YUKON TERRITORIAL COUNCIL

Votes and Proceedings

Volume I

Second Session 1965

I N D E X

VOTES AND PROCEEDINGS - 1965 (Second Session)

Volume 1 - pages 1 to 404
Volume 2 - pages 405 to 842.

Session Dates - Wednesday Nov. 10th, 1965 to
Tuesday Dec. 14th, 1965.

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Council prorogued on Dec. 14th, 1965

Context of Motions:

MOTION No. 1. November 12th, 1965.

Moved by: Mr. Watt
Seconded by Mr. MacKinnon

Re: Daylight Saving Time for the Yukon

It is respectfully requested that the Administration set up the machinery to have a Territorial plebiscite on daylight saving time for the Yukon. This plebiscite will give the Yukon electorate three choices:

(1) Yukon adopt Vancouver time which is Pacific Standard plus one hour of daylight saving time during the summer months.
(2) Adopt Pacific standard without the extra hour of daylight saving time during the summer months.
(3) Remain on Yukon Standard Time.

November 16, 1965.
Amended to give Commissioner power to establish two time zones on basis of Plebiscite. MOTION CARRIED AS AMENDED.

MOTION No. 2. November 12th. 1965.

Moved by Mr. Taylor
Seconded by: Mr. Shaw

Re: Radio Facilities, Whitehorse.

The Administration is respectfully requested to convey to the Canadian Broadcasting Corporation the immediate request for 24 hour radio service for the City of Whitehorse by either utilizing the present facilities or installing low power relay transmitters where required to service the Whitehorse area.
MOTION CARRIED, November 13, 1965.

MOTION No. 3. November 12th, 1965.

Moved by Mr. Watt
Seconded by: Mr. Thompson

Re; New Financial Advisory Committee for the coming year.

That Mr. Boyd, Mr. Southam and Mr. MacKinnon be appointed to assume the full duties of the Financial Advisory Committee for the coming Year.
Amended to Mr. Thompson, rather that Mr. MacKinnon. See page 574.
MOTION CARRIED, December 3, 1965.

MOTION No. 4. November 12th, 1965.

Moved by Mr. Boyd
Seconded by: Mr. Thompson

Re; Legal Advisor

That our Legal Advisor be a Territorial employee.
MOTION CARRIED, November 13, 1965.

MOTION No. 5. November 12th 1965

Moved by: Mr. Boyd
Seconded by Mr. Thompson

Re: Garnishees

That the amount of $3.00 per day allowed as living expense to one who has been garnisheed be increased to a more realistic figure, and that the Administration present Council with the necessary amendment during this Council Session.
MOTION CARRIED, November 13, 1965.

MOTION No. 6. November 12th, 1965.

Moved by: Mr. Watt
Seconded by Mr. MacKinnon Re: New Deputy Speaker

Whereas the Deputy Speaker was appointed for one year, it is moved that Mr. Fred Southam of Mayo be Deputy Speaker and Chairman of Committees for the coming Year.

RULED OUT OF ORDER BY SPEAKER. November 15, 1965.

MOTION No. 7. November 13th, 1965.

By Mr. Taylor
Seconded by: Mr. Boyd Re: Participation at Federal-Provincial Fiscal Conference.

It is the opinion of Council that steps should be taken immediately to arrange for participation as observer only for one member of the Yukon Legislative Council to the next Federal-Provincial Fiscal Conference.

MOTION CARRIED, November 15, 1965.

MOTION No. 8. November 13th, 1965.

Moved by Mr. Boyd
Seconded by: Mr. Shaw Re: Child Adoption.

That in the case of chold adoptions the Yukon Territorial Government accept the responsibility of preparing the neeessary adoption papers on a no charge basis.

MOTION CARRIED, November 15, 1965.

MOTION No. 9. November 13th, 1965.

Moved by: Mr. Thompson
Seconded by Mr. Watt

Whereas, Northern development is a policy of the Government of Canada, and

Whereas, that Government now sponsor such incentives as Prospectors' Assistance and Tote Trail Assistance to attract industry to the north, and

Whereas, that Government also sponsor a variety of government services such as geological, geochemical and hydrometric surveys to assist the natural resource industry in the north, and

Whereas, that Government has recognized the higher costs and the isolation of northern living by paying its employees Northern Allowances and by subsidizing their housing and transportation, and

Whereas, there are now, no tangible advantages to attract the private citizen from the prosperous south to settle and INVEST in the north, and

Whereas, the development of the north and thus the success of the Government policy is going to depend ultimately on the willingness of private citizens to live in the North,

THIS COUNCIL NOW RESOLVES TO ASK THE FEDERAL GOVERNMENT TO PERMIT PRIVATE CITIZENS WITH AT LEAT TWELVE MONTHS' RESIDENCE IN THE YUKON TO DEDUCT AN ADDITIONAL FIVE THOUSAND DOLLARS OVER AND ABOVE THE EXISTING STATUATORY DEDUCTIONS FROM TAXABLE PERSONAL INCOME.

MOTION CARRIED, NOVEMBER 15, 1965.

MOTION No. 10. November 13th, 1965.

Moved by Mr. MacKinnon
Seconded by Mr. Southam Re: Road Maintenance Discovery Mine

It is in the opinion of Council that the Administration give urgent consideration to the maintenance of the Discovery Mine road from Carmacks.

MOTION CARRIED, November 23, 1965.

MOTION No. 11 November 13th, 1965.

Moved by: Mr. Watt
Seconded by: Mr. MacKinnon Re: D.P.W. Employees

It is respectfully requested that the Administration take steps to offer job security and wage guarantees to employees that are presently employed and are expected to be employed by the Territorial Government.

MOTION CARRIED, November 16, 1965.

MOTION No. 12 November 13th, 1965

Moved by: Mr. MacKinnon
Seconded by: Mr. Watt Re: Trapping

It is respectfully requested that the Administration take every possible step to open all or parts of the game sanctuary for native Indian trapping. (Under direct control of our Game Department)

MOTION CARRIED AS AMENDED, November 22, 1965.

MOTION No. 13. November 17th, 1965.

Moved by: Mr. Taylor
Seconded by: Mr. Boyd Re: Press Secretary

It is the opinion of Council that Mr. D. Sawatsky be appointed as official press secretary to the Yukon Legislative Council.

MOTION CARRIED, November 18, 1965.

MOTION No. 14. November 17th, 1965.

Moved by: Mr. Boyd
Seconded by: Mr. Thompson Re: Fur Export Tax.

It is the opinion of Council that the Federal Government consider the removal of the 5% export tax on fur.

MOTION WITHDRAWN, November 23, 1965.

N.B. Motions 15 to 35 inclusive are set out as presented in the Votes and Proceedings.

MOTION No. 36 December 13th, 1965.

Moved by: Mr. Taylor
Seconded by: Mr. Southam Re: Vocational School Certificates

That the Director of the Vocational training attend Council to discuss matters related to vocational training graduation certificates.

MOTION CARRIED, December 13, 1965.

MOTION NO. 37 December 13th, 1965.

Moved by: Mr. Taylor
Seconded by: Mr. Boyd Re: Whitehorse - Juneau Road

That the Administration institute joint discussion with the Federal Government, the Province of British Columbia and the State of Alaska respecting the feasibility of establishing a road from Whitehorse, Yukon to Juneau, Alaska, via the Atlin, B.C. Taku river route.

MOTION CARRIED December 13, 1965.

MOTION NO. 38 December 13th, 1965.

Moved by: Mr. Taylor
Seconded by: Mr. Shaw Re: Watson Lake - Ross River Road

The Administration is respectfully requested to discuss with the Dept. of Northern Affairs the possibility of completing construction of the Watson Lake - Ross River road at the earliest possible moment.

MOTION CARRIED December 14, 1965.

MOTION NO. 39 December 13th, 1965.

Moved by Mr. Thompson
Seconded by: Mr. Boyd

That in the opinion of Council the Registrar of Motor Vehicles be instructed to put aside a block of licence plates numbered one to two hundred and fifty for those persons who are desirous of obtaining a licence number of their own choice. It is further requested that this policy be implemented in 1966 and that no additional fee be attached to this request.

MOTION CARRIED AS AMENDED, December 13, 1965.

MOTION NO. 40 December 13th, 1965.

Moved by: Mr. Shaw
Seconded by: Mr. Southam Re: Dawson Airport

It is the opinion of Council that the Administration be respectfully requested to direct the Territorial Engineering Department to survey the Dawson Airport with the objective of extending the present runway and later applying some form of binding agent to the gravel which will then permit the landing and take-off of tri-cycle landing aircraft that normally cannot land on gravel strips, and further that if this project is found feasible that funds be allocated in the 1966 Spring Estimates for a start on this project.

MOTION CARRIED December 13, 1965.

MOTION NO. 41 December 13th, 1965.

Moved by: Mr. Shaw
Seconded by: Mr. Boyd
Re: Housing Policy of Territorial Government

In the opinion of Council this would be considered as preliminary proposals for resolving Housing policy of Territorial Government which could also apply to Federal Housing:

Recommendations

1. A housing authority be set up independent of the Territorial Government to operate all dwellings, occupied now and in the future by Territorial Government employees, to consist of an Administrator and minimum office help, to be self sustaining and non-profiting.

2. Establish Advisory Board of $1.00 per year men, seven in number, one from each electoral district. To meet once or twice a year, to set general operational policy (i.e. how much furniture should be provided, amounts of depreciation, etc., etc.) with Administrator. These men if possible to be business men (i.e. men who understand one end of the cash register from the other).

3. The Territorial Treasury Department look after all accounting and ratios of cost in relation to rents charged as well as all disbursements and collections of money.

4. Housing Administrator to report once or twice each year to Commissioner in Council with any details that may be required.

5. The Policy established by the Commissioner in Council from time to time shall apply to the whole Territory, however this body may make certain exceptions where in their opinion extenuating circumstances are warranted or hardship is created in certain areas. This power shall not be given the Administrator.

6. If at all possible, the present occupants of Government houses in the above mentioned category be given the opportunity to purchase at a depreciated value to be paid for over a period of years on a rental purchase basis, or outright if desirable.

.....

MOTION No. 41 continued:

General Terms of Reference of Policy:

1. The Administrator will manage all housing and see that all buildings are properly maintained, and establish under advice given by the Treasury Department, the proper rental of each building or part thereof. He will also make necessary arrangements to see that personnel using this housing are properly placed and be the person that attends to the requirements of personnel using the housing.

2. The Territorial Government will not construct any new housing in the Territory where National Housing and Mortgage Corporation provide facilities for the private home builder. Any Territorial Government house or building that reaches a stage of uneconomic repair or maintenance shall be offered for public bid to be demolished, removed or property sold outright, dependent as to whether or not the Territory wishes to retain the land.

3. In general the personnel renting will have the actual cost of the following computated in the monthly rental. (a) insurance (or prorata if part of building) (b) depreciation (c) property taxes (d) maintenance.

4. The tenant responsible for (a) electricity, (b) fuel, (c) garbage (de) collection (de) water a/o sewer & water, (e) willful damage.

MOTION CARRIED December 14, 1965.

VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE YUKON TERRITORY

Wednesday, November 10, 1965.
10:00 o'clock a.m.

The Second Session of the Council for the Year 1965, being the Third Session of the Twentieth Wholly Elective Council of the Yukon Territory, was convened in the Council Chambers at 10:00 o'clock a.m., on Wednesday, November 10th, 1965.

The Members present were:

Mr. George O. Shaw, Dawson
Mr. Hubert E. Boyd, Whitehorse East
Mr. John Kenneth Thompson, Whitehorse North
Mr. John Watt, Whitehorse West
Mr. Frederick G. Southam, Mayo
Mr. Robert D. MacKinnon, Carmacks-Kluane

Absent was:

Mr. Donald Taylor, Watson Lake

The Speaker, Mr. George Shaw, was ushered into the Council Chambers by the Sergeant-at-Arms.

Mr. Speaker: The Third Session of the Twentieth Wholly Elective Council of the Yukon Territory will now come to order. Mr. Clerk would you please inform the Commissioner that Council is prepared to hear his opening address.

The Commissioner of the Yukon Territory, Mr. G. R. Cameron, was ushered into the Council Chambers by the Sergeant-at-Arms and gave his opening address. (Set out as Sessional Paper #24) Sessional Paper #24

Mr. Speaker: Thank you Mr. Commissioner, on behalf of this Council I wish to thank you for your informative and interesting address. I can assure you that every consideration will be given to the matters which you have brought up during this Session.

Mr. Watt moved, seconded by Mr. MacKinnon, that the address of the Commissioner be taken into consideration on a day following.

MOTION CARRIED

Mr. Boyd moved, seconded by Mr. Southam, for leave to introduce Bill #4, An Ordinance to Amend The Evidence Ordinance. Introducing Bill #4

MOTION CARRIED

On motion by Mr. Thompson, Council adjourned until 10:00 o'clock a.m., Friday, November 12th, 1965.

Friday, November 12, 1965
10:00 o'clock a.m.

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

Mr. Speaker: Are you ready gentelmen? The first item on the Agenda will be correspondence.

Mr. Clerk: Yes, Mr. Speaker, the first item is a copy of all the correspondence which was forwarded to Councillors during the interim since the last Session. You will find these grouped together and numbered sessional papers 1 up to 23, and then the Commiccioner's address is numbered Sessional Paper #24 and we have two or three new ones this morning. The first one is entitled "Waterworks and Sewage Disposal System, dated November 8th, that will be Sessional Paper #25.. I don't believe I should read these Mr. Speaker. The next one is the Report of July 2nd, submitted by Public Health, Engineering Division, Department of Public HeaLTH & Welfare, entitled "Crestview Sewage Disposal", that will be numbered Sessional Paper #26. The next one is addressed to Mr. Speaker and Members of the Council, dated November 9th. It is concerning the brief that is submitted and I don't suppose that we should have tabled this, this morning, but we might as well include it. It will be Sessional Paper #27. The next one will be typed in as a Memorandum from the Commissioner, "A form of Bill of Supplementary Estimates." That is all I have this morning.

Sessional Papers 1 - 15

(1) Memorandum from Commissioner dated April 12, 1965 regarding Draft Beer.
(2) Memorandum from Commissioner regarding Motion No. 47 Low Cost Housing Ordinance.
(3) Memorandum from Commissioner, dated April 22, 1965, with attached list of recommendations from the Yukon Electrical Company Limited and the rate reductions thereto.
(4) Memorandum from Commissioner, dated April 28, 1965 regarding Robert Service-Park, Whitehorse.
(5) Memorandum from Commissioner, dated May 13, 1965 regarding Motion #49, Indian Co-Operative.
(6) Memorandum from Commissioner, dated May 18th, 1965 regarding Motion #8. Television Services for Yukon.
(7) Memorandum from Commissioner dated May 20, 1965 regarding Motion #2, Joint Discussions re National Park.
(8) Memorandum from Commissioner, dated May 20, 1965 regarding Motion #5, Extended Radio Service at Carmacks & Pelly Crossing.
(9) Memorandum from Commissioner, dated May 20, 1965 regarding Question #8, Value of Territorial Lots.
(10) Memorandum from Commissioner, dated May 28, 1965 regarding Motion #40, Winter Works Program.
(11) Memorandum from Commissioner, dated June 7, 1965 regarding Dust Laying Project.
(12) Memorandum from Commissioner, dated June 16, 1965 regarding Motion #15, Nursing Station at Carmacks.
(13) Memorandum from Commissioner, dated September 7, 1965, regarding Motion #23, Airport Facilties.
(14) Memorandum from Commissioner dated September 24, 1965 regarding Fall Session of Council.
(15) Memorandum from Commissioner, dated September 30, 1965, regarding Motion #20 - Winter House Building Incentive Program as applicable to north of the 60th Parallel and particularly the Yukon Territory.

Sessional Papers #16 -27

(16) Memorandum from Commissioner, dated October 1, 1965, regarding Motion #22, Yukon Fishing.
(20) Memorandum from Commissioner, dated October 6, 1965, regarding Motion #16, Labour Legislation.
(17) Memorandum from Commissioner, dated October 1, 1965, regarding Motion #7, Fire Insurance Rates in Yukon Territory.
(18) Memorandum from Commissioner, dated October 4, 1965 regarding Winter Closing - Liquor Ordinance.
(19) Memorandum from Commissioner, dated October 5, 1965, regarding Motion #9 _ 24 hour radio service for Whitehorse.
(21) Memorandum from Commissioner, dated October 14, 1965 regarding Motion #20 - Winter House Building Incentive Program as Applicable to north of the 60th Parallell and particularly the Yukon Territory.
(22) Memorandum from Commissioner, dated October 18, 1965, regarding Question #9 - Justice.
(23) Memorandum from Commissioner, dated October 28, 1965, regarding Proposed Ex tension - Whitehorse Elementary School Grounds.
(24) Address by the Commissioner at Opening Session of Council.
(25) Memorandum from Commissioner, dated November 8, 1965 regarding Waterworks and Sewerage Disposal System, Y.T.
(26) Submission by Public Health Engineering Division, Department of Public Health and Welfare regarding Crestview Sewage Disposal.
(27) Memorandum from Commissioner, dated November 9, 1965 regarding Mayo Chamber of Commerce Brief.

Memorandum from Commissioner, dated November 10, 1965, entitled "Form of Bill for Supplementary Estimates, which reads:

"It has been suggested that the form of bill used for supplementary supply should be revised. Since supply bills are designed for the grant of money to the Corwn, it seems to me that the views of Council should be ascertained. Would the members please consider whether they find it desirable to include Revenue items and would Council wish t have the word additional" inserted in the title so that it would read "An Ordinance for Granting to the Commissioner Additional Sums of Money" in the case of a supplementary bill."

Mr. Speaker: Thank you Mr. Clerk. Have we any report of Committees.

Sessional Paper #28

Mr. Watt: Yes, Mr. Speaker, the Financial Advisory Committee would like to table the Report that was held this summer for extension of the Vocational School and this has been agreed upon by all Members of the Financial Advisory Committee .

Mr. Speaker: Are there any further reports of Committees? Well Gentlemen we have a number of bills to be introduced.

Introducing Bill #1

Moved by Mr. Taylor and seconded by Councillor Boyd, that Bill #1, An Ordiance to Amend the Credit Union Ordinance be introduced

MOTION CARRIED

Introducing Bill #2

Moved by Mr. Boyd and seconded by Mr. Southam that Bill #2, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory, be introduced.

MOTION CARRIED

Moved by Mr. Boyd and seconded by Mr. Southam, that Bill #3, an Ordinance to Amend the Liquor Ordinance be introduced. — Introducing Bill # 3

MOTION CARRIED

Moved by Mr. Boyd and seconded by Mr. Southam that Bill #5, An Order to Amend the Motor Vehicles Ordiance be introduced. — Introducing Bill #5

MOTION CARRIED

Mr. Speaker: Have you any Notices of Motions and Resolutions:

Mr. Watt: I have a Notice of Motion with respect to Daylight Saving Time. — Motion #1

Mr. Taylor: I would like to give Notice of Motion this morning with respect to Radio Facilities in Whitehorse. — Motion #2

Mr. Watt: Mr. Speaker, I have a further Notice of Motion, moved by myself and seconded by Mr. Thompson, respecting new Financial Advisory Committee for the coming year. — Motion #3

Mr. Boyd: I have another Notice of Motion concerning Garnishees and one concerning the Legal Adviser — Motion #4,#5

Mr. Watt: I would like to make a further Notice of Motion with respect to a new Deputy Speaker and Chairman of Committee for Council. — Motion #6

Mr. Speaker: Are there any further Notice of Motion. You have all the Motions tabulated have you Mr. Clerk?

Mr. Clerk: I don't have any of them yet Mr. Speaker, but I expect I will have.

Mr. Speaker: Are there any further Notices of Motion and Resolutions, if not, we will go into the Orders of the day, for Production of Papers.

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion for Production of Paper #1, respecting Corporation Income Tax Revenues — Production Paper #1

Mr. Boyd: I have three questions to which I would appreciate [illegible] in writing:

1. Will [illegible] Property Taxes be reduced this year, if so, to what extent?
2. How much overtime or holidays in lieu of pay, "Federal and Territorial" has been paid to monthly employees since Jan. 1, 1965 to date, in detail, showing employees names, amounts and by Department.
3. Regarding discussion at last session concerning reduction of insurance on Yukon Territorial Government property. What progress has been made?

— Questions 1,2,3

Mr. Speaker: Are there any further questions?

Mr. Taylor: I haven't had a chance, Mr. Speaker, to look over the Sessional Papers, but I wonder if Mr. Clerk could advise me whether or not the answer to the Motion for Production of Papers from the last Session, on Agriculture, has as yet been answered.

Mr. Speaker: Can you answer that question offhand Mr. Clerk?

Mr. Clerk: I don't believe that it has been Mr. Speaker.

Mr. Taylor: A supplementary question Mr. Speaker, I wonder if Mr. Clerk would consent to finding out why.

Mr. Speaker: Would you do that Mr. Clerk.

Mr. Speaker: The next item on the Agenda is Bill #4 for first and second reading, "An Ordinance to Amend the Evidence Ordinance.

1st Reading Bill #4

Moved by Mr. Boyd, seconded by Mr. Southam that Bill #4, "An Ordinance to Amend the Evidence Ordinance" be given first reading.

MOTION CARRIED

2nd Reading Bill #4

Moved by Mr. Boyd, seconded by Mr. Southam that Bill #4, "An Ordinance to Amend the Evidence Ordinance" be given second reading.

MOTION CARRIED

Mr. Speaker: We have one bill that cannot be taken into Committee. We do have a number of memoranda etc., that have been received during the summer, as well as what we have received right now. This pretty well completes the Order of the Day.

Moved by Mr. Taylor that Mr. Speaker do now leave the Chair and Council resolve itself into Committee of the Whole for the purpose of discussing Bills and Sessional Papers. Seconded by Mr. Boyd.

MOTION CARRIED

In Committee of the Whole:

Mr. Boyd: We will call a recess for 5 minutes to get our paper work straightened out.

Mr. Boyd: Do you wish to proceed with the memoranda or do you wish to proceed with Bill #4?

Mr. Taylor: Mr. Chairman, I believe that we will require the Legal Adviser possibly for Bill #4, and I would suggest that we proceed with the Sessional Papers.

AGREED

Discussion S.P. #1

Mr. Boyd: Read Sessional Paper #1 to the Committee, respecting Draft Beer.

Mr. Taylor: Whose idea was it to reduce the price of draft beer?

Mr. Thompson: Mr. Chairman, this arose from aprivate members bill which was submitted last Fall by myself and Councillor Boyd, in which we attempted to have the price of draft beer reduced in the City of Whitehorse, and of course, we found that it was impossible to legislate the price as a whole because it was beyond our capabilities to do so and the Administration was asked to compile the figures, which you see before you in this SessiOnal Paper #1. It would appear as the Sessional Paper stated that there is a very high profit through the retail sale of draft beer and I think that the Operators should be encouraged to reduce the price per glass by 5¢. I do not see that the Territorial Government should take less money as long as this high profit exists. It may be possible on the other hand to have a half way deal with the Retail Licencees. I do not really know but I certainly would like to see the price of beer down. I know that we do not legislate price control, as I say I really do not know what we can do.

Mr. MacKinnon: I believe that we have not got many facts here and I think we should consult with the hotels and see just what the gross profit is. According to the Territorial Government figures here, it is 137.28%, but there is no cost of operation considered at all.

Mr. Watt: Mr. Chairman, I would like to ask the Chairman of the Liquor Committee what his opinion are.

Mr. Boyd: Well the cost of beer here, per glass, is considerably higher than it is in any part of British Columbia, even the far Northern Part, Watson Lake has a considerable difference in price and I would like to make certain what the cost of operating a hotel, the elaborate upkeep etc., is. I would say in Vancouver, etc., it is just as expensive as it is here, and, when I look at this 127.28%, it is pretty hard to understand. Now, as far as Mr. MacKinnon is concerned, I do not want to see any hotel operator's expenses, because they can all be varied, they can all be jockeyed and they will not tell us the facts, but certainly if they are operating on 127.28% it seems to be very high and if 5¢ per glass is going to to effect their operation drastically, I would say that there is something wrong with their structure, rather than the price structure of beer.

Mr. Watt: The question I was getting at is how would this effect the percentage of the net profit that the hotel owners would have.... I am in a position that I would like to do everything possible to close the gap between the cost of living in the Yukon and Northern Areas and the Outside, on the other hand, I do not want to legislate any person out of business. And, on the basis of our Liquor Ordinance, we are trying to increase the standard of our outlets and hotels and service and if this would take away from Hotel Owners the amount of money they would normally use for expanding of their hotels and service, then I would be hesitant.

Mr. Boyd: The answer is that it is going to cost somebody $18,000.00. We have about 20 outlets in this town or in this area, selling beer, roughly speaking it would cost $1,000.00 per outlet which is nothing very serious.

Mr. MacKinnon: I bel~~ieve we only have~~ about 5 in the Whitehorse Area. Now, I wonder if Mr. Boyd could tell us if the cost per barrel in British Columbia, is the same as the $29.50 cost per barrel here in Whitehorse.

Mr. Taylor: I think we are dealing with a situation here which as I say, we met informally here last Fall, many of the Members here I am sure were present, at least some of them, we met with the Operators in Whitehorse and discussed the possibility of a reduction in the price of draft beer in the Territory and they merely brought in a group of lawyers and said that they were opposed to this proposal, that we could not legislate price control, which was very correct, but I noted throughout the representations made that the Operators felt there would be a tremendous loss per barrel. I think it would amount to, at 5¢ per barrel, to a $10.00 loss or something of that nature, but in any event it seems to me that if they had started off selling beer at .50¢ a glass, which I think you will all agree would be quite unreasonable, and then were asked to reduce the cost to .45¢, I think you would then agree that it would still be too high and this is exactly the situation here. I still feel that this should be reduced. There has been a lot of discussion on this subject, a lot of representations by the various citizens throughout the Territory and more particularly in this area, respecting the excessive price of draft beer and I think it should be brought down but as I say, you cannot force these Operators to do it. You can negotiate with them but I do not think we can go any further with this unless the Territorial Government would agree to drop their end of the stick.

Mr. Shaw: Mr. Chairman, I think the main concern should be the amount of profit which the Territorial Government make on this particular commodity. It is not excessive, in fact it is much less than on any other, such as the liquor profits. That is our immediate concern. What we do now as far as private enterprise is concerned - we are working under a private enterprise system and providing there is no cartel or similar system, I think this is beyond our jurisdiction, as to what the Operators charge in the various taverns and so on and so forth. Competition should be established provided there is no cartel. Beer in my estimation is not something you can charge up to the cost of living. If it was light and power, fuel oil or insurance - necessary things such as that, those are the essentials which everyone must have. It is not necessary for everyone to have beer and it is very difficult for me, in the position I am in here, to say to a tavern or cocktail lounge owner, that they are making too much profit. I do not know what profit is being made so I would not be qualified in saying that they should charge, or make the profit which they are making or otherwise. I think this particular paper is out of our jurisdiction, that is on what the outlets do. We have the matter here of whether we should reduce the profit part of what the Territorial Government makes. Myself I think that the profit on a barrel of beer, as far as the Territory is concerned is very small. Personally I would be very much opposed to our reducing the profit margin of $6.00 a barrel, that is a very small amount..

Mr. Shaw (Continued) One thing that possibly could be done, and I do not know whether it has been done, whether there is a cartel in establishing a certain price in which case then it may come under the jurisdiction of the Government, to see that free enterprise is conducted as it should be without all these grievances between everyone concerned that might have some application but personally I do not feel that we should carry this any further.

Mr. Boyd: Can I speak from the Chair here for a second. They are selling in the Territory 375 barrels of beer at $6.00 per barrel profit, that is $225.000., that the Territorial Government is receiving - there are 74 in Watson Lake - that is 375 a month at $6.00. That is approximately $26,000., per year and what did they do to earn this? Nothing except receive a cheque and pay out the difference in profit to the company. They do not handle it. They do not stock it. They have no responsibility as to warehousing and to take 3 cents a glass off every glass of beer is too much money under those conditions.

Mr. Taylor: I note that Mr. Legal Adviser is not with us.

Mr. Watt: I agree with Mr. Shaw and Mr. Taylor that the Legal Adviser should be here. I have not heard any complaints about the price of draft beer. I understand that it is considered that the price of draft beer should be reduced by 5¢. I haven't heard any complaints about the price of draft beer since the first week that it was being supplied in the Territory and I hesitate to legislate too deeply into someone else's business and if everyone agrees that Mr. Legal Adviser should be here we should see if we...

Mr. Taylor: Mr. Chairman, if he is not available at the present time we could possibly have this matter deferred until he is present.

Mr. Shaw: I believe he is in court this morning. However, I am personally not interested that any restrictions should be made. Under our present system it is pretty difficulty to go around telling people what they should charge. As far as the 3 cents that the Government is taking and as Councillor Boyd has mentioned, I am quite certain that when I have a glass of beer I do not mind paying the Government 3 cents a glass It is much better to pay 3 cents on a glass of beer than on children's clothing or milk or something like that. You can take it or leave it at 3 cents.

Mr. MacKinnon: The part that I cannot see is why particularly draft beer. This is not the only source of liquor in the Territory. Personally I like Skotch.. We're paying a very high price for that and nobody is complaining.

Mr. Boyd: Gentlemen, do you wish to leave this Bill in abeyance until the Legal Adviser is on hand?

AGREED

Mr. Boyd: We will proceed with Motion #47, and Ordinance respecting Low Cost Housing. Motion # 47

Motion # 47 S.P. #2

Mr. Taylor: Mr. Chairman, I wonder if Mr. Clerk could tell me if to his knowledge there has been an answer from Ottawa with respect to this Sessional Paper.

Clerk: I am not too sure. I would have to take a look. There should have been something.

Mr. Shaw: Mr. Chairman, isn't this something that we have been trying to get for years and years, this particular matter of increasing the mortgages for these homes. I think we all have agreed in effect and we are waiting for a positive answer

Mr. Watt: Mr. Chairman, I think that this was a Motion brought up during the last Session and we agreed upon it and I see that the Administration is taking action on it and as Mr. Shaw has suggested I would like to move that we defer this until we find out for sure if we have heard from Ottawa and what the answer would have been. This is the point of the memorandum.

Mr. Chairman: Do you agree?

AGREED

S.P. #3

Mr. Boyd the next memorandum here is dated April 22nd and is self-explanatory, regarding rate reductions recommended by the Yukon Electrical Company Limited. I will proceed with the memorandum concerning the Robert Service Park in Whitehorse.

S.P. #4

Mr. Thompson: Did they charge $1.00 per night per camper Unit?

Mr. Boyd: Yes, I listened to the financial statement being read off by the Chamber of Commerce and they had something like 13 or 17 hundred dollars revenue.

Mr. Watt: I am surprised that this is before us. This has been a bone of contention and conflict between private and public operators and two sessions ago the Commissioner asked the Councillors to try and come up with a solution, so we, myself, Mr. Thompson and I believe Mr. Boyd was on it, we met with representatives from the Chamber of Commerce and we suggested at that time that no charge be levied for this. You will all remember last session we had a meeting before this Council with Members of the Chamber of Commerce and private operators of the Chenchee Trailer Court and the Administration saw fit not to attend this meeting. The Commissioner does not see fit to have a representative here even as an observer. I do not see why he is putting this before us now. This is signed by "G.R. Cameron". Why did he put this back in our lap when he took it completely out of our lap. He asked us to try and do something about resolving this difference and we did our best. We spent a lot of time on it and now it is back in our hands saying that they agree that no charge be made. This is the way I interpret this.

Mr. Watt: Well, we know that we have a letter from the Fish & Game Association who ask that the $1.00 be not charged and he is informing us that the dollar will be charged in accordance with recommendations last given.

Mr. Watt: My point is why did he even send it back down to us. He has letters from everybody in the Territory respecting different things, why is he sending this back down to us. Does he want us to deliver an opinion on it? S.P. #4

Mr. Taylor: Mr. Chairman, if there is anyone wasting time it certainly is not the Administration. I think that this was sent down to us as a matter of information to keep us informed on what has been a highly contentious issue. I would suggest that we proceed.

Mr. Boyd: The next memorandum is concerning Motion #49, Indian Co-Operative S.P. #5

Mr. Shaw: Mr. Speaker, I am afraid that I must disagree. This is a negative approach. This particular Motion was put in last Session, asking that aman go up there and evaluate the possibilities that exist in order to get a co-op started. There was a discussion on that, in the Minutes. We cannot put everything and all the details down in the Motion, too much reading, so we put the meat in that particular written motion and a discussion followed which really points out exactly what followed. In my years at this table, I have found out Mr. Chairman that exactly the same answer in various forms have come up when a motion has come from this Council to the effect that taking even a small portion of it, all the details, instead of a general context of the idea. A very good illustration was a number of years ago when I asked that the Forrestry Department spend a month in the spring planting a few trees in the burnt out area in Whitehorse/Keno Road and other places, that they plant a few trees just to cover up all the burnt stuff - a project that would take them a month and the answer I got back was was that this project would cost many millions of dollars, etc., and that we the answer to that. Now this particular proposition in relation to co-ops I think is essential, it is something that should have been done many years ago - to give the people a chance to make a living instead of having to receive welfare in one form and another and this should have had prior consideration. A person easily could have gone up there a month after this Resolution and discussaed what could be done. If it wasn't a co-op, something else - but let us come up with something. Instead of that we have nothing and now, of course, winter is coming and it is too cold to go out in the wintertime, so, we will leave it until next summer and the thing goes on and on. I think it is just about time some of the people got off their office chairs and went up around this particular area to see if something of a practical nature could be done to come up with employment. Surely there is some manner in which this can be put into effect. Not only up there but in other areas. I use this particular village as an example because I think you all know that they are a very industrious type of people and they have proven that over the years. Unless something is started up there they will not have the means of a livelihood so what are they going to do? They have lived there for generations. They are not just going to move to Whitehorse or Vancouver, so they will have to ask for some form of relief in order to be able to live. This Motion is a means whereby they can have a little industry of their own. All it takes is a little foresight and work and it can be done.

Mr. Southam: Mr. Chairman, it seems to me that I seconded this Motion last Spring or whenever it was made and it appears to me that anytime you go down to the Department of Indian Affairs you get the run around. They are always too busy to do this or that. I have asked them on several occasions and I have often wondered if we are going to the right department. Should we go to the Department of Northern Affairs. It appears to me that they do this thing in other places, especially in the Northwest Territories, they have several co-op's. They have a co-op down in Nova Scotia, in Antigonish County, which I know of, which takes in the Micmac Tribe and they have done very well and they have no high priced help that I know of. The Fathers from St. Xavier's College have been out and organized them. I do not see any need of these high priced people. All it needs is someone with a little common sense, someone that know something of the way they live. What can be done I think is to approach the Chiefs of the Tribes or whatever the case may be and we might get somewhere but to depend on the Department of Indian Affairs would seem to me an impossibility. I do ~~not know~~ why. They are well paid and that is their job but they seem to give us the run around no matter what we do.

Mr. Taylor: Mr. Chairman, I can do no more than agree with the Member who has spoken on the subject. I am of the opinion and laways have been that the Indian Act itself - and this is the guiding piece of legislation which Indian Affairs operate under - is the greatest piece of discriminatory legislation in Canada and the sooner it is removed from the statute books and Indian Affairs as a Department ceases to exist the better off we are going to be. Now, we have asked, on the 13th of May, 1965, that something be done with respect of native people. We have an area which could be classed as a depressed area as far as human resources are concerned. It would appear that nothing has been done and these little items about studies - these studies take 10/12 years and come to nought. We cannot wait 10/12 years and the native people in the Territory certainly cannot wait that long either. We look at the Northwest Territory, not too far from Old Crow, Inuviaak, where people come back and forth and we find that they have co-ops, all along the Arctic Coast through Tuktuk, right across into Eastern Arctic Coast, lots of co-ops working successfully. They have programs aimed at soap stone carving, at seal - the processing of seal. Making fur parkas and this type of thing - whalebone craft and in fact in the Northwest Territories both the Northern Affairs and the Indian Affairs Department, who also look after Eskimos, are fostering programs. Now, we ask for one program in the Yukon Territory and frankly I cannot see how we are going to get it. We have asked them for years for a good degree of social education at the community level. I know that as long as I have been in this House I have been asking for it. It would seem that everybody agrees that it should be done and nobody does anything about it and this is just another example of the air of complacency that Indian Affairs has about natives in the Territory. Feed them, clothe them and give them

Mr. Taylor Continued: and give them welfare cheques. Keep them fat, glum and happy to make further political footballs of them. That seems to be the policy and I heartily agree with the Members that something must be done. How it will be done I do not know. I would like to see someone at this Session produce a very strong Resolution with respect to the Indian situation. I would like to see that resolution include a demand by the people of the Territory, or the Council, their elected Representatives, to enter into negotiations with Ottawa for the complete take-over of Indian Affairs in the Yukon Territory and then possibly, through negotiations of this nature we then may be able to provide the incentives, the programs here in the Territory, rather than wait for Ottawa in the next fifty years to provide something.

Mr. Boyd: Well gentlemen, I am going to give the stenographer a rest for ten minutes.

Mr. Watt: I would just like to say that I would like to compliment the Member from Watson Lake for changing his stand on Indian Affairs. It was just a short while ago that he voted against the Motion concerning water on the Indian Reserve in Whitehorse. I am sure glad that the Member from Watson Lake has changed his opinion on this matter.

RECESS

S.P.#5 re Motion No. 49

Mr. Shaw: Mr. Chairman, I have nothing further to say except that I think that our best course would possibly be another resolution to continue to press for what I think is a very sound policy.

All: Agreed.

Motion No. 8

The Chairman gave notice of motion respecting Television Services for Yukon.

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Mr. Taylor: This matter has been discussed at former sessions and I cannot agree to leave this particular item alone. I feel that the Canadian Broadcasting Corporation is not giving us the consideration that the Yukon Territory deserves. They speak of longterm extensions of service programming and state quite truthfully that the estimated cost per capita is considerably higher than other areas in Canada with Television services and this, of course, is understood - and was understood when the motion was proposed. They deal, therefore, on a priority basis and I imagine that the areas which have priority over the Yukon and Whitehorse would be areas on the outside where you have amenities and where you are not too far away from some facilities, be what they will. I think that Ottawa should take another look at this and that Northern Affairs should push it because now across Canada and southern Canadian areas where people live close to the boundary of the United States and where they have Canadian as well as American programing, they are pushing the Canadian Broadcasting Corporation for colour Television, while far into the Yukon Territory where people are scattered and where entertainment consists of bar activity, with the exception of possibly the Whitehorse area, we are very limited and people would derive a great benefit both from an educational and entertainment value from having Television in the Territory. I feel strongly about this and insist that the Canadian Broadcasting Corporation should revise their programing - and revise the matter of priority too. I suggest that if this cannot be done under the Canadian Broadcasting Act then the Act should be amended to provide the vehicle whereby Whitehorse can participate. It is suggested that they wire their films even if they are a week late: it's better than nothing! Start programing Canadian Broadcasting Corporation programing to the outlying districts for maybe one year to provide LPRT Television in the principal communities in the Territory. The cost of running colaxial cable into the community maybe prohibitive and it could be that by using microwave facilities this could be put at a reduced cost. In any event, it is going to cost a lot of money and to say that we are going to spend all this money in the Yukon Territory to provide Television services in one year is a lot of hogwash because you can amorise the cost of this vast undertaking over many years: perhaps 50 years into the future but at least we have made a start. We can provide the people in the North with something that they really desire: something which is considered a common facility here in Canada, generally speaking, except in the North-west Territories. So gentlemen, I would propose a Motion again be drafted doing one of two things:

Motion No. 8

Either asking senior officials of the Canadian Broadcasting Corporation to come here before the Council and answer our questions with regard to costs, technical aspects of such a proposal and take these back to Ottawa or at least a strong demand of some nature by resolution that these facilities be provided; not 20 years from now, not 5 years from now, but within the next couple of years.

Mr. Watt: I agree with Mr. Taylor and should also like the Canadian Broadcasting Corporation to define, the words "few years". If they say it would be a "few years" they should specify a particular time for the existing system to expand and give us better service which, I am sure, they could give us if they had a few years to offer. Somebody may come over their heads and offer free Television because they cannot understand the present system too much. Therefore, they should define the words "few years" so that the existing system in Whitehorse could possibly expand to the smaller areas of the Territory, particularly Porter Creek and Crestview and possibly to the Watson Lake area if they had a few years in which to operate or if the Canadian Broadcasting Corporation was coming in, to say so and start coming!

Mr. Thompson: Mr. Chairman, I would like to comment on Mr. Taylor's remarks. I would be very pleased to second the Motion of a strongly worded nature that will get these characters off their chairs in Ottawa. Also along these lines, we are probably running before walking because we still haven't got a 24 hour day coverage radio facilities and I think that somebody from the Canadian Broadcasting Corporation, knowledgeable in both fields, could conceivably come up with the answers we need as we definitely need a 24 hour day broadcasting coverage in the Yukon - not necessarily Whitehorse but the Yukon - and I feel that this is one of the surest means and methods of producing the required results.

Mr. Boyd: Speaking from the chair - To put it into plain English, to bring a man here would be like the other men we've had before. We will be getting nothing more than we've had - and he would probably have a holiday at our expense.

Mr. Taylor: Mr. Chairman, in respect to this, at the Financial Advisory Committee Meeting at Ottawa, we attempted to set up a luncheon date with Mr. Cowan of the Northern Service of the Canadian Broadcasting Corporation but unfortunately her was taken ill and could not attend the meeting but we met with another chap who, I believe, had something to do with Public Relations with the Canadian Broadcasting Corporation. All that we could gleam from the meeting was that their next programe for the North is to beef up their facilities at Sacville, New Brunswick. To beam AM radio to the Arctic areas and I assume that this is what the reason is because Sacville also broadcasts around the world with their international services. I don't feel that this should be accepted and I do feel that there must be somebody at Canadian Broadcasting Corporation who could come up and give us the answers. I think that this is the only way things can come up to a head and by motions alone and correspondence, we are just going to go on and on, and find nothing resulting.

Mr. Thompson: If I remember correctly that while in Ottawa, the figure of 10 years was brought up in as far as the earliest the Yukon could conceivably look to having Television from the Canadian Broadcasting Corporation point of view. I think that this is what they mean by this "number of years". Motion No. 8

Mr. Shaw: Sometimes, Mr. Chairman, one wonders what the function of the Canadian Broadcasting Corporation is. My viewpoint of public-owned Televsion and radio services would be to provide services to all the people. Everyone should have radio and likewise Television in relation to the amount of funds provided. It does appear that the Canadian Broadcasting Corporation also has another function, that is to combat the amount of programes emanating from the United States. In other words the certain amount of what they consider is good for the people of Canada. This appears to me to be taking prior consideration than expanding facilities. I now hear about the Canadian Broadcasting Corporation getting into the colour Television business. One of the reasons for this is that the colour comes over from the United States and people tune into this colour and also to the private stations so the Canadian Broadcasting Corporation must get into the act. It all depends on where you live. When you live in an isolated area it is not profitable to have commercial Television. To my mind these are the places that should receive the service. From the amount of funds allocated, it would appear to me that the first function was to endeavour to get black and white Television to all the people of Canada and then start on the luxury colour variety and I think that is as strong a point we have as a public policy which is why I agree with the Motion as this is the usual negative approach. Therefore, I think that the first function is to give all the people the service and then we can think about the luxury item later. "

All: Clear. "

The Chairman gave notice of motion respecting Joint Discussions re National Park. Motion No. 2

Mr. Shaw: Yukon by virtue of its location, its somewhat inclement weather, the resources of the country are the major part: no secondary industries but primary industries and the fact that the Northern Affairs top executives have very dogmatic attitudes in that no exploitation can go on within a park. This is applicable and very sound in more populated areas where there are secondary industries and many of them in order to create the economy and provide progress in the area but in the Yukon a single mine that isn't operating or cannot be operated can mean that 50% of the production of the Yukon could be curtailed. I cannot see that just because someone takes a dogmatic attitude that these things cannot be done in a manner whereby exploitation can go on under regulations. I can be quite amenable with regulations in respect to something like that and I think that there will eventually have to be some give and take from this attitude that is in effect right now. I can't see why it cannot be changed just because a Law was made so many years ago for a certain "

area it doesn't mean to say that that same Law is applicable in some other area and until something like this happens, and until some sort of compromise can be effected this subject has been coming up for 8 years in this Council. There should be some little give and take somewhere along the line and I see no reason why this cannot be done because regulations made by man can be changed by man: and Laws likewise. There is nothing in the Constitution or in the North American Act that would prohibit some type of arrangement which can be made and entered in to. Something should/settled. How can we expect to advance any part of Canada unless the interests get together and decide on the policy on which they can both live with. It is not a case of killing something, or a case of dire, dire consequences. I can see no reason why some sort of compromise cannot be effected in this manner. I think that it is very shortsighted how the present situation is being looked in to. A National Park is necessary in the Yukon Territory and the mines are also necessary so in order to have one, the other has to be kicked out. Motion No. 2

Mr. Taylor: Mr. Chairman, I believe that this coming Spring we are due for another Northern Resources Conference. I've heard somewhere in the last two or three weeks that there is going to be a symposium on National Parks at the Resources Conferences and I would hope that through this symposium we will find where we stand on National Parks and whether or not National Parks grants will be sent to either create a new Act or alter the old Act to provide optumun use of resources in any area selected for a Park. I agree with Councillor Shaw that some solution has to be worked out on both sides of the fence. We are in the infancy stage in our Territory and seeking methods of developing and thus gain full autonomy as a Province. In order to do so we are going to depend entirely on resource industries to do this, be it forest products, mining, water power and use. We must, therefore, be careful and in our wisdom produce no legislation which would, in fact, sterilise any of these fields. It is possible that at this symposium we might be able to find an answer.

Mr. McKinnon: Mr. Chairman, the Historic Research Branch has agreed to send a team to the Yukon. Why not request that they come to this sitting of the Territorial Council? Why continue waiting? If they are prepared to discuss it, let's discuss it this Fall.

Mr. Thompson: Mr. Chairman, this brings to point a problem that is very noticeable. The date at the top of this memorandum is May 20 which is six months short. I would assume that it would be up to the Administration to have the Speaker notified of this and then in turn if there were further suggestions to have a little preliminary work done on these matters before Council. It seems to me that now you are going to say well fine, let's ask them down here at this Council. Perhaps they are prepared and perhaps they are not but if we had indicated to these gentlemen a desire to see them at our Fall session they probably would have had their homework done. I am in accord with Mr. McKinnon, in that they were willing to come and discuss this matter and until we sit down with them and discuss it no progress is going to be made at all. Suggest

therefore, that their representation be heard and be heard at the earliest possible time. Motion No. 2

Mr. Taylor: Mr. Chairman, I am just pointing out that at the next Resources Conference, think it falls on the 23 - 25 March, these people will be up here and it might be an opportune time to meet with them. "

Mr. Boyd: The Financial Advisory Committee did a year ago or two year's ago discuss this whole situation with these people. Situation is, as Mr. Shaw points out, as long as you have Law "Thou shalt not touch" there is no point in talking to anybody. Thing is to get that Law changed otherwise you remain with a Park that you will not pick as much as a stick of wook from it. This is the problem. They can't come up here to meet with the Council and tell you that they are going to change it. Only a letter from Ottawa can do this. They can come up here and be prepared to talk to you but can't tell you anything.

Mr. Boyd: Do you wish to carry on, gentlemen? "

Mr. Thompson: Mr. Chairman, it says that any specific suggestions from the Councillors as to how such meetings can be organised. If this is your thinking that we have to have /change a specific in the Act then let's proceed along these lines then. They want some specific suggestions so let's make them. I wasn't aware that this was discussed at great length previously. If we are going to make these suggestions, let's make them intelligently.

Mr. Shaw: Mr. Chairman, in the past a resolution has gone forth to the Federal Government, that the Council was quite aggreable to a National Park being established. A Motion to that effect has gone to the Federal Government but they do not budge from this particular Policy of "can't do anything" and that is where the meeting of minds just don't seem to come about. It is a dogmatic attitude on the part of the Parks Policy Department but then that is the only way a Park can be operated. It cannot be operated any way. Do not think, personally, that this will ever be resolved as it exists until there is some give and take. Unless this one point can be settled, it will always be a controversy as to whether we do or do not have a Park. I am very much in favour of a National Park but at the same time as a representative of the Yukon Territory I have to take into effect the economic effect which this may have in respect to mining. For example, just the other day I have with me in my books a recommendation for a beautiful Park in the Yukon Territory that I've never heard of before. I didn't know the area as such. It can be investigated and it is around in the area east of Camacks, McMillan I think. It's supposed to be really beautiful country. However, if we look at the map now, the mines are getting closer and closer to this particular area and could mean a lot to the Yukon. To me, until we can get something solved such as a compromise effect I doubt that we will be able to get very far without creating a tremendous amount of hard feeling in the Yukon Territory. The Yukon Territory is not "

a Province, it is more or less a colony of Ottawa. Why in such a thing we have a different system of Government to what they have in the Provinces, we have many many things that are different and created such by Law. Why do we have to go exactly as a Province in some matters. Does it have to apply to all the Provinces because it applies here? If that is so, then we can go back and find many statutes that apply only to the Yukon and Northern Territories and not to Provinces. Motion No. 2

Mr. McKinnon: Mr. Chairman, I think the Director, Mr. J.B.R. Coleman is very fair. He is offering to send several officers to discuss this whole question. Maybe if we receive them something could be worked out. Maybe they can help us. Let's give them a chance. "

Mr. Taylor: Contemplating the situation, Councillor Shaw pointed out that Council has at one time proposed that some solution be sought to provide optumun use of resources in the National Parks and I would suggest that it might be wise for us to again look into this question of the use of mineral resources in Parks. I noted from Councillor Shaw's remarks in the Cully River area there was some suggestion at one time that this be considered as a Park site and in fact we are in the process of a lead and zinc development so vast that it would stagger the imagination; the fruits and benefits which will be felt in the Territory for some years to come. Thus we have shown where resource industries should be encouraged rather than discouraged. However in relation to this, I would propose a Motion in respect of this issue and I would move, Mr. Chairman, "

> That the Federal Government be asked to consider amending the National Parks Act to provide for optumun use of resources in National Parks which may be created north of the 60th parallel.

