something like that, that is why this particular amount, as it was last year it came to the same amount but in a different Primary or Establishment.

Mr. Chairman: May I proceed to Vote 2?

Mr. Watt: Would Mr. Smith verify what the other Mr. Smith says?

Mr. J. Smith: The variancy you are talking about on page 3 where it says Voted $21,200.00- is the variance between the thirty-five this year? I notice there is on page 1 the amount voted is in effect actually $35,200.00 -what happened here I think, if I can refer back- I haven't got it with me, but there was a supplementary that threw this out.

Mr. Smith: This is what Mr. Clerk just advised me on. That this was made up on a Supplementary Estimate here

Mr. Smith continues.

to show the true total - the conceivable amount that would be required for the year.

Mr. J. Smith: I'm in agreement with the Commissioner on that.

Mr. Chairman: Anything further, gentlemen? Are you now clear? Now Vote 2 again gentlemen. VOTE 2

Mr. Shaw: I see that we have Primary, or Establishment-Primary 63-64, Public Utilities Service and Heating deleted from this Department for this year. Are they going to freeze to death or do without water or is it under a different heading?

Mr. J. Smith: This provision was made last year - for rental of accommodation for Treasury staff. We were providing the heat and the light and this year it is not in there. Provision is not made for it.

Mr. Chairman: Clear?

All: Clear.

Mr. Boyd: I'd like to ask a question on this money stuff. Regarding sickness benefits - do they remain the same what a Civil employee receives or are they contemplating being changed so that the money aspect would change in any way?

Mr. J. Smith: I'm sorry I'm not quite clear on that benefit - you mean the benefits to the indivudual or the amount of the premium?

Mr. Boyd: Well, sick leave is now allowed to accumulate up to a point. Is this accumulation in any way being changed so that if a person isn't away sick he can get a little more holiday or something like that?

Mr. J. Smith: I'm not familiar at all with that, I can't tell you.

Mr. Smith: Mr. Chairman, could I - there has been a request from the Staff Association that the administration consider such a change in dealing with sick leave and if-we are studying the matter at the present time and if in fact any change is contemplated in this it will certainly be something that is a great departure from the normal routine that we have here and will be subject to approval of Council just the same as any other general wage increase or anything of this nature - in other words it would be effectively a change completely in wage pattern and as I say, along with any other general wage increase it would require council's approval before such a thing.. a request has definitely been made for to consider changes in this matter.

Mr. Boyd: Mr. Chairman, I have one question. Nothing like this could happen whereby staff would have a promise made to them without first going through the Territorial Council.

Mr. Smith: I would put it to you this way that before I would be prepared to give approval to such a tremendous change I would want to have Council's approval. This is a pretty great departure from normal procedure, Mr. Chairman.

Mr. Boyd: I agree with your remark, Mr. Chairman, that this is a very great departure which we haven't departed from as yet and I'm just trying to make sure that we don't depart from it without council's knowing about it first.

Mr. Smith: I don't think, Mr. Chairman, that I would be very much interested in making any great departures along these lines without...(inaudible).

Mr. Chairman: Are we clear on Vote 2, gentlemen?

All: Clear.

VOTE #3 Mr. Chairman: We now proceed to Vote 3, Education and Occupational Training in the amount of $3,298,103.00.

Mr. Southam takes the chair.

Mr. Taylor: During the Financial Advisory Committee perusal of these estimates it was noted there was an item under grants in the amount of $124,467.00 and it was explained by Mr. MacKenzie it was payable to kindergarten and I note now it has been dropped back to - it is not listed in the little breakdown but the grants have gone from $17,580.00 to $34,167.00. I wonder if I could have some breakdown as to just where these grants are going? And for what purpose?

Mr. Smith: Mr. Smith can you help us with that, I don't see an item here listed under 74.

Mr. J. Smith: I'm afraid I'm going to have to look a moment for this. Mr. Chairman, on page 92 the Territorial Government's contribution towards university training - we have shown the bursaries and scholarships under Grants and this item in particular is $25,000.00 of the - this is provision to cover fees, books, miscellaneous, room and board in the form of a grant payable in two instalments to the institutions through the registrar's office- fifty students at $500.00 each. This is $25,000.00 of that. Below that we have a grant payable to this 369 Establishment - Yukon Federation of Home and School Association grants - Territorial contribution for expenditure of the above-named association $515.00. The next item down, the same page, Retarded Children's Class, Takhini School, Primary 74 Grants was ..... That is just about it.

Mr. Taylor: Mr. Chairman, the only problem is that here we are already up over $45,000.00 and we've only got listed

Mr. Taylor:

under grants - our breakdown - the sum of $34,000.00 showing an increase of $16,000.00 over last year so that the two are not compatible.

Mr. J. Smith: On page 92, Mr. Chairman, under 368 Territorial Government's contribution towards university training. There are two items here two primaries shown. Grants and Bursaries. Primary 74 and 86. There is $25,000.00 under Grants of that particular establishment and the $8,000.00 at the bottom of the page is $34,167.00- that is it, it is all there.

Mr. Smith: Mr. Chairman, I think the total that you gave a minute ago is quite correct except that you remove item number 86 from the total which you spoke of and then you have the figure here.

Mr. Taylor: I'm clear enough.

Mr. Boyd: One more question Mr. Chairman. I see $515.00 grant here again - this thing started out it was one grant for one specific purpose and it seems to continue on - what kind of a financial statement - balance sheet have these people got that they require this money annually? Would you know or do you think we should know why we are giving them this money and what it is used for. I would like to know that?

Mr. Smith: Excuse me Mr. Chairman, what item was it that the Councillor was referring to?

Mr. Shaw: Primary 74, Yukon Federation of Home and School.

Mr. Chairman: Gentlemen, if you like I could go through the sections as we normally do - take these school by school.

Mr. Watt: Yes, Mr. Chairman, we should do that, I don't know why we departed from the normal procedure (inaudible)

Mr. Chairman: Committee agreed.

All: Agreed.

Mr. Chairman: Under General Administration have you any further questions, gentlemen?

Mr. Smith: What page were you working on, please, Mr. Chairman?

Mr. Chairman: First item in Education under General Administration. Pages 4,5,6, etc.

All: Clear.

Mr. Chairman: The next item is F.H. Collins Secondary School in the amount of $498,971.00.

Mr. Shaw: I wonder what the increase - the necessity for such a large increase of almost $200,000.00

BILL NO.9
VOTE #3

Mr. Smith: On page ten, Mr. Chairman- increase in teachers' salaries, increase in number of teachers due to transfer -- Elementary school and the inclusion of provision for commercial courses .

All: Clear.

Mr. Chairman: Next is Whitehorse Elementary School in amount of $318,894.00.

Mr. Smith: I think the item here, Mr. Chairman, helps to substantiate item number two on the reason for increase on page ten and decrease here of $42,000.00 by moving the Grade 8 and 9 from the Elementary School.

Mr. Chairman: All clear?

All: Clear.

Mr. Chairman: Selkirk Street School - $93,146.00.

All: Clear.

Mr. Chairman: Takhini Elementary School - $155,214.00.

Mr. Shaw: Is this school keeping pretty well filled up?

Mr. Smith: Right at the moment it is being used to its capacity insofar as the rooms are concerned. I do believe one or two classes could stand a few more pupils but basically speaking the school is being used to capacity and we have even had to move the retarded children's class various times out of this school during the past year as we were using rooms there on account of the Elementary School fire and the Porter Creek school fire.

All: Clear.

Mr. Chairman: Porter Creek Elementary School - $71,381.00. What will happen to these funds this year Mr. Smith?

Mr. Smith: Mr. Chairman, they are basically being used in the manner in which they are provided for except possibly for public utilities because the identity of the Porter Creek classes are being retained where they are located. In other words those classes which are in the Whitehorse Elementary school are using Porter Creek Elementary school funds for the provision of supplies and teachers and so on down the line and the class that is in the Takhini school is doing likewise- in other words the identity of the classes has not been list as far as expenditures are concerned. And I am sure that Mr. Smith can verify this.

Mr. J. Smith: That is correct.

Mr. Chairman: Clear?

All: Clear.

Mr. Watt: I would like to ask the Commissioner with respect to the transferring of these students. Have some of these classes transferred as class or just the students and infused them in classes in Whitehorse areas to build them up?

Mr. Smith: Mr. Chairman, I would verify that we have moved the classes intact and they are retaining their identity.

All: Clear.

Mr. Chairman: Next is Christ the King Elementary School- $131,996.00.

All: Clear.

Mr. Chairman: Next is Christ the King High School in the amount of $145,523.00.

Mr. Watt: I have a question with respect to Christ the King school and that is the provision of playground space there. There has been a paper for the assistance in providing a little bit of playground space . I would like to suggest that Administration try just a trial - just a test, to try and close down the one street there for a period of say possibly two months just to see how it affects the traffic flow. There was discussion about expanding the playground to give the required minimum playground space that is required in all the schools in the Territory, to this particular school as well as the rest. And one of the ways to do it is close Strickland Street which is the adjacent property so that it does not affect the property values there and there are two main problems- one is the purchasing of the adjacent streets and second how would the closing of the street affect the traffic flow. It would solve one problem by just trying it out to see how the traffic flow would be affected - if this street were closed for a couple of months this summer. This would have to actually be done by the City but would have to be recommended by the Territorial Administration for the reasons given. ....the Whitehorse Metropolitan plan, it calls for the closing of ..... fifth avenue. And, this would be a very constructive exercise in that it would let us know how the closing of this particular street would affect the traffic that flows through all the streets north of there and it would be an indicator of how it would affect all the streets on fifth avenue that are called on to be clased at some date so that if it is successful then the City could carry on with their closing procedures and if it is not successful then they could revise their paving plans, possibly to help paving. This would be information that could be gleaned from this exercise. I'd like to hear Mr. Commissioner's comments? on this? I think this is worth a try just to see how effective this one particular problem and that is the traffic flow...

BILL NO. 9
VOTE #3

Mr. Taylor: Gentlemen, before we have a reply I believe this matter was resolved in Council when this Sessional Paper was discussed, was it not and is it wise to bring it up again to discuss the same argument

Mr. Boyd: I think it was resolved.

Mr. Watt: Mr. Chairman, no this was not resolved. There was another problem that we were faced with and I said I didn't bring this up at this , at that particular time because it was a different problem. I would like to hear Mr. Smith's comments on this.

Mr. Smith: Well Mr. Chairman, I would like to put my comments in a manner that are not to be construed as anything at all to do with the particular problem of Christ the King playground but I would like to comment on the problem of the closure of city streets. Now, this would present a legal problem to the best of my knowledge, more than anything, because in the municipality of Whitehorse the streets, to my knowledge, Mr. Chairman, and the title to them, are vested in the Crown and I question very much the ability of the City of Whitehorse by by-law to close any street. Now, I'm certainly subject to a legal opinion on this particular thing and I wish to make my comment as a generalization of street closure. Now, with regard to the property situation at Christ the King I am proceeding as per the paper that Council agreed to to make a transfer of the property between certain properties that are adjacent to the school grounds and certain properties that were to be made available to the Catholic Episcopal Corporation over here at Riverdale and this addition to the school grounds I'm hopeful, will be available for the opening of school in September but with regard to the closure of streets in general, Mr. Chairman, I strongly recommend that before we do anything that we find out if in fact the City of Whitehorse even does have the legal right to do such a thing. Perhaps Mr. Legal Adviser.. Mr. Chairman, could I ask Mr. Legal Adviser to comment on this, please?

Mr. Hughes: That is my view that title to the streets lanes was acquired by a grant from, I think the White Pass Railway Company direct to the Queen a number of years ago. The title is firmly vested in the Queen and of course no municipal .... would.... the Queen so the problem doesn't lie, the answer to the problem doesn't lie down the street. It has to be dealt with in a different manner ..

Mr. Watt: Mr. Chairman, I'd just like to say that the question of the closing of this particular ssreet it is trying to ... we have set a minimum of standard for playground facilities for schools, minimum playground capacity for children and this is far below, even with the transfer - I'm not talking about the transfer property now. I agree with you and this is helpful but it still doesn't solve the problem but every year the pressure is going to be on and every year it is going to get worse. And every year -the sooner we act on it the more money the government is going to save if we have to purchase adjoining property. And the sooner this is acted on the better. Now, I don't know. I know that the City has sold property - controlled city lanes. T and D I believe was another purchase made where T & D property was on both sides of it. And I remember a Motion being passed by City Council where this was accepted and it was sold to the

Mr. Watt continues:

to private enterprise. I believe Mr. Smith would know more about this but the streets have been dealt with. The ownership must be in somebody's name. Now if the Territorial Council and the Commissioner together cannot settle a little bit of red tape in this I don't know who possibly can. Now it is our school, it belongs to the Territory . It is our school and we either got to decide to upgrade the playgrounds facilities and provide them or quite using them for a school some time in the future. And the sooner that this problem is faced then the cheaper it will be for the government. They could have done this two three or four years ago - it would have been cheaper. And it is now torreplace buildings and relocate someplace else if the adjacent property has to be purchased - it is just costing more every year ....someone objects, but mainly the objection is that they think they will be relocated and not properly reimbursed for their relocation. I wouldn't approve of anything unless the people adjacent to this were adequately and properly reimbursed for their property and this is an important part of this particular transaction. So I'd like to suggest that the Territorial Council and Territorial administration start taking steps to see if this expansion of the playground is feasible. The main obstacle as far as I am concerned is the traffic flow. The only other obstacle is money but we have enough so we could do it and we are going to have to do it anyway sooner or later. We could do it this year instead of five years from now - we'll probably save the taxpayers twenty, thirty or forty thousand dollars.

Mr. Southam takes the chair.

Mr. Taylor: Mr. Chairman I want to speak on this one to say that there is a little more to it than that - the residents involved do not wish to sell their land - have been most vociferous in this particularly in regard to their homes and number two is neither this council or the City Council agree that this is a desirable thing to do and the matter has been resolved by this Council at this session by providing for land exchange as contained in Sessional Paper 80 - the matter is resolved but it was pointed out at that time that Council do not necessarily agree with the views just expressed and I would insist that this be clearly understood because I am sure that Council do not wish the streets shut down and I am sure that the people involved in this housing - where the housing is involved are absolutely and unalterably opposed to this view. As a matter of fact I have had them pounding at my door over at the hotel a year ago after one of the representatives of the Episcopal Corporation had been down the street and told them that they were going to buy them out and all this sort of thing and there was quite a todo about it. This is all resolved and last spring the councillors themselves agreed that there would be no closure of any streets and the matter would be resolved in another manner and it was left to the administration to resolve and they've done this as indicated in Production of Sessional Paper No. 80 so I just wish to make this point clear. Certainly as long as I am at this table I will not go along with anything like this and I don't think the other members will either.

BILL #9
VOTE #3

Mr. Boyd: Mr. Chairman, it seems to me rather odd that we would first of all transport children past an empty school room and past another empty school room and past another empty school room and then tell the public that because I want to transport my children to a certain school you will close your street off to oblige us. Now I also understand , I don't know if this is a fact or not but could well be, that we have people coming from Porter Creek to this school who are not coming there for any religious reasons at all. They are coming there because it don't cost them anything to get bussed down here and they are taken into this school if it is factual. And they have a point but it is not fair for the parents of these children to be doing this and simply saying to the rest of the people - shut your streets off my children want to play in that yard and not in the yard which is already built to accommodate them and so on. And before shutting the streets off, in the first place I think the school could well serve the government - we own it as you say, Mr. Watt and it could well serve us a lot better if we were to use it for office space and put a school, if we must put one, in a more adequate place where there is ample playground. Another thing that strikes me, a lot of these children are from outside areas. They already have schools in their areas and it is quite possible that they will be going home to their homes and going to school from there along with their brothers and sisters so to close the street off seems to be shortsighted thinking. At one time they wanted to close the streets off here to save the dust blowing in the air. This was contemplated by one City Council and if it had not been for some little more farsighted people who life here it might have happened . We'd have had streets closed off and no pavement on them today. So I think this deserves a lot more consideration than merely standing up and asking the Commissioner to do something. Council as a whole has a right to express itself on this.

Mr. Watt: I am just saying a school in my constituency hasn't got playground facilities as other schools in the Yukon Territory have. This is just a suggestion put forward to close a street on a trial basis and I think the streets have been dealt with before in the Whitehorse area and the exact legality of it I don't know but I'm sure of is something wrong with us. If the Council wanted to do it, but, the.. Council is just going on record as saying that we simply don't want to do anything to try and up grade the playground facilities in this particular school now what is it got to do with bussing kids , transporting kids, I don't know - ... problem we've got right now. If somebody wants to ... that sometime they possibly can but this was a straightforward problem in my constituency but of course the member from Watson Lake is against which is normal and it appears that he can sway others in anything that goes on in my constituency - it is unfortunate- I'm certain that I

Mr. Shaw: Point of order..

Mr. Boyd: This is personalities - I would like you to stick to the facts..

Mr. Watt.....wish to make a suggestion, a constructive suggestion such as this - it is just a suggestion that

Mr. Watt continues..

we look into this possibility and try it for a couple of months or at least see how the City feels about this. See how it would affect the traffic flow. This is one of the major problems. Mr. Taylor says that people are knocking at their door saying that they are against it. Well I've been in their homes, every one of them and talked to them about this and the question mainly was they don't want to be out of pocket because of this change in relocation. They want to have just every bit as nice a home in just as suitable a locality so if we are ever going to take steps towards providing the playground facility that is-that our School Ordinance asks for and requires then we should do it now and if there is ever a school board formed in the Yukon Territory then the school boards will legitimately be able to ask that their playground facilities be brought up to standard. Every year that this goes on is going to cost us more We faced this problem several years ago before a couple of the other houses were built then we could have solved this for a lot less. .....for a suggestion, that possibly we should use this for office building has some merit I think, and maybe it should be given some consideration too but one way or the other we are going to have to solve this problem and I would like the support council to let the administration consider and approach the City and see how they feel about it and I would like to make this a Motion - I move that administration be allowed to proceed with investigation concerning the possibility of test closing Fifth Avenue for playground space for a period of two months this summer.

MOTION RE CLOSING 5TH AVENUE

Mr. MacKinnon: I'll second that Mr. Chairman. I don't like to get involved in these Whitehorse problems but this is merely a suggestion I believe in asking the Commissioner to investigate and I cannot foresee anything wrong with an investigation and the Commissioner will no doubt come up with an answer one way or the other so I am willing to go along with the motion.

Mr. Shaw: Mr. Chairman, I think the motion under discussion is irrelevant and unprincipled. It is irrelevant. We are discussing the budget and not a matter of blocking off streets and so forth. How we got this way I don't know. On principle, Mr. Chairman because we have a municipality. Are we, the Territorial Council, through the power of the Commissioner, going to twist the City's arm to say close off that street? Or, we want you to close off that street. I think that something like this should be a proposal of the municipality if they so wish. They have been discussing this for years but I have never seen anything come before the table in respect to this. I feel that the municipalities are self-governing up to a certain point, the same as the Yukon Council and that it is up to them to start any proceedings in relation to this. They know what the people want and if they feel that it is justified they will bring it to the attention of the Commissioner who no doubt would bring it to the attention of the Council.

Mr. Shaw continues..

I do not think that it is right that this Council should ask the Commissioner, or instruct the Commissioner, or whatever you say, to see the City Council to open up a piece of ground on which there is some quite distinct feeling amongst the residents living in that area. I can sympathize with the fact that they want more space and the school requires more playground space but I don't think Mr. Chairman we can ask for space when it is not there. If the municipality of the city make that request and has discussions with the people and decide to close the street, as far as I am concerned they will have my blessing. I have nothing for or against it, but I do feel that we have given the municipalities the power to operate their own business and we should not interfere with that operation that they, if they so feel, can make the proper request of this Council, and not to come from this Council.

Mr. Taylor: Mr. Chairman, just before resuming the chair I would like to make one thing clear and that is the matter has firstly been resolved by this Council at this session. It was pointed out in Sessional Paper No. 80 wherein the matter of land exchange of Christ the King Elementary School - where it was pointed out the various ways and means of correcting this situation had been under discussion with the Catholic Episcopal Corporation for almost a year and we now have been able to reach the, or an understanding which is acceptable in principle to both parties. And this has been, as I say, under consideration for much time. The items proposed are laid out, one two, three four and the foregoing outline of our understanding in principle with the Catholic Epicopal Corporation is respectfully submitted to the Council for consideration and approval. This, subsequently, gentlemen, as you will recall, was agreed upon by Council, I believe unanimously. I don't believe I heard a dissenting vote. So I would say that- I would concur of course with Councillor Shaw in respect that this does get into the area of the City's responsibility and it would not be proper for us to dive into that area- to leave them unto their own and I would urge that we vote 'no' to this motion in respect of this because this matter has been resolved already, why drag it out? I'll resume the chair Mr. Southam.

Mr. Watt: I would just like to say, Mr. Chairman, that this is in my constituency and as Mr. Commissioner suggested that he do have some legal problems with respect to dealing with their land and this is a Territorial school whether they like it or not. We are responsible for the school in the Yukon Territory and we should accept our responsibility if we expect to be called a Territory and we as Councillors have to accept this responsibility of schools and everything associated with it. I remember in Council we discussed additional playgrounds at the Whitehorse Elementary school- there was nothing wrong with discussion of playground there. But all of a sudden there is something wrong with discussion of providing a playground facility here. The motion itself

Mr. Watt continues..

is just leaving it up to the administration to investigage these facets - these possibilities - investigate with the City and the people....to this particular property - check with them and see what the property settlements would be and get everything shaped up to recommend to see if the City will act or if the Federal government - or if we can cut the red tape that would allow the Federal government or the Queen, whoever she is, or whoever owns the land to block it off for a trial period of time and see how it affects the traffic flow and it is a simple recommendation that the Council can easily pass without committing themselves to anything and then you would be getting further information that we need with respect to this. It is simply a request to authorize the administration to investigate this possibility. I realize that the motion, or this particular motion has been passed for land exchanges but this still doesn't solve the problem. Now I don't see any reason why any Councillor should buck any motion as simple as this. It is just a request to ask the administration to investigate it and they can give us a sessional paper back some time this summer or possibly before the end of the session to tell us what the outcome is. It may offer something constructive that will solve a lot of problems and satisfy an awful lot of people and upgrade this school. Now this is a school no' matter- and the Territorial government owns it. It is our school and I just want to - it is in my constituency and I think the schools in my constituency are entitled to have playground facilities the same as other schools, and as much as we are able to provide. I'm not asking for anything out of the ordinary if the price is exorbitant then I would be the first one to well we simply can't afford it but it is a simple motion and to obstruct this motion is the I would say, the height of obstruction .

Mr. Chairman: Could I have a copy of this motion, gentlemen?

Mr. Boyd: I would just like to say for the councillors' knowledge that at the time the Territorial government took that school over, bought and paid for, there was quite considerable playground being used and his constituents saw fit to cut their playground in half, roughly speaking, so that is one point and there is still quite a bit of playground there now that is not being utilized at all which could well be utilized and would make quite sufficient playground, if it were all utilized.

Mr. Smith: Mr. Chairman, if it was convenient with Council may I be excused at this time?

All: Agreed.

Mr. Taylor: May Mr. Smith be excused at this time also, gentlemen?

All: Agreed.

Mr. Chairman: I have a motion before me. Moved by Councillor Watt, seconded by Councillor MacKinnon that the Territorial Administration investigate the possibility and feasibility of closing Fifth Avenue for one block to allow more playground space at Christ the King Elementary School on a trial basis this summer to see how the traffic flow is affected. Are you prepared for the question? Will those agreed with the Motion please signify (agreed - 2). Will those contrary please signify (contrary - 3). I will declare the motion defeated.

MOTION DEFEATED

MOTION DEFEATED

Mr. Boyd: I would move that the Speaker resume the chair and hear the report of committee.

Mr. Southam: I second that Motion.

Mr. Chairman: It has been moved by Councillor Boyd, seconded by Councillor Southam that the Speaker do resume the chair and here the report of the Chairman of Committees. Are you prepared for the question? Are you agreed? Any contrary? Motion carried.

MOTION CARRIED

Mr. Speaker: I'll now call Council to order and hear the report of the Chairman of Committees.

REPORT OF CHAIRMAN OF COMMITTEES

Mr. Taylor: Mr. Speaker, Committee convened at 10.55 a.m. to discuss Bills, memoranda, Sessional Papers and Motions. Committee first dealt with Bill No. 6 with Mr. Commissioner and Mr. Choate in attendance. It was moved by Councillor Shaw seconded by Councillor Boyd that Section 2 be amended to add the words 'part one' after the words Canadian Electrical Code. This Motion carried. The Committee recessed at twelve noon and reconvened at 2 P.M. with Councillor Thompson absent. It was moved by Councillor Boyd and seconded by Councillor Southam that Messrs. K. Baker, R. Choate and N. Chamberlist be appointed a Committee of Three to Study Bill No. 6 with a view to bringing it back to council before we prorogue with the assurance that administration, contractors and people interested be protected. This motion carried. It was moved by Councillor Shaw, seconded by Councillor Boyd that Committee accepts recommendations contained in Sessional Paper No. 94 and this motion carried. Mr. Smith of the Treasury Department attended committee to discuss Bill No. 9 - the Main Supply Bill. It was moved by Councillor Watt, seconded by Councillor MacKinnon that the Territorial Administration investigate the possibility and feasibility of closing Fifth Avenue for one block to allow more playground space at Christ the King Elementary School on a trial basis this summer to see how the traffic flow is affected. This motion was defeated. I can report progress on Bill No. 9. It was moved by Councillor Boyd, seconded by Councillor Southam that Mr. Speaker do now resume the Chair and hear the report of the Chairman of Committees and this motion carried.

Mr. Speaker: You have heard the reading of the report of the Chairman of Committees. Are you agreed to the report. Thank you gentlemen, We have tomorrow's agenda. What is your pleasure?

Mr. Taylor: Mr. Speaker, I'm wondering in view of the fact that the Commissioner will be with us tomorrow- leaving tomorrow afternoon- if it would be possible to catch up on some Sessional Papers during the morning?

Mr. Speaker: Is that agreed that we catch up with Sessional Papers tomorrow morning?

All: Agreed.

Mr. Taylor: Then I would suggest Mr. Speaker, Bills memoranda and Sessional Papers for tomorrow morning.

Mr. Speaker: Is that agreed gentlemen? What is your pleasure at this time?

Mr. Watt: Mr. Speaker, I would like to point out for the record. Yesterday evening at this time, Mr. Speaker, we, I had to go to the bathroom , Mr. Speaker and Mr. Southam moved we call it five o'clock and it was unanimously agreed- all agreed, and then I left for the bathroom after this unanimous agreement to adjourn was passed and I left for the bathroom and Mr. Speaker asked me to - permission to leave - and he refused permission to leave. I think the wrong impression was given over the news and I would just like to straighten the record Mr. Speaker that I left only after a motion to adjourn was unanimously agreed upon. And a little bit of co-operation from the Speaker on this matter .... would have been appreciated.

Mr. Speaker: Mr. Taylor...

Mr. Watt: Unless there is any argument about it Mr. Speaker I'll drop the matter, but if there is an argument I'll just (inaudible).

Mr. Chairman: Mr. Speaker, I believe that you were impartial but for the record my Votes and Proceedings don't read the same, Mr. Speaker. As I have it Mr. Speaker said It has been suggested that we proceed with Bills, Memorand, Sessional Papers and Motions. Are you agreed? What is your pleasure now? And Mr. Southam I move we call it five o'clock, and all agreed. And Mr. Speaker states, Mr. Watt you request permission to leave while Council is in Session? Mr. Watt: May I leave Mr. Speaker? Mr. Speaker: No. Could I have a seconder for the motion? Mr. Boyd: I second the motion. Mr. Speaker: It has been moved that Council do now adjourn until tomorrow morning at ten o'clock. Are you agreed with the motion? Any contrary. Motion is carried, and this Council now stands adjourned until tomorrow morning until ten o'clock. This was done prior to the Motion and I don't see any grievance here.

Mr. Watt: Mr. Speaker, on page six hundred and sixty-six It says I move that we call it five o'clock, which is a motion to adjourn and we were all agreed upon it which is the normal procedure that we follow and possibly Mr. Taylor wants to knit-pick a little bit - he can if he wants to - I just want to straighten the record Mr. Speaker,

Mr. Watt continues...

that I waited until the end of the day before I ..(inaudible).

Mr. Speaker: I would state and I think that you will find it in Beauchenes that no person may leave the room during the calling of a question. You left the room before I adjourned Council. You made no request to the chair. You left your seat and I called upon you when you were at the door. You said I'm asking now, I said no. I think it was most uncourteous the action that you took and that is the way that I feel about it, Mr. Watt. What is your pleasure now gentlemen?

Mr. Boyd: I move we call it five o'clock, Mr. Speaker.

Mr. Southam: I second the motion Mr. Speaker.

Mr. Speaker: Moved by Mr. Boyd, seconded by Mr. Southam that we call it five o'clock at this time. Are you ready for the question? Are you agreed with the Motion? Are there any contrary? The Motion is carried

MOTION CARRIED

Please Mr. Watt, would you sit down. When the Speaker stands all members sit. This Council now stands adjourned until tomorrow morning at ten o'clock.

Mr. Speaker read the daily prayer and Council was called to order.

Mr. Speaker: Is there a quorum, Mr. Clerk?

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The first business on hand is the correspondence. Have we any correspondence, Mr. Clerk?

Mr. Clerk: We have two Sessional Papers for tabling this morning, Mr. Speaker. They are Sessional Paper No. 95 re Labour Standards Legislation, and Sessional Paper No. 96 re Statistics relative to courses taught in the F.H. Collins Secondary School and the utilization of its non-academic teaching areas. That is all I have this morning, Mr. Speaker.

SESSIONAL PAPERS #95 #96

Mr. Speaker: Thank you, Mr. Clerk. Is there any further correspondence? Are there any Reports of Committees? We have no Bills to introduce. Have we any Notices of Motion and Resolution this morning?

Mr. MacKinnon: Mr. Speaker, I give Notice of Motion re Motor Vehicles.

NOTICE OF MOTION #21

Mr. Speaker: Have we any further Notices of Motion and Resolution? We will now proceed to Orders of the Day. Have we any Notices of Motion for the Production of Papers? Mr. Clerk, I presume you are endeavouring to get answers for these Motions for the Production of Papers.

Mr. Clerk: Yes, Mr. Speaker. There should be answers forthcoming very, very shortly on all of the outstanding Motions for the Production of Paper.

Mr. Speaker: Thank you. There are no Motions this morning. We will proceed to questions. Have we any questions this morning?

Mr. Thompson: Mr. Speaker, I have a question I would like to direct to the Commissioner. Would it be possible to wait until such time as he is present?

Mr. Speaker: I tell you what we can do, gentlemen. We have Public Bills and Orders. We have a few to process. If it is your pleasure to process these matters, we will revert back to the question period. The Commissioner may be here at that time.

All: Agreed.

FIRST READING BILL #14

Moved by Councillor Boyd, seconded by Councillor MacKinnon, that Bill No. 14, An Ordinance to Amend the Yukon Housing Ordinance, be given First Reading at this time.

MOTION CARRIED

MOTION CARRIED

SECOND READING BILL #14

Moved by Councillor Boyd, seconded by Councillor MacKinnon, that Bill No. 14, An Ordinance to amend the Yukon Housing Ordinance, be given Second Reading at this time.

MOTION CARRIED

MOTION CARRIED

FIRST READING BILL #15 MOTION CARRIED

Moved by Councillor Boyd, seconded by Councillor MacKinnon, that Bill No. 15, An Ordinance to Amend the Low Cost Housing Ordinance, be given First Reading at this time.

MOTION CARRIED

SECOND READING BILL #15 MOTION CARRIED

Moved by Councillor Boyd, seconded by Councillor MacKinnon, that Bill No. 15, An Ordinance to Amend the Low Cost Housing Ordinance, be given Second Reading at this time.

MOTION CARRIED

Mr. Speaker: At this time, gentlemen, I will call a short recess and hope that the Commissioner will be here by that time.

Mr. Speaker: I will now call this Council to order. This is the question period, gentlemen. We now have Mr. Commissioner with us. Have you any questions?

QUESTION RE YUKON ACT AND GAME ORDINANCE

Mr. Taylor: Mr. Speaker, I have a question I would like to direct to the Legal Advisor arising out of perusing the amendments to the Yukon Act and that has reference to section 17 of the Act as revised providing for the rights of native citizens and the powers that the Commissioner-in-Council has in respect of game, as they affect Indians and Eskimos. I am wondering if, in his opinion, Mr. Speaker, if that this would provide that all native people, for instance, can shoot cow moose and this type of thing. How far do we go with our Game Ordinance as it applies to this section in relation to our own Territorial Game Ordinance?

Mr. Legal Advisor: Could I have time.....

Mr. Taylor: Fine.

Mr. Speaker: Have we any further questions?

QUESTION RE ELECTRICITY NEEDS PELLY RIVER

Mr. MacKinnon: Yes, Mr. Speaker, I would like to ask the Commissioner if Council could contribute anything by way of Motion as to the needs of electricity in the Indian Village of Pelly River?

Mr. Commissioner: Mr. Speaker, I could see where nothing but good would come from a Motion or Resolution of Council in this particular matter.

Mr. MacKinnon: Well, Mr. Speaker, then I will prepare a Motion.

Mr. Speaker: That is customary, Mr. MacKinnon. Mr. Thompson.

QUESTION RE PUBLIC UTILITIES INCOME TAX TRANSFER ACT

Mr. Thompson: I would like to direct this question to the Commissioner. At the Second Session in 1966, we had a Sessional Paper, No. 44, which dealt with the Public Utilities Income Tax Transfer Act. I was wondering if anything further had been accomplished in this respect. This has to do with the anticipated rebates for Public Utilities Tax, and I don't know whether the Commissioner is sufficiently briefed on this or would he want to have me read the Paper?

Mr. Commissioner: Mr. Speaker, I can't give you any more information than what was contained in the Paper at that time. The manner of dealing with this, or the formula that will be used to give reduced rates in accordance with the Income Tax Rebate provision to privately owned utilities in the Territory, just the same as what they are getting in Provinces, I am afraid I don't know the mechanics of it but perhaps Mr. Legal Advisor may have a word on the mechanics of it. All I can tell you is that it is a factual situation which will come into effect in the course of the year 1968.

Mr. Thompson: Mr. Speaker, according to this Sessional Paper at that time it was anticipated that we would be receiving rebates commencing with last year's operations. The only matter was that it was on a fiscal year which ended I think last month so this is probably why that nothing had been heard on the matter. I am just wondering if we can in fact anticipate a rebate of this nature. One of the stipulations was that it would be given to the Public Utilities Company on the understanding that it would be a direct reduction in rates for the individual user. I am just wondering if in fact this is still in process and it will come about.

Mr. Commissioner: Mr. Speaker, I would give factual assurance of this.

Mr. Speaker: Have we any further questions?

QUESTION RE ANY CHANGE MOTOR VEHICLES ORDINANCE

Mr. Watt: Mr. Speaker, I would like to ask Mr. Legal Advisor if there are any changes in the Motor Vehicle Ordinance contemplated being presented by the Administration this Session with respect to a previous question that I asked.....the Legislative Committee.....and this is with respect to when the registration takes effect for motor vehicles?

Mr. Legal Advisor: I have no instructions to prepare anything. I have had this particular subject under review and the opinion that I have reached, and it is supported by other opinions, is that in a particular case where a man acquired a new set of plates...I think this is the case the Councillor has in mind.. and has failed to put his nw plates on during the currency of his previous plates...he bought his plates a little early... he's driving around with his new plates on the floor and still legally, legitimately, operating on his old plates, there is no offence committed. Therefore, there would be no need for legislation to cure the situation. In fact, you might put the boot on the other foot and say those of us who rush to put up our new plates have committed a illegal offence...not the man who didn't put up his new plates. Unfortunately, he entered a plea of guilty which was accepted by the learned Magistrate and, happily, the fine was only $1.00 but this does bring up, or course, another point the Council has raised. This is the question of endorsements for criminal offences and it would be a tragedy if this man, having pleaded guilty to an offence that possibly didn't exist, would also have to carry an endorsement on his licence showing that he had been convicted of an offence under the Ordinance. However, Council will have an opportunity to look at that question later in this Session. With regard to the question of the plates, my view is, of course it's obvious that the Magistrate has to entertain a different view, but my view is that no offence is committed. The only definite ruling that can be given on a question of law is in a Court. The Magistrate has obviously given a ruling on that point. I am not going to contest the Magistrate's point of view, however, my advice to the Council

Mr. Legal Advisor continues:
is that no change in the Legislation is called for to abolish this offence. Council, on the other hand, might want to consider whether some Legislation shouldn't be introduced allowing us to put up our car plates when we get them rather than having to sit up until midnight on the 31st of March on guard in the garage and change our plates. There is a little need for either practical thinking or a little tinkering with the Ordinance on that.

Mr. Watt: I have a supplementary question to that. Could I ask Mr. Commissioner if he could take steps to try and clarify this for Council. He has to consult with the Justice Department or the R.C.M.P. as well as our Legal Advisor.. and find out how we can resolve this one way or another. We know there is something wrong and we think that it can be satisfactorily legislated to take care of this possibility... these offences. Could I ask the Administration if they could prepare legislation for us to take care of the offence that is apparent.

Mr. Speaker: This is not the time for something like that. This is actually a question period, not a time of debate. Mr. Hughes, did you have further to add to that question?

Mr. Legal Advisor: Mr. Speaker, I wonder if this matter could be discussed at a later date because it is something that I would like to take instructions on.

Mr. Speaker: Thank you. Have we any further questions?

Mr. Taylor: Point of order, Mr. Speaker. I think any request for legislation should be a decision of the Council and not by one Member.

Mr. Speaker: That is quite correct and I so ruled prior to this. Mr. MacKinnon.

QUESTION RE LIQUOR ORDINANCE

Mr. MacKinnon: Mr. Speaker, I would like to ask the Commissioner if he anticipates presenting the Liquor Ordinance at this Session for perusal. I understand that we have section 12(a) that is not very satisfying to what we would classify in Whitehorse as night clubs and there has been a handicap placed on the hiring of Go Go Girls. I understand that at the present time this matter must be brought before the Superintendent of Liquor Control before we can hire....

Mr. Speaker: What is your question, Mr. MacKinnon?

Mr. MacKinnon: ...a person, Mr. Speaker.

Mr. Speaker: What is your question?

Mr. MacKinnon: I am coming to the question.

Mr. Speaker: Well, keep it to the question.

Mr. MacKinnon: Thank you, Mr. Speaker. The question is Mr. Commissioner....do you feel it necessary to be forced under section 12(a) of the Liquor Ordinance to get permission of the Liquor Superintendent before you can hire a person to carry out entertainment?

Mr. Commissioner: Mr. Speaker, the tools that the Administration has to work with are the product of the deliberations of the Territorial Councillors and the Liquor Ordinance as it now stands is the tool that we use to administer those things which apply to liquor. Now, the Liquor Ordinance...I am having a Paper prepared which I intimated to you a day or two ago in connection with it...there is not only this question but also another question that was raised here concerning control of liquor store hours. There are many other things. You also have a letter from a private enterpreneur seeking the opportunity of serving liquor with food as opposed to the beer and wine service that is presently available. There are many things in connection with this, Mr. Speaker, and from the Administration point of view, we feel that a complete overhaul, not only of the Liquor Ordinance but the means and the manner of administering the day-to-day activities of the Ordinance, are very necessary, and this will be the basic content of the Paper that I will present to you, asking your opinions and advice with regard to these points that I have enumerated and it definitely includes the point that has been brought up here by the Councillor at this time.

Mr. MacKinnon: A supplementary question, Mr. Speaker. Does the Commissioner anticipate presenting this Paper at this Session?

Mr. Commissioner: Yes, Mr. Speaker.

Mr. Speaker: Have we any further questions?

Mr. Watt: I have one further question to ask the Commissioner. Has any recommendation yet been made to the office of the Commissioner with respect to the selection of the Yukon Economic Development Study group and, if so, is it...does the Commissioner wish to reveal the successful applicant at this time?

QUESTION RE ECONOMIC DEVELOPMENT STUDY

Mr. Commissioner: Mr. Speaker, I have had certain recommendations made to me and also I have, unfortunately, a mind of my own as well and I am not prepared to say that I completely endorse those recommendations that have been made to me, Mr. Speaker, but I would say this much that the presentations that have been made by the six firms are all under active review by myself at the present time, including the recommendation that has been made by the Committee that I enumerated the names of for Council yesterday. I would ask to be excused for answering the last part of the Councillor's question at this point as the implications may be completely misconstrued.

Mr. Speaker: Have we any further questions?

Mr. Commissioner: Mr. Speaker, may I be allowed to say a word to Council at this moment concerning the physical situation of our display at Expo?

Mr. Speaker: I would be very happy that you would, Mr. Commissioner.

Mr. Commissioner: Mr. Speaker, I have been in telephone conversation a few minutes ago with Mr. Fingland who, along with Mr. Porter, are presently on the site of our pavilion at Expo in Montreal and I would advise you that they tell

REPORT ON YUKON EXPO PAVILION

REPORT ON YUKON EXPO PAVILION

Mr. Commissioner continues:
me that our pavilion is closer to completion than the vast majority of our similar pavilions and displays at Expo and they see no reason why it will not be completely finished and in first class condition for the opening of Expo one week today. There are some further things that are required and Mr. Porter has been in telephone communication with Mr. Fleming and I am sure that arrangements are being made to get these further required items there. The situation is very well in hand as far as the physical aspects of our pavilion and its being ready for the opening of Expo are concerned.

Mr. Speaker: Thank you, Mr. Commissioner. That is certainly very good news. Have we any further questions? What is your pleasure now?

Mr. Taylor: Mr. Speaker, before reverting to Committee, I would like to ask the consent of Council to be absent both this afternoon and very possibly tomorrow morning...early tomorrow morning...in view of the fact that I will be accompanying the Commissioner and Members of his Administration to Ross River for the purpose of conducting public meetings and opening the school there. I wonder if I could have permission to be absent from 12:00 Noon today, or say at 2:00 o'clock, through to tomorrow morning.

All: Agreed.

Mr. Speaker: Permission has been granted, Mr. Taylor.

Mr. Taylor: Thank you, Mr. Speaker. Deputy Chairman Southam has also consented to look after the Chair in my absence.

Moved by Councillor Boyd, seconded by Councillor MacKinnon, that the Speaker do now leave the Chair and Council resolve itself into Committee of the Whole to discuss Bills, Memoranda, Sessional Papers and Motions.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: The Motion is carried and Mr. Taylor will take the Chair in Committee of the Whole.

Mr. Taylor: We will be discussing Sessional Papers first this morning. I will declare a short recess while we get our papers in order.

SESSIONAL PAPER #91

Mr. Chairman: I will call Committee back to order. We are discussing first Sessional Paper No. 91, Entertainment Licences. (Reads Sessional Paper No. 91).

Mr. Shaw: Mr. Chairman, I would like to direct a question to the Legal Advisor. To explain this...the Superintendent of Liquor Control has stated, "Names, ages and previous addresses of all entertainers will be required at the time the request is made" and then further on qualifies the requirements for this it appears by directing our attention to the Criminal Code of which, of course, we have no jurisdiction. Would it be correct that this falls under this heading and not under...does the Criminal Code state that the names, ages and addresses and so forth have to be provided two weeks ahead of time?

Mr. Legal Advisor: No, but under the Liquor Ordinance, in order to enable the Administration to consider a proposed performance, this apparently is information that is required, something of a background. As Council will be aware, one or two parties became involved in criminal charges, not in connection with their performances as such but administration cannot be indifferent to the type of entertainment and the type of entertainer and if these cabarets don't wish to give that information, they lessen the amount of confidence that the Administration will have in their intention. If they want to be frank, then the Administration can get on with the business of reviewing a particular show. That is purely an Administrative inquiry. It is not one under the Criminal Code.

Mr. MacKinnon: Well, Mr. Chairman, I have looked into this quite thoroughly I believe for several months and I believe that most of these girls that have been hired in the past are on a ten day contract basis and these girls move from club to club and from show to show and they are usually hired on a ten day basis which is two weeks. When you have the opportunity to hire a good entertainer and you are talking to the entertainer, we will say for instance on the telephone, and then you must inform the entertainer that we have a handicap here. We must consult with the Liquor Superintendent and see if he gives his approval to the hiring of that girl. Any man that is not capable of making his own decisions when he pays the price, then there is something wrong. This is Administrative powers being exercised and it is discriminating against private enterprise. Some countries call it communism. I will not go that far but I would suggest that it is a borderline case.

Mr. Shaw: Question, Mr. Chairman. These entertainers, are these mostly Canadians, or are they aliens...are they foreigners that put on these acts, or are they all Canadians?

Mr. Legal Advisor: Mr. Chairman, I haven't conducted any field survey as Councillor MacKinnon has. Maybe he can deal with that question. I really have no information at all on the point. I can have sort of an approximate check made but where they come from....some of them seem to be going on to Alaska so, therefore, they must have work permits or be U.S. citizens. This is all part of the need for this background information.

Mr. MacKinnon: Well, Mr. Chairman, I have never asked to see their birth certificates.

Mr. Shaw: Well, that's a most facetious answer, Mr. Chairman. I am trying to ascertain something. I have heard rumours that some of these people have various and sundry afflictions and criminal records....whether that is true or not but I have certainly heard that. I have not investigated. I haven't....I do not....I haven't the opportunity like the Councillor from Carmacks-Kluane to thoroughly investigate the matter of Go Go Girls and all this kind of stuff, but I have heard that some of them apparently are not what you would call the most desirable of persons and I was wondering...and it appears to me that it could be quite possible that these are United States circuit. They are coming from the United States, going through Canada and making a buck on the way on to Alaska or possibly the other

Mr. Shaw continues:
way around. Now, I don't seem to get an answer to my question as to are these mostly Americans or are they mostly Canadian because if these are mostly Americans, I think by all reasonable standards for the protection of the public that they should be vetted in coming into our country. They are foreigners and I am certain that if it were in reverse that United States Immigration would be most concerned about Canadians going into the United States without their knowing who these people were. Rivard for example, and many others like him.

Mr. MacKinnon: Well Mr. Chairman happened to be walking in when the Honourable Member was walking out of a place of entertainment last evening. I would suggest to the Honourable Member that section 12(a) is applicable to all persons in this category whether they be American, or Canadian, or....I think the very point is that we have a man employed by the people of the Territory and he is holding a jerkline on private business and it must go before this particular person whether or not you can hire a person. Now, the Criminal Code, as I interpret the Criminal Code, and I would like for the Legal Advisor to correct me if I am wrong...that indecency is well provided for under the Criminal Code so you need not fear of indecency. We go to these various places, Mr. Speaker, as I note you do yourself, for entertainment and now we find that entertainment is not permissible because our Superintendent of Liquor must give permission by way of two week notice to the employer that they can hire a certain employee which is usually based on a ten day contract basis. So, how can you keep up with these things and still remain with section 12(a) of the Liquor Ordinance?

Mr. Chairman: Order, gentlemen, I think that at this particular moment, I will declare a short recess.

Thursday, April 20, 1967,
11:00 a.m.

Mr. Chairman: Alright, gentlemen, I will now call Committee back to order. SESSIONAL PAPER #91

Mr. Shaw: Mr. Chairman, I don't seem to be getting too much information. All I have established is that when I was walking home at a sensible hour the honourable member from Carmacks-Kluane was walking in. I don't think that we should--I don't know all the ramifications of this particular thing, but I don't think we should castigate with all due respect...liquor control. We, not necessarily the members of this table, but this Council should make this Ordinance. He is following the Ordinance made by legislature of the Territory. Now, if the Ordinance states this can be done or should be done and then the superintendent with all due respect is doing his duty. If anybody would be at fault if this is wrong, I would submit Mr. Chairman, it is this Council that are the culprits. On the otherhand I am not convinced yet this is wrong. And, I think I would need a lot more information than I am getting now...let's have some facts.

Mr. Thompson: Mr. Chairman, in as much as I think the Commissioner has indicated that there will be some proposed changes in this Ordinance brought before Council, I would suggest this item be deferred until that time to see whether these proposed changes are in fact incorporated.