Mr. Shaw: I second the Motion. "

Mr. Watt: Mr. Chairman, may I have the Motion re-read? "

Mr. Boyd: Moved "that the Federal .....". "

Mr. McKinnon: Mr. Chairman, I should like to ask are we just going to ignore the Director and refuse to meet with the officers of the National Parks Branch? "

Mr. Taylor: Mr. Chairman, I wouldn't think so. As I stated they will be probably coming up in the Spring and possibly this Motion might create some interest, and should this Motion be approved by Council and forwarded on to Ottawa might stimulate some thought in that particular Branch so that when they do come here in Spring, they could have some answers for us and mabbe in fact give us a positive approach in respect of their Department towards this problem, and even consider having the Act amended. I think that this would give them good material to think about before coming before the Council. "

Mr. McKinnon: Mr. Chairman, this is a matter which has been going on for years and I think we should press for it to come to a head as soon as possible. Why wait 'til Spring? "

Mr. Shaw: This is six months after the Motion to get these people up here to see what could be worked out. As it was they couldn't come, at the time. In the interim, this last summer, it was indicated to me personally that the new discoveries is going to take more consideration than I thought and the necessity for a compromise in the way of Regulations to get away from this inflexible attitude. Astounding finds have come up within the last six months scattered all over the Yukon Territory. Moti No. 2

Mr. Watt: Mr. Chairman, two things are before the House - a question and a Motion. I agree with the Motion but would like to state my opinion on the question. I suggest that the Administration contact Ottawa and try to get somebody here during this session of the Council. "

Mr. Boyd: Mr. Watt and Mr. McKinnon, the Motion you are going to deal with answers the question. We would like to see a change in the Act so that it would be possible to discuss things on even terms. There is no even terms today and until that is changed nobody can do anything. "

Mr. McKinnon: Mr. Chairman, I think that the question in front of us is to get our opinions as to what manner they can change it as I do not think that they are quite certain of our proposals. Therefore, they would like to meet with us and if there is a possible chance of changing, then it could be to our benefit. "

Mr. Taylor: Mr. Chairman, I might point out that last Spring again the Financial Advisory Committee was in Ottawa where we met with six members of the National Parks Branch when we discussed this problem. Indicated at that time that they were unalterably opposed to changing the Parks Act to provide for optumun/resources in National Parks. The possibility of a new Parks Act was discussed, to cover the area forward and north of the 60th parallel. As this would jeopardise the National Parks Act, was not agreed to. In any event, by supporting this Motion, Administration could shoot it down to the Federal Government who in turn would look at it and perhaps this could generate some ideas for discussion at the Spring session when these people would be and could possibly give the Council some answers. "

/use of

Mr. Watt: Mr. Chairman, would like to ask the Mover of the Motion. He says that this would possibly generate a discussion here at the Spring session. Is it the intent of his Motion, by making the Motion and having it passed, to more or less pigeon hole this until the next Spring session? "

Mr. Boyd: I am going to ask you to deal with this Motion. Finish the Motion - that's one subject. Finish the Question - that's another subject. Agreed to this. "

All: Agreed. "

Mr. Boyd: Agreed to do it separately, because we are talking about two things. "

All: Agreed. "

Mr. Boyd: Ready for the question on the Motion. All in favour? "

All: [illegible] Motion No. 2

Motion [illegible]

Mr. Shaw: [illegible] this other matter. This is a bad time of the year to [illegible] a public meeting to finalise solutions but as Co[illegible]r Watt has stated if we could get one or two Departmen[illegible]ials and discuss these problems with them at this session right at this table, I would be very much in agreement with it.

Mr. Taylor: Mr. Chairman, would also point out in respect to Motion No. 2 of the Spring Session, it states whereas representations have be[illegible]le from time to time by the Metal Mining Industry [illegible] of creating a National [illegible] the Territory [illegible] as it would appear that this matter should be referred to joint discussion between both interested parties, this would indicate that what we want to do is get the industry together, the mining industry together with the National Parks people first [illegible] prior to any decision made by Council to see if they can resolve their differences. By passing the Motion that we have passed and shooting it off to Ottawa is a step in the right direction. As I state, they are coming up for this resources Conference in Spring, by which time the Resources Industry will have an opportunity of discussing this with the National Parks pe[illegible]er which I would think we could then discuss [illegible] National Parks ourselves. I can see very [illegible]se in bringing the National Parks people up for this session in view of the fact that we have already discussed this at some length in Ottawa this Spring. Also we should try and get both these interested parties together this Winter. This is impossible at the moment for all those directly concerned are out at the [illegible] claims. Would suggest that we leave [illegible] let the Motion proceed, see what they should do and we could get a reply between now and Spring.

Mr. Boyd: I would think that our position would be much stronger after this Northern Resources Conference is held as there is going to be considerable discussion. Should they want to know what has taken place in here, that would be the the time to move them, rather than now.

Mr. Shaw: Mr. Chairman, Councillor McKin[illegible] to be quite anxious to meet with these pe[illegible] that to get a couple of officials up here to discuss this with us, we would have to hold Council where they can put forth their views. This may set preliminary thoughts to go further with this matter at this Conference and also perhaps at a later date. In view of this I would move a Motion:

> That they do send up an official or some officials to discuss this matter with us at this session.

Mr. McKinnon: I second the Motion.

Mr. Watt: Speaking on the Motion, I agree with Mr. Shaw and I think this Motion answers the suggestion in Motion No. 2, last paragraph.

Mr. Boyd: Moved by Mr. Shaw and seconded by Mr. McKinnon, Motion No. 2

That the National Parks Branch have a senior official/ officials appear before Council to discuss National Parks policy with a view of establishing a National Park in the Yukon. "

Mr. Taylor: Mr. Chairman, I could agree with the Motion but I would not lend myself to/the fact that we should establish a National Park in the Yukon. I would delete the words "with a view to establishing a National Park in the Yukon" because this would in effect appear that I already support the wisdom of National Parks in a new frontier and of course I do not. "

Mr. Shaw: Mr. Chairman, speaking on my Motion, I am quite prepared to amend this. I felt that it was somewhat specific to discuss National Parks policy with a view to establishing a National Park. Now I didn't say that we were establishing one. We are discussing a policy with a view of establishing one. We are discussing National Parks policy with the object of having a National Park. "

Mr. Boyd: Suggested that the discussion be assumed at 2 p.m..

All: Agreed.

The Meeting recessed at 12 o'clock.

Mr. Watt: If the Chairman will agree I would be prepared to withdraw the motion I made before recess.

Mr. MacKinnon: I agree under the circumstances.

Motion withdrawn

Agreed.

Mr. Shaw: I would like to move that the National Parks Branch have a Senior Official or Officials meet the Council at this Session to discuss National Parks Policy which would effect the Yukon.

Motion re National Parks

Motion carried.

Mr. Boyd: (Chairman of Committee) read to the Council a letter from the Commissioner with reference to Extended Radio Service at Carmacks & Pelly Crossing.

Mr. Taylor: Mr. Chairman this was the same matter that was expressed in the T.V. facilities in the Yukon. As they state to take a survey of the signal strength of the Whitecross station in Carmaks, I can't see why they can't do this tomorrow or next week, but why we have to wait to the Summer of 1966 to go out and find whether they can receive a signal from Whitehorse and Carmack is absolutely baffling and I think in this respect in proposing that we have a member of the C.B.C. come to Council and this matter be referred to him at the Session.

Discussion Sessional Paper # 8.

Mr. MacKinnon: Mr. Speaker, I read in the paper a short time ago that this now was more of a definite thing and the Transmitter was supposed to be installed near Carmackat the Forestry Tower. Does anyone know anything about this or how it came about? It was in the paper.

Mr. Shaw: This seems to be the same old runaround. However, this was on the 20th May, I don't know whether the answer arrived shortly after or the policy may have changed. I wonder if the Clerk knows if there has been any change in the policy or if he has any information.

Mr. Clerk: I haven't heard anything further on this.

Mr. Taylor: All the more reason why we should have an Official from the C.B.C. up here at this session and I would propose a motion accordingly to this effect.

Mr. Boyd: It is agreed that this matter be dealt with at a later date.

Mr. Boyd: A letter from the Commissioner on the Value of Territorial Lots was read to Council.

Mr. Watt: I was under the impression that part of this question when it was originally asked was not only the lots that the Territorial own but the lots and the land which is presently being held by private individuals

Discussion Sessional Paper # 9

Mr. Thompson: Mr. Chairman I don't doubt that the Commissioner has the right to sell under the Yukon ordinance, but I don't think they have a great deal of information. We know that the sub-division lots were increased by $65.00 and this was the point, where did they arbitrarily have the right to make this additional charge.

Mr. Taylor: I believe this additional charge, was to provide for culverting on lots in the sub-division, but then it was determined that all lots did not require culverting. Consequently some people were being sold or assessed the higher price for a lot and not getting their culvert. They still maintained that this man has to pay for culvert whether he needs it or not.

Mr. Boyd: Clear Mr. Thompson.

Mr. Thompson: Well Mr. Chairman, if we say clear, and then turn over to Session Paper Number 10 what's to say that anything is going to be done about this. I feel that as Mr. Chairman pointed out this is what exactly has occurred and this was the basis for the increase in price and I would say that one third of the residents of various sub-divisions have no requirements for a culvert, but their land is being increased by this amount and therefore their taxes are being increased and this comes back to the same point of view that I brought up previously, that I don't think that a personshould be taxed for something which even isn't on his land. In most instances the culvert is on the road allowance and not on a person's territory and the administration sees fit to raise the price of a person's lot by this amount and raises yearly taxes. So this is why I would like to find out if there is some other method of coming up with an equitable solution as opposed to having everybody being struck for this.

Mr. Boyd: May I suggest that we move on and consider development of motion at a later date.

Agreed.

Discuss. Sessional Paper #10

Mr. Boyd: A letter from the Commissioner on Winter Works program was read to Council.

Mr. Taylor: In this particular instance or in relation to this matter. While in Ottowa the Financial Advisory Committee did meet with a Representative of the Department of Labour, who I believe, asked that some consideration be given to extend the periods of participation in the North due to our parculiar climatic situation, so that we could start and take advantage of this program rather than in November say a little later on in the Spring. At that time they would look into it. Nothing was forthcoming at the SPring Session with respect to this and I belive there was a question asked and the Administration were to look into it further. Then about a month and a half ago when the Financial Advisory Committee sat to discuss the location of School Program, I undertook to get together with the Administrative Assistant to the Commissioner and he then agreed to my request to write Ottowa and see what Ottowa's scheme was to this regard and what we could do and what we couldn't do. He may or may not have got a reply to this request. However, he has since left the employment of this Administration. I don't know how we can get any information. Perhaps Mr. Clerk knows something in this regard.

Mr. Clerk: There was a letter and this will be looked up.

Mr. Boyd: Read letter to Council from the Commissioner re the Dust-laying project. Discussion Sessional Paper # 11

Council agreed on September 3rd.

Mr. Boyd: A letter was read to Council on the Nursing Station at Carmacks and the Medical Treatment Facilities.

Mr. Taylor: Hogwash Mr. Chairman, although I believe we will be discussing this in the Health Plan. Sessional Paper # 12

Mr. Boyd: We will proceed.

Mr. Thompson: A letter was read to Council from the Deputy Minister with reference to Airport Facilities.

Mr. Shaw: One has to make issue of these things, however one important fact has been established from these communications and that is that a multy millionaire dollar Corporation and in this case the C.P.A. are the people that dictate to us what kind of Airport we should or should not have and the improvements which we should have. This Corporation has a Lincense to go into that area and Mayo and Dawson area with their Aircrafts. I understand that it is a matter merely of these people asking for better facilities for better type of aircraft to service these areas and the Department of Transport will bill them accordingly. This is a very poor state of affairs. The aircraft which are being used in this case are almost obsolete, however we cannot have better facilities. As long as this Aircraft use DC3 Aircraft in both Mayo and in Dawson that there is no possibility of ever getting improvements. There are possibilities of creating flights in the summertime for tourists to bring people into that area from both Canada and Alaska in the US.A. but they are prohibited from landing because such distant is involved that it is not economic to operate a D.C.3. it requires a larger aircraft. The results are they do not come in. An illustration Mr. Chairman, is that if we had a gravel runway just outside Whitehorse, we would be restricted to D.C.3 aircraft. It isn't the poeple that say what kind of facilities they want it is a private Company. This Airport has not improved in 30 years, surely the Aircraft Transportation in other places has made big strides except this Northern section of the Yukon and I think this is a terrible thing. Sessional Paper # 13

Mr. Boyd: Speaking from the chair, I understand there is a transportation speach from a man in Ottowa and I suggest that we write and get views and suggestions.

Mr. Southam: ,,I wonder if their idea of not paving or improving the runways in both these places has anything to do with the rumour that has spread through the country that the C.P.A. is going to give up the runs to Mayo and Dawson and just operate from Vancouver to Whitehorse return by jets. I wonder if they are going to let us out in the cold. Its not good enough to get your part loads on one day and then wait another day or so to getthe other half. I am beginning to think there may be something to all these rumours as I first heard it in Calgary.

Mr. Taylor: Mr. Chairman, I have some comments to state in this respect. We are speaking on the present policy and I wonder who formilates this Policy and I am reminded that the people in Ottowas do this and not the people in the Yukon, on the Air

-port construction in the North and not through Canada. We should as a Council if we are ever to merge out of the dark ages should assert their right to form a part to formilate a policy in respect to this Airport. CPA I understand are kicking the idea about of turning the Mayo and Dawson run over to some other organisation, possibly Pacific Western Airlines. I think we should raise a brief in Ottowa in this respect. We did ask a Representive to come up from the Department of Transport in Ottowa to come up and this was refused. The only way we aregoing to get these runways paved is get out and fight for them and I think it is the duty of the Council to do this. We should get up a strong Motion and discuss the matter further at a later date.

Mr. Shaw: Mr. Chairman we have a situation existing where it is to the benefit of the Public that they be better serviced. It is entirely up to the Companies whether the people get better service or not and the Department of Transport seems to go along with them. All the facilities should be improved and I think we should take a reassessment of the their policy as far as Northern Airports are concerned and get cracking.

Mr. MacKrimmon: I would like to ask Mr. Shaw if he knows if there is any specifiedtime on this existing franchise.

Mr. Shaw: I am not acquainted with the period of time as far as I can see they can continue and continue as long as they keep their aircraft in fine shape and justify the fact that its good enough for those yocals up there to have this kind of service and as the Department of Transport goes along with it anything is fine.

Mr. Taylor: Mr. Chairman, I believe that in this respect the matter of the length of the franchise is generally determined by the Air Transport Board . I think this is a matter of gravest importance to all of us hear at this table, we are not only dealing with one particular situation but the principal here and a policy. I hardly agree with the member from Dawson that something has to be done and I strongly feel that something has to be done right now. The ecomomic situation in the North is going to be dependent on the services of the Aircraft and by placing people in a position, that is people of importance, whereby they can't get in and can't get out when they are required to be in here or when they wish to be here to do business. We also have the matter of mail and the matter of cummuncating of the local people and I think it is a matter of great importance. I would like to see a very strong motion arise out of this discussion.

Mr. Shaw: Mr. Chairman I have put in many motions now that it is hard to keep track of them. A motion is put in and they seem to get the same answer every time, a motion doesn't seem to have very much effect. The Department of Transport operate in from 4,000 miles away and as far as I can see they couldn't care less what happens. Aslong as the Airline is satisfied of servicing the Country, fine, what say do the people have in it whether they want something or not. As I said previously there are no facilities at all and that is in 30 years. I have put in 10 motions and I don't know what else I can do or what this Council can do, we will get what we want just when they feel like it.

Mr. Taylor: Mr. Chairman the point which Councillor Shaw states is that we have been putting in Motions but these Motions have been asking and apparently if you ask the Federal Department of Transport for something you don't get it anyway. As a matter of fact I can't recall asking the Federal Department of Transport for anything that has come back possitive. The reply was always in the negative. As I say we have go to start demanding instead of asking.

Mr. Boyd: Gentlemen I think we have had enough discussion on this Memorandum, either we make a motion or prolong it.

Mr. Watt: I understand that this is operated by the Yukon Territory yet Mr. Shaw states that it is operated by the Department of Transport. I think that some of the facilities required should be done by the Yukon Territory such as a baggage station and things like that. I would like to support a motion if Mr. Shaw would entertain one.

Mr. Shaw: Mr. Chairman, this Airport is maintained actually by the Department of Transport. They give the Yukon Territory so much a year to maintain it for the Department and it is directly under their control and regulations so it is the responsibility of the Department of Transport.

Mr. Southam: Mr. Chairman, it seems to me after what Mr. Watts has said that maybe we put in a Motion to both these Governments the Territorial Government and the Department of Transport to see if we can get something done. I think that if the Representative from Ottowa had taken a little more time when he was up here to look around these places, it seems as though he didn't go any further than Whitehorse and we should make a stronger representation to the Department of Northern Affairs and lay it on the line. I will dream up a motion at a later date and I guarantee it will be a motion strong enough.

Mr. Taylor: There seems to be a point which we are overlooking, that is the fact that in Ottowa these experts, I guess we call them two day wonders, come up here and stay two days and then go come. They are formulating a Northern Airport Policy and rather than us with our small Territorial Revenue go forth at our own expense and except these Airports, why then not consider that these Airports are the responsibility of the Federal Department of Transport, whey should they not then produce the funds to do this. This is the point. In other words I think we should get after this Northern Airstrip and Airport Policy. Find out what it is, how far they have proceeded with it or in fact get someone up here from the Department of Transport if necessary. I say let us demand it, if we ask we get nowhere.

Mr. Boyd: The motion is being considered.

Mr. Boyd: A letter from the Commissioner was read to the Council on Winter House Building Incentive Program as Applicable to the north of the 60th Parallel and Particularly the Yukon Territory.

Discussion Sessional Paper # 15

Mr. Taylor: All I can say Mr. Chairman is that if Ottowa keep giving us these refusals that we must live like the rest of Canada, I suggest then they start giving us all these other facilities that the rest of Canada has.

Mr. Boyd: May I proceed.

Agreed.

Mr. Boyd: A letter was read to Council from the Commissoner on Yukon Fishing.

Discussion Sessional Paper # 16

Mr. Shaw: I don't think there is anything from that which needs clarification. I belive that the fresh water fishing should be governed solely by the Yukon Territory the same as the Game Department.

Mr. Boyd: Recess.

3.00 pm, Friday 12th November 1965

Mr. Boyd, Chairman of the Committee, called the committee to order and requested if it was their wish to continue the discussion on Yukon fishing (Motion No. 22).

Mr. Taylor said he did not like to leave the issue as being completed but for the moment could not think what could be done. However the matter would be given consideration during the next few days to achieve an answer.

Mr. Thompson said he thought the Council should go after this and that there should be a Yukon Fisheries which would do a far better job than was being done at present. He also said that if the Committee were going to accept things like this they might as well go home.

Mr. Shaw pointed out that it was mentioned at the bottom of Page 1 of the Motion that it was hoped that some clarification of Motion 22 would be obtained at the next session of the Council. As he had made the motion Mr. Shaw said he would like to clarify the point that it had been most specifically mentioned that they take over the operation of the fresh water fishing in the Yukon and incorporate it in the present Games Department. He said that he did not think he need elaborate further.

Fire Insurance Rates

Discussion Sessional Paper # 17

The Committee then discussed Motion No. 7 - Fire Insurance Rates in Yukon Territory.

Mr. Taylor mentionned for the edification of the Committee that the original motion had resolved that the administration request that the legal adviser undertake correspondence and studies to ascertain what justification exists for the apparently excessive fire insurance rates in the Yukon, and to report thereon together with suggestions for securing a general reduction, and this is the reply to that.

Mr. Shaw said that he did not think this had been given the type of investigation that was called for under the terms of the motion. He said that some figures had been given such as $13.30 as ten year average per capita fire loss but there was no mention of what a person owning a private business would have to pay - almost 3% - in insurance rates. For example, the rates in Dawson City where they have good fire protection are exactly the same as they would be where there is nothing. Our rates are the highest in Canada and Mr. Shaw felt that the investigation conducted here was not completed and that much of it was possibly incorporated in Northern BC, not the Yukon, to get the exact figures for the Yukon as the losses and the revenue and that there would be a tremendous difference. Mr. Shaw suggested that possibly a Royal Commission would be needed to find out just what the score was. He said it made no difference whether facilities were good or bad, rates were practically the same with perhaps a difference of ½%. He did not feel that sufficient investigation had been done and that when this investigation had been carried out the person most qualified - the territorial treasurer - had not been around to ask pertinent financial questions. Mr. Shaw said that he was not satisfied with the answers contained in the memorandum.

Mr. Taylor stated that at the Property Department Rates Committee meeting of the BC Branch of the Canadian Underwriters' Association held on 21st January 1965 it had already been requested that a senior official of the Association should look into the question of fire insurance rates in the city of Whitehorse and this confines itself only to the City of Whitehorse and is not concerned with the territory as a whole. Mr. Taylor said the Canadian Underwriters would not be able to do anything anyway, quoting the closing words of the report which points out that the CUA only provides rates and inspection services for its member companies, which are commonly referred to as Board companies. He said that they cannot speak for the whole industry, and that they leave it up to non member companies to force the downward revision of tarifs and it was therefore obvious that no progress would be made.

Mr. Shaw suggested that he investigate further to see if he could find anything else to produce the desired results and suggested in the meantime that the document should be accepted as is.

Mr. Boyd said that, speaking from the Chair, he thought there had been an increase in the rates in the Yukon.

Mr. Taylor said that they advised waiting for the production of 'that tarif' (whatever that might be) before taking any action, and asked Mr. Clerk if he could determine whether that had been arrived at as yet.

Mr. Taylor, the Clerk, said it had not.

Mr. Thompson commented on Mr. Shaw's remark that rates in Dawson were comparable to those in out of the way places. He did not know if the people of Whitehorse got preferential treatment on their insurance rates but from one observation made by the fire marshal it would appear that the Whitehorse fire hall station is anything but a good risk, as were the old hotel buildings in main street. Mr. Thompson said that in this case it would not matter where they were in the territory they would still be charged the same rate. He said that if something could be done to achieve an equitable rate for the various areas it would probably be an added help.

Mr Chairman then read a letter from the Commissioner regarding Winter Closing - Liquor Ordinance, dated October 4th.

Winter Closing Discussion Sessional Paper # 18

Mr. Shaw expressed the opinion that this was a situation that was becoming more and more apparent in the Yukon each year through these openings and closings due to the fact that the tourist industry is becoming much greater in the summer time than it has been in a number of years past. The result was that the owners were providing facilities for the tourists coming in which are large enough to cope with the business on hand yet at the same time uneconomic if they have to be kept open in the winter. Years ago when he was in Dawson City, said Mr. Shaw, he used to take a very dim view of people closing up business in the winter time and just opening for the summer. However with the subsequent trend of tourist traffic it has become a situation that cannot be ignored. In order to operate a business and provide the facilities people almost have to close down in the winter time. Mr. Shaw said he thought this was inevitable, that the economic facts dictate that this procedure will become more common as tourist facilities become more in demand. He said he

would certainly like to see people settle in the territory the year round, however it appears to be a procedure that will become more prevalent in the territory; it almost has to. If someone provides a place on the highway for any number of the travelling public, they can hardly heat and maintain this in the winter time when they can only have a ten per cent occupancy.

Mr. MacKinnon: Yes, I agree with what Mr. Shaw has to say and it is certain that many of these places are almost forced to close during the winter months. The heating is no small object in this country and to be forced to remain open to guard a liquor licence is still not profitable and it is therefore better to close and let the liquor licence go and this is taking away some income from the territorial government. I am one that is closed, acting on the advice of my lawyer in conjunction with the way the ordnance is set up.

Mr. Southam : I have noticed in my travels that this seems to be the phase of tourist business that happens in pretty near every province. I have been right down to Nova Scotia this summer and I did not get back till the middle of October when I found going through this area for instance that the smaller tourist places were closed, places that had a liquor licence where you could buy a bottle of beer or glass of wine with a meal. The same thing happened elsewhere through the Laurentians - quite a few of these places were closed except the bigger ones that stay open during the winter. So it seems that it is a thing we shall have to put up with and I can quite understand it in the Yukon because of the heating which, as Councillor MacKinnon says is quite a big item which would eat up a certain amount of his profit that he made during the summer. I see no reason myself why these people should have to stay open the whole year round, especially at these outlying places. I don't think, for instance that a place just off the road here should close for winter and re-open in the spring - I don't believe in that - but I am talking about those places out in the countryside miles from anywhere.

Mr. Taylor : I concur with Counciller Southam in this regard and I think if this position imposes a strain on the owners during the winter months on the Alaska Highway and they do wish to close during the winter months, I do think we can overcome this by providing legislation, possibly at this session, providing a limit of beyond, say, 25 miles of the municipality that the liquor inspector would hold for a certain period of time.

Mr. Shaw : I do not know quite how that would work; a premise closes in Dawson that is a municipality and city council accept it as such. I think it is difficult for us to say where to stop and where to start. I think private enterprise would work this out and personally I would not care to make any difference from one to the other. In municipalities you have the civic authorities and it is their right to make restrictions in respect to issuing or not issuing licences, and they wouldn't really affect the actual municipalities.

Mr. Taylor : I should think territorial ordnances would take precedence over municipal by -laws, but I did not think of the Dawson situation that Counciller Shaw rightly points out, however it may be remedied as we have handled the matter of entertaining licence beyond the city of Whitehorse, that we could extend this to 25 miles beyond Whitehorse itself and not restrict it necessarily to the municipality.

The Chairman : It may be necessary before you make a motion that we have the legal adviser here. Do you agree with this?

Mr. Taylor : As a point of interest are we going to have a legal adviser in attendance at most times or at particular times or just when we are dealing with bills. How do we provide for this?

Mr. Shaw : I think we have his services when requested; it is just necessary to ask for his presence.

Mr. Taylor: The reason I ask is that we have gone through several items today, some of which would require the opinion of a legal adviser in order to give him direction in such legislation and unless he is here it might get passed by unless someone takes it on his own to put in a motion, whereas if he were with us he could take a note of it and prepare legislation.

Mr. Southam: Mr. Chairman, I would move that we defer this until we can have the legal adviser here at a later date; I think this would be only proper and probably keep us out of trouble too.

Mr. Boyd, the Chairman, then asked the committee if it was in agreement with this. It was.

The Chairman then read Motion No. 9 - 24 Hour Radio Service for Whitehorse

24-hour Radio Discussion Sessional Paper # 10

Mr. Taylor: Mr. Chairman, I do not know how many years we have been asking for this. This is my motion of the Fall session and I have another motion to put before the house tomorrow morning in relation to this. This is another example of what we are getting from the Federal administration. This I believe was written by the Director of Northern Administration on April 20th and I think it is summed up when he says "I must assume that the requirement for 24-hour radio service is based on the need of this media to be used as a form of warning in the event of a disaster" This is the sum and total extent of what Ottawa know about the Yukon territory that they supposedly administrate, or the North. The only reason they feel that we want 24-hour radio in Whitehorse is just in case of a disaster. We have been talking in terms of television services and here we have coming into Whitehorse by wire and being distributed from Whitehorse all through the Yukon territory and northern British Columbia, through to Dawson, up the Northern Highway, down to Watson Lake, 24-hour radio service. It's piped to Whitehorse right here and all through the country and then through some silly,stupid, irresponsible, ignorant opinion of the Canadian Broadcasting Corporation through some odd-ball legislation, they say you can't listen to this in Whitehorse. Now what kind of reasoning is that? And this I don't know how many times of asking, but I think it's four or five, and frankly I'm fed up with this situation. If I come to this table as a counciller for the Yukon territory to work on behalf of the people of the Yukon I would like to see the fruits of my efforts realized. If I can't see the efforts I have made or the efforts of anyone sitting at this table there's no point in my being here, there's no point in any member being here. We might just as well talk to the wall and go home. If this thing is coming into Whitehorse and if this programming is being dispensed from Whitehorse there is no reason for the people of Whitehorse not to be able to listen to it and this is a general reversal of the idea that Whitehorse have everything and the hinterland have not.

I understand that the reason for this is that the legislation says it has to be a manned station and because there is no man on overnight they cannot plug the transmitter in and operate it. I don't know how much it costs to hire a man to sit in a big easy chair and read a book all night but it can't be very much, and if it is a matter of three or four or even six thousand, it is certainly worth it to provide a service to Whitehorse for all the people on shift work or driving on the highway at night. Why not? They do not want it for disaster planning. Most of them couldn't give a hoot about disaster planning, but they do want the entertainment that is offered. We have television all across Canada; to ask for radio facilities in one of the major centres in north west Canada on a 24-hour basis, and to be refused is absolutely unthinkable. I have a motion for tomorrow morning in respect of this and I think we must demand of Ottawa; we cannot nicely ask, we are going to have to un-nicely demand and get it that way.

Mr. Watt: I agree with what Mr. Taylor said and I think that CBC could do more to help us get that 24-hour service for shift workers and others like that. I would like CBC to reconsider simple devices that they use in the Whitehorse area and places up and down the highway.

Mr. Boyd : Is there any further discussion?

Mr. Thompson : I think we will have an opportunity tomorrow to voice our opinions and comments.

Labour Legislation Discussion Sessional Paper # 20

Mr. Boyd then proceeded to read Motion No. 16 - Labour Legislation.

Mr. Shaw : In this respect I would like to have a little more time to study this particular legislation and possibly have more intelligent discussions

Mr. Boyd asked the committee if they were agreeable to this

Mr. Taylor, Clerk, then asked the committee if they had received the copy of the booklet on the Canadian Labour Code mentioned in the memorandum and said that he had spare copies should any member require one.

Mr. Thompson : I believe that this is something that is very necessary and is going to take up time and I think it is something that we should not pass up at this session and that we should come up with some very definite recommendations towards this legislation. You have probably had an opportunity to compare our existing legislation with the Canadian legislation and you can see how antiquated our is in comparison. I think for this reason that the sooner we come up with something concrete in this matter the better it will be for the labour situation in the Yukon.

Mr. Watt : I have a copy of the procedings of the Northern Territoties 1964 27th session and Mr. Gilchrist replied that the department had labour legislation from the Yukon in Quebec and over most of the territories they must have got labour legislation from the Yukon territory here. Mr. Clerk, could you tell me what you have received in the line of labour legislation?

Mr. Clerk: They may have had copies of our labour legislation for comparative purposes. We also have copies of provincial labour legislation for comparison purposes. It was my recommendation that we adapt our legislation to the Canadian Labour standards code. This is why it is before you now.

Mr. Taylor : This is a result of my motion of the Spring session. Many motions placed by by council are on file and this one goes back to 1963 since when we have been asking for definite labour legislation. We haven't got anywhere yet. Maybe we're getting closer, it's only been two years; maybe if we let it go for three we might be able to improve the situation. However, as Councillor Thompson pointed out, we shouldn't let this go and we should make some preparation to meet woth somebody in this respect, possibly a legal adviser, possibly a representative from the department of labour, and discuss this at some length, because the territory is crying for labour legislation and a lot of this must be looked after very quickly - especially in an expanding work force.

The Chairman reminded the committee that Mr. Shaw had asked for time for further study, but Mr. Shaw replied that he did not wish to defer any discussion that members might wish to have. The Chairman then asked if there were any further comments.

Mr. Taylor : I have a lot of questions and would like to know who can answer them in respect of the Canada Labour Code, assuming that we would adopt this as our labour legislation, things like basic minimum wages, etc. We still have a thousand questions unanswered like the proposed labour relations ordinance, and we have a lot of things to discuss. I would suggest that we get somebody up here from the Department of Labour in Ottawa - failing this we will go to one of the labour unions. They will have time to come up and discuss labour with us. Ottawa to this date have refused to do this.

Mr. Boyd : Did we not have a man representing Ottawa here a year ago on this very subject?

Mr. Taylor : We had one man here, he answered about five per cent of our questions and for the other ninety-five per cent he took us way round about the Mulberry bush and told us absolutely nothing. He's the chief arbitrator.

Mr. Shaw : That person had to do with arbitration of labour disputes and we wanted a man to give us a start on the fundamental labour code. He was not the right man so we did not get very far at that time.

Mr. Thompson : We're going to have a charter flight from Ottawa with all these people so I don't see why we don't have him along too.

Mr. Southam : I think this labour legislation requires a lot of thought and I think I am like Councillor Shaw. Although I have been mixed up in labour quite a few years I do not know all the answers. I think it would do us all well to have a look over the little booklet we have and study it and come up sometime next week and discuss it as a whole. That would be my answer at the present time - not to side track at all but to give it quite a bit of thought and when we make these changes, if we do, we have to remember that there are other people interested in labour legislation too: the employer, the man who is doing the work, and so on, and I believe we should take a little more time than to go off at half cock at it. If as you say you bring up this man from Ottawa, if he is an expert, by all means bring him, but in my dealings with these gentlemen in the past as Union President and also as supervisor of employer relations dealing with labour, they didn't teach me very much at all; but it might be worth getting him up here.

Mr. Shaw : Would it be a suggestion that we take this book with much better labour standards than we have right at the moment, set a date certain where we have the legal adviser here and we can go through this book by the various paragraphs and see if we can incorporate the same thing and add some suggestions into a Yukon labour code. Here is a good start. This is utilized all over Canada where they do not have a code, and possibly go through this and get a start and then incorporate it. We have the BC code but I understand that it is extremely complicated for us at the present time. However, there is one that seems somewhat elementary and we could make a start in the right direction, study it as we go along. Then we request the Department of Northern Affairs to draft an ordinance in line with these recommendations as we go through them.

Mr. Taylor : I am quite amenable to any solution to this problem or any action which would further the drafting of labour legislation because we cannot wait any longer. We have many files on labour with submissions from the Unions and everybody else and I think we should get on to it. Councellor Shaw's suggestion is very wise and should be done in the very near future because, if we do get into a pickle over this one, we still have time to get somebody up here from Ottawa to explain it to us without dragging it on into future years.

Mr. Boyd : Are you prepared to discuss this within the next few days, say the next seven days?

Mr. Shaw : Saturday seems to be a very difficult time to get anyone to appear before Council. Possibly tomorrow morning would be a good time to go through this informative booklet - our agenda for tomorrow morning which we could go through and we could possibly request that the legal adviser might get here to help us with technicalities. There is our program for tomorrow and there is no time like the present. We have discussed this ever since I have been here and I have put in motions to get this same f. rm of code. We have got nowhere - now we have got something to get our teeth into and I would suggest that we start working on this tomorrow morning.

This suggestion was accepted.

Mr. Taylor : I think it might be well to ascertain whether the legal adviser could be here in the morning before we go too far.

There was then a short recess while the Clerk, Mr. Taylor, ascertained that the legal adviser could be present in the morning.

Winter House-Building Incentive Program Discussion Sessional Paper # 21

It was then agreed to proceed to the memorandum of Motion No. 20 which was read by the Chairman and was in regard to the Winter House Building Incentive Program.

Mr. Taylor : This is another typical example of the attitude of the Department of Labour with respect to the Yukon territory. They agree that there is a sharp increase in unemployment in the Yukon; they want to do something about it but when we show them a way by extending this program another thirty days, they say 'Sorry, we can't do it'. They agree that we can put fellows to work in the Fall on things like this basement and foundation work, then they say that they are not going to pay us. Either one of these incentive programs are of no use in any way to the Yukon territory unless they do give. There again we must demand. They 'some future

date'. Why can't they be a little more explicit in this matter and say "We expect to have an answer for you in two months", or are our experts in Ottawa not capable of reaching a solution in the matter of a couple of months? Does it take years. Same old nonsense.

Mr. Boyd : Well gentlemen, I think they have stated their facts and there is not much more to say about it. Shall we proceed to the next item?

Mr. Taylor : If we can get somebody up from the Department of Labour, maybe we can discuss with such people - if the department of labour can spend hundreds of thousands of dollars of the taxpayer's money on matters such as this in administrating such programs, and cannot afford to spend money on a plane ticket and expenses to send somebody up here to discuss these things with us and to take back with them for consideration then I think it is a very shameful situation indeed.

Mr. Boyd then proceeded to read the memorandum on Question No. 9 - Justice.

Question 9 Justice Discussion Sessional Paper # 22

Mr. Watts : Mr. Chairman, I made this request and I would like to have this discussion deferred until such time as we are discussing the justice board. I have a definite proposal to make at that time when we are discussing the vote and possibly Mr. MacKendrie will be here at the time.

This was agreed and Mr. Boyd proceeded to read the memorandum on the Proposed Extension to Whitehorse Elementary School Grounds.

Playground Extension Discussion Sessional Paper # 23

Mr. Taylor: Who owns this lot - White Pass?

Mr. Boyd : I am not positive

Mr. Clerk : I think it is White Pass.

Mr. Taylor : I do not see why every time we want to make a move in this city we have to keep buying land at these large figures from White Pass and Yukon Railroad and I cannot see why White Pass and Yukon Railroad, supposedly civic-minded, ding us $25,000 for 1.267 acres. This is slightly ridiculous and I would question the actual value of the land. This is an astronomical figure for a playground and we need to know much more information.

Mr. Shaw : Is this an approximation? It looks like a lot of 100' by 120'.

Mr. Clerk : No. It is 120' along 4th and 460' back from 4th. It is prime commercial property and it is a good price. The only reason we have to buy from White Pass is they happen to own it.

Mr. Watt : What is this parcel of land assessed at at this time?

Mr. Clerk : I think this figure is just about as close as you can get.

Mr. Watt : What I am trying to get at is that there should be some correlation between the assessments of these areas and the price being offered. If this is the case, this is about ten per cent of the land this company owns along that

area, so the assessed value of the land should be around half a million dollars if the correlation is carried out correctly. I would like to know the assessment of the property - if this is just a small piece of a larger chunk, just give us the assessment of the larger chunk so that we can figure it out.

Mr. Clerk : Part of this is used as a road and it will be cut off and the balance of it was the old Army fire hall and I am not sure whether this city have any assessments on this particular piece of land or not, but then you must remember that when you get to the city limits you wont have the single assessment on your land as you do when you are inside the city limits. When you mention the rest of their property, you don't go too much further then, you drop it when you get to the city limits. I would imagine it would be quite a large assessment and I can get you the figure if you need it.

Mr. Watts : This is what I would like before we see how disproportionate it is.

Mr. Taylor : I would also like to see possibly Mr. Thompson in committee on this item. I would like to know from whom this land was purchased by the White Pass - the government or somebody else, the date, the price on that date and so on.

Mr. Clerk : You can get that information from White Pass.

Mr. Taylor : Are our records so incomplete? But if there is anyone who can shed any light on this affair at all I think we should discuss it with him. We are talking about an expenditure of $25,000 of the taxpayer's money.

Mr. Clerk : May I suggest that you list your questions and give them to me in advance so that I can look them up and have the information in advance..

Mr. Boyd : I suggest we defer this to a later date.

Mr. Taylor : I would move that Mr. Speaker do now resume the chair and hear the report of the Chairman of Committees.

Mr. Speaker then called the council to order and asked for the report of the Chairman of Committees.

Report of Chairman of Committees

Mr. Boyd : The meeting was convened at 11.00 this morning to discuss memorandums for the rest of the day, out of which there were two motions:

1. That the Federal government be asked to consider amending the National Parks Act to provide for optimum use of resources in national parks which may be created north of the 60th parallel.

2. That the National Parks branch have a senior official or officials meet with council at this session to discuss national parks policy as would affect the Yukon.

It was moved by Mr. Taylor and seconded by Mr. Southam that the Speaker resume his chair and hear the report of the Chairman of Committees.

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

Council : Agreed

Mr. Speaker : Are there any contraries? Then the report is accepted. We now have the matter of drawing up an agenda for subsequent days. What is your pleasure in this respect?

Mr. Taylor : I would suggest that as tomorrow is Saturday and the administration are not readily available, we discuss labour legislation and possibly Mr. Legal Adviser could join with us at 10.00 tomorrow morning.

Mr. Speaker : Are you agreed with the recommendations?

Council : Agreed

Mr. Speaker : Are there any further recommendations?

Mr. Thompson : Mr. Speaker, I was wondering if we are going to pursue the same policy of holding a question period with the Commissioner in attendance once a week, or something along these lines during this next session.

Mr. Speaker : That sounds very good. Is there any particular day that this could be put into effect.

Mr. Taylor : I believe in the past Friday has been the accepted date and if council is so agreed I would suggest that this is the appropriate time.

Mr. Speaker : It has been suggested that Friday be the day for the question period with the Commissioner. Are there any further questions in this matter? Is Friday acceptable?

Council : Agreed

Mr. Thompson : It might be well to check with the Commissioner to find out if this is to his liking. You may find another day is more convenient with him and I do not think it makes all that difference to us.

Mr. Speaker : Mr. Clerk, would you please ascertain from the Commissioner whether our tentative suggestion to have a question period on Friday mornings is acceptable?

Mr. Clerk : I will.

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

Mr. Speaker : Are you agreed with the motion?

Council : Agreed

Mr. Speaker : This Council now stands adjourned until tomorrow morning at 10.00.

Saturday, November 13, 1965
10 o'clock a.m.

Mr. Speaker read the daily prayers and Council was called to Order.

Mr. Speaker: Are you ready gentlemen? The first item on the Agenda will be Correspondence.

Mr. Clerk: Nil correspondence as such Mr. Speaker but I did wish to bring your attention to section 8 of the Yukon Act - Land Ordinance. Should Council wish to look at them, I have copies on the desk here. Too, under section 37 of the Interpretation Ordinance, I have all the Regulations that have been passed on the table also.

Mr. Speaker: As there are no Reports of Committee and there seems to be no Introduction of Bills, we will proceed to Notices of Motion and Resolution.

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion respecting the Participation at Federal Provincial Fiscal Conference. Seconded Mr. Boyd. — Motion No. 7

Mr. Boyd: I would like to give Notice of Motion concerning Child Adoption. Seconded Mr. Shaw. — Motion No. 8

Mr. Thompson: I would like to give Notice of Motion regarding Additional Tax Benefits for Yukon Residents. Seconded Mr. Watt. — Motion No. 9

Mr. Speaker: We have no Notice of Motion for the Production of Papers therefore we will proceed to Motion No. 1.

Mr. Watt: If Council agrees, should like to refer this matter to Committee until such time when the Commissioner can be with us.

All: Agree.

Motion Carried

Referred to Committee (Motion No. 1)

Mr. Speaker: We will proceed to Motion No. 2.

Mr. Taylor: The Administration is respectfully requested to convey to the Canadian Broadcasting Corporation the immediate request for 24 hour radio service for the City of Whitehorse by either utilising the present facilities or installing low-power relay transmitters where required to service the Whitehorse area. Seconded Mr. Shaw.

All: Agree.

Motion Carried

Referred to Administration for action (Motion No. 2)

Mr. Speaker: We will now proceed to Motion No. 3.

Mr. Watt: Requested that Messrs. Boyd, Southam and McKinnon be appointed to assume the full duties of the Financial Advisory Committee for the coming year. Seconded Mr. Thompson.

Mr. Taylor: Suggest that this question be dealt with in Committee as a whole.

All: Agree.

Delegated to Committee (Motion No. 3)

Mr. Speaker: Next item is Motion No. 4.

Administration to action (Motion No. 4)

Mr. Boyd: Moved that our Legal Advisor be a Territorial rather than a Federal employee. Seconded Mr. Thompson.

All: Agree.

Motion Carried

Administration to action (Motion No. 5)

Mr. Speaker: We will proceed to Motion No. 5.

Mr. Boyd: Moved that the amount of $3.00 per day allowed as living expenses to one who has been garnisheed be increased to a more realistic figure and that the Administration present Council with the necessary amendment during this Council Session. Seconded Mr. Thompson.

Motion Carried

Mr. Southam: Vote of dissension.

Mr. Speaker: We shall now proceed to Questions which have not been asked yet.

Administration to action (Question No. 4)

Mr. Taylor: Would the Administration be prepared to obtain for members of Council copies of the Report of the Carruthers Commission as soon as this has been completed?

Question No. 6

Mr. Southam: What, if anything, has been done re the Elsa School situation?

Administration to action (Question No. 6)

Mr. Thompson: Will the Administration advise the following:

(a) The names of ALL Territorial employees, including their occupations, occupying Government housing of any type?

(b) The type of accommodation provided, i.e., apartment, cemesto, duplex, etc.?

(c) How long has said employee enjoyed this benefit?

(d) The amount of rental per month each unit realises from occupancy?

Mr. Taylor: I would request that Mr. Speaker leave the Chair and the Committee resolve itself in the Committee of the hall for the purpose of discussing Labour Legislation. Seconded Mr. Boyd.

Motion Carried and Mr. Boyd took the Chair.

Sessional Paper No. 20 1965 2nd

Mr. Boyd: It is the intention to discuss the Labour Code.

Mr. Taylor: In relation to this, it would benefit the Committee to have with us the representative of the Labour Department.

All: Agree.

Mr. Boyd: Mr. Daniels, you are invited to join the Committee. As a matter of comment, discussions are going on right now on this subject in the North-West Territories and I feel that they should be working in conjunction with one another.

Legal Adviser: You have before you a reply to Motion No. 16 dated October 6 which is an attempt to direct your attention to what was going on in the North-west Territories. Perhaps they are slightly ahead of us at the present time when they included a draft Bill modeled on the Canada Act for discussion at the July Session. But they did not really get too involved. If you look at page 429 of Volume I, of their Proceedings under Sessional Paper No. 14, there is very limited reference to the Labour Standards Legislation. Accompanying this was a draft for the North-West Territories for discussional purposes. Unfortunately it doesn't give us very much instruction as to the way their minds were working. The members at that time were not interested in discussing in detail and we are unable to instruct ourselves in what they had to say then. However, the outcome was that the North-west Territories appointed a Commission comprising three members and they are holding a series of meetings which commenced at the beginning of this month. Unfortunately it was not possible for Mr. Taylor, Labour Relations Officer of the Yukon, to attend, for it was an opportunity of looking at the Bill drawn up for the North-West Territory, which one would mentally substitute the word Yukon where ever appropriate. The idea of these Labour Standards Acts is to form a Code. There will be several of these and eventually they will form the Labour Code. There have been distant creakings heard. Also a certain amount of confusion over Exemptions. Believe there has been, a certain amount of stand pat arrangement. Perhaps Mr. Daniels can give us information on the practical aspect. Your wish to go through the draft Legislation, I will concentrate on what they will have in the North-West Territories. Have this booklet issued by the Department, will have in it a broad picture of what the actual view is. The same quick impression may be had by looking at the headings in the Canada Labour Code. See Application, Hours of Work, Minimum Wages, etc. You may wish to look at the North-West Territories Legislation in order to see how the power to make Regulations is established, and what consultations are made before Regulations are worked out. Also how Council will have to endorse Regulations. Mr. Chairman, what is your intention? Would you like to go to the North-West Territories draft and look at it in the terms of the Yukon?

Sessional Paper No. 20 1965 2nd

Mr. Shaw: Am personally in favour of going along with this and perhaps we can resolve some of the thinking going through this Act. The North-West Territories and the Yukon are very close and it would be wise to consider what they have done especially in the past as there is some infinity between the two areas. We could start off by giving our own thoughts in matters such as this for the Yukon Territory. After all, we have been asking for this for many years. Therefore, I think that we should go through the present Act with a view of accepting and rejecting. It would be to our advantage to have three attitudes in which to enable us to give what is best for this area.

Legal Adviser: Mr. Chairman, from what I can gleam, you wish to go through the North-West Territorial Bill as well as the draft Bill in front of you.

Mr. Chairman: Is this your interpretation, Mr. Shaw?

Mr. Shaw: Pretty well along these lines, Mr. Chairman. The

North-West Territories draft is laid out in an orderly manner and that is a terrific advantage.

Mr. Chairman: Are you gentlemen all agreed?

Mr. Taylor: Mr. Chairman, it was my thought that in connection with the Canadian Legislation Code, it was our intention to look at it and adopt it as such with minor changes more suited to Territorial Legislation. By going through this point by point, it would be possible to give direction to the draughtsman on our general thinking on this topic.

Legal Adviser: The two are so closely related and necessitates only a change of work here and there. I'd be quite happy to read both of them to you to clarify the differences. The first change of course is the change in the name - North-West Territories to Canadian Labour Code. Section 2 is the definition of Collective Agreement which runs word for word, with the Canadian Labour Code. A Collective Agreement is an agreement in writing between an Employer and employee containing terms or conditions of employment including provisions with reference to pay and hours worked.

Mr. Chairman: Is there any desire to go through interpretation?

Legal Adviser: I shall only list the words then: day, employee, employer: general holiday comes into the North-West Territories draft and in the Canadian Code, industrial establishment, inspector, minister comes in the Canadian Act with no counterpart in the North-West Territorial draft, year, overtime, standard hours of work, trade unions, wages and week.

Mr. Shaw: We are getting on the right track in this matter, though I should query certain things in the interpretation, e.g., there are two items there that we can somewhat resolve. In the interpretation section, sub-section F, requires change for Yukon Territory namely in relation to holidays. Item N including wages needs some clarification also.

Legal Adviser: Does Councillor intend to have Discovery Day as a general holiday also?

Mr. Shaw: Amendments will be necessary to enable us to carry on with the present holidays we have including Discovery Day. This will require some change in this particular section.

Legal Adviser: Further point made on wages. Canada says that wages will include every form of remuneration but does not include tips and other gratuities. The North-West Territories follow this wording too.

Mr. Shaw: I was thinking of situations such as this: in the Dawson area where people work for miners, they say to their employees, labour is tough to come by, I will give you a $200.00 bonus. How would this affect the present setup with regard to bonuses or additional incentive?

Legal Adviser: I shall have to study the question against the draft. I have one comment to make now. It would be to the advantage of the employer to carry him over the minimum standard which may be imposed.

Mr. Southam: In the matter of compensation, the incentive or bonus pay does not come into it. In the Yukon, bonuses and compensations is 75% of $4,000.00 which is based on a basic rate.

Legal Adviser: Dealing with Workmen's Compensation aspect, remuneration includes salary, wages, commissions, tips, bonuses, allowances, etc., but I don't think that this is going to affect your consideration of this particular draft which is setting standards and workmen's compensation will arise indirectly for today's discussion.

Mr. Taylor: Mr. Chairman, before we leave interpretation, I assume that Items such as sub-section E will be altered. Section I would replace the Commissioner for the name Minister. Section J will also be changed to include Commissioner rather than Minister. Section M, I had a question on and that was in relation to Trade Unions as no provision has been made. I wonder if we have to provide Legislation equivalent to the Investigation, Conciliation and Settlement of Industrial Disputes. Are these two Bills related to each other?

Legal Adviser: This Bill could operate without that. It does not attempt to define whether it is a Trade Union or half a dozen people on a staff. It is only a question of timing before we can get the whole Code put together.

Mr. Chairman: We will have a ten minute recess.

Committee convened at 11:00 o'clock a.m., with Mr. Boyd in the Chair and proceeded to discuss Sessional Paper #20, Labour Legislation.

Mr. Boyd: We will come to order Gentlemen, carry on.

Legal Adviser: Reading from the Northwest Territories Text, page 267, Volume 2..... Now I don't know whether you wish to discuss that exact item where it occurs in the Canada Act as Sub-section 3, where it says "this Act does not apply to or in respect of employees who are....." So you have two groups one of which is automatically not included, the managerial group and the designated group. Section 4 of the Northwest Territories "This Ordinance applies....." In other words, if he has rights which are superior to those which are now provided he can hang on to them, but you can't cut the cake the other way, it does not operate in favour of the employer, if the rights that an employee has now are inferior then he has to be upgraded, it is not just left on his own basis. Well, if you didn't have that it would defeat your purpose of the standards in time. Hours of Work, which is Section 5 in the Canada Act and Section 5 in the Northwest Territories Bill reads..... If I may continue with the rest of that before we proceed to discussion, "where the nature of the work in industrial establishments..." Now you may feel that 5 (1), even as drafted for the Northwest Territories imitates too faithfully the Canada Provision. This is assuming that everybody lives within 50 miles of the United States Border and doesn't have 20/24 hours sunshine and a short season and a rough winter. This is where discussion at the NWT July Session would have been so helpful. So there it is, basically it is to be an eight hour and a 40 hour week spread over, if you want to average it, a two weeks basis. Now Council Members I am sure will have in mind the problem of our camps, the labour outlook for perhaps a month, two months, three months and how much should your average period be. A man, for instance, prospecting buys a helicopter, which may be sitting in the tent for two weeks out of three, waiting for the weather to improve. You may feel that your average period will have to be somewhat longer and in the NWT, they do say that as an average for two or more weeks, the more obviously to be fixed by regulation, so you may wish to defer the situation, there is a slight safety valve there and in that respect the Canada Actthas the same safety valve.

Mr. Taylor: Well, Mr. Chairman, I think that this is a very good point that in consideration of the instructions to the draftsmen in this regard, this should be given very close scrutiny, for there are many people working in the Territory who do not work by the hour really, they work by the month and as Mr. Legal Adviser pointed out they do find themselves sometimes held down by the weather and I cite people in mining exploration, in outfitting, big game outfitting and so forth and these people generally go to work - I know in mining for anywhere from 350 to to 6 and $700. a month and they also get 10% interest on what they locate in many cases. So, I feel that provision should be made to permit this and not to waste any restrictions on these people. If they were restricted

of course, to 8 hours a day, this would be a great imposition on the employee and also on the employer.

Mr. Shaw: Mr. Chairman, this is a subject which will require a great deal of discussion in this particular Section could we just refer back to this later for discussion and proceed with the other matters.

Mr. Taylor: Well, Mr. Chairman would this not be the time to discuss it while were dealing with the section.

Mr. Shaw: We have the Legal Adviser with us in relation the whole picture of this, we can stay on one particular article on one particular section for an hour or something like that, particularly one like this. So we do not accept this but we bring it on for discussion at some other particular time and just go through the general reading of the Bill.

Mr. Boyd: Yes, I think Mr. Shaw has a point, we could spend the rest of our time here today on this and I think the objective would be to get over as much of it as is possible and the stuff that is in order is - we're through with - - and probably by deferring this to another day this particular paragraph, someone will come up with a motion, or an idea or something that will save us a lot of time. Are you in agreement with this Gentlemen?

AGREED

Legal Adviser: I have this marked as flexible, we will return to discussion on it. Section 6 (1), "an employee may be employed in excess.....".

Mr. Taylor: One question here, I note that they say "Industrial Establishment" . Would you take from this, and I direct this to Mr. Legal Adviser, Mr. Chairman, that this would not cover any other non industrial type of employment?

Legal Adviser: Well, that is the definition in the NWT and "G" in the Canada. Industrial Establishment in the NWT means any work, undertaking or business and includes such branches, sections or other business, undertaking or business as is designated as industrial establishment by the Regulations. So, the Regulations could designate others so it is not necessarily industrial in the proper sense.

Mr. Taylor: Yes, well I was just wondering if possibly, by finding possibly another word, we may save ourselves a long string of regulations exempting various individual classes of work throughout the Territory.

Legal Adviser: I am flattered by the invitation to improve on the draftsmen in Ottawa, but I do not think I can. They have used basically this definition in the Canada Labour Code. It has been under review and in course of preparation for a long time. I really think that if I tried to change the word, we might disturb something later on. I will look at it to see if I can but I doubt very much if I could improve on that, their choice of the word.

Mr. Shaw: There is just one clause that I can't quite agree with, unless I have misinterpreted.. In other words, in a week you cannot employ a person, even if they want to, more than 48 hours. Take a dredge for example or take any mining (interuption) - just to proceed - now, a dredge is mining granted, but it is still industrial , but however, if a person wants to work longer hours and be paid in accordance with the overtime and so on and so forth, why is it necessary to say you cannot work seven days a week, even if he's given every advantage and all the bonuses and all this other stuff, I don't see the point of why you stop that person from doing something that he is quite prepared to do.

Legal Adviser: Mr. Chairman, I am sorry, if you will remember it says, I think in Sections 9 and 10, and these are the pieces of elastic which make the suit fit. You can bypass 7 and 8 and take 9 and 10, "On the application of an employer or an employer's organization..." I emphasize the word "exception", 3, "a permit..." Do I read too fast, I am awfully sorry.... continues reading.... Then 10 "provides for a lifting of a..." Now there it is. This is the attempt. The suit is cut in the factory and it is supposed to fit everybody. Here are the bits of elastic and I will make it stretch to the particular circumstances. Now you may for instance feel that you should look at the fact that "(9)" "the application of an employer or an employer's organization which the commission will receive" then it says "having regards to conditions of employment" Now this, of course, does not necessarily mean the same thing as the problem facing an outfitter. Conditions of employment seem to point at the conditions under which the men are working, not the problems facing the employer.

Mr. Taylor: Mr. Chairman, I note one thing that I find very disturbing in this Section or in these Sections among other things, and probably the most outstanding would be the matter of permits. Now, I forsee immediately on mention of this permit scheme that we are going to create an administrative problem with respect of 100 permits having to be issued. I am reminded of this by Exemptions under the Workmen's Compensation Ordinance, where each month in our News Letters to Members of Council, there is a long, long string of companies that are being exempted from this and I think it would be desirable to attempt, where possible, or where practical to do so, a reoccurence of this, and I am wondering if there is any way we could devise in view of our peculiar situation in the Territory and possibly through other parts of Canada, for some remedy to this. Also it raises the question if it would appear that there is no way around this, then would these permits be issued to individual companies or in fact to industries as a whole, such as prospecting and big game outfitting and other areas, fishing guides and that type of thing where they may be employed on a monthly basis?

Legal Adviser: I must agree the point seems to be well taken Mr. Chairman, with all these permits it would probably look like a raid during wartime, we would probably have to have a plane flying over dropping permits at distant camps every two weeks. Something broader would have to be provided and I think the point is well made and I have made a note here to provide for general order for exemption which will be published at the start of the season after discussion between employers and employees. Something must be worked out. We are headed therefore straight towards labour relations legislation. There must be parties who can speak with some degree of authority for employees and I will attempt to put in provision for a general order for exemption.

Mr. Taylor: Mr. Chairman, there is one other point too that was brought to the attention of the Committee and that is the matter of exceptional circumstances - the definition of exceptional and what it would include, would this be specified again in regulations or again would we find another meaning of describing these particular circumstances other than calling them exceptional. How would you suggest that this be overcome?

Legal Adviser: I would suggest that the problem of the word exceptional be overcome by dropping it entirely and then it would simply read that there are circumstances. What is an exception in Southern Canada may not be an exception up here. Our summers come around, it is a short season. It is not an exception therefore to ask a man to work for twenty hours on a particular job, so I think we are a lot safer if we take that word exceptional out. I would so recommend.

Mr. Shaw: Mr. Chairman, I was wondering what useful purpose this particular section would serve in the Territory. It appears that we are setting - that we have set up an ordinance, then we would provide an elastic suit around it, I would feel that all we are getting into, as Councillor Taylor just mentioned, is a whole bunch of Commissioner's Orders and so on and so forth, that would not serve any useful purpose and I speak from having had quite a little experience and the knowledge of what occurs in the summertime in the mining industry and that is that these people, and it does not only apply to mining, it applies tradesmen from Vancouver, or Edmonton or elsewhere in the Territory that come up on a project, which is an indistrial project and they say well, I can get $3.25 in Vancouver, but in Vancouver, of course, they are only allowed, except under exceptional circumstances, to work 48 hours a week. So, they say, I will come up to the Yukon Territory and work up there, I can work ten hourse a day, so therefore we have the incentive to get these people. Well, I quite realize that we could make exceptions to all of these cases but I think it will end up by making exception of the whole facet of labour. Therefore unless it can be shown to me and I so far cannot see it, and it may be that I need someone to explain it to me, therefore I cannot see the point in restricting what a man wants to do, is prepared to do and the employer is prepared to accept. If a person wants to come up and work on this project everything is in order, everything is getting the best treatment in the world, unless the

Mr. Shaw Continues:
Commissioner decides that it is an acceptable industry or somebody else decides, it can't be. I really cannot see the point in having this particular section, where you cannot work over 48 hours a week. I think that that is not necessary in the Territory at this time. I cannot see the reason, if someone pointed it out to me maybe I could see it.

Legal Adviser: Well the legislation is designed to be as broad as possible. It almost nulifies certain types of labour, it is a hindrance almost to people who are skilled but for the person who only has a pair of feet and a pair of hands to sell, for a short time, and has no organization, no membership in any craft or guild, or union. These people, as it has been commented on in this Council in the past, are not getting the protection they should. I think the Member from Watson Lake has spoke very strongly on this. This will provide a basic protection, but if you are going into a basic protection you have to write in the bits of elastic.

Mr. Taylor: Mr. Chairman, There is just one other item too which I think should be noted before leaving this Section and that is Sub-section 2 of Section 10, of the Canada Labour Code and it states here again that, whoever drafted the philosophy of this Act must be a real exponent in the Department of Law, because it requires where an employee has worked in excess of the normal required hours under the Act, permitted hours, it requires that he file a return, which is again more paper work to a citizenry which has already been handicapped by too much paper work required by Government Department and it seems that the trend again is, or should be, rather than having this, to a minimum of regulations and a good measure of legislative control. I don't know, this I think should be given great consideration in considering our new ordinance, a minimum of paper work should result out of this rather than a maximum, I would think.

Legal Adviser: Well sometimes, Mr. Chairman, the only way in which the Commissioner could release these would be is where an employer had not done something - had not not filed a return. You will notice that there are 15 days after the end of the month, and in the other one it is within 15 of the expiration of the period. So that if it were a three month season, dealing only with an accident, an emergency, then the employer really only has to file, if he had a 3 months season, after the third month you do not have to file twice. It is the only way in which the Commissioner could keep up with the information. Now the employer could quite easily be coming into town and if he didn't file the Commissioner would have some trouble in finding out, until the camp broke up at the end of the season. So, I agree, that it is more paper but I cannot think of any way of imposing the duty on the employer. If he has been cheating out of the field. Let's assume under 9, he did not apply for a permit, and later on he thinks he will play it smart, and he will say alright then - let's say a cat broke down or something and we will have to have the men working to make up for it, well he is only allowed to work the men to repair the cat, not to make up for the time lost by the cat, and here is a slight

Legal Adviser Continues:
difficulty. We know quite well what one piece of broken machinery can do. You see it is talking here, in 10, of not just making up the time lost but may be cited in cases of accident to machinery, not because of accidents to machinery but it says urgent and essential work to be done to machinery or repaired.

Mr. Taylor: Well, Mr. Chairman, I would think, not having had time to really to view this and all its ramifications, that I would tentatively at first look concur with Councillor Shaw's suggestion that possibly this could be kept out and provision in our new ordinance be made in other sections. It seems to me that it is going to be a very unworkable section and it is going to mean that we are again going to be increasing our administrative staff to administrate the ordinance to a degree not necessarily required.

Legal Adviser: Well I note the comments that have been made but you may feel that even with its implications that it is still worth passing to get it working rather than keep it in paper form for another two or three years. I do not want to advise you to pass bad law, on the other hand, this is an important piece of legislation. Could I suggest instead of, in 10, it may be exceeded because of, rather than in cases of, because you can then work extra hours to make up for the time lost in machinery breakdown, in cases of you cannot.

Mr. Taylor: Mr. Chairman, it still does not provide for the - it still provides, even by dropping that, for this extra additional burden of paper work and so forth. This is still something that should be gotten around.

Legal Adviser: I am afraid that I cannot get around the paper work.

Mr. Southam: Mr. Chairman, I do not see any need of dropping this Section. It is working very good as it is. In the mining industry again, we have worked our staff for 10 hours a day, 7 days a week all summer. This means that we have had to have a permit from the Department of Labour. Not only have we worked these hours, there are others up there that have worked pretty much the same. So it must work alright. They have to have a permit and you also have to get the agreement of the Union and others concerned. As far as I can see, I cannot see that it is going to work any great harship and these people that want to work, it gives them an opportunity to work. Also I believe it protects the labour, the employee in this particular case. I would say if he does not want to work he does not have to and it does not jeopardize his job. Now in some cases I think you will find out if you go to a man and say, I want you to work overtime now or later quite often the boss will say well, if you do not work overtime this time, that is the finish of it for you boy and so on. I think this has a bearing on this.

Mr. Southam continues:
But I do know that in the summer months we try to get as much of our construction work done and there are, I would say 'ungodly hours' which is probably not the word for it and also in the case of emergency, where we have a freeze up, where we have had plumbers and so on working 18 hours a day, so I still think that this Section here, I cannot see why you should take it out.

Mr. Shaw: It appears to me that you have an Act that says you cannot do such and such but when you want to do it you can certainly get around it. We have big companies who have office staff. They have very thorough knowledge of all the laws that apply to the labour standards and any other ordinances there may be in the Territory but when you legislate something like this you have many, many small people operating, operating small little businesses of one sort or another, who perhaps have one or two employees, perhaps for a month or two months. These people, what is going to happen, I can see the results of this, these people will be continually in and out of jail for breaking the law and not complying with all the regulations. It might work fine with large employers, or firms that have a large number of employees but on the little fellow, that is trying to conduct a small business, he is just swamped with regulations now of one sort or another, possibly some are very good and necessary, I wouldn't like to go into those that are not necessary and just over burden these small business that are trying to operate. I think myself that it would do much more harm than it would good. There are instances where it is probably justifiable and good to have it but I think taking a look at the overall picture, I don't think that this would be beneficial to the people in the Yukon collectively.

Legal Adviser: Mr. Chairman, could I deal with Councillor Taylor's point? If you will read 10 (2) "Where the maximum hours of work in an industrial establishment...." So that he does not have to file this report unless the Commissioner orders. For instance, suppose a man comes in from the field and has a grief, because he has been made to work longer than he feels it has been necessary and has not been paid for it, he files a complaint with the Labour Officer, then the Labour Officer in the Commiosioner's name orders the employer to file a report of the instance, rather than have this matter building up with statistical information that nobody is going to use anyway probably - I think it would reduce the amount of paper work.

Mr. Taylor: Mr. Chairman, let us face values, this would seem to relieve the stiuation. It would then give rise to one other question, of course, would the Inspector, or the Labour Provisions Officer, would he be able to order this without the expressed consent of the Commissioner? For instance in the day to day administration of his particular department.

Legal Adviser: Well, we could do as we have done in the Motor Vehicles Ordinance, give the Registrar direct powers in a lot of respects, so I will make a note of that as a general comment, powers where possible should be given to an appointee or a designated person. Could we go back to 7 and 8, which I bypassed for the moment in order to get at 9 and 10, "except as may be otherwise prescribed by the prescribed by the regulations....." Well, perhaps you want to make 7 also subject to the exemptions in 9 and 10.

Mr. Taylor: Here again we come to the situation whereby an employee may find it desirable to work a seven day week and I am wondering again if this Section should be employed, rather than leave it open so that an employee may, I know that in construction for instance, road construction and things like this, the employee generally speaking does not wish to sit around the bunk house waiting to go back on the shift again, when he could be working. I am wondering if there is any requirement for this provision or whether in fact anybody would ever violate such a provision.

Legal Adviser: Well, I do not know. It would be most useful if the Chairman, the Committee could give a firm collective observation on this point because it will either have to be in as it is or made subject to the exemptions in 9 and 10 or be excluded. I would like a very firm instruction.

Mr. Taylor: I am wondering if there isn't something - I cannot really see why this is in there unless there may be some odd case where it may arise, where this could be pointed to, by a Magistrate or someone who is hearing a case of this nature but I think myself at first glance that it would appear to be undesirable to have this in the Territorial Legislation. The other Members may have other views, of course, but I think it is worthy of looking at a little further.

Legal Adviser: I suspect, Mr. Chairman, that it stems from legislative piety and for no other reason.

Mr. Daniels: Mr. Chairman, I would like to, if I may, just point out that the only trades that this would apply to are the manual ones like recognized work. I think the only instances where this would apply would be for construction and mining etc... A 7 day week is a standard work week.

Mr. MacKinnon: What about, say gas station attendants along the Highway?

Legal Adviser: Mr. Chairman, that is why I have already recommended that we take out the word "exceptional" circumstances. Obviously, the summer service business does not permit this rigid provision and it is not an exception for a person to get up at six o'clock in the morning and serve gas and still have to go out at eleven o'clock at night to serve gas. So I think that that class of employee , and general circumstances would justify the working of additional hours. I cannot at this stage see any significant purpose , except as I say, a pious

Legal Adviser Continues:
expression, with good intentions etc.. There may be a deeper significance. If I thought there was I would recommend that we keep it in, subject to the required exception in 9 and 10 but I really do not think that it is fatal to the concept of the legislation.

Mr. Taylor: I would think, of course, of the employee too, not all employees , of course would read the Act, but an employee who was reading the Act, who was for some reason disatisfied with his employment for some reason and wanted to get even with his employer, could have, or cause to have charges laid against him, or his employer, under Section 7, because possibly he has worked Sunday or something of this nature. In other words, I can see more abuses resulting from this Section than actually good done.

Legal Adviser: I see another tide of paper on the Schedules, and I think Councillor has made a good point. I am marking it for deletion at this stage. I can see no reason why it should not be.

Chairman: Agreed on deletion?

AGREED

Legal Adviser: If after correspondence with those people in Ottawa, if I find there is some good reason, I will so advise the Council, but this maybe by correspondence between sessions.

Mr. Taylor: Mr. Chairman, I think at this time I would like to, with the concurrence of the Committee, move that Mr. Speaker now resume the Chair and hear the Report of the Chairman of Committee.

Mr. Daniel: I wonder Mr. Chairman, if I may be excused.

Mr. Chairman: Yes, thank you,appreciate your attendance.

Moved by Mr. Boyd that the Speaker resume the Chair to hear the Report of the Committee.

MOTION CARRIED

Mr. Speaker: This Council is now called to order to hear the Report of the Chairman of the Committee.

Mr. Boyd: Mr. Speaker, Committee convened at 10:30 and discussed the Labour Code for the duration of the sitting. That is all that took place.

Mr. Speaker: Are you agreed with the Report of the Chairman of the Committee?

AGREED

Mr. Speaker: What is your pleasure now Gentlemen, we usually finish up with the Agenda, do you feel that it is necessary now to make up the Agenda for Monday morning or will we then proceed from that point

Mr. Taylor: Mr. Speaker, I would suggest that we continue with the normal business of the House on Monday morning.

Mr. Watt: I would like to ask something to the Speaker, if he could set a time for certain for some time early in the week, when the Commissioner could be with us, with the Committee, to discuss various matters including Daylight Saving Time. We normally have a question period, but this is simply a request for him to be with us.

Mr. Speaker: Would it be agreeable with Council if on Monday morning if the Commissioner is available, that we discuss the two deferred Motions, after the Orders of the day?

AGREED

Mr. Watt: Could I suggest Monday Afternoon, we have Orders of the Day and a couple of simple little Motions and it may take a little bit longer.

Mr. Taylor: Mr. Speaker, I think if the Commissioner could be available around 10:30, or following the Orders of the Day then we could proceed in the morning with any matters that Councillors so wish to discuss, these Motions in particular and if it should then run over why we could possibly have the presence of Mr. Commissioner in the afternoon to continue.

Mr. Speaker: I have just been advised Gentlemen, that the Commissioner will be taking off on one of these monthly or weekly safari, and this is to Halifax, I believe, on the 26th or 28th of the month and it is perhaps advisable, for your consideration that we get as much time for discussion as possible. The Commissioner has a very short time. Would it therefore be acceptable to see if possible we could have the Commissioner here in the morning. Is that agreeable.

AGREED

Mr. Speaker: Mr. Clerk would you so ascertain, and if not the first available opportunity. What is your pleasure now Gentlemen.

Mr. Boyd: Mr. Speaker, just out of curiosity, could we be enlightened as to how many days the Commissioner will be on the Safari?

Mr, Speaker: Mr. Legal Adviser you have the advice that he was going do you know when he will be returning.

Legal Adviser: I only know so far that he is going but now for how long. He going to a Conference connected with the Centennial thing, so that I imagine that he will be away four or five days as a minimum.

Mr. Speaker: This Council now stands adjourned until Monday morning at ten o'clock.

Monday, November 15, 1965.
10:00 o'clock a.m.

With Mr. Speaker in the Chair and all Members present Council convened at 10:00 o'clock a.m...

Mr. Speaker: Well Gentlemen, before we have the Clerk read the correspondence, I have a letter and an answer to one which I would like to read to you, which I sent on behalf of this Council during the course of the summer and insofar as it was on behalf of the Council I think you should know what it was in case you have any comments. This letter is dated August 25th and it is a letter which I sent to Mrs. George Black, and it reads as follows:

"Dear Mrs. Black: On behalf of the Members of the Council of the Yukon Territory, may I express our deepest sympathy at the passing of your husband. George, as he was so well known in the Yukon, as well as to me personally, contributed much in Canada's public life and truly represented the Yukon faithfully and with distinction over a long period.
I would also convey to you the feeling of sadness felt by the many "Sourdoughs" of Dawson City who were his friends and neighbours for so many years.
May time not lessen the memory, but rather cherish the happy times past, which at present are so filled with grief. Sincerely, Geo. O. Shaw, Speaker."

Mr. Speaker: This letter was signed by myself as Speaker. In due course I received a letter in reply from Mrs. Black which reads as follows:

"Dear Mr. Shaw and Council Members: Your nice letter of sympathy is very comforting. It is very lonesome here without George, he was good company and never gave in to the trials of old age. For the last year he was quite feeble but insisted on doing for himself, always on time for meals which he enjoyed, and happy to have his friends call to see him, and enjoyed Yukon news and stories.
He did not suffer, just a dizzy spell on Thursday afternoon. I took him to Military Hospital, where he just rested and slept away noon Monday.
He had a very happy life for the all too short a time I shared it with him, and got great pleasure out of the grandchildren visiting. Three little girls all made a lot of fuss over Grandpa Black. He was very kind to them.
I will and my family will always be grateful that we were able to have him in the evening of his long eventful life.
He is laid to rest close to my brother, Mickie O'Rourke, F.C.M.C., etc., in the field of honor, in a section reserved for distinguished Soldiers.
Many Yukoners have called to see me. Today Eddie Kemball called for a visit.
Please thank Council Members for their kindness to him while he was among you all.
Wishing you all good luck for now and always.
Sincerely, "Sadie Black"

Mr. Watt: Mr. Speaker, I would like to thank you for sending this letter on our behalf. It was very considerate of you and I appreciate your signing yourself as Speaker on behalf of Council Members. Are there any other letters which you have written and signed on our behalf as Speaker for the Members of Council, if so, I think you could read them all out, not necessarily today

Mr. Watt continues:
but whenever you have time in the coming week or two.

Mr. Speaker: Thank you for your kind remarks Councillor Watt. I have written no further letters as Speaker, and that is why I felt that when I do write on behalf of Council I would like them to be made aware of it and that is the only letter which I have written on behalf of Council... Mr. Clerk is there any correspondence?

Mr. Clerk: No returns this morning Mr. Speaker, except I mentioned to the Commissioner that you might wish to have him down once or twice this week, even before Friday morning and he said that he would be available this morning or any day with a little notice he would be available.

Mr. Speaker: Thank you Mr. Clerk. Have you had any Reports of Committees? Have you any Notices of Motion and Resolutions?

NOTICE OF MOTION NO. 10

Mr. MacKinnon: I have a Notice of Motion on Road Maintenance regarding Discovery Mines Road.

NOTICE OF MOTION NO. 11

Mr. Watt: Mr. Speaker I would like to give Notice of Motion respecting Job Security and Wage Guarantee for D.P.W. Employees that expect to be transferred to Territorial Employment.

Notice

Mr. Speaker: Any further Notice of Motion:

NOTICE OF MOTION No. 12

Mr. MacKinnon: I would like to give Notice of Motion regarding Trapping.

Mr. Speaker: Are there any further Notice of Motion?

Mr. Boyd: Mr. Speaker I would like to second Mr. MacKinnon's Notice of Motion regarding Trapping.

Mr. Speaker: A Seconder is not necessary when a Notice of Motion is given. Are there any further Notices of Motion, if not we will go on to the next item. Have you any Notices of Motion for the Production of Papers?

N. of M. PRODUCTION OF PAPERS

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion for the Production of Papers with respect to Agricultural Reports..

Mr. Speaker: Have we any further Notices of Motion?

Mr. MacKinnon: Mr. Speaker, I beg leave to give Notice of Motion re Big Game Hunting.

Mr. Speaker: Is this for the Production of Papers or is this a straight Motion?

Mr. MacKinnon: Notice of Motion.

NOTICES OF MOTION NOS. 3 and 6

Mr. Speaker: Mr. MacKinnon, we have passed that item. Are there any further Notices of Motion for the Production of Papers? We will proceed to Motions at this time and we have a number on the Agenda. We have first Mr. Watt's on Daylight Saving Time, #3 Financial Advisory Committee. Mr. Watt, Motion #6, New Deputy Speaker.

DISCUSSION MOTION #6

Mr. Watt: Motion #6, moved by myself, seconded by Mr. MacKinnon, "Whereas the Deputy Speaker was appointed for one year, it is moved that Mr. Fred Southam of Mayo be Deputy Speaker and Chairman of the Committees for the coming year." May I proceed Mr. Speaker?

Mr. Speaker: Proceed Mr. Watt.

DISCUSSION MOTION #6

Mr. Watt: As Members of Council know, in our Rules of Council the Deputy Speaker is, as our rules call for a Deputy Speaker should be appointed for the life of the Council. I had made a resqest during the 1st Session to have our Rules discussed, possibly amended wherever it was needed and this was one thing that I was going to request and have discussed in Committee, that we amend this Rule of our Council, but I was out for ten minutes one day in Mr. Ab Oliver's office and Council saw fit to discuss my Motion while I was gone and therefore it was decided by Council that we do not need to discuss the Rules of Council. I bow to the Committee's decision on that. I will therefore not produce that Motion again and I do not intend to. Now, in the past, at the last Council, we had three Chairmen of Committees. I believe the first one was Mr. Shaw, who resigned and the next one was Mr. McKamey and he sat for a Session and then he resigned and the next one was Mr. Taylor. So, we have three Chairmen of Committees in the last Session and we had a meeting - the Members of this Council had a meeting up in the Commissioner's office, before our Council met, at which Mr. Speaker was appointed and it was agreed upon and the Deputy Speaker was agreed upon and at that time I brought up the question of the wisdom of having a Deputy Speaker appointed for three years. The reason I gave was that all the new Members of Council would be excluded from these two positions. I can see where the Speaker should definitely be appointed for three years - for the life of the Council - because it is a responsible position and an older Member knows the Rules better to carry out this position, but the Deputy Speaker is a position which I think any new Member could possibly take over and do properly after a year's experience in Council. Therefore rather than have all the new Members excluded for three years - for the life of the Council, by having this person appointed for one year, then new Members would have a chance at the Deputy Speaker position. Another part of the Motion was that Mr. Southam be appointed. I talked to Mr. Boyd before I made the Motion and before I mentioned any names. He made one stipulation and I agreed with him and he said that it should not be any of the Whitehorse Councillors, because there are only three of us here representing a fairly large number of people and there are four from the outlying areas and I am certain that everyone of us would bend over backwards for Mr. Southam or anybody else, if someone would like to amend the Motion and have someone else appointed, this is fine. I think it would only be fair if this Motion were to pass. There is no vindictiveness on my part. I do not hold a grudge on anyone, if the Council wishes to refuse this Motion this is fine. I think it is right and fair and I think the Council would be better off as a whole to have this change made and as I have stipulated in this Motion, that this Appointment be made for one year. Then a year from now someone else could make a Motion that another Member be appointed for another year.

Mr. Speaker: Now Gentlemen, this Motion - first perhaps I should state that as your Speaker my duty is to uphold the Rules of Council and to go as close as is possible. At the same time a great deal of latitude must be given so that all Members are able to discuss the matters that they have in mind and there are of course many times that we are not as rigid as they are in the House of Commons. At the same time, there are times when Members are strictly out of order and of course then it is my

DISCUSSION MOTION #6

Mr. Speaker Continues.

unpleasant duty to have to mention the fact and to state the reason why. Now this particular Motion if definitely out of order. I knew that when I saw it. However, I felt that it would not hurt to bring it up and give the reasons why. However desirous something may be I am not permitted to allow it if it is directly contrary to our Rules of Council. It states in the Standing Order #52, "the Member so elected as Deputy Speaker and Chairman of Committees, shall continue to act in that capacity until the end of the Council to which he is elected, and in cases of doubt that Council shall proceed forthwith to elect his successor....." Now, of course the Member is very much alive and therefore that is our Rule. The Deputy Speaker under our existing Rules is appointed for the duration of the Council Term. Now, Mr. Watt might have quite a reasonable reason and it might be acceptable to Council that the Deputy Speaker be appointed for one year but at the present moment it is an elected position and it is set by our Rules which we cannot change. So, therefore to have any change made it must be by the concurrence of the Council to change existing Rules. There is a further section, I recollect at the time, it was ageeed that we would change the Chairman of the Committees. That is in our Rules and it states, that is Standing Order #52, "at the commencement of every Session ....." and then it goes on to say, "Mr. Speaker may with the consent of Council may form a Committe of the Whole Council and before leaving the Chair appoint any Member, Chairman of Committees." That is the point that was agreed to at this meeting which we had prior to Council by necessity, to appoint the Officers to this Council.. This particular Motion with relation to the Deputy Speaker I would rule definitely out of order. It may be a good time at the present to discuss your wishes in relation of how you wish the Chairman of Committees to function, in Committee, and if you so wish, we could bring that up in a Committee Meeting.

Mr. Watt; Mr. Speaker, I do not intend to disregard your ruling, I knew this when I made the Motion. The Motion was a gentleman's agreement that we had agreed upon out of Council and we had a similar situation to this in the Session before that when the Financial Advisory Committee was agreed upon, outside of Council, that they were all to resign after one year's service. One Member chose not to resign because he felt that he was too important to resign and therefore the agreement that we had made was not binding, it was not made in Council and we could not hold him to his resignation, he had agreed upon it there, that he would be there for one year, we could do nothing about it, which was unfortunate and it was rather a disgrage to Council as a whole but that is something that is gone - water under the bridge and I have no intention of bringing this up again - it was an agreement which was given and they have chosen not to have a change made. I tried to make provisions for it - almost a year ago - that when this came up we could discuss it in Council without being contrary to Rules, but the Speaker of the Chairman's Committee ruled that I could not bring this Motion before the House again at that time, which was fine and therefore if the Council decides upon this I will guarantee - I think several of our Rules have been broken this Session which could have shortened our Sessions so far by at least a half day. Just read your Votes and Proceedings and read your Rules and you will see that this could have been shortened - I guarantee that I will not rise during this whole Session - out of point of

DISCUSSION MOTION #6

Mr. Watt continues.
privilege - point of order.. You can be as irrelevant as you want - and I will not rise - I will divorce myself absolutely from the Rules as far as I can.

Mr. Speaker: Thank you Mr. Watt.

Mr. Thompson: Mr. Speaker, would you clarify one point for me. Are we speaking of one and the same person in the Deputy Speaker and the Chairman of Committees, or is it conceivable that the Chairman of Committees does not have to be the Deputy Speaker?

Mr. Speaker: To answer that question, let us put it this way, we try to follow as much as possible the procedure of the House of Commons and in many cases we do and we find that when any situation arises which has arisen in the past, we have a very good guide to go on and Standing Order #52, in the Parliamentary Rules of Procedure, states, 39 - 1 " A Chairman of Committee who shall also be Deputy Speaker of the House, who shall be elected at the commencement of every Council" and of course Council is changed by Parliament, and the Member so elected ....." In other words, we have tried to keep within their Rules and so far it has worked very well but of course the Council, as it states here - in what I have read before - the Council can get together and this is a very excellent idea - in Committee possibly - to have a prior discussion and decide what we will do with the Chairman of Commictees or I should say possibly the Deputy Chairman of Committees but they should function at all times in Committees as Council so desires. The Deputy Speaker, of course, at the present time is a permanent position and also the Chairman of Committees, that is permanent - does that answer your question?

Mr. Taylor: Yes Mr. Speaker, just for the interest of of some Members in respect of this discussion, Section 8 or Item 8, sub-section 3, found on page 10 of Beauchaine, may be worthy of note, where they have provided a vehicle by which we can bury our Rule and Practices in the House, and it states as follows, "in the Interpretation of the Rules, or Standing Order, the House is generally guided not so much of the literal construction of the Orders themselves as by the consideration of what has been the practice of the House with respect to them" and this may clarify it.

Mr. Watt: Yes, Mr. Speaker that is exactly why I introduced this Motion, because of what we have done in the past. In the last Council we had three Chairmen of Committees and a Deputy Speaker and I thought it would be only fair to have the same thing again and this is why I did introudce the Motion in spite of the Rules. I have no intention of repealing the Rules. I would also like to cite for Council Standing Order #52. "Mr, Speaker may with the consent of Council, in forming a Committee of the Whole, before leaving the Chair, appoint any Member of the Committee."

DISCUSSION MOTION #7

Mr. Speaker: Quite right I quoted that 1st part.. We will proceed to the next item on the Agenda, Motion #7, Participation at Federal-Provincial Fiscal Conference, by Mr. Taylor.

DISCUSSION
Motion #7

Mr. Taylor: Motion #7 was moved by myself and seconded by Mr. Boyd respecting Participation at Federal-Provincial Fiscal Concerence - read Motion - May I proceed Mr. Speaker.

Mr. Speaker: Proceed Mr. Taylor.

Mr. Taylor: Well, Mr. Speaker, the Motion is I believe self-explanatory, we have always in this Council and the Council before and I note in Councils before that, had a very strong desire to see the Yukon progress through various stages of transition, headed in the general direction of full autonomy and in order to achieve this it has always been the desire of Council and of Councils in the past, and I am sure in the future, that we proceed gradually along this trend by accepting more autonomy from time to time, where warranted. Now I think in order to know exactly where we are going in relation to this it is extremely important and necessary that we have an insight into what manner and to what extent negotiations are established between the Provinces of Confedèration and the Federal Government. The Motion would provice if enacted or acted upon by the Federal Authority, would provide that a Member of our Council, the Legislative Council of the Yukon Territory, could attend as an observer, possibly with the Commissioner, I believe the Commissioner is now permitted to attend these Conferences, to attend on behalf of the Council, who of course, are representatives of the people and thereby gain an understanding or a bit of an understanding, respecting what arrangements are made in fact between the Provinces and the Federal Government. Thus preparing us properly for making representations or anything else in respect of this towards full autonomy in the Territory and I think that is all I can say on this at this time and it would be interesting to see how this is acted upon in Ottawa, and I really and sincerely hope that Ottawa will take a charitable look at this particular Motion, if approved by Members of Council.

Mr. Speaker: Is there any further discussion on Motion #7? Are your eady for the Questions - Question? All Agreed? Agreed.

MOTION CARRIED

DISCUSSION
MOTION #8

Mr. Speaker: We next have Motion No. 8, Child Adoption by Mr. Boyd.

Mr. Boyd: Motion #8 was made by myself and seconded by Mr. Shaw. May I proceed Mr. Speaker?

Mr. Speaker: Proceed Mr. Boyd.

Mr. Boyd: This Child Adoption situation is something that our Welfare Department has been urging the public to do via radio, or newspaper media and so on and inasmuch as it is a Government Department, you might say in dire straits, for places, to find homes etc., it would be an apparent family approach to the Government and say, I am prepared to adopt a child. We then in turn, say that is very nice of you - you will have him off our hands for the rest of his life - but before you can do this will you go over to Mr. Wylie and Mr. Regehr or any other lawyer, and have him draw up the papers and you pay him a certain fee - the minimum I think is $75., and it has been known to be more and this seems to have been kind of a kick in the pants. If the couple in

Mr. Boyd continues. DISCUSSION MOTION #8
question is prepared to do their duty, surely we have a form here in this Territorial building, we have our Legal Adviser, could we not sign the form there and be done with it. All the leg work as to whether the couple is capable of caring for a child is done in the first place by these people - it's merely a matter of sending them over to the lawyer to part with $75., or whatever the case may be. I think it is kind of ridiculous and I think this Motion deserves support.

Mr. Taylor: In speaking to this Motion I whole heartedly agree with Councillor Boyd in this regard, we have discussed this sometime during the summer and so forth and I certainly agree after looking into the situation that some incentive should be given to people in the Territory to adopt children who have no homes and I think that $50. or $60. which would result as a saving to these people would leave - I should say a $10. fee for documents being paid, would leave these people $65., I guess it would put, with which to put towards the child - toward outfitting - clothes for the purchase of things required for the child's welfare and would start things off on the right trail and I certainly agree wholeheartedly with the Motion. I think this is a real step in the right direction.

Mr. Speaker: Is there any further discussion on this Motion #8.

All Agreed.

MOTION CARRIED.

Mr. Speaker: We next have Motion #9 by Mr. Thompson, Tax Benefits for Yukon Residents. DISCUSSION MOTION #9

Mr. Thompson: Mr. Speaker, Motion #9, moved by myself and seconded by Mr. Watt- read Motion - May I proceed Mr. Speaker.

Mr. Speaker: Yes proceed Mr. Thompson.

Mr. Thompson: Well Gentlemen, this is a Motion to substantiate a recommendation which I presented to the Financial Advisory Committee, last meeting and I felt that with a little assistance from Council it may go a little further to help us along these lines. I think it is quite self-explanatory. I felt that something of this nature should be provided, not just for Territorial or Federal Employees but to all people of the North, because it is the individual who comes here who will eventually put us on a paying basis and I would ask your consideration in supporting this Motion.

Mr. Watt: In seconding this Motion I realize that Councillors have put in motions similar to this before and our chances of getting a direct action is pretty slim but I think the Motion is very worthy. First of all that slim chance of getting a little bit of action and secondly it will bring to the attention of Ottawa the standard of living that we do have in the Yukon after a previous of that Five Year Agreement that we have looked and the fact that taxes in the Territory are going to raise considerably. I don't foresee at the moment at least any corresponding increase in wages so that in order to allow people to continue to live here we are going to have to allow them to keep money in their possession in one way or another in order to allowe them to live and I hope Council during this session and the

Discussion Motion #9

Mr. Boyd continues.

next session provide for the administration, work with quite a few motions to bring to the attention of Ottawa the low standard of living in the Yukon. We are losing two of our people now, during this coming week, I know of two families during this coming week who are leaving one family after thirty-six years and the other after ten. They are both leaving the Country and there are too many of our good tax payers who are leaving the country right now and unless something is done in the very near future the population of the Yukon and the tax paying population and those that can get jobs outside are leaving us and leaving fast and it is becoming a matter of importance.

Mr. Taylor: I have just a couple of comments on this. I wholeheartedly agree with the Motion. As Councillor Thompson has pointed out we did as a Financial Advisory Committee oppose this in Committee and it is a very good motion. I think that behind the motion, behind the thoughts in its preparation the basic underlying thought is the development of the North in particular the development of our Yukon Territory with which we are very concerned, and in preparing the motion and considering it at that time, we felt that we required incentives in the north, however to give an incentive to one industry was not going to help another and we had to find some answer to giving an accross-the-board benefit to the people of the Territory. I say this is quite essential to the industrial and economic growth of the Territory and the social and cultural development and if we are going to get our population figures up in the Yukon in the next 5 or 10 years the only way we are going to do it today is to offer the people incentives to bring them in. Once we have them here well then we can proceed from that point. I lend my wholehearted support to this Motion.

Mr. MacKinnon: I would like to say that I am in full agreement with this Motion. It looks very good. I would go along with it.

Mr. Speaker: Mr. Taylor would you please take the Chair for a minute.

Mr. Taylor takes the Speaker's Chair.

Mr. Shaw: Mr. Speaker, I do not very often leave the Chair, but this is such an important issue. This is an excellent motion and is absolutely necessary if we expect progress in the North. This Motion of course we have had up many times or similar types of motion and we get the same answer, that the Government of Canada cannot make exception to people living in the North or any alleviation in taxation. They do recognize that the cost of lving is so high that they must to a degree assist their civil servants in order to get employees in that particular part. So, on the one hand they cannot make any change and on the other hand they are able to do it. Now that is not very consistent. The recent visit by the Minister of Northern Affairs to Russia, I think, has had or will have a very imporatant significance to the Yukon Territory, because it did open the eyes to some of major leaders as to how conditions exist in other countries. The people in Russia who work North of a certain parallel get paid tremendous bonuses so that they will stay in the North. That in itself, that knowledge to become available to the Government itself, I think is a good thing to see how it actually works in practice. Now, I dont' know whether that is so I was not there but that is what I read. Also

DISCUSSION
MOTION #9

Mr. Shaw continues
I hear further on this matter, and I go to the East of Canada, namely, Greenland which of course is only by the Country of Denmark, and in that particular area, a person who works two years in Denmark - I should say a person who works two years in Greenland is living there is exempt from taxation, in order to stay in that Country which is pretty well North. So that on the left of us and on the right of us we have two separate nations that recognize the fact that to provide the incentive to open up the Country they must do something like this and I would submit that our Government is very much behind the times to take the attitude they are taking and that in itself, the country itself cannot go ahead until private incentive makes it go ahead - the Government cannot, it does not matter how many people they put in - how much money they pour in, unless they get the private Canadian citizen to invest their time. labour and money in the North, it will never proceed to take full advantage of its great industrial wealth. In the Yukon and the Northwest Territories we have combined almost a total of one million square miles - that is a lot of country and I do not know how many years the country has been operating - say 300 years. In that period of time we find we have a population of 40,000 people. I am just using round figures on this Mr. Speaker, I haven't any right down to the exact amount but we have 40,000 people in this one million square miles of Canada out of that you can say that half of that would be Indian and Eskimo population - so they were here in the first place so we have 20,000 left. Now in Canada's North I think you could find if you went and delved right down into it, that we have 12 or 14 thousand people that are civil servants or are dependent in the form of servicing civil servants, so that reduces it still more, so in this one million square miles, you have apart from Government Agencies and those dependent on Government, possibly six our eight thousand people. Now in Canada history all we have been able to get into this vast one million square miles is approximately six or eight thousand people, so it appears to me that whatever program has been done in the past that it is not working out very well - particularly when you look at the country on our left, west of us that has million of people right in the extreme northern end of it, with a City such as Nordvik with a hundred thousand people that is on approximately the same latitude as Inuvik, so that I would support this Motion and hope that our Government will finally recognize that they must have a reassessment of the past policies of the North and see what they can do to encourage people to stay and live in it.

Mr. Taylor: Thank you Councillor Shaw. Will you resume the Chair.

Mr. Shaw takes Mr. Speaker's Chair.

Mr, Boyd: As everyone is getting into the act I would like to say a few short words. I have been keeping a list of people who are leaving the Yukon or who have left since the 1st of January, and I haven't gone out of my way to find out who is leaving, just those who come to my ears and just those shall we say in this vicinity here and I have before me here about sixty names - 55 names covering families who have been here on a good average of six years living, and in many instances it is 12 years, 14 years, 8 years and they cover every walk of life, steno's, carpenters, mechanics, electricians, pilots and just about everything you can name in the line

DISCUSSION MOTION #9

Mr. Boyd continues.
of keeping this country going. These are people who were not transferred, they are young in a sense, able bodied men who have made their living here all these years and they have simply said, "I quit", "I leave". It is the wrong attitude to have to form when you just voluntarily up and say I have had enough. This is as true as I am standing here that this Government has done absolutely nothing to make it worth anbody's while to live here - I think of these baby cheques that come along. This was intended to serve a purpose years ago. It bought a pair of shoes and a week's supply of food when it was put into effect. Today it does not buy a pair of shoes let alone any food and it has never been changed and when we get down to the point of this Motion what are we talking about? We are talking about very little because there are only sixteen thousand people in the Yukon of which about six thousand are taxpayers so Ottawa would not be bending themselves very much to grant this and to say that they can do it - they can do it if they want to. Another point is, to show their lackadaisical manner. We get cheques in here. I cannot get over this meanness. We get cheques in here from somebody Outside and it says, "Payable at Par anywhere except here" - what's wrong with here. We have had an aeroplane in and out of this country every day now for goodness knows how long. Why should we be charged $2.50 to cash a cheque when the same cheque can be cashed anywhere else at par. There is too much lacka-daisical manner - no attention being paid to the Yukon whatever in the interest of the people themselves and it is high time we had somebody that cared or had the power to help make somebody else care.

Mr. Speaker: Thank you Councillor Shaw. Is there any further question on this Motion? All Agreed?

AGREED

MOTION CARRIED

Mr. Speaker: We have no answers yet, have we Mr. Clerk, to the questions.

Mr. Clerk: Not yet.

Mr. Speaker: Are there any further questions?

Mr. Boyd: Yes Mr. Speaker I have a question I would like to ask and I think it is a very important question and deserves attention, but I would also appreciate if we could invite the Legal Adviser here with his Registrar of Companies Book or whatever brought with him. I think we are headed for maybe bad publicity and I would like to have him here. Would Council agree.

AGREED

Mr. Speaker: You would like him right now? Mr. Clerk would you ascertain if the Legal Adviser can come down.

Mr. Taylor: Mr. Speaker I would suggest that possibly a five minute adjourment would be in order before we resolve this matter.

FIVE MINUTE RECESS

Mr. Speaker requested Mr. Boyd to place his question before Council for consideration.

Mr. Boyd: As we all know, there is a terrific amount of staking presently going on in the Yukon. In this respect we can ill-afford any bad publicity therefore I was wondering if Administration or Ottawa could keep a sharp eye on who is selling what and if the names of the various Mining Companies could be publicised? A case in point, is the Arlington Company. No information whatever is available on this company.

Legal Adviser: In my capacity as Registrar of Joint Stock Companies, I have no record of any Arlington Company registered to carry on business in the Yukon Territory. I would suggest that Council go into Committee for the purpose of discussing Extra Territorial Companies and the Filing of Prospectus including the added need for Legislation.

Mr. Taylor: Move that this matter be discussed first thing this morning in Committee. Seconded Mr. Boyd.

Motion Carried

Mr. Speaker: We shall now proceed to Public Bills and Orders - No's 1 - 4 - which require 1st and 2nd Reading.

The following Bills were given 1st and 2nd Readings:

Refer Bills No's 1 - 4.

(a) Bill No. 1 - An Ordinance to Amend the Credit Union Ordinance.

(b) Bill No. 2 - An Ordinance for Granting to the Commissioner certain sums of money to defray the expenses of the Public Service of the Territory.

(c) Bill No. 3 - An Ordinance to Amend the Liquor Ordinance.

(d) Bill No. 4 - An Ordinance to Amend the Evidence Ordinance.

Mr. Taylor: I would move that Mr. Speaker do now leave the Chair and that the Committee resolve itself in the Committee of the whole for the purpose of discussing Bills, Memorandums, Sessional Papers and other matters. Seconded Mr. Shaw.

Mr. Chairman: Is it agreed that we do now discuss Mining Companies?

All: Agree.

Mr. Watt replaced Mr. Boyd in the Chair.

Mr. Boyd: It is known to me that there are people in town who handle shares by some means or other and some of these shares are worth little or nothing. In fact, it has been stated to me that within a week shares will be such and such a price. I do not want to see people taken in for this would result in the Yukon acquiring a "dirty" name.

Mr. Taylor: It is agreed that there is case for concern.

It should, nevertheless, be appreciated that mining and stock issues is a very highly speculative business. On the other hand, we have people who come to the Yukon and who attempt to circumvent the Law in selling phony stock.

Mr. Boyd: On a Point of Order, Mr. Chairman, I wish to bring the attention of the Committee to the positive thing presently going on here: we are not trying to substantiate or justify it. I want the public to be protected.

Mr. Chairman: Continue Mr. Taylor but confine your remarks to the relevant points.

Mr. Taylor: The points seem to number three, namely, Mining Companies, selling of stock in the Yukon Territory and Extra Territorial Stock Companies. The latter point is the one that I am restricting my remarks to. We have people in the Territory who are not registered to sell stock. I should bring your attention to the fact that the Companies listed in the Stock Exchange are covered by at least one Securities Commission in Canada by Securities Legislation of which we have none. I would, therefore, ask Legal Adviser to comment and advise the true position in relation to these Mining Companies.

Legal Adviser: Dealing with Councillor Taylor's remarks first. The question regarding the legal right to sell stock is not too straightforward. The Companies may have issued stock originally out of its Treasury under proper local controls, for it is illegal for a Company to issue them directly. Two years' ago, Councillor Shaw sought some protection for the public and he suggested that if Companies had been cleared for trading, they would be in good standing here. As it is, the Yukon is protected in two ways, namely, being too ugly to invite suitors and secondly by the Criminal Code. As it is the Securities Acts are a dilusion for investors. We have become an exceedingly attractive area for legitimate mining development. In this respect, the public must make its own assessment about what stock is worthwhile when the ground is staked under snow. The Mining Prospectus Companies are not to be blamed if investors buy shares, which have been staked under snow. If Companies hold shares in the Yukon, either directly or indirectly, must file material identical in content to the material they have filed on share issue in the original jurisdiction. Would suggest that the Committee discuss what might be done to compel the filing of temporary material by Mining Companies in the Yukon Territory.

Mr. Boyd. Concerned about "scandal" in the Yukon Territory, as no doubt Legal Adviser and Committee have gleaned.

Mr. Chairman: Legal Adviser has recommended that Committee be set up to consider recommendation and if after discussion Committee contend that Legislation should be prepared, will be actioned.

Mr. Shaw: Would ask that Legal Adviser do prepare Legislation in line with the propositions just made for discussion at this session, and to be passed at this session, so people will know what these Extra Territorial Companies are about. Therefore, I would move that Legal Adviser do

prepare a draft in line with the comments just made to be attached to the Companies ' Ordinance. Seconded Mr. Boyd.

Speaking from the Chair, Mr. Watt informed the Committee that he would not be taking part in the following discussion on the Motion as he was directly interested in an Extra Territorial Mining Company: being also the Secretary.

Mr. Taylor: Wish to direct my comments to Legal Adviser. In considering Securities Legislation, we have a situation whereby we have Mining Companies from all across Canada who are holding ground in the process of acquiring it. These Companies are registered from all parts of Canada and the problem which has risen today is that Companies already having properties in operation have looked to the Yukon and have acquired property. Therefore, I do not see how we can possibly force them to become an Extra Territorial Company because this will naturally reflect in their stock: their stock being treated in Vancouver. Thus, we, should give this proposed Legislation full consideration. I understand that an Extta Territorial Company has one year in which to file in the Yukon after outside incorporation.

Legal Adviser: I have been in receipt of more and more mining enquires but unfortunately have had less and less information to offer. The biggest problem which has emerged is that Mining Companies have no status to hold ground or property nor the defence apparatus to defend themselves in Courts. The Companies' Ordinance can be amended to protect the Investor but protection of the Yukon name must rest with Ottawa.

Mr. Taylor: The Yukon Court's Mining Act, provides that all prople can hold ground. But, we could be so restrictive in our Securities Legislation that we would, in fact, take away all areas of speculation in mining in the Yukon Territory.

Legal Adviser: If holding gound is to be restricted, then it should be restricted to those Companies who are prepared to go to the trouble of registering themselves as an Extra Territorial Company. Too, the Extra Territorial Company does not have one year in which to file if incorporated outside the Yukon if it is carrying on business.

Mr. Chairman: Could the necessary draft Legislation be done in the time available embracing the comments voiced previously?

Legal Adviser: The necessary Legislation could be drafted within the next ten days.

Mr. Shaw: Referring to the Motion, I deem it necessary to have some form of Legislation whereby the Investor knows just exactly what he is getting, also some form of protection for the good name of the Territory, is provided.

Mr. Boyd: Looking through the paper, I came across a Company by the name of Tagish Silver. There is no information whatever on this Company: the Company being registered in Victoria.