Mr. MacKinnon: Is that a Motion, Mr. Thompson?

Mr. Thompson: No, it is just a suggestion.

COUNCILLOR SOUTHAM TAKES THE CHAIR.

Mr. Taylor: Well, Mr. Chairman, in this regard I don't know whether this is coming up on paper on the proposed Ordinance or not. This particular matter, but if it does it certainly doesn't change my feelings in respect of it. It should be remembered as Councillor Shaw has pointed out, it was this Council that created cabarets and created entertainment like this. And one of the foremost items in consideration in respect of this, was where we say the licences was issued on condition the entertainment was offered by adults and was in keeping with the and designed in the safety regulations and generally accepted standards of decency. If the entertainment offered is good entertainment there is no problem. The operator has no problem. Anyone who offers good entertainment, wholesome or reasonable entertainment within these confines has nothing to fear from this Ordinance. Nothing at all. The object of the exercise is to make this possible for people to get out and have some fun and enjoy themselves. Now Subsection 4 (12) (a) states that the entertainment licence may have attached to it conditions governing (a) the hours in which entertainment may be offered; (b) the number of performers; (c) the dressing room facilities available for the performers; (c) the limiting of the number of persons in the audience; and (e) the type of entertainment that he offers. Now, obviously there have been troubles as pointed out in a letter from Mr. Vars due to apparent disregard of Section 12 (a) 4 and the note on the bottom of each entertainment licence issued it has become necessary to enforce the conditions of this Section. So obviously, something must have been going on up

SESSIONAL PAPER #91

Mr. Taylor continues...

there because otherwise there would be no problem in the first place. He does not specify in his letter to the people just what this flagrant violation was, what the disregard was. But there obviously was something that should be taken into account. Secondly, that they have stated in their submission that they want to clear the patrons an hour after closing time instead of the existing half hour. We debated this at great length when we established this and we still felt that half an hour is a reasonable abmout of time to get out a 2:00 o'clock in the morning. And, I don't see where the consuming of food has any bearing on this. You get your food earlier knowing that the food will not be available after the closing hour or whatever the problem is. You just eat a little earlier. So this is no legitimate argument as I see. The same as taxi cabs or anything else. You must make provisions for your own transportation. That's a problem you would have anywhere. I see no reason and no justification at this time to change the program as outlined in this Sessional Paper. They have asked here that they get the name, names ages and previous addresses of all entertainers. Well, it has been pointed out some of these entertainers I believe have been involved in dope, at least some of them have, and this is contrary to the law and they have been dealt with. There must be other reasons as well as to why the imposition or the strict enforcement of this section. But I say leave the section there. It's a good section. It's there for a purpose. All you have to do is offer good entertainment and there is no problem.

Mr. Boyd: I think we are going to have to take this all over again for certain and I would like Council to give consideration to Councillor Thompson's proposal that we defer this until it comes up again, Mr. Chairman, which it will in our discussions with this Sessional Paper later.

Mr. Watt: I would like to say that I agree with Mr. Boyd and Mr. Thompson. But there is one thought I would like leave that when this paper comes it doesn't include something along the lines of a Committee to be set up and I will propose a Motion later in the session and I think a lot of these problems are coming to us just about every session. Having to deal with the details of largely the Administration of the Liquor Ordinance and this particular paper that we have is a difference of opinion between an operator and a member of government. And that's the administrative Ordinance, and I think serious thought should be given of a Committee to be set up to make a recommendation to Council for changes in the Ordinance and I think this Committee should be composed of a Superintendent of the Liquor Control Board, the liquor inspector, someone of the selling end of it, the private enterprise end of it. So that their point of view is presented to the Committee, and a member of the general public and a Territorial Councillor and I think this would give a good cross section of opinion. A lot of these things would be ironed out through the Committee. They could possibly meet once in a while and I think this is a successful operation that works in a number of provinces and the State of Alaska. And, we should take advantage of such a thing here and it would eliminate a lot of the details of administrating the Liquor Ordinance that is presented to Territorial Council. And, I think that Council and the Administration could seriously

Mr. Watt continues... SESSIONAL PAPER #91

consider the setting up of such a Committee. And, I mention it now so that we could all think about it. If composition of Committee could be obtained so that a Committee of some kind could be obtained along this line to help make recommendations to Council for changes in the Ordinance as well as helping the Administration out.

Mr. Chairman: Are you agreed with Councillor Thompson's recommendation to defer this Paper until such time as we can get the next Sessional Paper on the Ordinance? Any contrary?

COUNCILLOR TAYLOR RESUMES THE CHAIR

Mr. Chairman: The next Sessional Paper is Sessional Paper #92. (Reads Sessional Paper #92 re Fire Marshal Yukon Territory). Attached, gentlemen, is the report on the office of the Fire Marshal, Yukon Territory. Are you clear? SESSIONAL PAPER #92

The next Sessional Paper is Sessional Paper #93. (Reads Sessional Paper #93 re Provision of Mortuary Facilities). SESSIONAL PAPER #93

Mr. Boyd: Well, Mr. Chairman, this is something that's obviously an absolute necessity. In my mind it doesn't require any debating at all. I will give the rest of the Councillors a chance to say what they have to say, but I think we should move a Motion to get this thing straightened out. There has been quite some confusion and difficulty even here in Whitehorse. I won't bother going into that.

Mr. MacKinnon: Well, Mr. Chairman, I know that they have completely left out Haines Junction. They do mention the highway and I believe that this facility is necessary. Possibly more so at Haines Junction than at Teslin. And, if you are going to have it at Watson Lake and Teslin then possibly you should be considering Haines Junction. Now, being to Mayo, and having the pleasure of going through the mortuary facilities, I found that it was used as a food storage and so I don't know really how bad they do require these facilities. But according to the Paper prepared, that there is a very drastic need. But I would ask the Administration to reexamine and see if the facilities there already provided at Mayo are still being used for food storage.

Mr. Southam: Well, Mr. MacKinnon, the mortuary at Mayo is not used for food storage and the last time I was there, there was four bodies in it. It is not used for food storage. And, also it is not in fit shape for a mortuary for the simple reason that it states here.

Mr. Chairman: What's your further pleasure gentlemen?

Mr. Shaw: Mr. Chairman, I wonder if, now we have two conflicting opinions I think that the Councillor from Carmacks-Kluane seen food in the mortuary?

Mr. MacKinnon: Yes, I did Mr. Speaker.

Mr. Shaw: Human food Mr. Chairman? Human food?

Mr. MacKinnon: I would say yes, it could be used for other purposes, Mr. Chairman. You know for spaghetti and things like that.

SESSIONAL PAPER #93

COUNCILLOR SOUTHAM TAKES THE CHAIR

Mr. Taylor: Well, Mr. Chairman, I think we are getting off the beaten track here. This is a facility that we have continued certainly over the six years I have been here to urge the implimentation of the installation of these mortuary facilities. I believe in Financial Advisory Committee we discussed this at some length, and we have quite a tough time of it whenever we do have a person pass away in a motor vehicle accident or something like that in the summer time of properly looking after these people until we can get them buried and so forth. And, so I think the paper is good. The proposal is good and I feel there is little more debate required on it.

COUNCILLOR TAYLOR RESUMES THE CHAIR

MOTION RE ACCEPTANCE RECOMMENDATION FROM CHIEF MEDICAL OFFICER

Mr. Southam: I will move that this recommendation from the Chief Medical Officer should be accepted.

Mr. Watt: I will second that Motion, Mr. Chairman.

MOTION CARRIED

Mr. Chairman: It has been moved by Councillor Southam and seconded by Councillor Watter that Committee concur with Sessional Paper #93. Are you prepared for the question? Are you agreed? Any contrary? The Motion is carried. Are you agreed

MOTION CARRIED

SESSIONAL PAPER #95
SESSIONAL PAPER #94

Mr. Chairman: The next Sessional Paper is Sessional Paper #95, #94 being the Anvil Townsite Paper we discussed yesterday. (Reads Sessional Paper #95 re Labour Standards Legislation).

COUNCILLOR SOUTHAM TAKES THE CHAIR

Mr. Taylor: Well, Mr. Chairman, for years and years and years we kept asking for labour legislation. We produced a private member's bill to provide it. We have done just about everything in the book, and just about every Session or every other Session we discuss things like this. And it seems to wind up is a bunch more stuff to consider. Now, this came as an innocent Sessional Paper, but the matters contained therein are pretty important sort of thing. And I don't know how it is intended we go through this, but if we start to embark on this Paper it is going to take us many, many days. And as I say it seems to me we are continually recrossing ground that we have continually recrossed. And, we come up with one idea and they throw another one up and they say now we are going to impliment the Pugh report. And then we started on the Canada Labour Code and we made one off that and then so forth and it is getting to the point of being very confounding as to what to do. Do we waste our time by trying to sort this one out again and what is expected of us. Or do we say well, once again we review the whole picture of labour legislation and then this in fact is what we are going to get. In other words by the fall session, the new council will have a labour standards ordinance. In other words, is it worth while going into this in great detail and working out another ordinance after the one or two we have already worked out. And, I would direct that question to the Legal Advisor.

Mr. Legal Advisor: I don't know that I can give any adequate answer to plead that I am if anything more of a victim than the Council, because in December of 1965 I worked up eight foolscap pages of instructions to the craftsman. Maybe Council will remember at the fall session last year you had under review a draft ordinance for the Northwest Territories and you had also reviewed at the same time the Canada Labour Code. You went on to try and adapt giving instructions adapting the Canada Act and the NWT Act for use in the Yukon. The instructions went forward to Ottawa. I may say that it did involve a great deal of work on my part and in the spring of 1966 members of the Financial Advisory Committee who were at Ottawa will remember we were informed for the first time which had been before the Northwest Territories' Council had been sent to them in order to serve as a basis for discussion so that they could solicit the views of employers and employees in the Northwest Territories in preparation for the Legge Commission which was going to review the whole picture. The Legge Commission duly published this report and that was published on the 10th of May, 1966. We received a copy of the report some time later. And, as a result of this we emerged with a truncated form which established under Private Member's Bill, established a minimum wage. Now that's all that we have done from time to time you will have noticed a question passed in the House about deferment of certain employee and employer groups so that even at the Federal level not all the problems of administration have been overcome. I can only say that the Legge report has been out a long time now. If Council wishes to express it's view about these delays then they will be conveyed to those having authority in these matters. And I can't really add anything except we are back in square one. We were ready in 1965. It was obvious at the time that the Private Member's Bill was being discussed. That not all the Councillors could accept the principals involved. The aim throughout that Bill as it then was to keep the machinery as flexible as possible and to avoid covering the whole of the Yukon with forms and permits and a complete snow drift of administrative releases. I think that the Councillor from Watson Lake has not been facet that we should not have everybody filling up forms that they wouldn't get on with their work. They would require overtime to fill up the forms. The original plan has gone through the Legge Commission may have been studied by you. If the Council wants to restudy it or convey any message I am here to convey that point of view to the Commissioner who will relay it.

Mr. Taylor: Mr. Chairman, all my copies of these various reports unfortunately are home because for one reason, I felt that certainly after all the time and promises of administration we would have before us at this session a Labour Standard Ordinance. The Private Member's Bill referred to, that was borne out of absolute frustration and determination to try and get the working people of the Territory at least some form of reasonable legislation and protection and this is why Councillor Southam and myself proposed that Bill. But, I think the reason it didn't get full discussion is that Council wanted to go home on that occasion and felt to discuss this would take too much time. But it was then further felt that we possibly could upgrade that one. And here we go again. And as I say I really don't know where we stand. Whether we should take the time to go over all these sections again or to accept what we have already

Mr. Taylor continues...

accepted and go to work on that to see if we can fix that up or not. But, as I say, I am at a loss how to proceed with this. Order, Mr. Chairman, if we can usefully attack this problem again and have the oath of the Administration on fear of penalty of death that they will have this thing in for the new Council. Then I would say it would be well worth while to sit down here and hammer this thing out. But, it is going to be an awful waste of time if we just spend days and days and days in Council and it will take many days to go over this, working out a Labour Standard to the Ordinance and find the Administration wants to once again, not our Administration. I don't blame our Administration. I blaim Ottawa more than I do our own because I think this is probably who is balling this thing up. So this is where I am having difficulty. I don't know whether we should actually go to work on this or what.

Mr. Legal Advisor: Mr. Chairman, could I add one note of caution. I am only trustee in this comparison of legislative standards here. I didn't prepare it, but there are some omissions under the column headed Canada Labour Code. I would want to spend some time reviewing that before I could say to you with confidence that this is a complete comparison. There are omissions that I detected since I came in this morning and it may be if I might make a suggestion. Could this matter, the discussion on this matter be deferred until the Commissioner is present. Perhaps he could give a greater sense of direction to the Administration's position than I can. So, maybe he may be able to give you the...of the Administration. For a moment I was a little disturbed. I thought the Councillor was asking for the oath of the Administration. I thought he was looking rather hard at me, but the Commissioner can possibly give a commitment to the Administration.

Mr. Chairman: Does that answer your question?

Mr. Taylor: Yes.

Mr. Watt: Mr. Chairman, I agree with Mr. Hughes' suggestion. I am very concerned with this Labour Ordinance too. I first brought it up six years ago in Council. And I seems to have dragged on quite a bit. But, I certainly agree with Mr. Hughes' suggestion that we defer it.

Mr. Chairman: Any further discussion, gentlemen?

Mr. Shaw: This is a new one on me, but however, I will state Mr. Chairman, this has been given every active consideration by Council for at least a period of six years. It was only a little while ago as the Legal Advisor has so readily pointed out we did endeavour to incorporate the Canada Labour Code into some workable type of legislation for the Yukon. I recollect at that time, there were one or two matters that were to be ironed out. But, in general, Council pretty well agreed to these various sections. The Legal Advisor then I know went to a great deal of work trying to put this thing down into draft form or whatever you may call it. And that in turn I understand was submitted to the Federal Government. I would feel that this legislation which all members are desir ous of having before this table should have been here a long time ago. And the delay

Mr. Shaw continues...

must most certainly be in Ottawa. They had the excuse they didn't have enough drafters and it was a specialized job and so on. But, we Council have given our decisions on these various things and our Legal Advisor put in a great deal of work into this thing making the first initial preparation of this and forwarding it to Ottawa. And I think too Mr. Chairman before we start tracking any more of these things, how about that first one that we pretty well agreed on. Let us get that back. I don't feel like starting all through this procedure again. We have got one I think it will be quite satisfactory. There are a few things we have to hammer out and after that don't let us waste all this work that has already been done.

Mr. Taylor: Mr. Chairman, I would like to say that is a real good idea. I think this is a good start at it to take back the Ordinance we were discussing before and work out the problems we had with it. Then we could provide this session with a labour legislation.

Mr. Chairman: Gentlemen, would you be agreeable to defer this Paper until we have the Commissioner or get back the original Ordinance we hammered out last session I believe it was, or what about ...

Mr. Shaw: Mr. Chairman, I don't know just how we would go about it. Maybe a Motion would be in order for this particular thing. But, certainly I feel that the someone along the lines of Administration could send a somewhat sharp request, if that's possible, to Ottawa and tell them to get on with it and where is this Legislation for labour which Council considered for many, many days, a couple of years ago. I think it was a year and a half ago. Let us have that back. They have got it there. They might have to go to the archives to find it, but it is there some place.

Mr. Boyd: It's all very nice to talk, but knowing Ottawa as you and I and all the rest of us know Ottawa at this stage of the game this Bill will not get to this Council for discussion before... It may get to the next Council, so I am wondering if we are getting along without a Labour Bill and what the hardship is and also wondering if we do have a labour bill will it create more hardships. Maybe the boat is floating reasonably well. I can't help but think there is a point in this. You are going to put up a labour law set-up here and you are going to find people working in hinterland taling about outside contracts in the rough country and so on and not talking about any... These people go out there and the contractor himself is going to be...if legislation is passed along these lines. So I wonder myself, but I am not concerned about this Labour Ordinance being discussed at this session because I don't think it is going to happen. We are wasting our time thinking about it.

Mr. Taylor: Well, Mr. Chairman, I can only say that this is the attitude that keeps the people of the Yukon Territory from having good labour legislation. At least by providing good labour legislation or at least any labour legislation would be an improvement over what we now have. It means that we then by enacting legislation can offer protection to the working people of this Territory without them now,

SESSIONAL PAPER #95

Mr. Taylor continues...

as they do now, having to go and seek justice through the joining of a union. I mean it is as basic as this. I also feel that there is an Ordinance in existence, the one we have discussed, it is merely a matter of reprinting the thing and having it brought back up and having a whack at it, and do something with it. And, it can be done at this Session if we so chose to do it.

Mr. Watt: Mr. Chairman, I would just like to say that we have done a lot of work in Council with respect to a labour ordinance. Right from six years ago to now, to the last couple of sessions ago. The whole Council has done a lot of work on this and we have asked for a Bill to be submitted. The last session had a private member's bill. I don't know what it was based on. But, I think the whole Council was involved on this and I think we should have a Bill from the Administration with respect to all the work that all the Council has done on this, whenever it is feasible. Somebody has suggested that we defer it until the Commissioner is here, and I agree with that for the time being until we find out where to go from here.

COUNCILLOR TAYLOR RESUMES THE CHAIR

SESSIONAL PAPER #96

Mr. Chairman: Gentlemen, the last Sessional Paper is Sessional Paper #96. (Reads Sessional Paper #96 re statistics relative to courses taught in the F. H. Collins Secondary School and the utilization of its non-academic teaching areas).

Mr. Watt: There is one question I would like to ask. Maybe somebody can answer it. Under Section B, electricity shops and class and electricity time, 165 minutes a week. Is that it? 165 minutes a week that that room is being used. Is that what that figure means? Can anybody tell me this?

Mr. Shaw: That's right. Page 4?

Mr. Watt: Yes Mr. Shaw, Page 4. It would only appear that they are using that particular room for only 4 hours a week if my interpretation is correct.

Mr. Shaw: Less than 3 hours.

Mr. Watt: Yes.

Mr. Chairman: Anything further on this Paper, gentlemen?

Mr. Shaw: Well, Mr. Chairman, Mr. Watt as a good point. Is this shop only being used for less than three hours a week? All this installation and it is going to be utilized for that period of time. You could utilize something else in the other shops.

Mr. Chairman: Mr. Clerk, could you enlighten us on this?

Mr. Clerk: Mr. Chairman, it says underneath that during the remaining 795 minutes per week this area is being used for certain academic classes. I would suggest it is certainly being used.

Mr. Chairman: Thank you, Mr. Clerk.

Mr. Shaw: Well, Mr. Chairman, following this along, does this refer to one room? The electricity shop. Is that one room or is that four rooms? SESSIONAL PAPER #96

Mr. Watt: I am satisfied now Mr. Chairman with the information that I was offered.

Mr. Chairman: Is there anything further, gentlemen? Gentlemen, this then concludes your Sessional Papers. Do you wish to proceed with Bills at this time?

Mr. Shaw: Proceed

Mr. Watt: Mr. Chairman, I would like to--possibly I could bring it up later in the education budget. I have a question about school boards I was going to bring up, but I can bring it up later, Mr. Chairman.

Mr. Chairman: Gentlemen, is it your wish to return to the budget?

All: Agreed

Mr. Chairman: We were discussing Bill #9, gentlemen. And, you were discussing Vote 3, Educational and Occupational Training. I wonder gentlemen, are you clear on Christ the King Highschool? BILL #9 VOTE 3

All: Clear

Mr. Chairman: Next is the Tagish Block Dormitory, Page 28, Vote 3 in the amount of $18,123.00. The Glenlyon Block - $3,942.00, that is the Steel Street teacherage. The Pelly Block Teacherage which is the Lambert Street teacherage - $6,000.00. The Selwynn Staff House which is the 4th Avenue Staff House - $21,792.00. The Nisutlin Block Teacherage - $11,306.00. St. Elias Block Teacherage which is the Separate School teacherage - $6,207.00. All clear.

The Dawson Elementary High School	$125,113.00
The Dawson Duplex Residence	3,306.00
The Dawson Teacherage Single Quarters	3,109.00
The Dawson Teacherage Residence	2,400.00
The Watson Lake Elementary School	105,391.00
St. Anne's School, Watson Lake	57,489.00
Watson Lake Duplex Teacherage	1,551.00
Watson Lake School Bus Garage	391.00
Ross River School	19,007.00
Ross River Teacherage	1,682.00
Mayo Elementary High School	76,278.00
Mayo Teacherage	3,718.00
Pelly River School	21,805.00
Pelly River Teacherage	3,166.00
Teslin School	39,882.00

All: Clear

Mr. Chairman: One question from the Chair. If there were somebody to talk to I would ask immediately if this provision is sufficient to accommodate the two new classrooms. If someone this afternoon could find this out for me, I would be interested in knowing.

Mr. Shaw: I would suggest that we could make note of these requests for information and bring that up this afternoon if we have this gentleman here from Administration. If a

BILL #9
VOTE 3

Mr. Shaw continues...

note could be made by the Chairman of the request?

Mr. Chairman: Are you clear on Teslin School?

All: Clear

Teslin Teacherage	$ 2,750.00
Haines Junction School	43,270.00
Haines Junction Teacherage	2,246.00
Carcross School	19,134.00
Carcross Teacherage	1,526.00
Carmacks School	37,482.00
Carmacks Teacherage	449.00
Kluane Lake School	19,631.00
Kluane Lake Teacherage	721.00
Elsa School	47,388.00
Elsa Teacherage	1,602.00
Beaver Creek School	23,064.00
Beaver Creek Teacherage	246.00
Old Crow School	87,043.00

All: Clear

Mr. Southam: There is a question I would like to ask on this one, Mr. Chairman. Probably Councillor Shaw can answer me. I notice here in salaries there is $15,000.00 I think it is for janitors. And I was just wondering. Do they need all these janitors? Just what does it take, Councillor Shaw. Could you tell me this? Salaries here on Page 117, Vote 3, there is a janitor $5,116.80, and there is another janitor $5,116.80 and another janitor again Charlie $5,116.80 and (inaudible) $250.00. Page 117 of Vote 3 it's in the salaries of the janitors. I was just curious.

Mr. Shaw: I think...this school is one of the schools that is possibly the only school in the Territory that is fueled by wood and fuel oil is exceedingly expensive to transport the four hundred and so miles by boat up into that area. So the decision was to use wood and being as wood was available in the area. This served a two-fold purpose. Instead of the matter of the money for the school being given to a large corporation, the cutting of the wood the employment created by the cutting of the wood is given to the natives of the particular area. So, that you possibly can understand in the winter time it needs three men on duty at all times to fire this particular plant. And I think there is a man on duty at all times in case of fire. They have absolutely no fire protection whatsoever. They might have some fire extinguishers in the building, but there is no water of any sort. There is not even any water cart to deliver water. So, I think that would be the reason to find it necessary to have three people to cover the job and also to poke the wood in the stove. And, I think perhaps that would be the answer, Mr. Chairman. It is about the best I can come up with at the present time and it seems quite reasonable and logical.

Mr. Southam: Thank you Mr. Shaw. I was just curious. It was kind of out of place.

Mr. Shaw: Yes, by all means. I am always pleased to answer any question that refers to my area.

Mr. Boyd: I think it is interesting to note that the wood cost us $9,000.00 and cost us $15,000.00 to fire it. So if anybody tells you to burn wood it is cheaper than fuel, the same thing goes for coal, take a look at it. Then, it is also interesting to take a look at our light bill, $16,000.00. Provisions to cover cost of electric lighting, etc. (Inaudible)...that would have been something. I am not complaining. I know it exists. But it goes to show you how expenses can build up. BILL #9 VOTE 3

Mr. Shaw: One matter, Mr. Chairman. Perhaps Councillor Boyd has omitted. There may be an additional cost, but part of one persons's salary, all these schools largely have two janitors. You will find Mayo has two, Watson Lake has two, Dawson and the larger schools. So, that the additional cost I don't think has gone to the fantastic figure which perhaps Mr. Boyd has outlined. And, where we have the price for wood, and Mr. Boyd as the price for wood it is $,270.00. Perhaps if you had fuel oil you might have a bill there of $19,270.00. So, it solves both ways, Mr. Chairman.

Mr. Chairman: Well, gentlemen, I think at this time I will turn the Chair over for the noon recess to Councillor Southam.

COUNCILLOR SOUTHAM TAKES THE CHAIR

Mr. Watt: Mr. Chairman, I have several questions to ask on schools. Do you think it would be possible to have Mr. Thompson after lunch?

Mr. MacKinnon: Mr. Chairman, I also have some questions in regard to the feasibility of wood burning at Old Crow. I understand we are in the process of purchasing a tractor for hauling this wood at the present time which shows up somewhere later on the line and an additional cost of approximately $4,000.00.

Mr. Chairman: Seeing the time gentlemen, I will now recess Committee until 2:00 o'clock this afternoon. RECESS

RECESS

Thursday, 2:00 p.m.
April 20th, 1967

PRESENT: Mr. R. Froese, Mr. J. Smith

ABSENT: Councillor Thompson, Councillor Taylor

Mr. Chairman: I will now call Committee to order and we are discussing Vot #3, Budget 86, I believe the Old Crow school. I believe that Mr. Watt has some questions he wishes to ask Mr. Froese, is that right?

BUDGET #86
VOTE #3

Mr. MacKinnon: Mr. Chairman, I would like to bring to your attention that there is two members absent at the present time.

Mr. Chairman: Mr. Taylor has asked permission to be absent and Mr. Thompson is not here; it is noted if that's what you're worried about. Now Mr. Watt.

Mr. MacKinnon: I just want to have them on the report card Mr. Chairman.

Mr. Watt: There are a number of questions I am concerned about the Old Crow school that probably Mr. Froese can answer. First of all, do you have the number of students that there are going to the Old Crow school? And you may have this next question right on the same piece of paper and that is what is recoverable from the Federal Government with respect to that school in lieu of taxes or is there another grant beyond that?

Mr. Froese: The enrolment in February which is the latest statistic I have for Old Crow is 70 children. I don't have the breakdown as to how many of these are of Indian status ; as far as other Federal Government departments are concerned I don't think they have any children - the RCMP or the nursing station, there aren't any.

Mr. Watt: Would you say that there are no children of white status going to that school, would that be right?

Mr. Froese: No, there are children of white status going to that school but they are not children of Federal employees. After all in Old Crow we have residents of Indian status and residents who do not have Indian status and for those people we are having to make our payments.

Mr. Watt: You don't happen to have a breakdown of how many are of white status?

Mr. Froese: No I don't; I would say it was less than half.

Mr. Watt: Would these people be largely native status?

Mr. Froese: Largely native status.

Mr. Watt: So we would collect $350 per child per year on approximately half of the children there, about 30 children, would that be a fair assumption?

BUDGET #86
VOTE #3

Mr. Froese: No, I think Old Crow is treated differently from other schools. The Indian Affairs contribution towards the education of children from Old Crow has been on the actual cost per child basis, not a $350 per child basis as has been the custom in other schools. In Old Crow the cost is a $1000 per year per student, Indian Affairs contributes a $1000 per year.

Mr. Watt: Could I leave that with you to check on that? What I am getting at is this school for the number of students that it has is quite a drain. It's the principle that's involved, where this school is set up primarily for the Old Crow area which is virtually native children and if some of them are of white status then it is simply a book-keeping entry that the Federal Government has manipulated in getting some of these native children from native status to white status. In other words we are asking the Yukon taxpayer to indirectly bear what is Federal responsibility. This is what bothers me and to a lesser extent quite a few of the other schools too.

Mr. Shaw: Mr. Chairman, I think under our new agreement Mr. Watt must be aware of the fact that the Federal Government, where their responsibility is involved, are paying the full cost of whatever it is and making grants available beyond that to make sure that the children of the Yukon, whether they're white, black, yellow or pink also get the same opportunity to have their education. The fact that a child is of any colour, it has to be educated just the same and the Department of Indian Affairs are paying the Territorial Government the full cost of educating that child as close as can be ascertained and from there on they give a large subsidy to make sure that the children in the other categories are also educated up to the best standard we can give.

Mr. Watt: The question was directed at Mr. Froese if you don't mind.

Mr. Froese: In the past what I said to the best of my knowledge was true. For these coming estimates there are no contributions from any Federal Department as far as I can see and the entire amount over and above the sixteen mills that are levied the entire amount is being provided by Ottawa and they are giving us a grant to cover the cost of education, there's going to be no billing at all to any Federal department, starting as of the first of this month. So there will be no differentiation as there was in the past between the RCMP, DOT, ANR; this is done away with completely.

Mr. Watt: Yes Mr. Chairman, now this was the answer I was looking for. Thank you very much. I would suggest in the future Mr. Chairman if somebody asks a question and directs it at someone we could have it redirected through you to the person it was directed at. We're getting all emotional here and we are talking about dollars and cents and the budget and if we could confine our conversation to that I think we would proceed a lot better.

Mr. Shaw: Mr. Chairman, this has been explained to us in Ottawa by the Commissioner at which all members were present and I think Committee realizes that.

Mr. Chairman: Anything further gentlemen?

Mr. MacKinnon: Yes Mr. Chairman. In view of the fact that has been presented and the excessively expensive operation of the school at Old Crow I believe that this is a necessity and they're burning wood, which I am well in favour of and I think we should be burning wood in a lot more Government buildings in the Yukon and these monies that you are looking at and I will suggest is monies that the Welfare Department are not having to contribute to because there is names that in this particular vote that could well come under Government care if those jobs are not provided in those areas and I think it has a purpose and I refer back to several sessions ago when I had tried to get the Territorial Government to analyze the values of burning coal in a lot of their buildings to create employment mainly. I believe in Old Crow they are creating employment and even though that Old Crow might appear at the present time to be one of the honourable members little gems in election...

Mr. Shaw: Order Mr. Chairman, I do not think this kind of stuff is necessary - I rise on a point of privilege - I made no reference to election; I think this is entirely unnecessary and I think the member should withdraw that remark.

Mr. MacKinnon: Mr. Shaw, this is not an insult and I am very sorry that you have taken that attitude.

Mr. Shaw: Well I do take that attitude. Refrain from that.

Mr. MacKinnon: Maybe it wasn't properly worded, what I was trying to explain. Nevertheless I think this is a necessity; it is an extra expenditure that meets for public approval and I think that this pattern is well laid out and should be followed in more districts than only Old Crow and if you can employ a man and pay him a wage and give him prestige as a wager-earner then you are achieving something and I would just like to see this same plan exercised in several of my areas in the Carmacks Kluane district and I would like to give these people an opportunity to work for the Government and be paid for doing a certain thing and if they are not in time in the morning naturally they will get a different coloured star but I believe it is very necessary to carry out this practice in several different localities in the Territory and I would like to hear what Mr. Boyd has to say and this could quite easily concern Carcross at the same time.

Mr. Boyd: Well Mr. Chairman I appreciate Mr. MacKinnon's confidence but I feel I would rather go ahead and discuss the budget, with his permission, and we could discuss your problem at some other time. Would you agree to that?

Mr. MacKinnon: Well Mr. Chairman, I wasn't aware of my having a problem.

Mr. Chairman: Are you clear on this paper gentlemen?

Committee: Clear.

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Mr. Chairman: Next is Swift River School $8719.00. Are you clear on this one?

Committee: Clear.

Mr. Chairman: Next is Night Classes - Non-vocational interest courses. $10,980.00. Clear gentlemen?

Committee: Clear.

Mr. Chairman: Establishment 368: Territorial Governments contribution toward University Training. $45,000.00. Any question?

Committee: Clear

Mr. Shaw: Just one question Mr. Chairman, did you include Section 369?

Mr. Chairman: I'm sorry, I guess I didn't. Establishment 369: Yukon Foundation of Home and School Association. $515.00. Mr. Boyd.

Mr. Smith: Mr. Chairman, I think on Page 91 you cleared on Night Classes - non-vocational interest courses but you missed Correspondence Courses and Citizenship Instruction to Immigrants.

Mr. Chairman: I am very sorry.

Committee: Clear on those two points.

Mr. Chairman: Now Yukon Foundation of Home and School Association. $515.00.

Mr. Boyd: Mr. Chairman, I remember when this grant got started a matter of possibly four years ago at that time it was asked for a specific purpose and because of the purpose Council went along, but it was never intended I don't think, in Council's opinion, that it would be automatic every year and I am curious to know what the financial status of this organisation is that makes it necessary to continue this grant yearly and I would also like to know exactly what the money has been used for. Could I find that out?

Mr. Smith: Mr. Chairman, I know that initially it was to do with a trip I believe to Ottawa or Toronto or Montreal, some place, and it got into the estimates that particular year and we have continued to do so because we have not been told to take it out and it is just a case of it being in every year.

Mr. Boyd: Well are you paying this money out?

Mr. Smith. No, you will notice I believe in 65/66 it was nil, nothing was paid out. It's in Establishment 369, it shows previous year's expenditure. Now the 500 was that initial payment and the next year it shows nil. Now nothing has been paid actually. It has been in the estimates but it wasn't paid and it is in again.

Mr. Boyd: Well Mr. Chairman, this is like leaving a dollar in the bank so you can write a cheque and overdraw it, something of this nature. You have at least got the account open and you can do something about it. In view of the fact that this was for a one shot deal and for one specific

purpose I see no reason why this should continue to be in here. In other words Council loses control of it entirely. It's just that the decision of the Administration that a request be made. It's in here but it's in here for no specific purpose as far as Council are concerned and I don't think it should be left in there.

Mr. Smith: Mr. Chairman, it was in last year's estimates, 66/67 and I think I read the Votes and Proceedings on it and I don't believe there was any remarks to take it out. Now I would have to check this again but I am sure it was discussed last year in the Spring session.

Mr. Boyd: I quite accept your thinking that there may not have been any remarks to take it out, but some question was asked and never satisfactorily resolved as far as I am concerned as to what we should do about this. It was left to die, so to speak.

Mr. MacKinnon: Mr. Chairman, I am not quite clear on this particular matter. Mr. Boyd seems quite concerned but we do have this particular amount of money in the Vote 3 and we are not spending it, therefore it is really not costing us anything to leave it as it stands and I think that there is a compliment due to the Administration for not seeing fit to spend this money or abuse this privilege and would Mr. Boyd qualify the situation by saying he suggests to delete this from Vote 3, Primary 74, or should we leave it as it is? It's not been spent and possibly we are drawing interest on it so I can't see it as a harmful thing and I would like furtherance from Mr. Boyd on this particular subject.

Mr. Boyd: Mr. Chairman, there is no real purpose for this money being in here. It is not required, nobody knows why it is here or what its purpose will be and I would suggest until Council knows more about why we are going to be placed in a position of paying out money that we don't know anything about at the moment that it should be eliminated.

Mr. Shaw: Mr. Chairman I would not care to eliminate it at this time for the simple reason that I would like to know what it's there for, like Mr. Boyd. Maybe it might as well be eliminated, maybe it has a good purpose in there. So far we don't know but I was wondering Mr. Chairman, this would hardly appear to be a school problem, it would not concern Mr. Froese but perhaps Mr. Smith could take notice of this and later on at the first opportunity he could advise us on the details of this.

Mr. Smith: Yes Mr. Chairman.

Mr. Froese: Maybe I could give some explanation that might be enlightening. When this money was first voted it was for the purpose of sending a delegate to the National Convention of Home and School Federations. I think the Yukon Federation of Home and Schools is one of the very few organisations in the Yukon that has the same status as the various Provinces. The annual meeting takes place each year but sometimes they are in western Canada and the cost of attending such a convention is relatively inexpensive. The next time it may be in Montreal or Frederickton and the cost is considerably higher. The

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membership of the Federation also fluctuates, some years they may have a fairly high membership, the convention takes place in Edmonton or Vancouver and they can see their own way to pay for a representative to attend and so they haven't asked for any help. Another year it may be that the membership has dropped somewhat, the convention is being held in eastern Canada that particular year and they will find themselves unable to have a representative there. That is why some years it has been used and other years it has not been used.

Mr. Boyd: Now we have a point of membership. Who is a member? Is it teachers that pay a certain fee towards this organization?

Mr. Froese: No the membership can be either parents or teachers or any interested individual. I think the people pay $2.00 a year membership in Home and School. Fifty cents of this goes to the Federation and the rest of it stays locally, or I think fifty cents goes to the national portion of it as well. So there are parents and a few teachers who are members of this.

Mr. Shaw: Mr. Chairman, I was wondering, is this the organisation now that one time was the Parent Teacher Organization?

Mr. Froese: Yes, the various Parent Teacher organizations organized themselves into the Federation so that they have representatives in the Federation. So that Dawson, Elsa and Watson Lake as well as the Whitehorse area were represented in this.

Mr. Shaw: Well Mr. Chairman, as far as I am concerned in view of the explanation I would suggest that we leave it in there and see if they are going to have the meeting this year in Montreal or Quebec - it may be in Montreal in view of Expo.

Mr. Boyd: Well another question: this organization, have they sent representatives out each and every year regularly to this convention, as you call it, or is it just once in a while?

Mr. Froese: I am not able to answer that Mr. Boyd. The annual meeting of the association I have heard this morning is being held on the 10th June and I presume the matter will be discussed then. Some years I believe they had difficulty finding someone who could afford the time to travel and attend so they may not always have had representation.

Mr. Boyd: Mr.Chairman I am quite prepared to leave it alone but I would like to have Mr. Smith give me his viewpoint on this. I mean the Commissioner.

Mr. Chairman: Are you clear on that gentlemen? The next is Establishment 370: Retarded Children's Class - Takhini School; $8652.00.

Mr. Shaw: I would just like to ask the advice of the Superintendent of Education, how is this working out? Is it proving quite satisfactory? It started out very good, I wonder how it is going along now Mr. Froese?

Mr. Froese: Well the class has grown slowly. One of the problems of course is finding accommodation for the retarded child. This is getting a problem. Presently I believe there are seven children in the class and starting with the term after Easter the school now operates mornings and afternoons, so in the morning they have some academic work and in the afternoon they have handicrafts and I think it is as effective as we hoped it would be.

Mr. Boyd: One more question. What is the smallest age and what is the largest?

Mr. Froese: I believe there is one child there that is only five at present and I believ e one girl is 15. These are all in one room.

Mr. Chairman: Anything further gentlemen?

Committee: Clear.

We will now proceed to establishment 372: Sabbatical Leave. $6520.00.

Committee : Clear.

Mr. Chairman: Establishment 373: DND Teachers on Loan. $14,947.00.

Committee: Clear.

Mr. Chairman: Establishment 377: Travel Subsidy - Post Secondary Students. $7500.00.

Committee: Clear.

Mr. Chairman: Establishment 381: Unallocated Classrooms (7). $113,344.00.

Mr. Shaw: These Mr. Chairman would be classrooms to be built, is that correct?

Mr. Froese: Correct.

Mr. MacKinnon: Mr. Chairman, I would like some clarification here. I have been a member of the Advisory Committee and I believe that 11 classrooms have been entered in conjunction with the kindergarten proposal and I wonder at this time if the deletion by certain members of the kindergarten program has been taken into consideration and does this show in this particular vote. I will direct the question to Mr. Smith.

Mr. Smith: Mr. Chairman, the kindergartens were deleted and anything pertaining to them was taken out of the estimate. Now I believe there was initially eleven classrooms, four of them were set aside for kindergarten and that has been reduced to seven.

Mr. Chairman: Does that answer your question Mr. MacKinnon?

Mr. MacKinnon: Not exactly Mr. Chairman. I have been in possession of my books at the time that this transaction was on the go and I don't believe that my estimates or the budget

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have been changed. I don't know how it could be changed without my knowledge because I still have the same set of books when these recommendations were made and I haven't been dropped to date, let me put it that way.

Mr. Smith: Mr. Chairman, this particular piece we're dealing with right now did not include initially the kindergarten classes; they were shown separately in a separate part of this estimate. I referred to it yesterday; I believe grants were reduced a hundred and some odd thousand dollars which was the payment we estimated of $350 a pupil to cover the cost of kindergartens, and then there was transportation costs and this was all shown separately and it has been deleted, this I am quite sure of.

Mr. MacKinnon: Then Mr. Chairman are you suggesting that this has been struck from the book and my books still have that inferior complex?

Mr. Smith: Well Mr. MacKinnon I haven't seen your books.

Mr. MacKinnon: Well has there been a change made in the budget, the estimate work papers for 1967/68?

Mr. Smith: There has been a change. We deleted it. The advisory committee voted that we take this out and we did so and I know the kindergartens have been deleted from the estimates. Now I don't know what book you have got but the total of the whole vote was $3,298,108.00. Is that the same as yours?

ENTER MR. THOMPSON

Mr. MacKinnon: (Inaudible)

Mr. Smith: Well then you have a book that has been changed Mr. MacKinnon.

Committee: Clear

Mr. Chairman: The next is establishment 382: Unallocated Teacherages (15 bedrooms). $7710.00. Any questions gentlemen?

Mr. MacKinnon: Yes Mr. Chairman. We have seen this same figure appear in kindergarten classes. Now is this the same figure? Mr. Smith, I might direct that question to you. I am confused here, I am not trying to belabour the point.

Mr. Smith: Mr. Chairman. I tell you you're confusing me because I'm not too sure just what you are referring to because my book seems to be the same as yours and these are the present estimates and any alterations that were made have been made.

Mr. Boyd: Well I wonder. You are talking about unallocated teacherages and unallocated classrooms. Now that's all it says there - wherever a class room is going to be necessary and a bed it will be carried out in accordance with Administrations viewpoint but I don't see that the problem you are concerned with is in any way going to crop up.

Mr. MacKinnon: Well Mr. Chairman, I'm not trying to confuse the circumstances but as a member of the financial committee I was led to believe that we would have 15 rooms to accommodate teachers and so forth in this system. I understood that we anticipated 11 new classrooms and I am just confused to the point as it looks to me that we still have these monies in front of us even though they have been struck from the board by a vote of Council and I would like to be put straight on this. I could quite easily be on the wrong track here to be quite honest about it.

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Mr. Froese: Could I reply to Mr. MacKinnon please Mr. Chairman? The number of extra bedrooms that we may require in the Territory does not really have any bearing upon the number of kindergarten rooms we hope to provide but are in terms of the teachers' needs which we have in the entire Territory. Some years we are fortunate and we are able to find a man and wife team to occupy one suite and we have two teachers living in one apartment but if we have a change of staff - the next year we have a married man and we can't put another teacher in this apartment with this family. So it is very difficult to say that we are going to have seven more class rooms therefore inso farto we are going to need seven more bedrooms. We may find that we need certain married personnel for different positions. Then we have the music teacher resigned at Christmas, we have to replace him. He provided his own housing. The new man we get will not provide his own housing, or not in the first year or two so we need extra accommodation. We will have other staff members at the Collins school, one or two at least who will also require accommodation. We are also thinking in terms of the new Superintendent of Schools, the Director of Elementary Inspection and so on, in the past some of the people have provided their own accommodation, some of them have not.

Mr. MacKinnon: Having made a fairly thorough tour of the Territory accompanied by the Commissioner, I believe that you must be referring then only to Whitehorse because we have two-classroom schools in most districts throughout the Territory and housing is already provided and then we must be including something different if we are going to change this set-up where we have two room schools for instance, then there is not the requirement of three teachers until we start teaching around the clock. Possibly this will be food for thought in the future and it will become necessary to operate our schools on a 24-hour basis instead of continuing to build new schools. But we will start to go down the line. We will start with Carmacks where we have two classrooms in operation. We have accommodation for two teachers at Carmacks, also at Haines Junction, also 1202, also at 1083. And I have visited those accommodations and they are very adequate and this is the reason that I am a bit puzzled.

Mr. Froese: Well if we go down the highway Mr. Chairman, at Teslin we are proposing adding two classrooms to that school. We will need to supply the teacherage accommodation for two more teachers in Teslin. At Ross River we have a two room school but we are fortunate in having a man and wife teaching team and we only have to provide one suite.

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We are going to have a third classroom there next year and we will need another adequate building or something of this kind to accommodate the third teacher. So we are not thinking only in terms of Whitehorse, also of some of the outlying areas. But in some areas there is no need for further accommodation at the present time.

Mr. MacKinnon: Then Mr. Froese are you suggesting that this is not provided for under Capital in your planning; does this not come under the Capital Cost estimate? It comes under Operation and Maintenance?

Mr. Froese: Yes, we are talking in terms of utilities, furnishings.

Mr. MacKinnon: But Mr. Chairman, are we overlooking something, should this come under Capital instead of Operation and Maintenance?

Mr. Froese: Well its very difficult to include public utilities under capital.

Mr. Chairman: Are we clear gentlemen?

Committee: Clear

Mr. Thompson: Mr. Chairman, I still don't think Mr. MacKinnon had his question answered. He was asking whether an amount in the budget for classrooms is in fact the same as appears elsewhere for additional classrooms. This is for the operation and maintenance side of it but are we in fact talking about 10, 12, 14, 15 additional classrooms that were required or were asked for by Administration for kindergartens.

Mr. Chairman: Well Mr. Thompson, for your edification this happened to be #381 - Unallocated Classrooms. There are seven and originally there were eleven and kindergartens were voted out by the financial committee and Mr. Smith assures us this was deleted, and this is the answer that Mr. Smith gave before about Establishment 381. There's now seven when there was eleven with the financial committee. Is that right Mr. Smith?

Mr. Smith: Correct Mr. Chairman.

Mr. Thompson: Was there only four classrooms asked for for kindergartens?

Mr. Smith: That's correct, there was four.

Mr. MacKinnon: Well Mr. Chairman, this really does confuse the situation because it's quite plainly written that there was eleven classrooms asked for and I don't know where the justification comes here but I think that we should adjourn for a few minutes and take a look at the advisory meetings proceedings and the discussions that were carried on.

Mr. Chairman: Well gentlemen I will call a recess.

RECESS

Thursday 20th April,1967.
3.30 p.m.

Councillor Taylor absent.

Mr. Chairman: We will now call Council back to order. We are on Vote 3, Establishment No. 382 on page 97 and will you proceed gentlemen. VOTE #3, EST. 382

Mr. Thompson: Mr. Chairman, it has been drawn to my attention that at the last session we had made provision for a copy of the Estimates to be made available to Mr. Legal Adviser. I understand this has not been complied with and I wonder that in view of the importance of this document that a copy could be made available to the Legal Adviser.

All: Agreed.

Mr. Chairman: Mr. Clerk, have you a copy for Mr. Legal Adviser?

Mr. MacKinnon: Mr. Chairman, I would like to ask you Mr. Chairman, has Mr. Taylor clarified the length of time that he would not be present?

Mr. Chairman: Yes, Mr. MacKinnon, he will be back by noon tomorrow.

Mr. Shaw: (inaudible) He intends to be back immediately that he can and he might be here at ten o'clock.

Mr. Chairman: Any further discussion on Establishment 382, or are you clear?

All: Clear:

Mr. Chairman: May I proceed? The next is Establishment 385, Student Accommodation, in the matter of $52,360.00. EST. 385

Mr. Chairman: The next is Establishment 390 - Whitehorse Vocational Training School in amount of $484,874.00.

Mr. Watt: Could I suggest that we possibly --I was thinking of a new addition. Are provisions made in this for new addition that is planned for this coming year? Are maintenance and operations provisions made for the proposed addition....

Mr. Chairman: Does that mean capital expenditures, Mr. Watt?

Mr. J. Smith: Mr. Chairman, the estimates would include the operating costs for it, they are in this - just a moment I'd better qualify that - it would not be for a full year where it wouldn't be built so - I think it is three months it would be provided for.

Mr. Watt: Could I suggest, Mr. Chairman, that we leave this particular part of it. The reason I mention this is when in Ottawa when discussing our over-all budget it was suggested that there were a couple of items that we could delete for a year or possibly two years in order to make up part of the money that the Federal Government is asking us to raise in taxes and there was some suggestion Council made some suggestion there was one possible area in which we could save some money is construction of the addition to the Vocational School or we could postpone it f

VOTE NO. 3 Mr. Watt continues.

for a year. I don't know how the rest of the committee feels about it but I think this suggestion certainly deserves merit and as it is interconnected with the discussion on taxes that I would like to suggest that if this can be laid over for some time, it is going to be an expensive construction anyway because everybody that-anybody that is in the construction business is pretty well booked up now so this may be one area in which we may have to save money whether we want to or not to help make up the increase in taxes (inaudible).