The Motion after discussion was duly carried and the Chairman called a recess for Lunch.

Mr. Boyd: Read letter to Council on the Proposed Extension of the Whitehorse Elementary School Groundsfrom the Commissioner. Sessional Paper # 23

Mr. Taylor: I believe this was discussed on Friday and Mr. Clerk was going to get some information on this. I suggest we pass this by until such time we get this information.

Mr. Thomson: This seems a considerable cost that we are quoting here for this and I think we should bring this into a prospective assessment. The amount of taxes being paid on this property at the moment seems rather a high price on the surface, but I would imagine this can be properly traced back to some basis and I would assume that the tax structure would be based on how they established this price. Could we have some comparable figures on this to discuss it a little more fully.

Mr. Watt: Mr. Clerk have you received some figures on this?

Mr. Clerk: The information Mr. Taylor requested I have. The B.Y.M. purchased this land on May 21st 1923, they received their transfer and certificate of title and transferred to B.Y.R. (the same Company) in July 1940. They asked me to give appraisalof that landand we couldonly relate it to the land actually adjacent, which was occupied by the School and we came up with a figure which was somewhat less than this $25,000.00. We based it pretty close to the assessment.

Mr. Watt: I would like to know what was the estimate. What was the assessed value and what tax had to be levied on in the assessment.

Mr. Boyd: Do you wish to call a recess.

Mr. Taylor: Could we carry on and then refer back to this later.

Mr. Thompson: I would like to clarify one thing in my mind, you sayfirst that they relate this to anything other than the School ground that is beside it, but White Pass have got a whole City Block across the street from it. What are there taxes on this portion or this lot. Is there any relationship between that and the amount they areasking for.

Mr. Clerk: This is another question again, I can get you the figures of that.

Mr. Thompson: I would like that to stand as a question then Mr. Chairman.

Mr. Shaw: Mr. Chairman, there is no actual relationship between the assessed value and the market value,except in a very general sense. There can be a vast difference in the actual value. What I note though is in this Memorandum thatwe have from the Administration is that there is no recommondation from the Administration that this is fair price and I assume the Superintendent would recommend this because he knew the property, but I don't know whether the Territorial Treasurer has recommended this as a fair price. The White Pass have the land and its up to them to put their price on it and its up to the people that purchase to ascertain whether its the usual price.

Mr. Thompson: Mr. Chairman, I think then another reasonable question is what was the price that the Administration offered for this price of property. As the member from Dawson said that the Superintendent of Schools hasn't agreed with the price and this may mean a slight dissagreement between the Administration and the Company concerned.

Mr. Boyd. Gentlemen, would you care to have Mr. MacKenzie down here to answer your questions or perhaps agree on something else.

Mr. Watt: Mr. Chairman, I think Mr. Clerk is finding out a lot of this stuff for us right now and possibly can answer some of our answers.

Mr. Boyd: Mr. Clerk have you anything further to report.

Mr. Clerk: I have requested the figures to be brought up to me on the assessment of the land across the street but I see here that it has been stated that the assessment of the property directly across 4th Avenue is assessed for taxation purposes at $29,500.00. They asked me for my opinion on this and I told them that I could only relate it to the value of the School land immediately adjacent and the land immediately adjacent was assessed at exactly $100. to put the frontage on 4th Avenue. I recommended that we should start negotiations and offer them $12,000.00 and it didn't take them long to say "no" and say we must have $25,000.00. I did have it assessed by two real estate firms in Town and their opinion was that the land could draw anywhere between $14,000.00 and $20,000.00 and the White Pass have compaired it with their own land across the street and thats how they came up with their figure of $25,000.00 The only thing we had in mind of course was that when the land is going to be used for a School playground its certainly not as the same value if it is going to be used for a commercial purpose. I only hope that White Pass might take this into consideration.

Mr. Watt: Mr. Chairman, I think that when they mentioned the parcel across the Street being assessed for taxation purposes at $29,500.00 they are comparing a front along 4th Avenue of 120ft compared to two City Blocks which is probably ten times as much more property.

Mr. Taylor: Mr. Chairman, is there any indication as to the assessed value of this land across the street at $29,500 as to what acreage is involved.

Mr. Clerk: Yes there was, .6887 acres.

Mr. Taylor: Does this cover the assessed $29,500.00 and include improvements.

Mr. Clerk: I can only that we hold this until we get our own figures on this from the City Clerks Office.

Mr. Boyd: I might mention from the chair that it seems to me that White Pass have one area where all their buildings are and they also use another block across the street to the North. I hope there is no confusion in the acreage. Is the $29,000.00 assessed figure including both parts or just the square where the buildings are.

Mr. Clerk: I am not sure on this.

Mr. Shaw: Mr. Chairman, I think the situation comes down to the same old bargaining situation, how bad does the Government want this and if they want it bad enough they will have to pay the price. Myself it seems to be quite expensive, particularly in view of the use of it. I think it would be a good idea if the Administration went back to see if they could do any better on this.

Mr. Watt: Mr. Chairman, I would like to suggest that we leave these questions and proceed with something else until more definite information is given to Mr. Clerk.

Mr. MacKinnon: Mr. Chairman, I would like to ask Mr. Clerk if for some reason we don't buy it for $25,000.00 will this parcel of land be assessed at $25,000.00 after this.

Mr. Boyd: I would like to draw your attention Gentlemen to the fact that the Eduation Report of 1960 states that a site of anything less than ten acres for the 1039 pupils enrolled, whereas there is only 709 to-day a third less, so the School must have been overcrowded or its not full to-day. We will look into this a little later to.

Mr. Clerk: Mr. Chairman, before we leave the subject, the figure that I quoted across the street at $29,500.00 is that the land you mentioned to the North of the land which holds the garage. This is half of a whole block with no buildings at all jjst used for truck storage. It has been surveyed into lots and is serviced with sewers and water. That is what brings it up to $29,500.00 The other parcel of land across the Street, which contains the garage what has been divided lots but they are using it as one block and has been assessed at $59,000.00. But the land that they are trying to purchase has never been sub-divided and not serviced with sewers and water.

Mr. Boyd: Are you prepared to defer this and come back to it later.

Council Agreed.

See Paper # 25

Mr. Boyd: Read to Council a letter from the Commissioner on Waterworks and Sewerage Disposal System, Y.T.

Sessional Paper # 25

Mr. Taylor: Mr. Chairman, it is interesting to note that in the document itself it states that stipulation is such that a public nuisance and health hazard is to be prevented in the next year or so. We are looking two years away before they can start building. Is is their intention to let this nuisance and health hazard continue between now and then before this agreement is signed, or will they perhaps put this system in next year.

Mr. Boyd: Mr. Taylor I would point out to you the last paragraph which states if it is considered necessary perhaps we would arrange to install the Crestview sewerage disposal system in 1966-67.

Mr. Boyd: If we are going to discuss it again later on in the Budget, possibly you are prepared to pass on and delay it for the time being.

Mr. Thompson: Mr. Chairman, there is just one point I would like to comment on and that is the ommission of Porter Creek for a sewer system. I think if there

is going to be any discussion of this it should be for one and all. I think it is quite interesting them making a noise about the health hazard in Crestview, this is the first that I have heard about it and that they had taken a survey out there. I think with this in view, there should be some foreeful stand taken on the part of the residents of Border Creek. I would like to point out that it was the Administration that set this Territorial sub-division up and its the Territorial responsibility I feel to see that at least the minimum standards are supplied. I feel that water and sewer are the least of the requirements they should have.

Mr. Taylor: Mr. Chairman, I wonder if possibly you wish to discuss this at this time, I know that the Financial Advisory Committee when this was discussed and noted that the Administration's intention was to include or recommend inclusion of the sewer into the agreement and possibly they have done this. I think we should check and find out whether this has been done.

Mr. Thomson: Mr. Chairman, I could probably concur with this, but this is dated November 8th which was wellafterthe Financial Advisory Meeting and some of these other items were for the 1967/72 5 year agreement, but they seem to have been stepped up by a matter of a year or two in some instances. Perhaps we could ask the Commissioner this afternoon to ascertain whether they are contemplating any action on this.

Mr. Shaw: Mr. Chairman, I would like to know what is the reason why just one was left out of this, is there any reason why.

Mr. Boyd: I suggest that we carry on and take it up with the Commissioner when he arrives this afternoon.

Council agreed.

Mr. Boyd: There is no need to read the Report of July 2nd, 1965 — Sessional Paper # 26

Council agreed.

The Brief was to be put before Council. — Sessional Paper # 27 to be dealt with at a later date.

Mr. Boyd: Read Memorandum to Council on Forms of Bill for supplementary estimates. — Memorandum

Mr. Taylor: I wonder if we could have some guidance in this in respect to somebody and why this question was considered.

Mr. Shaw: I think possibly this is something for the Legal Advisor.

Mr. Boyd: There may be a comment from Mr. Clerk.

Mr. Clerk: This idea was brought forward for the simple reason that for several years after I became interested in this Council, the bill was always presented to Council as an expenditure bill only. The Revenue items

which are after all only estimates with no guarantee that we are going to receive all that. Its purely guesswork by the people who make up the estimates and they never used to besubmitted to Council. The second was that the supplementary supply Bill which is the one you are going to consider now, was always shown as an ordinance to grant to the Commissioner additional sums of money which set it apart from the main Bill and I suggested to the Legal Advisor that possibly we get back to that and save considerable time.

Mr. Taylor: Mr. Chairman, I wouldtthink that this might well be left in, because it is the only indication we have as to what we may expect on the Re enue side of the fence. It is the only place where we can reach for it besides coming to the Federal Building to ask for it especially those living in the outline districts. This can then be referred to from time to time and it is information which I think all members should have.

Mr. Shaw: I believe that the Revenue part is the same as that in the main estimates and all we are getting is a duplication

Mr. Taylor: I think it as well for allmembers to note that supplementary estimates are treated as a matter of course instead od being restricted to occasional of unforseen contingencies. I wholeheartedly agree with this.

Mr. Shaw: I would also maintain that there is no way they can get around this.

Mr. Taylor: I would very much dissagree. This is what happens when you work on the principal we have to whereby you go back to the past year and base all your thinking for the future on what happened the last year. If we made provision for increase in our budgeting then we would have no need for supplementary estimates.

Mr. Watt: I agree with the member from Watson Lake that Schedule B should be included. For example we have in our Supply Bill this Session and I would hesitate to pass but I see that it is 95% recoverable. I think this should continue to be included.

Mr. Boyd: Could we settle the word additional, can we get by that one.

Mr. Shaw: I move that the word be included.

Mr. Thompson: I wonder if I could ask the Clerk to clarify what Sessional Paper number is for the proposed extension of the Whitehorse Shcool.

Mr. Clerk: The Paper was # 23.

Mr. Boyd: May we have a motion, the question please.

Mr. Taylor: Mr. Chirman, I would at this time move that the manner of preparation of the supplementary estimates will continue to include the Revenue items.

Mr. Watt: Seconded the motion

The motion was moved by Mr. Taylor and seconded by Mr. Watt.

Council agreed.

Motion carried and agreed

Mr. Shaw: There is one matter I would like to bring up and that is the turning around of the Chairman from time to time, I think this would be a good time to decide on what the policy is.

Mr. Taylor: Mr. Chairman, I would like to say that having had a number of years of experience in these Chairman Committees that I think it is wonderful training for each member to participate in this particular undertaking. It is hard work in the sense that is the work of Council. I would suggest that this gives each member an opportunity to study the rules which is important to Council and I suggest that those members wishing to take a try at this that it be rotated from day to day to at least the end of the Session to give each member an opportunity to have the chair and to gain experience that comes with it.

Mr. Watt: Mr. Chairman, speaking on the suggestion Mr. Shaw has made and also on the one Mr. Taylor has made, I think that an older member of Council has experience this type of thing before and at that time they had a Deputy Speaker who was in charge of passing on to a member every day. If I recall correctly, it happened on several occasions that somebody who was particularly interested in the subject of the chair of the day and the one occasion in particular that I recall he was under the impression that he could go back to it the following day and at that time the Council said no. It was with respect to our Fire Prevention Ordinance and that didn't work very satisfactorily and we din't carry on that way for a second session and it is for these reasons that if we were all very honourable men and could co-operate with each other fully then I think this would probably work. It has proven in the Meeting we had in the Commissioners Office and in the past that this I don't think would work. We have a rule in Council for the appointment of possibly Chairman of Committee for the day. I made a proposal this morning and I think it was over-ruled, but I think if the Chairman of the Committee were an honourable man and we had made an agreement in the Commissioners Office then he would retire from his position gracefully as was agreed upon.

Mr. Taylor: Question of priviledge Mr. Chairman. Does the honourable member suggest that the Deputy Speaker is a dishonourable man.

Mr. Boyd: I was wondering that myself, perhaps Mr. Watt would like to clarify that.

Mr. Watt: I would say that if the members of this Council has an Agreement among themselves and we all agreed upon it and a member were appointed for a year and this member did not stand behind his work .....

Mr. Boyd: Mr. Watt, it was mentioned this morning that your motion was out of order and we should not go back to it again.

Mr. Taylor: On my question of priviledge, I would like a yes or no answer from the member from Whitehorse West as to whether he is accusing the Deputy Speaker of this Council of being dishonourable and if so to state his reasons why.

Mr. Boyd: I don't think this was the case, but would Mr. Watts like to answer this question.

Mr. Watt: Is the member from Watson Lake appealing to Chairman's ruling, is that what you have just done.

Mr. Taylor: The man is going around in circles I would like an answer from the man from Whitehorse West to my question, does he accuse the Deputy Speaker of being dishonourable.

Mr. Boyd: I am going to say Mr. Taylor, that he did not accuse anybody of anything and I suggest you forget it.

Mr. Taylor: Apparently the member can't answer that himself, and I will have to take the Chairman's answer.

Mr. Boyd: Gentlemen I declare a recess.

3:00 p.m., Monday, November 15th, 1965

The Chairman, Mr. Boyd, called the meeting to order and suggested that Members settle the matter of the Chairman of Committees as quickly as possible.

Appointment of Deputy Chairman of Committees

Mr. Shaw: I have no strong views on the matter but would suggest that for the position of Deputy Chairman of Committees we start tomorrow morning and appoint Councillor MacKinnon as Chairman, the next day Councillor Watt, the next day Councillor Southam and the next day Councillor Thompson, to give an opportunity to everyone to become acquainted with the responsibilites and functions of the Chairman of Committees and if we have it on such a revolving basis I think it would work very well.

Mr. Thompson: I do not have any strong comments but I do not feel I am enough of a parliamentarian to ride over such a ruckus as we have had recently or to take the right side on any such occasion and I would just as soon defer in favour of the Councillors who have had more experience in these matters.

Mr. Chairman: Mr. Southam, have you anything to say?

Mr. Southam: No more than Councillor Thompson, but then you do not get experience if you do not do it so I am willing to go along with it.

Mr. MacKinnon: Apparently that is the way it is going to be so I will give it a try.

Mr. Shaw: If any Member of Council declined to be Chairman of Committees, I think that would be his prerogative. However, I think it would work very well. We all make mistakes, that is the only way we will learn. I would very much like to see Councillor Thompson take on his stint, I think he could do an admirable and good job and though it does get a little tough, that is part of the cross we have to bear.

Mr. Boyd: According to Mr. Shaw's proposal then we will rotate as Chairman but if a Member wishes to decline that will be acceptable.

Council: Agreed.

Mr. Shaw: Occasionally there comes a matter that is of extreme importance to the Member who may be Chairman and for that period I suggest he should have the right to ask any other Members to take over during that particular discussion.

The Council was agreed on this point.

Brief on Chairman's Duties

Mr. MacKinnon: I would suggest that a short brief on the procedure to follow as Chairman of Committees be given to the rest of us from a senior Member at this time.

Mr. Taylor: In this respect I would certainly assist any Member if he has any question in relation to the Deputy Chairman's job, that is basically to keep notes during the day of the proceedings in Committee of all Motions, and a general note of what went on

which you give each evening, and more or less carry on with the proceedings in Committee - the Bills, Motions, Sessional Papers, and this in general is the duty of the Chairman of the Committee.

Mr. Shaw : I am not any authority on this matter but at any time I can help the Chairman to make his job easier I will be happy to do so. It is something you actually have to do to know how it works. The important thing is to keep a brief but accurate record of the transactions as they go along during the day, to record and present it at the close of each Committee meeting to Mr. Speaker, and to act as a kind of referee, give everyone a chance to speak, but only one at a time.

Mr. Taylor : I wonder if Mr. Commissioner will be coming down at this time or if perhaps we could have Mr. Legal Adviser down to discuss bills?

Mr. Boyd : Mr. Commissioner is detained until 4 o'clock. Do you wish the Legal Adviser?

The Council agreed that Mr. Legal Adviser should be called and a two-minute recess was called for that purpose.

Bill No.1

Mr. Boyd : Now that Mr. Legal Adviser is here we will proceed with Bill No. 1 : An Ordinance to Amend the Credit Union Ordinance.

Mr. Boyd then read the Ordinance.

Mr. Shaw : I would like to ask if there is anything to add to the explanatory notes that may be necessary at this time.

Mr. Legal Adviser: We only have the one Credit Union and I suppose I get more enquiries about it than Mr. Taylor and this means about three a year and people always assume that I am the Registrar of the Credit Union so we might as well just mop it up and put it on my side. It calls for a filing of annual returns which we deal with for companies and societies and that is the whole purpose of the thing. Mr. Taylor is of course very upset at losing this position.

Mr. Thompson : Was it set up originally as the Territorial Secretary's responsibility in error?

Mr. Legal Adviser: I would not like to say that any function of the Territorial Secretary was an error. I don't know why it was given to him. He does perform a number of functions - registration of Bills of Sale and so on, which quite logically are left with him, but why they picked the Territorial Secretary for this I do not know. Possibly he can tell you.

Mr. Thompson: I take it that this internal convenience means administration convenience?

Mr. Legal Adviser: Yes. I deal with annual returns extensively and we have something like 600 filed with us and one more coming in under this Ordinance is neither here nor there for me but it is like asking Mr. Taylor to worry about one item. To me it is part of the bundle, to him it is one solitary ordinance.

Mr. Taylor : I have one question: is it a typographical error in the repealing of Section 3? I notice that we have a sub-paragraph rather than a Section 3.

Mr. Legal Adviser: Yes, it is a typing error - that bracketed 3 should not exist.

Mr. Shaw : I move that this Bill be passed out of Committee without amendment.

Mr. Taylor: I will second Mr. Shaw's motion.

Mr. Boyd: It is moved then by Mr. Shaw and seconded by Mr. Taylor that this Bill be passed out of Committee without amendment.

Mr. Taylor: This is of course duly noting the typographical error on the bill.

The Motion was carried.

Mr. Chairman then read the Bill No. 3 : 'Ordinance to Amend the Liquor Ordinance' Bill No.3

Mr. Taylor : I have several questions in relation to this bill. I note that it states in the Municipality of Whitehorse - Sub 2 of Section 24 - 'no beer licence in respect of a tavern shall be granted except to a hotel that has at least ten furnished and serviced bedrooms' and again in Sub 2 of Section 25 where it speaks of settlements outside the municipality of Whitehorse having at least five furnished and serviced bedrooms, it was my understanding that no licences would be granted in the future unless they have at least 20 furnished rooms outside, but I certainly did not realize that you could get a liquor licence in respect of a tavern with only 5 or 10 bedrooms. I wonder if I could get some clarification on that one?

Mr. Legal Adviser : There has been no change in the numbers at all - if Council wishes to change the numbers to reconsider perhaps we would want to have the Commissioner present. As far as I am concerned those are the numbers I have and I do not have authority to make any recommendations for a change. If the Council wishes to debate that now I will make a note of what they have to say. In Whitehorse it is a beer licence where you have to have at least 10 bedrooms and outside Whitehorse you must have at least 15. I do not think we have interfered with the numbers at all. I will have another look at it but it is five outside and it was before.

Mr. Taylor : It was my understanding that when we created the legislation resulting from the report of the Committee on Liquor, that the 15 and 30 room requirements were for both tavern and cocktail lounge applications and this is why I raised the question at this time. It seems a departure from this particular thinking.

Mr. Legal Adviser: If I may be allowed a few minutes I will arrange to get a copy of the existing ordinance to be brought down. I believe that one member has requested the preparation of certain other ordinances

which in fact are also down in the Territorial Secretary's office at this time and it might be convenient to introduce those so that you broaden your discussion and there may be additions that you want to incorporate. Could we have just five minutes, Mr. Chairman, to get this other material; I did not know what you wanted to discuss this afternoon.

Mr. Chairman: Would you permit me to allow Mr. Shaw to say a word first and then I will declare a recess.

Mr. Shaw: I would just like to ask one question: if this bill is to handle only the people who had a licence prior to March 1965, it would appear to be in order as it was before, but does it indicate that licences will be acquired in the future?

Mr. Legal Adviser: If you look at the proposed Section 24 you will see it is dividied into two parts. The ones who enjoyed a licence in March 1965 and therefore had at least 15 furnished bedrooms, and if they didn't have a licence at that time they must have 30, so that in future newcomers to the business will have to have 30. Again you have this division in Section 25. If they are outside Whitehorse and if they have a liquor licence got up on a 15 room stand, in future they will have to have 20. This was what Council really passed at the last session and you will remember asking me what was the position of existing licencees whose premises did not have 30 rooms. I gave it as my opinion that they will be unaffected, but in case somebody wished to make an issue we thought we would define the position more precisely.

Mr. Taylor: I did want to bring to the attention of Mr. Legal Adviser another though in respect to this bill, regarding Section 2 in respect of persons under the age of 21. Would this also provide for special occasion permits, for instance, and would this exclude young people from attending dances, even though they are more or less honour bound, as the management are legislatively bound not to sell liquor. I raise this and also I raise in respect of this Section one point which is an amendment which would provide for the sale of beer in grocery stores and I do not know if this has been raised by the member you spoke of who proposed some amendments to this bill, but in the case of outlying districts this is a very desirable thing and I am sure it is something we could provide at this session.

Mr. Legal Adviser: With regard to the special occasion permits, it is a question of screening the bar away from the people under 21; that is the idea of this and I think that that would be in order, but you must have some division between where the young people are and the bar. I am not going to say how substantial it would have to be but the beer in grocery stores I have made a note of. I do not want to speak in anticipation of the amendment but I am bound to say that that is not included in the draft and perhaps Council will wish to reserve further remarks on that point until a later stage.

Mr. Taylor: I will reserve comment until later but I would suggest that as I note the presence of Mr. Commissioner in the Gallery, possibly we could excuse Mr. Legal Adviser until the morning.

The Council were in agreement and Mr. Legal Adviser was excused.

Mr. Boyd: You have asked for Mr. Commissioner to be present, you may proceed.

Mr. Taylor: We had two motions in Committee, Motion #1 and #3 and also some items in sessional papers. I might say that the mover of these motions is not present in the House so it may be better to proceed with sessional papers. Requesting Commissioner Assistance: Motion #3

Mr. Boyd: No. 1 is concerning daylight saving time and the Councillor who moved the motion is not here and I feel he would be rather urked if we did not let him in on the argument. No. 3 is the Financial Advisory Committee for the coming year and Mr. Watt was also the mover of that.

Mr. Taylor: Is it not so that every member of this House is bound to be here. In Standing Order No. 5 it says "every member is bound to attend unless leave of absence had been granted by the Council".

Mr. Shaw: I recollect that the Chairman did give permission for Mr. Watts to take off.

Mr. MacKinnon: I think Mr. Taylor was absent at that time.

Mr. Taylor: This was done within a matter of minutes after tea break. I suggest that we get on with sessional papers.

Mr. Boyd: I suggest we apologize to Mr. Commissioner for wasting his time and let Mr. Watt approach him another time.

Mr. Shaw: I do have the matter of fire insurance rates in the territory marked as deferred for further study and to proceed further it was necessary to get more data; however I could not be sure whether it was indicated by the members whether it was the Commissioner who would provide the information or not. It is sessional paper number 17. Fire Ins. Rates

Mr. Commissioner; I cannot recall what was said but I believe it was just reporting facts as we have found them to date and that the reclassification had not yet been doen by the insurance companies but they assured us that adjustments would be made and when that information is available we will pass it on to you.

Mr. Boyd: We shall revert back to the motions. Mr. Watt, Mr. Commissioner is here and we will discuss your motion concerning daylight saving time if it is agreeable.

The Council Was agreed.

Mr. Watt: I would like to ask Mr. Commissioner if he has any information on this that we haven't had so far. Daylight Saving

Mr. Commissioner: I believe it was Mr. Judd's intention to draft up some information on daylight saving time however I would like to take this opportunity to express my opinions on this past year's trial run. Oral, verbal and a considerable number of written indications have been passed on to me favouring this summer daylight saving time. We agreed to make it a trial run because we had not taken it to the people. The trial

run is over and now we are hearing repercussions from the people. The woman of the house is complaining that her child has to come in direct from school because it's dark and she wishes we would revert to daylight saving; the aviation industry is complaining bitterly because they are losing three to four hours flying timeyet I still feel that we are faced with what is a minority voice in the north end of the country which is still entitled to a fair hearing and some compromise and I would be a little afraid, if we put the matter before a plebiscite, that there would be a great majority in favour of daylight saving time, meaning one or two hours. There would be complaints from the territory but I believe they would be minor and that many more would be in favour. As this is not a thing requiring a money bye-law in the city you would only require a 51% majority, therefore if you have over 51% you are still faced with the fact that on the North Highway and in the Dawson City area the people find it very awkward and uncomfortable. We have discussed this a good deal during the past summer and come up with one or two ideas on which I would like to have Council's opinion. I am sure you realize that in the past we have had different names tacked to this time and mostly the Commissioner is blamed for it - I quite happily take the blame because as it says in the book, Commissioners can establish time. I understand it is called Camerons Mean Time and in Beaver Creek it is called Crazy Cameron Time. Nevertheless I have one or two suggestions. It has been suggested, and is worthwhile noting, that we could possibly have two time zones in Yukon territory. At first this may sound a little awkward, yet if you look at Alaska, this has three. In order to have two time zones it was suggested that we take the dividing line as the 137th meridian which would mean that Dawson City, 1202, Construction Bay and down to Haynes Junction would be west of the 137th meridian and everything east of that, which would include Mayo, Whitehorse, Watson Lake, Teslin, Carcross and Carmacks. It has been suggested that possibly the whole of the territory can go on one hour daylight saving time, year round, that everything east of the 137 meridian go on an additional hour in the summer and that everything west of the 137 meridin would stay just on the one hour difference. This would be a compromise for the North because they would only have a two hour difference with Alaska instead of three. The other way is to have everything west of the 137 meridian on standard time during the winter months and everything east of the 137 on one hour daylight, year round and in the summer time the whole territory could go on one hour daylight saving. Or you could take the compromise right down the centre and say we went for double daylight last year, let's split the difference and put the whole territory on to one hour daylight, year round and not alter time. I do agree that a two-hour jump is a little drastic. We could go on a plebiscite but one pitfall here is that you are going to get a very unbalanced picture because you have eliminated the small voice at the north end who have substantial problems that we don't and which should be honoured. Therefore a general plebiscite would not be fair to everybody in the territory. If you are going to outline these various suggestions and submit them on a ballot, it will be far too complicated. It has been suggested by

Councillor Watt that the figure of $20,000 for a plebiscite is high and he has suggested that we do not have to go to as many polls as we do for a Federal election. This is true and we could cut the cost right down to six, eight or ten thousand dollars. And who is to decide what is the right number of polling stations. Are you actually getting the view of the people or by this depletion are you jeopardizing the true outcome of the plebiscite? Complaints have been very few during the summer and particularly during the Fall. I think I can recall that only one was written. The people in favour have been many, particularly in Whitehorse and the southern area since we went for daylight. If you feel that there is anything I have said that sounds reasonable that you would be prepared to express your opinion on I would be prepared to act on your opinion as Commissioner and make the final decision and take the brunt of the blows. Or if you feel that we should put up a submission of money and have the people vote on it I am quite agreeable to this. although I think you might not get a true picture to the best advantage of all concerned.

Mr. Watts: First of all you said that you would gladly accept the blame. The fact remains that we are getting the blame, whether we should accept it or not, so would you please put a front-line heading in the newspaper saying this is my responsibility and I gladly accept it. It seems that the greatest objections to daylight saving was in the north end of the highway. Mr. MacKinnon has some information on this indicating that they may not vote for daylight saving time and there may be other areas of the territory where we are hearing a few people that perhaps talk a lot and there may be twice as many people that don't talk so much. The only way to get a true picture of how the people feel I think is to hold a plebiscite. As you have said, if we find out where the people want daylight saving time or where they don't want it, we can proceed with this further and may be have two times as you have suggested. We don't want to forget the minority. This is going to cause them hardship. But I have had a lot of people, more than just one or two, about Whitehorse, complain to me about it. Some are in favour and some are not. May be I am more accessible to them than you are but they are surely there and I think the only fair way is to hold a plebiscite. Now the cost of the plebiscite is a question. In my particular constituency we have seven polls in the territorial election. I do not think there will be a single person in my constituency who would feel slighted if we do not have a single poll, but just have one poll in City Hall. That is cutting the cost quite a bit. There are possibly 18 to 20 polls in the Whitehorse area; you could cut this down to may be three or four. This should bring the cost down to $5,000 at the most. You are in a better position to estimate this than I am. As for the question of where we are going to hold these polls, ask the territorial councilors in the area. If there are a few people that are missed by this, arrange for some way for them to write in and sign their names, saying how they felt so that they do not have a chance to vote twice, but do have a chance to vote. I think that the only way I could

resolve this to my own satisfaction would be to hold a plebiscite and bring the results to the next session and you are in a position to have two times if you so wish and I feel this is the best way to do it.

Mr. Commissioner: Mr. Watts has said bring the results to the next session. We have been very heavily bombarded by the transportation companies who are vitally concerned in this and they are now going to press with their brochures and time-tables and I have promised them answers as soon as possible, by the end of the year or January and I would be reluctant to come up with anything in March or April. if we can find an answer before then because it's going to throw their time schedules all off and although they didn't openly complain in writing, they were pretty unhappy. This was their only complaint about daylight saving, that they had to change all their timetables. So I think that time has a certain essence.

(Mr. Shaw): This is a most controversial subject in the territory and I know without doubt that many people in Whitehorse think daylight saving is terrific. There are many people who think it is terrible. We as Council have a duty to look at it and endeavour to satisfy as many people as we can, not force anything on any minority and work it so that it applies fairly evenly over most of the people. In daylight saving in the Yukon territory we have a unique situation, namely that we are so far north that the northern section has 24 hours daylight and, being alongside another state, it creates a tremendous imbalance in time. This is something we must come up with. The fact is that you can travel 60 miles from Alaska into the north and the time changes for three hours. There is exactly the same change in time there as there is between Dawson and Ottawa. It is understandable that there can be a great deal of friction. If the people of the southern part of the territory feel that they wish to have daylight saving time, I feel that they should have this and I am fully in accordance that if they want to have it in Whitehorse, then they are entitled to have it. However, due to the geography of the country it creates considerable hardships for other sections of the territory and it behoves the whole council to try and come up with something that most of us can live with. I have a map here on which I can show you a proposal. This can be changed to fit in with certain communities adjacent to Whitehorse. You go up the 136 parallel to just below Mayo, or the line could be continued up - this is quite flexible. This section would be continued on Yukon standard time, this area could be one or two hours different to the east of that. We could still have a plebiscite, one that contains the eastern section and one that contains the west. It would be quite simple, incorporated in one. Half of the people would be voting for each section. It sounds complicated but it is not so. Perhaps Mr. Southam would rather have the people in his area incorporated into the Whitehorse area, but this section from here north you might as well say has continual daylight saving time and the only part that's bad about it is where you have trade and commerce to consider. That is where the shoe pinches and that is what is happening in this particular instance. The discomfort might be overcome, but it

is difficult to overcome trade and commerce because people travelling through are vital to the life blood of the country. If anything disrupts it the whole territory suffers; that is why I feel we could split this into west and east Yukon and I think that would be compatible with the time elements. If we could work out something along these lines, it doesn't have to be exact, I think this way we could make all the people happy. I have had letters from people in Whitehorse who do not want daylight saving time, so there is opposition to it there; whether there is a majority or minority I cannot say but Councillor Watts' suggestion that we bring in these voting polls and have two instead of twenty I think is quite reasonable and I would submit that this be given consideration in splitting zones and it could be in that zone when you take your plebiscite, or in that zone and that way I think we would get the majority of the people's wishes because in these two areas conditions are not compatible, necessarily so. We must give consideration to that difference in the geography and the wishes of the various areas and I think that this is something that can be worked out to satisfy most people.

Mr. Southam: In taking a brief survey of my district as to whether they wanted daylight saving time or not, Keno 700 was very emphatic that they did not want it, Ailsa and Qualumet weren't too fussy about it and in Mayo, out of 101 there were 32 who said yes, 51 said no, undecided was 18, but the majority as a whole would go for one hour. They felt that two hours was too big a jump. At Stewart Crossing also they said no. This was just a brief run over - I asked several of the men, I asked mine management and other different people I met. Personally I rather like it - it meant I got more sun on my back when I got off shift from the mine. The men in the bush thought it was pretty good too but the majority of the women kicked about it, but they did think that two hours was too big a jump and one hour was not too bad. With regard to the plebiscite: I do not think it is too hard or too expensive if we put out a card to the householders and ask them to record yes or no and ship it back to us. Do you think they would do this? Some people would toss it into the waste paper basket, but I do believe that the majority of the people in my district are against daylight saving time on the two hour basis, although they would go for one. Maybe they would go for the one the year round but there are a lot of people who say - well, we have 24 hours daylight anyway. It seems foolish to me that we have daylight saving time, however that is the thinking of the people I contacted.

Mr. Taylor: This is what I was going to suggest. We do not really require a plebiscite as such but as Councillor Southam says hold a paper plebiscite. Copies of these cards could be made available to post masters who could hand them to valid people who were not on the new voting list. These could be pre-stamped so that all the householder would have to do is mail them back. I think this would save us a great deal of money and probably get us a better result than holding a poll. Secondly, I wonder whether anyone during all this hassle, principally

from the administration has taken this issue up with the State of Alaska, with the possibility of their amending their time. I think that the idea that Counciller Shaw proposed, and Mr. Commissioner, in splitting the territory has a lot of merit but would lead to a great deal of confusion. For instance how would CBC ever give the time to the people of the Yukon on their sealed network; I would never know. Secondly, the department of Transport's operations with aircraft, and CN would have some difficulty in timetables, to mention a few. I would like to see a paper plebiscite. The business people in my area had a good run this summer and seem to be for it but I would not like to legislate on their behalf because it affects everybody and unless there is a plebiscite you do not know what they are thinking. I would like to know if there has been any discussion with the State of Alaska.

Mr. Commissioner: Only informal discussions have been held, as far as I am concerned. Just after we had implemented double daylight saving time the Kiwanas Club had their 49th Convention in Whitehorse and quite a group came from Alaska. Some of them came down in private planes and commented on the change in time when I got up to address them at a luncheon meeting. I explained it to them and they thought it was a terrific thing. I said if it worked I was going to get hold of their Governor, and suggest that Alaska go on three hours, because if you look at the globe they are sticking out way into the ocean west of any trade and basically most of their trade was done with Washington or California and therefore it would be much more beneficial to them to be able to pick up the phone and be on the same time basis. Ten or twelve of them came to me afterwards and said they hoped I could sell this idea because it sounded wonderful. On occasions I talk to Governor Egan and he always makes some smart remark about how's that crazy time zone doing and I mentioned to him that I was going to suggest and promote that he was going to make some changes. This is easier said than done because it's a big area and like the problem we're facing here, it gets complicated with their large state. One thing though which I am quite happy to do if you felt that we could do it through the Federal tax roll, is get a paper indication. The only problem is that some people could play with the ballot box. If a bunch goes into Dynasty for example and somebody picks these out and decides they're against it and abuses it like this. But if you think this will bring the answer you are looking for, maybe the simplest thing would be to word it as : Are you in favour of one hour time change year round? We went for broke last year in this trial period with a change of two hours which is not normal. Now maybe we're out of our depth and should go to the people - I think we might get a lot more in favour of changing the time one hour year round and in a few years if the people think we should have the extra hour they could come up again. But I do believe if you are going to plebiscite, then I would like some assistance from this Council as to wording because it can be very complicated.

Mr. Taylor : I am wondering if it would be of any benefit to Committee to have the administration, possibly Mr. Commissioner, contact Governor Egen on this subject and query him as to the possibilities of Alaska discussing this thing and more or less getting together on it and if it seems that they would be prepared to do this in the near future may be this is our best avenue of escape and this would give us a guide how to approach the plebiscite and that this would straighten the thing out and the whole territory could go on to one system and stay on it. A lot of what we're talking would depend largely on what Alaska is going to do.

Mr. Commissioner: I would say we would be premature in any official approach to the State of Alaska because during our more jovial conversations on the subject Governor Egan said that would be quite a hornets nest because as you may or may not know he has a legislative assembley split right down the middle and it could become a real mess. I do not feel we could do anything until we had operated successfuly for two or three years. After that the Americans themselves could pick up the ball and the suggestion come from their side rather than we suggest from our territory.

Mr. Taylor : I really think that they should be approached on this. If just for some reason they would go along with this idea and if there is a possibility that it would work, they would be favourable to considering time associations here, I think we should peruse it and at least get an answer from Egen on it because this would be the real answer.

Mr. Thompson : I am a proponent of double daylight saving time in the summer and single saving time in the winter and I think Mr. Shaw has a very sound suggestion here - draw a line up there where it was primarily the people in the north that didn't want a change - so let them stay on that time, and let the southern section go for double daylight saving again. There have been a few isolated cries but not many and we are supposed to be representing the majority. I support double daylight saving time in summer and single in winter.

Mr. Boyd : May I speak from the Chair one minute. I understand Skagway have already gone on what they thought was going to be all the time and we fooled 'em.

Mr. MacKinnon: It seems to me that this motion as outlined is a very good one and there is no other way of getting the true feeling of the people and I think it is alright to give them a chance to express their true feelings. Now, I hear a lot of comments on the north highway as far as to Dawson City. Well, we do not exactly know how people are thinking until we make a survey and find out; I could read you a short note from Haines Junction on a survey :

"The Haines Junction Advis ry Committee at a recent meeting decided to take a survey of the local people's opinion on the matter of the future use of two-hour daylight saving time. The following questions were asked as part of the survey :

a) Do you approve of the two-hour period?

b) Would you approve of a one-hour period?

c) Would you prefer to remain on Yukon standard time 1964?

There were 16 families for remaining on Yukon standard time; 14 for two hour daylight saving and 5 for one hour daylight saving."

Now, one thing the survey did establish is that business people are definitely for going back on the 1964 Yukon standard time. People generally like the daylight saving time but do not approve of the inconvenience that is caused to tourists and to business people providing services to tourists. The survey was taken in the area from Mile 1026 through Main Junction down to Kinaloo Creek. Now this gives us something very different from what was expected in that area due to the comments we have heard on the radio, and we hear this of course from Beaver Creek and I wouldn't be surprised if a survey there might show up much the same. I think the only fair thing to do is to have a plebiscite.

Mr. Shaw: I certainly feel I should represent the majority of the people of the Yukon territory and also have a very important function in protecting the interests of the minority and if we run this line up the section it will lead to no more confusion than in the past. If you look at this geographically you will find that Dawson and that highway area is about 500 miles west. Now with a distance such as that there is bound to be a vast difference in the time zone because the sun is going over that way; if this encompassed 200 miles, well, it's going to be practically the same, but this is 500 miles, so that there is necessarily a vast difference in the people's form of life in these areas in relation to the time. That is why I feel we should divide up that parallel. Now if Alaska changes in the future we can go along with them. That will still make one hour's difference which we have been able to stand over the past years, but economically this three hours difference is just not going to work - it doesn't work for industry, it doesn't work for business, it just doesn't work up there at all, but it might work down here.

Mr. Watt: We seem to be fairly well in favour of a plebiscite; now if Dawson City wants to put themselves apart from this plebiscite if they wish that is fine but I don't see why they couldn't vote along the same lines as Mr. Cameron suggested in a simple form as has been done in Haines Junction. Mr. Taylor came up with a good idea that we use the Federal election poll and if you want to avoid the possibility of anybody stuffing the box, you could send these out personally and have them signed and sent back, or send it by registered mail which would cost about 25 cents and brings the cost down to about $1,000 or $1,500 at the most, and you would eliminate any chance of having the ballot boxes stuffed.

Mr. Boyd: Gentlemen, I am going to entertain a motion that Mr. Speaker resume his chair, otherwise I know if I don't we will be here a long time.

Mr. Taylor : I was going to suggest that Mr. Commissioner noted in his remarks that his executive assistant was working on the preparation of something for Council on this and possibly as a time saver if this information has not been stencilled in the morning following orders of the day we could have Mr. Judd down with Mr. Commissioner to discuss the matter, if this meets the requirement of the Committee.

Mr. Commissioner : I don't think it's reached the stencilling stage - I don't think it necessary that this be done now. I know the wishes of the Council now and I gather that the majority of you want some kind of plebiscite but I would like to clarify whether, on the findings of the plebiscite would you be prepared for the administration to go ahead and implement to the satisfaction of the majority?

Mr. Taylor: I think we should have a little time to think on this and possibly we could conclude the discussion on this tomorrow morning.

The Chairman then excused Mr. Commissioner from the meeting.

Mr. Thompson: I move that Mr. Speaker now resume his chair and hear the report from the Chairman.

The motion was seconded by Mr. Southam and Mr. Speaker resumed his chair, calling the meeting to order to hear the report from the Chairman of Committees.

Chairman's ~~Report~~

Mr. Boyd: The meeting was convened at 11.20 and discussed mining activities. There was a motion moved by Mr. Shaw and seconded by myself that Mr. Legal Adviser prepare a draft in line with his remarks to be attached to the company's ordinances. Discussed sessional papers and memos. There was a motion moved by Mr. Shaw and seconded by Mr. Taylor that in future the word 'additional' appear in supplementary estimates. That motion was carried. It was moved by Mr. Taylor and seconded by Mr. Watt that revenues continue to be included in supplementary estimates. The motion was carried.
Discussed the rotation of Committee Chairmen and the Committee agreed to rotate Chairmen with the proviso that a member may bypass if he so desire.
Bill No. 1 was discussed; it was moved by Mr. Shaw and seconded by Mr. Taylor that Bill No.1 be passed out of Committee without amendment with a duly noted correction.
Bill No. 3 was discussed and progress reported.
Mr. Cameron attend Committee at 4.00 pm and discussed Motion No. 1 - Daylight Saving Time, and progress can be reported.
It was moved by Mr. Thompson and seconded by Mr. Southam that Mr. Speaker return to his chair and hear the report of the Chairman of Committees. The motion was carried.

Mr. Speaker: Gentlemen, you have heard the report of the Chairman, do you approve of the report?

Council : Agreed

Mr. Speaker: The next item of business is the agenda for tomorrow; what is your pleasure?

Mr. Taylor : I would suggest that tomorrow we continue with bills, memorandums, sessional papers and motions and possibly have further discussions on Motions 1 and 2 and then proceed again to bills and other matters.

This was accepted by the Council.

Mr. Speaker: What is your next item?

Mr. Southam: I move that we call it 5 o'clock.

Mr. Speaker: Are you agreed?

The Council was in agreement and Mr. Speaker declared the meeting adjourned until the following morning at 10 o'clock.

Tuesday, November 16, 1965.
10:00 o'clock a.m.

Mr. Speaker read the daily prayer and Council convened at 10:00 o'clock a.m., with all Members present.

Mr. Speaker: Mr. Clerk have we any correspondence?

Mr. Clerk: We have none.

Mr. Speaker: Have we any Reports of Committees? Have we the report of the Financial Advisory Committee?

Mr. Watt: Mr. Speaker, it is in preparatory form and very briefly, I will be asking the other Members to ratify a draft very shortly and when it is approved it will be presented forthwith and if it is not approved then it will be withdrawn.

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

Mr. Southam: Mr. Speaker I have a Petition regarding the Mayo Fire Department that I would like to table at this time.

Petition Tabled

Mr. Speaker: We have no Bills for introduction. We may have some Notice of Motions and Resolutions... If we have no Notices of Motion, have we any Notices of Motion for the Production of Papers? We have on the Motions for the Production of Papers, we have the Notice of Motion that will have to be approved. We will proceed to the Motion.

Mr. Taylor: Mr. Speaker, I wonder if we could deal possibly with Motions for Production of Papers No. 1 and No. 2 so that we can start having them in process.

Mr. Speaker: I did ask that just a moment ago and I did not get any response. We have Motion for Production of Papers No. 1, regarding Corporation and Income Tax Revenues.

Mr. Taylor: Yes, Mr. Speaker, this is a Motion for the Production of Papers No. 1, moved by Councillor Taylor and seconded by Councillor Boyd, respecting Corporation and Income Tax Revenues. (Motion Read)

Motion Production of Papers No.1

Mr. Speaker: Are you agreed with the Motion?

AGREED

MOTION CARRIED

Mr. Speaker: We now have #2, which we might as well process at this time.

Mr. Taylor: This Motion No. 2 for Production of Papers, regarding Agricultural Reports, moved by Councillor Taylor and seconded by Councillor Boyd. (Motion Read).

Motion Production of Papers No. 2

Mr. Speaker: You have heard the reading of the Motion for Production of Papers #2. Are you agreed with the Motion?

AGREED

MOTION CARRIED

MOTION NO. 10

Mr. Speaker: Motions, which is the next item on the Agenda. We have Motion No. 10, Mr. MacKinnon, regarding Road Maintenance - Discovery Mine.

Mr. MacKinnon: Mr. Speaker I would like to have this Motion deferred to Committee, where we could have Mr. Ab Oliver present and Ken Baker.

Mr. Speaker: Mr. MacKinnon would you please read the Motion.

Mr. MacKinnon: Moved by Mr. MacKinnon and seconded by Mr. Southam, re "Road Maintenance Discovery Mine". (Motion Read)

Mr. Speaker: What is your pleasure now Gentlemen.

Mr. MacKinnon: I would like to defer it to Committee, if it is alright with Council.

Mr. Boyd: Well, Mr. Speaker I do not like to see practically every motion that comes up deferred to Committee and there is nothing complicated about this Motion, there is nothing that deserves a lot of discussion. This merely states that in the opinion of Council that we give urgent consideration to the maintenance of it. What is there to worry about other than to take a vote on it.

Mr. Speaker: This is up to Council to see what disposition they make, this is - the member perhaps would like to have it discussed with Committee for some reason perhaps and it is up to Council to decide whether or not we wish to proceed to Committee, I believe it was seconded by Councillor Watt, is that correct?

Mr. Southam: No, by Councillor Southam. Mr. Speaker as seconder of this Motion I understand that the first sixteen miles of this road, is Territorially maintained and as far as I can find out this road is not being kept up into even sub-standard condition and I think that Councillor MacKinnon is quite right in asking that that the Mine Inspector, and also Ken Baker the Chief Engineer of the Territory be here to give us an explanation as to why this is not done and also there is the possibility that we might be able to get the other part of this road into a recreational road whereby the Federal Government would pay a certain amount for the upkeep and this mine at the present time is in production - Discovery Mine is in production and I believe Mount Nanson will probably use the road at a later date and I think it is only right that maybe these men could enlighten us a little bit more than we know ourselves. I would like to see the Chief Engineer and the Mining Inspector here to give us a little run-down on it.

Mr. MacKinnon: Mr. Speaker that was my prime reason for asking to have this Motion referred to Committee.

Mr. Speaker: Gentlemen, to clarify what I have just marked off, a Motion when it is discussed requires action, the only action that is taken on a Motion is what is given by the Council in the normal course of events. In other words, Councillor MacKinnon is required to move and it will require a seconder to that Motion and then Councillors can deal with the Motion.

Mr. MacKinnon: Mr. Speaker, I make a Motion to defer Motion #10, to Committee of the Whole. MOTION NO. 10

Mr. Boyd: I will second that Motion Mr. Speaker.

Mr. Speaker:I It has been moved by Mr. MacKinnon and seconded by Mr. Watt, that Motion #10 be referred to Committee of the whole. Are your agreed with the Motion?

AGREED

MOTION CARRIED MOTION CARRIED

Mr. Speaker: The next item on the Agenda is Motion #11, by Mr. Watt, respecting D.P.W. Employees. MOTION NO. 11

Mr. Watt: Motion #11, moved by Mr. Watt, seconded by Mr. MacKinnon, re D.P.W. Employees. (Motion Read) May I proceed Mr. Speaker?

Mr. Speaker: Proceed.

Mr. Watt: We have a situation in which, within 24 months possibly quite a bit less, we will be placed into taking over the Alaska Highway and all the services associated with it, which involves several hundred employees. I know quite a few of these employees personally and quite a few of them that I know are in the process of looking for jobs outside, because they do not know whether their job is going to exist here after the take-over comes and furthermore they do not know what kind of a wage scale they are going to get. Most of them are under the impression that they will be getting the same wage scale that the present Territorial employees are getting, and therefore a lot of them are looking to the outside, looking to new homes, and among these are good tax-paying citizens who are putting their homes up for sale, and as I have said, I know quite a few of these people and this is the reason. I do not think it would be too difficult to have the Administration begin to assess the amount of people that they are going to want to keep on that are presently employed by D.P.W., for when this take-over comes. Start to think - I think the Administration is thinking along the lines of an increase in wages. If they were to indicate something like that to these employees a lot them would possibly give the Yukon a little more consideration and it would encourage them to stay around a little longer and see what is going to happen and that they can enjoy the standard which they presently enjoy. We have labour problems in the Yukon right now, the mining people have trouble getting people, construction companies, the operators of machinery, and these are the type of people that we have up there now and these are the people that are leaving the Yukon and the best piece of machinery in the world is no good unless you have a man who can operate it. This Motion is simply a request for the Administration and if they find this impossible they will come down and tell us, but I think that they should start taking a little bit of action now to help keep these people in the Territory. It is a simple request - just that they give these people a little consideration so that they will have a sense of job security.

MOTION NO. 11

Mr. Taylor: Mr. Speaker, I have also been somewhat concerned with this in view of the fact that the great length and distance of the Highway, on the Southern end is in my constituency and I am sure that the Member from the North District has also had some queries on it but it is noted here that we are asking to offer job security and wage guarantees and I think this for anybody is virutally impossible at this time. I know that the involvments of the Highway change-over are great and I know that the Administration at the present time and have been for some time working out some of these problems but as I say it is a monumental pile, as far as job security goes, it was pointed out that a lot of positions presently held by Army Personnel, will change, will cease to exist as such, because a new system of administration will be employed. Some of these people may move to other positions. The whole system is being revamped and to over anyone job security if you really do not require them on the job,is a tough thing to do. On wage guarantees, I think the Members possibly are not aware, although I see that the Commissioner mentioned this in his opening address, that there is a Salary Committee now functioning, looking through Territorial Administration and they will of course come up with recommendations. I believe that the Administration would like to get some sort of reply sometime in February or March if possible. However, it may be well on to next year before we do have a resulting report from this Committee. Consequently I would say that the matter is being well looked into at this time. Thirdly, I would like to point out that this change-over is two year's away. We are dealing with something that is going to take place in 1967 and I cannot possibly see how the Administration could do anything with this request, I really can't.