Mr. Boyd: I believe by just considering this clear we are not doing anything. You will catch up with what you are aiming at when we come to Capital where it is there-if you cut it out of there naturally, what isn't here can't conflict. I wouldn't be surprised, also (inaudible).

Mr. Watt: On this basis I (inaudible)....

Mr. Shaw: I would suggest, Mr. Chairman, that in view of what Mr. Watt has just said this could be noted in proceedings as something to go back to discuss with the Commissioner. Just put it down .....and can go back when the Commissioner is here and be settled at that time-this particular establishment - if that is the wish of the Committee.

Mr. Chairman: Committee agreed with this - that this be noted and discussed at a later date - establishment 390?

All: Agreed.

Mr. MacKinnon: Mr. Chairman, I'm led to believe that the last addition to the Vocational Training School was bid in at $60.00 per square foot and I think that Mr. Watt has raised a very important point here and if Councillors were, I would suggest, made aware of the cost of these building programs when it gets so far out of line possibly when there is one bid and such a ridiculous figure, I would suggest the Commissioner could give this a very hard look and possibly recall the tenders because $60.00 per square foot is a terrific figure and I'm led to believe that the last part that was constructed at the Vocational Training School has cost the taxpayers $60.00 per square foot. Now this is what I'm led to believe. Correct me if I'm wrong.

Mr. Chairman: May I proceed, gentlemen?

EST. #391 Establishment No. 391, Whitehorse Vocational Training School -$24,559.00.

All: Clear.

EST. #392 Mr. Chairman: Establishment No. 392, Night Classes, Vocational Training - $15,088.00

All: Clear.

VOTE #3

Mr. Chairman: Next is Establishment 393 - Apprenticeship Training - $14,857.00 EST. 393

All: Clear.

Mr. Chairman: Next is Establishment,300, Primary 51- Salaries and Wages - Administration, for $177,642.52.

Mr. J. Smith: Excuse me, Mr. Chairman, these are just addendums to your Estimates in the front of the book. In other words if you looked at Establishment 300 on page two or three, page four it is, you will notice - Establishment 300, General Administration, Primary 51, reads, Salaries and Wages - $177,646.00 and then it says provision for salaries as listed on page 104- so this page 104 you are just referring to is the (inaudible) to cover each Establishment to show the individual work.

Mr. Chairman: Are you clear on this gentlemen?

Mr. Shaw: Mr. Chairman, I see you have an inspector; what does he inspect. I thought Mr. Froese -

Mr. Froese: Could I speak - Mr. Tom Quail was the Director of Vocational Training for the Province of British Columbia- When he retired there he was retained by the Territory to do the inspection of the Vocational school shops as well as the senior secondary shops in the Collins School. Since he is very conversant with procedures and requirements he comes up twice a year. I believe he will be in Whitehorse next week and will be giving us an outsiders view as to safety, are the courses covered well, the advice that he can give from his long years of experience. He is doing the same thing for several districts on Vancouver Island.

Mr. Chairman: Does that cover all the salaries.....

Mr. J. Smith: From pages 104 to 120 are just a list of the salaries and position at each school and it refers in the Estimates.

Mr. Shaw: You have gone through it.

Mr. J. Smith: This is only detail sheets.

Mr. Chairman: That is all of Vote 3, Clear? Next one is Vote 4 Establishment 400 for the sum of $162,129.00 VOTE #4 EST. 400

Mr. Froese: Mr. Chairman, could I be excused?

All: Agreed.

Mr. Chairman: Are we clear on this Vote 4, Establishment 400?

Mr. Boyd: Mr. Chairman, I notice we are going to have a Motor Vehicle Licence Inspector to be appointed for $8,000.00 possibly, plus some living quarters. I don't know, and Payroll Auditor under the Territorial Secretary .... .

Mr. Shaw: Mr. Chairman: If there are questions perhaps Mr. Taylor could come up....

Mr. Chairman: I will call a five minute recess if you would care to have Mr. Taylor come up.

All: Agreed.

VOTE #4
EST. 400

Mr. Chairman: We will now call committee back to order and we were discussing Vote 4 - Territorial Secretary and Tax Assessor, etc. Establishment 400. I believe Mr. Boyd had a question he wished to put forth.

Mr. Boyd: Mr. Chairman, when I looked at this increase in Payroll by $60,000.00 for this honourable department I pretty near fell over. Then I see a Payroll Auditor and .... and I couldn't figure out what that was and I see we need another junior stenographer, we need a lot of things plus an M.V. Licence Inspector. Could we have you tell us why....

Mr. Chairman: Could answer this Mr. Taylor?

Mr. H.J. Taylor: Mr. Chairman, the increase is made up as you will see on page five of Vote 4. We have asked for four inspectors at $7200.00 each - that is $28,800.00 and we have asked for, as Mr. Boyd points out, a Motor Vehicle Licence Inspector and a Payroll Auditor- that's another $16,000.00. Now, these are all required because of the fact that the Territorial Secretary is also the Labour Provisions Officer and we decided, the Administration decided that the Labour Provisions Officer should start doing a proper job next year-instead of operating on complaint only it was decided that the Labour Provisions Officer should have an inspector audit all payrolls in the Territory. This was brought primarily because Council's objections last year - I think you will remember-that it was pointed out that when a person came to the Labour Provisions Officer and complained that he hadn't been getting paid his overtime or that he hadn't been getting paid his annual vacation, the Labour Provisions Officer then made an investigation and this man was, in most cases, relieved of his responsibilities or you might say fired because he had complained and it was felt that this wasn't fair, wasn't a proper way to enforce legislation so the need for a full-time payroll inspector was established that way. And the same thing, for the past number of years the R.C.M.P. have conducted all the tests, driving tests, chauffeur's tests and in every province in Canada it is done by the Motor Vehicle Department. They made a representation to us that they would like us to take it over - that our inspector make the tests required by our Ordinance. We agreed to do it. Therefore this provision was put in here. The other major item down below is for this check point at Watson Lake. This is for a full year if you will notice. And if a check point is established at all - I think it has been decided that it will not be operated for the full twelve months but will probably be on a three month basis to see exactly what kind of traffic is coming to the Territory and just figure out just how much revenue we are actually missing in licences, permits, fuel oil tax, etc. Then on top of all that there is the normal increase - I think that would account for whole increase.

Mr. Shaw: Mr. Chairman, I notice on this check point deal we have $7200.00 a year. Now working that out at forty hours a week we arrive at a figure of almost $4.00 an hour for a man to check a truck going through. Does it require a man with qualifications ..... for a job such as this? Stenographers and clerks that have to have a great deal of training in a particular line of work get much less and a job like this - I can hardly see this as a $7200.00 a year job or $4.00 an hour job. Certainly he has to be paid for what he has to do but that is pretty big pay.

VOTE #4
EST. 400

Mr. H.J. Taylor: Well, it is $600.00 a month and we did not figure we could get a man for much less than that.

Mr. Watt: Mr. Chairman, can I ask a question? With respect to this check point at Watson Lake - what do- what are you going to check for, is it simply weights or is it checking for fuel tax and what could come of this - could, would we recommend a different way of ... fuel tax or a mileage tax on trucks or all vehicles.... could you explain this a little bit? I'm a little bit confused on this.

Mr. Taylor: Well the need for the check point of course is being established. This would be done purely on an experimental basis as to whether a check point was required. This matter was brought to our attention by all the truckers in the Watson Lake area. They told us that we were losing a lot of revenue by not having a check point there to see that all the vehicles that came into the Territory were properly licenced, primarily, or if they didn't have a licence or if they didn't have a licence they obtained a permit. They say there are lots of truckers sneaking into the Territory, dumping their loads, picking up a load and going out without getting any licence or permit at all. And the third item would be fuel tax. A lot of these truckers that come into the Yukon Territory and back out again don't buy an ounce of fuel in the Territory so they don't pay any fuel tax at all, although they may travel several hundred miles on the Yukon roads. All these things would be checked and if it was found that we were missing much revenue then we would set up a check point on a permanent basis but weight would be the only thing that we wouldn't check because the highway engineers have told no sweat about the weights until some portion of the Alaska Highway is paved---there is paving on the Alaska Highway then we would have to put on a weigh scale to make sure that the weights did not go over the limits but not until then.

Mr. Shaw: It does mean Mr. Chairman, in order to make this break even - profit and loss, you have to take in over $100 a day each and every day in order to break even with this .

Mr. Taylor: Quite right, Mr. Shaw. Now this $28,800.00 you see isn't all the expense being involved in setting up that check point - it would be at least twice that much. But you must remember too that we collect right now over $500,000.00 in fuel tax alone and if we are missing any great percentage of what we should get well then it is possible that we could profit by setting up a check point.

Mr. Watt: Could I... the R.C.M.P. have a stage right at the border - one at Lower Post and one at Watson Lake. Now, do they check at all - for licences, truck licences .....and other licences, don't they check at all.... some of these people that are going through...for example do they put out a sign saying for the next two hours all trucks stop or something along that line because..... where there was a spot check for the next two hours all trucks stopped, and then they go on. This.... continue checking even if spotty - it is quite a deterrent - people go out of their way to get proper licences... Is it done now at all?

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Mr. Taylor: The R.C.M.P. have done it in the past - they set up a road block down there - outside of Watson Lake. They found quite a number of infractions but they are not in a position to do it all the time because as you know they have 900 miles of highway between Watson Lake and here to patrol - I shouldn't say 900, pardon me - between Dawson Creek and here to patrol.

Mr. Watt: Mr. Chairman, I would like to ask Mr. Clerk if he has any suggestions. Now, I hear complaints where we charge a gasoline tax, particularly on trucks and things like that where they are paying road tax by the mile instead of by the gallon and they are fuelling up in B.C. or Alberta and bypassing the whole Yukon rather than purchasing gas here.... using our road so we are getting beat two ways - we are getting beat out of tax to begin with and secondly the merchants that are selling fuel here, service stations, because of the disadvantage of the price ..... they are at a disadvantage in that they are not getting a sale.

Mr. Taylor: Mr. Chairman, this is precisely the case. This is one reason why we want to set up a check point- to find out how many truckers were doing it. This matter is under consideration locally by the Transportation Bureau and the Board of Trade. They have been studying this whole thing because the local truckers feel that we should change over to taxing on a mileage basis rather than on a gallon basis, because of that very point. A lot of vehicles go right through without buying any fuel in the Territory at all. And then again there are a lot of truckers heading south - they don't want to be stopping down in the southern portions of the Yukon where the fuel is a little higher than it is here - they would like to fuel up here but rather than do that they'll go down and get out of the Yukon where they are paying on a mileage basis rather than buy fuel here. Whereas, if we were on a mileage basis they would fuel up here, they would probably fill up here and they wouldn't have to pay any tax on the fuel at all except for the miles covered in the Yukon Territory. I'm fairly certain this recommendation is going to come through the Council through the local Board of Trade that this Fuel Tax Ordinance is amended to bring it into line with B.C. and Alberta.

Mr. Watt: If that happened how would.... the basis of the sale is the cost of the fuel - how could our fuel cost compare with those in Alberta and B.C. if we are still at a disadvantage as far as the cost is concerned, we haven't improved the situation at all. In other words the service stations still won't get the sale because the stuff is cheaper ..... One thing we will be able to do is collect the tax.

Mr. Taylor: Mr. Watt, this is a very good thought. As a matter of fact I brought up the same point to the Board of Trade when the matter was brought up at their last meeting. I felt myself that in view of the fact fuel down in B.C. and Alberta was so much cheaper than it was here the truckers probably would put on a larger fuel tank and transport all their fuel and not buy any here at all. But they said no, the weight involved would be too much and it would cut down the weight they were allowed to carry and it would cut down

their pay load too much that they wouldn't charge for fuel -all the truckers told me this. So this problem would not exist as far as they are concerned.

Mr. Shaw: Mr. Watt are you finished?

Mr. Watt: Yes.

Mr. Shaw: There is just one point that comes to my mind in relation to road tax. I'm assuming that is for through traffic. Would we be in a position to charge people for using - to impose a tax on a road which belongs to the Federal government and which is paid for and maintained by the Federal government?

Mr. Taylor: Yes, that question has arisen and we can see no problem there at all and as a matter of fact by the time we got the Fuel Ordinance amended then the Territorial government would be maintaining it by then. But as it is right now, even under the present situation, even when the Army was here maintaining the Highway the thought was brought up but no problem was envisaged by the ....

Mr. Shaw: Even if we do maintain it and so on it will be just a transfer of funds and administrative responsibility and will still belong to the Federal government.

Mr. Taylor: Yes, it would still belong to the Federal government but there would be no problem in us collecting our tax the same as they do on all Trans-Canada highways I imagine all across Canada.

Mr. Watt: Could I ask Mr. Clerk a question. They did try to experiment a couple of years ago at Watson Lake. I think they did try to gauge the amount of fuel that is being brought into the Territory. Did you ever try to levy a tax on that - it sounds like it might be the best solution. I don't know how difficult it would be to manage it but sounds like it would be the best solution. It would probably keep them from wanting to save on tax- keep them from wanting to not buy in the Yukon ---we'd still be collecting the road tax no matter who brought the fuel in...(inaudible). Could you comment on that?

Mr. Taylor: As you suggested, we did have this check point established a couple of years back. We ran it for two months, I think it was and at that time we attempted to gauge the number of gallons of fuel that were imported on trucks but we found that the truckers, being a suspicious lot, they had the filler necks of the tanks baffled in such a way that you couldn't stick anything down to dip the tanks. You couldn't thereby find out how many gallons of gas they had so we were stymied and had to take their word for it so we had to give up on the fuel angle of it and concentrate on licences. And at that time the picture didn't look too bad but we are only going by what the local truckers in the Watson Lake area tell us. - it is getting worse. In other words some of the truckers are continually thinking up ways of beating us out of our just tax.

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Mr. MacKinnon: Well, Mr. Chairman, this puzzles me and I am wondering if we are in the proper locality and dealing with the Federal Highway and over-looking the main trucking centre out of Haines to Alaska and I wonder if Mr. Clerk has - the Registrar General, excuse me- has given this any thought?

Mr. Taylor: Yes, it has received some thought but the thought is that the problem at the present time would not be as bad at that end as it is at the south end because the bulk of the truck traffic does come up the Highway, it doesn't come from Haines through Haines Junction. There is some that comes in that way and when the day comes when the volume gets beg enough then the answer would be another check point at that end. We would catch them going both ways.

Mr. MacKinnon: In view of the motion that was passed by Council a couple of days ago to levy a change to campers and trailers, I think these check points might become necessary and could possibly, in the future, pay their own way if administration sees fit to levy the charge that was proposed.

Mr. Taylor: Mr. Chairman, was the thought in that Motion to charge everybody with a camper who came across the border or to charge everybody who used one of the camp grounds?

Mr. MacKinnon: There was a nominal fee suggested at point of entry. I believe that was the intent.

Mr. Taylor: I don't think the wording was that kind of entry. I think that the motion merely meant to tax the people who used the campgrounds only but I could take another look at the motion.

Mr. MacKinnon: It was to investigate the possibilities and feasibilities.

Mr. Watt: I was just going to clarify it a little bit. I think it was to investigate the possibilities or feasibility as they came into the Territory. I think that was the way it was. It was an investigation.

Mr. Chairman: Anything further, gentlemen?

All: Clear.

Mr. Shaw: All I can say is that these people had better come up with some profits or they will be out of a job.

Mr. Taylor: Precisely the reason for the check point being set up.

Mr. Watt: Mr. Chairman, I'm still confused. What possible solutions could come out of this check point? How could this be taxed so that it could satisfy two things (a) we

Mr. Watt continues...

collect our taxes and (b) Service Station operators in the Territory still have an opportunity to compete with B.C. and Alberta - what possible solution could there be - if there is no possible solution at all - it may be that even the check point (inaudible)....

Mr. Taylor: Well, the one thing that might help the Service Station Operators is the fuel for any truckers that truck out of or into the Territory would be immediately reduced by the amount of our tax. They would not be paying the tax when they bought the fuel - they would be paying only then on a mileage covered in the Yukon. This would allow them to compete much more favourably with the B.C. operators than they can right now because in B.C. any of the emblem holders buy their fuel in B.C. They don't pay the tax at the pump so they get it - I think it is 15 cents a gallon - they get it that much cheaper. Yet, when they buy fuel in the Territory they have to pay the tax so that that would give the local operators a better picture I think.

Mr. Watt: Could I ask- what about the physical mechanics of checking the mileage - how do you work that - do you send an inspector around to check the speedometers- is that how you do it?

Mr. Taylor: Well, the inspector would know what traffic is on the Highway - they would have to report at this check point. We would know where he is going by the weigh bills he had on the truck, he would know exactly how many miles he was going to cover and if he wasn't a fully licensed trucker then he would have to buy a permit to take him into the Territory and out again. We would know exactly how many miles he was going to travel and, theoretically this thought was brought out at our last meeting of the Transportation Bureau. The trucker would be required to pay a deposit equal to the amount of fuel tax he would pay for the number of miles he was expecting to cover when he bought his permit. Then if it proved that the actual mileage wasn't as great as he had appraised ... he would not be stuck he would get the tax....
You would have to have two types of licenced truckers- you would have to have to have a trucker licenced to haul into or out of the Territory who would be given one of these emblems that they give them in B.C. and he would be entitled to buy his fuel without paying the tax. The other trucker would be purely a local trucker, there would be no kind of exemptions and he might as well buy - pay his tax at the pumps so that he would pay the tax at the pumps. The other trucker would make a report either quarterly or monthly to the administration as to the number of miles he had travelled and he would pay the tax on it. This is what all the big trucking companies are doing in B.C. right now. They don't have any problem- and these truckers are only too glad to pay it rather than pay the tax at the pumps and they would be only too glad to see this system put in rather than being double taxed as they are now. on any fuel they buy here and carry out of the Territory with them. There was an alternative

Mr. Taylor continues..

suggested to us and that was that if they could prove they had bought so many gallons of gas at a station along the Highway and took it out of the Yukon into B.C., we should give them a refund for the number of gallons times the tax and we didn't like that at all. So that would make the administration much more top heavy .

Mr. MacKinnon: Mr. Chairman, would this be applicable to bus services as well?

Mr. Taylor: It would be applicable to any vehicle using the road, any commercial vehicle I should say, buses as well as trucks.

Mr. MacKinnon: Would this not be discriminating against various companies now in service and we'll say for instance in the tourist industry and I think our major tourist industry stems from the Haines area as far as bussing is concerned and there are particular companies involved and they would not be burdened with the same requirements as trucks coming up the Alaska highway, even though they would be using the major portion of the Alaska Highway

Mr. Taylor: No, I can't see any problem there at all- I think you lost me somewhere there. I think it would be more favourable to any commercial operation on the highway if you put in the new system because they would not - there would be no possibility of them being doubly taxed as they are now.

Mr. MacKinnon: Mr. Chairman, to clarify the situation, now I would suggest that that portion of the traffic would not be taxed at all and if there was a bus by another bus company bringing tourists to Whitehorse via Alaska highway and by Watson Lake then that bus company would be paying tax on their fuel and the company operating out of Haines Alasks would not be paying any.

Mr. Taylor: No, they would have to be taxed on the same basis. A company coming into the Yukon from Haines or a company coming into the Yukon from Watson Lake - they would be taxed in the same manner. We couldn't let one get away without..

Mr. MacKinnon: Then do you anticipate the establishment of another check point or how would you go about collecting this revenue? We are talking about a hundred some thousand dollars at Watson Lake and at the same time we are saying we will make this collection from the other highway with no provisions to handle the collections.

Mr. Taylor: If the volume justified it we would put a check point at the north end of the highway but you've got to remember that every service station operator and every trucker and every bus operator coming into the Territory is another police for us. He is going to be telling us exactly who is on the road and he is going to be finding out whether these people are paying taxes too. They are doing it right now. They police the highway better than the police do. We are continually getting reports about

Mr. Taylor continues..

certain truckers coming in and not having a licence.

Mr. MacKinnon: That is what I'm getting at Mr. Chairman- just who would have the authority to stop the tourist bus, we'll say on the Haines road, and ask them for that tax. Would this be police duty and if so why couldn't they perform the same duties on the Alasks highway without causing all this extra cost.

Mr. Taylor: No, this would not be police duty. This should be done by correspondence with the company first and then if the company didn't pay their proper tax our inspector would then come into the picture.

Mr. MacKinnon: Further to that could we not handle the entire situation under the same principle you outlined? This would save the taxpayer an awful lot of money.

Mr. Taylor: Mr. Chairman, it is possible that when this check point has been set up for a couple of months it will be found that it isn't worth its salt and it would be dismantled. If it is put up, as I repeat, it is only going to be put up on an experimental basis and if it is not needed it certainly won't be left there.

Mr. MacKinnon: Mr. Chairman, it is costing an awful lot of money just to make this experiment and maybe it will be no good - maybe we'll enter into a contract with employers for a period of four or five months and we might get stuck for the wages for this contract period. We are going to end up with a lot of utility service and bunk houses or houses to carry out this procedure that we anticipate and just what are we planning to do with all these facilities if the end result is a failure? Are we on the right track - are we thinking pennywise?

Mr. Taylor: Mr. Chairman, if we go into this operation there will be no such thing as a contract for three or four months contract. They will be hired on a month to month basis like anybody else and if at the end of the first month we find it is not feasible to carry on we will not have any employees and we will not have to pay them any more than for the time they have worked. Now we will have a bunkhouse down there. It will be the type of bunkhouse trailer that we can turn over to the Engineering department immediately - they are continually getting new ones - they need them all the time- we can turn this over to them, there would be no loss there. The flood lights -we already have the poles in and the flood lights are still on them from the last time we had a check point there and when we do decide to dismantle this operation there will not be a very great loss- The first thing you could do would be to take this total salary figure of the operator for two months - you could take one-sixth of it, that would be all that it would cost us. It would not cost us any more than that. We are not going to tie ourselves down to any six month

VOTE #4

operation and then find at the end of two months it is no good.

Mr. Chairman: Anything further gentlemen?

Mr. MacKinnon: If it is a non-paying proposition it will be discontinued?

Mr. Taylor: That is absolutely right.

Mr. Watt: I have one question I'd like to ask. Right now are truckers allowed to use Watson Lake as a transfer point? If trucks are going to drop trailers off and then pick them up another truck in the Yukon Territory - are they allowed to go as far as Watson Lake to do this or is there some siding they can use on the border or how could this work? I think we should possibly allow them to go into Watson Lake so they could use hotel facilities in the town and stuff like that.

Mr. Taylor: At the present time they are not allowed to come into Watson Lake. There was a prosecution not two weeks ago. There was a trucker company who were using 1202 as a staging point. They were bringing loads in to 1202 and swaping them there and were prosecuted because theoretically they were required to have a permit to bring a load into the Yukon - now the only thing you could do would be to set up some kind of no man's land on the border where they could stop and offload on to a Yukon licence truck, unless you amended the Ordinance. But as soon as a truck crosses that border with a load theoretically he needs a permit or a licence - so he'd have to do it outside the Territory to get away from our licence.

Mr. Watt: Was the actual check point right on the border?

Mr. Taylor: No, this check point was south of any building in Watson Lake. It was on the southern border of Watson Lake settlement area. It was the first light you came to in the Yukon Territory, that was our check point.

Mr. Watt: How would that affect the trucking? It would help the Watson Lake area if you were allowed to use the area around the townsite for a staging area. It would possibly increase business in that area.....

Mr. Taylor: Well, Mr. Chairman, then the truckers at Watson Lake and in the Yukon look at it the other way. They probably prefer to have to go down to Lower Post to pick up these loads rather than up at Watson because they would have less mileage to be charged for. However, it might help the local merchants - hotel and bar operators and what not to let these people come in and stage at Watson Lake...(inaudible).

Mr. Watt: Mr. Chairman, if I were to pick up a load or pick up a trailer ... at Watson Lake...staging area... as a trucker I'm sure I don't think I would miss the mileage from Watson Lake to Lower Post - I don't think there is a trucker in the world who is going to make a buck out of those ten miles. Those are a pretty tough ten miles. And I'd sooner pick it up at Watson Lake- I think that we should consider making allowances for this - using Watson Lake area for a staging area - it could possibly make Watson Lake a pretty good transfer point for companies that are using it for a staging area -probably

VOTE #4

help business in the area - service stations, hotels and everything associated with it. And chances are, the sale of property.

Mr. Taylor: This could well be Mr. Chairman, I haven't given that point any thought.

Mr. Chairman: Anything further, gentlemen, are you all clear on this Vote now?

All: Clear.

Mr. Chairman: Do we need Mr. Taylor for anything further gentlemen or could he be dispensed with?

All: agreed.

Mr. Taylor: Thank you gentlemen.

Mr. Chairman: May I proceed, gentlemen. Next is the Department of Health. Do we need anybody from there?

Mr. Shaw: I phoned Dr. Sprenger yesterday and was given to understand he would not be back in the Yukon until the 26th. He is about the only one .....

Mr. Chairman: Vote 5, Department of Health - $401,149.00 VOTE #5

Mr. Shaw: Mr. Chairman, if we left this Vote until Dr. Sprenger was available we might get some information about general statistics in the Yukon. It is always quite interesting to find out what is going on in the areas.

Mr. Chairman: Does Committee agree that we defer this until we get Dr. Sprenger?

All: Agreed.

Mr. Chairman: We will proceed. Is it now Vote 6.

Mr. J. Smith: Mr. Chairman, Vote 6 is included with Vote 9. VOTE #6

Mr. Chairman: Next is Vote 7, Game Department - $62,697.00. VOTE #7

All: Clear.

Mr. Chairman: Next is Vote 8 = General in sum of $889,734.00 VOTE #8
What do you want to do with this one.

Mr. MacKinnon: What page is that Mr. Chairman?

Mr. Chairman: Vote 8, page 1. Do you want to take a run over these by Establishment, gentlemen?
Establishment No. 800 - Administration - $53,085.00.

Mr. Chairman: Establishment 801 - Central Registry in the sum of $54,690.00 - Clear.

Mr. Chairman: Establishment 802, Personnel. This Establishment provides for the operation of a Personnel Department in the sum of $49,913.00.

VOTE #8 Mr. Chairman: Establishment 803, Commissioner's entertainment - $1,200.00

Mr. Chairman: Establishment 804, Commissioner's residence - $1,800.00.

Mr. Chairman: Establishment 805 - Administration, Legal-Nil.

Mr. Chairman: Establishment 807 - Insurance General

Mr. Shaw: Mr. Chairman. Administration- Legal - I thought we were going to get an Assistant Legal Adviser or something as a Territorial employee. Is that not in the offing?

Mr. Chairman: ...address this question to?

Mr. Shaw: ... it should be addressed to the Commissioner, I suppose.

Mr. Watt: I think that is under Justice.

Mr. Shaw: But we were talking about getting a Territorial man, that is we could, perhaps go to the point where the Registrar General, now conducting a lot of work that requires legal advice and it would appear to me that the legal requirements of this Territory require more than one person and we have been asking if we could have a legal assistant and I think a discussion is tended towards the fact that if the Federal government will not provide one then possibly the Territorial Government could provide one. I don't know who. Perhaps the Legal Adviser has something to say.

Mr. Chairman: Mr. Shaw, do you think, speaking from the chair, do you think we could take this up with the Commissioner later on or would you care to have Mr. Legal Adviser comment on it?

Mr. Shaw: If he cares to comment, Mr. Chairman.

Mr. Hughes: Mr. Chairman, I will restrict my comment on this. I have made a note since receiving the Estimates this afternoon that there didn't appear to be any provision in the Estimates for legal help-why that should be so I don't know. Council's views have been expressed quite clearly. It is, of course, a question that must be persued with the administration and Northern Affairs. I can say that plans appear to be quite well in hand for a legal adviser to go from Ottawa to take up residence in Yellowknife and he may be facing pretty well the same problem. I should point out that this reorganization that has been going on whereby the Registrar General will be in charge of Company Registrations and so on will refer legal problems to the Legal Adviser doesn't from my point of view, offer any lessening of work and I have to point out that you can only refer legal problems when you recognize that you are confronted by a legal problem, so that if, through inexperience or lack of professional training there is a failure to recognize a problem some difficulty may arise. For instance

Mr. Hughes continues...
it is quite possible to terminate my appointment as legal adviser and have me flown in if you like at every session. It is quite possible to terminate my appointment as Registrar of Land Titles and refer matters of legal difficulty to a lawyer but there has to be this professional ability as a result of training to recognize the problem as a legal problem before anything is registered- before matters are committed and I say to you I am your Legal Adviser, that there must be more professional legal help and there can be-the good order of affairs in the Yukon demands this and I'll say no more about it at this stage- if I'm invited to speak at another time I will do so.

VOTE #8

Mr. Boyd: Mr. Chairman, under this Administration- Legal it says shown under Establishment 800, Administration. So you go back to 800 - Administration and look up Assistant.....and the Department Accountant and General Clerk in the Legal Office is included in this $53,000.00. Then when you turn over to page 3, Vote 8 ...this takes you back to. The general Clerk in Legal ....Now you turn over to Establishment 800 to find out what is going on and you have Legal Office, General Clerk under the heading of 800-Administration, for $5900.00 and it lists Mr. A. Besner- A. Besner. Well, it is under Administration. What does this mean? Is it just a general clerk in the Legal office under heading of Administration not under the heading of Justice.

Mr. Hughes: Perhaps I could clarify that. When I was Registrar of Companies, Societies, Securities and so on there was available to me Miss Besner as a clerk. When the functions were moved to the Registrar General she was taken away from me. I am actually under-staffed. I have one secretary who is engaged full-time on Land Titles which is Federal and I have a member of the Justice staff and work on all the Justice problems with her but I have never had an establishment for a Territorial employee except in association to the job so that is why you will find a difference possibly in the treatment there. Of course on the administration legal you are dealing with operation and maintenance and not taking into account the $5,000.00 reserved to be paid for debt collection which I ... came across elsewhere. So it is difficult to get a complete picture of the legal items unless you come through the Estimates as a whole and I'd ask that you don't just look at a single item and feel you can discuss it conclusively at this time.

Mr. Chairman: All clear, gentlemen?

Mr. Shaw: Can you leave this section 805 and note that for further discussions with Mr. Commissioner?

Mr. Chairman: I have done it.

Mr. MacKinnon: Mr. Chairman, this prompts me at this time to ask a question to the Legal Adviser. It is what I think is important to the public. What has happened to our Legal Aid and the $ 75,000.00 that was promoted we'll say via council and by throwing out Justice from our Vote have we also thrown legal aid down the drain along with it?

VOTE #8

Mr. Hughes: No. Legal Aid. There is a certain amount of legal aid provided, of course through the present Justice set up and when you rejected the Justice Vote you were of course giving expression to you feelings. It did not in fact cut off the flow of money which is a Federal appropriation so that you registered your mood but as you will have noted the affairs of Justice still go on in the Yukon and the money simply comes directly of of the Federal Vote. Now the legal aid program that you were considering could have been introduced by an expansion of the Federal Vote; if it had received Federal approval the existing legal aid could have been expanded to meet the needs of council or it is possible that the administration might have brought before you an estimate to be included in the Territorial costs, after the costs of providing additional legal aid. You will remember that the administration - one idea of administration of that legal program was that it should be administered as a Territorial program drawing upon investigating capacity of the welfare department and so on. Now, if there is nothing provided in the Estimates for that I can only suggest that that question be reserved for the administration. I haven't had time to go through this in any depth and it may be that administration doesn't intend to implement such a program at the Territorial level, or does intent but hasn't provided it in these figures. I don't know.

Mr. Thompson: Perhaps Mr. Smith could comment.

Mr. J. Smith: I'm not at all familiar with it.

Mr. Chairman: Anything further gentlemen?

Mr. MacKinnon: We did go into considerable detail on setting up this particular system and all of a sudden it disappeared and I wonder why, and I would like to ask the Legal Adviser at this time if he feels a motion in Council would be a way of pursuing this particular necessity that we went into so much detail on.

Mr. Hughes: Well, a motion is always a good starting point. However, Council did pass a motion before on this question. Until possibly some explanation is forthcoming from administration, I think a motion might be a little premature. You might be committing yourself to a course of action which for good reason you might wish to defer. So may I suggest that a motion at the appropriate time might be salutary, you might defer that until you have had an explanation from administration.

Mr. Boyd: Mr. Chairman. I would draw your attention to the clock and I would like to move that Mr. Speaker do now resume the chair and hear the report of the Chairman of Committees.

Mr. Thompson: I second that Motion.

Mr. Chairman: Moved by Councillor Boyd, seconded by Councillor Thompson that Mr. Speaker do now resume the chair and hear the report of the Chairman of Committees. May Mr. Smith be excused now, gentlemen? Are you ready for the question, are you agreed. Contrary. Motion is carried

MOTION CARRIED

Mr. Speaker: Gentlemen, I will now call Council to order and hear the report of the Chairman of Committees.

REPORT OF CHAIRMAN OF COMMITTEES

Mr. Chairman: Mr. Speaker. Committee convened at 10.40 a.m. to discuss Bills, memoranda Sessional Papers and Motions. Committee first dealt with Sessional Papers. It was moved by Councillor Southam, seconded by Councillor Watt that committee concurs with Sessional Paper No. 93. Motion Carried. Committee recessed at twelve noon, and reconvened at two p.m. with Mr. Thompson absent. Mr. Taylor was absent with agreement of Committee and Mr. J. Froese, Department of Education and Mr. J.J. Smith Department of Finance in attendance. The budget was discussed to a certain length and it was agreed that Establishment 390 be discussed at a later date with the Commissioner. Vote 4 was discussed with Mr. H.J. Taylor, Registrar General and Establishment 805 to be discussed with the Commissioner at a later date, Mr. Speaker.

Mr. Speaker: Thank you Mr. Chairman. Gentlemen are you agreed with the Chairman's report.

All: Agreed.

Mr. Thompson: I think Mr. Chairman, the fact that I am absent, I could be excused at this time. If I'm absent at two o'clock maybe I can take off for the rest of the afternoon.

Mr. Speaker: Well I think that it could be - this was brought up by a member due to the fact that you were not here and Mr. Chairman was asked to record it so he recorded it accordingly. I think that there should also be the matter of recording that you did arrive here at a definite time.

Mr. Thompson: Thank you Mr. Speaker.

Mr. Speaker: Would Council be prepared to have this included in the report at the request of Mr. Thompson the time of arriva.

All: Agreed.

Mr. Speaker: I don't know what the time was.

Mr. MacKinnon: Mr. Chairman I wholeheartedly agree but at the same time I would like to point out that my friend Mr. Watt was denied that very privilege two days ago.

Mr. Speaker: I'm afraid that you are incorrect in that- he didn't make the request. He just complained about it. Have you any idea as to what time that was Mr. Thompson and we can include it in the report.

Mr. Chairman: Mr. Speaker, it was approximately 2.32 p.m.

Mr. Speaker: 2.32, we shall so note. What is your pleasure at this time. We have the agenda for tomorrow, gentlemen.

AGENDA

Mr. Watt: I move that we carry on with Sessional Papers and the budget tomorrow, Mr. Speaker. And I would like to suggest that possibly we make, ask the Clerk to ask Dr. Sprenger to be present.

Mr. Speaker: He is away until the 23rd.

Mr. Watt: I'll have to reconsider that.

Mr. Speaker: Would it be agreed that we study Bills, memoranda and Sessional Papers tomorrow?

All: Agreed.

Mr. MacKinnon: Mr. Chairman, we did not include motions-could we include them?

Mr. Speaker: I'm sorry if I left it out. We haven't any motions anyway, but we can include it. We... motions on the board and we can't have any by tomorrow - it will e just introductions to motions, but it is quite all right. We'll include motions.

Mr. MacKinnon: Thank you Mr. Speaker.

Mr. Speaker: What is your pleasure at this time gentlemen?

Mr. Southam: I would move we call it five o'clock.

Mr. Watt: I'll second that motion Mr. Speaker.

MOTION CARRIED.

Mr. Speaker: Moved by Councillor Southam and seconded by Councillor Watt that we call it five o'clock. Are you ready for the question. Are you agreed to the motion? Are there any contrary?

MOTION CARRIED

This Council stands adjourned until tomorrow morning at ten o'clock.

Mr. Speaker read the daily prayer and Council was called to order. Councillors Watt and Taylor were absent.

Mr. Speaker: Is there a quorum, Mr. Clerk?

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: Have we any correspondence this morning, Mr. Clerk?

Mr. Clerk: I have none this morning, Mr. Speaker.

Mr. Speaker: Have we any correspondence from the Members? Have we any Reports of Committee? Have we any Introduction of Bills? Perhaps at this time...I have a few remarks to make. I have just had advice that the Commissioner and his party, which of course includes Councillor Taylor, is snowed in at Ross River and they will not even be back today it appears so I am afraid that we will have to get along without Councillor Taylor. This is another matter which I must apologize for not bringing to your attention before. A couple of evenings ago, Members of this Council were privileged to see a new film made by Mr. Roy Minter and the company that he works for, the White Pass, which we had the pleasure of seeing a private showing and I must say that it was a superb film and I feel that when this gets into public distribution, it will be a great credit and will advertise the Yukon Territory for many years to come. Have we any Notices of Motion and Resolution this morning?

Mr. Thompson: Mr. Speaker, I have a Notice of Motion respecting Amendments to the Liquor Ordinance. NOTICE OF MOTION #22

Mr. Speaker: Thank you, Mr. Thompson. Have we any further Notices of Motion and Resolution? If not, we will proceed to Orders of the Day. Have we any Notices of Motion for the Production of Papers?

Mr. MacKinnon: Yes, Mr. Speaker, I have Notice of Motion for the Production of Papers regarding the Episcopal Corporation in regard to Education. NOTICE OF MOTION FOR PRODUCTION OF PAPERS #7

Mr. Speaker: Have we any further Notice of Motion for the Production of Papers? If not, we will proceed to Motions. We haven't any Motions. We have questions. Of course the Commissioner is not here. Are there any questions? I'll endeavour to answer them but I don't think I could.

Mr. MacKinnon: I would have a question, Mr. Speaker, to Mr. Boyd. The question is does Mr. Boyd contemplate tabling the paper from a certain group requesting a private scale of minimum security? I believe that that would cover it fairly well....on the Tagish Road.

Mr. Speaker: Can you answer that question, Mr. Boyd?

Mr. Boyd: Yes, I can. I have no intention of tabling the paper. It is being dealt with in a very appropriate manner and when I have sufficient information, I will endeavour to bring it before Council if I deem it advisable.

Mr. Speaker: Thank you, Mr. Boyd.

Mr. MacKinnon: That answers the question.

Mr. Speaker: Any further questions? If not, gentlemen, I would be pleased to entertain a Motion in relation to resolving into Committee.

Moved by Councillor Boyd, seconded by Councillor Southam, that the Speaker do now leave the Chair and Council resolve itself into Committee of the Whole to discuss Bills, Memoranda, Sessional Papers and Motions.

MOTION CARRIED

MOTION CARRIED

Mr. Jack Smith, Treasury Department, enters the Council Chambers.

Mr. Speaker: The Motion is carried and Mr. Speaker will take the Chair in Committee of the Whole.

Mr. Southam: At this time, gentlemen, I will call a short recess. We will be discussing the Budget.

VOTE 8

Mr. Chairman: I will now call the Committee back to order. We are discussing Vote No. 8, page 10 of Vote 8, gentlemen. Establishment No. 807, Insurance - General, in the sum of $4,893.00.

All: Clear.

Mr. Chairman: Establishment 808, Insurance, Property, in the amount of $31,770.00.

All: Clear.

Mr. Chairman: Establishment No. 809, Insurance, Equipment, in the sum of $18,329.00.

Mr. Boyd: One question. Is this insurance on vehicles.... is it distributed to several Insurance Companies or is one agent getting all this business?

Mr. Chairman: Mr. Smith, could you answer that question?

Mr. Smith: This insurance policy is with Mr. Firth...T.A. Firth and Son...right at the moment.

Mr. Shaw: Mr. Chairman, this must be a departure from the normal procedure. I always used to think that being in the Insurance business was quite a nice little thing because the Government insurance was shared equally between all those people that were insurance people in Whitehorse...there is none anywhere else so it was in Whitehorse....the business was divided equally with the three or four that you have here. Is this a new departure to do this?

Mr. Smith: To my knowledge, Mr. Chairman, this is not put up for tender at the moment. Mr. Firth has handled it for numerous years.

Mr. Shaw: I believe so but isn't there something about splitting the Commissions or something like this that occurs in this particular.....?

Councillor Watt enters the Council Chambers.

Mr. Smith: Yes, Mr. Chairman, I believe Mr. Firth....I think there is an arrangement with the people in town here that they get a percentage of the Commission that he derives in this policy and other policies I might mention. I think this goes back quite a number of years. This is all the information I have on it right at the moment. VOTE 8

Mr. Boyd: Well, all I've got to say is that it is a pretty cozy little arrangement. There's no competition in it whatever.

Mr. Chairman: Would you like to have this taken up with the Commissioner?

Mr. Boyd: No, we'll leave it go for now. There will be another Council another year. We will see what.....

Mr. Chairman: Next is Establishment 810, Insurance, Workmen's Compensation, $44,320.00.

All: Clear.

Mr. Chairman: Next is Establishment No. 815, Yukon Museums and Historical Societies, $500.00.

Mr. Boyd: Well, Mr. Chairman, this is something whereby they get $500.00 to help them carry on their business. It was carried out up to now mainly by dedicated people who earn no monies really. They were getting a matching grant which helped to pay for the fuel but I understand the matching grant has been discontinued. Now we have a new Museum and this building has to be heated the year around. There is nothing we can do about the situation. We will have to see how they make out raising the money themselves. It may be that we may have to come to their aid a little bit more.

All: Clear.

Mr. Chairman: Next is Establishment 816, Boy Scouts Association, $1,000.00. Establishment 817, Girl Guide Association, $1,000.00 Establishment 818, B.C.-Yukon Chamber of Mines, Whitehorse, $1500.00. Establishment 823, Alaska Highway Marker, $1500.00.

Mr. Boyd: Mr. Chairman, I wonder if we are going to be putting Chinese on this plaque or will it just be one language?

Mr. Chairman: Does Mr. Legal Advisor know anything about this?

Mr. Legal Advisor: The first I knew about it was when I saw that item yesterday. It's for $1500.00 I think.

Mr. MacKinnon: Seeing this is the area I represent, Mr. Chairman, this is the dividing line and this is actually the border between the Yukon and Alaska, at Mile 1221. Mile 1202 where the Canadian Customs has been established is not the border and I think there is a purpose to this, and I believe that negotiations have been carried out in regard to the values of later transferring Customs to Mile 1221 in conjunction with the United States Government Customs

VOTE 8

Mr. MacKinnon continues:
instead of them being placed 120 some miles beyond their boundary at Tok Junction and our customs being stationed 20 miles short of the actual border. In my estimation, it deserves a lot of merit and I believe that later you will see quite a change in that one particular spot and the appropriate place. This is very necessary and the border should be defined - the dividing line between Alaska and the Yukon.

Mr. Boyd: I didn't ask for any speech to be made. I wasn't questioning that. I merely asked what language would be on the plaque and if there is anyone that can tell me that, I would like to know. It doesn't take very long.

Mr. Legal Advisor: I don't want to enter into whether it is a good place or a bad place or so on but, at the moment, there isn't a very clear reason from a legal point of view as to why this is being charged against the Territory. This is an international marker and I question whether it is the practice, for instance, to establish an international marker at the point of entry into Alaska on the Haines Cut-Off and whether the Territory should be charged for that. I am not quarrelling. It's not my function to explore whether there should be an international marker, but it is my function, as I see it, to raise the question of the justification for this being charged against the taxpayers of the country.

Mr. MacKinnon: Well, Mr. Legal Advisor, practical thinking would determine the same value and thought as what we contemplated yesterday in the setting up of a checkpoint and yesterday I heard a different version of exactly the same type of circumstances. We are setting up a checkpoint at Watson Lake, for instance, and we are overlooking the Haines Highway and the Highway from Atlin, B.C. into the Yukon and from the technical aspects, I agree with you, yes, but I think the same would apply to the discussion yesterday.

Mr. Boyd: Well, Mr. Chairman, may I suggest that we bring this back to the attention of the Commissioner and ask him what it is all about when he returns.

Mr. Shaw: Agreed, but just one thing. On the Boundary Sixty Mile Road, we have exactly the same thing. We have a port of entry into Canada with a Customs Station sitting on top of a bald mountain. We felt it was not the place to put it and which they used for two years and no longer use it so if somebody wants to buy a house cheap, I imagine it would be worth buying except for possibly it would cost you more to get it out of there than it is worth, however, it sits there as a memorial to bureaucratic inefficiency. This is what I will call it at this time, however, when we did open the road, Mr. Chairman, we had a ceremony. I attended the ceremony...it was the mayor and the aldermen of the City of Dawson....at this particular place at this particular time.. and there were a couple of Mounted Police and there was the Alaska State Police and there were officials of the Commissioner of Public Roads or whatever you call it...I can't remember...and one of them was....to open up this road. So the cost to the taxpayer was absolutely nothing. It was a very appropriate ceremony and, as I say, the costs were nothing. Even the ribbon was a somewhat unique affair. We

Mr. Shaw continues:
found when we got there that we didn't have a ribbon and so naturally, Mr. Chairman, on such an auspicious occasion you need a ribbon so there was a lady who ran a roadhouse so we prevailed upon this good lady if she would allow us to clip the ribbons from her lingerie, which we did. We tied them together and that is what made the ribbon that we cut to open the boundary between Alaska and the Yukon at the total cost to the taxpayers of nothing except of course the cost of the gasoline which the R.C.M.P., being a Federal Department, expended in going to this particular most auspicious opening of the border between Canada and the United States of America. It just shows you how things change. We are doing exactly the same thing and it is going to cost $1500.00 and this is going to cost money unless it is recoverable which I haven't heard of yet...to the Yukon Taxpayer, on an international matter and, gentlemen, when we talk about access to the sea, we get informed in no uncertain terms that this is none of our business, to keep our nose out of this. This is Federal business, but of course when we come to something like this, it's a horse of a different colour. I just thought I would bring this matter to your attention and give you a resume of history. Those are the facts, Mr. Chairman.

Mr. Boyd takes the Chair.

Mr. Southam: Mr. Chairman, I don't think this is a Territorial matter whatever. It's Federal and, therefore, the Federal Government should pay for it.

Mr. Southam resumes the Chair.

Mr. Watt: I see it is to cover partial costs of the plaques. I am assuming that the Americans are covering the other half. I notice that it is $500.00 for the lunch. It must be a nice lunch and if the Americans are paying the other part of that cost, it will be a pretty nice lunch. I would just suggest that possibly the Commissioner may have something to add to this. I'm afraid I can't help Mr. Boyd very much on his original question. I'm afraid I can't help him on that.

All: Clear.

Mr. Chairman: The next Establishment is 826, Witnesses Fees and Expenses, Territorial Court, $2120.00. Establishment No. 828, Accommodation, Territorial Administration in the amount of $238, 145.00.

Mr. Boyd: Mr. Chairman, I would just like to draw to your attention....here we have the Polaris Building, 3500 square feet at $3.50 a square foot. We are intending to move out of that. That's one-third of the Lynn Building, space wise.. we are intending to move out of that and pay $6.00 a foot... $5.00 and something. I just wonder where we come in business wise. What kind of brains are we using? What kind of tactics do we follow? You could go on probably but I am drawing this to Council's attention and I may have more to say at a better time.

Mr. Chairman: Would you like to have this deferred too?

VOTE 8

Mr. Smith: May I say something, Mr. Chairman? The Education Department is moving out of the Polaris Block. The intention is that they move up the hill, Building 204 in Takhini, where the Engineering Department is right at the moment and Municipal Affairs. They will not be moving into the Lynn Block.

Mr. Boyd: Then we will be vacating the Polaris Building immediately...shall we say this year?

Mr. Smith: Yes, it's indicated under Item 4, Polaris Building, "To cover the period April 1, 1967, to August 31st". Now, the date August 31st happens to be the date that the Lease expires. The Lease expires on August 31st so it is the intention of the Education Department to move up into Building 204, which is indicated in Item 3 on page 17, section (b). It says Education Department, so many square feet, 7 months, if you will notice that.

Mr. Boyd: Well, that puts a different slant to it.

All: Clear.

Mr. Chairman: Next is 829, Frontage Tax, $2100.00. Establishment 830, Emergency Measures Organization, $4,000.00. Establishment 831, Fitness and Amateur Sport, $59,114.00. Next is Establishment No. 833, Alaska-B.C.-Yukon Conference in the amount of $1,000.00. Establishment 834, Debts Written Off, $1.00.

Mr. Watt: Could I suggest we leave this Alaska-B.C.-Yukon Conference. Maybe the Commissioner may have some comments on this.....take place this summer.

All: Clear.

Mr. Chairman: Establishment 835, Archivist, $10,000.00. Establishment 836, Prospectors Assistance Program, $30,000.00. Establishment 839, Mine Safety and Rescue Program, $21,754.00. Establishment 840, Yukon Economic and Constitutional Study, $150,000.00.

Mr. Shaw: Just one moment, Mr. Chairman, we have, from what I understood, there were two separate studies. One wasn't the other, and we have it combined. Could we leave that until the Commissioner returns, Mr. Chairman, for further discussion?

All: Agreed.

Mr. Watt: Mr. Chairman, could I ask Mr. Smith...going back to 839. I have a question I would like to direct to Mr. Smith with regard to that. I notice that it's 100% recoverable from the Federal Government. Does this also include the.. does this particular item also include the personnel such as Mr. Oliver? Is that recoverable too?

Mr. Smith: Mr. Chairman, this is not recoverable from the Federal Government. The idea is to assess the mining companies in the Yukon to get this money back and the only persons involved here...is Mr. Barraclough and his expenses in running this Department. Mr. Oliver's salary and his expenses

Mr. Smith continues:
in running the Department are not shown. Those are borne by the Federal Government. We are not billed for his time at all. VOTE 8

Mr. Watt: We are actually billed for the costs of this and the operation of it and you are going to pass this on to the mines? How are you going to do that? What I am thinking of, Mr. Smith, to explain myself a little...my objection is that all the revenue from mines and minerals, oils and gas and water, are accrued to the Federal Government, but here are some of the expenses that go along with it and they are passing this on to us. The revenue side they are absorbing. The expense side they are passing on to us.

Mr. Smith: Mr. Chairman, I was speaking to Mr. Oliver about two or three days ago and it is his intention to recoup most of the expenses from the operators in the Yukon. Now, what his formula is for doing this, I am sure I don't know. They are having a meeting shortly. He told me this. This would be discussed and then they would set a rate. Further than that, I am sorry I don't know, but Mr. Oliver is handling that.

Mr. Thompson takes the Chair.

Mr. Southam: I may be able to give you a little light on it. I won't say all of it. The rate that was proposed at one time was underground miners...the companies employing underground miners....would be $2.00 per head....that would be the per capita...and open pit, $1.00. This rate, with the decrease in the production of the United Keno, they figured that you would probably have a deficit in the Territory of roughly $10,000.00. As you remember, a few days ao, I brought in a Motion that the Federal Government would pick up this tab. This is what it was for. Whether they have settled exactly on their formula of payment...that is whether it is going to be $2.00 or $1.50 or whatever the case might be...this is what they had in mind. This is exactly the way the provinces are. The mines pay for the training of your man and so on but in this case, while the instructor remains a Territorial employee and the equipment belongs to the Territory, the deficit...we are going to try to get the Federal Government to pick up for the time being until such time as mining accelerates in the Territory and then maybe it will be.....

Mr. Southam resumes the Chair.

Mr. Legal Advisor: Mr. Chairman, Mr. Watt. We do have the Mining Safety Ordinance which is Chapter 75 and the Commissioner can issue orders regarding safety features and so on. I have to assume that the term "assessable" or recoverable from assessing mines is a slight distortion of the word "assessment". It must be agreed to by the mines because there is no authority in the Ordinance for charging so that if they sit down and work out an agreement as to how they will contribute, that's a matter of contract which has been negotiated but there is nothing in the Ordinance as such which enables the Commissioner to assess and to levy so I

VOTE 8

Mr. Legal Advisor continues:
thought I should make that point clear because of the word "assessing". It's all a matter of discussion. Mr. Oliver is in town and if you want any administrative detail, I imagine he could be available.

Mr. Southam: The next Establishment is 847, Yukon Centennial Committee, $19,950.00.

All: Clear.

Mr. Southam: At this time, gentlemen, I will call a short recess.

Friday, April 21, 1967,
11:00 a.m.

COMMISSIONER SMITH AND COUNCILLOR TAYLOR ABSENT
PRESENT - JACK SMITH, TREASURY DEPARTMENT

Mr. Chairman: Well, gentlemen, I will call Committee back to order and we will proceed with Vote 8. I have overlooked one of the establishments, Establishment #845 - Special and Foreseen, I don't know if it's supposed to be Unforeseen or Foreseen, $10,000.00. VOTE #8 EST. #845

Mr. Shaw: Mr. Chairman, were we not on 839, what did we do with that 839 - Mine Safety and Rescue Programme. Maybe Mr. Oliver could come up an answer some questions on this. VOTE #8 EST. #839

Mr. Watt: It would clarify...

Mr. Boyd: Well, if Mr. Watt is not satisfied, why...

Mr. Watt: Actually I am satisfied now after the explanation that has been given unless there are other questions.

Mr. Chairman: We will be going over this again I assume. And maybe at that time we could have Mr. Oliver and maybe at that time Mr. Oliver would have a few more answers than what he does at this particular moment. Knowing what I know, speaking from the Chair, I would say at a later date he would probably be able to give a little more concrete answer. Let's put it this way.

Mr. Shaw: Mr. Chairman, what made me think of this was your comment when you said that...but there would be $10,000.00 that had to be picked up from certain mines in the Yukon. Now, if they could only assess up to $10,000.00, who is going to pay the $10,000.00. That's what I want to know. In view of the fact that Mr. Watthas correctly said this is the responsiblity of the Federal Government, I wonder if we would want that question discussed. That's why I mention it.

Mr. Chairman: Do you want the Mining Inspector or not?

Mr. Watt: Maybe we should get this cleared up. It's a $10,000.00 Bill. I have heard at this time that even the existing assessment may not be able to be levied.

Mr. Smith: Well, Mr. Chairman, these estimates have been made quite some time ago. And at that time we had a feeling 100% would be passed on to the mining company. Well, in light of the reduction of mining in Keno this throws a different light on this altogether. Presumably, it will not be 100%. I would say closer to 60%. I discussed this with Mr. Oliver and he mentioned around 60%. In other words we would have to pick the other 40%.

Mr. Boyd: Well, Mr. Chairman, I am not prepared to pick up any part of it. And we must have this clearly understood. I don't think this 20% can come up in Territorial mines. This is not so, then it should come under Federal. They are the ones who benefit solely.

Mr. Smith: Excuse me Mr. ?Chairman. Mr. Oliver is the one that would be able to tell you on this. Sorry I can't explain it.

VOTE #8
EST. 839

Mr. Chairman: Will you ask Mr. Oliver please. I will call a short recess.

RECESS

RECESS

Mr. Chairman: I will call this Committee back to order and we have Mr. Oliver with us. And, Mr. Oliver for your information we were discussing Establishment #839 in Vote 8 which has to do with Mine Safety and Rescue Programme. And I believe Mr. Watt would like clarification on a few items.

Mr. Watt: Maybe Mr. Oliver could explain the figure and particularly the recoverable section of it. There is a feeling that since the Federal Government receives the revenues from our resources including mines and minerals that possibly they should help pay for the expenditure side of the operation of mines and minerals as well. And we would like to have an explanation from you with regard to this and there seems to be some doubt of whether we can recover 100% or possibly even 60%. And if so we think that this should not be borne by the Territorial taxpayer at all. It should either be borne by the company or by the...

Mr. Oliver: Thank you Mr. Watt. When the mine rescue programme was envisioned,as explained to this Council last year, we anticipated recovery of the operating costs from the mining operations in the Territory of 100%. In other words we would recover 100% of the operating cost. Since that time we have had this very unfavourable situation at United Keno Hill which may result in the mine being closed down. Perhaps not this year but at least by next year. And this amount of money expected from United Keno Hill was from $6,000.00 to $9,000.00 which would be over 75% of the programme. So that it looks like now that we cannot expect to recover 100% from New Imperial Mines which is a surface operation, Clinton Creek which is again a surface operation would be assessing these mines quite steeply. This wouldn't be in line with what the programme was intended. They were intended to be assessed at a $1.00 per man per month per payroll. And the payroll--the amount of people on the payroll. And this would ... include to try and recover the 100% operating recovery in Clinton Creek and New Imperial Mines itself would be quite a high rate of assessment. I tried to ask the Administration to include the picking up the extra money required because we can't pick it up from United Keno Hill through the Five Year Fiscal Agreement. But they are unable to give us this in Ottawa. I feel that our own department Resources and Economic Development would contribute to this.

Mr. Boyd: Well, Mr. Chairman, I would say that we delete enough out of here and anything over what is collected from the mining companies and that the Resources and Development take on the responsibility of whatever is over. Certainly not a Territorial responsiblity. If we had some say in this affair, we were collecting money then it would be fine. We don't even have the say of who hires the staff to run the Department of Mines. We had no say on any portion of this, and certainly I am not prepared to get involved in the money end of this. I will give the Councillors a chance to say something before I make a Motion on this.

Mr. Thompson: Mr. Chairman, Mr. Legal Advisor made a point here a short time ago. He was suggesting there might be some problem from the legal aspect of this from accepting or collecting this proposed assessment without a binding agreement with your mining company. Could we have the details worked out how this can be accomplished without undue hardship on the Yukon Territorial taxpayer as opposed to mine operators or Federal assistance in this matter? VOTE #8 EST. #839

Mr. Oliver: As you know, even before the program was brought into being the mines were all contacted by letter and the program explained to them including the rates that they would be assessed to pay for the progam. We have 100% response in favour of the program and accept it. This is on our file.

Mr. Boyd: I am a little bit concerned about the cost of this thing. You have two mines and out of a year round employ ment for one man I would think he could handle this. I don't see why he needs an assistant. This is Parkinson's Law and I am telling you I am getting pretty tired of it. Tired of hiring a man to do the job and he needs an assistant and his assistant needs a stenographer and so on. And this is what makes me a little bit irate.

Mr. Oliver: There is no assistant that I know of, Mr. Boyd. here is just John Barraclough and he is the Mine Superintendent and that's all.

Mr. Boyd: And what is the other chap that hangs around the building there?

Mr. Oliver: Which one is this, Mr. Needham, Jack Burrows?

Mr. Boyd: Yes.

Mr. Oliver: He is our Claim Inspector. This is Federal. This is not Territorial at all. And he is part of the-- his duties come under the Yukon Quartz Mining Act.

Mr. Boyd: Thank you.

Mr. Legal Advisor: Mr. Chairman, perhaps to clarify the matter you might turn to the Mining Territory Ordinance for a moment to remind the Committee that under Section 3, the Commissioner may appoint duly qualified persons as inspectors or authorize other duly qualified persons to act in accordance with the Ordinance. So presumably there has been an exercise of that power invested in the Commissioner there in connection with the appointment of Mr. Barraclough--I am not sure of his name. Mr. Oliver is himself an appointed Mining Inspector, appointed with powers derived his powers as a Mine Inspector from the Mines Safety Ordinance although he is a Federal civil servant, and presumably his salary is not charged to the Territorial taxpayer. And, in Section 28, it provides that the owner of every mine shall provide self-contained oxygen breathing equipment, etc. and he shall cause a sufficient number of workmen to be trained in the use and maintenance of equipment, and in Section 29 the manager of a mine shall cause sufficient personnel at the mine to be trained, etc. etc. Later two sections lay out what is to be done by the mine. And, of course, the mines would have to write the check of for penny piece spent in meeting the obligations, etc. So that there would be no question of the taxpayer making the contribution for that

VOTE #8
EST. #839

Mr. Legal Advisor continues...

element. So the salary paid to an appointee by the Commissioner that would be Territorial element. But the equipment, the training of the men and so on, provision of training teams is solely a mine responsibility. And, it may be possible to divide up that item in the budget into two heads. One the salary of Mr. Barraclough, write that in Territorial, but the preventative equipment is primarily the duty of mines. The training of the men is the duty of the mine. And any cost to the taxpayer that flows from there may in fact attract your attention and invite comment. Has the Territorial Government taken over the responsibility of the mines and is some of that being charged to the taxpayer. That seems to me to be the legal area for discussion on this.

Mr. Shaw: Well, am I right in my assumption, Mr. Chairman, we have three mine inspectors in various categories. We have the Mine Inspector Mr. Oliver and his assistant and then we have an assistant to the assistant which would appear to be a Territorial employee. Am I correct in this assumption, Mr. Chairman?

Mr. oliver: No. We have myself who is a Mine Inspector. We have Mr. Needham who is an Assistant Mine Inspector and Mr. Barraclough who is the Mine Rescue Superintendent. Now he has no inspection. He is not a Mine Inspector under our Mine Safety Ordinance at all. His duty is to provide the expert knowledge required to train men in mine rescue training. He doesn't do this for one mine, he does this for all mines. He also is a recognized instructor in the St. John's Ambulance Association and he puts on first aid classes for mine employees or construction employees. This is the purpose of this man. Primarily to give underground mine rescue training and secondly to give first aid training under the recognized St. John's Ambulance Association. That's his duty. He is not an Inspector. He is a mine rescue first aid instructor.

Mr. Shaw: According to Mr. Oliver's explanation then, I would say this man is a very necessary part of the mining program. Particularly the first aid and I hope he will be going to all these areas of the Territory that are expanded now. Doing something like that makes a good impression in the mines.

Mr. Boyd: (Inaudible)...in the mines if they don't have first aid training and so on. This is a duplication of what is already required of a mining company is it not?

Mr. Oliver: There is--I think Mr. Southam can verify this and perhaps Mr. Shaw. They have always had a shortage of first aid--qualified first aid men in the Yukon. United Keno Hill have done a very excellent job with their first aid instructor Mr. ... Now, they have had a regular man there. But you take a small operation like Discovery Mines. It is quite uneconomic for them to just hire a man as a first aid attendant. So, what the purpose of Mr. Barraclough is that we hire a man who is experienced in mine rescue and first aid training and all the mines share him. And in sharing him they also share the cost of his salary and also the cost of his administration of the program.

Mr. Boyd: I am all for that.

Mr. Oliver: This is unfortunately with the United Keno Hill going down or closing down operation, our original plan of having a reasonable assessment for all mines for the next say three years until Anvil Mining Corporation comes into production, it looks like we are going to have to subsidize it. I believe my own department in Ottawa will supply the subsidy or would take over the financial burden of this. VOTE #8 EST. #839

Mr. Boyd: Could I ask Mr. Oliver, if he has already asked this question? Has he gotten--or have they indicated that they will?

Mr. Oliver: They have indicated in Ottawa that they would. This is from my own immediate superior in Ottawa.

Mr. Thompson: Mr. Chairman, the only change necessary then in the wording of the existing section would be that it would be 100% recoverable from the Federal Government.

Mr. Shaw: That is a matter of legality.

Mr. Oliver: Yes.

Mr. Shaw: Then when we come down to salaries and staff ...to 75 Territorial Contribution, 85 ... 96 Establishment Territorial Contribution, 98 Territorial Contribution, 101 Territorial Contribution. In other words, actually this is not large amounts of money, but I think there is a principle involved of who is responsible. If it--it should be clarified. If we are we will pay for it, but if we are not then they are and that is the point I wish to stress.

Mr. Oliver: Mr. Chairman, I stillthink we should strive for the ideal for which we set up this program in that the mines eventually pay for it. Now, it appears to be a period where it would be unduly hard on New Imperial Mines and Clinton Creek to ask them to support the program. We feel that the Federal Government should come in to help support it.

Mr. Boyd: Well, then whenever we should pass this Bill with a Motion if necessary to the extent that that is not recoverable from the mines will be picked up. I will then...

Mr. Oliver: I would suggest that Council ask the Federal Government to take over the financial administration of the program for at least the next three or four years.

Mr. Legal Advisor: Well, I can only summarize...company is putting eighteen million into the development. Can't make a contribution big enough to ... the cost of this program. But that's possibly not a legal comment. On the legal matter this is a definite obligation on the mines to provide these personnel and equipment and there is no authority that I can see in the Mining Safety Ordinance that enables the Yukon taxpayer to be a contributor to the cost of the equipment or to the cost of the training. There is an obligation to bear the salary of an inspector that is appointed as you have been told. But this man is not an inspector. So, I am a little lost for a complete comment at the moment. I can only suggest that the matter might be touched upon when the Administration is at full strength again.

VOTE #8
EST. #839

Mr. Shaw: I think that is a good idea, If we could discuss this when all the members are here and I would suggest Mr. Chairman that we discuss this after...

COUNCILLOR THOMPSON TAKES THE CHAIR

Mr. Southam: Now, regardless of who's responsibility it is, you still have to have it.

Mr. Shaw: Agreed

Mr. Southam: Anybody doesn't want it--there is something wrong with their heads. Now, on Motion 5 which was moved by myself and seconded by Mr. Thompson which I was just speaking about this morning. "It is understood that the Mine Rescue Program because of the closing down or reduction of work force of the United Keno Hill Mines will cause the Mine Rescue Program to operate at a deficit that may amount to $10,000.00 per annum and, since there is no item in the Five Year Agreement to make up this deficit I would recommend that the Administration ask the Resource and Economic Development Group to take over the financial administration including any deficit that may arise out of the operation of the program." And, gentlemen, you heartily agreed unanimously and passed it. Now, what are we arguing about.

Mr. Shaw: Mr. Chairman, I would like to remind the honourable member from Mayo that we agreed with the Motion, but so far nobody said they would. So in order to get the answer to this it may be necessary to have a discussion with the full force of the administration.

COUNCILLOR SOUTHAM RESUMES THE CHAIR

Mr. Boyd: Yes, Mr. Shaw we appreciate very much your effort, but nodody has come along and said yes we are going to do that. Even Mr. Oliver didn't come along and say it would be done. But this is what we are concerned about. Who is going to dig up the $10,000.00 and out of who's pocket. We want to make sure it is not out of our pocket. That's all.

Mr. Watt: I think Mr. Shaw has a good suggestion there. Mr. Oliver hasn't even ... that possibly the Commissioner could verify this that we ask the administration to pass on to Ottawa that we request them to bear the responsibility of this. Although these are only anywhere from $10,000.00 to $20,000.00 Bills now, but our $10,000.00 today is a $30,000.00 Bill tomorrow. So, I think that Mr. Oliver has a good suggestion and we could pass this suggestion on to the Commissioner and he could have this verified shortly. But this is not our financial responsibility.

MOTION RE SPEAKER RESUME CHAIR FOR REPORT OF COMMITTEES

Mr. Boyd: I think it would be wise if we looked at the clock. In view of what we anticipate today I would suggest we possibly excuse these two gentlemen and I would move that the speaker resume the Chair and hear the Report of the Committee.

Mr. Chairman: Are we agreed that Mr. Oliver and Mr. Smith be excused at this time, gentlemen?

Mr. Watt: I'll second that.

Mr. Chairman: Thank you Mr. Oliver and Mr. Smith. It has been moved by Councillor Boyd and seconded by Councillor Watt that Mr. Speaker do now resume the Chair and hear the Report of the Committee. Are you ready for the question? Are you agreed? Any contrary? The Motion is carried.

VOTE #8 MOTION RE SPEAKER RESUME CHAIR FOR REPORT OF COMMITTEES

MOTION CARRIED

Mr. Speaker: Thank you Mr. Chairman: I will now call this Council to order and hear the Report of the Chairman of Committees.

MOTION CARRIED

Mr. Southam: Mr. Speaker, Council convened as a Committee as a whole at 10:12 a.m. to discuss Sessional Papers, Memoranda and Bills. Mr. Watt was absent and arrived at 10:30 a.m. - "car trouble". It was agreed that Establishments 823, 833, 840 and 839 to be discussed at a later date with the Commissioner. Mr. Oliver, Mines Inspector was also in attendance to discuss Establishment 839. This is the report Mr. Speaker.

REPORT OF CHAIRMAN OF COMMITTEES

Mr. Speaker: Thank you Mr. Chairman. Are you agreed with the Chairman's Report?

All: Agreed.

Mr. Speaker: Well, gentlemen, thank you. Now we have the agenda as follows. We have the agenda to discuss. What is your pleasure at this time, gentlemen?

Mr. Boyd: Well, I would move that the agenda be as follows- Bills, Motions, Sessional Papers when we reconvene.

Mr. Speaker: It is not necessary for a Motion.

Mr. Boyd: I would suggest Sessional Papers, Bills, Motions and Memoranda.

Mr. Speaker: Is that agreed, gentlemen?

All: Agreed

Mr. Speaker: Now we have two or three difficulties right now. What would be your pleasure in view of the time.

Mr. Southam: Mr. Speaker, seeing we are short quite a few people from the administration and also I believe that the councillor from Watson Lake is detained too and also I believe that you would like to be getting home I would move that this Council adjourn until 10:00 o'clock a.m., April 24 at which time we hope to have these people back to answer our questions.

MOTION RE COUNCIL ADJOURN

Mr. Speaker: Thank you. Would you mind...which will be necessary Councillor Southam, that incorporated in your Motion will be--it will be necessary to include that the rules be waived.

Mr. Southam: Yes, Mr. Speaker. I would move the rules be waived in this case.

Mr. Thompson: I will second that Motion Mr. Speaker.

MOTION RE COUNCIL ADJOURN

Mr. Speaker: It has been moved by Councillor Southam and seconded by Councillor Thompson that due to the shortage of the absence of the of the unavoidable absence of the Commissioner, the members of his staff and also Councillor Taylor that the rules be waived and that this Council reconvene on Monday morning, April 24th at 10:00 a.m. Are you ready for the question? Are you agreed to the Motion? Are there any contrary? This Council now stands adjourned until Monday morning at 10:00 o'clock.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker read the daily prayer and Council was called to order. Councillor MacKinnon was absent.

Mr. Speaker: Is there a quorum, Mr. Clerk?

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: Have we any correspondence this morning?

SESSIONAL PAPERS

Mr. Clerk: Mr. Speaker, we have Sessional Papers for tabling this morning. We have Sessional Paper No. 97 re Yukon Pavilion Expo '67, Sessional Paper No. 98 re Motion for the Production of Papers No. 6, Sessional Paper No. 99 re Old Crow Rates, Sessional Paper No. 100 re Dawson City Flooding and Sessional Paper No. 101 re Travelling and Living Expenses for Territorial Councillors. This is in answer to Motion for the Production of Papers No. 4. That is all I have this morning, Mr. Speaker.

#97
#98
#99
#100
#101

Mr. Speaker: Thank you. Have we any further correspondence? We have Reports of Committees. Have we any Reports of Committees? Well, gentlemen, I will advise at this time that I had a telephone call from Councillor MacKinnon who is having quite some difficulty getting...his light plant went haywire at his home, Canyon Creek, and he may not be able to get here until this afternoon sometime so he was excused accordingly. Have we any Notices of Motion and Resolution? If not, we will proceed to Orders of the Day. Have we any Notices of Motion for the Production of Papers?

Mr. Taylor: Mr. Speaker, I believe No. 7 on the Order Paper should properly appear under the heading we have now arrived at rather than at the bottom of Motions for the Production of Papers.

Mr. Clerk: That is correct, Mr. Speaker. That should be under Notice of Motion for the Production of Papers.

Mr. Speaker: We will now proceed to Motions. We have Motion No. 21, Mr. Thompson, Amendments to Liquor Ordinance.

MOTION #21

Mr. Thompson: This is Motion No. 21, Mr. Speaker, moved by myself and seconded by Mr. Southam, with reference to Amendments to the Liquor Ordinance. May I proceed, Mr. Speaker?

Mr. Speaker: Proceed, Mr. Thompson.

Mr. Thompson: Mr. Speaker, I understand that the Administration are proposing to introduce proposed Amendments to the Liquor Ordinance and I would ask deferment at this time until this paper is forthcoming, or this Ordinance is forthcoming, or this review of the Ordinance is forthcoming, so that this would not in fact be a duplication. I merely table it because I was not of the opinion at that time that this would be so and I would like to defer this until such time as the Administration present their amended Ordinance.

MOTION #21 DEFERRED

Moved by Councillor Watt, seconded by Councillor Boyd, that Motion No. 21 be deferred until the proposed Amendments of the Territorial Administration are tabled.

MOTION CARRIED

Mr. Speaker: Now, gentlemen, the Commissioner hasn't got here right now. He has got a very bad cold. He's been pretty well in bed all weekend since he came from Ross River. He said that if there were any questions that he would be pleased to come here. He is doing his utmost to catch up on his work but he would be pleased to come here. So, if there are any questions, gentlemen, I would be pleased to call a short recess until we got the Commissioner.

Mr. Taylor: I have some questions, Mr. Speaker.

Mr. Speaker: Well, I shall call a short recess.

Mr. Speaker: I will now call this Council to order. We have Mr. Commissioner with us now. This is the question period. I believe Councillor Taylor has a question.

QUESTION #4

Mr. Taylor: Mr. Speaker, I have one question to which I would request a written reply respecting Ross River Nursing Station, "In view of the deep concern displayed by the Citizens of Ross River, can the Administration assure Council that the nursing center programmed for Ross River this year will in fact be constructed at Ross River this summer and not at any alternate location?" I have an oral question I would like to direct to the Commissioner at this time and it has to do with an advertisement being displayed in the newspapers over the past week or so calling tenders for a caterer or firm of caterers to cater to the new Corrections Institute and also the Minimum Security Camp. My question in relation to this, Mr. Speaker, is why, if this is to be a self-sustaining operation, can we not hire a cook as initially programmed and not caterers to cater to this particular....these two functions?

QUESTION AD RE CATERERS CORRECTIONS

Mr. Commissioner: Mr. Speaker, this matter of the provision of food services in the Medium and Minimum Security units here has posed quite a problem as far as we are concerned. As you are aware, these units are public institutions and by their very nature are going to require certain basic services to be available on a continuing basis. Now, theproblem of supplementary help, and when I say supplementary help on the provision of food services I am referring to the self-sustaining aspect that the Councillor has raised. This to a degree is very true and it is also true that we hope to use this to as much of a degree as possible but remember, Mr. Speaker, that we are not always assured of the continuing supply of this self-sustaining labour. We are dependent upon the local crime rate one might say in order to see that there are people there and, also, we have no control over the length of time that they will be along with us. So, in the initial requirement for help...I think if any of you remember the advertisement....we asked for cooks and food service type people. The response to this was not very considerable. It was very very limited as to the number of applicants that we had so before a final decision was made as to what we should do, I made the suggestion to the Corrections

Mr. Commissioner continues:

QUESTION RE AD CATERERS CORRECTIONS

people that we should advertise and see if there would be any caterers or catering services that would be interested in the provision of initial labour or supervisory type labour to the institution and this is what we are doing. In other words, we want to have the two things available to compare, namely the possibilities of us hiring cooks and such for the provision of food services and to compare this alongside what we may find that a caterer would be prepared to do so that we would have a proper and adequate comparison to make. This is no indication, Mr. Speaker.....I wish to assure Council of this....that in fact we are deviating from our initial plan at all. What we are trying to find out is is there an acceptable alternative that may even be better than what we have initially planned on in this particular instance.

Mr. Speaker: Thank you, Mr. Commissioner. Does that answer your question, Mr. Taylor?

QUESTION RE WATSON LAKE GRADES 11 AND 12

Mr. Taylor: Yes, Mr. Speaker, I think for the moment it does. My next question has reference to the concern expressed by the people of Watson Lake to the dormitory situation we discussed sometime ago in Council and in view of the concern that Grades 11 and 12 may not be taught in the Watson Lake community in future and in view of a representation to me from the Watson Lake and District Chamber of Commerce, I wonder if the Commissioner could assure Council that in fact Grades 11 and 12 will be continued to be taught in the Community of Watson Lake.

Mr. Commissioner: Mr. Speaker, so long as their are pupils presenting themselves, I have no indication of any kind that there will be any change in this particular situation and at the moment, to the best of my knowledge, all Grades up to including Grade 12, that pupils are presenting themselves for at the school at Watson Lake are being taught those grades and there were certainly no intention or any suggestion that there will be any change in this particular situation, however, Mr. Speaker, I do bring this to your attention, that if there are no pupils that present themselves,...now we find ourselves in a position of being unable to teach the non-existent, but there is no intention of any change in the present program and when I say program, I am talking about the number of grades that we will be teaching in the Watson Lake area. Furthermore, Mr. Speaker, I say this to you. If there is any intention of bringing about any change of this nature, it will certainly....I will personally see to it that it is brought to Council and they will have full and ample opportunity to know what is going on.

QUESTION RE ELECTED REPRESENTATIVE TO EXPO

Mr. Watt: Mr. Speaker, I would like to ask the Commissioner a question. Has an elected representative been invited to assist in representing the Yukon Territory at Expo such as either Mr. Nielsen or Mr. Speaker?

Mr. Commissioner: No, Mr. Speaker, there has been no intimation. I couldn't say about Mr. Nielsen. I have no idea about this. I couldn't say anything along these lines at all, gentlemen. The only thing that I have seen in the way of invitations was the one that happened to come to myself which I informed Council of. I have no knowledge of anything different.

Mr. Speaker: Thank you, Mr. Commissioner. Does that answer your question, Mr. Watt?

QUESTION ELECTED REPRESENTATIVE TO EXPO

Mr. Watt: Yes, Mr. Speaker, but a supplementary question. Could I ask if Mr. Commissioner could discern if Mr. Nielsen is going to assist in representing the Yukon taxpayer. If not, I will make a Motion, if it is in the negative, later on. Could I ask the Commissioner this?

Mr. Speaker: I believe Mr. Commissioner has pointed out that he doesn't know.

Mr. Commissioner: The only thing that we could do, Mr. Speaker, is that we can endeavour to contact Mr. Nielsen's office and find this out. Mr. Clerk, would you be good enough to look into this right away?

QUESTION RE WATSON LAKE GRADES

Mr. Boyd: I would like to direct a question to the Commissioner in connection with the Watson Lake Grades. He said that if there is a pupil...I forget exactly how he worded it but that's what it meant...if there are two pupils requiring the education in the grade that was mentioned, would you deem it advisable to teach that grade there or would you deem it advisable to have the pupils transported or brought into Whitehorse and some compensation made rather than set up that grade for these two pupils?

Mr. Commissioner: Mr. Speaker, I cannot speak on behalf of the day-to-day operation of the school situation but, generally speaking, when you find that you are offering, we will say the two secondary high school grades 11 and 12, our experience has been that you have a teaching staff that are qualified. They are not only qualified for one grade, they are likewise qualified for the other. In other words, teaching qualifications start from the bottom and go up, Mr. Speaker. They don't start from the top and go down and it would certainly appear to me that it would be a pretty rare occasion where we would find ourselves in the completely totally uneconomical position of having to provide a teaching staff that were only able or only available should I say to teach a small number of pupils in one grade. I think that this is what Councillor Boyd is getting to. Would we find ourselves in a position of having to provide a specific teaching staff, whether it be one or more in number, to teach possibly just one or two pupils in a particular grade. Now, I am sure that is what his question is and to the best of my knowledge, Mr. Speaker, we have not found ourselves in this particular position and until we did find ourselves in that position, I am afraid that I wouldn't like to commit ourselves to a course of action one way or the other. However, if we were to find a situation arising...not only in Watson Lake...possibly Dawson, Mayo....Watson Lake...maybe even Whitehorse...who knows...where we have to provide a specific teaching staff be it for one or more teachers that were only going to teach one or two pupils, I think that this is a matter, Mr. Speaker, that no person would anticipate that the taxpayer as a whole would be expected to bear that particular burden and I think that at this point in time, this is where we would be talking it over with Council as to what in fact is the right thing to do but the teaching staff in a school such as we have at Watson Lake, Mayo and Dawson... say we have six Grade 10 pupils, five Grade 11 pupils and maybe three Grade 12 pupils, we are able to make use of the teaching staff that is available on an overall basis. I

Mr. Commissioner continues:
certainly see the point to the question that the Councillor has raised, Mr. Speaker, and it is a very valid point and if and when we were faced with that particular uneconomic situation, then I think that we would have to take a pretty hard look to see what was the proper course of action to take but I don't think that it should be just an arbitrary....

Mr. Speaker: Thank you, Mr. Commissioner.

Mr. Boyd: Thank you for the answer. I have a point in mind and that's the reason I asked the question. It's not fair to the pupils. It's not fair to the teachers and it's not fair to anyone, the taxpayer included. I would like to ask one more question....two more questions. One...I understand people are having difficulty in finalizing the purchasing of lots in Lot 19. Would this be so? QUESTION RE LOT 19

Mr. Commissioner: Mr. Speaker, I am totally unaware of this. In fact, the Members of Council from Whitehorse who sat on this Committee know far more about Lot 19 than what the Commissioner does, Mr. Speaker, because I haven't had anything at all to do with it. I will certainly inquire immediately and find out and I would ask that Mr. Clerk get a hold of Mr. Spray and let me know immediately as to what the situation is.

Mr. Boyd: One more question concerning automobile accident insurance. Apparently people are experiencing difficulties with insurance companies and I think this is very important. I would like to ask if Committee would agree to discuss this subject in Committee. QUESTION RE AUTO ACCIDENT INSURANCE

Mr. Speaker: Would you....if Committee will agree to discuss this in Committee, Mr. Boyd, I don't quite....

Mr. Boyd: The insurance on automobiles or vehicles that have been in accident. There is trouble in getting the insurance finalized, getting it to the point of where it will be recognized, by the insurance company and inasmuch as we the Government insist that you will take out insurance, I think we should go further.

Mr. Speaker: Mr. Boyd, I would suggest that you could always propose a Motion that Council discuss this particular subject in Committee and I think that would be the correct way in which to handle this situation. Have we any further questions?

Mr. Taylor: Mr. Speaker, I have a further question I would direct to Mr. Commissioner. In view of a Motion passed on April 12 by the Watson Lake Chamber of Commerce involving itself around the fact that the D.P.W. ambulance will not proceed off the Alaska Highway to pick up ambulatory cases, I wonder if Mr. Commissioner has any information respecting the policy which prohibits this ambulance from picking up these cases off the highway and in view of the importance of having this facility available to those who do not live on the Alaska Highway, would the Commissioner look into this to see what can be done in order to change this policy? QUESTION RE D.P.W. AMBULANCE

QUESTION RE D.P.W. AMBULANCE

Mr. Commissioner: Mr. Speaker, I would be very pleased to and I wonder if possibly the Councillor could let me have a copy of his communication from the Watson Lake Chamber of Commerce. I will be very pleased to look into this very promptly.

Mr. Taylor: Thank you, Mr. Speaker. I will be very happy to supply Mr. Commissioner with a copy of the communication.

Mr. Speaker: Have we any further questions?

QUESTION RE ROBERT SERVICE PARK

Mr. Watt: I have a question to direct to Mr. Commissioner, Mr. Speaker, and that is with respect to the Robert Service Park. Has the Administration been approached...the Yukon Territorial Government to take over the maintenance and operation of the Robert Service Park under the Yukon Territorial Campground plan? Secondly, if so, what was the response?

Mr. Commissioner: Mr. Speaker, when I say that there have been more communications and more suggestions concerning what somebody else should do about the Robert Service Park, I think that I would be making a very great understatement. If the inquiry that the Councillor is referring to is a written request, I am not aware of any written request of this nature. Now I am subject to correction on this but I am not aware of any written request, Mr. Speaker, however, verbally, the answer would be yes and this request was more by inference than by direct asking....when we were approached by a group of people from the City Council of Whitehorse and from the Chamber of Commerce. Would this be the inquiry that the Councillor refers to?

Mr. Watt: Yes.

Mr. Commissioner: My suggestion to these people at that particular time was that my own personal feelings were that the Territorial Government, by virtue of its obligations to the taxpayers of the Territory as a whole, not to specific taxpayers in one specific location...would feel that as this Park was of particular benefit to the City of Whitehorse, it appears to me that the City of Whitehorse should be the people who would see about running this particular park. I made one or two suggestions at that time as to how this might be brought about and I have not had any official communication from either the City or the Chamber of Commerce since that time although I see in the Chamber of Commerce Minutes of the last meeting that were passed around when we had a meeting with Mr. Cote that the City Council of Whitehorse has turned down any suggestion that the City run this Park and that the Chamber of Commerce should continue to do so and I also see in the newspaper, if I remember correctly, an advertisement signed by the Chamber of Commerce looking for a caretaker for this Park. This is about as far as my information goes at the present time, Mr. Speaker.

Mr. Watt: Just one supplementary question. What is the status of the land on which the Park is situated? Is that Territorial land, Federal land, and who has jurisdiction over it?

Mr. Commissioner: Might I refer that to the Legal Advisor please, Mr. Speaker, because I am just not that close to the situation. This is the Robert Service Park land. Under whose jurisdiction does it come?

QUESTION RE ROBERT SERVICE PARK

Mr. Legal Advisor: Mr. Speaker, the land is vested in the Crown in the right of Canada. There may be a reserve placed on it and it may....subject to an order placing it under the care and management of the Commissioner. I would have to get the factual information from Mr. Spray or the Lands Office. This is something that doesn't come into Land Titles.

Mr. Commissioner: Could we ask Mr. Legal Advisor to do this so that we can give the Councillor the answer he is looking for?

Mr. Legal Advisor leaves the Council Chambers.

Mr. Speaker: Have we any further questions?

Mr. Commissioner: Mr. Speaker, I have a couple of items I would like to ask Council for direction on. Should I do this in Committee or should it be done now, Mr. Speaker?

Mr. Speaker: I think that in Committee would be the time.... if there is action to be taken.

Mr. Commissioner: I want to have direction from Council.

Mr. Speaker: I will call a short recess. I believe the Legal Advisor will be back shortly.

Monday, 24, April, 1967
11.00 a.m.

ROBERT SERVICE CAMPGROUND

Mr. Speaker: Gentlemen, I will now bring this Council to order and we have the Legal Adviser with the answer to a question raised by Mr. Watt with regard to the Robert Service campground property ownership. Mr. Legal Adviser.

Mr. Hughes: The ownership control of that ground is divided into two parts, both with the same answers. The land is in the name of the Queen of Canada and there has been no reservation order in respect of it and no Order In Council.. ...by virtue of the Territorial Lands .... so there is a certain amount of informality about the development that is going on....

Mr. Speaker: Thank you Mr. Legal Adviser. Does that answer your question, Mr. Watt?

Mr. Watt: I think so, Mr. Speaker, my interpretation of it is officially completely in the hands of the Federal Government.

Mr. Hughes: According to the report given by the Lands Office.

Mr. Speaker: Have we anything further?

PORTER CREEK AND WHITEHORSE ELEMENTARY SCHOOL FIRE

Mr. Thompson: Mr. Speaker. I have one question and it has relation to the fire investigation for the Porter Creek School and for some time I was of the opinion I would like to have a special inquiry if nothing was forthcoming from Administration, and Administration at that time intimated they had things under control. I wonder if the Commissioner would care to comment or has a progress report on this.

Mr. Smith: Yes, Mr. Speaker. I would advise Council that I have asked the Fire Marshal under the terms of the Fire Protection Ordinance, to proceed with a public inquiry in this connection, with both the school fires, at Porter Creek and the Whitehorse Elementary School.

Mr. Speaker: Thank you Mr. Commissioner.

Mr. Thompson: Am I to assume then from this reply that the legal proceedings will be under the Fire Marshal's jurisdiction or do we have to appoint a judge or a lawyer or a legal adviser or somebody to do the physical aspects of this.

Mr. Smith: Mr. Speaker, may I have the privilege of asking Mr. Legal Adviser to answer that question?

Mr. Hughes: The position is governed by the Fire Protection Ordinance and if I may just quote the relevant section - 1962 (5th) Section 9. "In addition to any investigation made by a local assistant under Section 8, the Fire Marshal or any person approved by the Commissioner may make inquiry into the cause, origin or circumstances of any fire that has destroyed or damaged property". Of course in all fires investigation follows two lines- there is a routine or inquiry by the R.C.M.P. which endeavours to ascertain whether the cause was arson and to identify anybody responsible but the Fire Marshal is not only concerned with the cause of the origin but the circumstances which of course would involve an investigation of the construction

features and the type of inquiry generally held by a Fire Marshal today is (inaudible) ....construction features and how to avoid repetition and how to improve fire fighting services. Now it is open to the Fire Marshal to conduct the inquiry himself.....or the Fire Marhsal may have any other person approved by the Commissioner. If the Fire Marhsal himself wants to take part as a witness and to offer comments as a witness on the construction of fire fighting needs obviously he would not sit on the inquiry himself so that it may be he will recommend to the Commissioner that he would prefer to appear as a witness rather than make the inquiry himself. That position is still open and until the Commissioner hears from him I don't suppose the course is .....

Mr. Speaker: Mr. Thompson, does that answer your question?

Mr. Thompson: Yes, Mr. Speaker. I have a supplementary question. I am wondering if the Commissioner can tell me how long ago he did request the Fire Marshal with this request for the inquiry.

Mr. Smith: Mr. Speaker, the question has been uppermost in my mind ever since we had these fires and I felt that we had waited about as long as we possibly could. The Fire Marshal, as you know, was up here about a week or so ago and I have given Council all the reports that I have-I have given them every bit of information that I have and I still did not feel that it was an entirely clear situation in my mind. I feel that there were certain aspects of this that should be out in the public's eye. In other words, while I feel satisfied in my own mind that the necessary investigations have been attended to I don't feel that they have been brought out in the public domain in the mamner in which they should be and I am sure I've got further backing on to strengthen my thoughts on this from discussions here in Council and as no evidence of a public inquiry was forthcoming after the Fire Marshal's visit here last week I consulted with the Legal Adviser and he has prepared a letter for my signature which will be going forward today with the request that I am intimating is being made to Council.here this morning.

Mr. Thompson: That answers my question, Mr. Speaker. I do feel for my own part - I don't know what the feeling of Council is on tnis matter but I would ask their indulgence and concurrence that I feel that the Legal Adviser or some such person should be in charge of this investigation. Firstly, the Fire Marshal is 4,000 miles away and secondly, when he was here in the Territory he could not find time to even come to Council and report anything he might have known with regard to these two fires so I feel that it should be somebody from the legal side of administration and I feel that it should be somebody within our own confines.

Mr. Speaker: Thank you Mr. Thompson. I would mention, gentlemen, at this time that I very much appreciate the remarks expressed but this is a question period. Have we any further questions.

Mr. Taylor: Mr. Speaker. I have two further questions. One is - it would be addressed to Mr. Commissioner in relation to the practice of preparing, drafting and presenting private members bills, Mr. Speaker. My question is this: Is it now the policy of the administration to have members first obtain the consent of the Commissioner before any member is allowed

PRIVATE MEMBERS BILLS

to enjoy the services of the Legal Adviser in the preparation of a Private Members Bill.

Mr. Smith: This problem, to the best of my knowledge, has never been presented to Mr. Speaker, so I would be, momentarily at a loss to answer it.

Mr. Taylor: Is it all right if I clarify that question. If private members wish to prepare and present to Council Private Members Bills, may they do so as has been the old practice by merely contacting the Legal Adviser and asking his assistance in the preparation of these Bills rather than go to the Commissioner and receive administrative approval for this.

Mr. Smith: Mr. Speaker, could I ask the member's indulgence for me to find out a little bit about this question as I'm totally unaware of what the practices have been along these lines and I would appreciate it very much if Council would see fit to give me an opportunity to look at this problem and then I would be quite prepared togive an answer.

CEMETARIES AND BURIAL SITES

Mr. Taylor: I have one further, final question, Mr. Speaker and it has to do with an Ordinance passed out of Committee and given third reading to and that is with respect to cemetaries and burial sites and my question arises out of concern by the native people of the Yukon as to the excavation and removal of old burial sites by archaeologists and anthropologists and this type of thing. They are concerned that the Commissioner in his power can grant permits for this type of thing. Would the Commissioner feel that it would be necessary to spell out in legislation the prohibition against doing this without the consent of the native people involved? Or the native family involved?

Mr. Smith: Mr. Speaker, May I ask Council's indulgence and I would have Mr. Legal Adviser explain the position with regard to this as it involves an aspect other than the Ordinance that has been passed here.

Mr. Hughes: The possession of archaeological sites, archaeological specimens which means an object or thing or specimen of archaeological, ethnological or historical importance is governed by the regulations for the care and protection of archaeological sites in the Yukon Territory. Those regulations were made by the Governor in Council in 1936 and they were made to .... the Yukon. Anybody who wishes to dig in those sites shall obtain a permit from the Minister. This is not controlled at the local level. If somebody is found mutilating or is defiling a grave, of course it is open to administration to prosecute under the Cemetaries Ordinance. The Cemetaries Ordinance did not alter the position that is before Council. It is essentially the old Cemetaries Ordinance and essentially the same protection against improper exhumation. There is some reason to think that people from time to time found graves and have taken objects. There was a case heard of by the administration about a year or two ago in the Carcross-Tagish area. The person who found these things was ordered to take them back (inaudible). What had happened there had been erotion and the grave had become uncovered-so it is a patter for a permit ...possibly a prosecution under the Cemetaries Ordinance.

Mr. Taylor: Yes, Mr. Speaker, thank you, I'll deal with this under Orders of the Day.

Mr. Speaker: Have you any further questions. If not gentlemen, we have no Bills, what is your pleasure at this time?

Mr. Boyd: I would move that the Speaker do now leave the Chair for convening into committee of the whole for discussion of Bills, Memoranda, Sessional Papers and Motions.

Mr. Southam: I second the Motion Mr. Speaker.

Mr. Speaker: Moved by Councillor Boyd and seconded by Councillor Southam that the Speaker do now leave the chair and that Council resolve itself as a committee of the whole to discuss Bills, Memoranda, Sessional Papers and Motions. Are you ready for the Question?

Mr. Wait: Mr. Speaker, May I also suggest that include (inaudible).

Mr. Speaker: No, Mr. Chairman. Are you ready for the question? Are you agreed with the Motion? Any contrary? The Motion is carried and Mr. Chairman will take the chair as a Committee of the Whole.

MOTION CARRIED

MOTION CARRIED

Mr. Chairman: Gentlemen, I believe we are proceeding with the budget. I'll declare a short recess while we get our papers organized.

Mr. Chairman: I will now bring the committee to order. We have with us Mr. Commissioner who I believe has some matters to draw to the attention of the committee this morning. Would you now proceed Mr. Commissioner.

QUESTION RE LOT 19

Mr. Smith: Mr. Chairman, would it be in order at this time to give an answer to a question that was asked during the council session this morning concerning Lot 19 from Councillor Boyd or should this be proper to leave to another time.

Mr. Chairman: Do you gentlemen agree?

All: Agreed.

Mr. Smith: Mr. Chairman, I see that the answer is here in two parts and it would appear that municipal affairs could not very well go ahead with sales to applicants on Lot 19 until report of the committee was discussed in Council. Now this was done on Thursday afternoon and do I assume that the Council dealt with the report in the affirmative, Mr. Clerk, at that point? Now, secondly, now secondly or the unknown quantity, if you wish, the administration doesn't know at this point if Council will approve the expenditure required for water and sewer installations in Lot 19. Now these are the two things which are holding up the completion of sales in this area; one of which has apparently been dealt with and the second one of course will be up to council to deal with when they get around to that point in the budget. Does this satisfactorily answer the Council's question?

Mr. Boyd: Yes, but does that not come under the Engineering Department. I thought we had passed that Vote. RE LOT 19

Mr. Smith: This would be on the Capital side, Mr. Chairman.

Mr. Watt: I'd like to ask Mr. Commissioner, if we did pass that as soon as possible could the Engineering Department go ahead or would it have to wai...would that give them the go ahead if we discussed this in Council? Could the administration go ahead with the confirmation and sale...

Mr. Smith: Well, Mr. Chairman, could I ask Mr. Legal Adviser just how that problem might be dealt with?