Mr. MacKinnon: Mr. Speaker, as seconder of this Motion I think it is a very simple request. I think the present employees should have some guarantee as Mr. Watt has pointed out. If they don't have some certainty as to the future and the time comes when we need them we are not going to have them. I think that the least the Territory Government could do, is prepare some sort of statement outlining their policy at least. I think this would be of personal value to a lot of the present employees.

Mr. Speaker: Is there further discussion on Motion 11.

Mr. Watt: I do not like to bother getting up to answer Mr. Taylor's remarks. It would seem that every Motion I have put to Council in the last two sessions that Mr. Taylor has talked against them and voted against them no matter what it has been for. Occassionally he leads someone to go along with him which is unfortunate. I would say that there are more employees involved here than there are residents in the whole Watson Lake constituency, and it would be too bad to have a lot of them effected and have a lot of them leave because of someone that is far removed from the problemmaking speeches such as he just did. I don't he is familiar with the problem,that he has met the number of people that I have met that are planning to leave under the circumstances and if I thought that this was being taken care of now, I would not have made this Motion. I am not here to take up your time and I would not be standing here right now if some other Members had planned on saving a little bit of time too. Now, we have one suggestion by the Member from Watson Lake, that it is a long time away, it is 1967. These people will not

MOTION NO. 11

Mr. Watt continues.
wait until 1967. I know some of them who are planning on leaving this week, going outside, one to Quebec and the other to Saskatchewan, to look at jobs that they have already applied for, and to check up on the conditions. Now these are jobs that if the conditions are right they will be gone and there are more of them following, a lot of them, and in a year from now, unless something is done there will be a lot more following. Now, we have Rules of Council here that say that we can all get up, the maker of a Motion can get up and present his Motion and everyone gets a chance to talk about it and then the Maker of the Motion gets another chance to make a little bit of a rebuttal. Now I do not want to be getting up all morning and arguing with Mr. Taylor.

Mr. Taylor: ---

Mr. Speaker: I do not think we are getting anywhere Mr. Taylor. We are getting away from the context of the Motion and we are getting into matters of personality and I think we can dispense with that. Are there any other Members who wish to discuss the matter?

Mr. Boyd: Mr. Speaker, Regardless of what the Territorial Government states now, nothing can be concrete, naturally they are going to do their best to say, we will do our best to employ everybody and so on. The only way that the exodus is going to be stopped is for the wage structure to be made attrative enough so that the workers and so on will consider staying here and this is in the process of being taken care of. I can see nothing wrong with passing this Motion and getting rid of it. There is nothing very serious in it, other than a suggestion and it doesn't say when they will do this or anything else, it is just asking for an expression.

Mr. Thompson: Well, Mr. Speaker my interpretation of this, this brings to light something that I mentioned previously in connection with any qualitites in the wage structures of various people in the Yukon Territory. The Department of Public Works' employees are now guaranteed to a great extent, housing subsidy, travel subsidy and other items, that the Territorial Employees are not at the moment receiving as private citizens and this would seem to me that they want to continue on this basis. I may be wrong but I feel that there has to be an accross-the-board improvement for everybody not just for one segment of the population. I think that the Territorial Government will integrate the two services without any problem, but I think this will be an excellent opportunity to get rid of a lot of unnecessary bodies that are being carried and not producing and as Mr. Watt says, if there are a few that are leaving now, job security in two years is not going to make any difference to them whatsoever. I also agree with Mr. Boyd, on the face of it, the Administration are probably aware of the situation and if there is a wage committee to be formed to look into these matters then I think this will probably come under their jurisdiction.

Mr. Speaker: Are you agreed with the Motion.

AGREED

Mr. Speaker: Are there any contrary?

MOTION NO. 11 CARRIED

Mr. Taylor: Abstain.

Mr. Speaker: MOTION CARRIED

DISCUSSION MOTION NO. 12

Mr. Speaker: Motion No. 12, by Mr. MacKinnon, respecting Trapping.

Mr. MacKinnon: Mr. Speaker, I beg leave to introduce Motion #12, moved by Mr. MacKinnon and seconded by Mr. Watt, re Trapping. (Read Motion) May I proceed Mr. Speaker?

Mr. Speaker: Proceed.

Mr. MacKinnon: I believe you are all quite well aware of the locality of the Game Sanctuary, it borders Alaska this Council might observe (opening map). There is quite a shortage of trapping areas in the Yukon. Some of the Natives have trap grounds and some have not and I believe that this would be of great assistance to the native people, to let them go out and trap. It is not going to hurt the Game Sanctuary to go in there and bring out 5,000 squirrels but at the same time it is going to be of great assistance to the Native and the boundaries of the sanctuary can be trapped in Alberta, so I maintain we are preserving fur in the Sanctuary for the Trappers of Alaska. I believe that this is worth the consideration of Council in respect of the Native Indians, who have not got any proper place to trap or any legal place to trap.

Mr. Speaker: Is there any further discussion on the Motion?

Mr. Taylor: Mr. Speaker, on this Motion I only have two comments, one is that is that if we accept the principle of a game sanctuary and then allow trapping, then of course we should not have a game sanctuary. Remove it as a sanctuary and open it up as any other land. Number two is, that the area is now a National Park Reserve for better or for worse, I really wish it wasn't, but it is a National Park Reserve under the Order of the Privy Council, P.C. 11142 in which they state that "the Advisory Board on Wild Life for protection it is recommended that the area be reserved from entry or other disposal, in order that it may be available in its present condition for establishment as a National Park." I would quite frankly like to see that out of there but I think that would rule the possibility of trapping in the area null and void.

Mr. Watt: I am seconding the Motion. I have heard some native people suggesting that the would like to have it open, and I seconded the Motion and I would like to hear Mr. Fitzgerald's opinion on this. He probably will know how it will affect the game, in spite of the Order in Council. We could still make recommendations as to what could happen to the natural resources and wild life in the area. This is something that I am not familiar with, what the affects of opening this up would be and I think Mr. Fistzgerald is the man, who is an expert on this, or close to it and I would like to have his opinion on this and see this Motion deferred to Committee of the Whole and I will make this Motion. I move that we defer this Motion until such time as Mr. Fitzgerald is with us.

Mr. Speaker: I have a Motion will someone second that Motion?

Mr. MacKinnon: I will second that Motion.

Mr. Speaker: It has been moved by Councillor Watt and seconded by Mr. MacKinnon that Motion #12, Trapping be referred to the Committee of the Whole. Are there any questions ..... Are you agreed with the Motion?

Agreed

Motion Carried.

Motion #12 Referred to Comm of the Whole.

Mr. Speaker: Have we any questions?

Mr. Thompson: Yes Mr. Speaker, I have a question respecting the moving of Cemesto Homes to Territorial Subdivisions. Why is the Administration contemplating allowing the entry of cemesto houses from the Camp Takhini Area into Territorial Subdivisions when said subdivisions explicitly requested that such action not be allowed? It was my understanding when these Cemestos were declared surplus that they would be dismantled on site and then removed but not to move them intact.

Question No. 7

Mr. Speaker: Have we any further questions? Gentlemen, we have the next item of business, the matter of Bills - it states here Bill #5 first and second reading.

First & Second Readings Bill #5.

First and Second Readings were given to Bill No. 5, A Ordinance to Amend the Motor Vehicles Ordinance.

Mr. Speaker: I think Gentlemen that that pretty well completes the Orders of the Day.

Mr. Boyd: Mr. Speaker, I move that Mr. Speaker now leaves his chair for the purpose of convening into the Committee of the Whole to discuss Sessional Papers, Memoranda, and everything else that might arise.

Mr. Southam: I will second the Motion, Mr. Speaker.

Mr. Speaker: Moved by Councillor Boyd, seconded by Councillor Southam that the Speaker now leave the Chair and Council resolve into the Committee of the Whole to discuss Bills, Memoranda, Sessional Papers, and Motions. Are you agreed?

Agreed.

Motion Carried.

Mr. MacKinnon in the Chair called the Committee of the Whole to order. What is your pleasure Gentlemen?

MOTION NO.1 DIS-CUSSION

Mr. Watt: Had we not agreed at the end of the last Committee to have the Commissioner down here to continue our discussion on Daylight Saving Time, to settle that matter and the Motion that was before the Committee. That was my understanding. Mr. Clerk have you so provided for the Commissioner to be here.

Mr. Clerk: I have not and it was not my understanding, I understood that you were waiting for some further report from the Commissioner on Daylight Saving Time but you did not ask me to arrange for him to be here this morning or it would have been done. If you wish to have him here I will call him.

Mr. Watt: I think he is expecting us to call him and Mr. Judd.

AGREED

Mr. MacKinnon: I will now call the Committee to order and ask Mr. Commissioner to carry on where we left off.

Commissioner: Well Mr. Chairman I do not know that there is too much more to say, as I understand it was the Council's wish that we have a plebiscite and if we can work out something fairly reliable on a mail box stuffer type of query, I presume this would be acceptable to Council. As I mentioned last night Mr. Judd was going to prepare a paper and I felt that now this should probably be superfluous in view of the discussions to date and if there is anything that Mr. Judd has to say on the question you can ask him here now. I would like possibly to have some suggestions as to how you feel the ballot should be worded, in other words, we mentioned last night that maybe we should make it a very simple form and try the people out by saying, do we want a one hour daylight saving time in the summer or do we want an hour time change year round or something to this effect or did you want to include the ballot in such a way that it would allow for the additional hour or double daylight saving in one or all areas, depending on the wishes of the people, as we have this last summer. Possibly the Council could make some comments on that. I do not believe that there is anything else that we in the Administration have, unless Mr. Judd has anything further on the subject.

Mr. Boyd: Well Mr. Chairman, I haven't said a word concerning Daylight Saving Time yet and everybody else has. First of all I am in favour of drawing a line. It does not matter whether the line is within ten miles of the boundary that you were mentioning, one way or the other. If we draw the line at 1016 who have been hollering long, loud and clear that they do not want Daylight Saving Time. Now their Representatives seems to have changed this thinking. He is not sure. Mayo, there is a little bit of doubt there according to the Representative, it would seem that there is no certainty there, but beyond these two points there is certainty. On this side of the area there is certainty - as far as majority goes and they want Daylight Saving Time. I suggest that we draw the line, leaving on the North/West Yukon Standard Time. On this side of the line Pacific Standard Time, with a view to going on the same time as Vancouver, when they go on Daylight Saving Time but our time here will be Pacific. Anything on the other side of the line I am talking about will remain Yukon.

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Mr. Boyd continues.
It would seem very simple to find out what 1016 wants to do. Which side of the Zone do they want to be on. This is not hard. Mayo is just as simple, so we can draw the line when we have their answer and I think everybody will be absolutely satisfied, by and large the biggest majority. It will save a lot of fuss and trouble and delay, which is important.

Mr. MacKinnon: Mr. Judd do you have any comments, Mr. Judd?

Mr. Judd: Mr. Chairman, perhaps I had better say at the beginning that I am not here to advocate any one particular source. All I want to do is outline for Council, I think that there are at least four ways in which Council could decide. Number One, leave it the way it is now and the way it has been for a number of years, that is that the Yukon stay on Yukon Standard Time all year. Number Two, we do what we did last summer, with a two hour time zone change for the whole of the Territory and then what we did this Fall, go back to Yukon Standard Time. Number Three, a two hour time change for the whole of the Territory in the summer and one hour in the winter. In other words, instead of going back two hours, go back one hour and finally what I understand Scouncillor Boyd was suggesting, to have two time zones all year round, so that say, somewhere around Haines Highway people on one side are on one time and people on the other side are on the other time. Now, about the only reason I outline these things is that I believe it is going to be difficult to get all of them in one ballot and what I suggest you may want to think of is to give the Administration specific directions on what these Plebisicites are going to ask. Are we going to ask for these four things, or just two of them, or what?.

Mr. Taylor: Mr. Chairman, I would think in dealing with this that the four questions raised by Mr. Judd do more or less cover the situation, two time zones and if we held a paper plebiscite, as I suggested with a card and pre-stamped for mailing and so on, and the people made their selection of one of the four you could also leave a line for other suggestions, and have them sign their name and return it, that this would suffice. The two item zone idea, I think has a great deal of merit. However, it seems to me that it is going to cause a great deal of confusion as well and I also still think that some representation should be made to the State of Alaska, to see if they could assist us in this regard.

Mr. Watt: Mr. Chairman, Mr. Judd has outlined several solutions and the Motion is whether we should have a plebiscite or not and Mr. Boyd is certainly convinced that there is only one way that Whitehorse is going to go. I am not so convinced. I think a person should try and get a fairly good cross-section and I think that unless we do get a plebiscite we are going to be arguing about this next year and year after. We are going to be arguing this over and over again. About the question of the boundary, I think that the Plebiscite should be same throughout the Territory and then the results of the Plebscite are left up to the Administration. If the results show they prefer the different time in another zone it be allowed, the administration carry on they can anway, leave it in their hands to draw the boundary and no doubte they will consult both the Member from Mayo

Mr. Watt continues.
and the Member from Kluane/Carmacks if it indicates that they should be on a different time. But I think this will never be settled until we get across section of opinion from all over the Territory. I think this could only be done by plebiscite and now is the time to do it. We would then have an up-to-date voter's list and it would cut the cost considerably and secondly, as Mr. Comissioner mentioned yesterday, schedules are being printed and time is of the essence we cannot wait until next session, so that we have to let people know what time we are going to go on so that they can print their schedules for their tourists. I think, as Mr. Judd said, if we ask these four different types of questions, that it is going to be complicated. I think if we just ask a simple question, as they did at Haines Junction, are you in favour of two hours in the summer-time and one hour in the winter, or one hour all year or the whole time. This would be a very simple plebscite and we could get the answer and find out how people are thinking in the different areas. From there I would gladly leave it in the hands of the Commissioner to draw the line if he so wishes and where he wishes to draw it. I am sure that he is not going to draw a line making Dawson City do something that they do not want to do. This is the proposal that this plebscite be held throughout the Territory. The only reason that it is being held is to find out the wishes of the people. We have as many opinions of the wishes of the people as there are Councillors and Mr. Boyd and I live in the constituency - the same Town. I am a lot more doubtful of the outcome of this than he is. I still think it will pass but not by the overwhelming majority that Mr. Boyd seems to think.

Mr. Shaw: Mr. Chairman, I can see the difficutly the have in Pakistan right now. I would have a proposal as follows - I have stated the reasons many time - that we have a different situation existing here as we possibly do in other arts of the Territory due to their proximity to other set time zones, my proposal would be that we draw a line, there is just one thing I do not know what the Representative from Mayo would wish to do about this particular item because Mayo is very much in the northern section where they have 24 hours daylight etc.. I cannot speak for the people of Mayo. I can speak for my area and what I have heard. My suggestion would be that a line be drawn up - something similar to what I had mentioned and that these plebscites be taken in these two zones applicable to that particular zone. In other words, the Western portion of the Yukon could say this is what we want, the Eastern portion could say what they want and I think that it would conform very well to what the wishes of the people were. If for example, and we must take into consideration what the results of a plebscite would be. I think that is part of our duty, to look into that. In looking at the results, if all the people voted for daylight saving time it would be one time but if the Western portion wanted to go on Yukon Standard Time, the Eastern portion wanted to go on Daylight Saving Time and I think I would almost be prepared to gamble that is what the people would want and that is the way it will go in this particular area. Then you have just one hour difference between Alaska and the Western Zone and one hour difference between the Western Zone of the Yukon. It is something that could be lived with and then you get one hour difference between that and British Columbia. That is something people can live with instead of getting a three hour change as soon as they move from one

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Mr. Shaw continues.
locality to another and as far as having a general plebiscite for the whole Territory, I agree with the plebiscite but I would point out Mr. Chairman that this is going to be very unfair to the North. They could easily get swamped on not having any say on an entirely different set of circumstances. These circumstances which apply here do not apply in other parts, despite of what people may say. I recollect years ago that I came and asked something for that particular area and the Members said they wanted the same thing and I said, fine, if that is what you want and that is what they got and the people really got up in arms about it. So it does not always apply. Therefore I would submit Mr. Chairman, that it is very important that we have two time zones and then I would think that you would make most of the people happy and it should run very smoothly.

Mr. MacKinnon: I will call a short recess.

RECESS

Tuesday, November 16, 1965
11 o'clock a.m.

The Chairman called the Committee to order and discussion on Motion No. 1 - Daylight Saving Time for the Yukon - was resumed. Motion No. 1

Mr. Taylor: In respect to the Motion, I would offer what could possibly be a solution in that we produce a ballot and affix to this one very important point and that is daylight saving which has been a most contentious issue for some time now. I feel, therefore, that with respect to the two time zones, the people of the Yukon Territory should be informed and what better way than through the newspaper plebiscite. These questions number three in one group and two in the other, i.e.:-

(a) Do we want Yukon Standard Time with one hour change in the summer?

(b) Do we want Yukon Standard Time directly through?

(c) Do we want Pacific Standard Time without daylight or would we want Pacific Standard Time with one hour's daylight?

On the other side, the questions could be:-

(a) Are you in favour of one time zone for the Yukon Territory

or (b) Are you in favour of two time zones?

Thus, through the proper publicity through the news media prior to the forming of this plebiscite, the people of the Yukon Territory could be made aware of what we are setting in the terms of two time zones. Too, if this is done prior to the plebiscite; the people will be able to discuss and think about the matter before it is written up. These questions are to weighty to be left in the hands of the Commissioner and also it is unfair on the individual Councillors who really don't know what the collective opinion of their constituents is. I offer the above as a possible solution to the question.

Commissioner: My suggestions would be along the same lines as those given by Mr. Taylor but I would stress the need to keep it as simple as possible to avoid confusion among the people. If we mail these forms based on the Federal Tax Rule, we should be able to identify the location of the returned forms. In this way, we would know in each area what the thinking was of the majority of the people in that area and just off the top of my head I have run off a suggested type of ballot we might use which could be headed "Daylight Saving Time" and then "I agree to" followed by the list of things and have it spaced for the "X" alongside each item. I had three items but I've now four after hearing the remarks offered by Mr. Taylor, and the wording could be something to this effect:-

(a) I agree to Yukon Standard Time.

(b) I agree to one hour daylight saving time the year

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round.

(c) I agree to one hour daylight saving time the year round with one additional daylight from approximately April 15 - April 31.

(d) I agree to two time zones,

and at the side, space could be provided for "Yes" or "No", "Agreed" or "Disagreed".

Mr. Watt: Could you read No. 3 again?

Commissioner: I agree to one hour ..... April 31. I have said "approximately" because the dates change each year and I think it would be, ... "to October 31" ..... and I believe we should do it at the same time as B.C. if in fact we want to keep with B.C. for business men as far as the hours are concerned. Example, if we are one hour year round with one hour additional in the summer, we would always be with B.C. time.

Mr. Taylor: Noted that in the questions for the ballot, you have proposed marking down two time zones as the fourth item. In order to consider Councillor Shaw's proposal of the two time zones, that first of all you would have these groups in the district wno would not know what the Northern vote was compared to the Southern vote, but I think that this should be a seperate question from the time to see whether or not the people agree in splitting the time up. So the questions to be put to the people would be first of all:-

(a) What time they would agree with?

and then,

(b) Would you consider two time zones in the Yukon Territory or one?

Commissioner: By placing "X" by daylight saving time for one hour year round and not answering fourth question, it wouldn't really matter. Even if they just answered the fourth one and obviously this would come from Beaver Creek for what they are saying is that anybody wanting to go on daylight saving, situated east of a certain area, go ahead and this would be figured in when we were checking this ballot.

Mr. Taylor: What I meant was that by answering the fourth question stating "I am in favour of two time zones", they still haven't expressed what they want that is why I suggested that this be offered in a separate part of the card.

Commissioner: Might be a problem if people are in the Whitehorse or Watson Lake areas and they wrote in favouring two time zones. Would have to figure out what they meant I suppose.

Mr. Shaw: One thing I would agree with, this is too important to be left to the politicians! If we have on this

ballot umpteen questions to answer, it is going to be too confusing. We must make this as simple as possible. No doubt the Committee will have suggestions to make with regard to the content of the ballot paper. I have this to put on the ballot: Motion No. 1

(a) Are you in favour of daylight saving time?

Underneath "Yes" or "No" to put your "X", and then in a smaller box below that:

(a) If you are in favour of daylight saving time, do you favour:

(i) One hour to put your "X"

or (ii) Two hours to put your "X"?

and that is for the summer time.

Personally, Mr. Chairman, I am opposed to mucking around with the existing longitudes of time by changing them, as they have been established all over the world by mathematical computation. I am quite amenable to getting the people to have a plebiscite on daylight saving time in the summer time and I am also in favour of having it made into zones. In the normal course of events, I am not in favour of time zones but I also think that it is stupid to have an imposition. In the general context, time zones are undesirable but it would be necessary if it is an imposition on a certain group of people. So I think that on the time zone part, a referendum should be established and once the answer comes back from that, it is going to pretty well satisfy the majority of the people.

Mr. Southam: I was daydreaming when you called on me but from what I can gather I am at a loss to see why we should have two time zones. I think that there is going to be a mix-up no matter what we do. As I see it, your planes operate now to Whitehorse and it was certainly bad enough last year when you had to get up at 2 o'clock in the morning to go down to Mayo to pick up our men and then bed them down and one thing or another. So I certainly hope that this is not going to happen again. If you have the two time zones, this would probably mean that you can go out of Whitehorse on daylight saving time with two hours ahead and arrive up in Mayo around about midnight. The concensus of opinion in my area is, I am positive, that they are against the two hour saving but whether or not they will go for the one hour saving, I'm not sure. All you need to say on the ballot is:-

(a) Are you in favour of one hour saving year round? Yes or No?

(b) Are you in favour of the Yukon Standard Time year round? Yes or No?

This would be my answer. I don't think that we should ask for any ideas for we would only tie ourselves up into a flock of questions which we could never answer no matter how long we sat here.

Mr. Thompson: The only area that I can tell that wants Yukon Standard Time is the area towards our western

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boundary and they have been very vociferous in their remarks and in fact every broadcast I have heard on Canadian Broadcasting Corporation has voiced their opinion that they were adamant in their favouring of Yukon Standard Time so I don't see how anything can be gained by asking for two time zones. Because in asking the four questions mentioned by the Commissioner and the remainder of the Territory is favour of a time change, the Administration would be in a position to note from the various returns whether the two areas would be reasonable and I think that the one important factor is that primarily Dawson seems to be basing their economy on Alaska tourism and tourists. Therefore, I would think that they would be much happier on Alaska time or a time more closely in tune with them. Then again this raises another problem in that their are also Government Agencies and businesses which are dealing within the Territory and this would automatically make a difference in time in this instance. It would seem, therefore, that the only answer is going to be a plebiscite of some sort or as Councillor Watt has said we are going to have this reoccurring and if it is clarified now, then that's it. If we are going to make an exception of Dawson and/or Beaver Creek, if this is their wish, then there is no other alternative than to have two time zones. But if the majority of the Territory is in the Southern part or the eastern part of the Territory and doing business continually, then I feel that it is more in our interests to be in keeping with their time. Reference has been made that this is a pre-arranged area and that our time has been set so many hours east or west of Greenwich and this should not be tampered with but if we can do anything to improve the status of the individuals, then we should. For this reason I would support Mr. Watt's motion for a plebiscite but with a little different wording.

Mr. Watt: I would gladly intervene a suggestion to amend this Motion before the Committee to adopt the exact wording the Commissioner has suggested.

Commissioner: I would like to eliminate Question No. 4 as I agree that it would superfluous and confusing.

Mr. Judd: Would like to hear the Motion that Councillor Watt has proposed.

Mr. Watt: Mr. Chairman, the Motion reads .....

Before Mr. Watt could start, the written Motion was handed to Mr. Judd.

Mr. Watt: Mr. Chairman, with respect to the Motion and the proposed amendment, does it mean the same thing as the proposed amendment? I think it does mean the same thing.

Mr. Chairman: Yes, it means exactly the same thing only different wording.

Mr. Taylor: Mr. Chairman, what I have been trying to get up to point out is this that the Administration is going to have some difficulty in getting this worded correctly. As I read it now, - the three things listed in the Motion.- the Vancouver Time, Pacific Standard Time plus one hour and Pacific Standard Time without the extra time and remain in the Yukon Standard Time, does in essence fill the bill in respect to this Motion. Would suggest, therefore, that the

wording of the plebiscite be left to the Administration as long as they hold it to these three questions. Does this sound reasonable? Motion No. 1

Commissioner: It's all right to me, Mr. Chairman, just as long as we incorporate the thinking in the three, suggestions, in the Motion. All we want to do is get it as clear as possible in everybody's mind. As pointed out, the three points in the Motion are exactly the same things that we have discussed here. Yukon Standard, one hour daylight year round and one hour daylight plus additional daylight for summer.

Mr. Shaw: Mr. Chairman, there have been a lot of discussions in relation to this but there is one matter I would bring up and that is time zone. This has not been discussed by Council to either accept or reject. I would certainly like to know how we are situated in this respect.

Mr. Watt: As far as the time zones are concerned, I am in agreement with the time zone that the plebiscite indicates that the Dawson City area would like this and the majority of other areas that wish the one hour or no time change at all. I am, therefore, in agreement with the time zone if it is indicated by the ballot that the majority of the people would like it. I agree with the principle that Mr. Shaw has put forward that a time zone should be established should the plebiscite indicate this in the various areas. This too, as Mr. Taylor suggested, could be left to Administration. I'll go on record as saying that I support this idea.

Mr. Shaw: Thank you, Mr. Chairman and Mr. Watt.

Mr. Thompson: Mr. Chairman, this brings one thing to mind then that this is all very well as we are speaking in generalities of Beaver Creek and Dawson. Now say we get down the highway to 1183 and they want double daylight saving time and Haines Junction don't want it and Canyon Creek do want it. What are we going to do? Run a bunch of lines up and down and across the highway in order to satisfy everybody? If you are going to make an exception for one then you will have to make exceptions for all of them. So just bear this in mind.

Mr. Taylor: Mr. Chairman, I think that this could be very easily resolved if you think about it. What we have got to do first is to hold the plebiscite between now and the Spring Session. It maybe that this plebscite will return an indication that the majority will agree to going back to Yukon Standard Time in which case there will be no need for two time zones. It may be that indications will be for double daylight saving and put us back in the same old position. I suggest that the Spring Session is the place where the two time zones should be considered. Firstly though, I think that we should have the results of the plebiscite so that we can analyse it in its various aspects. Thus, at that time and at the Spring Session is the time to consider two time zones -- whether to break the Territory into one or two time zones.

Mr. Thompson: Mr. Chairman, you are going to get into the same predicament as we did last year. Now is the time that the Transportation Companies are preparing their 1966

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schedules and if we don't give Administration the answer right now, or within the next few weeks, we'll be sitting here next Spring deciding whether we are going to or not going on daylight saving time. Whether we are going to have one or two time zones or Alaska time, I don't know yet. I feel, therefore, that if the indications are such that there will be a change, then I feel that it should be our responsibility now to give the Administration power to proceed along these lines so that there will no confusion or confliction next spring.

Mr. Taylor: Mr. Chairman, I didn't get my point across. I agree that as a result of this plebiscite the Commissioner and Administration should take action forthwith to employ whatever is indicated. If there is the question then of dividing the Territory into two zones this is something that can be discussed at the Spring Session.

Commissioner: Mr. Chairman, as Mr. Thompson said, I think that it is very important to the Transportation Companies and let's face it, we are talking about the major industry in the Territory because of our distance from markets, resource markets, to us, and they are quite concerned though last year they were quite prepared to go along with us in our experiment but it did upset the operation. So I would like to let them know by the end of January at the latest what the situation will be because I know that they are holding off for supplies but as I understand it, they have cut their orders down so they can put in a final order and make whatever corrections at that time. I wouldn't like to think that we have to come back and make some alterations again at the Spring Session because we are talking then of the next fiscal year, which is the 1 April when the Council will be able to deal with the thing and we will be talking another month or so if there are going to be any changes.

Mr. Shaw: Mr. Chairman, I am very much in agreement with getting this things settled as soon as possible for it is imperative as time is of the essence because these Companies are starting now to makeup their schedules.

Mr. Boyd: We have questions asked here concerning this Motion and you are going to get answers. Now, if you had one more on there:-

Would you favour two time zones in the Yukon?

Then according to the answers, those who want Yukon Standard Time could be put into that category by use of the time zone. Those who want something else, can be put into that category also by the use of the time zone, but you would kill two birds with the one stone. You can't get a plebscite answering these three questions and come along and say that we are going to put two zones in. You haven't accomplished anything. Who says that you are going to put two zones in? Administration, I'm sure, are not going to take this upon themselves. To create two zones. How are you going to do it? It's not so simple.

Commissioner: Mr. Chairman, looking at Administration's position, should this happen, here again we are allowing

the people to decide. Let us not assume the complicated problem Mr. Thompson pointed out which could very easily happen. We would look at all of the votes that came in from either the north or west part of the Alaska Highway and should there be a majority of the people throughout that area against any of these three questions and want to stay on Yukon Standard Time, that would indicate to the Administration, obviously, west of the 136 - 137th parallel, that these people are not interested. Ballot should indicate also that people east of that, Whitehorse, Watson Lake, Mayo, did want it, then the line is drawn as far as Administration is concerned. We can say that the majority has spoken here and the majority has spoken there, so why not give them the best of two worlds.

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Mr. Boyd: This is what we tried to do last year, to try and satisfy those people. I understood that we were told that this was impossible that there could be only one time zone for all the people of the Yukon.

Commissioner: Not exactly right, Mr. Boyd. Not told that it was impossible, but told that it was impractical. Going back again to the people in business, we were confusing them enough by throwing out all of their schedules.

Mr. Shaw: Mr. Chairman, at this time I would like to propose an amendment to the Motion to include provisions for giving the Commissioner discretion to establish two zones on the basis of the result of the plebiscite.

Mr. Watt seconded the Motion.

Mr. Taylor: Mr. Chairman, in this respect I cannot agree to the amendment. I think that first of all if we ever consider breaking the Yukon into two time zones we should determine the wishes of the people for once the plebiscite has been taken I feel that the whole Territory has one time zone, at least until the Spring Session. Secondly, during this session and the Spring Session, Administration should make every effort to contact the State of Alaska and discuss the problem at hand, as there maybe some way of resolving this situation. Also, I do not feel that Administration should ever consider placing the Yukon into two time zones until specifically provided for at this Council table. I feel very strongly on this because I can see where two time zones could be chaotic for the Yukon Territory. This is why I would not vote in favour of the amendment.

All the Committee agreed to the Motion and to the Amendment to the Motion with the exception of Mr. Taylor who voted contrary to the amendment.

Commissioner proceeded to elaborate on "Standard Time" as defined in the Green Book.

Commissioner: Mr. Smith who has taken over from Mr. Clark as the Corrections Consultant for the Northern Affairs is in town and he would like to meet with the gentlemen of the Council so that members could ask him all and every question you can think of and he can pass on any information he has on the Corrections Programme as it now stands and I would ask if Council would permit Councillor Boyd and Legal Adviser to be absent from 3.30 - 5.00 this afternoon.

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The Council agreed to the Commissioner's request.

Mr. Taylor: Did the Committee wish to proceed with Motions this afternoon and if so, will the Commissioner's presence be required?

Mr. Chairman: What are the wishes of the Committee?

Mr. Shaw: Mr. Chairman, if the Commissioner is available and we are going to proceed with the subject on hand, then his presence would be very much appreciated.

Commissioner: Mr. Chairman, quite prepared to come down if is it is very essential. Also admit, that I have two boxes of mail that I've not had the opportunity to go through since yesterday and should I get this done before the Corrections Committee meet this afternoon, should like to postpone meeting with you gentlemen until the morning or if the mail is strictly for looking at and passing on, I could possibly clean up by 2 p.m. May I leave it open and see how I get on by 2 p.m.?

Mr. Chairman: Agreed.

All: Agreed.

Mr. Shaw: Mr. Chairman, in order to decide our business for this afternoon, unless there are other proposals, would it be acceptable if we had the Legal Adviser in so that we can continue with Bills?

Mr. Chairman: Yes, if this is the wish of the Committee.

All: Agreed.

Mr. Clerk was requested to contact the Legal Adviser and Mr. Shaw called a recess as it was 12 o'clock.

Mr. Boyd: Mr. Chairman, I have a question I would like to ask the Legal Advisor if Council would agree.

Council agreed.

Mr. Boyd: Would the Legal Advisor as Registrar of Companies inform us whether there is registered as an extra Territorial Company a Company using the name Golden Gate, 1952 or some similar name. It is understood that shares in a Company of this name are being offered locally at low price and purchasers being informed that the stock will be listed on the Vancouver Exchange within a day or two.

Legal Advisor: Mr. Chairman, there is no Company of this name or any name resembling it registered with me. I have heard of the selling of these shares locally and have reason to believe that at least one local investor has purchased stock. I have looked at the Canadian Mining Handbook 1965 and this Company is not listed as far as I cansee. There was a Company of similar name which made a share exchange with a Company called Gateford Mines Limited. I have enquired in the Mining Lands Office in Whitehorse and they have no knowledge of any staking activities by a group or Company using the name Golden Gates. I made further enquiry in the Territorial Secretary's office and I have been informed Golden Gates is not a name listed under the Partnership Ordinance or the Business Lincence Ordinance. I therefore haveno information about this Company which I can pass to a local investor.

Mr. Taylor: Mr. Chairman, I wonder if Mr. Legal Advisor would know whether or not this is in fact a B.C. Registered Company.

Mr. Legal Advisor: I have looked in the Canadian Mining Handbook and I couldn't find any particulars about this Company. All I can say is that I don't know where they are listed, where they are registered or anything at all about them.

Mr. Taylor: Mr. Chairman, Might I therefore ask what is the purpose of the question, what is to result from it.

Mr. Boyd: The purpose of the question Mr. Chairman is that it takes seven men sitting around this Council to sit down and say that we will will stake some ground have some shares printed and we will go up to the public and sell them, just as simple as that. I maintain that no-one should be doing business in this Yukon unless they go through some channels so that someone can get some information about them. Its being in business without being licenced or that is what it boils down to.

Mr. Taylor: Mr. Chairman, I would offer one suggestion then that as soon as it is humanly possible that Mr. Legal Advisor contact the Superintendent of Securities and ascertain the status of this Company in relation to British Columbia's Securities.

Mr. Legal Advisor: I will naturally do that, but I should perhaps as a rider, point out that if there is a Company of this name and wishes to register claims it is not in good standing and willbe unable to do so and those local people who made investments should at least know

that we have no information about this Company. If people wish to take a chance on investing in this Company which has no status in the Yukon there are perfectly free to do so but from the remarks that have been made by Council it does seem they don't want to discourage enterprise but on the other hand we do feel that the public should have the information before it makes an investment. I will ask if you so wish the Registrar in Victoria but it is with respect not for me to enquire whether this Company is in good standing in Victoria but whether it is in good standing in the Yukon. I will make your enquiry.

Mr. Taylor: Mr. Chairman, this leads of course to another question and that is whether this man or this Company or anybody for that matter be they as honest as they may be let everyone of them have right to come here and stake claims, this is an undeniable right as long as they are not found to be fraudulent in the staking. It is possible that some Companies will be in the Yukon that are registered in B.C. have property in B.C. Ontario or wherever this who for some reason come to the Yukon and stake claims also.

Mr. Legal Advisor: They may stake or have someone stake for them but they can't record and if they go to the Investor or the people selling their shares which have been released from Treasury saying we have claims, this is a half truth because they can't record unless they are in good standing, because its a person over the age of 18 and the purpose of the Act of Canada which would apply in the case of hard rock, says a person includes a Corporation and as part of our proceedure when we register a Company we send notification to the Mining Officers of the Yukon advising them that such and such a Company is now registered and is in good standing. If the Company is struck off we advise them to this effect, so that they alerted if somebody comes in on behalf of a Company they have got to overcome that hurdle.

Mr. Taylor: Mr. Chairman, one final note, that it is I believe the Legal Advisor said that these people can go and stake claims but they cannot record these and I know that this is wrong, because under the Mining Act the order is bound to record the claims even in the case of two people disputing the same piece of ground. He must record them and then decide whether they are fraudulent or not and we with our Territorial Ordinances cannot go over the Federal Act.

Mr. Legal Advisor: Mr. Chairman, those Companies which do not put themselves in good standing and do manage to get a claim recorded stand in great danger of having their ground open for staking, so they had better smarten up.

Mr. Watt: Mr. Chairman, I would like to ask the Legal Advisor his interrpretation of the words he has been using in good standing, is that in good standing to any individual satisfaction if so what is it.

Mr. Legal Advisor: Mr. Chairman, the Company first has to register, it has to notify share allotments, file annual returns, file particulars of mortgages and charges and has to do all this. If they don't then I won't give them a certificate of good standing. If they don't register in the first instance I don't even know that they are in

the Yukon. I thinkthat my earlier reply to the Councillor from Watson Lake is going to give some trouble but I assure him that if a Company is not in good standing and there is no status in the Courts a Company would not be able to sue if anyone jumped their claim. I am not here to advise the Companies how to run their business but they are moving into a very difficult area if they don't put themselves on a proper footing in the Yukon.

Mr. Shaw: I think it is very obvious Mr. Chairman, that unless a Company is registered they can't hold claims. But the thing is this, that if I buy apiece of property in Whitehorse or any part of the Yukon territory I can go to the Registra of Lands and I can ascertain whether there is any Mortgage or any lean on that piece of property. All that we are asking is that the public can do the same thing with a Mining Company and I think that is the minimum they are entitled to. If I registered claims in the name of a Company and the Company didn't exist they have no legal right to it.

Mr. Taylor: I think we will all recall for instance the Caldough case and we prosecuted Caldough under the Criminal Code, it was a fraud case . The thing was he was prosecuted under the Criminal Code for doing a fraudulent thing, now the same thing would apply for a person like this. If this person or Company is suspect, then it would seem to me if a compaint was made that we should possibly look into the situation as I suggested in British Columbia and see if they are registered and what they are and what their status of their Company is if any. If it is not as represented and this mar is acting in a fraudulent manner then he should be prosecuted under the Criminal Code. I will warn every member of this Council to be careful how they approach Securities Legislation at this time that is trying to draft something at this session, because the results of this if we do something wrong are going to be felt hard in the Yukon territory to the point of chasing people back out of the investments. We are just starting to get rolling so don't let us do anything that will tend to destroy this development and interest in the territory.

Mr. Boyd: Mr. Chairman, Mr. Taylor seems to be concerned about the Companies which are registered in B.C. and doing business, we are not even talking about this kind of a situation. We are talking about a Company doing business in the Yukon who are not registered. We want them registered and to be out in the open and above board so the public canat least have some protection. You must get down to business and let us know what you are doing in this Yukon, we are not a bunch of dogs wagging our tails here, we want to see that we wag the tails and not someone else.

Mr. Taylor: Mr. Chairman, I can only say like I did before be very carefulin this. It was suggested at one time the last time we asked about Securities Legislation that the way around this whole problem was to insist that any Company incorporated in the Yukon Territory for the purpose of mining, would be bound to register with us at one of the available Securities Commissions across Canada in the Provinces and if this was required then we would not then require

Securities Legislation. This would seem an acceptable solution, but for us to duplicate Securities Legislation as is now available in Ontario or Vancouver to provide for this type of thing is not good at all.

Mr. Boyd: We are not talking about putting in Securities Legislation at the moment, but we would like to see done in view of this staking that is going on and the business that is being conducted we would like to see some warning to the people and some way of guarding their interests because when a man walks up to you with a certificate the public by and large hasn't a clue, and as far as he knows its legal and lawful and its up to us to let them know in the event that it is not.

Mr. Chairman: Mr. Boyd, have you any proposal to make at this time, concerning this question.

Mr. Boyd: I would go this far, I suggest that we as a Council should request the Legal Advisor to look into this situation and take steps to see that we do not run into a scandel. It would also be very interesting to know if the claims in question are by any chance registered in the name of Golden Gate and if they have been recorded yet.

Mr. Taylor: Mr. Chairman, I wonder if this is a situation that could be taken up internally before being brought to this table. In the first instance that if the people and we have named some, in Council this afternoon and this is now public information. Now if these people are operating in a fraudulent manner then by allmeans we will doing something about it, but if they are wrongly accused of doing anything or suspect of anything then we have done them an injustace by mentioning them at this table. Let us investigate it first and not name any more Companies at this table and let us give them a fair hearing before we give the name of any Company to the public.

Mr. Shaw: Mr. Chairman, if they have done nothing wrong then we have go nothing to worry about. Here is a wonderful opportunity for them to come right into this territory and all they will do is a tremendous amount of harm than we will in making and assuring that they are registered. If my name comes up before Council I have nothing to be afraid of, because I have nothing to hide. If they are okay then it will be good advertising for them. All I want is to protect the public from this kind of operator or we will have a name that no-one will invest in the Territory and there is nothing worse than people loosing confidence. Its no use closing the door after the horse has gone out which seems to be Mr. Taylor's attitude. All we want is for them to register to give the same information as what they give in Vancouver or in Toronto or anywhere else, that is not too much.

Mr. Boyd: May I make a motion that the Legal Advisor proceed to investigate this situation, where the shares are being offered to the public from which we seem to no nothing about record wise, investigate and bring it to a conclusion in accordance with the laws of this Yukon.

Mr. Chairman: Would you write that motion out please Mr. Boyd. Is there any discussion on the motion?

This motion was moved by Mr. Boyd and seconded by Mr. Southam.

Council agreed

Motion carried and agreed

The Council then went on to discuss Bills.

Mr. Boyd: I would like to ask the Legal Advisor why we have a new Bill for number 3.

Mr. Legal Advisor: The original bill really deals with two changesif they had been ready in Ottowa acertain number of other points came up to their attention and in the time just before Council came here, I had the advantage of having Mr. Frank Smith here. I was able to show him what these problems were and ask him whether he could put together some extra changes which could be introduced. Not so much as a bill but as an amendment to the bill which had already produced by Ottowa so that weprepared a second Bill No. 3. The bill referred to in the Commissioners speach was the one you had before you yesterday, the one which is now before you incorporates the changes of yesterday and we hoped the members would feel pleased to introduce as members amendments. You will see the difference in the explanitory notes, for instance the left hand page, the first one deals with the change in the liquor hours and I am sure you would want to hear Mr. Vars on that and it is a suggestion he has put forward for your consideration. The last ordinance as it stood where we mentioned the granting of Off Licence permits for the sale of hard liquor where they didn't have a store. We didn't actually say the Commissioner could grant the permit, so to put this in its clearest light we have now got authority for the Commissioner to grant Off Licence premises licences, so we have just written in what you intended in the last session. You will see on the second page of the explanitory notes another reference to a phrase "is the true owner or a lessee having a written leasefor not less than one year of the business" well you can't be the lessee of a business there is no such animal. We thought we would mop this one up and drop out the meaningless parts of the lessee of a business. Section 4 of course is the one you had in front of you yesterday, the preservation of the existing licences even though they didn't have the appropriate room requirements. Section 5 I don't think there will be any trouble with that, it is just a drafting clarification. Section 6 was in yesterday's bill. Section 7 is again a tidying up provision. Section 8 should be spoken of in some detail. You remember that when the decision was taken to allow home brew permits and who the proud home brewer could invite in to sample his skill as a brewmaster. The Excise Act does not allow a man to have bone fide friends, he can't offer hospitality with home brew. If you pass this it will not be lawful for a man to offer his homebrew to his friends, so we therefore put this change in. We have come to these extra changes after the drafting had been done on Bill 3 as it was entered yesterday.

Mr. Shaw: Am I to understand by the remarks made by the Legal Advisor that if I had a home brew permit and I brewed some beer or wine and if I invited my friend in to have a drink, I would be liable to prosecution.

Mr. Legal Advisor: Yes the understanding is quite correct that is the position under the Excise Act, however the the ordinance was perhaps misleading we did try to give the green light to hospitality.

Mr. Taylor: Perhaps we could proceed with the reading of the amendments and then possibly we could discuss the Bill.

Mr. Boyd: Before we do this, I would like to say there is no point putting a bill before us that says a man's hospitality cannot be excerised, its plain straight stupidity and I for one don't want to see myself or my friends subject to someone walking in and saying you are arrested and we are wasting our time. This bill has got to be amended and I don't think there is a Councillor in this place who will pass it.

Mr. Shaw: Mr. Chairman, I agree with Mr. Boyd's sentiment in reality, but if we give the green light to somebody all we do is get them into trouble that is the way it appears.

Mr. Taylor: This is trying to legislate on love Mr. Chairman.

Mr. Legal Advisor: I would like to make this observation, it was brought to my attention by Departmental channels and I therefore included this. It is for you to decide whether you pass it or not. Councillor Shaw is quite right, if they don't march into your house and arrest you for an offence against the ordinance they can still walk in and arrest you for offence under the Excise act. While I am talking about the Excise Act, I would like to mention that if in an household there is a person that has been convicted noone in that house can get a brew permit.

Mr. Watt: I am rather puzzled about the whole thing, where did the request to draft this legislation come from, did it come from the Chairman, as I see two bills in front of us which are a little bit different and if it was the request of the Chairman of the Liquor Committee that the bill be drafted and redrafted. Is it the Adminstration that suggests it should be changed or the Commissioner, the Legal Advisor or someone from Ottawa stating that this power be given to the City.

Mr. Legal Advisor: Mr. Chairman, the need to get clearance from the City Council that was passed by the Council last spring. I am not sure where the idea started, but I do know that some of the thinking on that was that the City of Whitehorse should have some measure of control to say "yea or nay". With regard to other changes, if something goes wrong Mr. Vars will get some complaint from an operator or somebody that they are having difficulty with this particular section. These changes are then put together in a form of a bill, and this is why we have got this one.

Mr. Taylor: I think if we are going to discuss this we should have the amendments read and possibly after recess if you so desire have Mr. Vars attend the Meeting.

Mr. Legal Advisor: May I make a suggestion that if you treat these additions in this bill as amendments on these particular sections you will then have a picture of how the bill will look as amended.

Mr. Chairman, I will call a short recess.

3.00 pm, Tuesday, 16th November 1965

The Chairman, Mr. MacKinnon, called the meeting to order and suggested that, in the absence of the Legal Adviser, the Committee proceed to Bill # 5: Motor Vehicles Ordinance in which the Clerk might be able to assist.

Meeting re-opened

The Bill was read by sections together with the relevant explanatory notes. Each section was discussed individually.

Bill # 5 Motor Vehicle Ordinance

Mr. Chairman: Do you have any views on Section 1?

Mr. Thompson: When Mr. Bennett comes up here and paves our highways, we are going to have to change it back again because we won't be able to go over 60 miles an hour. What's '60 miles an hour unless otherwise posted', isn't this reasonably clear? What's the difference between 60 miles an hour and 60 miles an hour, an agreed rate of speed.

Mr. Clerk: I could sum this up in a nutshell: as outlined in the explanatory notes there was a case dismissed by Magistrate Trainor because he stated the way the section is worded it does not say that you may not drive at a greater rate than 60 mph so that you will notice that the new section is amended to read 'no person shall drive', etc. He therefore considered there was no offence in driving over 60 mph, so the section had to be amended. It now states that 'no person shall drive at a greater rate of speed' whereas it didn't before.

Mr. Thompson: Why didn't you add 'unless otherwise posted' then?

Mr. Clerk: Because I can only assume that the drafters figured that was redundant because there are other sections in the ordinance which state that the speed is as posted by signs on the highways.

Mr. Chairman: Are there any further comments on this section?

Mr. Taylor: I wonder if we could proceed with the reading of the bill in its entirity with the explanatory notes and then discuss it.

Mr. Clerk: I thought the intention was to clear each section individually as it is a lot easier to discuss one particular section at a time.

Mr. Taylor: In that case I would agree with Mr. Thompson; I feel that this section should be amended to include the provision for posting in areas in the Yukon.

Mr. Shaw: If you are not allowed to drive over 60 miles an hour, what do you have to post? You cannot drive more, it doesn't say you cannot drive less and it would appear redundant to have anything added to this.

Mr. Taylor: In areas of North America people sometimes drive at speeds in excess of 60 mph and, though we may not have a speedway as such we do have an Alaska Highway and it may be that speeds in excess of 60 could be required. I see nothing wrong with the addition of a provision 'unless otherwise posted'.

Mr. Clerk: To enlighten you a bit further, we are only dealing with sub-section 3 of section 76 at the moment. Sub-section 2 (quoted) covers the point and you don't have to repeat it in sub-section 3. This is in the amendment - 1963 second session.

Mr. Taylor then requested that that section 76, sections 1 & 2 be read again and Mr. Clerk complied, reading also sub-section 3.

Mr. Thompson : I would just like to comment that I think the RCMP probably charged him under the wrong section and I do not think it is the ordinance that is at fault.

Mr. Clerk: I must agree with that: you have just read where Crown Council concur with that view and suggested that while the charge might have been made under section 164, it might be simpler to amend section 76 (3). Section 164 is the penalty section but they can charge it under 76 (3) after the amendment or 164 but the way it reads now they cannot make the charge under 76(3).

Mr. Taylor: I have a question under section 151 (1) as referred to by the Section 76(2) (quoted). Am I to understand from this that he is allowed to put up a sign prescribing the rate of speed as determined by the ordinance, or is he given the right in this section to actually set that rate of speed. How is this to be interpreted?

Mr. Clerk: The only interpretation is that the ordinance sets out the maximum rate of speed at 60 mph where it is not governed by signs. The only thing the sign can do is set the maximum speed at less than 60.

Mr. Taylor: By taking out the provision 'unless otherwise posted' there is no possibility of increasing it or decreasing it. You can interpret 151(a) either way. There is nothing explicit on it.

Mr. Clerk: You can't in view of subsection 2 of 76 which states that the maximum speed is as designated by signs. Again you are not looking at the right section.

Mr. Watt: I agree with the proposal that we do amend the amendments to the Motor Vehicle Ordnance and I take it to mean that nobody can travel at more than 60 mph. But I do not quite agree with the reasoning. If the Police were doing a proper job it appears they could restrict people travelling at more than 60 mph under different sections of the Ordinance. I suggest that the Crown charge under the proper section from here on, but I do agree with this particular section.

Mr. Taylor: I would reserve my comments as this is a matter where we need legal advice and I would like to get a clear-cut interpretation on this.

Mr. Shaw: I don't think this is guesswork. As far as I can see it says exactly the same thing in a form that is more defined.

Mr. Chairman : Do you want to continue with Section 2.

Section 2 was then read.

Mr. Chairman: Are there any questions on this subject?

Mr. Taylor: I would like to know what kind of devices are referred to in the testing of speedometers. Can you just unhook it and check it? Mr. Clerk can you enlighten me on this?

Mr. Clerk: I am afraid I couldn't explain it any more than it is already explained.

Mr. Taylor: You are providing for qualified persons as testers of speedometers or other speed measuring devices used on motor vehicles. Does this provide for radar traffic control?

Mr. Chairman: Mr. Clerk could you answer that question?

Mr. Clerk: I do not believe there would be any point in it. I believe that in this section it would be the magistrates intention that even radar would have to be tested. It would depend on the magistrate. I wouldn't hazard ~~a guess as to~~ what would finally evolve as an efficient tester for a speedometer.

Mr. Taylor: In the explanatory notes the magistrate commented on the need 'to prove speed measuring devices'. What does he mean by this? Does he mean approve them or is this a typographical error? Is he trying to test measuring devices?