Mr. Hughes: Well, the position from my point of view is, I was asked to draft a for sale agreement some time ago but my instructions are not complete. The land hasn't been registered yet and that was held back because it was not established whether there would be buyers of individual lots or there were going to be buyers of multiple lots and then of course the question of the sewer and water- I can of course make a simple I promise to sell and you promise to buy agreement but it is conceivable that there will have to be a little bit more embroidery stitching in the agreement- than just the names of the party. If the thing is given to me in a straightforward form I can, subject to council's needs, probably have a suitable agreement drafted in a day and give myself time to look at the draft, check it out - 3 or four days and we could actually, I think, have the agreements in final form. So, if anybody is ready to give me full instructions I'll go ahead.

Mr. Smith: Mr. Chairman, may I ask the Legal Adviser a question at this point? Subject to satisfactory legal forms being made available, what would then be my position if Council saw fit to approve the capital aspects that were required here. It would not be, as I see it, normal practice for me to give assent to a segment of a Vote, in other words you give asset to a whole Bill or not. Now, as Council's approval is very necessary for the capital required for the instational of the sewer and water, and the sewer and water is part of the package under which the property will be developed, how could that particular aspect of the situation be brought together in time with the necessary legal forms?

Mr. Hughes: Well, that's a rather difficult area for property because if the administration is borrowing that money for that specific purpose it must have a sources - it may be necessary, I've not been brought into the discussions on that to borrow money from a Federal source and enter into an agreement with the Federal government for the repayment and consequently you would need an Ordinance authorizing you to borrow money and repay it upon such terms as might be agreed rather like the agreement that is contemplated I think for Ross River - you borrow money and the thing is developed. If that is the way it is to be worked out then we have to have an Ordinance here. If it is going to be a matter of a separate appropriation within the Estimates themselves I don't see how Council could, without completing its deliberations, put you in possession of the funds - this is all part of the Estimates. Probably the quickest way would be to have a separate Ordinance if you are going to borrow money from a Federal source.

RE LOT 19 Mr. Hughes continues.

Do it that way and have a backup agreement but that is going to take a little longer than the mere preparation of the agreement.

Mr. Smith: Well, Mr. Chairman, I think we have had a pretty clear explanation of the basic problems at hand and perhaps the biggest single hurdle has been overcome here when Council saw fit to give approval to the committee report which they deal with on Thursday. So, with this in mind, could it be a reasonable situation, Mr. Chairman, that I would ask Mr. Legal Adviser to proceed as promptly as he can to tidy up the necessary legal details on it and in consultation with the Treasurer, advise me as to what course of action is required from Council and myself in order to have this matter tidied up as quickly as possible. Would this be a reasonable approach Mr. Legal Adviser?

Mr. Hughes: Yes. Is the money being borrowed from a Federal source?

Mr. Smith: Mr. Chairman, I could answer Mr. Legal Adviser in this manner, that the content of the book in front of us has been approved by Northern Affairs and Treasury Board so I think it would be a reasonable assumption that this borrowing is part of the total capital borrowing that is required of us at this time for out total Capital program.

Mr. Hughes: Could I possibly amplify my comments about this time tomorrow. I'd like to speak to the Department of Northern Affairs just to see just how quickly they can work out one or two of the snags.

Mr. Watt: Mr. Speaker, may I ask the Commissioner where in our budget is the provision for the installation of sewer and water. There is an item, Establishment 3125, Lot 19, Whitehorse - $117,500.00, which I assume, was to purchase the property to begin with--1966-67. It was deleted this year so there is NIL in our budget as far as I can see for the installation of sewer and water.

Mr. Smith: Mr. Chairman, if we could wait until tomorrow to finalize this question with Council I am sure that we the Legal Adviser would be able to deal with the whole situation in a satisfactory manner and give Council the answers they want to know at this time.

Mr. Southam takes the chair.

Mr. Taylor: Mr. Chairman, I don't like to be ornery about this thing but I say that you can't do this until you have an agreement. It is within this Five Year Fiscal Agreement that has now expired and within whatever period it covers for the next few years that the matters involving sewer and water, assistance to municipalities and development of communities is involved. Until these things are resolved this agreement-- I can't see how you can talk about giving money for Lot 19 or

anything else. This is here by firm agreement with the government -where this is determined - not within the budget. This budget is negligible, it means absolutely nothing until we can complete this agreement and that is the sum and total of it. This is where it is provided for.

Mr. Hughes: May I just comment. This is why I said until council has completed its deliberations I don't think that any single sum can be aggregated for this purpose out of the Estimates or anything. That is why I am inclined to view that a separate Ordinance and agreement is necessary to cover this.

Mr. Smith: Mr. Chairman, I think that all statements are corrrct and if we can have an opportunity until tomorrow I am sure that we could come back here and advise Council precisely ..this important matter.(inaudible).

Mr. Boyd: It is important and must be dealt with so I hope we can get something tomorrow.

Mr. Taylor: There are many other things that are important and I would like to say that certainly Council will no doubt be blamed by some quarters for dragging their feet on the budget and the lack of having funds for expenditure but I wish to make it abundantly clear, at least from this end of the table that it is not ourselves who are dragging our feet in this affair but the Federal government who have still been unable to provide us with this Five Year Agreement.

All: Agreed.

Mr. Taylor resumes the Chair.

Mr. Smith: May I proceed at this point? Now, Mr. Chairman, U.I.C.
during my absence on Friday there was a telex came into the office from Mr. Fraser of the Unemployment Insurance Commission- apparently he was in Ottawa when this telex was sent and he advises that in essence a thorough review of the workload in Whitehorse since 1961 indicates reopening of the U.I.C. office cannot be justified. Consideration being given to other means of providing assistance to prosective claimants in the Territory. He says please advise Mr. Shaw as I indicated to him I would be available for discussion with Council on April 24th. However, no useful purpose could be served in meeting with Council until I have some plan to present and an answer was sent to him by my office after consultation with Mr. Shaw - it says have discussed with Mr. Shaw - would be advisable to delay your appearance before Council until you have plan to present to them. This morning gentlemen I have advised my Minister that this attitude is hardly looked upon by anyone in the Yukon Territory as being very satisfactory. I am very hopeful that he will take whatever appropriate steps he can on our behalf to endeavour to eliminate the economic justification for this office and try to get it looked upon as a service the people of the Yukon are entitled to just as much as people in any other part of Canada.

Councillor Southam takes the chair.

U.I.C. Mr. Taylor: Mr. Chairman, this matter arose again over the weekend. Some people are still quite concerned about how they are going to sort this out. It was last fall that both Council and administration embarked on enquiries and ideas as to how we could get this unemployment insurance thing on the rail and it seems to me that administration could well inform the Federal government that if they feel the U.I.C. office is unwarranted here in the Yukon, they should also feel that the people in the Yukon should not be required to pay premiums on a mandatory basis and that this be strictly a permissive thing, -and because for the service we have been getting this winter, it has just been disgraceful. There are people who have paid into this thing and they are not trying to beat it - they just unfortunately found themselves out of work - couldn't get their money. All they got were these papers to sign and it is disgraceful and Ottawa has for some reason or other not saw fit to jump on top of this thing. Now I understand that we had a gentleman, a Mr. Leamy, I believe, looking after this thing and I found out that they paid him the sum of $1.00 per application for processing which was his total pay so apparently he quit the thing. I feel that the Federal government should give a little more consideration to the Territory of the Yukon and I don't see where you have a great office with secretaries and wise looking people sitting behind desks looking knowingly at these people. I think if the Federal government had a representative here who would be in the office eight hours a day and possibly a clerk to assist him in correspondence, he could be processing these applications and making sure they are processed correctly and that cheques are issued to the unemployed. Nothing has been done regarding this for months- from November to end of April and still nothing done and I think it is deplorable. And also I wonder if an investigation regarding the Manpower has been started.

Mr. Smith: I certainly cannot confirm this Mr. Chairman. You are referring to the request from Council.

Mr. Taylor: I don't think there was any official request and it was felt by some Councillors that someone should point out just what goes on - are we wasting money down there or are we getting value for our dollars expended in manpower or in U.I.C. or some of these Federal offices around here. I would for one be extremely doubtful that we are and I was in hopes that the matter would not die and I see now it has arisen again in relation to the Unemployment Insurance and I'm in hopes that something will be done to determine whether these guys are worth their salt down there or whether they are overstaffed or what they are doing and if they can be justified and if they are no good to us let's get them out and if they are any good let's keep them but let's find out what is going on because our constituents from all over the Yukon Territory at one time or another all over the Territory are asking these questions and you can't answer the question unless you get the answers and that is why these things come up at Council sessions.

Mr. Smith: Mr. Chairman, there is no one more aware than myself concerning the questions that are being asked and I cannot agree more and I cannot give you any assurances that an investigation of this particular thing will be conducted because it is beyond my jurisdiction.

Mr. Smith continues..

However, I would say this I am doing my utmost to keep the people in our department of Northern Affairs aware of public criticism and public questioning of such things and I would certainly feel hopeful that they would see fit to justify these things in the light of the questions. N.E.S.

Mr. Shaw: When they discontinued the unemployment director or whatever you may call him, here ...created manpower out of thin air and cut out three or four more and due to the fact that the Unemployment Insurance Commission category took off and followed the birds south, was there any decrease in the amount of men working or did it remain the same.

Mr. Smith: Mr. Chairman, I'm sorry I'm in no position to factually answer the question of the Councillor.

Mr. Taylor: Mr. Chairman, in our administration we have an Administrative Assistant who is our, I believe, highest senior Territorial employee and if his workload isn't too heavy would it be possible if he could possibly look into this.

Mr. Smith: Well certainly I hope that there is no indication that we are not doing our utmost to get these-any information for Council, but I want to also advise you this that when it comes to getting questions answered of this nature in some instances we are able to get them answered at the local level but in other instances we must go to the equivalent Federal department or the the Federal responsible department and this sometimes takes a considerable length of time. However, I will certainly do my utmost to get this question answered for Council as quickly as possible , namely, what is the staff situation in the Manpower Office, now that they do not handle U.I.C. compared to what it was when they handled unemployment insurance...

Mr. Taylor: This would be in relation to what they co- how many claims they process or whatever they do down there.

Councillor Taylor resumes the chair.

Mr. Chairman: Is there anything further Mr. Commissioner?

Mr. Smith: Yes, I need some guidance here. A few days ago you had a motion in council and it said here it is respectfully requested that administration review school children's room and board subsidy allowance and keep it in line with the continuous increase in the cost of living. Now, we are quite prepared to go ahead and do exactly what is asked for here. However, I want to bring it to council's attention that we have no room to do anything with this without a change in the legislation. Now do I take it that what council was telling us here is that if further room and board subsidy allowances are required, that we should be presenting legislation to council to change this. Now this question is very important and I would very much like to have council's guidance on this matter?

BOARD AND ROOM SCHOOL CHILDREN

Mr. Boyd: The thought as I understood the situation was that a child a year ago could get board and room for any figure you would want to name - $75.00. That is no longer possible and the same parent is required to pay $100.00 so in other words we are not keeping up with change in events costwise.

Mr. Smith: Well, is it Council's wish that the $60.00 maximum, in other words what we have here right now by legislation is a $60.00 maximum that we may pay in this particular matter. The section now reads 'pay to the parent guardian or other person having care or control over a child in order to attend schools that are compelled to board away from his home such amount up to a maximum not exeeeding $60.00 per month as the Commissioner deems necessary to enable that child to attend school. Now what I am asking you is this gentlemen, is it your wish that at this point in time we should be asking for an amendment to this to permit a higher payment?

Mr. Shaw: Mr. Chairman, I was in the chair when that motion was brought up and I do not seem to recollect any discussion on that matter However I would feel that the way the motion was put a review be made and I would say that I would concur with a review to determine whether this is indeed sufficient- it was a review - it did not state any figures that I can see and if it was established that you could not get board for less than $100.00 a month or something like that - there may be some necessity for an increase - on the other hand if we find it would cost $80.00 a month as it does in a school dormitory where the parent pays $20.00 and the government $60.00 per high school student, I would figure that that was very fair. I feel a parent has a certain amount of responsibility in feeding their children but responsibility should not be such in obtaining an education that it would be a burden. I don't think th t-or I should say I think from my personal observations that this is pretty fair - that the child, as far as the government bonuses are concerned. I know of one instance - I can only say one - that the child is not able to get into the dormitory from my area and he had to go into a private home and in fact the full amount covers the cost of this particular grant received from the government. So whether that varies I don't know but I agree that the government review it and I think all members of council did - but if it is found out that it isn't and $100.00 - $120.00 a month .....that the present assistance is adequate.

Mr. Boyd: The word 'review' is the important word and that is all Council expected to have done at that time.

Mr. Smith: This is fine. The reason I bring this up Mr. Chairman is that it is going to take a little while to get this matter completely reviewed - it cannot be done in a matter of 24 hours and if Council had the thought in mind that they wanted to have some changes available for the opening of the next school term it would be necessary to present legislation at this session of council and this is what my question is and if review is the point in question this is very satisfactory, gentlemen. I have nothing else at this particular time and I thank council very much for the opportunity to bring up these questions.

Mr. Chairman: Gentlemen, I believe Mr. Commissioner also wished to deal with answers to Sessional Papers. Are you agreed that the Sessional Papers be brought up to date prior to the budget tomorrow?

All: Agreed.

Mr. Chairman: I will now declare committee in recess until two o'clock.

COUNCILLORS WATT AND MACKINNON ABSENT.

Mr. Chairman: I will now call Committee back to order, and the next Sessional Paper is Sessional Paper 97. Reads Sessional Paper #97 re Yukon Pavilion - Expo '67. SESSIONAL PAPER #97

Mr. Shaw: Well, Mr. Chairman, in respect to this particular matter, I am disappointed to see this is exceeding the estimated amount. Now, I was wondering about this particular matter and this Committee--what do you call it, Centennial Pavilion Committee or something like that formed, and they were talking about trying to get this thing going by a certain extent of Government assistance and public conscription. The Federal Government as you are aware have put in $50,000.00. That's not the Yukon and now we are going to be short. I wonder if any consideration has been given by this Centennial Committee, I believe we have a member in Council that was on that, of setting out or embarking on some program of getting the public of the Yukon to participate in this to raise money for this particular advertising exhibit. We could say that the chief beneficiary for this huge advertising program will be of course the people that are connected with the tourist business and I am wondering, I would direct this question perhaps to the member of that Committee that is with us today, Councillor Taylor, have they given consideration to setting up some form of public conscription to possibly help us get our goal in this thing.

COUNCILLOR SOUTHAM TAKES THE CHAIR.

Mr. Taylor: Mr. Chairman, yes and no. The Committee felt when I last discussed this with them that some possibility could be exercised in making this a recoverable deal and of course this is the business of selling hot cakes or selling something down there in order to get revenue on these projects, and it was then felt that this was not workable and I don't know, when you look around the Territory and say we may need $10,000.00 it's pretty hard to go to the people who are already over subscribed in donating to this and that who are faced with the possibility of a 25 to 40% increased cost of living over the other Canadians and also who pay substantial taxes to somehow ask them to dig in their pockets for more. And, this is something that is generally left to Government. Now, I as other members will appreciate and certainly goes on the Financial Advisory Committee that money does have to come from somewhere. And it seems to me we should attempt it in every manner possible to stay within the confines of $50,000.00 alloted. But, I do say to you this, gentlemen, that $50,000.00 for the exhibit for the Yukon in Expo '67 at a World's Fair where we will host millions upon millions upon millions of observers is pretty small indeed for the rewards for the Territory and the people to be gained. I think that of all the exhibits in Expo, ours is certainly getting more value for our dollar than any other exhibitor in Expo and therefore I feel strongly that we must raise this money somewhere and I am sure we should be able to find this in the budget. We are just going to have to effect an economy somewhere else in the budget to raise these funds. I strongly recommend that the Commissioner be

Mr. Taylor continues...

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authorized to try and stay within the budget, but if it does get over to cover it in supplementary because this is a very worth while expenditure and will do a good service to the people of the Territory. Those are my thoughts on the matter, Mr. Chairman.

COUNCILLOR WATT PRESENT

Mr. Shaw: Well, Mr. Chairman, I was thinking of this particular matter. For example in Dawson City they put on a show each year and the people themselves make a contribution each year. $2,000.00--that's a very, very small price. Now, last year they couldn't quite make that, but ...for what they did make. But they raised $2,000.00 for the past number of years which is a tremendous contribution. And they are doing that for advertising purposes, promotional purposes. Now this is in the same category--this is also promotional purposes and you can't call it anything else. But, I do not see where there are contributions like that elsewhere in the Territory. It's pretty large, you have a huge business enterprise, encircling this building that a sum like that in relation to what they raised in Dawson City would be very, very small comparatively that it shouldn't be too difficult to raise the $2,000.00 or $3,000.00 deficit. When we have already put in $50,000.00. I don't want to see this thing lost. I want to see it go ahead, but I have brought that up for the consideration of members of Council and I wonder how they would feel about it.

Mr. Taylor: Mr. Chairman, one thing I note in our budget we have provided concerning grants $10,000.00. I would assume this would be for local enterprises and advertising and so forth such as the KVA in Dawson. And, we also provide $52,000.00 for advertising. Possibly some of this money could be derived from that source.

Mr. Shaw: I was just wondering, Mr. Chairman if any other members have any comments on what I have suggested.

Mr. Boyd: Well I have a comment. First of all it's already over spent. So we accept that fact. And while Mr. Shaw makes a point, I don't think it could be made applicable or exercised at least at this late date. We have already spent the money, and I feel that we are left with no choice except to put it up and this will...you get more excited at some times than you do another, but, the last I heard this was well under control and we were far from having spent all the money...

Mr. Thompson: We were going to get a refund weren't we

Mr. Boyd: Yes, and a lot of this talk and I am not surpised it is far from the course. Maybe we will wise up or the next Council will be wiser than we are. I don't know, but we will have to put it up gentlemen. And, I wholeheartedly concur with Mr. Taylor that we should give Mr. Smith our blessings and let him go ahead.

Mr. Watt: Mr Chairman, I would just like to suggest to Mr Boyd that we are giving a $50,000.00 blessing and now we are giving another $10,000.00 blessing and the door is not open yet and we are not keeping the door closed for requests

Mr. Watt continues.

for more So, I don't know It seems that the Yukon taxpayer is again being saddled with these bills and on the other hand when it comes to representation or something like that the Federal Government is the one doing the chosing of our representatives. And I did mention this this morning and I think there should be some representation to represent the voters of the Territory and the taxpayers of the Territory. The Commissioner is a civil servant with all respect and if he were elected I would think he would certainly represent the Yukon Territory, but I think that either Mr Speaker or Mr Neilson could we are putting thin kind of money out should at least be able to say I am representing the taxpayer of the Yukon Territory. So I would like to suggest that possibly we just let this go for now and vote the funds that are absolutely needed the $5,000.00 and then in the supplementary estimates if they find that they have to issue more money under the Commissioner's emergency power then we could possibly approve that later if that were necessary But, what started out to be a maximum of $50,000 00 has turned out to be $50,000.00 before the door is opened plus another $10,000 00 and we have to put the damper on here someplace.

Mr Taylor: Mr Chairman, in relation to this, I concur that I think this matter could be covered in supplements I believe this is where it normally is covered and it is just up to the next Council to go along with it I think it must be agreed though that a majority of the people of the Yukon did make a stand on Expo when it was thought they couldn't get there and expressed their great disappointment in not being able to go. And through our efforts we got it back on the road again, and I think it would be safe to say that the majority of the taxpayers of the Yukon would wish Council to act in this manner and keep this show on the road. Therefore, it only remains for us to find where the money comes from and the Commissioner has a very valid point here that it doesn't come off the trees. But I think with some careful scrutiny in the budget we may be able to find the additional funds and any other funds can only be covered in supplementary estimates. And I also might point out I have been in conference with the Legal Advisor and he informs me that all Federal members of parliament and senators have been invited to the opening of Expo and it occurs to me that we possibly have the Executive Assistant to the Commissioner in Ottawa and he could possibly do the honours for us thereby resulting in a bit of a savings in airfare and this type of thing that we could also put towards the amount of money required for the continuation of Expo We save the price of one or two people going from the Yukon down there and I don't think the world is going to fall down if somebody from the Yukon doesn't travel down there for this purpose I think we should be represented by somebody in Ottawa and also it would give us an opportunity to proceed with the business of the Territory.

Mr. Legal Advisor: Mr. Chairman, may I apologize I thought that Councillor Taylor was in the Chair and that is why I presented that note to him. It was a telephone call from Mr. Neilson who indicated that all M P 's, Federal M P.'s and all senators in Ottawa had been invited by the Honourable Mr. Robert Winters to attend the opening And He couldn't give me any information about invitation

Mr. Legal Advisor continues...

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of ... of privinces but indicated this was a possibility and couldn't give me any information about ... in the Northwest Territories. That is the fullest answer I could get for Mr. Watt on this question.

Mr. Boyd: I would like to ask the Legal Advisor Mr. Chairman, did the member say that he would accept the invitation and be there to represent the Yukon?

Mr. Legal Advisor: I didn't ask him that sir, and he didn't volunteer the information.

Mr. Taylor: I believe Mr. Chairman, the member in question has an aversion to going to Ottawa. He doesn't get there very often.

Mr. Boyd: I would like to know this and I think we should know it because he has an expense account already. And it has already been charged up to the taxpayer. He's like a homing pigeon. He can come and go and it doesn't take him very long to get there and get home again. And, we wouldn't be putting any more on the taxpayer than what is already on him. So, I would like to have him say whether he is going to be there or not.

Mr. Watt: Mr. Chairman, I think Mr. Boyd has got a good point. And I think in most cases the wives are invited too, so I think it wouldn't hurt for us to ask Mr. Neilson to help represent--him and his wife to help represent the Yukon Territory along with the Commissioner, if he goes to open Expo on behalf of the Yukon taxpayer.

Mr. Shaw: Mr. Chairman, when I--just talking about how much this is costing the Yukon taxpayer and so on that the Yukon's participation and I happen to be a taxpayer myself. However, this has been paid for. This exhibit that the Yukon has, has been paid for by the Canadian taxpayer from all over Canada, so that I think that's something to remember. So that we will get representation in Expo and I thank the Canadian taxpayer very much because that's a nice contribution--$50,000.00. And, apparently the suggestion I had about collecting money from the Yukon people was met with... So that if we--I would like to see it continued and I suppose if that is the answer I suppose we will have to take it as Mr. Boyd has suggested, the supplementary funds and just trust the Commissioner will, as no doubt he will, keep this at a minimum of cost.

MOTION RE COMMITTEE CONCUR WITH ADDITIONAL EXPENDITURES IN SESSIONAL PAPER #97

Mr. Taylor: Well, Mr. Chairman, one thing that I might point out is that the Federal Government has not donated $50,000.00 to this. All the Minister has done is to allow us to spend $50,000.00 of our money from our budget for Expo 67. This is the way that works. But, Mr. Chairman, I would like to move at this time that Committee concur with the additional expenditures as outlined in Sessional Paper #97.

Mr. Shaw: Might I ask a question Mr. Chairman to the Commissioner? Is this Territorial money we are spending or is it Federal money.

Mr. Commissioner: This happened prior to my advent in Office

Mr. Commissioner continues...

MOTION RE COMMITTEE CONCUR WITH ADDITIONAL EXPENDITURES IN SESSIONAL PAPER #97

Mr. Chairman. But it was certainly my understanding that we were permitted to enter an item of $50,000.00 in our budget for this which in the face of our required deficit grant at that particular point in time, simply will be ...$50,000.00 of Federal funds.

Mr. Boyd: I will second the Motion Mr. Chairman. I would also like to point out to Mr. Shaw; he states this $50,000 is being paid by all of the taxpayers across Canada. And I would like to point out to him that all of the tourists who come to the Yukon have got to travel all the way across Canada so that the taxpayer down there or the business man does get a crack at his pocket book before he finally does get here. But not as rough as it seems.

Mr. Shaw: Mr. Chairman, I didn't say it was rough. How about those that come up from the prairies?

Mr. Chairman: Well, gentlemen, I have a motion before me moved by Councillor Taylor and seconded by Councillor Boyd that Committee concur with additional expenditures as outlined in Sessional Paper #97. Are you ready for the question? Are you agreed? Contrary? The Motion is carried, gentlemen.

MOTION CARRIED

MOTION CARRIED

COUNCILLOR TAYLOR RESUMES THE CHAIR.

SESSIONAL PAPER #98

Mr. Chairman: Gentlemen, we will proceed with Sessional Paper #98. Reads Sessional Paper #98 re Motion for the Production of Papers No. 6.

Mr. Boyd: Mr. Chairman, when we were talking about this, I think it was at the last Session, one of the questions I asked was--Would the office handling these mortgages and so on complete the deal with the applicant? And the answer was yes. Now, I find that the applicant is required to go to a lawyer and pay out about $180.00--1% of $18,000.00 before he can even get into business to a lawyer. These are certainly in a sense virtually ... piece of paper like this where you fill in and sign your name. Why do we have to do this I wonder. And also I would like to know when an applicant goes to get this pension or this loan, what happens to him. Is he directed to go to a lawyer and if so what lawyer? Is it more than one lawyer? Is one firm getting all the business? I imagine this is about a $50,000.00 touch to the public purse. I mean those who are obtaining the loans based on what I think might be what was loaned out last year. And I don't think--I think these people here in this Office have the facilities. I have a note in my pocket here telling me how much I owe on a lease. Now, it's not hard to do that. It's on a piece of paper, it's not hard to figure out what 1% of $18,000.00 is, so why go to a lawyer? I have asked a couple of questions. I wonder if I could have an answer.

Mr. Commissioner: Well, Mr. Chairman, I wonder if I could ask if Mr. Legal Advisor has any particular answer to these or would we be required to look further for a full answer on this.

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Mr. Legal Advisor: Well, I can only attempt to deal with the questions and then if Council may have some further questions, I will try and deal with those and if I can't get all the information then I will do some research. Treating the Councillor--Councillor Boyd's questions really is supplementary because the Administration is only asked for certain restrictive information in the questions moved by Councillor Watt--strictly about the legal feels and the outlines of the duties performed by CMHC. Now, you have got to set this into a bigger picture. To what happens when a person for instance sees a lot over in Riverdale that he wants to buy and develop and get a CMHC Loan. He goes over there and looks at the lots and he makes an application to buy it. The application is forwarded to Ottawa and in due course he will get letters passed and issued in his name. And, while this is going on he is making an application for a loan. Now applications for loans are processed through Mr. Wylie's office. The CMHC work follows pretty well the pattern of the Crown Council appointment. If it's changed in Government, the work is funnelled into some other office. Now this may not be a policy line but it was--the CMHC work was handled by some other office until there was a change in the Federal political ballot. So, you have them drawing the process, the application goes to the lawyers office and the process of it undoubtedly has correspondence with the CMHC office and I think it is Prince George. And, he reports to them on the titles probably and he would of course be acting for CMHC. Now it is up to the mortgagee or the mortgagor to act for himself or to retain a lawyer to act for him to make sure that the terms of the mortgage are equitable. It might be that he would have the same lawyer act for him that would act for CMHC. There would be a slight advantage to him. He might have a slightly lower charge if the work for the mortgagor and the mortgagee was being done in the same office. And, then the lawyer acting for CMHC would come over here or would possibly come over to the Land Titles Office to search the title and make a further report when the mortgage was prepared and signed. The mortgage would be presented here for registration. Subsequently, we would issue a certificate of search to show that this mortgage in favour of CMHC has priority over any second mortgages and so on. Now, the man who is going to build the house, buy the property. Now, if he is buying Crown Land he may in fact save a little money as opposed to a situation where he is buying land from another party--a private party. When he would want to search the title of the private individual and have a lawyer acting for him in the purchase of the land then, he will need a lawyer to act for him in the borrowing of the money, and of course there will be a lawyer acting for CMHC. And, as I said might be very well the same lawyer acting for both parties. So, the person buying property of course would have to end up paying more in the way of legal fees unless he is acting for himself as you see here. I can't tell you how much he would pay a lawyer for acting for him on the purchase of land, or acting for him when he was borrowing the money. But, those are two further elements of cost and it wouldn't be unreasonable to assume that the charge for acting would be in the order of 3/4 or 1% of the monies involved. So, you would have to have an actual case history to determine what is being charge.. I did make a few notes on CMHC mortgages last year and I had thought that this $18,000.00 typical mortgage example here was a little high, but in fact

Mr. Legal Advisor continues...

it's just about right. They do range from a couple quite small ones, there is one at $7,600.00 but the bulk of them are in the $17,000.00-$18,500.00. And there is one for $279,000.00 but no doubt the 1% would scale off quite sharply so don't think that it would be 1% all the way up to $279,000.00. It wouldn't be that much, so, you had last year 23 CMHC first mortgages in the Territory and 22 of them averaged at about $17,000.00-$18,500.00. There was one at $7,600.00 but the rest were $17,000.00-$18,000.00 apart from this $279,000.00. So they show here Land Titles at $16,000.00, so that is possibly a couple of dollars high. I would expect it to be about $14,000.00 rather than ...

Mr. Boyd: It says here the borrower shall pay in legal fees 1% of the loan to cover disbursement of progress advances. Now, when I do get this house as a borrower, when I spend $4,000.00 I am quite capable of submitting that to the office downstairs and I am quite capable of reading a carpenter's progress report. Why should I have to go to a lawyer. I don't see it. Searching the title this is a matter of a minute. This to me is not serving the public the way it should. We are just feeding what seems like a vulture attitude. For instance, because the Government has changed somebody else gets the gravy. Tomorrow it will change back and somebody--the public has no say. Absolutely no say. They are directed to go to a certain place. It could be some of them would not want to for reasons of there own unfriendly past dealings, do not want to go to that office. But they are obliged to go there. But it is their money they have dug out of their pockets to get the same advice. I would like to hear Mr. Commissioner say something, because I am not for this monopolistic attitude of just grab-it-all. Grab-it-all is a good word.

Mr. Commissioner: Well, Mr. Chairman, in an analysis of this, I think the Council will agree in the first item here namely the application fee, this flat charge of $35.00 whether it is right or whether it is wrong is in fact a Central Mortgage requirement and no doubt has been established on the basis of experience over the years on drawing up of the necessary documents. So, I will assume gentlemen this will be a clear item. The next item, mortgage insurance fees for $18,000.00 loans--2% of the total amount. This is a Central Mortgage and Housing Corporation insurance fund and the fee is added to the approved loan and repaid as part of the regular payment. Now, I would certainly have a question on this and I am assuming--perhaps Mr. Legal Advisor could help me here--that this is to, this would be a life insurane on the life of the individual who is taking offer this loan. Mr. Legal Advisor is this correct.

Mr. Legal Advisor: No, it is not. It is rather like the insurance of the Federal Government offered to the bank if they would take on mortgage work, and they are building up a lost reserve account but it is not--it is not one of those finance company loans where you also take out life insurance when you drop dead at least your widow--and things like that. Now,...

Mr. Commissioner: In other words, Mr. Chairman, then I would understand that this 2% is experience padding to

Mr. Commissioner continues...

take care of normal...as far as losses are concerned... is this correct?

Mr. Legal Advisor: Well, I don't know the actuarial basis although it is a very convenient arrangement from the lender's point of view. Not too attractive to the borrowers point of view because it adds to his costs. Because after all you have searched your mortgage , you have taken the security of putting out the money on the basis that there is land and there is a building worth so much there and then, you are going to insure against it in case you get...and you use the borrowers money to pay for the insurance which you get drawn which is a little hard. The only justification for it really, lies in the fact that a commercial mortgage will never exceed about 66%. Whereas a CMHC mortgage is for a very much higher percentage of the overall value. And that is where the Government takes out that insurance. In that area. Because they are expending themselves on the risk more than a commercial lender would do. That is the background as I understand it to this type of charge.

Mr. Commissioner: May I ask, would it be to your knowledge Mr. Legal Advisor that this applies on a direct loan? You remember that there are only direct CMHC loans made in this area. There is no guarantee made by CMHC to private loan institutions. This would still apply in this area. I am assuming that this is a part of the total package and applies in this area as it does in any other.

Mr. Legal Advisor: Well, I imagine so. I didn't get this information together on this question and the matter of fact, I had forgotten about this...of the 2% charges.

Mr. Commissioner: Well, we can certainly assume there are factual situations in this paper which have been brought together by our own people who are dealing in the mortgage field in municipal affairs. So, I think we can accept the first two items as being factual, gentlemen. Now, with regard to this next item here, the question the Councillor has brought up particularly, I think we can skip the first $180,000.00 for just a moment and come back to it. And, land titles I am assuming Mr. Legal Advisor, this is reasonably close to what you normally charge for a search fee...$14.00...

Mr. Legal Advisor; Well, yes, it just depends on the colonial amount and what they want done. But this is to all intents and purposes about right.

Mr. Commissioner: And, I am assuming that the Sherrif fee is a statutory charge that he is allowed to make for this purpose.

Mr. Legal Advisor: Yes, that does go to the Federal Fund. And, of course my charges go to the Federal Fund too.

Mr. Commissioner: Yes, but what I am getting at Mr. Chairman, is that these are by provision of statute these provisions are allowed to be made.

Mr. Legal Advisor: That is right. Runs under the Land Titles and I am not too sure what the Sherrif's is under.

Mr. Commissioner: So, that really the point in question here that the Councillor has brought up is the matter of the 1% item here to cover disbursement of progress advances; searching title--we will assume that this is a proper legal function. Assignment of payment. We are questioning this. Now the preparation of mortgage and registration, we will assume that those are proper legal functions. So that as I see it here gentlemen, what the Councillor is bringing up is this. Is to cover disbursement of progress advances and asignment of payments is this in fact a necessary legal function, or is this something that is simply been put into the hands of legal people as a means of making it convenient for them to secure the total of this 1%. Now is this the question as I understand it, Mr. Boyd?

Mr. Boyd: The question is, that why is this not handled by the people who are handling the papers in the first place in our own department. Why should they be sent to the lawyers. The reason I ask the question is this was my very first thought concerning this during the last Session. The amount expenses a person is going to be required to go thouugh in order to get over a hurdle and I think that we could well afford to be doing this job ourselves.

Mr. Commissioner: Well, Mr. Chairman, could I say something here just in this regard? Now, the first part of your--the answer that has been tabled here for you, gentlemen related to the Central Mortage and Housing Corporation over whose loans and applications and disbursements we do not have any control whatsoever. Now, the second part of your answer here covers those things which the Territorial Government has control over, namely the Low Cost Housing Ordinance and the second mort age loans ordinance and the costs that are involved there are two items basically totalling ten dollars. Now, with regard to the first section here I will make inquiry and find out if and when the Central Morgage people have their man in residence here, if there is any of this at all that will be eliminated as a cost to the person applying for a loan. But, under the present status we do not enter into the actual disbursements or the dealing with any of these loans here. Now, the man in our Engineering Department, Mr. Pauch does inspections on behalf of CMHC. But, he only does this as I understand it to verify progress claims on the part of contractors. In otherwords you have a house being built here and the progress is to a certain point, Mr. Pauch on behalf of CMHC will sign the progress reports to that point. To the best of my knowledge that is the only direct contact that we of the Territorial Government have with CMHC.

Mr. Thompson: Well, I think under the circumstances we are either missing a bet in not being in the money lending business at these rates, or we are missing the bet in the low application fees and mortgage registration fees we are charging in respect to Low Cost Housing monies that are available for the Territory. And, I understand at the present time that our fund is depleted for would be borrowers for the Territorial Low Cost Housing mortgage. And, I think that if this is any indication or an indication that CMHC is operating I would strongly recommend that our first and second mortgages be raised considerably to off-set this inequity. I think there is something very definitely out of line there.

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Mr. Chairman: Mr. Commissioner, do you have a comment on this?

Mr. Commissioner: Well, I would say this that this is quite correct that we are almost out of money, but we have further monies that could be made available and Council is going to be asked in this regard. If it isn't here at the moment it soon will be. And, also it is certainly my understanding that when Council set this up this was the whole idea of it that this was to be handled on as economic a basis to the applicant as possible and we have added this to the Paper here to simply point out to you that Council's wishes are being met in this regard. And I am certainly quite prepared to make prompt inquiry of CMHC to find out if in fact the permissible $180.00 on a maximum loan of 1% is still going to be a permissible situation to with hold when they have their own man and own officer located here. And, also I think an inquiry directly to them where they are making direct loans as to whether or not in fact this 2% insurance fee is a rightful charge again the loan. I think these are two very applicable questions, Mr. Chairman. And I would be very happy to direct them immediately to Mr. Linklatter who is the Vice-president of CMHC who Council met with in Ottawa and see what his answers are.

Mr. Chairman: Clear, Mr. Thompson:

Mr. Thompson: Clear, Mr. Chairman. I thank you. I didn't mean the Commissioner to get the wrong impression,-that I felt that we did charge more. I am just saying it seems to be that CMHC are being rather exhorbitant. But I am very pleased to hear the Commissioner has a Sessional Paper or some information coming up to us with respect to the availability of more funds for the Territorial Low Cost Housing Mortgages and I am also wondering if the department has condidered the possiblity of increasing the amount of $8,000.00 to something more realistic in light of the firing costs of building and in light of the cost of living in the north at the present time.

Mr. Boyd: Could I just rise once more and I wont rise any more...

Mr. Thompson: I am sorry. Could the Commissioner answer my question, Mr. Chairman?

Mr. Commissioner: Well, Mr. Chairman, I was not on Council at the time a lot of the discussions took place with regard to the Low Cost Housing loan situation and I am not too expert at exactly just all the intent that was behind it at the time. However, I would say this to you, gentlemen, that you had initially, I believe, a total of $360,000.00 that could be made available by loans from the Federal Government which in turn we could loan out ourselves on the Low Cost Housing Loans. Now of that amount I believe that $200,000.00 was requested to be made available by Ordinance. Am I correct when I say that, Mr. Legal Advisor?

Mr. Legal Advisor: Well, I am sorry I can't be of much help here. It is not a file that I see very often. I really have such a flimsy memory of it I wouldn't like to offer my comments.

Mr. Commissioner: Well, it appears to me, gentlemen, if my

Mr. Commissioner continues...

memory serves me right on this, you have at the present time subject to your own approval a further $160,000.00 of the initial $360,000.00. Now, with this amount of money available and with the number of applicants that are presently appearing on the horizon, now how many of these applications are being approved, Mr. Chairman, at the moment I am just not able to tell you off-hand. But I say this to you, that if you are going to raise the amount of monies that would be available, or if you are going to give consideration to raising this by very much without being assured of an additional amount of money being made available for loan purposes that we are going to cut down the number of loans or the number of applicants we can entertain. So, I strongly recommend that we proceed with very great caution until we could be assured of having more loan funds available.

Mr. Watt: There is a couple of questions. Some of these loans have been out for some time and there should be some kind of a revolving fund when the loans are out for other monies to be coming back in to replenish the loans at that particular date. And, another question I would like to direct to either the Legal Advisor or the Commissioner, and that is with respect to the Central Mortgage and Housing Corporation back loans. I understand there is a second mortgage loan that goes with that and there is nothing included here with cost of processing the $2,000.00 second mortgage loan for a Central Mortgage and Housing Corporation loan. Is there a fee charge for that too in addition to what is stated in the Paper?

Mr. Legal Advisor: I am sorry I have no information on that. If it were processed through the lawyers office, then I imagine, I would be morally certain there would be a fee because that's the usual basis when dealing with lawyers' charges. The lawyer of course is the appointee or is connected by CMHC and of course he is the Crown Council and Attorney General's agent for this purppse. I myself am an Attorney General's agent, but I don't have all this type of work. That is an allocation by CMHC. I should perhaps make that clear.

Mr. Watt: Mr. Chairman, the figure in question is $180,000.00. We can't do anything about the 2% or the application fee. This is set. The 1% is to cover searching of the title is also $16.00 below to cover the searching for title. The preparation for mortgage I have seen a type of this mortgage that is used throughout most of B.C., or a lot of B.C. and it is one page long and it's kind of a form letter that they use extensively there. It has been accepted in most parts of B.C. The only thing is a lawyer in this particular locality who sticks his stamp on it charges for it, and, also by another for the assignment of payment this is another single page document. So there is most of the same situations could be covered with two single page documents. And a lot of the rest of it is searches which has already been charged for. But I wasn't sure what was being charged for these legals fees--$180.00. And, it is actually not as bad as I thought it would be. I thought it would be even worse than that. And I think we should leave it with the Commissioner to find out if he could reduce this. I think $90.00 or $100.00 would certainly be sufficient to cover the cost of what a stenographer in a lawyer's office usually does to process these mortgages.

Mr. Chairman: Are you clear gentlemen?

Mr. Boyd: No, I am not clear and this is my last time up. I don't that these people should have to go to a lawyer at all. I think this is beaurocratic domination. Nothing more. And to say that I will have to go to a certain place to have the title searched. I think this is terrible. This is Hitler dictatorship. This is a free country. Everybody pays a licence to do their business. If I want to get the title searched and if I must go to a lawyer and I must pay him a fee surely I can go to a lawyer of my own choice. So I would like this looked into and changed if possible and I certainly think there is no excuse for sending this man to a lawyer. As Mr. Watt points out searching a title is included in the $180.00. Not only that, but searching the title down below is $16.00. Fine--this is duplication of some kind. The $180.00 in view of what we were told before should have been completed, the work should have been done and the monies--progress payments should have been submitted to the office here in Whitehorse. And it don't matter whether the CMHC man is here or not. There is lot of Federal employees around here in the Land Titles Office, I should say the Land Office, who could look after this for a little while. They seem quite capable of saying no and yes to many things. They could just as well do this. It is not neccesary to go to no lawyer.

Mr. Shaw: Mr. Chairman, one thing hasn't been said that's on my mind. Do you have to go to a particular lawyer on this or do you have a choice of where you go. Perhaps the Legal Advisor could answer that question.

Mr. Legal Advisor: Well, a lawyer that you have to do business with who is charging this 1% is CMHC's lawyer. So if you go up to the counter and authoritively speaking of CMHC and say may I borrow $20,000.00 and they say well, alright then sign this application form and we will have a lawyer look at your title. And our lawyer Mr. so and so will be in touch with you with the necessary documents for you to sign and then later on as the building goes up he will arrange for disbursements of progress reports and it is CMHC's lawyer that you have to go to or at least you are paying this to. You may still have your own lawyer in which case you will have about as much to say as him. So this is the point. They choose this man to act for them. You want to do business with them, they say we will lend you this money, Mr. so and so is our lawyer and you then will of course will pay his fee. His fee will be 1%. So there is no cost to CMHC for legal services.

Mr. Shaw: Well, Mr. Chairman, is this the practice outside? Vancouver, Edmonton and Toronto and so on?

Mr. Legal Advisor: Well, yes, it's not restricted to CMHC commercial lenders, truck companies and so on, they generally make a charge to the borrower to cover their legal expenses. It's the same way. And it is up to the borrower to decide whether he will go to the same firm as the trust company is using. Maybe he will get slightly lower rates than he would have to pay if he went to another lawyer to act for him. To protect him against the serverity of the mortgage forms. If you want to see any sample forms, I have them resistered in there and it is the usual type of form used across Canada really.

Mr. Shaw: Mr. Chairman, I have borrowed from banks considerable amounts sometimes and the bank manager has never charged

Mr. Shaw continues...

me for investigation. All he does, he want to know a lot of information, but he has never charged for this. But while I am on my feet I would like to ask a question of the Commissioner, Mr. Chairman. It follows--should there be any restrictions on the number of units that can be constructed in the Yukon, or the amount of money available to CMHC for the this money here. Are there any restrictions, for example, if you want to build 200 houses is that providing ...of all these things and other incidentals. Is there limits put on the amount of units.

Mr. Commissioner: Well, Mr. Chairman, definitely so. There are two types of loans that you are talking about when you are talking about Central Mortgage and Housing Corporation Loans. One is the individual who is going to occupy the home, and to the very best of my knowledge subject to the other normal conditions that CMHC put on granting these loans there is no particular limit to these funds. In other words any one of us around this table who wish to build a home for our own occupancy not for to sell or rent but to occupy on our own. I don't believe that there is any restrictiveness as far as totals are concerned there. Now, speculative type building, Mr. Chairman, is another matter altogether. And CMHC are a business organization and they will definitely restrict the amount of money that they will make available for speculative type building in this area as they will in any other area for the very obvious reason that they have to get their money back, and the only way they are going to get their money back is that the speculative housing is occupied to a certain percentage of it's availability and they certainly will put restrictions on it. Now, Mr. Chairman, I can't give you what these restrictions are. I have no idea.

Mr. Shaw: Mr. Chairman, I was not referring, I should have perhaps clarified that. I was not referring to...I was referring to the fact that there may be 50 residents wanting to build a home. There may be 200 or 300. I was wondering if there were any restrictions on the amount of units such as that. Private home by CMHC available money, but apparently it seems that any amount that comes along and meets the qualifications they will provide the money for it. Is that correct?

Mr. Commissioner: Mr. Chairman, I think if you recollect our meeting with Mr. Linklatter in his offices in Ottawa, the very question that is being asked right now was answered then. But there was no restrictions on the amount of this type of funds in any particular area. In other words, the only restrictions would be if they came to the maximum amount of the total monies that they have available, but as far as it being restricted in any one area being concerned this is not so.

Mr. Thompson: Mr. Chairman, I wonder if the Commissioner would clarify a point for me with reference to the funds. He mentioned, we had an amount of $360,000.00, well approximately and that under the Ordinance there was available $200,000.00. Now can you explain or clarify if this is the Low Cost Housing Ordinance as opposed to the balance being available under the different arrangement to individuals?

Mr. Commissioner: Well, Mr. Chairman, could I ask the

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Mr. Commissioner continues...

Councillor to ask me that one again. I just haven't got quite...

Mr. Thompson: Well, this stems back to Sessional Paper #45 which was a question that Mr. Watt asked previously about Low Cost Housing Loans and it shows in 1963-64 there was $84,000.00; in 1964-65 there was $43,000.00; in 1965-66 there was $11,000.00; and in 1966-67 there was $73,000.00. And this is a total of $212,800,000.00. So am I to assume then from this that this was from where the $200,000.00 borrowed monies under this Ordinance have been extended?

Mr. Commissioner: Mr. Chairman, in effect this is quite correct and also remember too that there is a certain amount of this money coming back in. You know, to the fund so that you wouldn't invariably indicate that this amount of money has been over expended. In other words there is a certain amount of money revolving to this amount of money.

Mr. Thompson: This is in effect what Mr. Watt has intimated or asked. Because we had expended we had expended $84,000.00 in the year 1963-64 by this time a certain percentage of this has come back into the funds so that this is fine. O.K. now that answers that part of the question. Now, what are we doing with the balance of the fund. You said approximately $360,000.00 was being utilized of which $200,000.00 we are being able to loan under the Ordinance. Could you tell me what we are doing with the balance?

Mr. Commissioner: Well, we are going to be getting this in front of Council. I thought it might be in today's Paper, but I don't see it in front of me Mr. Chairman... but this is going to be in front of Council before the next recess.

Mr. Chairman: Are you clear gentlemen?

Mr. Watt: I am not quite clear on this. We still have a second mortgage loan for CMHC as opposed to second mortgage loans under Low Cost Housing loans. I am not talking about that right now...back loan does that service charge...

Mr. Legal Advisor: Well, I think that the $2,000.00 the whole process...is handled through the CMHC. If that's not quite right call it another $2,000.00 CMHC loan it is really Territorial money. As far as I know it is not included in the 1%. There would be possibly another 1% on that $2,000.00. Now, with regard to these charges all I can say is that they are about the going rate. You are doing business with a lawyer across canada, you are going to pay something like this and it would take quite a long time to get you comparative information. And of course I don't practice so I would have to do it through the bar society. So, this is not an extraordinary figure of 1% as a figure.

Mr. Watt: There is just one question I would like to ask Mr. Commissioner. Is there sufficient funds in that second mortgage account to take care of all hopes of construction that would be required in the Whitehorse area?

Mr. Commissioner: Mr. Chairman, I would have to get an answer to that. I can't answer that off hand. But I will get Council an answer for this. I will be very happy to look after this.

RECESS

Mr. Chairman: Are you now clear gentlemen? Gentlemen, I will declare a short recess at this time.

ABSENT: Councillor MacKinnon

Mr. Chairman: Gentlemen I will now call Committee back to order and we are discussing Sessional Paper #99: Old Crow Rates. READS SESSIONAL PAPER #99

SESSIONAL PAPER #99

Mr. Shaw: Mr. Chairman, it does seem funny that we have these outlined, just so many. I guess there is no one to answer the question as to what happens to the other people or can they afford to have electricity. I imagine that they can't afford it. It does say 'any other residences which are wired in Old Crow will of course be on the residential rate'. Now this is the residential rate but I assume the school and the RCMP of course will be on the two bit rate. It doesn't answer the original motion at all Mr. Chairman, that they pay the same rates that are in Dawson and the Indian Affairs take up the difference. It has been strictly avoided in all correspondence. I am happy to see a reduction but that isn't the intention.

Mr. Boyd: I have forgotten the rate in Dawson.

Mr. Shaw: It is 15¢ commercial and 12¢ residential. In other words what would cost you $21 here would cost you about $85, $90 there.

Committee: Clear/

Mr. Chairman: Next is Sessional Paper 100: 'Dawson City Flooding'.

READS SESSIONAL PAPER #100

ENTER MR. COMMISSIONER

Mr. Shaw: Well Mr. Chairman, there is one part here which states 'appear to be from natural causes' and I think that it is essentially correct. Now we do have a situation that I am a little alarmed at at the present moment and that is the ice bridge that is down below; it is about a hundred cords of wood put crossways in the road as a kind of corduroy and then water is pumped on to this bridge and it builds up very heavy ice, and as you know it's pretty well to the lower part of Dawson and I am very much alarmed about what will happen when the ice goes, if this bridge being so heavy, of such heavy construction of ice, whether that will break up and just as it sometimes moves, there's a bar right below, and hang up on that bar and hold up the rest of that water and it just raises the water and floods over everything, so I am very concerned about that bridge. That bridge was also there last year; I don't know if it was ascertained that that was one of the causes of that or not. It was the first time in 30 years that I know of that the water has plugged up at that particular point and flooded the area. Prior to that the floods were away down below and backed up for a considerable number of miles. So I am very much concerned about this ice bridge; that's going to be a real solid piece of ice that will stretch right across and probably be 30 feet wide and possibly 5 and 6 feet thick, and with corduroy wood in there it's not going to be

easy to break up. So we have the natural causes and we also have this man-made effort that may be a cause. I think the dyke is a very good thing. I think that the Territorial Engineering Department, the Government and all concerned in making the money available have done a great thing on that dyke and it has really paid for itself many times over. But in the lower section or southern section of town that ground is thawed ground and when the water gets high and sits high for a certain length of time it naturally goes underneath and you have a situation where though you may keep the water in the river and not overflowing the banks, it's coming in underneath which of course takes a period of time and with pumps I think normally this could be kept under control if you had two or three large pumps there. I don't know that an investigation other than what we have the facilities for in the Yukon in the Engineering Department would serve any useful purpose. It might but I can hardly see it. It's mostly natural causes and it would just be an expenditure of money for nothing. I would have to leave the situation at about that point. I just wondered what this flood survey did in Whitehorse that they had. Did that stop the floods? Was there any action in respect of this survey? It must have cost a considerable amount of money.

Mr. Commissioner: Mr. Chairman, this survey that was taken by Blench & Associates gave very good factual evidence and indication of what was causing the flood situation here, but it is caused under a little different conditions as the flooding in Dawson and several things were pointed out that should be done to help curb the situation. One of them has already been done - if any of you are familiar with the situation of the water intake in the City of Whitehorse's water supply, you will know that we created a dyke out into the middle of the river using a lot of the runway cement when the runway was replaced and this was to help with an erosion problem and also I believe there are a couple of other recommendations in connection with erosion on the far side over at the hospital and I believe that in due time monies will be made available from Federal funds to correct this situation as well.. So while Councillor Shaw is possibly correct in saying that he doesn't see off hand what a professional study might do I am afraid that if we have a further repetition of flooding in the Dawson area and one which we don't seem to have any immediate explanation for we are certainly going to have to bring in some kind of professional people to tell us what conceivably could be done. However, the flood situation in general now - I speak of the whole Territory, not on any one particular case - is a cause for concern at any time and anything that can be done to bring it under control or in any way try to prevent flooding is doing nothing but good and I not only refer to the City of Dawson but to all other places that are bordered by water and there are many of them here in the Territory. We must always be on the look out to give protective measures that will have long-lasting good to all the communities that are concerned and I promised you that I would keep you up to date on what was going on with regard to this particular problem and this paper is tabled for your further information.

Mr. Shaw: Mr. Chairman: the dyke that I commented on was built - the first flood we had was last year since the dyke has been constructed if I can recollect. That was a wonderful job and it just happened that last year it was a freak occurrence that I have never seen happen before. But I would like to comment when we start talking about controlling this and controlling that, every drop of water that starts up in the Chilkoot Pass, or way up in the White pretty near the Alaska coast, every drop of water that starts in that Ross River area, feeds all these rivers and every bit of that comes right past Dawson. I don't know how many thousands of square miles of watershed you have but it must be about half of the Yukon Territory. And that all goes into this narrow place, so trying to control a huge natural water body such as that is a tremendous task. When you see that water coming down in high water it just looks like you are looking on Kluane Lake, you can hardly imagine how large it is and it appears to me that the only thing we can do is construct dykes around as has been done and just have some pumps in reasonably close proximity so that they can be taken in there and pump out the water that seeps in through the southernmost section of the City due to the pervious nature of the gravels and keep that down and I think as has happened in the past it has worked out; last year it plugged up right in front and in half an hour the doggone thing was right over the top. That is the first time I recollect it doing that in all the years I have been there. There was one time that it backed up 16 miles down the river, the jam was 16 miles long. Now that backed up all that distance of miles for about four days and there was nothing man could do. It's too big a natural occurrence.

Mr. Southam: Well Mr. Chairman, I often wonder why there wasn't anything more permanent done with these places. I would think that a proper breakwater built of cribs and rock, and you have lots of rock up there in Dawson, and I have seen these jobs done in Winter. I worked on the Halifax breakwater, we did a lot of this work in Winter - laid the cribs and dumped the rock in and lined the bottom of it and when the Spring comes and the ice went out it just dropped into place. And this keeps the bank from eroding and it's also a lasting sort of a thing and it's the same thing in and around Mayo there where the water comes under the bridge and swings around by the Mayo campground, that's all washed out there;they put a bunch of trees in there and tied it with a cable and to me it was just a waste of money.. Now if they went to work this Spring and put a crib in there and dumped a lot of big rock in then I could understand it but when the break-up comes I'm sure this is either going to take out your campsite or else you're going to cut right through. This is my idea, this could happen. And I often wonder why they don't bother putting a crib in, especially in the Yukon. This is work you can do in the winter, right on the ice.

Mr. Shaw: I don't know if Councillor Southam has seen this, but when the ice comesdown there will be chunks half as big as this room that will be turned up on end and five feet through and when they churn down - the White Pass dock is there and it's constructed of 12 by 15 fir timbers and

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it was snapping those off just like match sticks. When that ice goes there's nothing that man can do to stop it and a breakwater I think would cost about a couple of million dollars.

Mr. Southam: Well Mr. Shaw if you spend $60,000 last year, and spend $60,000 this year and $60,000 next year you'd soon pick it up.

Mr. Shaw: Mr. Chairman, it isn't the ice, it's the water when it rises it just seeps through the breakwater and floods you just the same. The dyke acts as a breakwater, the ice churns up against it and stops, it does not come over, but the watershed comes over, unless it breaks and then (inaudible).

Mr. Watt: Mr. Chairman, I would like to go on record as saying that I agree with the paper and that further investigation should be proceeded with, particularly in the light of the possibility of building a bridge there; the information they find out may help them to shorten the exploration time in which they have to find footings for the bridge and that type of thing, so I think nothing but good could come out of proceeding with this further as is suggested here and I think Dawson would benefit from it one way or another so I would like to go on record as saying I agree with this and I think that further investigation should be proceeded with.

Mr. Chairman: Clear gentlemen?

Committee: Clear.

Mr. Chairman: Next is Sessional Paper 101: Travel and Living expenses for Territorial Councillors.

READS SESSIONAL PAPER #101

Committee: Clear

Mr. Chairman: Well gentlemen I guess we must return to the budget. Councillor Southam, I believe you have some information as to what has been done here so I will turn the Chair over to you.

COUNCILLOR SOUTHAM TAKES THE CHAIR

Mr. Chairman: Well gentlemen, we were in Vote 8 and on Friday there were a few items deferred until the Commissioner was here and the first one is Establishment 823, Page 16 of Vote 8 and this is the Alaska Highway marker for $1500 and I believe it was Councillor Shaw who asked that this be deferred.

Mr. Shaw: Well Mr. Chairman, in relation to this ceremony I think I gave a graphic illustration of what happened when we opened up the Canadian Alaska border on the 60-mile road in which the Mayor and Council of the City of Dawson were present and the RCMP were represented and the Alaska State Police and Colonel (inaudible) and I think the Commissioner of Public Roads in Alaska represented the Alaskan Government and that was at no cost to the taxpayer whatsoever unless

you can call the gasoline for the RCMP's car up there as cost to the taxpayer but in fact the members of City Council had no... We opened up the road in very good northern style and that was it. We felt that this was Federal, and it was a national Government responsibility to open up roads between two countries, not a Territorial responsibility and here on Primary #823 we see that we are going to have a big dinner and this is going to cost $1500. Now I don't know whether that is Territorial money or Federal money or just what it is but it seems to me that to spend $1500 to open up a road that has been open for possibly 25 years, I personally cannot see how there can be justification for an expenditure like that at all.

Mr. Thompson: I don't think it was a question asked of the Commissioner; I think that was just an outline. I would just like to read into the record for Council's edification before the Commissioner makes some remarks in conjunction with this, this has dealings with the meetings with the Departmental heads in Ottawa in February when the Council was down there when we were talking with the Resource and Economic Development Group and this item was brought up by Mr. Sigmund who advised when the centennial programs were being set up a couple of years ago it occurred to planners that since Alaska was celebrating their centennial year in 1967 it would be appropriate if a joint celebration could be organized. Suggestions had been made that a permanent project be established at the Alaskan Yukon border on the highway. This had been discarded when Mr. Porter advised Federal officials that the terrain in the border areas was not suitable for a camp ground. The centennial Commission, External Affairs Department and the Department of Public Works are all willing to assist in implementing a project of this type but the Yukon people should give some concrete proposals. They are on the spot and know best what would be appropriate. So I guess this is where we come into it; we are on the spot for $1500 if the Commissioner would like to comment on this at this time.

Mr. Commissioner: Well Mr. Chairman, if Council in their wisdom would see fit to delete the $1500 it would be one less official function that the Commissioner would have to attend. Actually I say this to you gentlemen: what has been indicated to you here with regard to a picnic area is a very highly questionable situation. I am not too familiar with this particular locale but I am told, and I have no reason to disbelieve this, it is not a very hospitable area from a topographical point of view. However, with regard to the plaque I feel that this is a reasonable situation and I think there should be some effort made towards this as far as the celebration to mark the occasion is concerned. I feel that we should give a lot of consideration to this. Now our particular physical or geographical locale makes us very close neighbours of the State of Alaska and our comings and goings as government to government are very very limited and very sparse. Possibly on the part of individuals, maybe some of the Councillors even, they have considerable comings and goings with their counterparts, possibly business associates and whathaveyou in the State of Alaska but I would certainly feel particularly as there is a new government in the State of Alaska and they apparently have a complete set of new officials, while we will be meeting with these people from time to time during their centennial celebrations during this coming year I understand that at the opening of their

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centennial in Fairbanks there is a good chance that people of very senior levels in both the Federal American and the Federal Canadian Governments will be getting together and this particular occasion may offer an opportunity for government and legislative people of both sides of the border, Alaskans and Yukoners, to get together on something that is very common to both and that is the transportation link that joins us together. Now on this particular basis alone I strongly recommend that we should go along with this particular request here; as to whether or not it is feasible to spend money on the picnic ground this I am going to question thoroughly.

Mr. Shaw: Mr. Chairman, something like this I could see, where possibly a centennial deal can be evoked, but if we build jointly with the Alaskan government, now of course this would have to be done by negotiation, to put up a large timber deal with Yukon Territory on one side and State of Alaska on the other, that might be quite commendable as a joint project and at that time the Commissioner could be there and after it were completed we could put a ribbon across it and cut it and make a few appropriate remarks and let it go at that.

Mr. Commissioner: Well I would like to assure Council that we are not about to start out with an army of bulldozers and a construction contract to start rehabilitating the total topography close to the border. This is just not a feasible thing to be done and I would be prepared to take under advisement any suggestion Council has along appropriate lines to see what effect could be given to this.

Mr. Shaw: Mr. Chairman, I wondered how the Commissioner felt about projects such as I have mentioned, or it could be a stone cairn, something like that would be a sensible type of expendiutre and it would be highly appropriate.

Mr. Chairman:: Mr. Chairman I would look upon this with very high favour myself. If it were Council's wish I would be very happy to investigate such a project. Many years ago any of you that were familiar with the lower mainland of British Columbia will know that on a very modest scale to start with a cement arch was built; they call it the Peace Arch and it is located - the Canadian point is called Douglas and the American point is called Blaine and as I say this started on a very modest scale but over the years it has been improved until now it is a very famous international park area, and while I certainly wouldn't like to predict that we could do such a thing at the border where the highway crosses into the State of Alaska I certainly feel that we could maybe make a modest beginning of something that would have long-range good as far as we are concerned and I would be very pleased and happy if this Council wishes to propose such a thing.

Mr. Thompson: Yes Mr. Chairman, I was going to suggest something along these lines. I think that it would be in keeping to delete the picnic area from this but leave the funds for some suitable suggestions such as Mr. Shaw has made, but I think that I would be opposed to erecting an

arch over the highway; I think that as the Commissioner has mentioned in the Peace Arch area the roads pass on either side of a large grass plot with the arch in the centre and it is quite conceivable something along those lines would be quite apropo but I think probably if we do away with the picnic site for the moment and leave the funds and substitute a centennial arch or something of this nature.

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Mr. Commissioner: Just to finish my explanation of this Peace Arch, they have two symbolic gates mounted inside the Peach Arch and the inscription is: "May these gates never be closed", and the Councillor is quite right, the traffic passes on either side of this arch .

Mr. Shaw: I recollect, I was there in the area when they started to build this Peach Arch. I wonder Mr. Chairman if in view of this discussion we could leave this in the care of the Commissioner to act in his wisdom and cook up some sort of a cairn or an arch in consultation with the Alaska Government.

Committee: Agreed.

Mr. Chairman: Next is Establishment #832: The Alaska-BC-Yukon Conference.

Mr. Watt: Mr. Chairman, I would like to ask Mr. Commissioner to elaborate on this a little further, if this is going to be held this year, when and where and if the plans have changed at all. Sometimes we have had a conference such as this now, and are the plans going ahead with the conference this year, do you dnow?

Mr. Commissioner: Well Mr. Chairman, I'm sorry I can't be firm in my statement to Council at the moment. The only indication I have had is an article in the newspaper that Governor Heckle had suggested to Mr. Bennett that possibly it was time once again for BC-Yukon-Alaska conference and we have included the item here in the budget along these lines so that if a conference is called we will be able to call upon Council to nominate their people and we would be able to send Administration people.

Mr. Taylor: Mr. Chairman, there is one thing in respect of this conference - there is no one from here that can go and do any good; the Federal Government never send anybody down. It was agreed by Council that this was nothing but a political sounding board for Whackey Bennett and the Governor of Alaska because the Yukon plays no part in it; we're a Crown Colony, we can't speak on behalf of ourselves. The Federal Government have not seen fit to send a Cabinet Minister or anybody else, so it's useless wasting money on this - it's a thousand dollars that can be put into Expo.

Mr. Commissioner: Well Mr. Chairman, this is Council's decision. Can I ask a question just to smarten up my memory here Mr. Chairman? The last BC-Yukon-Alaska conference I believe was held here in Whitehorse and does memory serve me correctly, did we have a Cabinet Minister here at that time?

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Mr. Taylor: Well no I believe at this time Bennett was making overtures about buying the Yukon or something of this nature but never has any BC-Yukon-Alaska conference had any representation from the Canadian Government whatsoever to my knowledge other than lowly officials and Councillors.

Mr. Shaw: Mr. Chairman, I was at two of them, the first one at Victoria and the second one at Juneau and I was told very plainly that my part was as an observer. The Commissioner did talk, however his words were "Well I can't make any commitments, I'll have to see what my Minister says" and that was the sum total of the results that I can see. Now I don't know what happened in Whitehorse being on home territory; local people may have had a better opportunity to present papers, but those two that I was at, we were told in no uncertain terms, in fact it was even down on the itinerary, we were observers.

Mr. Watt: I was selected to represent the Yukon Territorial Council in the last one and I will say that we didn't have much representation at the Federal level. Mr. J was here and somebody else was here but the Commissioner spoke on behalf of the Federal Government and on behalf of the Territorial Council I put in a resolution, one of the three or four resolutions, it was made by myself, Mr. Hughes helped draft it, it was seconded by a member from Alaska respecting access to the (inaudible) and it was passed. So we did participate actively in it and we had the support of quite a few people and I think it spurred the Government on in assisting us and bringing to their attention our problem of access to the coast.

Mr. Taylor: Well Mr. Chairman, this is the first I got that somebody is making motions on behalf of me that I know nothing about; I think this is another reason why we should get away from this conference; if a member can go down and make draft resolutions on behalf of the Territorial Council I think that Council should first be advised what they are and further consent. This is completely unethical and I say again, there's a thousand dollars we could use at Expo or some place else.

Mr. Watt: Mr. Chairman, I would just point out that before this was done there had been a couple of resolutions passed through Council unanimously and these were merely the text of what Council, including Mr. Taylor, had supported and accepted and voted on in Council and I was merely passing their wishes on to this Committee and it was done successfully. We did participate in that and I think it would be criminal if we weren't in this next BC-Yukon-Alaska conference. We have a lot in common with both BC and Alaska and those that are objecting to this now would be the first to cry and holler if we were not invited. So I think that we should leave this in the budget and it has served some good in the past and it will serve some good in the future. We are getting together and solving our common problems, not just with respect to that - I recall that our licensing inspector, Mr. Taylor, had a get together with both BC and Alaska and they resolved quite a few problems there. I still have a copy of the minutes and I believe Mr. Judd was selected to carry on correspondence for the BC-Alaska-Yukon

conference from the time of the last meeting until the time of the next one.. BUDGET: VOTE #8

Mr. Chairman: Are you clear on this one gentlemen? Are you agreed to leave this in the budget?

Mr. Taylor: Well Mr. Chairman, I am agreeable to leaving it in the budget as long as it is channelled off to Expo. I don't think this thing is worth a hoot the way it's set up. If you could get somebody up here of Cabinet Minister level, somebody that could speak on behalf of the Yukon - fine - because as I say all it is is a political sounding board for a bunch of politicians and somehow the Yukon takes second place in it. But if we go as observers and can't speak then it's no good for us and I say spend the money some place else.

Mr. Shaw: Well Mr. Chairman on the two occasions I can recollect they did send the Director of Northern Affairs at the time; he was with the Commissioner, advising and Mr. J was the economic adviser. I couldn't see it. Possibly it was good to get together to discuss mutual problems but the Yukon was certainly restricted to the ammenities of such a conference and not the actual getting down to the meat of things. However I wouldn't wish to personally throw it out of here in case something might materialize in that it might be possible for the Minister of Northern Affairs to come down and attend such a meeting if it comes about. Without any funds it might not be possible, so I would agree to leaving it in there but so far it hasn't been proven too effective;as Councillor Watt I think will agree with me, they had this discussion on access to the coast but nothing came of it. Just now something might come of it right at the moment but that's due to other exigencies rather than a conference of two years ago.

Mr. Watt: Mr. Chairman, in case I didn't clarify this; the position that the Territorial Councillor was in with respect to that, he was an actually voting representative, he wasn't just an observer. Our status has increased or improved since Mr. Shaw was first there I guess. But the Commissioner and the Territorial Councillor both voted in all the resolutions and spoke on whatever was dear to their hearts.

Mr. Chairman: What's your wish gentlemen?

Committee: Agreed.

Mr. Chairman: We will proceed. The next is Establishment #839: Mines' Safety and Rescue Program. Page 20. Mr. Boyd I believe you had a question on this.

Mr. Boyd: Well, this is twentyone, nearly twentytwo thousand dollars and at the bottom of the page it says a hundred per cent recoverable from assessing mines in the Yukon. Well if it's one hundred per cent recoverable from assessing mines in the Yukon why is it in here? They're supposed to be paying this in the first place, what are we doing

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sticking our noses in. And then we learn that because of the Keno Hill backing up staff-wise and so on we may be $10,000 short and that the Territorial Government would be required to put up the $10,000. Now after all is said and done this is mineral resources and we have no say whatever in mineral resources, it's strictly Federal - operated by the Federal Government and I don't think this has any place in here at all. We don't hire the men, we don't have any say in it.

Mr. Chairman: Could you enlighten us Mr. Commissioner?

Mr. Commissioner: Mr. Chairman, the first question the Councillor has as to why is it in here, I assure you that monies that we are going to spend we must have Council's approval for them. As to where the money comes from, how we get it, whether it be by taxes, recoveries, deficit grants, this is beside the point, and this gives us the vehicle here to go ahead and do the spending and once the spending is done the recovery is done as per the Mines Safety Ordinance, is this correct Mr. Legal Adviser?

Mr. Legal Adviser: Well there is no recovery machinery in the Mines Safety Ordinance. I wonder whether now the question has been raised if I could have the opportunity of discussing this. I'm not too sure of the background and I haven't seen Mr. Oliver since he was here. I wondered whether Administration could discuss this and produce a more finished answer on the question that the Councillor has raised and the questions that are implicit in his question?

Mr. Commissioner: I think it is only reasonable Mr. Chairman that we should table a paper for Council to go into these matters completely and I would be very happy Mr. Legal Adviser if we could get together and table this for Council. This is only right and reasonable.

Mr. Boyd: Well Mr. Chairman, we discussed this in Mr. Smith's absence and Mines Safety and Rescue is part of the responsibility, as we were led to believe, of the mines themselves in the first place, that's their responsibility according to the Act. And we come along with all this paraphernalia which is in the first place required by law and we should not even be in the picture, this is my point.

Mr. Commissioner: Well at some point in time Mr. Chairman we apparently wished to get into the picture because when I was on Territorial Council there were very considerable wishes on the part of Council that we should initiate a mine training and mine rescue program. So there is quite a considerable background Mr. Chairman as far as how we became involved in this particular thing.

Mr. Boyd: This is true but it is still Federal and already the mining companies are to be assessed the money by the Federal Government. It is a part of the mining companies' responsibility so we the Territory shouldn't be in this at all.

Mr. Commissioner: Well Mr. Chairman, in other words what the Councillor is saying is if this is going to be the fact that we have the legislation that required them to do this this is still the Federal item, is this what I understand now? BUDGET: VOTE #8

Mr. Boyd: Yes.

Mr. Watt: Mr. Chairman: I originally brought this up with Mr. Oliver and I wasn't satisfied in that the revenues from mines, minerals, oils and gasses, resources for the Federal Government. Now they are asking us to pay the bills for the operation of mines and they are getting the revenue, so my argument is if they are getting the revenue they should pay the expenses as well. Now it says it's recoverable from assessing the mines of the Yukon Territory but we were informed here the other day that we would be lucky to get sixty per cent - 30 or 40 per cent would possibly be more realistic. So we wanted assurances, and Mr. Oliver said he thought the Federal Government would give it, but he couldn't say for sure - possibly you can, that anything that isn't assessed and recoverable in that program would be automatically picked up by the Federal Government and not passed on to the Yukon Territory. Could you give us this assurance Mr. Commissioner? Or would you see that they would assure that they would pick up the cost of this, seeing that they get the revenue from the mines.

Mr. Chairman: Well Mr. Chairman, I would say that the point that is raised is a very valid one and I certainly think that we should definitely investigate the situation fully and have a proper and clarified statement for Council before they are asked to vote. I couldn't agree more.

COUNCILLOR TAYLOR TAKES THE CHAIR

Mr. Southam: I think where this is stemming from is from your Yukon Mining Ordinance, and in that it states, if I'm right, that the mines will cause men to be trained and also pay for their instruction and this is what they have done up until the present time when you have got the new equipment. Now the idea was that the mines would be assessed at a certain rate. I can't give you the exact pro rata at the time but there was so much for every man on the payroll of United Keno and so much for the other mines that are working open pit and so on. Now this is where this stems from and we, or the mines, this is true that in the Provinces and in the Territories, you are bound by law to provide a mine rescue team but you cannot make a man be a mine rescue man so therefore you have to use a certain amount of persuasion to get a man. If you have to force a man to be a mine rescue man he's no good to you, you can take that from me. So therefore when you get a bunch of volunteers to do these things therefore somebody has got to pay them. The mines have paid the men in the past as they have provided the equipment. Also it says in the Ordinance they will provide the equipment, so what has been done - at least this is my understanding when I talked it over with Mr. Oliver and the management of United Keno before this ever came into being - was that they were quite qilling

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to go along with this, which they intend to do and still intend to do, as far as the mines are concerned. But the thing is this, that your staff is cut from 628 down to about 390 or 400 which cuts your income off, so to speak, and this is the deficit that we have been asking the Federal Government to pick up. In other words your equipment is Territorial, your instructor is a territorial man, the mining inspector is a Federal man and so is his assistant. But the program is Territorial and you can't get away from it. It's got to be Territorial, it's the same as the Provinces, you can't run that Federal because you are working underneath the Territorial Mines Safety Ordinance, not the Federal Ordinance. The mines themselves have no intention of getting away from it, they'll pay the shot as much as they are able but the thing is, your payroll is down that much and this is going to make a possible deficit of between say five and ten thousand dollars a year and in Motion #5 which I proposed here a while ago this is what we proposed - the Federal Government would pick up the tab of five to ten thousand dollars a year possibly and the Council went along with it unanimously. So I can't see what Mr. Boyd is kicking about because sooner or later you will get this back from the mines and the more mines that open up you'll get your money back. And gentlemen, believe you me, if you ever cut a program like this out you're cutting your throats. That's my opinion.

MR. SOUTHAM RESUMES CHAIR

Mr. Taylor: Well Mr. Chairman I would just like to say that there is one point though. I don't agree that this should be cut out by any means, it's a most necessary item. As a matter of fact I was just wondering here what some members might have thought when they were underground the other day if there had been a cave in, wondering if anybody had enough money to get some rescue equipment to come and get them out of that location they were in the other day. If you are going to save life you have to have the equipment and you have to have the trained personnel. However there is one point though that Councillor Southam raised, he said that we were working under a Territorial ordinance, but so is the Yukon Forest service working under the Yukon Forest Protection ordinance and this is paid for by Ottawa. So there has been a precedent established here. And I still think as Councillor Boyd says, we have to have the money but I think this money should come from the Federal Government because they are the recipients of the resource royalty revenues from productions of mining property and I would say that this is pretty substantial. I believe that the export of mine production as appearing in the Northern Miner of April 13th, the headlines are: "Exports of Canadian minerals over Two Billion Mark in 1966." Well they must be accruing a certain portion of that from the Yukon Territory and I think there's a good argument here. and I agree that Mr. Commissioner should look into this and see if we can get this money from the Federal Government. Naturally the money will have to be paid, if not by them, by us but I think every effort should be made to recover this from the Federal Government.

Mr. Boyd: Mr. Southam doesn't dnow what I'm kicking about. He's made a motion that Ottawa's going to put up ten thousand dollars just out of pocket like that because we made a motion. Nothing could be further from the facts. They're not going to put it up this way; we're talking about money and I have heard the Legal Adviser say he couldn't get the money to buy a book. How are you going to get ten thousand dollars out of the little bit of bank account that they seem to run low on once in a while. They're using quite a lot of excuses around the area now. They're broke and they haven't got the money. They're broke for fifty dollars same as they're broke for fifty thousand, the attitude is the same. But this is in reality a Territorial responsibility. If we are going to do the hiring we are going to do the firing, we are going to say how many people are going to be in there. Fine. We'll run the staff too; it might do some good. But just to slip this little corner of it in because it suits the mine inspector, Mr. Oliver, can't get it into his budget under no circumstances, slip it through the Territorial, they're easy game, that's a good way to do it. Well it's not so simple. Now we find we're ten thousand dollars short. Who is going to pay it? This is my problem. I'm all for the job being carried on but it also states in writing, the very tunnels you are talking about out in Dynasty the other day, it says "they shall have equipment there". It's their responsibility, it's part of the law. Now you are saying we'll put it there. BUDGET: VOTE #8

Mr. Taylor: Mr. Chairman, I think the matter's quite clear. I still think it's a Federal government responsibility. This is what we just resolved here two or three minutes ago, or half an hour ago. All of a sudden it was resolved and then the member was up on his feet saying the same thing again. We can't take it out of the budget because there has to be some money there to provide for the service required. We can't just take it out and say "OK go die in a mine some place". If the money's required at the moment we must be able to provide it regardless of what source it comes from.

Mr. Boyd: This is a Federal responsibility and it will be paid for by the Federal Government. Can you get anybody at this table to tell me that this will be so?

Mr. Taylor: I think Mr. Commissioner made it clear: we should look into this and we should not press this particular item until he has got clarification from Ottawa.

Mr. Chairman: Shall we proceed gentlemen? the next one is establishment #840: Yukon Economic and Constitutional Study for $150,000.

Mr. Shaw: That was a question I raised Mr. Chairman. To make it very brief, how come that we have the Constitutional study mixed up with the economic study?

Mr. Commissioner: I haven't got a suggestion in the world Mr. Chairman. These are the funds Mr. Chairman that were originally voted in the supplementary estimates last Fall.

BUDGET: VOTE #8

I don't know if Mr. Clerk has a copy of it here or not but this is the item that was voted at that time. Of course none of the funds were spent.

Mr. Shaw: Mr. Chairman: Last Fall we did provide $150,000 for an economic study. The reason I raise the question is the fact that the honourable Minister of Northern Affairs stated that this constitutional study would be a very quick thing, it wouldn't take very long and I assumed that the thing would be going full steam ahead right at this time, and it's not, and the economic study might take two years, this is a big thing, and I just wondered why the constitutional study... it seems to me it must be a typographical error.

Mr. Commissioner: Well Mr. Chairman I am not aware of any reason why the word was put there and I will certainly look into this and advise Council first thing in the morning if there is any reason for it being there.

Mr. Shaw: Well just one thing, Mr. Chairman. If we left it in and approved the $150,000, then it's 'well this constitutional study, it all goes together boys, you agreed to it, look it's right down there.' So if we can get this cleared...

Mr. Commissioner: Mr. Chairman, I think the Councillor has a point here and I think we should find this out.

Mr. Watt: I would like to agree with Mr. Shaw there; I think there is a point. I think it's probably typographical, I hope so. If it isn't I would like to ask the Commissioner if a choice has been made as yet as to who is going to carry on this economic study. Does he have any startling announcements that he would like to make at this time?

Mr. Commissioner: No Mr. Chairman, I'm afraid that I have nothing further to offer at this point.

Mr. Chairman: Clear gentlemen?

Committee: Clear.

Mr. Taylor: Well Mr. Chairman, I have two questions: the first one relates to Establishment #815: A Grant - Yukon Museums, and this is provided I believe for Dawson City: Page 15 Grants: Territorial contribution towards expenditure of museums in the Yukon - Dawson Museum and the Historical Society. I am wondering in the light of the request of the people of Teslin as to what assistance they could receive in starting a museum there, if possibly this could not be increased in order to provide for these smaller communities. I imagine Whitehorse mayh want some assistance in respect of theirs - I guess they have got a fairly healthy chunk this year. In any event I am just wondering if this should not be increased.

Mr. Commissioner: Well Mr. Chairman the only reason that I can suggest that it should not be increased would be to see whether or not we can in fact provide funds for such a thing and I personally think that every possible assistance should

be given to this kind of enterprise. I am not against this, I think it's a very very good idea, but just off the top of my hat here to say that we can effectively increase funds without seeing what our total budgetary picture would be, I'm afraid Mr. Chairman this is asking a little bit more than I would permit myself to answer at the moment. I think that anything of this nature is good and should be encouraged to the limits of our abilities and I am certainly not against the use of funds if they are available in constructive ways along these lines.

Mr. Taylor: Well Mr. Chairman I have one further question. It is rather an important one, as a matter of fact it is about ten million dollars worth of importance on Page 17: Rental of land, buildings and works - accomodation Territorial Administration - Lynn Building. It is at this point in the budget that I would like to register my protest and non-acceptance of this figure. It is my opinion and impression that ten million dollars as proposed over a ten year period one way or another finds its way to the Lynn Holdings Company, or whatever is involved here, or one million dollars, a hundred thousand a year, pardon me, but in any event I am unalterably opposed to this, I am unalterably opposed to the entering into a contract with a company for this period of time, I feel that the money that will be spent on this contract, which was in my opinion illegally entered into, I feel that the money could well be used by the Territory to produce its own facilities and I feel this item should be deleted and the contract retendered, and retendered for a period of two years, that is the period, I presume, of our next agreement, at which time we could hope that we are well on our way towards providing our own facilities, or we could make another tender for office accommodation for an additional period of two years. But these are my thoughts on the thing and I feel that if we do not spend this money and retender this thing we could effect a reasonable economy in relation to the office space required here.

Mr. Shaw: Has a tender been signed for ten years?

Mr. Commissioner: Yes.

Mr. Taylor: Mr. Commissioner this is not binding, this is dependent on Council, is this not correct? If the Council don't approve it this contract is null and void and Lynn Holdings have no comeback in the Territorial Government.

Mr. Legal Adviser: Well there is a provision in the Financial Administration Ordinance to that general effect and of course contracts actually sometimes incorporate that, sometimes write it in but the fact whether it's in or not doesn't affect it. I have never seen this particular section tested either in the Yukon or elsewhere. I would have to do quite a bit of research to get a final answer and of course it would have to be a decision of Council to withhold these funds and the Government might earn for itself a reputation of entering into deals and reneging which would make the future conduct of business very difficult of course. You wouldn't find contractors prepared to do business with you in the future once you acquired that trade mark so I would like to consider the legal aspect very closely. As I say I have

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never seen it tested and consequently I have no precedent in law in the Yukon Territory. This does of course exist in the Federal level but I have no recollection of seeing it tested in Court at the Federal Level either.

Mr. Taylor: Well Mr. Chairman, the section referred to, Mr. Legal Adviser is quite correct, is a section that I never found until it was pointed out to me here at this session. Section 26 of the Financial Administration Ordinance: "it is a term of every contract providing for the paying of any money by the Territory" -it's a term of all contracts of the Territory - "that payment thereunder is subject to there being an appropriation for the particular service for the fiscal year in which any commitment thereunder would come into force of payment". And I think that's quite clear. I was under the understanding prior to this that we were stuck by a commitment made by the Federal Government on our behalf without the consent or the knowledge of the people of the Yukon Territory; this had been tendered before prior consent had been obtained from the people's representatives on the Council. The agreement was virtually done between the Federal Government and Lynn Holdings on behalf of the Territorial Government because there was no Commissioner in office at that time; there was an administrator. And as far as I am concerned the whole thing was rotten to the core, because I have some knowledge of the manner in which this thing was handled; I have reason to believe that one of the contractors possibly, or the successful contractor possibly had knowledge of what was bid, what the other companies had bid but based alone on the fact that this Council did not have an opportunity to first give its approval or otherwise in relation to Lynn Holdings Limited, I don't feel that any government, even the Territorial Government let alone the Federal Government, had the right to go and commit a million dollars of the taxpayers money without first coming to the people and that's the plain hard facts of the case. Remember too the terms of this thing are ten years and here we are talking about a firm agreement with the Federal Government for five being too far to foresee. And also thirdly we have talked about a legislative building and no doubt we can talk about an administrative building of ours, so why not take the money that we're going to pour out into this Lynn building and some of these other buildings and start putting it into our building. Let us be the constructor and let us, the taxpayer, be the beneficiary of the economies that would result from this thing over some period of time. This is why I say to expend these monies would be to accept in principle or in fact, the principle of what you do, that you go out and spend the Territorial Government's money without coming near the Council and I know the matter was raised at the Fall session. It was finally resolved by everybody thinking "well what can we do, if we take this to Court we'll get sued" and all this sort of thing. I find now that we don't get sued, its in Section 26 of the Financial Administration Ordinance, that this is the term of all contracts entered into by the Territory. So I say delete it, retender, retender for office accommodation and hit her off again, and let's get this quibble on office accommodation - maybe Lynn Holdings will be the lowest bidder - fine - all the more power to them, but let's do it right this time. That's my thought.

Mr. Thompson: Mr. Chairman, I would like to ask the Legal Adviser for a comment. When he was replying to Mr. Taylor's remarks he said that with reference to the section it didn't matter whether it was in a contract or not. Would you like to enlarge on that Mr. Legal Adviser? BUDGET: VOTE #8

Mr. Legal Adviser: It's a matter of law; it's here in the Ordinance; it doesn't have to be written into the contract. This is a term which is inherant in the contracts that are entered into. Now you will realize that the effect of this is very far reaching. I have never seen it in operation, I've never seen it applied but it's a term of every contract; it doesn't say that it has to be written in at all it is a term of every contract and I think that follows the wording in the Federal provisions relating to contracts. I would have to compare them to make an exact note. Council will recollect that when the matter was raised at the previous session I was asked by the member from Dawson as to whether the contract was a binding contract. I had to decline to answer that because of the effect that it would have left us with no room for manoeuvre. Now it might have tied us up and that is why I gave you that answer at that time but I was fully mindful about the fact of this clause; I was not overlooking that but what you are looking at was not so much a rejection of money but the contract itself, what had passed between the administrator and the Lynn Holdings representatives. The contract might have been binding to the extent that we were bound to go on until we had no more money but I agreed at the time that my answer then to the member from Dawson was unsatisfactory. It has to be because the ultimate answer is given by the judge. If you want to test it in court he is the man who fixes his seal to the answer.

Mr. Taylor: Mr. Chairman, I would just like to point out that with respect of this, I don't have a motion prepared at this time, but I would like to see this thoroughly thrashed out and frankly I would like to see this thrown out completely because there is still a very dangerous precedent established here if we accept this and the time of decision is whenever we discuss this budget and as I say I feel that this should be tendered on a two or possibly three year basis and done so immediately. I'm not saying that this money should be taken out of the budget but I am saying that the earmark toward the Lynn building portion should be removed. Right now that the Administration are housed possibly we are being kicked further out of this building, I don't know so arrangements will have to be made, but I say retender it on say a three year basis and we are talking about economies gentlemen, we are looking for money, we're looking for lots of it, well here's one place to start saving the taxpayer some money. We're not bound by this contract in any way that I can see and this puts a different light on it, and also the fact that we do need our own building, let's go build our own. Those are my opinions.

Mr. Watt: Just one thing. Mr. Taylor said that he felt that one tender was submitted after the other tenders were open, something along that line, that they had prior knowledge of it. Now if that is the case it makes a laughing stock out of the Territory holding tenders. I would like to

BUDGET: VOTE #8

hear the Commissioner comment on this, it's something pretty serious. If I ever submitted a tender to the Territorial Government and it ever happened to me that my bid was used in order to help somebody else, I'd never submit another bid, I don't care what the circumstances were. I would also like to say one other thing, if we do recall tenders building costs have gone up in the last few months and the new tenders that are called will probably be a little bit higher than the last ones. I'm not too familiar with this but this one thing that Mr. Taylor suggests is pretty serious and I would like to hear Mr. Commissioner comment on this.

Mr. Commissioner: Well Mr. Chairman I am not aware of any irregularities in this regard. Perhaps Mr. Legal Adviser would like to comment on this particular situation but certainly I am not aware of any irregularities along these lines.

Mr. Legal Adviser: I understood Councillor Taylor to indicate that someone might have had information regarding what has been bid by other people, he didn't say that the bid had been somehow opened; he didn't seem to direct a finger at the Administration for a leakage. I read his statement as indicating that somebody possibly acting for one bidder had communicated information to another bidder, that was the way it seemed to come across to me.

Mr. Taylor: Well Mr. Chairman I was very careful in the way I phrased that particular statement. However, if the honourable member from Whitehorse West is curious about the way in which things have been tendered lately I suggest he look again at the manner in which the Lynn building was tendered in respect of spending money without having prior approval of the Administration or of the Council and secondly go take a look at your last fuel oil contract where you say in the contract "No qualifying bid will be considered" and then you go give it to somebody who gave a qualifying bid and this type of thing that goes on and on. There you find your answer on how the Territory is tendering contracts. I say put an end to it, retender this thing and be done with it. In view of the time I think members might wish to discuss this thing tomorrow.

Committee: Agreed.

MOTION: MR. SPEAKER TO RESUME CHAIR

Mr. Boyd: I would move that the Speaker do now resume the Chair and hear the report of Committee, and the Commissioner be excused.

Committee: Agreed

MR. COMMISSIONER AND MR. LEGAL ADVISER EXCUSED

Mr. Chairman: It has been moved by Councillor Boyd and seconded by Councillor Watt that Mr. Speaker do now resume the Chair and hear the report of the Chairman of Committees.

MOTION CARRIED

MOTION CARRIED

MR. SPEAKER RESUMES HIS CHAIR: MR. TAYLOR RESUMES CHAIR OF COMMITTEE.

Mr. Speaker: I will now call Council to order and hear the report of the Chairman of Committees.

REPORT OF CHAIRMAN OF COMMITTEES

Mr. Chairman: Mr. Speaker, Committee convened at 11:15 am this morning to discuss bills memorandums, sessional papers and motions. The Commissioner attended Committee to discuss matters of a general nature as well as sessional papers. Committee recessed at 12 noon and reconvened at 2:00 pm. It was moved by Councillor Taylor and seconded by Councillor Boyd that Committee concur with additional expenditure as outlined in Sessional Paper #97. This motion carried. It was moved by Councillor Boyd and seconded by Councillor Watt that Mr. Speaker do now resume the Chair and hear the report of the Chairman of Committees. This motion carried and I can report progress on Bill #9 Mr. Speaker.

Mr. Speaker: Gentlemen you have heard the report of the Chairman of Committees, are you agreed with the report?

Council: Agreed.

Mr. Speaker: Thank you. What is your pleasure gentlemen? We have the agenda for tomorrow if we discuss bills sessional papers memorandums and motions, is that agreed?

Council: Agreed.

Mr. Speaker: I would be pleased to receive a motion for adjournment at this time.

Councillor Thompson: I would now move that this session adjourn.

Mr. Watt: I second that motion.

Question on the motion called.

MOTION CARRIED
COUNCIL ADJOURNED TO
10:00 am, 25th April 1967

Mr. Speaker read the daily prayer and Council was called to order.

Mr. Speaker: Is there a quorum, Mr. Clerk?

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The first business on the Agenda would be correspondence. Have we any correspondence this morning, Mr. Clerk?

Mr. Clerk: There is no correspondence this morning, Mr. Speaker.

Mr. Speaker: Have we any Reports of Committee?

Mr. Southam: Mr. Speaker, I rise on a point of privilege. It was stated by a Member in Council a few days ago that the mortuary in Mayo was used as a food storage at which time I stated that to my knowledge no food had been kept in said mortuary at any time. However, being a representative of the said District, I made further inquiries to which I now have an answer and I would like to read this letter to advise Council of the same. May I read it, Mr. Speaker?

Mr. Speaker: Proceed, Mr. Southam.

LETTER FROM MAYO GENERAL HOSPITAL

Mr. Southam: "Mr. F. G. Southam, Box 2703, Whitehorse, Y.T. Dear Mr. Southam: Thank you for phone call today, & bringing to our notice that someone had stated food was stored in our hospital mortuary. I hasten to inform you that this statement is not correct, & that at no time or for any reason is food stored there. We have two large refrigerators, two small ones, three deep freeze units, & three food storage areas within the hospital. We purchase frequently from suppliers in Whitehorse, & from our local stores here in Mayo for our fresh fruit & vegetables. Since "seeing is believing" we find no evidence of food products having ever been stored in the said place. We would welcome a visit from any of the councillors who would care to come & inspect our hospital at any time. Kindest regards, Yours very truly, Florence Podger, R.N., Matron/Administrator."

Mr. Speaker: Thank you, Mr. Southam. Have we any Reports of Committees? If not, we will proceed to.....

Mr. Thompson: Mr. Speaker, I am wondering..the Members of the Lot 19 Committee had a Report that was presented and I am wondering where....has this been tabled?

Mr. Clerk: Yes, Mr. Speaker. There was a Sessional Paper. I can't recall the number off hand but I could look it up.

Mr. Speaker: Is there another one? Are you referring to... we had one that has been tabled....

Mr. Thompson: That's fine.

Mr. Speaker: Have we any Introduction of Bills? If not, have we any Notice of Motion and Resolution?

NOTICES OF MOTIONS #22 #23

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion this morning respecting the extension of the Beaver Trapping Season and I would like also to give Notice of Motion respecting the Disturbance of Native Burial Grounds.

#24

Mr. Boyd: I would like to give Notice of Motion concerning Insurance - Automotive Insurance Claims.

MOTION FOR PRODUCTION OF PAPERS #7

Mr. Speaker: Have we any further Notices of Motion and Resolution? If not, we will proceed to Orders of the Day. We have Notices of Motion for the Production of Papers. I see we have Motion for the Production of Papers No. 7, Mr. MacKinnon.

Mr. MacKinnon: Mr. Speaker, in view of the fact that I couldn't be present yesterday, I would like to have this deferred until tomorrow morning possibly...if Committee agrees.

Mr. Taylor: Mr. Speaker, under Notice of Motion for the Production of Papers, there is merely a vote taken. There is no debate. I am wondering why the Member wishes to defer it.

Mr. Speaker: That is quite correct but if he wishes to defer it, that is fine. Are you agreed with the deferment?

All: Agreed.

Mr. Speaker: We will now proceed...there is only one Motion here that is deferred. I think that that completes the matters of business with the exception of questions. I will call a short recess at this time to see if we can contact the Commissioner.

Mr. Commissioner enters the Council Chambers.

Mr. Speaker: I will call this Council to order. We will be on the question period at this time. I would like to remind you again that this is not a time for debate. It is a time for questions. You can explain your question but from there on, I will have to call any Member to order that wishes to get into debate. Those are the rules and until you change them, I am obliged to enforce them so I hope you will remember that. Who would like to start the ball rolling on the question period?

Mr. Boyd: I will try and keep my words to questions, Mr. Speaker.

Mr. Speaker: I hope you will.

QUESTION RE SOUTH ACCESS ROAD

Mr. Boyd: Can the Commissioner inform Council as to whether or not the South access road will be connected up to Second Avenue and made available to the public this coming year?

Mr. Commissioner: Mr. Speaker, this is a very simple straight forward situation. This is within the City Limits of Whitehorse and it is up to the City of Whitehorse to proceed with those public works which are within their domain to do. If the City of Whitehorse were to request assistance or should we say some co-operative effort from the Territorial Government, I would feel obligated to come to Council with any

QUESTION RE SOUTH ACCESS ROAD

Mr. Commissioner continues:
such requests, Mr. Speaker, but in pursuing the City's Budget which was presented to Council here approximately two weeks ago, I certainly didn't see any indication in the City's Budget of a capital project of this nature and I can assure you, Mr. Speaker, that such capital projects that are here in the Budget presented to the Council do not include public works within the confines of the Municipality of Whitehorse, except those things that the Territorial Government is directly responsible for, namely schools or things of this nature.

Mr. Watt: A supplementary question to that, Mr. Speaker. Is this road not outside the City Limits? Does the City Limits not end at the railroad track and this is Territorial jurisdiction?

Mr. Commissioner: Mr. Speaker, the Councillor's question was would this road be joined up to Second Avenue.....City Limits....the railroad tracks...aproximately Fourth Avenue.