Mr. Clerk: Yes he is trying to test measuring devices; he is trying to prove that your device is accurate. So this is an attempt to set up a satisfactory distance measuring device so that the speedometers can check accurately so that when you go into court the RCMP can produce a certificate saying that your speedometer was checked in this manner which would be satisfactory to the magistrate.

Mr. Taylor : I have never heard of one of these testing devices but on the face of it it seems all right.

Mr. Thompson: The one word or two words in this section 151B(1) that interest me are "speed measuring devices used on motor vehicles <u>or elsewhere</u>," and this brings up the possibility of radar. Now how they're going to measure radar by one of these devices, or what this 'elsewhere' encompasses I would be a little hesitant to say but I think we could ask Magistrate Trainor to come and explain his reasoning in this matter.

Mr. Clerk: I think you should ask Mr. Legal Adviser first.

Mr. Taylor: I think Magistrate Trainor could give us some guidance in respect of this bill most capably.

Mr. Chairman: Does Committee wish to have Magistrate Trainor come down?

Mr. Shaw: I would submit that we first ask our own people and then if they can't supply an answer we will go further.

Mr. Watt: I think Mr. Shaw has a good point.

Mr. Taylor: I would suggest that we conclude the reading of the bill and then if there is nothing more to do we will adjourn the meeting.

The Council were agreed and Section 3 of the Ordinance was read.

Mr. Shaw: May I ask Mr. Clerk this question: This new ordinance is going to read by Sections, correct? It would appear to be much more complete if you listed these sections and have it all in one chunk and you can see exactly what the score is.

Mr. Watt: It appears that the intention is to extend the power of the police to arrest without warrant under these sets of circumstances. I recall about a year ago when Mr. Hughes was was using a new form of drafting ordinances - he would set us a list of questions so that he could draft an ordinance on the basis of our replies and I recall that about a year ago we had a list of questions and they seemed to fall in exactly the same category as we have now and at that time Council said they didn't think the police should have these powers of arrest for these minor offences and now it seems to be coming back to us in a different form. And I feel now as I did then that the police should not have this large power to arrest for minor offences. The next thing you know you'll be arrested for sneezing in the street with very little chance of defending yourself. Now I think the police need an opportunity to arrest without warrant but not for offences that are so minor. Possibly Mr. Hughes could clear us on this; I have no intention to pass this part of the amendment to the ordinances unless he is here to make sure that we are not passing something that we have already turned down formerly.

Mr. MacKinnon then asked Mr. Watt if he would take over the Chair. Mr. Watt agreed to this.

Mr. MacKinnon: I would like to mention that in my opinion the RCMP are asking for too much and I would ask Council to give this a lot of thought and consideration before approving it. It is very unnecessary to pass this type of law.

Mr. Taylor: I think there is very little point in going far into this until we have Mr. Legal Adviser here because the wording of this one absolutely has me stumped. I would suggest that we continue with the reading of the Bill and then revert to Council.

Mr. Chairman: Is there any other question on this particular section?

Mr. Southam: I do not agree with any of you on this subject. I do not think the police have too much authority in this. I do not see why anybody should drive without a licence or adequate insurance and in fact I am quite agreeable to most of these things. I think there is too much driving on the roads by people who have no responsibility, do not want any and won't accept any. Therefore I myself am quite agreeable to this section, but I still think we should have Mr. Legal Adviser here to enlighten us on a few of these subjects and I am quite agreeable to letting this go for the time being but I am in favour of this.

Mr. MacKinnon: I might point out Section F of the explanatory notes (quoted). Now I am sure that most people are not too well acquainted with their signals. Now if, for instance, you did not stop within ten feet of this RCMP uniform, by passing this you are giving them power to seize your vehicle, let alone arrest you, so I believe it's worth a lot of consideration.

Mr. Chairman: Are there any more questions on this section?

Mr. Shaw: I thought these were in effect right now. If a policeman asks you to stop and you don't stop, does he have to run to the station and get a warrant before he runs after you? That doesn't sound very sensible. We must have something to cover this kind of situation already and I would ask Mr. Clerk what we have at this present time.

Mr. Clerk: The only thing that I can say is that each one of these things is an offence in itself as specified in the ordinance. Each section sets out the offence but it doesn't say that the officer may arrest you for it. He takes down your licence number, issues a summons and has you served and in the meantime if you're only going through here on a holiday, well you'ld be long gone. If he catches you on the highway doing this he can nail you right now he doesn't have to wait until you see fit to come back into the territory in order to charge you. This prevents people from escaping the long arm of the law

Mr. Shaw: Mr. Clerk, do they have a similar statute in British Columbia or Alberta?

Mr. Clerk: I don't know whether they do or not.

Mr. Taylor: Will Mr. Clerk undertake to ascertain whether or not the provinces do have legislation?

Mr. Clerk: You mean to ascertain whether they do have specific powers of arrest?

Mr. MacKinnon: Mr. Chairman, it looks to me as if the RCMP are trying to drive a tack with a sledge hammer.

Mr. Thompson: The one that hits you right in the eye is no. 3 - driving without a licence. You get up late, you're in a hurry, you come into town and you forget your driver's licence. If he stops you he can take you to jail and take your car. If this is what they want they're not going to get co-operation from me.

Mr. Clerk: This does not refer to a chauffeur's or operator's licence; this is driving without a licence on your vehicle and if you are driving your vehicle without a licence on it your vehicle is probably not carrying any insurance.

Mr. Thompson: It doesn't say that.

Mr. Clerk: If you read subsection 1, section 25 you will see that it pertains to a motor vehicle licence.

Mr. Chairman: Is there any point in carrying on with this without the Legal Adviser or shall we carry on with the next section?

Mr. Thompson: I move that the Speaker resume his chair and hear the report of the Chairman of Committees.

Mr. MacKinnon: I second that motion

Mr. Speaker resumes Chair

The Council agreed to accept the motion and Mr. Watt returned the Chair to Mr. MacKinnon. Mr. Shaw resumed the Speaker's chair and called the meeting to order, calling for the report of the Chairman of Committees.

Report of Chairman of Committees

Mr. MacKinnon: The meeting was convened at 10.45 am
Discussed Motion #1 - Daylight Saving Time with Commissioner Cameron and Mr. Judd present.
Amendment to Motion No. 1 moved by Mr. Shaw, seconded by Mr. Watt to amend the Motion to include the provision for giving the Commissioner discretion to establish two time zones on the basis of the results of the plebiscite. Mr. Taylor opposed this.
Question was called on the Motion; amended and carried with Mr. Taylor opposed.
A motion was moved by Mr. Boyd and seconded by Mr. Southam that Mr. Legal Adviser investigate any company or companies that may be doing business in the Yukon without being registered in this territory.
Question on the motion - agreed.
The Committee discussed Bill #3 and because of lack of witnesses found they were unable to proceed.
It was moved by Mr. Thompson and seconded by myself that Mr. Speaker resume his chair.

Mr. Speaker: You have heard the report of the Chairman of Committees; are there any errors or corrections you wish included?

Mr. Taylor: Mr. Speaker, possibly we could report progress on Bills #3 & 5?

Mr. Speaker : Is this acceptable?

Council : Agreed

Agenda

Mr. Speaker: We have the agenda to consider for tomorrow morning. What is your pleasure?

Mr. Taylor: If Mr. Commissioner or Mr. Legal Adviser is available possibly we could clear up some of these Motions and Bills and other matters related to Sessional Papers, and I would suggest we deal generally then with Bills, Memorandums, Sessional Papers and Motions.

Mr. Speaker: Are there any further proposals?
Mr. Clerk, would you please see if you can have the Commissioner or the Legal Adviser come up here so we can proceed with the work on hand. What is your pleasure at this time?

Meeting Adjourned

Mr. Thompson: I move that we call it 5 o'clock.

The Motion was carried and Mr. Speaker adjourned the meeting until 10.00 the following morning.

Wednesday, November 17, 1965.
10:00 o'clock a.m.

Mr. Speaker read the daily prayer and Council convened at 10:00 o'clock a.m., with all Members present.

Mr. Speaker: Have we any correspondence this morning?

Mr. Clerk: Yes, Mr. Speaker, we have a memorandum addressed to Mr. Speaker, Members of Council, dated November 15, 1965, which reads as follows:

> "I have been given to understand that it is Council's wish that Mr. Don Sawatsky be retained as Council's Press Agent for the full Session. Could you please pass a motion recommending that such an undertaking be carried out and I will be happy to take the necessary steps to see that Mr. Sawatsky is properly reimbursed.",

signed G. R. Cameron, Commissioner.

I have another communication. It is set up as Sessional Paper No. 29, Mayo and District Chamber of Commerce, dated November 4, 1965, a letter to Mr. F. G. Southam, Territorial Councillor, explaining their problems in Keno, and on the reverse side is the brief concerning the Mayo Fire Department, as presented by Mr. Southam on behalf of the Mayo and District Chamber of Commerce. That's all I have this morning, Mr. Speaker. Sessional Paper #29

Mr. Speaker: Thank you, Mr. Clerk. Have we any Reports of Committees? We have one Bill to introduce.

Mr. Taylor moved, seconded by Mr. Boyd, for leave to introduce Bill No. 6, An Ordinance to Amend the Garnishee Ordinance. Introducing Bill #6

MOTION CARRIED

Mr. Speaker: Have we any Notices of Motion and Resolutions?

Mr. Taylor: I would like to give Notice of Motion this morning with respect to Press Secretary. Notice of Motions: #13

Mr. Boyd: I would beg leave to give Notice of Motion concerning Export Tax #14

Mr. Speaker: Are there any further? Before I go into the next item on the Agenda, are there any further Notices of Motion? First, I would like to make a few comments on the aspects of our rules. In the past, Council has had considerable latitude in the matters of debate while in Session of Council - I do not refer to Committee, I refer to Council - and this latitude has been given and accepted, more or less, by all Members of Council. Perhaps I erred in so allowing that to continue for such a long period of time. However, yesterday, the question came up as to the correct procedure for discussing motions and the amount of time that the person could get up. In other words, the question was brought forth which leaves me the only alternative of having to see that the rules are followed in accordance with Council's wishes and as they are set out. Now, when a Member brings up a motion, we are regulated from now on according to our rules, and I will read them. They are right in line with Parliamentary rules which is Council Rule #25, which is Parliamentary Standing Order No. 37, Beauchesne's, Re Rules of Council.

"25 (1) No member may speak twice to a question except

Mr. Speaker continues:
in explanation of a material point of his speech which may have been misquoted or misunderstood, but then he is not to introduce a new matter and no debate shall be allowed upon such explanation.

(2) A reply shall be allowed to a member who has moved a substantive motion, but not to the mover of an amendment, the previous question or an instruction to a committee.

(3) In all cases Mr. Speaker shall inform the Council that the reply of the mover of the original motion closes the debate."

This means of course that the mover of the motion can talk on the motion. The other members can debate on it likewise. The mover has what you might call a form of rebuttal and that closes the debate. I do my very best to be impartial to all Members and so I brought this to a matter so that if you happen to be cut off when you want to make a rebuttal and you are out of order that you will not take it personally. Another matter is the matter of reading newspapers and other irrelevant material while members are debating, or in Council. This is strictly against rules and I will quote from Beauchesne's. You will find it on Page 64, section 73. (1) and it reads as follows:

"Members are not allowed to read books, newspapers or letters in their places. This rule, however, must be understood with some limitations; for although it is still irregular to read newspapers, any books and letters may be referred to by members preparing to speak, but ought not to be read for amusement or for business unconnected with the debate."

So, I thought, gentlemen, I would bring that matter to your attention and we can go from there.

The next item on the Agenda would be motions for Production of Papers first is Mr. Taylor's Corporation and Income Tax Revenues.

Mr. Taylor: This was discussed yesterday, Mr. Speaker, and both motion for the Production of Papers No. 1 and I believe on No. 2, and I believe they are being processed.

Clarifying the wording of motion P.of P. #1.

Mr. Clerk: Mr. Speaker, on this matter may I ask a question, please. In this Motion for Production of Papers, Corporation and Income Tax Revenues, I believe the wording of the motion was "paid by the Territory", and the wording I don't think is quite clear. I believe that Mr. Taylor wanted the amount of revenue which was actually paid to the Federal Government in the form of Corporation Taxes and Personal Income Tax. Is that right? The wording itself almost leads you to believe that he wanted to know how much Corporation Tax and Income Tax was paid by the Territorial Government which, of course, doesn't exist. The question was brought up to me this morning when somebody was looking for the information on the wrong file, and I just wanted to make sure that I was right.

Mr. Taylor: Mr. Speaker, I did duly note this and I apologize for erring in the preparation of my motion. Mr. Clerk has the intent of the motion properly interpreted.

Mr. Speaker: What could be done is, the motion of course is formally presented and is going through proceedings. The motion could be withdrawn if Council accepts, and another one could be put in.

Mr. Taylor: Would this be required, Mr. Speaker. I wonder if Mr. Clerk could indicate it.

Mr. Clerk: Well I don't think it is absolutely necessary, Mr. Speaker. I have given them the right slant on the matter.

Mr. Speaker: I might state that in motions, it is very clearly stated that it is not what one person might mean, it is what a person puts down on a piece of paper and this is what the Member should endeavour to do.

Mr. Speaker: Now I'm afraid that all our motions at this time are in Committee. There are quite a list of questions here that haven't been answered. Are there any further questions at this time?

Mr. Watt: Mr. Speaker, I would like to ask Mr. Clerk, what is the position of Motion No. 1 right now? Is it not... should it not be referred to Committee and then passed?

Mr. Clerk: Yes, that's my error. I should have removed that yesterday. It was passed as amended yesterday.

Mr. Speaker: Thank you for bringing that to my attention. That is absolutely correct.

Mr. Taylor: The question, Mr. Speaker, to direct to Mr. Clerk this morning, is that taking into account the fact that a member can only have so many questions on the Order Paper at one time, I wonder if Mr. Clerk would convey to the Administration the desire to clear these questions as quickly as possible so that members then may be able to ask additional questions.

Mr. Speaker: Well, Mr. Taylor, I will have to study this matter of questions. There are only so many motions to be on hand but I don't know quite ....I'll have to look into the question and see whether this is applicable....we must take into advisement. If it is so, then Council members may wish to change it because it does take ages and ages sometime to get a question answered. Mr. Watt?

Mr. Watt: Mr. Speaker, I would like to refer the Speaker to Standing Order No. 22, Subsection 2(b) "no member shall have more than five questions at a time in the daily paper".

Mr. Speaker: What page would that be on?

Mr. Watt: Page 7, first two lines.

Mr. Speaker: That is correct. You have a little latitude, yes, I will grant you that. Thank you, Mr. Watt. Are there any further questions?

Mr. MacKinnon: Mr. Speaker, I have a question for Mr. Clerk. Could he tell Council the cost of a Territorial Election in the Yukon?

Mr. Clerk: I don't have the figure readily available, Mr. Speaker, but no doubt I could secure the figure. It would have to come from the Federal Elections Officer who looks after the Federal Elections in town.

Mr. Speaker: Then, Mr. MacKinnon, will you submit a paper on this question and prepare the paper and submit it tomorrow.

Mr. MacKinnon: Yes, I could do that tomorrow.

Mr. Speaker: Have we any further questions? Well, to clean up matters, I see we have Bill No. 1 for Third Reading. What is your pleasure?

Third Reading Bill #1

Moved by Mr. Boyd, and seconded by Mr. Southam, that Bill No. 1, An Ordinance to Amend the Credit Union Ordinance, be given THIRD reading.

MOTION CARRIED

Mr. Speaker: What is your pleasure now?

Mr. Boyd: Mr. Speaker, there is a Mr. Isser Smith in town, in fact in the building, who is, you might say, co-ordinating the progress of our Corrections Institution, from Ottawa, both the Yukon and the Northwest Territories one, and I felt that Council would be very interested in bringing themselves up to date on this position as it is now. Also, Mr. Smith would like to be with us and answer any questions. I took it upon myself to ask him to be here at half past ten, hoping that the Council could give him half an hour or so of their time this morning inasmuch as there is much to be done concerning this operation, many things to be attended to, many of them thorny and so on. I felt that Council should know and have the opportunity of finding out where they stand. Would Council agree to this, please?

Mr. Speaker: Council, you have heard Mr. Boyd's proposal to meet with the gentleman from the Correctional Institute Department. Are you agreed that we meet with him as soon as he arrives? I presume this would be in Committee, Mr. Boyd.

All: Agreed

Mr. Boyd moved, seconded by Mr. Southam, that Mr. Speaker now leave the Chair and Council resolve into Committee of the Whole to discuss items with Mr. Smith and to proceed from there to Bills, Motions, and Sessional Papers.

MOTION CARRIED.

Mr. Speaker: Motion is carried and Mr. Watt will take the Chair as Chairman of Committees.

Mr. Watt: Mr. Speaker, I believe it has been the prerogative of Members of Council to refuse the Chair if they so wished. I feel that there has been another arrangement for the taking over of the Chair so I would like to decline this morning.

Mr. Taylor: Mr. Speaker, for one Member I thought was so critical of the Chair, I am very, very surprised that he would not entertain the opportunity to learn about the chairmanship of this Committee.

Mr. Watt: Mr. Speaker, I can't understand why you allow this last statement. I thought it was in our Votes and Proceedings that anybody had a right to decline this Chair if he so wished. He didn't have to get up and argue about it. Could I have an explanation from Mr. Speaker why you allowed that last statement?

Mr. Speaker: Yes. From my recollections, I believe Council agreed...at first I thought I would preamble this and it wouldn't hurt matters, certain members of the Council so desired that the Chairman of Committees, in other words, the Deputy Chairman of Committees, should be rotated from time to time. The discussion that followed, as far as I can remember, was that it was agreed by all Council, the Committee, that this would be rotated, that we would start yesterday with Councillor MacKinnon and proceed around the table. However, if there were some subject that some Member was particularly interested in, they could turn the Chair

Mr. Speaker continues:

over to someone else. However, it did behove, and it was agreed by all Members that they would take their turn if possible and some were demurred a little by that. However, it was agreed so I think there may be some substance in what Mr. Taylor has remarked. And today, of course, under that agreement and under the instructions that were given me, I have delegated you yourself, Councillor Watt, to be the Chairman. If you wish to decline, that is your prerogative.

Mr. Watt: That is what I said to begin with Mr. Speaker... that I wish to decline.

Mr. Speaker: In which case I will appoint Councillor Southam as Chairman of Committees.

Mr. Southam: I will call a short recess.

The Chairman called the Committee to order.

Mr. Southam: Gentlemen, I see we have with us Mr. Smith and the Commissioner who we have asked to sit in with us.

The Commissioner introduced Mr. Smith to the Councillors.

Mr. Southam: I understand that Mr. Smith is here to answer any questions we wish to fire at him so I would like to ask Mr. Smith if he could give us a rundown of what he wishes and any way we can help him.

Mr. Smith: Thank you very much, Mr. Chairman, gentlemen. It gives me a great deal of pleasure to be able to address the Council for the first time. My predecessor in the position that I hold has addressed Council before, and some of you will remember Mr. Duncan Clark who was the Correctional Planning Officer and from whom I have taken over. Mr. Clark was a very good personal friend of mine from way back when and we have worked together for years and had sort of followed each other around across the country in various jobs, switching back and forth. Now this is the last switch so far where I have taken over where he's left off. He has done the same before in every situation. Mr. Clark did a marvelous job I know of bringing the Council along when he spoke to them about the Corrections Program, but it has been some time now since he has been here. It is my first time and I understand that for a good many of the Council members here, this will be the first time for them too to discuss correctional matters on the Council at this time. So, if I may, I would like to just very briefly and quickly run through the background of the corrections program and why it is as it is and so on. The Council of the Yukon is on record as approving in principle a corrections program, a total corrections program, consisting of probation, diversified institutional care for adults and for juveniles and after-care services. This was in contrast to an earlier proposal that an institution only be built - a fairly large institution, simply housing offenders with no consideration of probation services or after-care services. The Council accepted this and is on record in this respect, and on the basis of this approval in principle, planning has gone ahead over the past few years to develop the facilities that are necessary to establish such a program. I think we are all aware that society always, from the earliest times, has had rules and laws and sanctions against the people who broke the rules and laws that society have. I think we are all aware, too, that generally speaking the purpose of these sanctions, of these punishments, that any society has had has been to protect themselves from those individuals who

Mr. Smith continues:
would break the laws of the society. The trouble is, you see, that when you talk in terms of protecting society, you talk very, very broadly and very generally. A statement like "protection of society" doesn't tell you how you can go about it or what's the best way of doing it, and in order to get more practical over the years, people have developed different objectives and methods for punishment. We have had as objectives for punishment such things as retribution, restraint, deterende and reformation, roughly in that order as far as history goes. The simplest and easiest way of looking at it for people who break laws and rules is simply to get rid of them - eliminate them completely, physically, and for a long time this is exactly what society did. Practically every offence that existed was a capital offence. You chopped off his head or you shot him or whatever you did with him, you solved your problem. Unfortunately, you didn't solve the problem of the next guy who came along and they kept coming. Retribution as an objective didn't work out too well either, particularly after society became organized to the point where it wasn't left to each individual to look after his own wrongs. At one point, if I stole something from you, it was perfectly proper for you as an individual to chop my head off. After a while, it became proper only for the state itself to do this, not an individual, and after that when that wasn't working out too well, ideas of elimination, not be killing but by removing, became prevalent - banishment to the old development of Australia or so on in many cases. It didn't have the problem and it was just as much a process of elimination. But this didn't work too well either..because they still kept on developing. Then imprisonment came along. Originally, imprisonment on the basis of being either rough and tough about it and locking them up for indeterminate periods for just about anything. This, unfortunately, wasn't working out too well either. No one of these methods has ever been all by itself. It all developed over a period of time and at any given time, all of these objectives, all of these ways of doing things, have existed more or less simultaneously in different proportions and it is true today. We don't have any one objective or one way of doing things, but there is one objective which is generally accepted, and one way of doing things that is generally the way of doing things at any given time and you will find this in our time too. Today, the objective is generally accepted by all thinking people and certainly by those people who are profession and expert in the field of corrections and theology.. the idea is accepted that it is not good enough to just lock somebody up, that if all you do is just lock him up and make no changes whatsoever in the person or allow him to make changes in the person, you have gained absolutely nothing. Sooner or later he has to come out and he's certainly no better off than when he went in and in many, many instances, he is much worse than when he went in. Society has had short time protection but has paid a considerable price in terms of long term difficulties they will have with this person. When the general public first began to accept the idea that perhaps a man could change, that nobody was just necessarily completely and always bad or evil if you want to use the moral terms, when the idea was accepted that maybe a change could occur, that was the beginning of the idea of reformation. Originally it was based purely on the man himself changing. What you did was put him in somewhere, isolate him, give him time to think, time to be penitent, and if he was penitent, then he could probably achieve salvation. Now, this implied that he could change and this at least was the first acknowledgment that there was some purpose to trying to have someone change. Institutions as such, correctional institutions, prisons, jails, and what have you, their original aim was purely one of having people in them to give them

Mr. Smith continues:
the opportunity to be penitent, nothing else was provided or meant to be done in an institution as such. When reformation as an objective of punishment aimed at social approval, it became fairly obvious that you had to do something more than just put him in an institution and give him a chance to think. It wasn't enough. And so prisons, jails, penitentiaries and so on had to be adapted to a new way of doing things. Imprisonment itself was certainly a step up the ladder from corporal punishment and capital punishment that had existed before that but it still wasn't all that good and it needed to be adapted. The first adaptations that were made were basically passive in nature. Instead of having the guy chained up to the wall and not feeding him and that sort of thing, conditions were made more tolerant but still pretty austere. Nothing much was happening. At least he had a cell to himself, he was fed and he had an opportunity to think. It was obvious to anybody that for the man to think of what he had done in the past, he had to be not hungry at the present or he would always think about his food. So he was fed and he was looked after to that extent but nothing more. There wasn't anything dynamic, nothing there to act on the person to make him change or to help him to change...it was entirely up to him himself whether he would be penitent or whether he wouldn't be penitent. When rehabilitation came into being as a method to achieve reform, then changes began to occur in institutions and this is of fairly recent origin. It doesn't go back that far. Now for those lay people who tend to see crime and sin as interchangeable things, if you can just... crime and sin being the same thing...many of these people still do not accept the idea that rehabilitation is a desirable method or that reform is a desirable goal but fortunately, I don't think there are too many people who see crime and sin as interchangeable any more. Certainly leading pathologists are agreed that the correctional institutions serve most effectively for the protection of society against crime when its emphasis is on rehabilitation. In other words, the general purpose now, as in the past, is protection of society but we now see it as a long-range proposition rather than a short-range one of lock them up for two weeks or a month or a year or whatever and that's protection but nothing else is done. Rehabilitation is seen as a long range way of achieving greater protection in society. Certainly if you return a person to the community so that he does not commit first crimes, this is much better protection than simply having him locked up for a period of time and doing nothing about it. It was this philosophy, this philosophy of rehabilitation as a method, reform as a goal and an object, which was the basis accepted by the Council for its correctional program and it was on this basis that the facilities have been designed. You are all aware that at the present moment an institution is under construction here in Whitehorse and it is hoped that it will be completed in the summer of next year. The contract for that institution calls for ten months for completion from the date of starting. This should bring it into June or July roughly, and allowing a couple of months for equipping, furnishing and generally shaking the institution down and getting into operating order, it should be ready to go into operation say in September or October of next year. In addition, plans are going ahead on the development and building of a minimum security structure - a camp structure, a mobile camp structure. These should be going to tender by the end of this month. They should be constructed during the winter and should be up here in the spring, actually well ahead of the completion of the main security institution but not

Mr. Smith continues:
designed to go into operation until the other is ready. They would go into operation simultaneously. You already have another aspect of the correction program in existence here in the Yukon. A Probation Officer. You will probably agree that there is a need to expand your probation services and increase the staff list involved or whatever is necessary to continue carrying out this probation service. It will be a growing function and I think it is proper to say that probation as such will be the mainstay and one of the major items of the correctional program. It happens also to be the one that is cheapest in terms of general cost, which provides the greatest amount of return for what is put into it and I think probation should be developed to its fullest possible extent. I think you are all aware of the cost of construction of this institution that is now going up and I think you are all aware too that it is considerably more than was first estimated when it was first proposed. The increase in cost is partly due to the length of time that went by from the original proposal and estimates to the time that it actually went to tender. This in itself increased the cost. Certain things came along during a period of time when Federal Tax on construction material and so on would certainly add to it and the other factor that increased the cost was that at the present time in Canada you have an extremely buoyant situation as far as construction is concerned. Construction companies are certainly not going out looking for jobs in the North. They have a great deal to do to keep them busy, such as Expo 67 and Peace River and all other kinds of construction - major construction. So this too tends to add to the cost and it was reflected in the final capital cost of the building. At the same time, the general costs of operation and maintenance gradually increased year by year as to their components - costs more to maintain, costs more to get staff and so on so that the operation and maintenance of the correctional program is not going to be a small two-bit affair. It's going to cost money - a fair amount of money. I think that the Council that approved the program realize that it was going to cost a considerable amount of money and have decided that since they wish to have a program based on reform and rehabilitation, they knew that there would be considerable cost involved and that they were prepared to accept these and to work out the best manner of getting along in them. I could outline other things to you regarding the program as it is envisaged to be but I think perhaps it might be best if rather than doing that I stopped talking at this point and let you people ask me any questions and if I can answer them, I certainly will.

Mr. Southam: Thank you, Mr. Smith, for your informative address and I will now throw the meeting open to the other Councillors who wish to ask Mr. Smith any questions.

Mr. Shaw: There are certain questions I would perhaps like to raise at the time on account of the public asking that same question so possibly it might be appropriate if we carried it along at this time. I'm not quite sure whether you had the laying out of all the facilities or not, but the public themselves, the opinion of the public, is such that this institution, I think they are quite prepared to accept probation and rehabilitation and this kind of stuff, but their general impression is that this is somewhat of a glorified hotel that we are building at a great deal of public expense, with tremendous cost per square foot, with facilities that many people don't have such as television

Mr. Shaw continues:
and all this kind of stuff to give to people who have committed an error against society. In other words, the whole situation has gone absolutely overboard from one extreme of the old Bastille type of incarceration to this type of a start. Now with the knowledge I have at the present moment, I would be very much inclined to agree with these people. Another matter is the matter I understand that this building is fired with fuel oil. Now in this Territory, we have hundreds of thousands of cords of wood relatively close and it would appear to me that if we could utilize the wood, and there is no question we have the labour to cut the wood and also to fire the boilers, that that would save the Taxpayer a tremendous amount of money in operational costs over the years. This I feel certain could not be detrimental to rehabilitation of the inmates. In fact, it would appear that if they had a certain amount of work and chores to do, firing boilers and cutting wood and so on and so forth, particularly with these mobile camps we are going to get, that we would be getting the utmost from this institution at the minimum cost to the Taxpayer. In other words, the general feeling by the public, at least to many people I have discussed this with and mind you they only know as much as I know - what you read in the papers - because there's no other way of finding out anything at this stage of the game. So the feeling is that this has just absolutely gone from the sublime to the ridiculous and I wondered what your comments would be on this particular aspect, Mr. Smith, in relation to employing usefully and rehabilitating at the minimum cost to the taxpayer as opposed to making a really glorified apartment dwelling.

Mr. Smith: Well, I am glad that you asked the question. I hope that I can answer it to your satisfaction. What is a hotel? A hotel is a place for accommodating people in terms of a place to stay, to sleep, to eat, and a hotel is a place that offers services, generally, speaking, of one kind or another, that can go along with the business of staying somewhere. And if we want to use it in that sen s that this institution is going to provide accommodation, a place to stay, to sleep, while the man is serving his sentence, it does that. If it provides service, it does that....not quite the same kind of service that you would expect to find in a hotel, but if you consider the up-grading of an academic standing a service, it does that. If you consider the provision of vocational training as a service, it provides that, and if you consider for that matter, rehabilitation generally and reform generally as a service, it provides that also, and in that sense, it would qualify as a hotel, but I don't think that this is what is meant. We are not building a ramshackle unit for housing the offenders, it is true. It will be comfortable. There's no question about that, but it is being built for a purpose and the purpose and that purpose is to reform and rehabilitate. Just as they found out in the old days that just for penitence and salvation you couldn't very well have a man thinking and trying to be penitent if he had to worry about the fact that his stomach was empty. You can't have a man really concentrating on changing his attitude and so on if he has to be concerned about physical things. I am not suggesting that one make things gloriously easy and you recline in lounging chairs here and there and have a glorious time. It is not going to be like that at all. I know this from my

Mr. Smith continues:

experience in the field of correction for fifteen years that any time that a man who has been sentenced is given an alternative between going to an old-line institution which is purely regimented and strictly, you know, up and exercises and back and lock up and that's it, and going to one of these nice modern hotels, he'll pick the old institution every time. The reason is that is is much easier to be an inmate in an old instution like that, particularly if you have no intention whatsoever of reforming and don't have any desire to. It's tough to go through a reform program. Things are demanded of you. You are not there for simply reclining on your bed and what have you. You are asked to put something of yourself out. The old Con, the inmate who has been in and out a few times, shuns the rehabilitation program like the plague because it makes demands on him, it is not easy. He wants to stay away from it if he can. So that you can ask any inmate in that hotel whether he would rather be in that hotel or back in his shack on the River and he will pick the shack on the river every time. One thing he lacks in this hotel, and I would say this to any one in the public who thinks it would be a hotel, "would you like to be there"? Would any other person like to be there on the basis that the inmate is going to be there?-- not to come and go as you please, not to come and stay for as long as you like and then leave, but to go whether you like to or not, into it to stay as long as someone else has decided you must stay, and to do what is required of you during your stay. At that point it is not a hotel....even though you sleep in a comfortable bed, I don't think it is as comfortable as perhaps yours is at home. Even though you have good food and satisfying surroundings, you wouldn't want to be there, I wouldn't want to be there and I can guarantee that the inmates who will be there won't want to be there. I don't think it is proper to say that because some of the people who will be in that institution normally live in the community with facilities that are less that what the institution has and, therefore, the institution should be of a lesser quality in terms of what it provides. This would be like saying that because a certain porportion of the population in your community lives in poor housing, therefore we should maintain this kind of poor housing in all our facilities that we provide for schools or for hospitals or for anything else because they're not used to anything better. It's wrong. It's not correct. We're to bring them up from that level, not operate ourselves down to that level. As far as employing them usefully is concerned, certainly we would hope to employ them usefully, but I would ask you to remember that reform and rehabilitation is not purely and simply a matter of employment, it is a matter of changing attitudes and a matter of providing skills that one may not have, a matter of providing concepts that one might not have. This has to be done in a variety of ways - not just one way. It seems to me that one can always give to much emphasis to any one method of doing things. There have been times in the very recent past - I'm not going back a hundred years, but in the last ten, fifteen, twenty years, when someone has come along in the field of correction and said "By God, the answer to all our problems is psychiatric treatment", for example. You give psychiatric treatment to these people and everything will be just dandy. No more

Mr. Smith continues:

problem. And it built institutions designed specifically to give this kind of treatment. What happened? It didn't answer the problem. It helped some but not everybody needed psychiatric treatment. Then someone else comes along and says "Vocational training. You give every guy that comes in here a trade and solve your problems". So you've got institutions built all over the place whose main aim is vocational training only, and it helps a few who really needed vocational training, but in the large majority of situations, this wasn't the case so it doesn't help. The fact is that in any modern institution for rehabilitation and treatment, it is recognized rather that you have to have a diversified program and that you have to individualize. You just can't make generalizations and say, you know "What's good for General Boom, this is good for the country" sort of thing. Each individual has different needs. You have to have the ability to find out what these needs are, and you have to have the facilities in the institution to try and satisfy these needs so that he can change. Vocational training is part of it, a good work program is part of it, counsel is part of it, good recreation is part of it, and so on - not one thing but a variety of things. In this institution there will be useful and gainful employment. In this institution there will be facilities for academic training, some facilities for vocational training and up-grading. There will be facilities for counseling services, recreation, and for a great many different things so that we can do something for every given individual who comes in there. Employment will be part of it and there will certainly be plenty of employment for them to be looked after. As far as the question of heating is concerned, I am not a heating expert. I am not a heating engineer. This is something that is left to the experts. If they come up with oil, I can only talk, you know, I can only talk as a very ordinary guy who doesn't know much about it, but for the type of building that it is and it is the type that it is for a purpose, for the structure as it is laid out, it would seem to me that the amounts of wood fuel that would be required to provide heat over such a spread of area would be quite large, and that the amount of time that would be taken up on the part of say the inmate population to get the wood to supply and to keep on putting it in would really detract to quite an extent from their time that we want them in there for, for rehabilitation purposes, other things on the program. We don't want them to be stoking furnaces all day long. We want them to do other things besides. Oil has the rather happy facility of being able to look after itself once you've got the equipment there. Now, there may be other reasons for having an oil fire, I don't know.

Commissioner Cameron: Yes, Mr. Chairman, I think Councillor Shaw has forgotten there are no oil furnaces in the unit itself. This is being steam heated from the Central Steam Plant in the Camp Takhini area and it's only running now at, I believe, below 50% capacity, so there's ample heat to supply this institution if necessary.

Mr. Southam: At this time, gentlemen, I would like to call a five minute recess.

Wednesday, November 17, 1965
11 o'clock a.m.

The Chairman called the Committee to order and discussions were resumed on the proposed Corrections facility for the Yukon Territory.

Corrections Consultant for Northern Affairs in Committee for the purpose of answering questions on planned Correction facility for the Yukon

Mr. Isser Smith: Mr. Chairman, I should like to say something about comments I read in the local newspaper. In December of this year, some comments made in the editorials of the local paper came to my attention and these comments were directed on the new then proposed building coming up. There was even a picture in the paper taken in such a way that the proposed building appeared tremendous when all you saw was the front facade. The comments were to the effect that the plan of the institution was not in accordance with that passed by the Council. I want to make it a matter for the record that the institution being built now is exactly the institution that was approved by Council, with no change in its design whatsoever. It is the exact building that Council was aware of. It will eventually look like a vocational school or small hospital and in fact the building has been designed in such a way that in future if it is no longer necessary to have this correction facility around, it could be any of these things: it could be a vocational school, it could be a detention and juvenile centre housing a Juvenile Court, when this community is ready for that. It is useable for any number of things. It is contrary to the type of structure originally proposed - a four square steel jail. With an institution of this kind, it cannot be used for anything more or less than a jail whereas the planned building can be a multi-purpose one as it is intended that this institution shall be part of the community and shall be community oriented. Even the programme in this institution will be community oriented. It is not to be placed apart because I think that we have passed this stage. We used to do this by placing mental patients in mental hospitals way out in the sticks. Corrections is a social problem just like education and it is part of the community and should be but I emphasise that the building going up is the identical, exact building accepted by Council based on the plan the Council saw. This much I wanted to add.

Mr. Taylor: Mr. Chairman, I have a question that concerns me to some degree and that it is seems to me that the programme we are embarking upon involves itself with a great financial expenditure both in capital costs and in the administration of this project in operations and maintenance which means that we will have to employ some pretty healthy staff. What department of the Administration would this fall under? The Probations Service now falls under the Welfare Department. Would this be a separate department of the Administration or will this go under Welfare? And who will head this Department? As I feel that this is a fairly large responsibility.

Mr. Isser Smith: This is a very good question. As you have indicated, this is a fairly costly proposition in that it is not a small operation. They will be two institutions apart capable of housing forty people in one and housing thirty people in the other. We are talking of a Juvenile Detention and Treatment Centre capable of housing 15 - 16 juvenile people. We are talking of an extended Probations Service to add to the undertaking and it costs money. It will also take a fair amount of staff to operate this. Any institution of this kind operates 24 hours a day, 7 days a week, 52 weeks a year. There is no stopping. The number of staff to do

this would be considerable if taken in a lump sum, and this staff will not be the turn-key type of staff common to the old type Institution. We want staff who will be more than Custodians, who will be responsible to see that the people stay here as ordered by the Court. But above and beyond this, their responsiblity is to assist in the change we want to see in the inmate. We don't want just some ordinary guy who can turn a key and can get tough if he has to but someone who is able to help these people along and change their views and attitudes who will eventually go out as better people. The staff to be selected can't be every unemployed person around. He is a Supervisor and not a Guard and we are not trying to get fancy, it is trying to indicate the change that we see in the function and the job we expect the man to do. He is not there just as a Guard. He is there to supervise and to help. It seems to me that corrections as such and you may have this impression, although it is generally a welfare function in that it is concerned with rehabilitation and welfare of the people who come to it, is, in this sense a welfare function, a general welfare function but corrections in itself is somewhat unique in the methods it uses, the approach it takes and in fact it is based on authority as such. It will form a considerable part of the budget and on this basis I feel that corrections in the Yukon, and I might add that this is considered to be the ideal way, should be a separate department within the Government. Just as Welfare is, Justice is. You are all probably aware that in the Provincial Jurisdictions of Canada, corrections as such is with the Department of the Attorney General with the exception of Saskatchewan at the moment. This is so because this developed a long time ago and it came slowly. Natural thing at that time when developing any sort of system of jails and so on, it went in where the Police were, where the Judiciary was, the Attorney General's Department and this is why you have it but this does not indicate that this is the best place for it to be. Our attitudes have changed a great deal since those things started but it is not easy to change a thing once it is in. The Yukon are in the process now of starting an entirely new corrections programme from scratch but it would be ashame for the Yukon to repeat and go through all the same steps and procedures that have happened in other jurisdictions over the last 50 - 75 years and repeat all the mistakes that have been made over this same period. Surely we can benefit from the experience gained in other jurisdictions and avoid the mistakes which have been made. There will be plenty of our own any way. But why repeat past mistakes? The best way to handle it seems to be to have a separate Department, with the Head of the Department, with your Superintendents of the Institutions reporting directly to the Head of the Department, a Probations Service with a Chief Probations Officer who will report directly to the Director of Corrections, a title we will just use, and this Director of Corrections reporting directly to the Commissioner as does your Welfare Department and so on. It seems to me that this would be the way to do it. I would think that it is essential and urgent considering the Institution is capable of being operated in September of the coming year thus it is essential to begin immediately to find firstly, a Director of Corrections, so that he can begin as quickly as possible to get involved in the planning programme. It is an involved, technical, professional business and we should have such a person now, as soon as we can possibly get him. It would be ideal to

have such a person involved in the selection of the other senior staff who will work under him. You would hire him first and with him go out and hire the rest. I'm afraid that in my view, there is insufficient time now to first go out for your Director of Corrections, and then go out later for your Superintendents and later for the intermediate and lower range staff. I think you will have to go simultaneously. If it is possible to find the Director of Corrections quickly, by all means he should participate in the ensuing selections of staff, senior staff. Must fact reality in that these people are not easy to find. What we are looking for in a Director of Corrections is a person experienced in corrections, experienced in the administration of large institutions perhaps of some such institution who is now ready to move ahead to the administration of a number of institutions, and this sort of person - there are not very many people in the country. They are largely in the south. We will have to compete with the south in finding this man so you have to consider the salary you pay him and it will have to be one that will entice him to come and keep him but even with that recognise that it will take some little while to find the person you want because on him evolves the whole responsibility of continued development. Someone has to be on the spot here handling the development of the programme continuously. I think too, if at all possible someone now here should be given the responsibility, as far as recruitment is concerned, to play a major part in the finding of staff. Someone who can liaise now with myself in Ottawa and so on and continue the process. I don't want this to be a matter of Mr. Smith came one week. This is all fine and dandy and then Mr. Smith is gone, he is back there in the eastern hinterland. Someone has to be continuously going on with this programme. Someone has to supply the Commissioner continuously with material as the programme develops. Does this ....

Mr. Taylor: Yes, Mr. Chairman, and I thank Mr. Smith for his outline. I had a supplementary question, or two. One was, what are we speaking about in number of staff and staff selection? I am alarmed with the disclosure of the necessity to interest staff recruitment. In this respect, we shall be going through the old routine of sending out competitions. Do we have to recruit staff by competition or can we send out a team of people outside and recruit staff going from city to city? You mentioned that someone in the Territory should liaison. I agree. It is a Territorial responsibility and we should have someone from the Territorial level in on the thing from start to finish. I wonder if you have any ideas as to who this person should be? I should like to submit that our Parole Officer, Mr. Hawthorn seems to me to be a very very capable individual who possesses the necessary degrees for this type of thing.

Mr. Isser Smith: With respect to the number of staff we would be looking for in an immediate recruitment: we would need a Director of Corrections; a Superintendent for each Institution; need at least one more Probations Officer; you need a Business Manager; need Deputy Superintendents for these two Institutions who should be trained personnel from the outside. There will be more staff requirements but with regard to the lower levels of operation, as many as possible should be found in the Territory. It should be spelled out what the criteria are for the correction of these people, and what is wanted of these people. These requirements having been spelled out, then we could go ahead on a

competition basis and screen first locally in the Territory and endeavour to find as many as possible here, if not, we will have to go outside the Territory. I should say that a good proportion of these people could be found right here in the lower level, but with regard to the senior ones, none can be found here. These are professional persons who are experienced in the corrections field. Regarding the fastest method of acquiring staff. I can tell you what is being done with regard to the North-West Territories who are going into the same corrections programme, and they two are making this a purely Territorial project. What they have done, this far, I have prepared for them a sort of a circular which is being circulated which is being distributed across the country to all the places where the Civil Services' Commission puts up its posters, every town and hamlet of 1,000 population or over has one of these posters put in the Post Office and such places. Special mailing lists have been used. Example the general background training for these positions is the social sciences, social work and so on. There is a Canadian Association of Social Workers which covers the whole country. Every member of that organisation is receiving a copy of the circular with offers of jobs available in corrections. Lists are going out to other correctional programmes showing them what's happening in the North-West Territories and what's available. Then there are newspaper ads going into 12 - 13 different newspapers across country on a double exposure basis. A trip is then planned across country to interview these persons in their own localities, to meet with them and also to meet others who are available but who did not apply. Another add would appear in conjunction with this trip in every city that we go to saying again, you know, jobs this that and the other and if you are interested to contact Mr. Smith at the hotel so and so, on the phone just pick it up and call. This would sound like an intense programme of recruiting and what have you but I can tell you that from experience that the number of people available for these kind of jobs is few and far between and it's not only us who are looking for them. Penetentiary branch is expanding, the Provincial Corrections Programme is expanding, everyone is looking for them but there are only so many to go around. We have to really get in there to find and get them in terms of money and going out to get them. I would suggest that the Yukon can do essentially the same kind of thing. First thing is to let everybody know about the corrections programme, what jobs there are, what benefits there are and then make every effort to see these people, contact them, talk to them, screen them, judge them and then make your decisions. Example, I travel for the North-West Territories and if I find a person who is without a doubt suitable for a Superintendent of a Penal Security Institution, I am not bound in the terms of the Civil Service Competition, for if this is the guy I hire him and that's it! If the body's there that you want, get him. Now your third point and you mention that you agree that someone should act more closely in liaison with correctional matters and mentioned Mr. Hawthorn, whom I know personally very well. Mr. Hawthorn, Mr. Clark and myself have worked together in B.C. for a number of years gone by. I know him and have a great respect for Mr. Hawthorn. His training is excellent. He is a graduate social worker with a Masters Degree in Social Work and he is a most competent person.

I think that he would do a very fine job on liaison and in connection with the recruitment programme, the actual screening and this sort of thing, which I have outlined, if someone has to go out on a trip to screen these people to start with, I can think of anyone who can do as well or is better equipped than Mr. Hawthorn. Also I suggest to you dependent upon how fast your action is, the proposal for the North-West Territories for a recruitment trip is slated for January. Our advertising is out this week and will be out again next week but the actual trip has been left over for January. We could have done it sooner but it would have run over into Christmas which is a bad time to see people about changing jobs. It could still be done and I suggest this and I throw it over to you, a trip on a combined basis. I am making this trip on behalf of the North-West Territories to make the initial screening and I am quite prepared and willing at the same time to do this for the Yukon and further suggest that if this is an agreeable thing, that someone, perhaps Mr. Hawthorn, would make such a trip with me on a joint recruitment drive for the North-West Territories and the Yukon, to find staff. We want the same people. Actually, it would be an advantage to the Yukon to have a recruitment programme of this sort for most people if given the choice of jobs in the North-West Territories or the Yukon would inevitably choose the Yukon so you have the advantage on a recruitment programme, but this is simply a suggestion and an idea. Nevertheless, I think that you will have to move fast because these things take time and we still have to go out and find staff for the lower levels. Most of the lower levels are inexperienced and would need training and orientation before they ever start on the job. I have already been in touch with the B.C. Authorities to utilize their training facilities for our intermediate and lower level staffs. The response has been good but still indefinite. These things take time and we have to get staff now.

Mr. Taylor: Thank you, Mr. Chairman; I wonder if the Commissioner would comment and also on that little part on staff recruitment. Whether we have to go on competition or could we work it some other way?

Commissioner: Mr. Chairman, I am not positive if we have to go on a competitive basis. However, we have always done this for obvious reasons but as Mr. Smith has pointed out, we are dealing with a specialised field and it does seem a little superfluous to have every Tom, Dick and Harry writing in just because there is an opening for a job. I would like to check further on this to see whether it is feasible for us to do it without competition in this way. One thing we don't have to contend with, we don't have to go through the Civil Services' Commission which in itself is a saving of a month or 2½ years.

Mr. Shaw: It would seem that we will be ending up with an Institution capable of accommodating up to 70 people. It also appears to me that on a rough calculation, we would require 35 people for the operation of this institution comprising supervisors on I imagine three shifts plus an executive staff or administrative staff which will work out on the basis of about two inmates to one person taking care of them. In this institution, will the inmates be

entirely doing all the work except the supervisory and administrative work? Will they be doing all the physical work in this institution like cooking, keeping the grounds in order?

Mr. Isser Smith: Yes, generally speaking, yes and in this respect I'll elaborate a little. All the maintenance work as such, which is unskilled work, certainly. We are not going to have the inmates fooling around with the telephone communications system. All the bull work like cleaning floors, waxing them and all the usual work will certainly be done by the inmates. You mentioned cooking for example. You will have in the Institution a Cook who will be responsible for the kitchen and general messing. This is a job which is more than a job for just one person to run such a kitchen in this kind of institution. Now the help he will have and the people working in the kitchen will be inmates. He will be planning the meals and a cook in this kind of institution is much more than a cook in that he will be a combination of dietician, psychologist and what have you to make sure that the meals are satisfactory. Meals in an institution are most important because the first thing that will cause dissatisfaction and difficulty in this kind of setup is anything that is wrong with the meals. Actually, now days, it is hard to find a single institution of any size in Canada where the food is bad. Even institutions that do not have good rehabilitation programmes have good food, for at least they recognise this much. In general, all the maintenance work, and you mention grounds. Yes, all the development and beautification of the grounds will be done by the inmate labour. In addition they will do a lot of other things that are not directly involved with the maintenance of the institition. Things which would be of benefit to the public, but not such things that would tend to in any way take away employment or jobs which would otherwise have gone to people in the community. There is not going to be competition here or the use of inmate labour to detract from the availability of employment to the public. What they would be doing would be those things which otherwise would not be done plus the maintenance of the building itself. You will have a maintenance man in the Institution, a Maintenance Supervisor, who will be responsible for the general maintenance of the institution and this will include plumbing and all this sort of thing and he will have working for him inmates and so on. Does this answer your question?

Mr. Shaw: Yes, thank you. I can see that it is going to cost a great deal of money.

Mr. Isser Smith: It will take a great deal of money and in the staffing you were quite close. It will take about 40 in the sense of the two institutions.

Mr. Thompson: Mr. Smith made mention I believe to mobile minimum security facilities or something along this nature? Are these camper or trailer units, and just what exactly does this entail? With reference to the remarks regarding a similar situation in the North-West Territories, are we behind them in or construction and recruitment? You mentioned the figures of 40 and 30. I presume this is 40 medium security and 30 minimum security? You also mentioned something about 15 additional either juvenile detention or minimum ..... or some such ..... Are the facilities in the existing building when it is completed - will it include

these 15 or do we start budgeting now for the additional $10[illegible]000.00 to add on for the other 15 mentioned?

Mr. Isser Smith: The minimum security mobile camp I mentioned will be a camp which will house 30 - 32 inmates as the maximum. This is a mobile camp made up of trailer units. It is quite a unique structure and will be the first of its kind anywhere in the world to be used in this respect. The units are the usual trailer unit of varying sizes ranging from 50 x 10 ft. units to 40 x 10 ft. units and some 20 x 10 ft. and each with a different function. There will be formitory units to house the inmates; there will be classroom units for academic work, there will be a recreation unit; there will be a kitchen unit and dining unit in one to feed these people and there will be a storage unit for keeping supplies. All in all the camp consists of a group of 12 to 13 of these units and they are put together in such a way that when they are established on site they make in effect one complete building. These can be broken down and moved from one place to another. This is not a matter of moving every week or month sort of thing. It can be done but it would be undesirable and not feasible to do as this is not a small affair. This camp unit when setup is 209 ft. long. It is mobile but I would suggest that in developing sites, they should be such that a camp would be able to stay in one location for at least one year: preferably longer, say two years, and work at that location doing whatever the projects are until such time they are done and then you move on to another location where you again stay put for at least a year or two. I am sure that there are many such things in this area that can be done. In the North-West Territories around Yellow Knife, the country is not nearly as well-endowed but we have found such a site in Tillei Lake, 25 miles from Yellow Knife itself, which is being developed as a tourist camping ground and so forth, and there is enough work there that would not be done otherwise. They have done a certain amount and tourists are coming in already but the full development of it probably would not be done within the next 10, 15, 20 years. We will put the camp in there and with the use of inmate labour develop the area, slash all the scrub down to the lake, clear and develop it, cut our own lumber and bring it back across the lake for use in summer time building roofed-in facilities, for dining and kitchen amenities and things you want to have to bring more tourists in the area. The total project will take two years, in that area alone but in the meantime a highway is going around the lake and when we are finished there, will be moving 25 to 35 miles down the lake to develop another tourist resort. These are not exactly the kind of things to be done here but there are probably work projects in connection with forestry or the development of resources here that can be done the same way. Basically the minimum security camp is designed to provide a good, solid work programme for the short-term offender. The guy who comes in on relatively short sentences but over and over again and this is what you have primarily. Probably up to 90% of all the people going through our courts now would fit into this minimum security category.

Mr. Shaw: Mr. Chairman, I can visualise that these things have to be paid for and units such as these would run into the nature of at least $100,000.00. In the winter time in the Yukon, and let's be realistic about it, there is little to be done out in the woods and what has to be done is

done under hardship. I would look at it in possibly a different way to the Department. Suggest, therefore, that in a situation such as this instead of getting these campers or units, we get tents. I do not think that the inmates should really complain when you take into account that during summer we have everybody from every walk of life going out on projects who live in tents. They run from geologists to students and people who work in churches and they live in these tents in the summer time and do the job of work that is necessary. With a programme such as this, for a start, we should get a bunch of tents and utilise them during the summer time. The cost would be negligible in relation to what these trailers would cost and we could see how it worked. They would definitely be more mobile. When you get a unit of 4 to 5 trailers it would mean getting 4 to 5 tractors which could run into $100,000.00. Is there no way in which this could be put down on a more modest scale?

Mr. Isser Smith: No! To begin with, you would be able to house people in tents in the summer time. However, we are not dealing with campers but inmates and although they are enjoying the minimum of security they are, nevertheless, still inmates. Also have to bear in mind that we have to keep them both in summer and winter. The cost of this unit comprising, a full camp with all the facilities necessary, is $115,000.00. This capital cost is being born by the Federal Government. In fact this kind of facility is considerably cheaper for the number of men being looked after, than say a minimum security institution. For 30 men, the cost of the facility would be $115,000.00 and for 40 men the cost would be over a million dollars. There is quite a difference. The trailer units are designed as an institution. Basically, they are an institution without the amount of security which you have in a medium institution but you are still providing a kind of facility and your programme is still one of rehabilitation but the difference here is that the kind of men in a minimum security camp are those who primarily don't have a good set of basic working habits. People who don't know why it's a good thing to be on time for work in the morning? Why it's a good thing to look after the equipment that they work with? Or why it's a good thing to work a full day? This can and will be taught in this kind of work programme. On the use of tents, I would have no objects to but I feel that this cannot be utilised in the sense for sentence offenders on a year round basis as it is not feasible. The use of the mobile trailer units - these would last years and years as they were particularly constructed for the north. They are not the standard trailer. It is just like having a medium security or any other kind of institution except that you can from time to time move it which you can't do with a regular institution that houses 30 men.

Mr. Chairman called a recess for lunch and asked Mr. Smith to be back at the afternoon sitting. This was agreed to by the Committee.

Wednesday November 17th
2. o'clock p.m.

Mr. Southam: At this time, I would like to apologize to Mr. Thompson and Mr. Smith for not giving more time in discussing the subjects before the lunch recess. I wonder if Mr. Smith could answer these questions now.

Mr. Smith: The question I believe was whether the Yukon is behind the North West Territories in the recruitment of staff. The contracts we were instituting were left practically simultaneously so far as construction goes its the same. The construction perhaps in Yellow Knife is a little more advanced over your construction here, but not very much. The last I heard they were ready to pour the main slab and I don't know whether you have got to that stage or not. On recruitment its a yes and no answer, the N.W.T. as I have already indicated gone ahead with its recruitment program and put out a circular and newspaper advertisement which should be appearing this week. The Yukon has not done this or whatever they are going to do yet. The projection on the recruiting for N.W.T. is that the circulars distributed now gets the widest possible distribution, the newspaper ads. appear now and next week and get a double exposure of the same ad. and then we set back for a bout a month to see what we get in the way of replies. These replies are being sent into me in Ottowa and once we have these, I will go through them and work up a program all across the country should they apply, to see these people if they are worth seeing. This will take place in the middle of January to the middle of February which will be about a month to make the circuit all across the country. If the Yukon decides to go ahead with this recruitment program and the Administration feels they wish to go along on a joint recruitment program and I suggested and offered with the N.W.T.. There is nothing to prevent them from going out with circulars or newspapers ads. now on their own and still having the combined recruitment program in the matter of the trip. Someone from here who is involved with corrections, I suggested Mr. Hawthorne who is the Corrections person here or the Probation Officer who is a very qualified person could be the Yukon representative who is travelling with me and I would be interested in both the N.W.T. and the Yukon aspect of it. We could travel together and see the people who are applying for both jobs and this could all be put together into one program. It will cost less and be more productive. With this you would not be behind as you are right now with advertising and the matter of circulars. You are behind one week now, but if you do it right away that's all you would be behind but if you wait to do this youwill be more behind.

Mr. Taylor: Might I ask at this point one question. What would Mr. Smith feel is required of Council in order to start this off. Is this something we should officially launch or we should give direction to the administration and what is it going to take to launch this program.

Mr. Boyd: Mr. Chairman on a point of order I think Mr. Smith should answer Mr. Thompson's questions before we get into another set of questions.

Mr. Taylor: I am sorry I thought these questions were concluded.

Mr. Smith: Can I hold that question Mr. Taylor and come back to it later. I believe the last question of Mr. Thompsons was with reference to Juveniles. You are probably aware that in every jurisdiction wherever it is, juveniles and adults are completely separately dealt with or should be. As you know we have the situation here where they haven't been, purely on the basis that you haven't had the facilities to deal with this. You have had juveniles in the lock-ups with the adults from time to time and this is a very bad situation. This is making it worse from what it already is as far as you are concerned. There isn't a person in the field of criminology that will not tell you that juveniles and adults should be separately dealt with in terms of institution facilities and probation facilities. What you need here, if you all agree, are some facilities for juvenile detention and treatment and this you don't have. You send people out to the provinces and so-on and this should not be so. They would not be part of the facilities which are being built now, this is for adults and you would not want to have them together but have a separate facility for them. A facility is now in existance in the N.W.T. a temporary facility not a permanent one, expected to be in use for the next two or three years. The property was bought and so was the building, it is presently being renovated inside, funished and equipped and will house up to 16 juvenile offenders and the N.W.T. is going for a unit for girls. They are at present going for a unit for girls as this is their main concern as they have no-where to get girls at all in the main provinces but they can still get the odd boy out to training school. This will be a separate facility, a temporary one, but eventually they plan to build a permanent one for girls. The proposal has been made that neither the Yukon Territory itself nor the N.W.T. themselves have a sufficient number of either male or female delinquents in the foreseeable future to warrant the whole construction of facilities for both as there is not that many coming up in the forseeable future. It has been suggested that perhaps the two territories could work in co-operation in this area and develop each a facility for one sex, one concentrating on the males and one on the females. Thereby not having to build facilities which they won't be able to fully use for years to come. By doing it this way you could save yourself money and yet provide the necessary facilities for the future. The N.W.T. are going for girls and it is hoped that the Yukon would go for juvenile facilities for boys and there would then be an exchange. This is what has been proposed. The facility in the N.W.T. the property, land and building etc. the land cost them $12,500, the building $15,000 and the moving and renovation roughly $35,000. They bought a piece of land which was owned privately about 11 acres, it is not needed for the juvenile unit alone they can do other things with this property. It is right in town, in Fort Smith, its not way out somewhere but part of the community, and is accepted by the people of the community. The people who will be in it, we hope will be able to attend the local schools and in the main we want those children to be part of the community.

Mr. Boyd: Mr. Chairman, I think before Mr. Smith goes into Mr. Taylor's question, I think Mr. Taylor is asking what is involved in paper work in order to advertise for these people. If I am right I would like to suggest that we keep our questions more to the general sense, in so much as there is an Administration and there also is a Committee involved to look after the paper work. Rather than have Mr. Smith go into details and explanations which would become lengthy and keep us and himself here unnecessarily.

Mr. Taylor: Mr. Chairman, the Member's fears are quite unfounded I have no such intent or did I express such an intent.

Mr. Smith: If I am not mistaken you asked specifically what it would take to get this recruitment program on the road, not in the way of paper work but just what is required. I think this is an administrative decision to bemade as to the program, but if the Council expresses in any way its view that there is such a need for urgency and fast movement on the program then it would be up to the Administration to move fast. I personally feel there is a real need for urgency here and I have offered certain facilities and ideas which I think would be useful to find the staff we want in a hurry or as quickly as it can be done but it is up to the Administration and as far as Council is concerned its up to them whether or not they agree with my views.

Mr. Thompson: I would like to ask Mr. Smith one further question. Don't you feel with the limited amount of technical people that are available for positions such as these that you are going to receive pretty well a duplication for both the positions in each of the territories and it will be a case of sending their applications from here and comparing them with yours and finding that we have 75% duplication.

Mr. Smith: This is very possible, and I am sure there will be a number of poeple who have applied to the N.W.T. for what they have advertised and the same people who have applied to the Yukon for what they have advertised. This lends support to me of the Yukon and the N.W.T. jointly operating on this particular program. We are going to be to a certain extent dealing with the same people but then it is up to the people involved if we are interested in them to decide where they want to go. I don't thinkit will be completely that way as there will be some people who apply to the Yukon who have no interest in coming to the N.W.T. and vice versa. In the main you are quite right, there is a limited number of people who would be interested and would be interesting to us and they may be the same ones. We are not offering anything different in the way of salaries or anything else its the same program the same everything and it will be up to the people that we are interested in to determine where they are going and hope there will be enough of them to satisfy both territories

Mr. Boyd: Mr. Smith, one very short question, I am very interested in the price of $1,000 per acre within thevicinity of Yellow Knife. It seems to me to be a very lucrative deal of the Government. Did the man that sold that ground make any concessions price wise or is this the true value of the land.

Mr. Smith: First of all it is not in Yellow Knife it is in Fort Smith. The property is right in the midst of a residential area in Fort Smith, the price and how it was arrived at was quite simple. An Independant firm of Assessors was asked to go in and assess the value of the property in Fort Smith and tell the Commissioner of the N.W.T. what they figured this land was worth. They made their assessment, they gave their figure and the offer was made by the Commissioner of the N.W.T. and it was accepted by the owner. I might say that it was not the figure that was originally given by the owner, it was considerably less.

Mr. Boyd: Would it be about half the price that the original owner wanted.

Mr. Smith: No.

Mr. Taylor: I think that in view of the remarks this afternoon, I would like to propose a motion for the consideration of the Committee and the motion would read as follows:

That it is the opinion of Committee that Administration takes steps to initiate staff recruitment for the Corrections program at the earliest possible moment.

Mr. Watt: I second the motion.

Mr. Shaw: Mr. Chairman, in amendment to the motion in conjunction with the N.W.T. that it should be done together with maximum efficiency and economy as Mr. Smith has suggested where possible.

Mr. Taylor: I didn't include that as I thought this would follow the proceedings. All I was doing to initiate the program and the administration would follow through the votes and proceedings and I could have expressed that.

Mr. Shaw: Mr. Chairman, I did that because as you know many times we have passed motions and it wasn't in exactly what we wanted and as far as the context of the discussion was concerned at no time indicated on whether it should be in conjunction with the N.W.T.

Mr. Taylor: I would amend that all I have asked for here is that Administration takes steps to initiate staff recruitment in the Correction program without giving any firm direction on it, but the motion could be amended.

Mr. Shar: Just to continue Mr. Chairman, that in conjunction with the N.W.T. where possible.

Mr. Taylor: Mr. Chairman, if the seconder of my motion would agree rather than going through the form of amendment I would propose the motion to read that it is the opinion of Committee that the Administration takes steps to initiate staff recruitment in conjunction with the N.W.T. in the Corrections Program at the earliest possible moment.

Mr. Chairman, Gentlemen , we have a motion before the Committee that is moved by Councillor Taylor, seconded by Councillor Watt that it is the opinion of the Committee that the Administration takes steps to initiate staff recruitment in conjunction with the N.W.T. with the Corrections Program at the earliest possible moment. All in favour.

Council agreed.

Motion was carried

Mr. Chairman: Have we any further business with Mr. Smith Gentlemen or can Mr. Smith be excused?

Mr. Taylor: I would just like to say and I think all Members would agree the deliberations of this morning and this afternoon have certainly been most enlightening and would thank Mr. Smith for coming and explaining the program to us and wish continued success for the future.

Mr. Smith: I would like to thank you for those kind words Mr. Taylor and I would also like to thank everyone here for the opportunity to speak with you. Its my first time with you and hope it will not be the last, I have enjoyed it very much and at any time the Council feels I can be of any assistance in explaining anything to do with the Corrections Program I would be only too glad to make myself available. Thank you very much.

Mr. Chairman: I call a recess for ten minutes.

Mr. Shaw: For the information of the Legal Advisory, its in relation to 160A and the relative penalties as far as arrests.

Mr. Legal Advisor: I am sorry I was in a Meeting when this question came up. Let me rely on my memory for the moment. There is authority but I will have to look up my files as the reason is quite detailed and involved but there is an authority to say that the Police Officers can arrest for offences generally of this nature now. The Police have many duties to perform and its very difficult for a Police Officer who is out on patrol by himself to argue in his own mind the fine points of law where he has the power to arrest. Really to give him assurance on these offences alone he does have a power of arrest and its useful for the citizens point of view to know the powers of arrest for certain motor offences. We are performing two services, we are making the Policeman's job a little more sure of what he is doing as he can't phone up Headquarters and take the opinion of them, he has to make a decision. From that point of view they wanted it spelled out. There are powers of arrest given in the N.W.T. this I am quite sure of but I am not sure whether they are all on the same offences, I think actually we have four offences which they don't mention. If Council will allow us to find the file I could check on this, but in order to look into the B.C. position I will have to do a couple of hours reading on that point.

Mr. Watt: Mr. Chairman, I would like to ask Mr. Legal Advisor if he recalls a series of questions that was put to Council a couple of sessions ago concerning the same thing, the power of arrest without warrant or this list of offences. Has there been any change in that list that was given to us at that time or is this the same list and that they wish to give power of arrest without warrant.

Mr. Legal Advisor: I am sorry I can't remember the list of offences on that list at all. This like so many things has been in the course of preparation for so long and I have really forgotten the points from which we started. It has been going backwards and forwards for three to five years but originally the Department of Justice advised that it was unnecessary to give a state of power of arrest because they already had it. I am not sure that the file now given me will answer the question adequately.

Mr. Shaw: Would it be possible if this will take the time that the Legal Advisor mentioned, to go into the other matters and come back to that later.

Mr. Legal Advisor: I have got the information about the N.W.T. and I can give you that. It was in 1962 that they may an ordinance where a Police Officer may arrest without warrant on reasonable grounds, he believes this offence to be contrary to:
(a) Sub-section (1) Section 12 that is operation without number plates. Then the offence of driving with common danger, failure to stop upon request, obstructing a Police Officer, operation where licence is suspended and excessive speed. There is also the arrest in the case of an unregistered trailer, but you can quite see why in the N.W.T. they would never be concerned with this because they never have more than a shoe lace of roads and they haven't met with some of the problems that are all too familiar on our Highways. Having no insurance but by comparison they have no roads at all in the N.W.T. They have had this since 1962 on very limited scale because there are only a handful of motorists there and don't have our type of traffic.

Mr. Taylor: I have acouple of questions with relation to this section. First of all it would appear that the motor vehicles ordinances of the Yukon and N.W.T. are as much the same. I am wondering why we require the power of arrest to arrest somebody because they haven't got their licence plates on their trailer or why you would want to go out and arrest somebody for driving without adequate driving insurance. I understood that these people were ticketed in offences of this nature and they were justly prosecuted. This big power of arrest deal throws me, I can see trying to arrest somebody who is obstructing an officer in the course of his duty or driving without due care and attention but I also feel there must be provision under the Criminal Code that is somewhat blanket in this affairs. I may be wrong and possibly the Legal Advisor can set me right as to what provisions are in the Criminal Code with respect to an officer in the course of his general duty. I am also wondering why this appears in Section 160.

Mr. Legal Advisor: It could have probably been section 167 or why in turn that particular section I don't know. In regard to the need of a power of arrestI have already told the Committee that the power of arrest does in fact exist now. In spelling it out here we are performing two services, you are helping the Policeman and you are flagging it before the attention of the public.
As to why in particular you would want this passed is of course something which you would want to hear from the Inspector. I can't give you the Police point of view all I am doing is bringing the material here and trying to answer your questions to the legality. However, I do know some of their thinking and they have had many cases where they have stopped people going on the Highway and told these people to report in and this is just a signal for these people to put their foot right in the floorboards and gun their way out of the territory and this is what it is intended to stop. The person who is committed to an offence very often is not a resident of the Yukon . The trouble doesn't arrive with the residents of the Yukon because sooner or later they are going to catch up with them.

Mr. Taylor: One supplementary question Mr. Chairman, am I to understand that a Policeman to-day has not the power to arrest anybody for any one of these offences.

Mr. Legal Advisor: No he has the right, but it isn't written out for him and its a matter of legal argument. Perhaps you would like to have the Police on this and the material I am really looking for is not in this file, its probably two or three files back as thing has been going on for so long.

Mr. Chairman: I call a recess for tea Gentlemen.

3.30 pm, Wednesday 17th November 1965

After the recess the Chairman called the Committee to order.

Mr. Chairman: What is your pleasure gentlemen?

Mr. Watts: If the Committee agrees could we have Mr. Pantry come before us and ask why the Police here need these powers?

Inspector Pantry called

Mr. Chairman: Is the Committee agreed?

Committee : Agreed

There was a recess while Mr. Legal Adviser called Mr. Pantry. On Mr. Pantry's arrival in the Gallery the Chairman called the meeting to order and invited Inspector Pantry into the meeting and introduced him to the members.

Recess

Mr. Boyd: There is a list of reasons written down here - driving without adequate insurance and so on - and I think Mr. Pantry that the Committee are wondering why it is necessary to write these down in order that the Justices of the Peace can exercise his rights in arresting a person.

Mr. Pantry: I think what Mr. Hughes said to me was that we have made arrangements to make representation to have legislation whereby a Peace Officer might have the right to arrest a person without a warrant at the time of the offence when it was detected and he indicated that this was another latitude extended to police officers in that they could take a person's liberty from them for a violation of the Motor Vehicle Ordinance and would we have some argument as to why we should. If you look at the indicated offences you would see that they are what we would call a continuing offence; a man caught operating a vehical without a licence, if you don't arrest him you have to, what, let him go and continue the offence? If he is found without insurance coverage do you arrest him or let him go without getting insurance? These are what we call ' continuing offences'. The other feature why we should have these powers is that you have a transient population, you have extensive distances involved and some people are not prone to appear voluntarily or they may not be situated in the Yukon and answer a summons, so this is what we are suggesting: that we have the power to arrest, not on all violations of the ordinance but certain specific violations which would protect to some degree the revenue of the Yukon and certainly impress the transient population with obedience to the statute. Is there any other clarification that I might give?

Mr. Watt: The first reason that you gave for requesting this amendment to the ordinance was that they are continuing offences. I am puzzled by that statement. What is an operator of a trailer, say, that's coming into the country supposed to do if he is operating a vehicle without number plates? Once he is picked up it is recognized that he has committed an offence, now you give him a ticket and he or his agent appears in court. Is that not right?

Mr. Pantry: That's right, but what does he do? Is the vehicle impounded or does he carry on continuing the offence by driving an unregistered trailer? If he is taken forthwith before the court, he is dealt with and he must forthwith get that trailer licenced.

Mr. Watt: Well the power that we are giving now is that you leave that trailer exactly where it is on the highway, halfway between here and Watson Lake or anywhere else and you arrest the individual or the vehicle.

Mr. Pantry: This is the power you are going to give us now, to arrest this individual and take him before the court, bearing in mind he may not be localized but that he may be a transient from outside. He may not be the driver that comes back next time

Mr. Watt: I will accept that, and another one: driving without a licence. Now if I forget my operator's licence or something like that?

Mr. Pantry: Well, most police officers do have a few brains to rub together. If I checked you without your driver's licence I would say,'well this is Mr. Watt who is a local man, I know him! or the man says'I'm from Whitehorse,'well fine but there are those situations where you will find transients or you find a man from Dawson down at Watson Lake and he says 'well I'm not coming back here', it might be more expedient to arrest that man and take him before the court rather than have to arrest him in Dawson and bring him back on the warrant under the territorial ordinance. And again I say it's the transient nature and the continuing nature of the offence.

Mr. Watt: The next one is "Using someone else's licence and Mr. Legal Adviser had indicated that this meant if somebody is on a fictitious licence, and were using that as a licence under someone else's name. That could happen but surely that's an offence under some part of the criminal code.

Mr. Pantry: It borders on the criminal. If he's using someone else's driver's licence he has obtained it by a false statement or by crime. The nature of this offence indicates something else too. Just because he has a driver's licence in another person's name, it may not just be that alone, there may be something else, but the nature of the offence itself indicates almost a criminal intent in other directions and we would like to have authority here to arrest a man. Why does he present someone else's driver's licence? Is it stolen? He should have his own driver's licence. What do we do again? If we don't arrest him do we permit him to drive on with that other person's driver's licence? Do we take that licence away from him and leave him without one to commit a further violation?

Mr. Watt: The next one was "Driving without due care and attention or reasonable consideration for others. Now that gives the police officer an awful lot of latitude and giving him a tremendous amount of power to exercise his judgement.

Mr. Pantry: I agree this may give some latitude to a policemen but I think if you review the criminal code of Canada on reckless or imprudent or negligent driving the wording is almost the same and depending upon the seriousness of the situation you can arrest a man for being criminally negligent in the operation of a motor vehicle or, which is a lesser thing, provide a man here and I suggest that the largest factors in our accidents, I think not only in this territory but in the outside, is just this type of driving and what we must do gentlemen, is impress this type of driver, the imprudent driver, the reckless driver, with a little something more than a summons or a voluntary penalty or appearing at his pleasure. I think we should have some teeth, where he is immediately brought before the magistrate. It is a serious offence, reckless driving and I suggest that the request that we be able to arrest without warrant on this particular charge is justified. It is one of the more serious factors contributing to accidents.

Mr. Watt: One point. You said that reckless driving is one of the more serious causes of accidents. This is a different sense altogether than is indicated in this. The wording is 'without due care and attention'; that's a minor offence.

Mr. Pantry: Which is tantamount to reckless. I agree with you it's not entirely reckless. Reckless driving is a little more but it borders on the same. I stand to be corrected by that but driving without due care and attention or without regard to other people is just that - a man is actually negligent in the operation of a motor vehicle. It is his duty to drive that motor vehicle with regard to the conditions, with regard to other people that might be on the highway and this is a form of negligence. I suggest that this is a type of serious offence under the Motor Vehicle Ordinance and that we should have these teeth, or powers of arrest.

Mr. Watt: I accept your explanation but I think there is an awful lot of latitude in consideration for others in this type of thing. Now the next one is (f) "Failure to stop if signelled by a traffic officer in uniform'. We are leaving it up to the traffic officer to indicate whether the operator of the vehicle has noticed his signal or not. If you have a traffic officer on the edge of the road and the driver does not see the police officer, then the police officer has the discretion to arrest this guy without warrant. He has no defence, the trial has already been had on the street and you're in jail.

Mr. Pantry: I see your point there. In effect, what this means is that the motorist is signalled to stop by a police officer and he goes by them and doesn't stop. Now if he is overtaken and stopped and asked 'Did you not see my signal' 'No Sir I'm sorry I did not see your signal' You have to take all cases on their own individual merits. If you took after that person and he kept on going and you raced at high speed, this is the type of thing that we're suggesting. If I am on traffic duty or road block and a fellow goes by me or through me and I overtake him and stop him - I've done this many times as a policeman - 'No sir, I didn't see your signal. Why shouldn't I stop; here's my driver's licence'. But when you come to the car that has reason not to stop, he has no driver's licence,

he has no registration, or he is slightly under the influence then you can put two and two together and realize why he didn't stop and then you have the power to arrest him. I don't say that every man who fails to obey the order of a police officer is going to be arrested just because he didn't see him but this is a situation where you do give a policeman that authority when the situation presents itself. Am I arguing well, Mr. Watt?

Mr. Watt: Yes you are, very well.

Mr. Pantry: I also say this. Most of the accounts of the conclusions of our cases come here and if there is any apparent overstepping of the mark, if this thing does go through, I am sure we would be the first to hear about it and these things would be treated most severely, I can tell you. A Peace Officer under the code has wide powers of arrest under most statutes. In British Columbia he has wide powers of arrest but they are peculiar to certain sections as we are dealing with here today. Same in Alberta, New Brunswick and Nova Scotia, they all have these peculiar powers of arrest under certain sections. Now the number of incidents in my service of 19 years where the police are criticised for illegal or improper arrest are negligible when you take into consideration the worth they are doing by transient people, by undesirables in the operation of motor vehicles where you have complete control over them at the time and continuing offences, registrations no operator's licence, no insurance, all these things are those offences which, if you let them go, you'll never see hide or hair of them again and you want to have some recourse in being able to arrest them and take them before the courts.

Mr. Watts: And the last one is (h) : Operating a Motor vehicle after cancellation of licence. Is that not an offence now? I see every once in a while in the papers that someone has been operating a vehicle without a licence and they get fined such and such.

Mr. Pantry: Yes, but perhaps they are summoned. We are asking for authority to arrest them without warrant. Now this is a personal affront to those people who cancelled their licence. If a magistrate suspends a man and then he has the audacity to go out and drive again I think we should have the power to arrest him.

Mr. Watt: If he is guilty of an offence like that he already has to go to court, does he not? If we give you these powers, we are going to have to build a bigger jail.

Mr. Pantry: No, this doesn't follow. The incidents that will come about as a result of this will be very few and far between and they will be those incidents where there are transient types, people who are leaving the territories and things like that; I don't think you will find a citizen of Whitehorse or any other town where he is a bona fide resident who has an imprudent driving offence on the charge is going to be arrested and locked up. This is not the intention at all gentlemen, I assure you of that. I will let my men know, if these things go through, that they are to be utilized in those cases where they most certainly have to be justified. There must be some good reason to exercise their powers. Even now we have this.

Mr. Watts: I have just two comments to make on this now. First of all we have a peculiar situation up in the Yukon Territory. We have a very large percentage of police for a small population and a lot of these RCMP are young gentlemen and they haven't got the maturity of judgement the same people will have after several years of experience and I've heard a lot of criticism based on this idea and I think this is one reason why I would not vote for this in this form. Secondly the main reason you have given us for just about every offence is the transient population. This arrest without warrant is quite a thing; it's a lot different to arrest with warrant and would there be any objection if we amended this amendment to read 'and officers may arrest without warrant a non-resident'.

Mr. Pantry: He might also be a resident.

Mr. Watt: We can get him then with a warrant.

Mr. Pantry: Yes you can get him with a warrant. He may be a resident of Dawson and be down here and he's without insurance or he's committed some offence and you could deal with this is the courts of the area of jurisdiction.

Mr. Watt: Now a particular point that you've just mentioned. I bought a vehicle in BC and the dates when their licences expired were different, so I had this vehicle parked in Watson Lake and it expired during the time I was out in Cantung. I came back and had a ticket for an expired driving licence. Fine. I told them I wanted to get to Whitehorse so I went and bought a licence the next day in Watson Lake and then I appeared in court up here. I don't see any reason why the police officer at that time would or should arrest me without warrant and impound my vehicle.

Mr. Pantry: Well no, I don't see why because you are a well-known resident

Mr. Watt: I would say the same thing could happen to any resident in the territory. If the idea of this is to get non-residents and particularly truckers have been mentioned, why cannot we just put in 'non-resident'. If it is a local trucker then we are going to get him of course. One question I would like to leave with Mr. Legal Adviser, or maybe Mr. Pantry can help me with this: how many tickets have been issued to residents and warrants obtained where they got away. And the second part of the question is what about non-residents? This appears to be the basis of the request for amendments.

Mr. Legal Adviser: May I give a report on the research we have been doing. I would like to point out that if you are going to discriminate between resident and non-resident I would have to consider that very carefully. I was asked before the interval what they have in BC, and in BC in section 63 of the Motor Vehicle Act, Chapter 253 as I have it here: 'every officer or constable of the Royal Canadian Mounted Police or of the police force of any municipality may arrest without warrant (a) any person driving a maotor vehicle upon which no number plate issued by the Superintendent under this act is displayed whom the officer or constable finds committing

any act in violation of any of the provisions of this act or of the regulations. He may arrest also any person whom the officer or constable finds committing any act in violation of the section 138.' Section 138 I think is the careless driving section (quoted)."And he also may arrest any person whose driver's licence is under suspension or has been cancelled and whom the officer or constable finds driving amotor vehicle on any highway and he may detain the person arrested until he can be brought before a justice to be dealt with according to law'. Now I told you before the adjournment that this matter had been going backward and forward on many a trail between Yukon and Ottawa for many years and it had been under discussion before I came here. Here is an opinion dated 23rd February 1961 following a discussion on this point: 'In connection with your memorandum of February 15th and Mr. Olsen's reply of February 17th' (this was a memorandum to Mr. Bickle) 'he has drawn my attention to the decision of Williams, Chief Justice, Queen's Bench in Regina v. Ferris 1958, 24 Western Weekly Reports, page 255 and page 261 where he held that Section 435 of the criminal code is to be read as if the words "an offence to which the provisions of the Summary Convictions Act applies" were substituted for the words "indictable offence".' The letter then goes on to deal with how he reached the conclusions and then says: 'In the Yukon Territory section 21 of the Yukon Act fulfills the functions of a Summary Convictions Act and this section makes the proceedings under the Criminal code relating to Summary Convictions applicable to the enforcement of territorial ordinances. These proceeding are regulated in part 24;subsection 1 of section 700 makes the provision of parts 14 and 15 in respect of compelling the appearance of the accused applicable to proceedings under part 24 and therefore also to proceedings for the enforcement of territorial ordinances. Applying the reasoning of the Chief Justice in the Ferris case we are compelled to conclude that a Peace Officer may arrest without warrant a person who has committed, or who on reasonable and probable grounds, he believes has committed or is about to commit, not only an indictable offence, but also a breach of an ordinance of the Yukon Territory.' Now then goes on to justify in more detail: 'This is the reasoning on which Crown Council should rely if the legality of an arrest is ever challenged'.

I have read this at some length in order to get it on your votes and proceedings so that you may have reference at a later time but that is the considered opinion of the Department of Justice at that time. It still seems to be perfectly sound. You have the example of British Columbia, you have the example of North West Territory, for what it's worth, and you have the experience of Inspector Pantry in other parts, and it is up to you to decide whether you write it in words here or whether you will still leave it out as an uncertain quantity and allow the citizen or the traveller to argue the point, probably unsuccessfully. So the power to arrest already does exist.

Mr. Pantry: With regard to Mr. Watt's question regarding the number of tickets issued to residents and non-residents, in a lot of these things a ticket may not have been issued. If a ticket were issued to a non-resident and he did not appear, this would be an outstanding charge. Many cases of investigation have gone on where we have

investigated unlicenced trailers and so on and don't get near to it. This is a doubtful quantity but whatever our file ledgers would show, they may show residents and non-residents. I would have to go through reams of files to see what the facts are. It would be difficult but I would say there wouldn't be very many. I will do some research on my side and see if I can come up with an answer within the next few days. I would like to say something in respect of Mr. Hughes' submission. I know this section 435 whereof he speaks but I wasn't conversant with 21 of the Yukon Act. As he has pointed out, regardless of what you do here in so far as the Motor Vehicle Act is concerned, I have knowledge that we could arrest without warrant for any breach of any territorial ordinance and be supported by this legislation which is on the books. We're just being a little more pointed now. It doesn't give us any wider latitude and I'm sure most of our men appreciate this and I'm sure if you have had any complaints up to this point - all right - but if you have had none I would suggest that this is an argument in support. I don't think you would see any abuse of powers and in so far as your comments go on the youth of our policemen I would go on record here as saying that the face of the Yukon is changing in many directions and is certainly changing in the law enforcement direction, whereas some places in the west, central and eastern Arctic are fairly remote and completely isolated and the police work is negligible, the Yukon by and large with the exception of Old Crow is an active police territory not entirely different from outside sub-divisions. We have a wealth of criminal work here, territorial ordinance work, liquor and motor vehicles and our men must be conversant with all aspects of police work. Now in days gone by they weren't all that involved in police work. They were doing work in the north as our man in Old Crow. I will not sell our youthful policemen short; some of them are very clever; while they may look youthful, they are learning but we do get this exchange of people from one part of the north to the other because we are in the same division and some of the men coming to us are not as highly experienced as some of the others, but I think the situation will improve.

Mr. Shaw: There is one matter that does come to my mind. That is that we have two matters involved: the power of seizure of a vehicle and the matter of arresting a person. That part is fine. But from my observations in the past when a man was arrested,he was taken up to court and the business was disposed of in one form or another. Now this goes on and on and on and on, these trials, with the business postponed and adjourned and carried forward. Now a person could be arrested for not a real serious offence and he could be stuck in jail, unless he got bail - which he might not be able to afford -- and if he is going to wait on the pleasure of the court to hear his case he might have to wait for two months. In the meantime he's in jail, his vehicle is tied up, and though he has done something wrong it doesn't merit two weeks in jail. However, before his case is heard he might be two weeks in jail, which is tantamount to him getting a fourteen-day sentence. So there is something that is certainly no fault of the law enforcement department but it is an inescapable fact. It can and probably will happen. Personally I have no objection to it but I do feel that there should be a certain period of time before that man comes before a magistrate. Do we have any provisions for anything such as that?

Mr. Pantry: If I might answer Mr. Shaw, you could write right into the ordinance that he shall be taken forthwith before a magistrate. Now once he is in the custody of the Justices of the Peace he is not in the custody of the police. He will come before the court and the constable lays the information, charges him on an offence, the magistrate says 'Are you willing to plead now?' 'No, I don't feel I'm guilty, I would like an adjournment for a week" 'Yes, where do you live' and so forth. Well, this is up to the court to decide, it's not up to the police, but I suggest that most of these cases are decided upon forthwith. A man will say 'I'm prepared to plead guilty' He is guilty, he's fined or otherwise and he's discharged from the court. I know there is a lot in support of Mr. Shaw's argument. There are a lot of cases where a man's case is not as expeditiously dealt with as it is possible in other quarters but this ordinance here, when and if you amend it you can read that 'the police officer shall forthwith take the subject before the magistrate or local justice of the peace having jurisdiction'. And this gets him immediately before the court.

Mr. Boyd: I notice on the next page they say 'if proceedings are not taken within the next ten days after the motor vehicle is seized and detained persuant to subsection 1: the motor vehicle shall forthwith be returned to the owner thereof' Now I could assume that the owner himself has been in jail for ten days, but you are quite prepared to give him the vehicle back without any ado. I wonder what you are going to do about him; It doesn't sound right to me.

Mr. Legal Adviser: May I deal with that? That is really taken from the Alberta Vehicles and Highway Traffic Act, section 116, where there is a power of detention and the comparable section I think is word for word :

"If proceedings are not taken - from the provisions of this act within ten days after the motor vehicle is seized and detained persuant to subsection 1 the vehicle shall be forthwith returned to the owner'. So proceedings must have been taken and the owner would not be residing in this locale.

Mr. Taylor: I have a question. There is one thing I would like to get straight in my mind. Do members of law enforcement agencies, particularly the RCMP, today possess the power to arrest a person for any of the enumerated items here such as driving without adequate insurance. Do they have that power and if so under what authority do they have it? Do they have it under the criminal code?

Mr. Pantry: No they don't have it. They have it in the other provinces under the particular statutes so made, that is the Moter Vehicle Act of British Columbia, New Brunswick, Nova Scotia, etc.

Mr. Taylor : No I meant in the Territory. As I asked earlier, it would be ridiculous if we had a section of the ordinance today in which a policeman couldn't go and arrest a person if he contravened.

Mr. Legal Adviser: I would like to deal with that question if I may. Section 21 of the Yukon Act provides unless otherwise therein specially provided proceedings for the imposition of punishment by fine, penalty or imprisonment enforcing any ordinance in force in the territory may be brought summarily before the Justice of the Peace under the provisions of the criminal code in relation to summary convictions and we do not have a Summary Convictions Ordinance. Now in BC and other places they have a Summary Convictions Act. We have never had that, we rely on part of the criminal code which deals with summary convictions proceedings and it is as a result of the presence of that section in the Yukon Act that the Department of Justice came to the very carefully considered conclusion that the power of arrest does extend to all our ordinances and in fact the police can come and arrest you for allowing your dog to run wild, but they don't. It doesn't matter what it is. The importing of the criminal code proceedings by virtue of the Yukon Act does give us what the other provinces do by passing a summary convictions act as, it is argued, is already done for us by Section 21 of the Yukon Act.

Mr. Taylor: With all due respect to Mr. Legal Adviser I cannot read the Yukon Act that way. Under section 21 it refers to 'proceedings for the impositions of punishment'-this is after the man has had his day in court as I figure it - 'imposition by fine, penalty or imprisonment' and does not provide for any vehicle, for the arrest of any person in respect of any ordinance. But what I'm wondering is, is there a blanket provision possibly in the criminal code?

Mr. Pantry: No. It says 'a Peace Officer may arrest anyone found committing a criminal offence' A criminal offence has been held by court to be an offence punishable on some conviction. For instance a man could be arrested if he were found in the possession of liquor. It's not a criminal offence but nevertheless it's a summary conviction offence and a peace officer has the right to arrest. Is there a code here Mr. Hughes?

Mr. Legal Adviser: No I haven't got one down.

Mr. MacKinnon: This refers to the same section - driving without adequate insurance. Now does the RCMP have jurisdiction over a non-resident without insurance on this particular instance?

Mr. Pantry: Yes, he must produce proof of financial responsibility as I understand it. You would be able to answer that Mr. Taylor.

Mr. Taylor: In this light too it is interesting to recall our discussions with relation to school busses and insurance. If a car from California comes whistling down the highway and slams into a school bus and has no insurance there is nothing we can do. Period. We do not require a non-resident to have insurance on a vehicle.

Mr. Clerk: Further to that, if a resident from California runs into any vehicle and he doesn't have insurance his motor vehicle is impounded until the claim is settled or he does prove that he has sufficient insurance coverage.

Mr. MacKinnon: I would like to ask Mr. Clerk if this has been the practice.

Mr. Clerk: Very definitely.

Mr. MacKinnon: I could state where it has not and one case was a truck. The police were called in by Mr. Brewster and he was informed that they could not make an arrest, therefore I do not think even today he's got any type of settlement for the damage.

Mr. Clerk: But they most certainly could have impounded the vehicle.

Mr. Shaw: It does state in 146 that if bodily injury or death to a person or damage in an amount apparently exceeding $100 to property results from an accident in which a motor vehicle is directly or indirectly involved any officer seeing the accident or who arrives thereat while any or all of the motor vehicles involved in the accident are still at the scene thereof impound any motor vehicle so involved.

Mr. Boyd: What we're all talking about here is a, b, c, down to h and anybody violating these particular items is already in trouble if the police catch up with him, and rightfully so. If the police or the administration want to have it written in here I see nothing to stop us putting it in. It doesn't interest me too much in giving somebody driving without a licence at all - he knows better. Put some teeth into it if it's going to help some way and let it be.

Mr. Taylor: I agree with this business about putting teeth into ordinance but unfortunately when you put teeth into an ordinance you expect it to be enforced or else it's not worth its salt. I haven't so much a dislike for this section in respect of what it covers but what I am worried about is something I've seen happen quite a bit in the territory and that is where you get the young constable again who, for instance, thinks that maybe you have a bottle of whiskey in the back seat of your car and uses some other ordinance to get in there to find it. This has often been done. Therefore when something comes before me in Council that offers widespread authority of arrest I get kind of shaky because it has been abused in some instances in the past and I wouldn't want to see this in the future. Of course this is up to the discretion of the individual peace officer involved.

Mr. Pantry: Well, I am sure that the fears are probably reasonable but we have a force of 7,100 men serving 20 million people and if you add up the number of complaints we get I think they are negligible. But the trouble with the police complaint is that it hits the headlines. Now I say that a policeman is no different from anybody else. We are all human, we are not infallible, but a policeman has had training, he knows what is right and wrong. Now I know if I find a man using a liquor warrant to search a vehicle where he has no authroity to do something like that, he will be properly dealt with. I don't think you need have any fear here. This is not what is intended. It is intended in some degree to protect the people of the Yukon and the revenue of the Yukon. And if I thought for one minute that we came tabling this before you with a view to searching somebody's trunk for liquor I would feel very silly indeed. I know Mr. Taylor has a point.

but if anything like this happened I would hope that it would be reported to me and needless to say the man would be dealt with. We do have young constables too but they are quite mature men, most of them, doing a man's job in this country and have been doing since 1873. They say times are changing, we have a large country and a small mounted police force and we do get complaints against us, but every one of them is dealt with properly. This is not the intent at all and if you have any fears that you are giving us wider powers to do something that is improper, this is completely wrong in fact.

Mr. Taylor: I would not want to leave the impression that this is the force that does this, I am thinking of the individual in some outlying detachment who could use this. This probable and reasonable factor was another one that had me bothered but I note in the remarks of Mr. Legal Adviser that other legislations are drafted in this manner. I believe Alberta uses this term 'reasonable and probable grounds'.

Mr. Pantry: This is an expression used in the criminal code of Canada which says that a 'peace officer acting on reasonable and probable grounds may arrest without a warrant! But he is responsible for the consequences of his act. If he has no reasonable and probable grounds then he is liable under the code as well as civil action. If he did something which was contrary, there would probably be a recourse to civil action against this man. The citizen still has his recourse; they all have the same rights. If I arrest you improperly you can deal with me through the normal legal processes. There is no question about it. A peace officer may only use that much force to overcome the force supplied. That's right in the criminal code. If I use excessive force I am responsible for the excess. But if a member of the force does anything here which is not on reasonable grounds or is contentious the citizen has the normal processes to deal with the peace officer. You are not giving him power where he is absolved from any responsibilities.

Mr. Boyd: I feel that we have dealt with this for some length and I think it is time we dealt with something else. I think we are satisfied in our own minds what it all means and it has been very elaborately explained. May we not move on?

Mr. Watt: Maybe Mr. Boyd is satisfied; I am not. I have one question. I have asked Mr. Legal Adviser and I had suggested an amendment. Most of these amendments to the ordinance are directed at the non-resident from what I understand and Mr. Legal Adviser has suggested an amendment to the amendment could possibly be ultra-vires so I would like to leave this until we find out if it is ultra-vires.

Mr. Pantry: I see Mr. Hughes's point here too - you're being discriminatory. When I talk about transient types I don't necessarily mean the transient type in and out of BC, he could be transient from Dawson City to Watson Lake for example. It may be expedient to have the matter dealt with and if you are going to deal with it I would recommend that it cover any person, any operator, any driver of a motor vehicle and that a stipulation be included that he be taken 'forthwith' before a magistrate That would be my recommendation. While I may have given you the inference of transient I still think there are local people who would fall subject to this as well.

Mr. Watt: In answer to that, the addition of this word 'forthwith' - I understand that we have a young RCMP and they're learning. I respect that but that costs us money and as they're learning, they transfer and we're taking the brunt of this learning.

Mr. Pantry: By and large you have got quite senior men here in the Yukon who have between 5 and 10 years of service

Mr. Watt: You say for a false arrest a citizen has the normal recourse. Do you have any idea what this normal recourse costs and what sort of a settlement you would get around here? The facts are this: you can get picked up in the streets for anything, you are virtually automatically guilty and the simplest thing to do and the most practical is to plead guilty whether you are guilty or not

Mr. Pantry: That is the individual's responsibility. The policeman doesn't say you're guilty. He arrests you for some offence against an ordinance, he lays the information and he says he believes that there are reasonable and probable grounds that Mr. John Smith did commit this offence. If you want to plead guilty that's your problem. But if you want to plead not guilty and let the evidence come out and determine the guilt or innocence that's another situation. By and large people will take the easy way out and plead guilty. This is not what the policemen wants, but he has no control but when he picks up a man, (a) he has to have authority to do so and then the outcome of the case is in the hands of the court, not his.

Mr. Boyd: I would like to make a remark on Mr. Watt's thinking. He states that you plead guilty rather than go and get some legal help. This has happened, it is cheaper to plead guilty than go and pay a lawyer but I think if Mr. Watt wanted to get around this angle he could present to Council a motion where the territorial government keep a legal man at the disposal of people who can't afford to hire a lawyer and maybe this would eliminate your troubles. You should have that anyway.

Mr. Taylor: I think I am fairly well clear on this. As I see it we do have a blanket authority to arrest over pretty well all our ordinances. I believe we are spelling out more specific power and, this being the case, I cannot see that we are really going to change anything other than speeling it out in relation to the power of arrest so I would concur with this section of the ordinance.

Mr. Watt: I think with respect to Mr. Boyd's suggestion that this is a very good idea and when we discuss justice I am going to make a proposal that such a person be hired as it is a pretty one-sided affair when you do get into the court. You've got a police department who are pretty knowledgable on the law, a crown prosecutor as well, and there's some poor individual who hasn't got a five dollar bill in his pocket up against this battery of high-priced help. I have figures on how much the government has spent - it's a fabulous amount - on hiring lawyers. We could pay $40,000 a year and hire a terrific man and he could take up a lot of these other duties besides.

Mr. Pantry: I don't want to have the final say and I don't want to seem one-sided as a policeman and wouldn't want to suggest that because someone else does something you must be obliged to do it. Mr. Taylor has supported it. British Columbia, Alberta, Saskatchewan, Manitoba, New Brunswick, Nova Scotia, now those provinces I know have comparable legislation. They have the same type of mounted policemen and the same municipal policemen and they have these powers too and I think they are very effective. The legislation might be good and while I say the complaints may be there, when you consider the country in relation to the number of policemen you are liable to get a complaint somewhere but if there was any deviation as far as the force was concerned it would be properly dealt with, have no fear of that.

Mr. Chairman: Are you all pretty well versed on this subject?

Mr. MacKinnon: I would like to have my original question clarified. If a man, say from California, is involved in an accident without insurance can he be charged for not having that insurance?

Mr. Chairman: Can you answer that, Mr. Legal Adviser

Mr. Legal Adviser: Not off the cuff Sir.

Mr. Watt: I will leave a subsequent question with you. If we pass this ordinance how long are you going to keep this guy in jail?

Mr. Pantry: I say yes, Mr. MacKinnon. He can be charged under section 148. Everybody must provide proof of financial responsibility, is that right Mr. Taylor?

Mr. Clerk: That is right.

Mr. Pantry: It doesn't follow that he has to be resident or non-resident?

Mr. Clerk: This is after he becomes involved in an accident. But a tourist entering the territory does not have to be insured and I would say there has never been a case where a tourist has been charged for not having insurance and I don't think they ever will be because they were exempt. I'm trying to find the section of the ordinance now.

Mr. Taylor: In view of the time maybe we should have Mr. Legal Adviser note the questions required possibly for discussion tomorrow morning and may be Inspector Pantry could be excused at this time?

Mr. Chairman: Is the committee agreed?

Committee: Agreed

Mr. Watt: I would like to ask Mr. Pantry one more question. We set up the machinery here not too long ago with respect to the payment of fines within the city of Whitehorse, without going to court, and pleading guilty, so that he could pay this fine without going to the magistrate. What has happened to this scheme and is it working all right?

Mr. Pantry: I am not too familiar with this. Who does he pay to?

Mr. Watt: Has nothing been done?

Mr. Legal Adviser: I think Mr. Taylor and I can provide more information than the RCMP. If the inspector could spare the time I can perhaps bring him up to date. This was a question of, shall we say, pre-calculated fines for minor motoring offences. The object of the exercise was to avoid the loss of time incurred by a motorist coming and sitting here for two or three hours, may be most of the day, to be fined $10.00. He could be away doing his work. Under the general code proceedings can be taken to settle the matter in the absence of the accused, so it was requested for a legislation to give a power to take fines. Now from the police point of view it was argued that this was undesirable as it could lead to suggestions of corruption and taking ten dollars in order to saw off an offence and all this sort of thing. The police therefore did not want the power of instant fine and it seemed feasible to arrange that a man could be served with a summons which would be delivered and it could be indicated to him at that time that this offence could be taken and would be taken in his absence. Now I thought I had secured at leat approval for a trial of this but there was a change in attitude by other people and it has been impossible to implement this, to my mind, perfectly workable situation. In Britain I was familiar with this practice from 1935 up to 1950 and it worked perfectly and I can only attribute the lack of implementation to a misunderstanding of what is being attempted. Now in the city there is a case - I think you can put it shortly - you have a stop sign and if you pass it you get an instant fine; they go down on speeding in the city too. The result is they don't ever get a conviction recorded against them. Some of these people have made a payment to the city hall for what we would regard as a motoring violation which should lead to a conviction and possibly an endorsement. We are creating a very bad pool. I think Mr. Taylor can give you a much more detailed chapter and verse than I can on this point. I can only say that in my view the suggestions I made before the Council in the Spring would have worked but I have been unable to secure the co-operation of the police magistrate and consequently I cannot trace the matter any further. That is the jurisdiction of the magistrate. All I want is for the motorist to be informed that this will be taken in his absence. But the Crown Council has taken the stand that it is part of the procedure that a man must come and sweat it out in court for a minor offence. I do not share this view and I speak with vigour and frankness in this matter. It works well elsewhere and I do not know why it wouldn't work here.

Mr. Taylor: Mr. Chairman I would suggest that Mr. Pantry be excused from the meeting and that Mr. Speaker do resume his chair and hear the report from the Chairman of Committees.

Mr. Boyd: I second the motion.

Mr. Chairman: It has been moved by Mr. Taylor and seconded by Mr. Boyd that Mr. Speaker now resume his chair and hear the report of the Chairman of Committees.

The Council were agreed on this. Mr. Speaker resumed his chair and called the meeting to order.

Mr. Speaker: We will now hear the report from the Chairman of Committees.

Mr. Chairman: The Council convened in committee as a whole at 10.35 am. to discuss sessional papers etc.
Mr. Isser Smith, Corrections Planning Officer, Welfare Division, Departmant of Northern Affairs, and Commissioner Cameron were present.
Mr. Smith addressed council on correction methods in our penal institutions.

Committee Recessed at 12.00 noon and reconvened at 2.00 pm. to further disuuss the new prison set up.
It was moved by Councillor Taylor and seconded by Councillor Watt that it was the opinion of committee that the administration take steps to initiate staff recruitment in conjunction with the NWT for the corrections programme at the earliest possible moment. The motion was carried.
Discussed Bill #5 with Mr. Legal Advisor and Inspector Pantry of the RCMP.
I can report progress on Bill #5.

Mr. Speaker: Thank you Mr. Chairman. Gentlemen, you have heard the report of the Chairman of Committees, do you accept that report.

Council : Agreed

Mr. Speaker : Are there any contraries? The next item we have to resolve is the agenda for tomorrow. What is your pleasure?