Mr. Watt: Could I clarify the question, Mr. Speaker? Part of the road...the main cost of the road is...the fill on the other side of the railroad tracks. If I am correct in my assumption and the Commissioner can possibly verify this... that beyond the railroad tracks is the end of City Limits so it would be within the Territory's jurisdiction. Could you verify that, Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I am assuming now that we are talking about the City's boundaries...we are talking the City's boundaries where they would bisect the railroad track which is approximately speaking at the south end of Fourth Avenue. Now, if on the other hand, the Councillor is referring to the City's boundaries as to where they are delineated by the high water mark of the river or parallel to the river bank, now this may be another point in question entirely but I have certainly been operating under the assumption, whether it is a delusion or incorrect, I am not prepared to say, that that portion of the south access road which extends from approximately the south end of Fourth Avenue to the junction with Second Avenue was definitely within the City Limits. Now, I could be subject to correction on this, Mr. Speaker, but that is certainly the assumption that I have been working under.

Mr. Speaker: Gentlemen, there seems to be some difficulty here in ascertaining where the limits of the City are and leading to a lot of questions. I shall call a short recess. The Legal Advisor has gone to get a map and you can find out where your property is....and act accordingly.

Mr. Speaker: I will call this Council back to order and we are in the question period. Have you any further questions, gentlemen?

Mr. Boyd: Mr. Speaker, I don't like to leave what we were talking about hanging in abeyance and I would like to know if Council will agree to leave the question I asked in abeyance until I can deal with it further.

All: Agreed.

QUESTION RE WELL & SEPTIC TANKS

Mr. Speaker: Have we any further questions? Mr. Taylor.

Mr. Taylor: I have just one question, Mr. Speaker. I am wondering if Mr. Commissioner could enlighten me as to what progress is being made in relation to the problem of...the conflict I should say of Ordinances between this well and septic tank proposition in small lots.

Mr. Commissioner: Mr. Speaker, I would advise that I have just received the necessary information and I have just finished dictating a letter to Mr. Taylor, giving him a copy of this letter, and if after he sees it, there is still some question, I would then be quite happy at that point to table it as a paper for Council for Council discussion, but I would leave that up to Mr. Taylor's own discretion, Mr. Speaker, after he has received the information that I have.

Mr. Speaker: Thank you, Mr. Commissioner. Mr. MacKinnon.

Mr. MacKinnon: Yes, Mr. Speaker, I would like to ask the Commissioner if he has got a reply in regards to the handling of wood contracts. I asked the question some time ago.

Mr. Commissioner: No, Mr. Speaker. I must admit that I do not have that available as yet. There is no excuse for my tardiness on this outside of my own inability to catch up on the paper work that is sitting on my desk. I will do my best to get this answer here promptly for the Council.

Mr. Speaker: Thank you, Mr. Commissioner. Have we any further questions? If not, gentlemen, I would be prepared to consider a Motion to revert to Committee.

Moved by Councillor Boyd, seconded by Councillor Southam, that the Speaker do now leave the Chair and Council resolve itself into Committee of the Whole to discuss Bills, Memoranda, Sessional Papers and Motions.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: The Motion is carried and Mr. Taylor will take the Chair in Committee of the Whole.

Mr. Taylor: Gentlemen, we will be proceeding back to the Main Supply Bill, Bill No. 9. I will declare a short recess while we get our papers in order. Mr. Smith leaves.

VOTE 8

Mr. Chairman: At this time, I will call Committee back to order. We are on Vote 8. It has been brought to my attention that there was a question in relation to Establishment 805 under Administration, Legal. Does anyone recall who had the question and what it was all about?

Mr. Shaw: Mr. Chairman, that was something that was deferred pending the attendance of the Commissioner. I had a question in respect to this.

Mr. Chairman: Well, gentlemen, have you anything further in Vote 8?

Mr. Shaw: Just that particular question pending the arrival of the Commissioner, Mr. Chairman. I presume that that can be deferred until the Commissioner gets here.

Mr. Chairman: I am informed that we still have some more to go through on Vote 8....page 22, Centennial Youth Travel Program, $5,000.00. VOTE 8

All: Clear.

Mr. Commissioner enters the Council Chambers.

Mr. Chairman: Next is Centennial Voyageur Canoe Pageant, $5,000.00. Next is Alpine Centennial Project, $10,000.00.

All: Clear.

Mr. Chairman: Next is Expo '67, $42,000.00.

Mr. Watt: Mr. Chairman, I would like to suggest....this $42,000.00...that was the original estimate for Expo..and we approved this if it didn't go over $50,000.00. Now we have added another $10,000.00, and I understand that quite a bit of this has been added without necessarily having the approval of the local Centennial Committee and I would like to suggest that any money that is spent is spent with the approval of the local Centennial Committee. I would like to suggest that any of the money that we have already voted, as we have, $50,000.00, plus the other $10,000.00...where it is voted, have the approval of the Centennial Committee and try and hold it within the new bounds we have set. Now we have a situation where we have one individual that is leaving. I think that we are losing control of this.....close to the ground and close to Whitehorse and close to the Yukon. I approve this estimate plus the additional $8,000.00 that we tentatively approved in the original approval of us entering Expo on the condition that it didn't exceed $50,000.00 and we included the other $10,000.00 so I would like to suggest that this has my approval but as it is spent it has to have the approval of the Centennial Committee who I think are doing a fine job and who are trying to hold down the costs of this, but if it is lost control of locally and goes out of hand here, then these things skyrocket.

Councillor Southam takes the Chair.

Mr. Taylor: Mr. Chairman, I don't know how we seem to get off on these wrong tangents. The Centennial Committee has absolutely nothing to do with the Expo '67 project and I don't know where the Member gets this information. This is clearly a separate item and insofar as the spending of monies, these are spent by the Territorial Government to my knowledge. Is that not correct, Mr. Commissioner?

Mr. Commissioner: Mr. Chairman, I should not be in the position of making observations in connection with things but I want to make this observation to you gentlemen. This is something that is completely, from start to finish, within the control and the confines of the Territorial Council. There is no interference from Ottawa. There is no interference from the Administration. The Administration, to the best of my knowledge and under my firm instructions, has extended the services of the Centennial Co-Ordinator, those people who work in his office and all the Departments have been asked and instructed to co-operate with the Committee and I made it a very firm part of the setting up of this Committee that there would be a Territorial Councillor representative on this Committee and your representative is Mr. Taylor, and anything that has been done....I assure you,

VOTE 8
EXPO

Mr. Commissioner continues:
Mr. Chairman, that if it has been done without Mr. Taylor's knowledge, it is his own fault that it has been done without his knowledge.

Mr. Taylor: Yes, Mr. Chairman, this is quite correct and this is why I can't see why all of a sudden...we dealt with Expo '67 yesterday. The matter is going along very fine. I can't see why we digress and get off on a tangent again, however, I would suggest that we proceed Mr. Chairman.

Mr. Watt: May I ask Mr. Commissioner who is the Chairman of this?

Mr. Commissioner: Mr. Chairman, I would refer this to.... Mr. Shortt. Mr. Ken Shortt is the Chairman of this Committee.

Mr. Watt: Mr. Chairman, I would like to point out to Council that there has been certain expenditures that have been made by individuals and they have asked approval of the Chairman.. to put his signature on this...and he hasn't approved some of these expenditures until he gets some more information from them and it has been brought to my attention that Council in effect has overruled the Chairman of this Committee in going ahead and voting funds without a little more confirmation. I didn't realize it at the time. I thought it had the full concurrence of everyone concerned. I would like to say that when this money is spent, it should be with the concurrence of this entire Committee...of the majority of them. I understand that a letter has been sent to the Administration saying that the Chairman of this would not approve certain expenditures unless more information was given to him. In other words, the Chairman feels that the spending of this money has already fallen out of his hands, or pretty well, and if he is being asked to chair this and accept the responsibility for this, he wants to at least know what's going on.

Mr. Taylor: This is all news to me, Mr. Chairman. I don't know where the Member gets all his information, however, in any event, I suggest that we proceed with the Budget.

Mr. Watt: Mr. Chairman, I know we can't get anything rational from Mr. Taylor but I would like to ask these questions of the Administration. After all, it's a $50,000.00 bill we are talking about and I would like to have the Commissioner look into it.

Mr. Commissioner: Mr. Chairman, you have my personal assurances. I certainly will. I would be very happy to.

Mr. Watt: Could we have your assurances that you would find out why this last money...that last $10,000.00 that wasn't approved by the Chairman of the Committee and other Members of the Committee....before it was sent to Council for approval?

Mr. Commissioner: Mr. Chairman, I want to tell you something that there has been nothing sent here for Council's approval in the way of firm monies. I simply tabled a report indicating to you that the cost trends at the present time would indicate a possible over expenditure and I felt that it was my duty, as these matters have come to my attention...I felt that it was my duty to advise Council of these happenings as

Mr. Commissioner continues: VOTE 8 EXPO
they are going on and not tell them after it was a fait accompli, and I would feel that I would be very remiss in my duties at that point. I can definitely assure you, Mr. Chairman, that there has not been monies spent beyond the monies that Council has voted. This I assure you and as far as the total package is concerned, I would be very happy to look into what the Councillor has mentioned, Mr. Chairman, and possibly, if it is appropriate to do so, I will get together with all members of the Committee and be prepared and be available to answer further questions that Council may have in this regard.

Mr. Shaw: Mr. Chairman, in this matter, I don't know what happens to the Committees around Whitehorse but it seems so many of them...they have a certain report and then they don't agree with the report and so on. On this particular matter, I was under the impression that this was coming along just fine but seeing that we have questions raised by the Member from Whitehorse West that everything doesn't seem to be going according to hoyle one, of course, naturally has no alternative but wonder what is wrong...what is going on. This Committee...of course they are an advisory committee.. they have no power to spend money but they certainly have the power to make recommendations. So far, I have not seen one piece of paper on my desk that I can recollect that is pointing out what the Committee is doing. I have had the information on what is going on for the exhibits for the Yukon, yes, but no minutes of anything or reports from the Chairman of this Committee as to what is transpiring. Perhaps it might be another matter where this Committee could perhaps get together and make a report that had the agreement at least of most of the members of the Committee. This may be the objection of one person and the rest of the Committee is satisfied. I don't know. Maybe they are all dissatisfied. The Council Member says that everything is going along fine. Another Member states that there are members of this Committee that aren't happy, aren't satisfied, are not in agreement. Perhaps we could have a report from the Committee itself and we would know where we are situated.

Mr. Watt: Mr. Chairman, I would just like to leave this in the hands of the Commissioner for the time being to clarify the point and leave it at that for the time being.

Mr. Shaw: I want some information, Mr. Chairman....from this Committee.

Mr. Watt: Mr. Chairman, Mr. Commissioner says that he will look into this and bring us this information that we so wish and I would like to leave it in his hands for the time being.

Mr. Shaw: Yes. I would ask for a Report from the Committee, Mr. Chairman, and the Commissioner at the same time.

Mr. Commissioner: Mr. Chairman, this is a very straight forward situation. Council has their representative on the Committee in the person of Mr. Taylor. I have my representative on this Committee from the Administration point of view, Mr. Porter. The City is represented by Mayor Firth. The public at large are represented by Mr. McLaughlin and Mr. Shortt....Is this not correct?

Mr. Taylor: Yes.

VOTE 8
EXPO

Mr. Commissioner: I am quite confident that there will be no difficulty in getting the information here that Council would like to have.

Mr. Taylor resumes the Chair.

Mr. Chairman: Next is Centennial Project Plaques, $200.00. Winter Works Incentive Program, $4,000.00. Centennial Caravan, $150.00.

All Clear.

Mr. Chairman: Centennial Festival of Arts, $5,200.00.

Mr. Shaw: Could that be explained, Mr. Chairman?

Mr. Commissioner: Mr. Chairman, yes. This is an item that is coming under the wing of the Department of Education and it is to bring 500 students into Whitehorse here at a cost of $10.00 each and the $200.00 is, as it is indicated here, miscellaneous expenses in connection with this. If Council would like a further delineation of exactly what is going to be transpiring on this particular thing...exactly what this Centennial Festival...what these boys and girls are going to participate in when they are here in Whitehorse, I would be very happy to have the details provided from the Department of Education. This has been explained to me verbally, gentlemen, and I find it to be quite a worthwhile Centennial project, particularly the idea of bringing as many of these boys and girls from throughout the Territory as possible in here and I believe that it is going to be done or going to be conducted at a time that will reasonably coincide with the visit of the Princess Alexandra here in Whitehorse. I believe they are going to try and have the two things....they are in close proximity to each other. I would be very happy to get further details of this exact item...I would be very happy to get them here for Council.

Mr. Shaw: Thank you, Mr. Chairman, I would be pleased to receive them.

VOTE 8
WINTER
WORKS
INCENTIVE
PROGRAM

Mr. Watt: There is one question I would like to ask, Mr. Chairman. The Winter Works Incentive Program...could you explain that a little bit...Primary 78.

Mr. Commissioner: We have to make this provision here, gentlemen, because we do not know what municipalities or districts in the Territory are going to make application to qualify under this program. Last winter, to the very best of my knowledge, Dawson City had the only approved project. Now, Councillor Shaw could possibly explain this.. but was this not a labour in connection with certain works that you wanted to conduct in Dawson City, Mr. Shaw?

Mr. Shaw: On the Winter Works Incentive Program? That is something that the City made application for and received assistance. They made the application.

Mr. Commissioner: What I am getting at is that we have to make provision here....in other words, if you were a municipality, Mr. Chairman, you have your own source of funds and income....I believe this is a 50% situation as far as labour is concerned. It is not, we will say...for example, the City of Whitehorse decides that they are going to line the Civic Centre. The labour cost on this will be shared

Mr. Commissioner continues:
between the Federal Government and the City of Whitehorse. We would not enter into that, Mr. Chairman. We will say that Watson Lake are going to have a project and the labour is to be shared. This is where our funds would be used to complement the Federal Funds to make that possible in these unorganized areas.

VOTE 8
WINTER WORKS INCENTIVE PROGRAM

Mr. Watt: Mr. Chairman, I would like to thank the Commissioner for his very capable explanation and I would like to compliment Dawson City for taking advantage of this. I would like to ask if it would be possible for the Administration to kind of advertise this when it starts at the beginning of the year because I think that more advantage could be taken of this throughout the Territory and possibly the Administration could advertise...this is now...at the proper time of the year..this is now in effect...to assist the labour situation in the Yukon at this particular time of the year.

Mr. Commissioner: Mr. Chairman, if I may be permitted a comment on this. This program is actually a very good program on the part of the Federal Government but here in the Yukon we find it very difficult to participate in by its own nature, winter works, and the fact that it is labour only that the Federal Government will make a contribution towards. There have been discussions and suggestions at various times I know from the City of Whitehorse to get the effective dates of this either made a little earlier in the fall or extended on into the spring and I do believe there have been times when it has been extended further as far as the spring is concerned but we have never been successful in getting it brought forward in the fall of the year. I think that the feeling is by Government at that point that that is not the time when it is mostly needed. However, I agree very fully with what the Councillor has suggested, Mr. Chairman and I would certainly contact the applicable Federal Department to see if we can engage in a co-operative advertising scheme. I think it would be mostly applicable, Mr. Chairman, to get this information into the hands of community clubs, chambers of commerce and things of this nature and get application forms into their hands so that they can see whether or not in fact projects that they have in mind would be allowable under this scheme.

Mr. Watt: The reason I mention this is that I see the figures of the N.W.T. for this and they make an awful lot greater use of this than we do. It is too bad that this is slipping by us because I agree with the Commissioner that it is worthwhile and it is something to aim at and I think part of it is the lack of knowledge in the hands of those who could use it.

Mr. Shaw: Mr. Chairman, just one thing to clarify the matter in all fairness to the Administration. Each year... each fall, they send out quite a lot of literature to all Members of Council and City Councils...whoever they can think of...advising them of the winter works program and offering full co-operation with the persons who they send the letter to...or the corporations....or the municipalities. I receive them....I brought up this subject two three years ago right in Council and they do send this but as the Commissioner stated, it's quite difficult to be able to take advantage of

Mr. Shaw continues:
due to the restricted nature of this project.

Mr. Chairman: At this time I will call a short recess.

Tuesday 25 April, 1967.
11:00 a.m.

Mr. Chairman: I will now call committee back to order. I believe Councillor Boyd had a question.

Mr. Boyd: Mr. Chairman, with regard to the 858 Centennial Festival of arts, I recall dealing with something of this nature where we were going to bring two pupils from each school here for the purpose of visiting this extraordinary, these extraordinary people who will be visiting here. Is this another one on top of this for the same purpose and I have another question in regard to the same principle, that is we have a caravan which is considered to be highly educational and I am wondering how much, what arrangements if any have bee mmade for all students, or at least 500 of them to get a look at this. Or will many of the students not have the privilege of seeing this caravan.

VOTE 8
CENTENNIAL FESTIVAL OF ARTS

Mr. Smith: Mr. Chairman, dealing with the first point, the children who are coming in here for Princess Alexandra's visit may or may not be coming in for that particular thing. My understanding in talking to Mr. Thompson is that he was very hopeful that this thing - that there would not be any further expenses incurred with the children who are going to be presented to Princess Alexandra. We are hopeful that one travelling expense will take care of it. This is the point I want to make here. Now, the second point is concerns the Centennial Caravan. You have made a provision here in 857 for what we are required to put up in connection with the Centennial Caravan and this is a provision to cover gas and oil and also if you remember at the fall session there was an explanation concerning this Centennial Caraval. Now I don't know the exact route through the Territory but it is my understanding that it will go to as many centres in the Territory as time will possibly permit and this is certainly far beyond the compounds of Whitehorse. It just isn't coming to Whitehorse, it is going to as many centres as possible. Now whether it will be during the school term or not is another thing which I don't know but I would point out for Council's information and consideration that the Centennial Caravan is definitely an educational project that is coming to the Territory for the benefit of the younger people in the Territory to explain to them Canada as a whole and the whole confederation concept.

PRINCESS ALEXANDRA

Mr. Shaw: Mr. Chairman, it will hit the Yukon in July and August.

Mr. Smith: I see, this sounds very conceivable Mr. Chairman. I will be tabling the most up-to-date information concerning all Centennial Projects for Council within the course of the next week or so and at that point a lot of these dates will be finalized (inaudible) at the Fall Session.

Mr. Chairman: The next item gentlemen is the Chilkoot Pass in amount of $1,500.00.

CHILKOOT PASS

Mr. Boyd: This is in British Columbia, Chilkoot Pass, is it not?

Mr. Smith: Mr. Chairman, along with the data on the Centennial Festival of Arts I will have to give you the information on this too. I had this explained to me Mr. Chairman, but there is no point dealing with this Mr. Chairman, there are getting to be so many of these I'm buffaloed there. One other one came in this morning regarding the Inspiration Point Ceremony, so maybe...

Mr. Chairman: I assume they won't be serving moose meat at this ceremony as they are using helicopters - is this correct?

Mr. Smith: That's a leading question, Mr. Chairman.

R.C.M.P. BAND

Mr. Chairman: The next is the R.C.M.P. Band - $1,000.00.

All: Clear.

Mr. Shaw: Where does this band go. Does it go only to Whitehorse or any place else?

Mr. Southam: To Dawson too.

Mr. Smith: We'll have to find this out for you.

Mr. Southam takes the chair.

LYNN BUILDING

Mr. Taylor: Mr. Chairman, I'd like to refer back at this time to Establishment 828, page 17, in respect to the Lynn Building - a provision in the amount of $18,456.00. Mr. Chairman, at the risk of being repetitious, it is my opinion and always has been that this program should not be embarked upon for the reason stated yesterday and I feel very strongly that there should be a tender called - this be deleted and a tender called for office accommodation for possibly a period of three years, two or three years or whatever is acceptable in that field and I would suggest that by deleting the item it would be very difficult to put it back in somewhere else other than by deleting it by transfer and I would suggest that it do be transferred from the heading of the Lynn Building to a new Primary which would allow for retendering of this and therefore I would move that the amount of $18,456.00 designated in Establishment 828, Vote 8 for rental space in the Lynn Building be deleted by transfer to another Primary for the purpose of retendering a contract for accommodation in Whitehorse.

Mr. Boyd: Mr. Chairman, with all due respect, I along with some others did considerable talking in the past Session concerning this and we made ourselves fairly clear to administration and inasmuch as I disagree with it now and did disagree with it hotly in the first place, administration deemed it in the best interests to go ahead with what started to be, and I would not want to put administration on the spot now. Another Council can take it out any time they like if they so desire to do so by merely not voting the money. We got into something, as has happened before, and I don't want to be real rough, much as I agree with what happened being not quite good enough.

Mr. Shaw: Well, Mr. Chairman, had I know of a certain section of the Ordinance last Fall I might have had a different decision to give. However, at that time I seem to recollect that I along with the majority of council did feel very upset about it because we felt that the new Commissioner was not aware of all the ramifications and it was something he fell heir to and we had sufficient confidence in his ability to ask him to go ahead and make the best deal possible and this is the deal we have made and as far as I'm concerned I have to stand with that.

LYNN BUILDING

Mr. Watt: Mr. Chairman, I'd just like to see the administration justify this figure of 560 per square foot comparable with 350 per square foot (inaudible), and this is largely an administrative problem - it was done... by the administration and they must have reasons for this so I'd just like to see them justify these building costs. The cost of the Federal building is 350 per square foot and I'm not sure what the cost to the Territory per square foot on this other building and I'd just like to have administration justify that. There must be some reason we don't know about that could justify this item.

Mr. Boyd: Mr. Chairman, there is no discussion really concerning the price out of line. There were other prices bid on this and this was supposedly the cheapest at that time.

Mr. Taylor: Mr. Chairman, this 560 per square foot is 1/5 of the actual construction cost. I believe it is roughly $27.00 a square foot to construct our own building. But this is 560 persquare foot for ten years so in five years they pay for the building and the other five years they milk the taxpayer of the Yukon Territory for a nice, big fat profit and I frankly don't like it and this is why I proposed the motion. If we accept now the premise that-by accepting this that the Territorial Administration can go spend a million dollars, a million bucks of the taxpayers dollar of the Yukon Territory by tendering a contract and indeed signing a contract without having had the prior consent of Council you do a great disservice to the Territory. There is no need why this contract should be proceeded with- it should never have been proceeded with and based on the information we have and the Financial Administration Ordinance I strongly suggest that this be deleted at this time, this is the only way .. can deal with it. Councillor Boyd has stated that maybe another Council can take it out. It is the duty of our council to stand on our hind feet. As many members have said they disagree with this thing wholeheartedly. It is not just well enough to disagree - throw it out, be done with it. Be firm, don't leave it for next Council because by that time the damage is done. It is at this point in our budget we must... it. This is academic.

Mr. Boyd: Mr. Chairman, I'd like to ask the Commissioner a question. We are going to be paying for the installation of all partitions and so on. We are going to get a building handed to us that is virtually a square box. Where is the money being voted to put in all that?

RE LYNN BUILDING CONT'D

Mr. Smith: It is your Capital Vote, Gentlemen.

Mr. Taylor: Mr. Chairman, it is in Capital in the amount, petition ng of building, page 11, Vote 20 in the amount of $20,000.00. This does not include the office furniture (inuudible).

Mr. Smith: Mr. Chairman, the furnishings that we use in our present offices, with a very few exceptions, do already belong to the Territorial Government so while there may be some further office equipment required, I would want everyone to know the vast majority of furnishings that we presently use in offices already belong to the Territorial government, Mr. Chairman.

Mr. Taylor: It is still understood, though, Mr. Chairman, that we are spending approximately $40,000.00 of the taxpayers' money in this little project and as I say I find it totally unreasonable and I feel that it should be at all costs deleted and a contract retendered for office space possibly for a period of three years (inaudible)and embark upon a construction program of our own and provide our own facilities and give the taxpayer in this Territory a little break.

Mr. Thompson: Mr. Chairman, on the basis of the contents of the Financial Services Ordinance which was brought to our attention yesterday, I am wondering, and in light of what the Legal Adviser said yesterday I'm wondering why administration proceeded with a ten year lease knowing that any successive Council could null and void any Territorial contract in existence for any length of time over ...period. I wonder if the Commissioner would care to make any comments.

Mr. Smith: Mr. Chairman, this particular item in the Financial Administration Ordinance - I am very surprised when I hear councillors around this table say that they were not aware of this particular item because you must very well know, particularly those who sat on Council for many years, know that when you issue a contract or enter into a contract or a public work, you know that if monies are not spent that you have voted in any calendar, in any fiscal year, if those monies are not spent you know that the remaining amount is put into your next annual budget for you to vote. So that it must be very obvious to every Councillor that in fact monies are only voted on an annual basis and that annual basis is the Territory's fiscal year. Now it therefore stands to reason- it doesn't have to be written down anywhere that any commitment or contract entered into by any government, be it Territorial, federal or as far as I know provincial government, is only good for the fiscal year in which the funds are voted. If they are not expended during a particular period of time they must be revoted at the next succeeding session of the appropriate legislature. Now in this particular contract or arrangement here the Territorial government has the protection of a price for the next succeeding ten years for the price that will be called upon to pay for this office space. The protection, or there may be many reasons that would come that a Council would decided to expand this office space or to do otherwise with this office space. I cannot tell. This is just something that I do not know but definitely the section of the Financial Services Ordinance must be a very obvious indication and we had a particular point in question here

Mr. Smith continues..

not too long ago on the monies that were voted for the economic study of the Yukon Territory. Now you gentlemen voted those monies last Fall in Supplementary Estimates. They were not expended. They had to be presented to you again for voting in this session of council.

Mr. Shaw: That is quite correct, Mr. Chairman. The point tgat I think is the fact that I was under the assumption a deal had been made by employees of the government and we were stuck with that regardless. I did not know that we had an out clause. I realized that we can always, or any government or legislative group cannot vote funds but the same would apply to any business organization. However, they would be liable to suit following that... contract and I felt that we were really hamstrung on this matter of rental and it was therefore my desire at the time to make the best of what appeared to be a somewhat unorthodox procedure and with that I gave the blessings to the Commissioner to go ahead and do the best possible and I've seen that it has been done and that was my decision then and it is remaining the same now.

Mr. Smith: Excuse me, Mr. Chairman, may I please be excused for just a moment or two while I make a phone call?

All: Agreed.

Mr. Southam: I will declare a short recess.

Mr. Smith: Thank you Mr. Chairman, I will be back(inaudible).

Mr. Chairman: I will now recess until two p.m.

Tuesday, April 25, 1967,
2:00 o'clock p.m.

COMMISSIONER SMITH ABSENT

Mr. Chairman: Well, gentlemen, I will call the Committee back to order and we were discussing Establishment 828. BUDGET - EST. #828

Mr. Taylor: Well, Mr. Chairman, in the matter of the Lynn Building, I was perusing Votes and Proceedings over the noon hour and apparently it does not...

Mr. Chairman: Order please gentlemen.

Mr. Taylor: Apparently it was not Ottawa because I note where I had asked a question when this thought arose did the Minister give his agreement to this being done in the first instance. And if not why did he give sanction in Ottawa for this to proceed. This had reference to the Lynn Building. The reply of Mr. Fingland was, no one Mr. Chairman, we didn't consult Ottawa at all. This was a Yukon matter and there was sufficient authority in the legislation. We don't practice on consulting Ottawa on everything we do. This is Ottawa's view and our view. Well, when you take a look at that reply, he says in the first instance we didn't consult Ottawa at all. Well, he certainly didn't consult Council at all either. I think this is the point to consider. There was sufficient authority in the legislation. I would like to know what legislation gave Mr. Fingland the authority to commit one million dollars of the taxpayer--taxpayer of the Yukon's money without having prior approval of Council. Now, as I stated earlier we are talking about a million bucks. This is what kicks it off. This is the point of no return so to speak. By deleting this item of $18,456.00 in the budget as proposed in my Motion and by deleting another item in the amount of $20,000.00 on the capital side of the fence, and having these--certainly this $18,000.00 retransferred to a position in Vote 8 under a new establishment whereby the tenders can be recalled in relation to the rental area to be covered in the Lynn Building we then put this thing back into perspective and we do this thing properly and democratically. But, I say to you gentlemen, Mr. Chairman, that by accepting this $18,456.00 you accept in principal the right of the administration to expend the Territorial revenue without having first obtained the consent of the people of the Territory through a collective Council. And this is the sum and total of it and I would certainly ask that I find a seconder for my Motion and I would also ask you gentlemen to support the Motion.

Mr. MacKinnon: Well, Mr. Chairman, I believe back through Votes and Proceedings you will find we were led to believe that this new accommodation would be rented at $3.50 per foot and this I believe should be taken into consideration and the other Council members should take a look at the Votes and Proceedings and the words of the Commissioner at that time.

Mr. Boyd: Mr. Chairman, possibly the member could enlighten us. He has them before us and it would only take a matter of a minute or two to verify his remarks.

Mr. Legal Advisor: Going from my own recollection, sir,

BUDGET - EST. #828

Mr. Legal Advisor continues...

in an effort to be helpful, you were presented with this figure. One was the actual rental. There were two propsitions. One was a rental without janitor and heating services and the other was inclusive. And, this is for the office area so that you had a basement figure no heating and no janitor. Then you had the office figure of I think the Councillor is correct--something in the order of $3.50 and then it bounced up again with the addition of janitor and heating services. That is the history as I remember it.

Mr. MacKinnon: That is exactly what I am say, Mr. Chairman.

Mr. Boyd: Now we apparently accept a proposal whereby we lease it for a rental including janitorial services. We are taking a ten year lease for rental. I presume that the janitorial service is good for ten years also according to the lease. Would the Legal Advisor know this to be a fact.

Mr. Legal Advisor: Again a matter of recollection. The first proposition was that janitor services to be for one year. Then the position would be reviewed. You will remember that the Commission was instructed to do his best to improve the position and the arrangement as now written is that the services are provided throughout the length of the lease. Subject to of course refreshing my memory, but that's my very firm recollection and it was negotiated on that basis because as you will readily appreciate the costs of heating and, of providing janitor services are most certainly going to rise over the next ten years so thats...leasor will have to absorb an increase in cost factor in respect to the janitor and heat services. That was a small area in which you may say that this deal was improved over the original. So, yes, in answer to the question. My recollection is that it does go for the full ten years, but I would like to call for the moment for the actual document, because it is 3, 4 or 5 months since I saw the document. There is always a risk of some error in recollection.

Mr. Taylor: Yes, Mr. Chairman, some time ago I tabled a Motion for the production of papers respecting this document. For some reason it has not appeared before Council. I recall yesterday we were talking about the Financial Administration Ordinance in relation to this matter and I believe, Mr. Legal Advisor was going to look a little deeper into the question of whether or not any contract had in fact been deleted by viture of no monies being appropriated under Section 26 of the Financial Administration Ordinance. I wonder, Mr. Chairman, if he has found any further information on this.

Mr. Legal Advisor: I have no recollection of such an event in the Yukon. I did speak to colleagues who assured me that he didn't personally have any record of a case in court where it would come to our attention as lawyers. But he had personal encounter with this type of situation at the Federal level. I can't give you any case reference, but apparently it has occurred.

Mr. Thompson: Well, Mr. Chairman, it seems to me that

Councillor Thompson continues... BUDGET - EST. #828

everybody have grave doubts as to the adviseability of this, but nobody wants to get up and second the Motion. And I feel that there is a very legitimate and valid point here and feel that there is much room for enquiries and I would be very pleased and happy to second the Motion made by Councillor Taylor.

Mr. Legal Advisor: Well, Mr. Chairman, I am informed that a request for the agreement was made but the documents are out for execution by another party. I think it is probably the mortgagee. I don't know.

Mr. MacKinnon: Yes, Mr. Chairman, I would like to say it was not a matter of nobody seeming to want to second the Motion, but I thought that the Motion was a little premature and there should have been further discussions before a Motion was even made. And I am very sorry to see it seconded at this particular time. I am reading the Sessional Paper presented by the Commissioner last fall and by accepting this bid there is improved provisions for janitorial services and utilities such as heat, light, power and water, etc.

Mr. Shaw: Yes, Mr. Chairman. Last fall we discussed that at some length and like I pointed out I feel that I have made a deal and I intend to stay with that deal. But, I would like to bring to your attention, Mr. Chairman, a short part of the discussion. And it was moved by Councillor Thompson and seconded by Councillor Southam at that time that the administration be directed to proceed with a lease agreement with the Lynn Building Company to the most advantageous terms within the tenders called. And on the discussion of that Motion, I incidentally I might say that Motion was carried with Mr. Boyd contrary and I say I feel that we have left this matter in the hands of the Commissioner to negotiate as best as possible. And I will agree with the Motion and at the same time Council had the bug in my ear--if you might call it that--that we should have our own...and therefore instead of trying to negotiate for a ten year term, a five year term so we could get our own building going. I wonder if the mover of the Motion did feel with all the discussions going on or that have gone on in the past few hours and days that we still have the main objective in mind to have another building. I know that's another question, Mr. Chairman, but the shortest term that we have right now does fit in with my type of thinking and Mr. Thompson says Mr. Chairman could I just clarify this for Mr. Shaw. The Motion does say that the administration will proceed with an agreement with the most advantageous terms on our behalf. And I think that this would clarify the situation and I think from Mr. Commissioner's remarks that we can be assured ot this, gentlemen. That was the discussion last fall. And of course there is much more that Mr. MacKinnon asked a similar question with a similar answer from Mr. Thompson, and Mr. Watt feels that it now is foxy, and so that is the discussion there gentlemen and this is when we agreed to let the Commissioner work it out to the best possible advantage of the Territory. And I can just go along with the fact he has done that very thing and therefore I am not prepared to change my mind at this time in respect of that. And I don't like it anymore than I liked it in the first instance, but that is what is on the record.

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Mr. MacKinnon: Well, Mr. Chairman, I think the intent of the Motion was at that time as I recall it, the Motion being presented by Mr. Thompson was that the Commissioner take into consideration Lynn Holdings Company, General Enterprise Limited Whitehorse, and Casca Enterprises Limited. I believe that all those companies were to be taken into consideration, under the jurisdiction of that Motion.

Mr. Taylor: Well, Mr. Chairman, there was one thing Councillor Shaw said we have made a deal, but I think it should be taken into account that we made a deal based on the lack of information respecting Section 26 of the Financial Administration Ordinance and I might say that I concurred with Councillor Boyd at the time, but however was in the Chair and had no vote in the matter. But I made my opinion very clear that I was unalterably opposed to this as was indicated throughout these Votes and Proceedings. The--this decision was based on the fact that if we did withdraw and went back on the contract with Lynn holdings that the administrator made, we didn't make any agreement, then he or the Government could be sued. Now we find out Section 26 provides that we cannot be sued because this is a term of every contract providing for the payment of any monies in relation to this particular contract. So, I think now with these new facts ahead of us that we are certainly in a position to say now and if the Federal Government for instance want to uphold what Mr. Fingland has done, that is fine. But I don't see where we should commit the people of the Yukon Territory to an expenditure that they have no control or no--well any kind of control over at all. And, as far as I am concerned the content of my Motion would delete this item from the Lynn Building and would call for a new tender for office accommodation for and three or five year period possibly, certainly not a ten.

Mr. Boyd: Mr. Chairman, I understood the Commissioner did tell us that a contract had been signed. I think we should see the contract in the first place so that we know what we are talking about too. The Legal Advssor with his remarks a minute ago lead me to believe that the contract was possibly not available to Council. That it is being negotiated or something to this effect. Just what is the actual story and the true facts concerning this, Mr. Southam.

Mr. Chairman: Care to join us Mr. Commissioner?

Mr. Commissioner: Thank you.

Mr. Chairman: Any further discussion, gentlemen?

Mr. Boyd: Well, I asked a question, Mr. Chairman.

Mr. Chairman: Who did you address the question to Mr. Boyd?

Mr. Boyd: To the Legal Advisor.

Mr. Legal Advisor: Well, the document that I saw--this is the Lynn Building Agreement, Mr. Commissioner--was complete and entered into so far as the Yukon was concerned and as I recollect as far as Lynn Holdings was concerned. But as part of the arrangement, there were certain stipulations that the Territories legal interest shall have priority over any mortgage companies' interest in the land, and this

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of course resulted in the mortgage company having to execute the document also to show it's acceptance of this stipulation. From the information given to my by the Clerk of the Council it appears that the document is in the office of the mortgage company or perhaps it may have been executed indicating their acceptance of the Government priority in the ..... registration. Now that is the best I can offer as to the whereabouts of the document now. Certainly it was entered into and then of course it became at least a working arrangement as far as Section 26 of the Financial Administration Ordinance of it now attracts your attention, I can only say as I said before that I have not turned up any record of a case in court on it. I have made enquiries and it seems that the practice of repudiating the contract under these circumstances is not unknown. I would again like to persue that enquiry and if you did not vote the money there of course would be no guarantee than an action would not be brought. I can't prophesize the success or failure of the action, but at the same time you would be left without office space which apparently was to be desirable..... gone outside of the legal aspects with my last comment but I understand the space is the problem.

Mr. Chairman: Are you clear Mr. Boyd:

Mr. Boyd: Yes, for the time being. I would like to direct another question to the Commissioner, We have 3,500 feet in the Polaris Building which agreement will expire August 31. That is at $3.50 per foot. I am wondering why the Department of Administration did not enquire as to whether or not that footage could be renewed on the same basis rather than go and pay twice as much for the same footage next door and I mean next door. Did we enquire actually whether we could renew that lease or not.

Mr. Commissioner: Well, Mr. Chairman, I don't know whether an enquiry was made or not. But I know of no reason why it could not have been extended except for a very obvious reason Mr. Chairman. And that is the fact that we at the present time have Territorial Government offices spread all over lower Whitehorse. We have an office across the river housing Travel and Publicity and the Archives. We have an office, or I should say did have an office in the same building the Liquor Department is located in which housed the Probations and the Corrections people and I believe on the main floor office we had a Welfare Office. We have a certain number of our offices in this building here. We have a certain number of our offices in the Polaris Building which has just been referred to and we have an office I believe it would be referred to as the old library building. Is that what you refer to it as. It's next door to the Polaris Building, anyway gentlemen. I am sure you know where I mean. Now, in the process of endeavouring to consolidate some of this space we are hopeful of making some consolidations that are going to bring about what the very thing we in Council here are always looking for. Some kind of efficiency as far as serving the public is concerned and some kind of cohesiveness as far as our office space and working space is concerned. And if it is Council's desire that we carry on and provide this type of thing we will at that point and time wind up with our offices and Council

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Mr. Commissioner continues...

Chambers located in basically speaking three buildings. The Federal Building we are in now, the proposed Lynn Building and the building known as 204 in Camp Takhini. Gentlemen, whether this is the right thing or the wrong thing, gentlemen, I cannot tell you and believe you me I am not going to make any predictions that it is the right thing, but the people who worked on this I think worked diligently and honestly to try and come up with something that was in our ability to pay and give us the necessary office space we needed to work with. Now, on my part from the time I got into this picture here, certain things had been committed and certain things done that were on a base given to me respectively irretrievable and I have retrieved as much as I possibly could. The first thing that we attempted to do was to try and find a permanent home for the Territorial Council and have succeeded in doing this. And in the process of succeeding in doing this we are working on the supposition and on the premise of Council's instructions to me at the fall Session namely to make the best deal I possibly could out of what appeared to be a bad situation with the Lynn Building. And we are hopeful of being able to provide space there for certain offices. This is what made the Council Chamber possible. Now in the meantime we are using, I shouldn't say we are using, we have the use of certain space in the building for certain departments that the department of public works has told us that we must vacate. We have presently located, I think at the present time in approximately three different locals in the building here which is far from being an efficient operation and we are hopeful in moving them to this Lynn Building. Now, with regard to the Polaris Building and the particular question that is asked here, I am not aware of any reason why this lease could not have been extended, but it is exactly 3,508 feet gentlemen, and we are looking for about 14,000 square feet. That is what we need in the way of Office space. So a continuation of the Polaris Building, all we are going to continue was the exact inefficiency and spread all over the downtown area that we are trying to get away from. And, the Building, the building 204 that we were able to lease from the Department of Public Works is at the present time housing the Engineering Department, the Personnel Department and as part of the Engineering Department is the Department of Municipal Affairs. And space is available there for the Department of Education to move into as promptly as we can make that move combined with the terms and conditions of our lease on the Polaris Building. Now, there are advantages and there are disadvantages and I can assure you gentlemen there is no end to you know different moves or different approaches that could be made. Believe you me, I am sure if there is one there is hundreds of them. There are many of them. They are not limited by my horizon. I am sure there are eight of us around the table right now and I am sure we could come up with eight different schemes or plans whatever way you want to call it to get our administrative services located. I am positive of this.

Mr. Taylor: Well, Mr. Chairman, well is it not possible by tender to obtain rental accommodation in Whitehorse. There seems to be some kind of a building boom on here..... On a three to five year possibly while we get our own building?

Mr. Commissioner: Mr. Chairman, gentlemen, look, all we have done is made it possible for a guaranteed rental for ten years on a building and at any particular point in time Council wishes to invoke this Section 26 gentlemen, I don't know what the end result will be. And as far as anybody renting 14,000 square feet of office space in Whitehorse, Mr. Chairman, if it is available I am not aware of it. Now, I am not saying it is not available, don't misunderstand me gentlemen, but I am not aware of it. That is a lot of space---14,000 square feet. BUDGET - EST. #828

Mr. Taylor: Mr. Chairman, I am just saying if this was retendered for this space maybe somebody might provide it for less than $5.60 a square foot.

Mr. Commissioner: Very conceivably, but they didn't tender when we originally called for it, Mr. Chairman. Mr. Chairman, I couldn't agree more. Maybe we could get it for a dollar a square foot. I can't tell you. I don't know. But at the time.....they didn't offer.

Mr. Taylor: Mr. Chairman, I believe at the time of tender this was a pretty hasty contract. This was a pretty hasty tender. This was just whoosh, whoosh, whoosh, and the deal finally done. This was another thing I didn't like about it.

Mr. Commissioner: Well, I hope, Mr. Chairman that you are not inferring that I was personally completely happy with this deal. I hope that you are not inferring this, Mr. Chairman, because this was far from the truth. But I have proceeded to do what I considered to be the very best situation I could with the situation as it--I won't say presented to me, but as I found it. And at the present time gentlemen, if it is Council's wish for us to proceed with this situation, you will wind up here in Whitehorse with an area of usable office space here in Whitehorse of 45,000 square feet of office space and the cost per square foot on the average for this office space is $3.64 per annum. Now, there is exactly what you are being asked for here if you take the total office space rental requirement that is here. This is what you are being asked for at the present time.

Mr. Watt: Mr. Chairman, does that indicate why in Primary 65 are we asking for $5.60 per square foot.

Mr. Commissioner: Well, I am talking about the average cost of square foot of office space, Mr. Chairman. Here it is right here. I am not giving you any false information.

Mr. Watt: Well, Mr. Chairman, I am not giving you any false information either here. Because your average cost you have 3,000 square feet, 3,185--$2.60. Then you have 11,704--$5.60. Add this up and divide it and you come to an awful lot more than...

Mr. Commissioner: Gentlemen, we will have, should Council go along with this in the Federal Building we have 4,675 square feet at $3.50 per foot. In the Casca Building we have 15,000 feet at $2.75 a foot. In Building 204 8,500 at $3.50 a foot. The Lynn Building 3,185 at $2.60 and 11,704 at $5.60. The old library building over here 1,754 and the YHIS space 178 feet over in the Hospital Building here 178 feet at $1.50. And that totals up to 48,000 square feet. And we will be evacuating the Polaris Building

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Mr. Commissioner continues...

should it be Council's wish that we do so. We will at that time have 45,132 square feet at a total cost of $164,490.00. And the cost per square foot gentlemen, works out to an average of $3.64.

Mr. Watt: Well, Mr. Chairman, I think in the Commissioner's figures here he is writing off the cost of Lynn Building against some buildings we are going...

Mr. Commissioner: I am writing off nothing. It's right down here.

Mr. Watt: Well, where is the cost with respect to these buildings?

Mr. Commissioner: Exactly what...

Mr. Watt: Actual figures...juggled a little bit.

Mr. Commissioner: I am not juggling nothing.

Mr. Watt: Mr. Chairman, I respectfully submit the figures Mr. Commissioner has just given us are a long way removed from the actual--the figure that he has given us...

Mr. Commissioner: Let me. Here is your total footage. There is your total rent. Now, we are going to be moving out of the Polaris Building. O.K. There it is over here. There is your final figure, square footage and there is your final...and divide that into that.

Mr. Watt: That comes to $3.64 per square foot?

Mr. Commissioner: That's right.

Mr. Watt: Now, then the Lynn Building we just take a simple piece of paper and pencil...

Mr. Commissioner: That's right. $5.60 per square foot main part and $2.60 a square foot for the basement.

Mr. Watt: ....

Mr. Commissioner: Indeed, the Lynn Building...

Mr. Watt: Well, Mr. Chairman, we have a variety of buildings. One of which is $5.00 a square foot and the others are considerably less. This is precisely why we are here. We are trying to justify this expenditure. I don't want to necessarily agree with the Motion because I think it has put us in a position where contracts would be reluctant to deal with, and...But on the other hand we have an obligation to the taxpayers to try and get to the bottom of this. Now this has been handled from the Administration right from the beginning. We must have half a million dollars worth of brains tied up in this building. And, they wouldn't take us into their confidence to present us to this. Now when it comes to pay the bill they come and ask us for the money. I agree partly with Mr. Taylor too. We should just hand this back to the Administration and say well, you put this on the taxpayer without our consent or our approval. You just carry on with it and find the money anyway you want. And if the Administration want to give the Territory a bad name

Mr. Watt continues... BUDGET - EST. #828

as far as contracts are concerned, then they have done it themselves. And, I am sorry to see the Commissioner was not here when all this was done, but this is the position I feel we are at now. And, I agree with Mr. Taylor that I feel I am reluctant to vote this money and I think that we should just delete it from the budget and not recall the contract because this is up to the Administration to pick up where they left off. And order the contract they called on their own without consent of Council. And let Ottawa know that this was done on the advice and with the help of those that they employ here.

Mr. Taylor: I have been diving through the information on this contract now that the subject did arise and this contract involving a million dollars of the taxpayers money was done in two weeks. Two weeks. Specifications for the lease...oh, sorry...first of all the administrator decided it was time to invite proposals from interested parties for provision of suitable office accommodations. Specifications for the lease of office space were prepared on August 31, 1966. That is the end of August. That is when they were prepared. It doesn't state that they were tendered or that they were published at that time, so gosh only knows how long it took to get them into the newspaper. And tenders were received at 4 p.m. September 15th which is two weeks, virtually speaking, or fifteen days later, from the time the proposals were prepared. Not necessarily advertised and this to me is certainly not a sufficiently long period of time for anybody to consider whether or not they could provide the Territory with office accommodation. Doing the pre-engineering and this type of thing I can't see it. Fifteen days for one million dollars. It seems to me you would give the interested parties in Whitehorse maybe 30 days or something of this nature to consider the project and come up with their cost figures and their engineered plans. I mean--from start to finish from the day that Administration decided to embark on this particular program to the finish, it is just full or irregularities. This thing in my opinion has not been handled at any time in a reasonable manner, and I say we should get rid of this and if we require additional rental space take call a tender for a three or five year period. By this time possibly we will be in our new building if the Minister is going to live up to his end of the bargain and build it for us.

Mr. Shaw: Mr. Chairman, we are flogging a dead horse. We have gone through all this before and we came to a decision. And at that time it was moved that the Commissioner make the best deal possible with the Lynn Holding Company or whatever you call it. And at that time, Mr. Chairman, I said let us make this for a five year term. And Council rejected that. It is right in the record. I have written it in. So, I stated I was not against the Motion, I wanted it for a five year term. Instead of that it was put down as a ten year term or whatever the confines of the contract were and that's what Council wanted at that time. That's what we agreed to. Now we are turning around because the Estimates are here and the Commissioner has done the best job possible. I see he is certainly knowledgable in these matters and has given this every consideration. And this is what we come up with. Now it seems inconceivable that we will make a decision at one Session all the work is done,

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Mr. Shaw continues...

proposals are made, then we say well we changed our mind We will cut because we have got the money here now. The money is down there so we will cut that out. I think myself that if I were this company regardless of the rights and wrongs of what has happened these people no doubt have invested a lot of money and all in good faith and the agreement has been made. All in good faith. If that is turned down at this stage of the game, I am afraid that is not a thing anyone can be proud of. It should have been stopped last fall if it was going to be stopped. Not at this stage. Council has agreed to the terms and conditions and now in another Session they say no. We have got to be consistent about something. Last fall would have been the time to throw it out. Not now, gentlemen.

Mr. MacKinnon: Well, yes, Mr. Chairman, I would like to ask Council to consider deferring this matter until possibly tomorrow, and give all members a chance to go back through Votes and Proceedings and come up to date on what their decisions were at that time. And, I can definitely see at this time where there is no doubt about it that this Lynn Building will be kicked out. And, possibly this is the right thing to do, but personally I would like a chance to go back through the Votes and Proceedings and thoroughly read the Sessional Paper we got from the Commissioner last fall, Sessional Paper #30 and possibly come up with a decision tomorrow and get away from an awful lot of bickering at the table which might be harmful to the administration and to ourselves. That's my suggestion.

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Mr. Taylor: Mr. Chairman, I can't agree. This word 'defer' is getting to me. Slowly it's working. Because every time you stand up and have to make a decision somebody gets up and says well let's defer this. I say don't defer it. I say throw this thing out and I just wanted to make one point clear to Councillor Shaw again and that is he came to a decision as some members at Council last fall without the knowledge of Section 26 of the Financial Administration Ordinance. We were under the asuumption we could be sued. Section 26 states we cannot be sued because this is a term of every contract. If there is no money appropriated the contract is null and void. And this puts a different light on the picture. Completely. And, as far as going through Votes and Proceedings, I think any gentleman that was here at the time certainly must recall the discussions at that time. And that is what we have evenings for and, certainly I suggest we carry on with this thing and throw it out.

MOTION RE RENTAL SPACE LYNN BLDG.

Mr. Chairman: Well, gentlemen, we have had considerable discussion on this Motion and at this time I will put the Motion to you. It was moved by Councillor Taylor and seconded by Councillor Thompson that the amount $18,456.00 designated in Establishment #828 of Vote 8 for rental space in the Lynn Building be deleted by transfer to another primary for the purpose of retendering a contract for rental accommodations, Whitehorse.

Mr. Watt: Speaking on the Motion, usually we have a Motion before Council and you usually give twenty-four hours notice. And something that has a far reaching effect as this, it should be a Motion of Council not just Committee and I agree with Mr. MacKiinon we should be given a chance to look over this tonight and find out the position that we are in. I

Mr. Watt continues...

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didn't know that Mr. Taylor was going to make this Motion until an hour or so ago, and I would like to look into it a little bit further. Now, as far as Council agreeing to it is concerned, I think the only thing agreed to here-- there is no doubt in my mind that the contract is there, complete. There is no doubt in my mind. Confidence has been taken on both sides. But, as far as the government side is concerned I think that the Administration here has gone into this by themselves without the confidence of Council without taking Council into confidence when they should have. And, I would like to vote against this Motion, but on the other hand I just don't know what to do. It appears that this figure of $6.50 is something far and beyond anything we have discussed here before. $5.60 per square foot is far beyond anything we have discussed here before as far as square footage is concerned. And, it is so completely out of line with what we have discussed before that it is a completely different animal altogether. We were talking in the neighbourhood of $2.50 a square foot as I understand it. Now, I would like to go over my Votes and Proceedings and check into this again. And this is why I would like to second Mr. MacKinnon's Motion to defer this and discuss it in Council tomorrow morning. Because this isn't something to be taken lightly, the confidence the contracts are going to have in the government from now on and it is also the confidence that the administration is going to have in the elective representatives. Now as it states here I am in a position right now where I would like to hand this back to the Administration and say do what you want. And you have got us into this, now get us out.

Mr. Taylor: Mr. Chairman, I would just like to make one point clear for the record. I made this Motion at 11:30 this morning and the members had over two hours over noon hour to do their homework which some members do. We come here an hour before we open in the morning and an hour in the afternoon to do this type of work. And I can't see slowing up the proceedings of the Committee or the Council for the purpose of somebody going down and doing work they should have been doing over the noon hour and evenings.

Mr. MacKinnon: Mr. Chairman, now just on one point I would like to clarify. Mr. Taylor said we were lead to believe we could be sued. And, quoting Mr. Hughes he plainly says I can and will not give you a firm answer whether we are committed and I believe this point should be clarified.

Mr. Taylor: Yes, well that was all clarified in Section 26 of the Financial Administration Ordinance. You will find it in your green book.

Mr. Boyd: I think that we have got ahold of a tiger by the tail but I think we should let go of the tail. Because the administration has to have some place to go and obviously they are crowed, upset and so on. Now, if you call for tenders again you are not going to get them as cheaply as they were quoted the last time. So, you are not going to gain nothing from this point of view. Footage in Vancouver rentals is now $6 and something. It was last fall, last winter. So by kicking it out you are not getting anywhere, except causing confusion. Now, I wholeheartedly agree that who ever was responsible for this was absolutely wrong without coming to somebody first. Now there was a man on the radio

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Mr. Boyd continues...

the other night and he has been looking into these kind of tactics and he was talking about civil servants misusing funds in much the same principal as this and they gave him an increase. They transferred him and give him an increase to a better job. This gets him out of the picture. So it's going on all the time anyway. But, if I were if I ever am back at another Council, the first thing I will do is to serve a notice on administration that I will start off by saying no to any such deal as this and I will do exactly as this Motion says. You got us into it, you get us out of it. I will go on record. And I think any Councillor should do that from now on, because we did enter these things and we are like a fox in a trap and it happens too often. But the Commissioner has done a lot of work and he has done it to the best of his ability and I think we will have to go along with his best efforts. As long as it may be. The time to have said no was last fall when no work was done. They haven't done any work on this building anyway. No harm would have come of it. Other arrangements could have been made. But now things are in progress over here and so on and we start making other arrangements and we are only going to go into chaos.

Mr. Chairman: Well, gentlemen, are you ready for the question on the Motion?

Mr. Taylor: Now just one point Mr. Chairman. Councillor Boyd makes a great roar like that tiger. He has a tiger in his tank. But, because if at the start of the next Council Session if he is here he is going to lay the law down or would lay down the law to the administration that I am going to serve notice that I am not going to go for this. But I have heard Councillor Boyd lay down the law that he isn't going to go along with any nonsense prior to this Session, but every time this nonsense comes up he says well O.K. this is wrong but now that they have done it we have got to let them go ahead. I say don't let them go ahead. If you accept this you accept a very dangerous precedence and you allow the one member of the administration to commit the Yukon Territory on a fifteen day tender or less than a fifteen day tender to an expenditure of one million dollars. And that's virtually what you do. The way you can say no and I don't agree with it is to chop this $18,456.00 out of the budget and retender for rental accommodations and it may be gentlemen that we can get this rental accommodation cheaper than $5.60 per square foot.

Mr. Boyd: I have only one answer to that Mr. Chairman and that is this Council undid what you are trying to do now. They undid this at the last session and they voted. I was the only man that apparently stood up and stuck to my guns as much as you accuse me of backing down. But now I have --Council really have got somebody in a position of where they went ahead and now you want to back down at this late date. I can't go this way. I wanted to go this way last fall before it was too late.

Mr. Chairman: Are you ready for the question, gentlemen?

Mr. Taylor: Mr. Chairman, I might point out that the member surely didn't back down last fall, but he is backing down now. He didn't have the information that changes the whole light of the thing. Section 26.

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Mr. MacKinnon: Well, Mr. Chairman, I believe that every member at the table here should take into consideration the value of deferring this Motion and I think it will do your little hearts good to go back to the Votes and Proceedings and read them page by page. And I think there are some very interesting items here. In fact in one particular place I find where the Commissioner had informed us that on a similar basis, Mr. Fingland, rather we are at the present time paying approximately $7.50 per square foot by the time we are through. We are renting at $3.50 the heating and power and everything supplied in the building up on the hill would cost approximately $7.50. So, if this is a factual figure then maybe we have a pretty fair deal. And this is the reason. I don't believe that everybody remembers everything. And I don't think that Mr. Boyd quite remembers this particular part and if he would like to read it I would gladly give him the book. So in view of those particular things, I think it is necessary that we defer it until tomorrow afternoon and we can possibly come back here. I won't say which way I will vote at the present time. And if the question is called, I am sorry I will have to abstain. I think it is unfair to the administration and very unfair to the contractors involved and unfair to ourselves.

Mr. Shaw: Mr. Chairman, ... we have discussed this for days last fall and the final outcome of that was to ask the Commissioner to go ahead and make a deal. I think we collectively stated we had confidence in the Commissioner's ability to work this out. We realized it wasn't any of his making, but we did give him the unpleasant duty of trying to straighten up this tangle which we were confronted with. He has done that. Now, we in otherwords say we don't think he has done a very good job and he better go about it and do it all over again. And I think this is most unfair. I feel last fall was the time to have taken action, not at this time. Also the deal that has been made in relation to what you might have to pay for square footage at this day and age what you had to pay five years ago, and what you might have to pay five years hence. This may be a very good deal indeed at $5.60 for 3/4 of this building. The other quarter is left. So that it also amounts to a matter of principal in this matter. Councillor Taylor was for throwing it out at that time and also Councillor Boyd. The rest of us did go along with it. Now it seems there is another debate in a different direction. Well I am afraid we are not very consistent about this. And, as far as deferring it, if you want to vote on it tomorrow that's fine. Although I won't vote for deferring it and I won't vote against deferring it. But, I think that all the gentlemen at the table should know what there mind is right now. We have discussed it long enough. We have all talked about it long enough. We have spent days on this and came up with a decision. Now it looks like we are going to spend another two days coming up with another kind of a decision. Someplace along the line Mr. Chairman we have to be consistent with this. And when we ask administration to take a certain course of action and the action is reasonable in line with what we asked surely the heck we can say well, you have done a good job boys. And there it is. It isn't nonsense either.

Mr. MacKinnon: Mr. Chairman, I hate to see things roll around like this just for publicity, and I would like to ask the Commissioner if it would be possible to have him table a copy of the agreement or conditions of the agreement.

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Mr. Commissioner: Mr. Chairman, Mr. Legal Advisor do we have a copy at all of this in the building at the present time?

Mr. Legal Advisor: According to my information which was given to me at the start of this afternoon, there isn't one available . But we will double check it. Because I am surprised that we don't have an office copy available.

Mr. Commissioner: Well, Mr. Chairman, I can tell you basically what this agreement said. It is a conditional agreement that effectively says that if Lynn Holdings provide a building of a certain minimum size of a certain minimum construction, standards and meet certain specifications that the Territorial Government will undertake to rent this from them at a certain stated number of dollars per square foot for a certain number of years. Is this not in essense that it says, Mr. Legal Advisor?

Mr. Legal Advisor: Yes, basically they undertake to build and we undertake to enter into a lease which is scheduled to the construction agreement and the lease sets out the terms and conditions under which we will hold the property for ten years. But, I would like to have another opportunity of seeing if there isn't an office copy available to meet the Council's request.

RECESS

Mr. Chairman: At this time gentlemen, I will call a recess for tea.

RECESS

PRESENT: Mr. Commissioner
CHAIRMAN: Councillor Southam

Mr. Chairman: Well gentlemen I will now call Committee back to order; we have Establishment 828 and Mr. Taylor I believe you had a question. BUDGET: VOTE 8

Mr. Taylor: Just before we deal with this matter I would like to direct a question to Mr. Legal Adviser. Mr. Fingland stated "We didn't consult Ottawa at all, this was a Yukon matter and there was sufficient authority in the legislation". I am just wondering Mr. Chairman under what legislation did he have the authority to commit a million dollars of the Yukon Territory without coming first to Council?

Mr. Legal Adviser: I don't know the authority for his proposition because I was not consulted before he entered into that agreement. I can only surmise that he must be referring in some way to the emergency expenditure provisions in the Financial Administration Ordinance. I am bound to say that I could not have advised him to rely on Section 16; I don't think that would have been the proper source of authority. I find under the Yukon Act the Commissioner - of course he was acting as Administrator at the time and would have had the same status "shall administer the Territory under instructions from time to time given to him by the Governor in Council or the Minister." But he made his position clear with regard to the reference back to Ottawa and I am sorry I cannot at the moment visualize any clean-cut authoirty that he must have had in mind when he made that statement other than the general duty of keeping the Administration going and to provide facilities. He is away at the moment but I think that question is really one that I would like to discuss with him before I commit him in any way. So I can only suggest that possibly it was the Financial Administration Ordinance, possible the Yukon Act or possibly an inherent implicit authority.

Mr. Taylor: Mr. Chairman, am I to conclude that this contract was entered into - he states here: "no one, Mr. Chairman, we didn't consult Ottawa at all" so he didn't get the permission of the Governor in Council and he certainly didn't consult the Council, and am I to understand that even the Legal department of this Territorial govern= ment had no knowledge that this was to be tendered, that this was strictly a one-man show? Is this correct?

Mr. Legal Adviser: I can't say that it was a one-man show but I was certainly not consulted until about the middle of October, that was when I first came into the picture.

Mr. Taylor: Well this is really something Mr. Chairman. I say throw it out - it's undemocratic.

Mr. Boyd: Mr. Chairman, I have just tumbled to the fact, now I read this a little closer and it would appear that according to the budget we do not intend to enter this building until January of next year. Now I have a memo

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from the Commissioner saying that the expected occupancy date is approximately August 1st. The tender called for occupancy on July 1st so approximately August 1st would be 30 days late but knowing how things go, I am a sceptical man in this case and I am wondering if there are any penalties for being late in the contract. If we are going to put up that many leeways I think the other contractors would have made an effort to have this complete by July 1st and I know that this is the basis that this contract was accepted on. I can't see the reason in the delay in the first place, but are there any penalties?

Mr. Legal Adviser: It is true that a later performance date for delivery of premises was worked out because there had been an element of delay created in the mind of the contractor and in his financial sources because of the discussion that was going on in Council at the last session and the point was made that he had lost valuable building time so that the date for entry into the premises has been extended and I believe it is the 1st of August but there is a flexibility about that because the primary object of the Administration was to secure office space, not to have a man get it within two weeks of completion and then turn on their heel and say "well you haven't delivered the building by this exact date" so there had to be a certain amount of flexibility. However, there is no penalty provided because the enforcement of penalties is notoriously difficult since there are so often variations in specification which are pleaded in defence of delay but if the building is not in fact ready for occupancy on the last date, and I'm sorry, I can't quote it from memory, then there is no obligation on the part of the Administration or the Government to enter into it - disregarding the question of Section 26, Financial Administration Ordinance, for the moment - so that the biggest penalty of all is that we may have a four hundred thousand dollar building and nobody to pay the rent which is an equally effective goal to expeditious action. This is a matter of practical legal drafting, as to whether you put in a fairly meaningless clause that is very seldom enforced or enforceable, or you just have a final deadline to walk away from the building, but then to do that you are going to be left looking back over your shoulder at a building which you could have used. This is where decisions had to be made on policy and not on points of law Sir.

Mr. Taylor: Mr. Chairman, there is another question too, and that is the manner in which this contract was tendered. Apparently this was only advertised once in the newspaper and this is a million dollar contract. It was advertised once, either on the 31st August or the 2nd September, that was all, and it was closed in two weeks and bango! Signed, sealed and delivered. Is it normal practice for the Administration to proceed in such haste? Even under legitimate type contracts? I direct that question to Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, I would have to ask the Legal Adviser to advise us on this matter. I am just not familiar with the contractural element of time that is requested here.

Mr. Legal Adviser: It always depends on the surrounding circumstances. My recollection is that that question was put to Mr. Fingland and he indicated that this was a practice of the Administration. I very seldom see any specifications for tenders beforehand and of course if it was a small amount for a routine matter you might advertise once or twice; for a more substantial matter you might advertise several times. The practice must vary according to the circumstances. The Territorial Engineer probably prepares more contracts than anybody else in the Administration, we could check what his practice is. There is no standing practice, there is no set rule, but I think that question was put to Mr. Fingland and he assured you at the time; I think you will find a note of this there somewhere.

Mr. Taylor: Well Mr. Chairman what I have in his statement at that particular stage of the game, he says "normally what we do, we call tenders and put it in the newspapers for two issues. In this case we put it in one but this is by no means the exception because there are any number of cases where we advertise in only one issue, but we advertise in an equal number of times in both papers". And then he says "We often call tenders with a closing date of two weeks.". What I'm concerned about is do we continue with this nonsence in calling million dollar type tenders in two weeks, that one little ad. in the paper indicating that the tender has been called? This is a very poor way of doing business and do we do this now? It seems to me that we have 30 and 60 day tender calls on little buildings involving maybe 40 or 60 thousand dollar expenditures, but when we get to a million dollars, bang, it's tendered, one little note in the newspaper, two weeks shut-down and the contract's awarded. It does make one a little suspicious. I am just wondering if we continue to do this type of thing on contracts involving a million bucks.

Mr. Commissioner: Mr. Chairman, I have not had the dubious pleasure of dealing with this million dollar type contract up until now and I simply speak from a matter of how I would personally feel about them. Now I can't put myself back in the position of these men when they called this contract, nor can I answer for them because I was not here, nor was I responsible for them. But I would say this to you, that at any period of time that contracts of a sizeable nature are being called that came under my jurisdiction, I would certainly feel that each contract called should be judged on its own merits as to the number of times that it is published, where it is published and the length of time that you would give to give reasonable time for tenderers to get their quotations in. If, we will say, we proceeded to build the health centre down here at Teslin, now I am assuming we are talking here about a building program of $25,000, give or take, it would certainly appear to me that an advertisement of this nature, that is if it is placed under normal engineering practices, that is of calling tenders and a reasonable period, possibly say a month is allowed, this should be ample. Now if by some turn of events we are going to put up a million dollar hospital at Teslin, now I think this is a different situation here altogether; I don't think they are to be compared and I think that you have to judge the length of time and the number of advertisements and the exposure of the advertisements to the point in question. When we were advertising here recently for the

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position to succeed Mr. Thompson as head of the Department of Education the Personnel Department was instructed to see that these advertisements were placed in the type of publications that applicants were likely to be looking in. In other words there was no point in publishing it in Macleans, you were interested in getting it into teachers' organisations magazines; also the time element that was involved was left on an open basis so that we had ample time to allow people to answer from distant parts of Canada. I realize there's a difference in calleng a tender for something and an application for a person to do a job but basically speaking I think you have to judge each thing on its own merits and I would certainly feel that my conduct of contract calling with regard to this would certainly meet with Council's approval in future, but I would feel this would be the means by which you would do this.

Mr. Legal Adviser: I should supplement the answer that I gave; I had an opportunity of checking out the Engineering Department practice as I noticed a member of that department in the gallery. On local contracts they advertise for two weeks in the Whitehorse Courier, this of course means something like four or more insertions in one paper and in the case of contracts which suggest an outside contractor would be interested, they run it for three. They allow themselves three weeks. That's the practice there, but this was not called by the Engineering Department.

Mr. Taylor: Do I take it that this contract we are discussing now was not called by the Engineering Department? Is that the way I am to interpret it?

Mr. Legal Adviser: That's my information Sir.

Mr. Taylor: Well I thought this was a matter for the Engineering Department. The deeper we get into this thing Mr. Chairman, the more confused it becomes and I think this is all the more reason why we should retender for office accommodation and delete this because it's grossly unfair to the citizens of the Yukon and I know from the man on the street that they're quite put out about the acceptance of this particular contract. It is a matter of principle involved here and if we accept this we establish a very dangerous precedent, and as I say, I would suggest that you vote this thing out. I couldn't live with this thing on my conscience if I voted for it.

Mr. Boyd: Mr. Chairman, I am not going to overlook what I see in writing, because where there is smoke there is usually fire, and there is an agreement signed and an understanding made as to when occupancy shall be and I would like to have that before I vote on anything concerning this, I would like to have that stated factually to me: when will occupancy be? I know it was intended to be on the 1st July, and to say that because of Council's actions last Fall caused a six month delay is sheer nonsense. Now surely we can be told how that agreement reads now as to the date of occupancy. And I would like to have this, even if we have to postpone debate till later.

Mr. Commissioner: I think Mr. Chairman, this is a very simple situation. This matter to my knowledge was left entirely in the hands of the legal representatives of the purveyor and in the hands of the Legal Adviser here and I am quite confident they can get a copy of this agreement here by some way. And I'm sure our own Legal Adviser hasn't got a copy or he would produce it here for you. So I think this is a matter of the two legal representatives getting together and digging up this contract, am I right Mr. Legal Adviser?

Mr. Legal Adviser: Well yes, when this document was signed it was then left with the Administration and there was discussion and Mr. Collins then took it away in order to have it executed by the Mortgagee. But some time has elapsed and I would like to be able to produce this document to refresh my memory and Council's memory, but I couldn't guarantee to deliver it to the table in 24 hours, and there has been a suggestion of deferment and if that suggestion is acted upon this would give us an opportunity of bringing the document back. I could only suggest to have it, I feel confident, by next Monday.

Mr. Taylor: One further question: has any money been paid by the Territorial Government in respect of this agreement to date?

Mr. Legal Adviser: I am not aware of any and I can't think of any legal authority for making a payment under that agreement. Rental will commence from the time we go into occupancy - that in itself is a slightly fluid date at the moment and I have just verified that the answer that I have given you on this is about as complete as I can, but of course the Territorial Treasurer should know much more about the movement of money than I do.

Mr. Shaw: Did the Legal Adviser say that this document had been signed by the Government of the Yukon Territory Mr. Chairman?

Mr. Legal Adviser: It was executed for the Yukon Territory. It was executed after I had advised the Commissioner that so far as possible the document expressed the intent of the authorities, reflected so far as possible the views of Council and made reasonable provision for a workable agreement. Now it was at that point of time that the Commissioner signed the agreement. I was only looking at it as a strictly legal document. It had been changed very very considerably from the first document that was presented because I was able to draw upon something like 20 years of experience in the preparation of this type of agreement.

Mr. Shaw: Mr. Chairman, if perhaps this got lost or mislaid then we have nothing at all in any shape or form.

Mr. Legal Adviser: Well I don't know. There are a lot of legal theories about the doctrines of lost documents; I am not sure how close the parties could come together in recreating the documents.

Mr. Taylor: Well Mr. Chairman, I think we should have a copy of the document. I would just as soon deal with this motion but if there is a deferral required and it gets the answers to some of these questions I will go along with it but I hope we vote this thing down and vote it out.

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Mr. Chairman: What is your pleasure now gentlemen?

Mr. Boyd: Well I will go for a deferment because I want to see in black and white just what is on that agreement inas much as occupancy was on July 1st and there have been so many things happen to this thing that I have got to the point where I don't trust anything unless it's in black and white and I can see it, not what somebody tells me it is. So this is what I want to do.

MR TAYLOR TAKES THE CHAIR

Mr. Southam: I don't know whether you can believe what you see in black and white if you ask me. There are Quite a few things in black and white that we didn't see. But I do agree with Councillor Shaw that we made an agreement last Fall amongst the Council here that the Commissioner would make the best deal he could and which he has done. Now you are talking about breaking it. Of course this is not the first time you've broken an agreement, you've done the same thing with Justice, you threw it out after signing it for five years. So it doesn't make any difference - we haven't got any principles as a council. Therefore my opinion is this: have we got no faith in the head of our government? Is this what we're saying? This is what it looks like to me gentlemen. I know when I say something as a rule I stand behind it and as far as I am concerned I will vote to keep it the way it is whether you like it or not. Because there's a matter of principle involved here just as much one way as the other and we as a Council gave the Commissioner the go ahead to make the best conditions that he could and he's done it and now we're talking about backing out of it. What kind of a Council are we? You have talked about us having no guts, well gentlemen, I'm here to say that I'll stand back of my word that I made last Fall. I know exactly what I said there and a good many more of you know what you said. Why don't you stick to it? This is all I've got to say at the present moment but I will say more later on.

Mr. Chairman: Well gentlemen is it your pleasure that this be deferred until tomorrow afternoon?

Mr. Commissioner: Well Mr. Chairman there is no point in deferring it to tomorrow afternoon because the Legal Adviser has just finished telling you he can't guarantee to deliver the document to you until Monday. Could I suggest that we excuse Mr. Legal Adviser for him to consult his legal counterpart and have him advise us of a reasonably certain time when this document would be available?

Committee: Agreed.

Mr. Boyd: I just want to say that it's inconceivable that there isn't a duplicate somewhere. I can't figure out that they had no carbon copies at the time they typed it.

Mr. Watt: Mr. Chairman, if you buy a garbage can for the government you've got to have 12 copies; I agree with Mr. Boyd, I can't see why there are no copies.

Mr. Chairman: Gentlemen have you anything further on Vote #8? There was a question respecting the legal administration. It is the only one I have noted here. Establishment 805.

BUDGET: VOTE #8

Mr. Shaw: Mr. Chairman, this is in respect of the Registrar of Companies. We have taken that department down to the Registrar General and it appears to me that the department such as the Registrar of Companies should have a person of legal training, a lawyer to vet all of these particular matters relating to companies. I can hardly see where this will not create a great deal of problems involved with layman and in this 805 we have a nil estimate for a legal man; we have been trying for years to get an assistant legal adviser or Territorial Legal Adviser and I see this was in the 66-67 vote and now it's taken completely out of the 67-68 vote and I feel that we need this person in the worst way, we have been asking for this for many years and it is said that his duties are less because they have put that down to the Registrar of Companies, taken it from the legal department and put it down in the Registrar General's office and it doesn't appear to me that that will create nothing but problems in the future because companies I think require a scrutiny from a man trained in this particular matter, each and every one that comes through.

Mr. Watt: One of the main reasons that I had asked for the Justice vote to be deleted from the budget was in the hope that the pressure would help the Federal Government to appoint another legal assistant, an assistanc to our Legal Adviser. Because we all agree he is needed and this was one way that I thought we could put pressure on to the Federal Government to live up to their agreement that they signed five years ago and apparently we threw the Justice vote out - it had no effect on them whatsoever and I am in the peculiar position in order for us to have any control over the Justice department at all we are going to have to try and put a motion before Council to have this included in our budget again because it didn't work. That was one of the reasons that I was dissatisfied with Justice and the deletion of the Justice vote had no effect except a transfer of funds, the Yukon Territory is being charged for the cost of Justice indirectly instead of directly and we have lost any control that we did have over Justice or any lever such as we had in order to help make the Federal Government live up to the last agreement, and that was the reason I originally made the motion to delete that.

Mr. Shaw: Mr. Chairman, whether we've got the Department of Justice or not I feel that we need a legal man with the Registrar of Companies. I feel if we can go hiring people down in Watson Lake for $7200 a year to check a few trucks that are going past to see if they've got the right kind of licence we can pay a much larger salary for a person that goes around and does other jobs around the Territory. Surely somehow from the funds of Territorial Government of eighteen million dollars or so we can find a man to act in conjunction with our present Legal Adviser to look after these many problems that are coming up all the time and it appears to me when we have a big corporation such as we have, namely the Territorial Government, where we have one man, and incidentally he is paid by the Federal Government,

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we can afford another legal man to work out the problems. Now here we have been discussing the matter of rental; perhaps if we had had more legal people around we could have had closer liaison, maybe we wouldn't have had that problem, but here it is thrown out, something Council has been asking for for years consistently, and it doesn't seem to create much of a ripple. I think that should be placed back in and we should get a man to fill this position, and a Territorial man.

Mr. Commissioner: Mr. Chairman, this matter I think we discussed here a week or so ago and I think I made it very clear to you that from an administrative point of view I heartily agree with Council* s stated wishes over the year that there should be a further strengthening of our legal services; I think there is no question about this at all and I also feel too Mr. Chairman that it should be strengthened at the Territorial public service level. This is where the strengthining should be and if it is Council's continued wish that this should be so I think the straightforward method of dealing with this would be to have a motion from Council which in turn, if it was approved, I could take up with the Financial Advisory Committee and have their approval for the item to be included in the estimates. We can't do anything about it in these estimates but if we had the Financial Committee's approval they could be put into supplementaries.

MR. SOUTHAM TAKES THE CHAIR

Mr. Taylor: Mr. Chairman I think it should be pointed out that there are motions upon motions requesting this already on the record and I think to produce another one, unless Council have changed their minds which I doubt, that there are dozens of motions in respect of this.

Mr. Commissioner: Well could I put it this way, that I will take this up with the Financial Advisory committee to secure their approval concerning the budgetory item as required?

Mr. Taylor: I would think Mr. Chairman this would be an outstanding idea.

Mr. Watt: Mr. Chairman, why can't we just put it in now?

Mr. Commissioner: From a budgetary construction point of view gentlemen it has to be dealt with through the Financial Advisory committee and at that point it will be made available for a supplementary estimate.

Mr. Chairman: Do I have Committee's agreement to the Commissioner's suggestion?

Committee: Agreed.

MR. TAYLOR RESUMES THE CHAIR

Mr. Watt: Mr. Chairman, I would like to have this clarified: is this a policy that anything that's on the budget goes through the Financial Advisory committee first and then initiated by the Administration next, and then go to the Council?

Mr. Commissioner: Here's the answer for Councillor Mr. Chairman, it's in Section 12 of the Yukon Act: "There shall be an advisory committee on finance consisting of three members of the Council to be appointed by the Commissioner upon the recommendation of the Council and the Commissisner shall consult with the committee in the preparation of the estimates of the expenditures and appropriations required to defray the charges and expenses of the public service of the Territory for each fiscal year."

BUDGET: VOTE #8

Mr. Chairman: Are you clear gentlemen?

Committee: Clear

Mr. Chairman: Mr. Legal Adviser have you anything to report on the agreement?

Mr. Legal Adviser: Yes, I spoke to Mr. Wylie, Mr. Collins being engaged in Court, and he stated that he would wire the appropriate people in Vancouver. He confirmed the agreement is still there and he expected that he would have it back available for Tuesday. He was going to impress upon these people that they had to be here so I will advise the Chairman of Committee when the documents come to hand but I would suggest Tuesday as a firm date.

Mr. Chairman: Are you gentlemen agreed on Tuesday next?

Committee: Agreed.

Mr. Chairman: Well gentlemen, again, have you anything further on Vote #8?
Committee: Clear.

Mr. Chairman: We have deferred the one item involving Establishment 828 for further consideration.

Mr. Boyd: I think possibly 859 is going to have to be dealt with also - the Chilkoot Pass - because we're dealing with something that's not a part of the Yukon at all and I wouldn't want to get into any trouble with the honourable Bennett.

Mr. Chairman: What is your pleasure here gentlemen before we proceed from this vote?

Mr. Shaw: Well Mr. Chairman; I don't know much about it but to hire a helicopter for a thousand dollars and entertain with five hundred dollars on something that is actually in Alaska and British Columbia does seem (inaudible).

Mr. Boyd: Mr. Chairman, could I suggest that we leave this in the Commissioner's hands. Whatever he sees fit to do is good enough. It's only $1500 but certainly it does sound funny to me that we're doing something in British Columbia and British Columnbia doesn't know anything about it.

Mr. Shaw: I still don't see why we have to run helicopters for a thousand dollars. Trains run back and forth don't they?

BUDGET: VOTE #8

Mr. Commissioner: Mr. Chairman, you will find in the minutes of the 15th meeting of the Yukon Centennial Committee on Page 4 what has been discussed by the centennial people in connection with this. This is strictly a centennial project. The second paragraph says "It was proposed a party of 6 VIPs, three from Yukon and three from Alaska together with press people and certain other officials journey by train to Skagway and take part in the Gold Rush Festival there on August 5th. On the 6th they would journey up from Skagway to Lake Bennett and from there they would be lifted by helicopter to the summit of the Chilkoot Pass where a monument and a flag raising ceremony would be conducted. They would then be returned to Bennett and journey by train to Whitehorse. Mr. H. Adams, Centennial Director, Alaska, had drawn up a tentative program which would see a climbing team of boy scouts leave for the Chilkoot summit on August 3rd there to erect flag stands and prepare for the ceremony. It was proposed that they will establish a base camp at Sheep Creek with first-aid facilities, hot beverages and other necessities for the rest of the climbing party."

Mr. Shaw: The boy scouts walk and the rest of the people ride in helic pters, is that the idea? It seems awfully ridiculous to me. Possibly I don't know what the story is but that seems the most ridiculous thing to send a bunch of boy scouts ahead and then you travel there in a helicopter for a thousand dollars. Now if this was shared jointly by British Columbia, Alaska and the Yukon that means that there's three thousand dollars-worth of helicopters and yet the boy scouts can walk there. You could pretty near put a road in for that.

Mr. Commissioner: Mr. Chairman, this only one of hundreds of equally questionable things in connection with the centennial celebrations that everyone feels are a very necessary part of the hundredth birthday party of Alaska and of the Federation and before we pass any hasty judgment on it can I be given the opportunity of giving Council the full story and the full background of what is involved here and then at that point I would be very happy for you to advise me what Council's wishes are?

Committee: Agreed.

Mr. Watt: I would like to point out to Councillor Shaw that this only happens once every hundred years and it averages out at $1.50 a year.

Mr. Commissioner: Might I remark to learned Councillors that I think it works out to $15 a year.

VOTE #9

Mr. Chairman: Well gentlemen have you anything further in respect of Vote #8? Are we clear? Next is Vote #9. Engineering. First is administration in the amount of $212,222.00.

Mr. Shaw: Mr. Chairman, I notice under our new policy, which I think is very sound, of having superintendents in three areas of the Yukon, I notice we have a resident inspector in the Dawson area. What would a resident inspector be Mr. Chairman? That's on Page 63 under Administration.

Mr. Commissioner: Mr. Chairman, Mr. Clerk advises me that he was an inspector on a similar position for four years, so could I defer the question to him to tell you exactly what a resident inspector does here?

BUDGET: VOTE #9

Mr. Clerk: Well Mr. Chairman, it is required that the Engineering Department have someone with certain engineering capabilities in these areas all the time. Jack Fraser spends the majority of his time in the Dawson area now - he has for a good number ofyears - I would suggest that he is the resident inspector in the Dawson area and his duties would be the same thing as they are now.

Mr. Shaw: Thank you Mr. Chairman.

Mr. Watt: I have a question I would like to ask Mr. Commissioner. I understand that we are sharing one appointment with City, and that is Mr. Powell. Is this item here just half his wages? I understand that we are using him on a fifty-fifty basis, so would this be fifty per cent of his wages?

Mr. Commissioner: No, I will have this verified, but it is my understanding that we pay his total wages and we charge that portion that is applicable to the City, to the City. This is his total salary, is this not correct Mr. Clerk.

Mr. Clerk: Mr. Chairman, again I can answer on behalf of the Engineering Department. Every three months the City of Whitehorse is invoiced for Ray Howe - - - would it be fifty per cent?

Mr. Commissioner: Not necessarily fifty per cent.

Mr. Clerk: No. He makes out a time sheet each day and it has the yearly salary broken down to an hourly rate and they are charged for the hours that he spends working for the City. He makes out a time sheet each day of the week and his hours are broken down right to the hour and the City is charged by the hour by invoice.

Mr. Watt: Thank you Mr. Chairman.

Mr. Chairman: Clear gentlemen?

Committee: Clear

Mr. Chairman: Next is Territorial Buildings: $185,140.00. Are we clear?

Mr. Shaw: Mr. Chairman, I was just wondering - we have the Administration salaries and so forth put down, we will say the administration used at one time to put down the number of people employed in the Territory on a continuing basis, however it does not appear to be here. Would it all have been involved in the costs of the roads, the different road programs?

Mr. Clerk: On Page 63 you will find the people who are paid as administration staff of the Territorial Government, the maintenance is looked after in the road project, in other words these people are paid out of Establishment 900, the other people are chargeable to the road that they work on. The Stewart-Dawson road for instance pays the wages for maintenance for the people on the Stewart-Dawson road.

BUDGET: VOTE #9

Mr. Shaw: That's what I think I was pointing out Mr. Chairman when you inferred I was wrong. The various employees that are employed on a continuing basis did used to be down in the books and I notice it is just the administration down now and I am asking if this is a new departure to put it in the road projects. In fact some of them are older employees than you've got on this administration list.

Mr. Chairman: Are you clear? With respect to Territorial Buildings?

Committee: Clear.

Mr. Watt: I would like to ask the Commissioner with respect to 913a. It says this is new with $35,000. Now, could you clarify my mind - was this previously done by the Forestry Service and chargeable to the Federal Government?

Mr. Chairman: Order gentlemen, I wonder if we could just take these one at a time. Are we clear on Territorial Buildings in the amount of $185,140.00. I believe we will be coming up later to the point raised by Councillor Watt.

Committee: Clear.

Mr. Chairman: The next item is the Dawson Dome Road: $1755.00.

Committee: Clear.

Mr. Chairman: Next is Bonanza Road: $2426.00. Clear? The Granville Road: $15,486.

Mr. Commissioner: Mr. Chairman, this road will have summer maintenance only from here on; as you are well aware YCGC is no longer a viable entity in that particular area and this will have summer time maintenance only on it and will be considerably less than this figure here. And remember that these estimates were made up here at a time when we were not too certain whether in fact YCGC was going to be there or not.

Committee: Clear.

Mr. Chairman: Atlin Road: $17,912.00; Tagish Road: $21,680.00; Carcross Road: $26,016.00; Duncan Creek Road: $4,233.00; Mayo Lake Road: $1,755.00; Cawley Lake Road: $310.00; Maintenance - S.S. "Keno", Dawson: $2558.00.

Committee: Clear.

Mr. Chairman: Camp Ground Maintenance: $47,200.00. Councillor Watt?

Mr. Watt: Yes Mr. Chairman, I think the Commissioner has the question.

Mr. Commissioner: The Commissioner doesn't have the answer but we are going to get it, Mr. Chairman. Could I ask that we come back to this because I want the answer to this myself, I am not exactly sure how this is dealt with. I see how we're dealing with #913, but certainly 913A it would appear to me that we have a completely new departure.

Committee: Agreed.

BUDGET:
VOTE #9

Mr. Chairman: I will so note, gentlemen. Next is Survey - Gravel Pits and others: $1032.00; Tote Trail Assistance: $100,00.00.

Committee: Clear.

Mr. Chairman: Tagish Micro-Wave Road: $258.00

Mr. MacKinnon: How come Mr. Commissioner?

Mr. Commissioner: I think a fairly reasonable explanation is available there Mr. Chairman.

Committee: Clear.

Mr. Chairman: Palace Grand Theatre, Dawson: $8697.00; Nordenskiold Bridge, Carmacks: $230.00; Lewes River Dam: $1000.00; Range Road: $516.00.

Mr. Watt: Mr. Chairman, I would like to ask the Commissioner if there are any further plans for the complete removal of the Lewes River Dam to allow for easier navigation up and down the lake.

Mr. Commissioner: I certainly am not aware of any plans along the lines that the Councillor has asked Mr. Chairman. In fact from time to time I hear and see in the press reports that there may be a new storage dam built there with necessary fish escape ways and possibly ways and means of people moving small craft around or through this area to provide water storage to allow for more use of our hydro here but I'm afraid Councillors know about as much as I do myself about this.

Committee: Clear

Mr. Chairman: Survey & Planning - Territorial Roads: $5162.00; Dawson City Flood Control: $10,000.00; Third Party Services: $60,000.00; Tagish Bridge: $9000.00; Maintenance - S.S. "Klondike": $10,000.00.

Committee: Clear

Mr. Chairman: The next item is Administration - Dawson Area: $38,284.00.

Mr. Commissioner: Excuse me Mr. Chairman, I wonder if I might be excused at this time. I see I have Mayor Firth waiting to see me in the office. Is this convenient with Council?

Committee: Agreed

MR. COMMISSIONER EXCUSED

Mr. Chairman: Gentlemen, are you clear on this item?

Mr. Thompson: Mr. Chairman, could I go back to #925: Third Party Services for work done on other than Federal or Territorial projects. What else are we in?

BUDGET: VOTE #9

Mr. Chairman: I'm not too sure; I notice it is a hundred per cent recoverable; I assume it would be something like the CNT. Are we clear? Dawson Administration - are we clear on that?

Committee: Clear.

Mr. Chairman: Whitehorse Statutory Grant: $147,870.00. Might I ask, possibly Mr. Clerk might have the answer, what is this 2½% of provincial increase?

Mr. Clerk: I'm sorry Mr. Chairman, I don't have the answer.

Mr. Chairman: Is it your wish that we get someone from the Territorial Treasurer's office to answer this question?

Committee: Agreed.

Mr. Chairman: Mr. Clerk would you see if Mr. Smith would be available or Mr. MacKenzie, and I will declare a short recess.

RECESS

PRESENT: Mr. MacKenzie - Territorial Treasurer

Mr. Chairman: I will now call Committee back to order.

Mr. Legal Adviser: Mr. Chairman, as you are proceeding with the Treasurer I wonder if you require me?

MR. LEGAL ADVISER EXCUSED

Mr. Chairman: Mr. MacKenzie has now joined us gentlemen and I would draw to his attention the question that arose as to the meaning of this 2½% Provincial increase in relationship to the Whitehorse Statutory Grant on Page 13, Vote 9.

Mr. MacKenzie: The answer is Mr. Chairman, that the words "of Provincial" are in error. It should be "for provisional", "2½% for provisional increase".

Mr. Chairman: Might I ask again from the Chair, is this provisional increase also allotted to the municipality of Dawson?

Mr. MacKenzie: No.

Mr. Chairman: Why Mr. MacKenzie.

Mr. MacKenzie: It was not considered necessary, whereas in the case of Whitehorse there was a possibility of an increase in values.

Mr. Watt: Mr. Chairman, I would like to ask Mr. MacKenzie now that you have clarified the typographical error, could you please translate it for us and tell us what it's for?

Mr. MacKenzie: Well it assumes that assessed values may increase beyond what are set down here in the estimates. It assumes that they will increase to the extent of 2½%, in which case the grant would be that much greater. I

don't want to find myself having to pay out a grant of $X when I have only got $X-minus to pay it with. BUDGET: VOTE #9

Mr. Watt: I would like to ask Mr. MacKenzie another question. I hear suggestions from the City that the assessment for Territorially owned land within the City limits of Whitehorse is far below par and therefore the grants they get are a lot less than they should be. I would like to ask Mr. MacKenzie to elaborate on this: are we paying our fair share to support the City in respect of their services?

Mr. MacKenzie: Well that's quite a broad question Mr. Chairman; as regards the assessment of Territorially owned lands we would have to ask the tax assessor on that. That is a special field with which I am not concerned. But I assume that the assessed values would have been arrived at by the team of assessors which was imported by the City of Whitehorse when they undertook their re-assessment program a year ago.

Mr. Watt: Am I correct - I understand that they were not assessed the last time. This is the basis of the complaint, that the Territorial Government owned buildings were not assessed at the same time as the other buildings were assessed in Whitehorse. In other words there was a general upgrading of property values, homes and land and there was no assessment taken with respect to Territorially owned property. This is the basis of the complaint and this is why I ask it.

Mr. MacKenzie: Well Mr. Chairman if this is the case and Territorial land and buildings were not re-assessed it's news to me and it is certainly a matter over which we have no control. It is the City's prerogative to import assessors and set them to work on assessing any properties they wish, Federal and Territorial. It's not a matter for us to interfere in, unless of course they assess the values excessively high in which case we would have the right to protest to the Court of Appeal or whatever it is, but I am not aware of that having been done; nothing came to my attention.

Mr. Watt: Could I just leave that point with Mr. MacKenzie? Possibly he could find out for sure if that has been assessed, and that would eliminate any objection that I get from some of the City Councillors, and they have objected to me with respect to this saying that our grant is low and this is what they are using as a basis for asking an additional grant from the Territory. If it is true there's a lot of justification in it and if it's not true and we were re-assessed then I don't think their complaint is justified.

Mr. MacKenzie: I would be glad to check to see how the assessed values in this book compare with the previous year and the year before that and see if there has been a substantial increase, or any increase..

Mr. Shaw: Mr. Chairman, could I ask a question? Will the City - that will apply of course to both Dawson and Whitehorse - get the full amount of the taxes in the form of the grant, the improvement and property taxes, or is it based on a percentage of the assessed value?

BUDGET: VOTE #9

Mr. MacKenzie: The grant value Mr. Chairman is not the same as the assessed value in the case of the City of Whitehorse. They for some reason known only to themselves utilize fifty per cent of the assessed value of privately owned improvements for taxation purposes and we use taxation purpose figures for grant purposes. It is a most peculiar local arrangement which I doubt you will find anywhere else.

Mr. Shaw: But Mr. Chairman, they would get the same amount of money, the grant would be the same as if it were a private person paying taxes.

Mr. MacKenzie: Well as to that Mr. Chairman, we are paying a grant at the rate of ten mills. Now a private person within the Municipality of Whitehorse pays considerably more than ten mills.

Mr. Shaw: In other words Mr. Chairman, to use a hypothetical illustration, if we will say 60 per cent of the property was owned in a municipality by the Territorial Government and 40 per cent was owned by private individuals, the private individuals would actually pay more than what the Territorial Government would be to the City.

Mr. MacKenzie: That is the case, but I think a mistake is being made in trying to put our statutory grant to Whitehorse or Dawson on the same level as property taxes paid by residents. This is not a grant in lieu of taxes at all. It is a special grant given to assist the City to carry on its operations, it is not in lieu of taxes.

Mr. Watt: Mr. Chairman, do you pay taxes beside this then?

Mr. MacKenzie: No, we make various other grants, the road maintenance grant, a road construction grant and this so-called statutory grant. But the point to make here is that the statutory grant is not linked to taxation at all. It is simply an arbitrary grant which is given to the City to help them finance their operations. It could be more, it could be less, it's quite arbitrary. This time it's two mills greater than in previous years as you know.

Mr. Watt: Well Mr. Chairman, all these other grants, that's just grants similar to what the Provinces pay to the municipalities outside.. This in effect is our grant in lieu of taxes, this particular one here. If this is the case we are actually paying the City a lot lower and the Whitehorse taxpayer is carrying the Territory.

Mr. MacKenzie: No this is not in lieu of taxes; it is a statutory grant; it is an arbitrary grant to assist the City with their operating costs.

Mr. Chairman: Clear gentlemen?

Mr. Thompson: I think Mr. Chairman in view of the time it would be in order to proceed with this tomorrow morning and I also would like a little further clarification on this point.

BUDGET: VOTE #9

Mr. Chairman: May Mr. MacKenzie be excused at this time gentlemen?

Committee: Agreed.

MR. MACKENZIE EXCUSED

MOTION: SPEAKER DO RESUME CHAIR

Mr. Southam: Mr. Chairman I would move that Mr. Speaker do now resume the Chair and hear the Report of Committee.

Mr. Watt: I'll second the motion.

Question on the motion called.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: I will now call this Council to order and hear the report of the Chairman of Committees.

Mr. Chairman: Mr. Speaker, Committee convened at 10:35 am to discuss bills, sessional papers, memorandums and motions. Committee first discussed Bill #9 with Mr. Commissioner in attendance. Committee recessed at 12:00 noon and reconvened at 2:00 pm. A motion was moved by Councillor Taylor and seconded by Councillor Thompson that the amount of $18, 456.00 designated in estimate 828 of Vote 8 for rental space in the Lynn building be deleted by transfer to another primary for the purpose of retendering a contract for rental accommodation, Whitehorse. This motion was deferred in Committee to Tuesday next. Mr. MacKenzie attended in Committee to assist with the main supply bill and I can report progress on Bill #9. It was moved by Councillor Southam, seconded by Councillor Watt that Mr. Speaker do now resume the Chair and hear the report of the Chairman of Committees and this motion carried.

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

Council: Agreed.

Mr. Speaker: Now gentlemen we have the agenda for tomorrow.

Mr. Chairman: Mr. Speaker I believe we would be continuing with the budget, the main supply bill and I would suggest bills, sessional papers, memorandums and motions.

Mr. Speaker: Is that agreed?

Council: Agreed.

Mr. Boyd: I would move that we call it five o'clock.

Mr. Watt: I will second the motion.

Question called on the motion

MOTION CARRIED

Council adjourned to 10:00 am
Wednesday, April 26th, 1967