Mr. Taylor: I would suggest we continue with the bills, motions and sessional papers tomorrow.

Mr. Speaker: Is it your pleasure to continue first thing in the morning with Bill #5 in order that we can advise the persons required to be present such as Mr. Legal Adviser or the Commissioner?

Mr. Boyd: I think that would be the logical thing to do.

Mr. Speaker: Will you please ask for the presence of the Legal Adviser first thing in the morning. Are there any other topics?

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

Mr. Speaker: It has been moved that we call it five o'clock. Are you ready for the question?

Council: Question

Mr. Speaker : Agreed?

The Council were in agreement and Mr. Speaker adjourned the Council until the following morning, at 10 o'clock.

Mr. Speaker read the daily prayer and Council convened at 10:00 o'clock a.m., with all Members present.

Mr. Speaker: Is there any correspondence this morning, Mr. Clerk?

Mr. Clerk: Yes, Mr. Speaker. I have four memoranda this morning. The first one dated November 17, 1965, on Question No. 4:

Reply Question No. 4

"Our latest information is that the report of the Carruthers Commission will not be ready until March of 1966. When it is received copies will be sent to all Councillors."
Signed G. R. Cameron, Commissioner.

Re Motion No. 8

The second one is dated November 17, 1965, on Motion No. 8 - Child Adoption:

"It has been agreed that the Legal Adviser will in the future, prepare the necessary papers for child adoption, at no cost. Steps have already been taken to make this possible and from now on, except perhaps in complicated adoptions where outside legal advise may be necessary, the paper work will be done by the Legal Adviser."
Signed G. R. Cameron, Commissioner

Sessional Paper #30

The next one is to be set up as Sessional Paper No. 30, dated November 17, 1965, Motion No. 11 - D.P.W. Employees.

Reply Production of Paper #2

The next one is a memorandum dated November 17, 1965, on Motion for Production of Papers #2:

"A telegram received from Ottawa today says that fifteen copies of the report are now in the mail. These will be distributed to Councillors as soon as they arrive.
The Department of Agriculture, in releasing this report, has emphasized that the report must be considered in its entire form in order to be of any value and that specific excerpts taken from the report may well give a distorted view."
Signed G. R. Cameron, Commissioner

That's all I have this morning, Mr. Speaker.

Mr. Speaker: Thank you, Mr. Clerk. Have we any Reports of Committees?

MR. WATT: Mr. Speaker, I have a Report of the Financial Advisory Committee which is confined to the supplementary estimates. The report on the Five Year Financial Agreement is for several reasons not yet ready, but as soon as I have the necessary material, it will be prepared and tabled. Do you want me to read the report or file it?

MR. SPEAKER: If you want to read it, fine. You could have the Clerk make copies and present it to Council then. What is your pleasure?

MR. WATT: I shall file it with Mr. Clerk if the Council agrees and I can give Council copies.

All: Agreed.

MR. WATT: This has been approved by all Members of the Financial Advisory Committee, Mr. Speaker.

Mr. Speaker: Have we any Notices of Motion and Resolutions?

Notice of Motion #15

Mr. Thompson: Mr. Speaker, I beg leave to introduce a motion re the Moving of Cemesto Houses to the Territorial Sub-Divisions.

Notices of Motion #16 #17

Mr. Taylor: I would like to give Notice of Motion regarding corrections program. Also, I would like to give Notice of Motion re computer facilities for the Administration.

Mr. Speaker: Are there any further Notices of Motions and Resolutions? Have we any Notices of Motion for the Production of Papers? Mr. Taylor, would you please take the chair for a moment.

Mr. Taylor takes the chair.

Notice of Motion for Production of Papers No. 3

Mr. Shaw: I have a Motion for the Production of Papers in relation to the Whitehorse General Hospital.

Mr. Speaker resumes chair.

Mr. Speaker: Thank you Mr. Clerk. Are there are further Notices of Motion for the Production of Papers? The next item would be motions and the first one on the agenda is Motion No. 13.

Mr. Taylor: This has reference to a memorandum received from the Commissioner yesterday morning, tabled in the House yesterday morning, and would empower the Commissioner to provide the stipend for this particular position of Council and I think the motion is self-explanatory.

Mr. Speaker: Thank you Mr. Taylor. Is there any further discussion of Motion No. 13?

Motion No. 13

Moved by Mr. Taylor, and seconded by Mr. Boyd, that it is the opinion of Council that Mr. D. Sawatsky be appointed as official press secretary to the Yukon Legislative Council.

MOTION CARRIED

Mr. Speaker: The next is Motion No. 14, Mr. Boyd, Export Tax.

Mr. Boyd: Moved by myself, seconded by Mr. Thompson, re Fur Export Tax, it is the opinion of Council that the Federal Government consider the removal of the 5% export tax on fur. May I proceed.

Mr. Speaker: Proceed, Mr. Boyd.

Discussion Motion No. 14

Mr. Boyd: It seems that this 5% tax has been in existence since the days of the lord and the peasant and it has been allowed to remain in this situation without anybody giving any consideration to it. It affects only Eskimos, roughly speaking, only Eskimos and Indians, and I think had it been affecting such people of our type, something would have been done about it considerable time ago. Now, of all the things we export in Canada, anything you want to name, there is no export tax on it. None. We subsidize people, ship their stuff out of the country for them, but we can't consider subsidizing the trapper, but we do take a 5% tax out of everything this man catches. Some people will tell you that the trapper doesn't pay the tax because

Mr. Boyd continues:
it is charged to the actual man who has purchased the furs from the trapper but this is just idle talk. The trapper is the man that pays and if we could encourage more trapping in this Yukon, it would be to the benefit of all and I think it is a form of discrimination. Why should you have an export tax against one group of people and none against another group who are exporting their very own products. I think Council would do well to consider this motion favourably.

Mr. Taylor: Mr. Speaker, this is a new one on me. I was not aware that there was a Federal fur export tax, and I would assume this is for shipping furs from Canada internationally, I mean to the United States or somewhere. I know in the Yukon Territory, we do have a schedule which we follow in relation to export tax but there's certainly no 5% tax as such in the Yukon. I am not too clear here. We are asking the Federal Government to to consider the removal of the 5% export tax on fur and really I wasn't aware, and I am still not aware, a 5% export tax on fur existed, unless this is for export purposes. I wonder if possibly the Member could enlighten me in this regard.

Mr. Boyd: Well there is a 5% export tax in the Northwest Territories and the Council over there has taken rather stiff exception to it and the wording they use there dates back to King Charlie's days and it is absolutely ridiculous. So, there is a 5% export tax charged. The man who buys the fur, when he goes to sell it, he is charged and he is required to pay an export tax to the Federal Government for the monies he receives for that fur. Certainly it reverts back to the price paid to the trapper.

Mr. Taylor: Could this be referred to Committee for debate, Mr. Speaker?

Mr. Speaker: I think the matter could use some clarification. It's a new one on me but then, of course, I may be ignorant on that particular subject.

Mr. Watt: Mr. Speaker, I assume that Mr. Boyd, before he put the motion in, found out for his own satisfaction that we have a 5% tax, and for the reasons that are given, I don't think that Mr. Boyd would waste Council's time by putting in that motion for the removal of tax if there wasn't a tax and I assume that he's done a little bit of research on it and he knows that there is a tax and the reasons that are given for the removal of the tax, I think they are fair and straight forward. I personally see no reason to refer it to Committee but if the rest of the Committee so decide, I will go along with it. At the moment, I will gladly vote for the motion.

Mr. Speaker: For Council's comments, I would state that there is an export tax on gold.

Mr. MacKinnon: Yes, there also is on fur, Mr. Speaker. I have bought a little fur and I don't believe it is actually 5%, I believe it is less in the Yukon, but I think the motion is a good one and I'll support it.

Mr. Taylor: I realize I am not permitted to speak. That is why I asked that it be referred to Committee, Mr. Speaker. This comes under the Fur Export Ordinance, and possibly with the freedom of discussion and possibly with Mr. Fitzgerald here, we could resolve this problem because there certainly is no 5% export tax in the Yukon. If there is, it would be Federal.

Mr. Speaker: What is your pleasure then gentlemen. It has been suggested that it be referred to Committee and, at the same time, it could be voted on right now. I need your guidance to know how you wish to dispose of this particular motion.

Mr. Watt: Mr. Speaker, to refer a bill to Committee, is there not a motion made and a seconder. If there is no seconder, it cannot be referred to Committee. Is that not right?

Mr. Speaker: That is correct.

Moved by Mr. Taylor and seconded by Mr. Southam, that Motion No. 14 in relation to export tax be referred to Committee for discussion. Opposed by Mr. Watt and Mr. MacKinnon.

MOTION CARRIED

Mr. Speaker: Now we come to the questions.

Question No. 8

Mr. MacKinnon: What is the cost of a Territorial Election to the Yukon?

Question No. 9

Mr. Boyd: Mr. Speaker, I have a question. Why is tender for extension of south access road to Second Avenue not called?

Mr. Speaker: Are there any further questions?

Re Question # 7

Mr. Thompson: I beg leave to remove Question No. 7 , the moving of cemestos. I have resubmitted this in a form of a motion so there is no longer any requirement for an answer to my question.

Mr. Clerk: Thank you Mr. Thompson. Is that agreed to by Council that Question No. 7, the moving of Cemestos, be stricken from the record.

All: Agreed.

First Reading Bill No. 6

Moved by Mr. Boyd, seconded by Mr. Thompson, that Bill No. 6, An Ordinance to Amend the Garnishee Ordinance, be given first reading.

MOTION CARRIED

Second Reading Bill No. 6

Moved by Mr. Boyd, seconded by Mr. Thompson, that Bill No. 6, An Ordinance to Amend the Garnishee Ordinance, be given second reading.

MOTION CARRIED

Moved by Mr. Taylor, seconded by Mr. 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 and to meet with our Legal Adviser first thing this morning.

MOTION CARRIED

Mr. Speaker: Mr. Watt, would you care to take over as Chairman this morning?

Mr. Watt: Mr. Speaker, I thought that we kind of resolved this yesterday and seeing you brought the subject up, I would like to ask Mr. Speaker two questions with respect to this. First of all, with respect to the discussions on this in Council, it was agreed upon by Council, it says, ...I don't want to appear to be shirking my duties if I bring up these two questions but possibly a straight yes or no from Mr. Speaker would answer this sufficiently, it says, Page 73, Mr. Shaw says if any Member of Council declines to be Chairman of Committees, I think that would be his prerogative. Now yesterday I declined, and I understood that this was to be my prerogative if I so wished to decline, but then I had to sit here and I had to listen to - I don't know what you would call it - but I would like to settle once and for all whether if I decline today, I still have to listen to an exhibition like I did yesterday. Will you answer yes or no to that Mr. Speaker.

Mr. Speaker: Excuse me gentlemen while I get my record.... What page is that, please, Mr. Watt?

Mr. Watt: Page 73, paragraph seven, first three lines.

Mr. Speaker: Well, now in answer to your question Mr. Watt - to me it would almost appear to be that could be what you might say taken out of context. I think if you refer to a little further along, you will note in this discussion, Council agreed, according to Mr. Shaw's proposal, that we would rotate as chairman. This is Mr. Boyd...."but if a member wishes to decline that will be acceptable". So Council is agreed to this and for further clarification, or what I thought was clarification, I did say, occasionally, you see we have agreed to a rotation, in my humble opinion it was what I considered a wish of Council that we would rotate, and then I go on to say further, occasionally there comes a matter that is of extreme importance to the member who may be Chairman, and for that I suggested he should have the right to ask any other Member to take over during that particular discussion. The next item is the Council were agreed on this point. Now I was on the assumption at that time, which I could have been wrong, that each member was prepared to take his place and go along in rotation. Now, it is quite possible I am wrong. In which case, I think the general context of the discussion was that some members did not wish to take on the onus of Chairman of Committee but they would agree on account that we made it in rotation and everyone would do his stint... that everyone would take part in it. Now, if I am advised by Mr. Watt that at no time does he wish to take on the duties of Chairman, that is quite all right with me - that is his privilege, but if I should miss him on the assumption that we were to take turns, the member may be so offended if I pass him by. If I have Councillor Watts assurance that he doesn't wish to take over the Chairman of Committees at any time in rotation, that's quite acceptable to me. I would like clarification and at this time I would ask Mr. Watt if he wishes to decline for any time during this Session to take on the duties, I will not ask him. I don't want to leave him out.

Mr. Watt: Mr. Speaker, just to clarify the point that you just made, I understand there are two points and two methods - not two methods - but first of all, we here discussed the taking on of the duties of Chairman of Committees for the

Mr. Watt continues:

day, and the second part, which you have just read, means that during the discussions of the day that if a point came up of particular interest to an individual, then the Chair would be passed. Now, the first part I think we have already made an agreement on which Council will not uphold and which for some reason the Clerk has left out the discussion on this, or somebody has, from the Votes and Proceedings. And secondly, we have the situation where somebody is appointed for the day and because of a particular interest he has in the subject at hand, he passes the Chair, which is something that we have done in the past and which I consider the duty of every member here and I would gladly accept that responsibility. I think it is our duty. But, the first part of this, where we appoint somebody for a day, we have tried this before in the past and found that it wasn't too good, and we had already made an agreement up in the Commissioner's Office on what we were going to do with this position, Chairman of Committees and Deputy Speaker, and the Council saw fit to renege on this agreement for one reason or another and so I think that this would be, if I agree with this method that has been proposed here, that I would be reneging on an agreement I've already made up there in the Commissioner's office. The point is that I think I have the right, from the discussions here, I think I have the right to decline this appointment for the day when it is made for the day, and I understand from this conversation from the first part of Mr. Shaw's comments, that any member can decline this Chairman of Committees is he so wishes. Yesterday, I so declined and I thought it would be just a matter of quietly standing here and declining and then sitting down again and then he would appoint somebody else, but I had to sit here and listen to a bunch of abuse which had nothing to do with the point in question.

Mr. Speaker: Mr. Watt, there was one matter in your discussion which I think was inappropriate and that is that Council renege. Council does not renege. Council may change their opinion and may change their policy and they may change anything. They don't renege. There's an old saying that is very true and that is there is nothing more permanent than change and this just happened to be a change that Council decided, in their wisdom, to make, for better or for worse, but we are really not getting very far in this discussion. You declined to accept this particular position so I will appoint Councillor Boyd as Chairman of this Committee.

Mr. Boyd: Thank you Mr. Speaker. I will declare a five minute recess.

In Committee of the Whole:

Mr. Boyd: We were discussing Bill No. 5. I presume that you wish to carry on with this Bill now that the Legal Adviser is here.

All: Agreed.

Mr. Taylor: Mr. Chairman. I don't believe we will require Mr. Pantry. I think we did all we could with him yesterday. I don't know if some of the other members may have some further questions to ask him. I certainly don't.

Mr. Hughes: Mr. Chairman, I require Inspector Pantry because he walked away with my copy of the Bill. I'll just go and get it.

Mr. Watt: I have no further questions to ask Mr. Pantry on this Bill. I will have some questions to ask him when we discuss justice - nothing at the moment.

Mr. Boyd: Is it agreed that we do not require Mr. Pantry?

All: Agreed.

Mr. Boyd: I will call a short recess until Mr. Hughes returns and we will change stenographers.

Mr. Hughes and Inspector Pantry come in.

Thursday, 18 November, 1965
11 o'clock a.m.

The Chairman called the Committee to order and invited Mr. Pantry to continue and answer questions.

Mr. Pantry: Gentlemen, I believe that Mr. Watt asked the question as to how many tickets had been issued to non-residents and residents in which they had subsequently failed to appear? Mr. McKinnon asked as to whether there is any provision whereby non-residents can be charged in respect to failing to produce financial responsibility following involvement in an accident? In answer to the first question, we have 21 outstanding warrants for non-residents in the Yukon area.

Mr. Watt: Mr. Chairman, just for clarification of that, you said 21 outstanding warrants. Were these all issued last year?

Mr. Pantry: This year, from 1 January to date.

Mr. Watt: For non-residents?

Mr. Pantry: For non-residents. Now the offences for which these warrants are held and I might go on to clarify the way these warrants are obtained. An offence has been committed by a person in a Court who subsequently fails to appear. Either a warrant of arrest is issued or if the case has been decided and he has appeared but failed to pay the fine subsequently a warrant of committal is issued for this failure or a bench warrant is issued. I would like to indicate some of the offences and bearing in mind the legislation being considered, for which warrants are held: slow speed; failure to notify Registrar the resale of a motor vehicle; poor equipment, usually brakes but this could be any equipment; driving without due care and attention; driving an unregistered vehicle; using a number plate other than that issued; unregistered vehicle; unregistered trailer; no insurance; improper equipment; operating public service vehicle without proper licence; improper parking; unregistered vehicle. We have no outstanding warrants for residents. These have all been dealt with.. In respect to financial responsibility, the procedure adopted is that the vehicle of the non-resident is impounded until he produces financial responsibility but there is no provision, to my knowledge, to charge a non-resident. Those are the questions, I think, that were asked and I would be pleased to answer any others.

Mr. McKinnon: I should like to ask Mr. Pantry a question. How are these fellows escapting customs with non-registered vehicles?

Mr. Pantry: Customs have nothing to do with registration. I am told that many of these are truckers coming into the Yukon without properly being registered to transact business. I think that Mr. Taylor can elaborate on this.

Mr. Watt: Could you clarify this unregistered vehicle - because a guy could have a hocked car.

Mr. Pantry: This is a very strong possibility.

Mr. Watt: Is that a majority of these cases? Like over half of these cases are unregistered vehicles and now you say

that the majority of them are truckers. They don't own the trucks because they are just driving the trucks for somebody else.

Mr. Pantry: And they are unregistered in that they are not registered to drive in the Yukon. They could be properly registered in their own Territory, say B.C. or Alberta.

Mr. Watt: What is the normal fine for these unregistered truckers?

After Order was called by the Chairman:-

Mr. Clerk: Actually, there is no normal fine.

Legal Adviser: They were showing a handsome profit on fines at one time but we changed this a year ago, on some of the fines that is as it was cheaper for them to pay the fine rather than pay for the licence.

Mr. Pantry: Mr. Chairman, Section 162, sub-section 1(a) of the Motor Vehicle Ordinance says:

> "for the first offence to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding thirty days; and"

and sub-section 1(b) reads:

> "for a second or subsequent offence to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment".

So you see, there is no minimum, only maximum.

Mr. Watt: Mr. Chairman, I should like to direct this question to Mr. Clerk as he gave part of the answer previously. Nominal fine? Is that what you were saying? What has been the nominal fine levied for most of these?

Mr. Clerk: Mr. Chairman, yes, unfortunately it has been a nominal fine in some cases and we complained to the Magistrate bitterly that the majority of these truckers should have taken out a permit to haul in the Territory. This permit would cost $100 for one single trip. A trucker didn't take out a permit and was charged $25, by the Magistrate. This happened two or three times. In other words, he was fined $25 for not taking out a $100 permit. He was happy to do this but we have changed things for he has to now buy a permit. A lot of them got away with $25 fines when they should have been fined $125.

Mr. Watt: Mr. Chairman, I would like to add that I know quite a few trucker in the Territory and the same thing happens to them when they go outside the Territory. I think that we should not impound the vehicle unless it is a serious infraction.

Mr. Pantry: This is one of the Sections under which we are asking that we have the Power to Arrest. You can appreciate arresting a man on the highway who is not properly registered. He is summoned but subsequently he has done his business and left the Territory. How can we get him to the Court? Impound the vehicle and keep him here.

Mr. Watt: My answer to that and from the figures you have given us, allow this impoundment of non-residents' vehicles. We have other parts of other Acts where we specify non-residents such as games licences. The residents are the people I am worried about. You have no case, this year, where a resident has escaped the effect of the warrant which is why I made the proposal yesterday that we just make this for non-residents. This would give you the power you needed.

Mr. Pantry: Since I have been here and I've only my past experience to go on where I spent 12½ years in New Brunswick, the legislation is similar. But on two occasions or at the most three, did I utilise this Power of Arrest to transients and I have never seen it abused in so far as local people were concerned yet the legislation read "any person". It did not discriminate between resident or non-resident and I would reiterate my view that there should be no discrimination of this power by the Police Officer when he needs it and I say to you that there will be no abuse of this power. As I said, after 12½ years in New Brunswick, I never heard of any abuse of this power, on any occasion. Also, as this legislation has been in effect in many other provinces, I still feel that it will not be abused. Yet there will be occasion when the importance of the legislation will be stressed when a man will be arrested for an offence and taken forthwith before a Magistrate and I stress the term forthwith! I think that some of you are considering that he might be laying overnight but this is not the intent at all. It is intended that he be dealt with as expeditiously as possible and talking about powers, the powers of the peace officer and I think I can quote them that the numbers of abuse that come out of these powers in negligible in relation to the work performed.

Mr. Watt: I would respect your views gladly and go with this if you were going to be Inspector here for the next 20 years or so, but you may not be. I have lived here for a considerable time and I have seen abuses of police power. I can give you instances ....

Chairman: Not necessary to give ..

Mr. Watt: Mr. Chairman, I would like to give a couple of examples. They are not personal. One situation was that we had an overflow of dogs in the Territory and a lady, after sufficient warning, poisoned several dogs. She was put in jail. After that, the RCMP were ordered to eliminate an awful lot of dogs, and the residents of the Territory had to get permission from Ottawa to slow down the extermination of dogs. Not too many years late, it was the matter of the Police stopping just about every car and checking to see if there was liquor and this had to be stopped from Ottawa. This is what I am afraid of would happen if you were not here. I want to protect the people we are supposed to represent as much as possible and I would like to apologise for having to make these statements now. I am glad that you came and brought the answers to the questions we had asked yesterday, because we thought that we would get these through the normal channel from you. We had a question here before asking if we wanted you back to further discuss

this and it was agreed that we did not want you. Nevertheless, Legal Adviser saw fit to invite you here. I do wonder who is running this ....

Legal Adviser: Mr. Chairman, may I make to the Committee my apologies.

Chairman: Just like to point out Mr. Watt that the Chairman will run this Committee while it is sitting.

All: Agree.

Chairman: I would like the opportunity of saying who owes what with regard to apologies. And the remarks passed around here shall cease or not and it will cease! No more side remarks, business and nothing else!

Mr. Thompson: Just like to ask Mr. Pantry one question. We keeping referring to these various offences and the arrest of the person. Do you not feel that the impoundment of the vehicle would be suffice and that the same end result would be forthcoming?

Mr. Pantry: I think that it would in respect to certain offences. I still feel that we should have legislation for Arrest without Warrant when these particular offences are committed. If you want to consider the impoundment, that is up to you, but there are cases where we have impoundment authority and this is an insurance particularly when the man is in a accident and fails to produce financial responsibility for his vehicle.

Mr. Shaw: Mr. Chairman, there are occasions when Laws made by Civic and Territorial Councils become very unpopular. One group of citizen will be screaming to have a certain action carried out and this pressure continues until the RCMP, by virtue of the law as it is, has to enforce this particular regulation, then they get the blame for doing it. I have been in this Yukon Territory for 30 years and I have seen this happen. I recollect when dogs were a menance and the people put up such a howl that the Council said, well, there's a law, enforce it and so the RCMP enforced it! The end result was that from the commotion created a sensible means for handling dogs was then invoked by having pound keepers and what not. I'm sure the RCMP were very glad to get out of the dog pound business because I'm sure that their duties take up more important matters than chasing dogs.

Chairman: Are there any further questions?

Mr. McKinnon: Mr. Chairman, I would like to ask this question of Mr. Pantry. Have there been any repeat cases since the charge for not having a permit been penalised to the extent of $125?

Mr. Pantry: Again I couldn't answer this from the back of my hat as I don't have the knowledge right now. I don't know if Mr. Clerk has any knowledge?

Mr. Clerk: I can't think of any off hand.

Mr. Pantry: There may have been cases which have been brought to our attention but as far as unregistered vehicle I can check my records again and give you the answer outside Council and off the record.

Mr. Clerk: Mr. Chairman, as far as repeated offences go, in the list of unexecuted warrants, I believe that there is one there where one Trucking Company will appear five times for the same offence.

Mr. McKinnon: That wasn't exactly the question, Mr. Clerk.

Chairman: Are you through with Mr. Pantry?

All: Yes.

Mr. Pantry: Mr. Chairman, if I might have a concluding remark? Mr. Watt made the remark of their duty to protect the people they represent. If you are not aware, then I shall tell you what our responsibilities are. They are:

(a) For the protection of life and property.

(b) For the prevention of crime,

and finally,

(c) The investigation and detection of crime.

I do not want to open up an avenue for questions but I think that we do out utmost in this respect. One of the Ordinances we have to deal with is the Territorial Motor Vehicle Ordinance which is just one of many and I can assure you that our people, at all times, carry out their functions as Peace Officers, with the utmost integrity and common sense and those cases that I have said before that come to our attention, will be dealt with properly and in the best interests of the public that we serve.

All: Thank you very much, Inspector.

Mr. Pantry at this stage took leave of the Council.

Mr. Watt: Mr. Chairman, I would like say something now that Mr. Pantry has gone. We have in our Rules, Chapter 9, paragraph 53 (1):

> "No witness shall be summoned to attend before any Committee of the Council unless a certificate shall first have been filed with the Chairman of such Committee, by some member thereof, stating that the evidence to be obtained from such witness, is, in his opinion material and important".

I should like to bring this to the attention of the Chairman.

Mr. Taylor: Mr. Chairman, for the guidance of the Chairman in this respect, I would invite that he consider Section 8, sub-section 3 which states:

> "In the interpretation of the Rules or Standing Orders, the House is generally guided, not so much by the literal construction of the Orders themselves but by the consideration of what has been the practice in the House in perspective".

Chairman: We shall proceed with Bill No. 5. You didn't expect an answer, did you Mr. Watt?

Mr. Watt: Yes, Mr. Chairman, just as long as it is noted

that anybody around here can ask a witness now that a precedent has been established that it doesn't necessarily have to be a member of the Committee to do just this. Is this right? This is what Mr. Taylor has proven that the practice of the House is that anybody can ask a witness.

Mr. Shaw: Mr. Chairman, I think that we should try to get along for it would seem to me that it has been a continual hassle this last week or so over little and minor things. The Chairman of Committee has a hard enough job as it is to try and keep order without the members making it harder for him. We, none of us, are constitutional lawyers. We do the best we can and when people are giving the Chairman a bad time continually, it seems to me that we are not going to get very far.

Memo from Commissioner re E.M.O.

Chairman: We will not discuss this any further. It is not necessary. Gentlemen, I have a memorandum from the Commissioner addressed to the Chairman of Committee, Territorial Council and it reads:

> "This is to inform you that Mr. Don Green, the Civil Emergency Planning Officer for the Yukon and the North-West Territories is in town. He plans on leaving the Yukon for the South on Friday morning and I am wondering, therefore, if it is Council's wish to have a short discussion with Mr. Green this afternoon. He is quite prepared to discuss the subject with Council at your request".

Mr. Thompson: Mr. Chairman, what is his official capacity?

Chairman: Civil Emergency Planning Officer for the Yukon and the North-West Territories.

Sessional Paper No. 6

Mr. Thompson: Mr. Chairman, I am just wondering if his presence and support could help in our submissions with Canadian Broadcasting Corporation for 24 hour service. Can we use him in any way to our best advantage? I see no reason why we shouldn't meet with him if it's the opinion of Council.

Chairman: In answer to your question, I think that we cannot use him on the subject you have been talking about for this has already been tried.

Mr. Taylor: Mr. Chairman, with respect to this gentleman, this is a new position and we pay for half of his wages and the North-West Territories pay the other half. He is here to establish and set up an emergency measure organisation in the Territory. In fact, I have talked with Canadian Broadcasting Corporation a few days ago and they state that this is a good time and a very good approach through this new Emergency Measure Organisation man so in this respect, it should be all right. I think that we should meet with him and find out what his thinking is. Possibly he may wish to hear our views on Emergency Measure Organisation and I suggest, therefore, that we meet with him this afternoon at 2 o'clock p.m.

All: Agree.

Bill No. 5

Chairman: Mr. Clerk, would you attend to this please? Now, where were we on No. 5 - Ordinance to Amend the Motor Vehicle Ordinance?

Mr. Shaw: Mr. Chairman, my recollections are that we did not come to any conclusions or decisions with regard to any of these particular things. We were awaiting the interpretation of these things from the Legal Adviser at the time. Now, if this has changed, I don't know what comes first. Therefore, Mr. Chairman, I suggest that we go through the pertinent points, the actual meat of this, starting from the beginning and perhaps resolve it, at this time. Bill No. 5

Chairman: Are you agreed, gentlemen?

All: Agree.

Chairman: I shall read and if you wish to stop me, do so.

"1. Sub-section (2) of section 14 of the Motor Vehicles Ordinance is amended by deleting the word "Commissioner" where it appears therein and substituting therefore the word "Registrar". Bill No. 5

Mr. Shaw: I don't have that particular section as it is divided into so many but I would like to ask Legal Adviser why "Commissioner" to "Registrar"?

Legal Adviser: Mr. Chairman, if you read the explanatory note number 1: the notes are numbered to be read number 1 with the first section and so on. If these are inadequate, then I will amplify.

Mr. Shaw: I'm sorry, I am getting confused with the previous Bill we had.

Chairman: I will read the explanation.

"1. The present section 14 deals with notification of transfer or ownership. Sub-section (1) requires the owner to notify the Registrar but sub-section (2) requires the owner to deliver the registration certificate to the Commissioner. Obviously this use of the word 'Registrar' in one place and 'Commissioner' in the other is confusing and should be done away with". Proposed Amendment to Bill No. 5

All: Clear.

Chairman continues:

"2. Section 20 of the said Ordinance is amended by inserting immediately after the word 'vehicle' where it appears therein, the words 'or trailer'". Bill No. 5

Chairman continues with the explanation.

"2. Section 20 is a section dealing with the registration of vehicles of a non-resident. A non-resident owner of a motor vehicle is given a 90 day pleasure driving period before the motor vehicle has to be licensed. The intention of the present amendment is to make sure that a trailer enjoys the same period of exemption. Otherwise we shall have a situation where the motorist may bring his car in but has to leave his trailer caravan at the border". Proposed Amendment to Bill No. 5

Mr. McKinnon: Mr. Chairman, I would like to ask Legal Adviser

if this is the case at the present time and is this practice being followed?

Legal Adviser: Mr. Chairman, in theory, this is the situation at the present time. I would be surprised to find that it is being rigidly enforced. Perhaps Mr. Taylor can give you a day by day experience of it.

Chairman: I don't think that this is necessary at this time. The thing is to get the situation corrected. Are you agreed?

Mr. McKinnon: As you wish, Mr. Chairman.

Chairman continues to read:

"3. Paragraph (e) of section 24 of the said Ordinance is amended by inserting, immediately after the word 'Registrar' where it occurs therein, the phrase 'within ten days'. — Bill No. 5 (Section 24)

Chairman continues with the explanation.

"3. Section 24 is a section which in paragraph (e) requires a person to notify the Registrar of the sale, exchange or other disposition by him of a motor vehicle or trailer or the purchase by him of such equipment. The trouble with the paragraph as drawn is that it did not set a time limit and we are therefore suggesting 10 days as the time limit". — Proposed Amendment to Bill No. 5 (Section 24)

Legal Adviser: Gentlemen, I should like to indicate, that we just put ten days as an arbitrary figure.

Mr. Thompson: Mr. Chairman: I'm just wondering. Section 24, so on and so on, requires a person to notify the Registrar and further down ..... by him of such equipment. In other words this is a double onus? Am I to understand that the seller of the has to notify as well as the purchaser? Am I right in this assumption?

Legal Adviser: My understanding is that there is a double onus. Again, I don't know who rigidly this double onus is being policed. Mr. Taylor has the actual day to day experience and the suggestion here merely comes from his Department.

Mr. Clerk: Yes, this request is based on a specific case, which was held in Court not too long ago. There is a double onus and both parties were charged. The party who sold the vehicle was charged in that he did not immediately inform the Registrar: he was conficted and fined. When the purchaser was charged, the Magistrate noticed that there was no time limit mentioned and he dismissed the charge against the purchaser. Therefore, I ask that the time limit clause be inserted in the Ordinance.

Mr. Thompson: Mr. Chairman, I wonder if the Legal Adviser or Mr. Taylor could tell me whether this is in effect in the other provinces or am I wrong in believing that the onus is on the purchaser and not the seller, or vice versa? Not both.

Mr. Taylor: Mr. Chairman, I've just one question that I would like to direct to Mr. Clerk. In transmitting the

information required in this section, do you feel that ten days is sufficient time to register? This is in relation to the outlying districts.

Mr. Clerk: Well, I would think so, Mr. Chairman. There are four agents in different spots in the Yukon. If anybody came after the ten days to make the transfer, with a feasible reason of course, there would be no charges made by our Department. I am sure of that.

Mr. Shaw: One question I would like to ask, Mr. Chairman, and direct it to Mr. Clerk, in his opinion, does he feel that it is necessary for two people to register a vehicle? Is there any sound requirement for that? In other words, is it necessary to register the sale as well as the purchase? Could not one suffice?

Mr. Clerk: The only reason I can think of for the onus to be on both sides is that should one party fail to do so then the other party should. A particular case came up where a vehicle had been sold twice so we charged both parties. It was in the third party's hands by the time it came to us and therefore, we did charge both parties.

Mr. McKinnon: Mr. Chairman, I should like to ask Mr. Taylor a question. If a vehicle is sold and it is not registered by the new purchaser, is the original owner responsible until it is?

Mr. Clerk: This is a legal and technical point, when the vehicle is sold and it is not transferred, the registration is not transferred. Whether or not there is any liability remaining on the seller of the vehicle, I wouldn't know. The only reason we do have to push this particular type, this particular phase of the Ordinance is so that when a vehicle is sold the original owner transfers the insurance. The new owner, if he does not have to transfer the vehicle, he doesn't have to bother getting insurance on it so that he has to come into our office and put the transfer through and before doing this he must prove his insurance coverage.

Mr. McKinnon: Mr. Chairman, could I refer the question then to Legal Adviser?

Chairman: Legal Adviser.

Legal Adviser: Sorry, Mr. Chairman, I was trying to find my way through the index in the B.C. area. Could you repeat the question?

The relevant question was repeated by Mr. McKinnon.

Legal Adviser: Responsible in terms of insurance if an accident arises? He may very well find that he is involved in the litigation and he may be able to get out. As an investment in commonsense, he should get himself disassociated with the vehicle the day he parts with it. Someone may pile it up while driving and at least he will be involved in the litigation. He may convince the court that he didn't own it but he has got a rough road ahead of him.

Mr. Taylor: Mr. Chairman, this gives rise to one final question I have on this and that is, in what manner is this notification to be given? Written or can somebody just phone in and give notice? What is required?

Mr. Clerk: There is a fee involved so that a mere phone call in not enough. They would have to forward a fee but it can be done by a personal visit to the office or by mail.

Chairman: Is there a fee involved for informing the Government that I have sold my vehicle?

Mr. Clerk: There is a fee involved for the actual transfer of the registration from one owner to another. Normally, the purchaser pays the fee.

Mr. Taylor: It is the notification end of it that I was concerned about.

Mr. Clerk: The notification to us by phone would be sufficient.

Mr. Southam: Is it true that the seller of the vehicle until such time as the new owner proves that he has insurance, is responsible for that vehicle? I sold a truck here a couple of years ago and I wouldn't even hand over the keys until the fellow produced the insurance because I felt, if I understood the Law right, that I was still responsible if he had an accident. Was I right in this?

Mr. Clerk: Well no, not entirely. The proof of the sale would be sufficient to absolve you further responsibility.

Mr. Shaw: In transferring a vehicle, it appears to me that there is something on the transfer in relation to putting down the exchange. In other words, is it not a very simple matter that you have a registration of a vehicle and a transfer on that registration at the back to give to the person who has bought the vehicle and it is up to him from there on. Isn't there something on the back of this registration in relation to transfer?

Mr. Clerk: No, it is an application for renewal. The application for transfer is a separate form.

Legal Adviser: Could I deal with the question of the position in B.C. since it was framed on that point?

Chairman: Proceed.

Legal Adviser: Section 14 of the B.C. Act does say that:

> "in case of the transfer of the title or interest of any person in the motor vehicle or trailer registered under Section 4, whereby give, barter, exchange or sell, the transferor and transferee of the title or interest, shall forthwith sign a notice of the transfer in the prescribed form and the transferee shall, within ten days of the transfer, forward a notice accompanied by the prescribed fee and the amount of tax/owing in respect of the motor vehicle under the Social Services' Tax Act delivered to the Superintendent Registrar of registration by him".

So, they both have to sign but it is the transferee who has to do the filing. Of course, half the motive is to make

sure that somebody pays the sales tax. We don't have that here. In the interests of the fellow who is selling the car, he should have some machinery of notifying the Registrar that he no longer owns it. But whether a fee should be charged for this is a matter you may wish to discuss. In Ontario, for what it's worth, it is the buyer who files but there, the licence itself has a place for both to sign the interest over.

Mr. McKinnon: Mr. Chairman, I should like to put a question to Mr. Taylor. How many Registrars' are there in the Yukon?

Mr. Clerk: Five: Haines Junction, Dawson City, Mayo, Watson Lake and Whitehorse.

Mr. Thompson: I'd like to ask Legal Adviser. Am I right that in your interpretation Ontario differs from B.C. in that the onus is on the opposite party?.

Legal Adviser: No. The procedure in Ontario, as I recollect, is that both sign the transfer form on the back of the licence and again it is the transferee who buys this, and pays, I think, $2 for the fee. In the Yukon, of course, there are two fees. No? This is the impression I got. The onus to pay the fee is left with the transferee in B.C. and I believe this is also in Ontario.

Mr. Taylor: Mr. Chairman, I note here that there has been no amendment to sub-section (e) of section 24 that this definitely puts the onus on the transferor rather than the transferee. There is no requirement under this section for the person purchasing the vehicle to register this with the Motor Vehicles Registrar.

Legal Adviser: Could I read section 24 in the consolidated version. If you compare what I am reading with what you have in front of you.

"24. No person shall:

(a) Deface or alter a number plate issued under this Ordinance;

(b) Use or permit the use on his motor vehicle or trailer of a defaced or altered number plate;

(c) Without the authority of the owner, remove a number plate of a motor vehicle or trailer;

(d) Unless otherwise permitted by this Ordinance, use or permit the use of a number plate on his motor vehicle or trailer other than the number plate issued under this Ordinance for that motor vehicle or trailer; or

(e) Fail to notify the Registrar of the sale, exchange or other disposal by him of a motor vehicle or trailer as required by section 14 or of the purchase by him of a motor vehicle or trailer in respect of which a certificate of registration has been issued".

Chairman: Clear, gentlemen?

Mr. Taylor: I'm just wondering now whether a person selling a vehicle should be required to have to submit, in other words this dual responsibility? I would take a second look at it before we left this subject. I think the transferee should be the one and sole party to report. However, I also take into account the remarks of Legal Adviser.

Legal Adviser: I read the B.C. section 14 sub-section (1) and you may appeal that that would be a better solution. I could have that ready for you in the spring because it would call for paperwork, preparation of forms, issue of new licences for there will have to be a space on the back for the vendor to sell .... to sign together with the transferee. Something like that could be worked out if you would so prefer.

Mr. Taylor: Mr. Chairman, I certainly wouldn't like to produce more paperwork for the public but this may be a thought worth thinking about. I know that in B.C. when you do buy a vehicle you make out a transfer form in triplicate and both the transferor and the transferee have to sign the form and then it is processed through Victoria for taxation purposes. This may be the answer.

Mr. Shaw: Mr. Chairman, what Legal Advisor has just stated is, I think, the answer to the whole matter. In other words, when a sale is made, that the appropriate forms be signed by the transferee and the transferor so that the transferor has a copy of the fact that he is no longer responsible for the later operation of this vehicle. It is very important to protect the public. I'd like this suggestion to come forth in relation to this form in triplicate so that the fellow who sells the vehilce can no longer be held responsible by law. Otherwise he can be if the people are not conversant with the law and they can sell something which later on could develop into a great big civil suit over it that they couldn't handle.

The Chairman then adjourned the meeting until 2 o'clock p.m.

Thursday November 18th
2: o'clock p.m.

Mr. Chairman: I have one report to make. Councillor Watt telephone me at my home and asked that he be excused for this afternoon. We have with us Mr. Green Federal and Emercency Planning Officer for the Yukon and North West Territories.

Mr. Commissioner: Mr. Chairman, I have just this morning had a stencil cut giving you the run-down on the fact that we have set up a Civil Emergency Plan and Mr. Green has been working on this plan for some months. It is his second trip up here, we had a meeting of the Yukon Committee yesterday in my office and went over the plan and made certain recommendations. The completed project when it is finished will be handed out to all Members of Council and as Mr. Green is leaving tomorrow morning he might give you a quick run-down on what has taken place to date.

Mr. Green: Gentlemen, I started on the job as your Civil Emergency Co-ordinator on the 1st of September and as far as terms of reference are concerned for the appointment the Civil Emergency Planning for both territories. As the Commissioner has mentioned I came up on the 1st October and then we drew up draft plans, these draft plans are now run off and headed up various Committees what we call the Yukon Civil Disaster Committee. Yesterday we had a meeting in the Commissioner's office and each Member of the team so to speak was able to throw any questions they wished at us. The plan should be completed within the next 10 days and then as the Commissioner mentioned each Member of Council will have a copy. The little short review, so far as the background of it is concerned, you will recall that the Emergency Measures Organisation started off in 1957. In 1959 the Emergency Measures Organisation was named as the Co-ordinating Agency for all Federal Departments, and at that time the Federal Departments were permitted to increase their establishments of their departments to include Planning Officers. Now this went along at a very slow rate and to bear in mind the Emergency Measures Organisation was to plan the survival of Canada as a Nation under a nuclear or a national disaster. However, four years ago they started to talk on peace time disasters and civil disasters, so as a result of this only last year was the Emergency Measures Organisation changed to include not only the survival of Canada under a nuclear attack or a national disaster but the protection of things within Canada within the terms of civil or peace time disaster. So we introduced this plan and I would like to review a few of the paragraphs in it. We say so far as general terms, the types of disaster which would most likely occur as an example, fire, flood, earthquakes, road and bridge washouts, land slides, forest fires, mine disasters tidal waves, fishing disasters, hurricanes, transportation disasters including air crashes, extremes in snow, ice and cold conditions, electrical power failures and a nuclear accident. Now as far as the plan itself is concerned its in the complete Yukon and when we started to prepare the plan it was a little dubious to us when we commenced in so far as whether we should have one overall understanding of operation proceedings for the whole of the Yukon and then each separate locality covered by a separate plan. The more we went into this the more it was obvious that we were talking about the same people and the same resources. I will just quote a few paragraphs here, mining disasters, flooding, local fires, water mains or sewer freeze ups etc. that can be rectified as local resources under direct

control of the Local Authority with minor assistance from the Territorial Government will continue to be the responsibility of the Local Authorities. Minor assistance may include a pump, bulldozer or one or two trucks, it continues on. When it has been determined that the local resources with the minor assistance from the Territorial Government are insufficient or inadequate the officers with permission will take over control and direction of the situation. The plan then goes on about the requesting of Military assistance, there are two methods, either going to your own department or going to the General Officer in command in the Western command and this is only to be done in extreme emergency unless the various question should be asked as far as the Military is concerned. It continues as far as mutual assistance between the Yukon Territory and the State of Alaska, the Province of British Columbia and Alberta. This is on a reciprical agreement so far as disaster is concerned. Then we come to the various Committees in which we have a Chairman and the Emergency Measures Co-ordinator for the Yukon Mr. Judd on being appointed by the Commissioner. He has a Deputy and then its breaks down into an Engineering Committee, Medical and Public Health Committee, Welfare Committee, Police Committee and a Fire Committee. I have outlined as briefly as possible as far as their responsibilities are concerned and then gone into a fair amount of detail for each Committee and their responsibilities and how it is recommended that they should carry it out in the various annexes. There is one other paragraph I would like to point out and that is immediately a disaster has been declared, a statement to this effect will be passed to the local radio station explaining the situation. Sufficient information will be given to avoid panic of the local residents. The local fire siren or alarm will be sounded for three minutes to warn the local residents of a disaster. On hearing the siren, residents should turn on their radios to listen for instruction. Now as faras Mr. Peters the local C.B.C. Manager is concerned it is within his Departments as far as turning of the Transmittor on or actually the leaving of the transmittor on in time of disaster.

Mr. Commissoner: Mr. Chairman, I would like Mr. Green to continue with the reading of the paragraph as I can see what is going through a number of minds here.

Mr. Green: The communication and power aremon-existant warning will be initially passed by word of mouth. When time permits bulletins will be prepared and posted at suitable loca-tions. Printing will be done by the local newspaper. Included in the plan will be what we called a telephone fan out, where it starts with the Chairman and fans out to the various heads of the Committees. Then each committee, for example the Engineering Committee will have approximately five key members and there will be other working members within that and then the Chairman of the Committee will in turn have his own fan out for warning. This is providing the telephone system is still in operation. We have an appointment list naming the individuals on the various Committees call it on to the end until we come to numbers at large which include the Mayor of Whitehorse, the Mayor of Dawson, the Members of Council and if possible we would like to include one member here from each of the outlining communities in the Territories.

Mr. Commissioner: This is mentioned in the Stencil I have reffered to for submission to Council with reference to advise and we have asked that the Council Members in the four outlining districts. We say the four outlining districts

because the central areas in Whitehorse we have Committees to cover this.

Mr. Green: Now as far as being able to keep this organisation ative and keep it alive. This is not a new plan, all it is, is an enlargement of the plans which already existed but have had the result of heavy work and a burden on everybodys part. We now will endeavour to keep in line and from time time I will bring training films, mostly American films, as an example one I saw a short time ago called "A Day in October" which is actually the preamble to the Cuban crisis. The film runs for about 30 minutes and gives the complete situation as far as the Cuban event is concerned. There are other good oneswhich we will show. We will try and inject some training in here as far as practice fan outs are concerned and insure that it has no weaknesses, like peoples telephone numbers being changed and so on. We will also plan to do small welfare excercise to help with the registration, feeding, housing, clothing, personal services that require functions of welfare. We will review the Police responsibilities, the organisation of the Hospitals that cope with disaster patients and the the organisation of a locality to cope with becoming a reception area when they are actually receiving evacuees from other areas which have suffered a disaster. There are also courses available and we have included in the estimates for this year and the coming year for three members of various Committees and the Yukon Disaster Committee to either go to Edmonton, or the Alberta Civil Defence School, or the Canadian Civil Defence School in Ontario. Now as far as the Financial Assistance Program from the Emergency Measures Organisation or planning and organising, the Federal Government pay 75%. 25% shared between the two Territories, the Yukon and the N.W.T. the Yukon Territories paying 39% of the 25% and N.W.T. paying 61% of the 39% and this is requested in the Financial Estimate. We have an example as far as the Commissioner some time ago requested Emergency Measures Organisation to provide the Yukon with a pumper. We have permission to purchase this pumber, its a 6 inch grass driven pumper to the value of $55,00.00 and the Government will pay half of the cost of this pumper. I might add in conclusion that if there are any questions that once we have this plan produced in two weeks, it will be the first large area in Canada to be able to have a complete Disaster Plan made. The N.W.T. are in view of a plan, other Provinces in Canada are slow, however they are progressing and I thimk its a great compliment as far as the Commissioner is concerned to be the first area in Canada able to have a plan completed.

Mr. McKinnon: Would you like to give a brief explanation of this pumper.

Mr. Green: The pumper, 6 inch, 90,000 gallons per hour capacity, gas driven, mounted on two wheels trailer with tow.

Mr. Taylor: I found the remarks of Mr. Green very enlightening indeed. I would like to ask a question in relation to this radio communication in the event of a disaster. Would Mr. Green consider the problem we are facing here in relation to the operation of C.F.W.H. and would you feel that by approaching the C.B.C. with respect of a Civil Defence requirement that they would operate 24 hours a day here. I have another commment to make, we were talking about people in the outlining districts being appointed and I would strongly suggest that the Fire Chiefs would possibly be your best bet. The other item I wanted to ask will we eventually be getting copies of this Disaster Plan on an individual basis.

Mr. Green: As far as the C.B.C. are concerned we can't honestly say there is an immediate requirement for the use of the C.B.C. Whitehors Station in case of any type of anemergency. Mr. Peters guarantees the Station will be in operation from 20 minutes to 30 minutes. The Commissioner only yesterday gave full details to the Administration in Ottowa and I quote this station will be left on the air. This willbe left on the air only as a public service and I don't think we can say it is a definite requirement for civil emergency or a national emergency. As far as the plans are concerned, yes copies will be provided. I am not quite sure when you say communications.

Mr. Taylor: The communications problem here is a touchy one. Without this Whitehorse station being on the air or if this repeater station was for instance knocked out you then knock out communication throughout the whole Territory. This is the central point from where all C.B.C. radio is distributed throughout all the Territories. Sometime ago we discussed the possibility of having breakin facilities about the outlining district like in Dawson, Watson Lake, whereby in a case of disaster and you could break in and contact the people in that community. The only other communications you have got will beour own Territorial Assistance which is now being experimented with and the Forest Assistance.

Mr. Green: I excepted this appointment as a Civil Emergency Planner , I was Command Signal Officer in the Western command, I was also in charge of the N.W.T. and Yukon radio system, I served on the system as an operator. I know a fair amount as far as communications are concerned in the North and I think as far as the Yukon is concerned you are extremely fortunate, you have better communications here than any other Province in Canada has at the present time. Once Edmonton is knocked out all communication cease, not only North and South but East and West also. For an example if Winnipeg is hit communications North and South and East and West and right across the country is ceased. Communications companies are now spending millions of dollars on providing by-pass routes. As far as Emergency Measures are concerned when they started up in 1957 one of their largest plans was to take the Military Communications out of all the major centres in Canada. Take Edmonton as an example, they took out all the military communications of of there and put them underground in Penhold which is half way between Edmonton and Calgary. This project costs millions of dollars and they did the same thing as far as the Federal Government and the Federal Communications in Ottowa area. In the case of a National Disaster the warning would be actually passed from Penhold to the local R.C.A.F. Station here and the information would be passed within the territories by the Yukon Disaster Committee.

Mr. Thompson: Mr. Green I would just like to comment on your statement just now, that if Edmonton were out then there is no communication and the same if Winnipeg is out. I think you are referring to Trans=Continental as opposed to local. B.C. would still funtion if Alberta was out, we are in a little bit different circumstances here but you have covered it reasonably well that if C.B.C. are out there is still the possibility of having the R.C.A.F. or the Federal Communications Branch cover for us. This is fine if its Nation wide the emergency, but I am thinking asMr. Taylor was that if something happened locally there is no means of communication

within the Territory unless the individual person is listening to anoutside station. This is in the case of a general emergency as opposed to a Yukon emergency. Here again we are interested in 24 hour a day radio service from C.B.C. if there is an emergency we are not going to know about this because if it is in the evening there is nothing to interrupt our programing from C.B.C. because we are being fed this from Vancouver, or Edmonton, Winnipeg or Toronto so there is no way of breaking in on this aspect of it. This is why we say if you have a man station here at all times, then should the emergency occur then you will have coverage unless its a communication blackout as far as Whitehorse is concerned. If this happens then again the Territory is at a loss. One other thing I would like to comment on is that you mentioned many and varied types of disasters, from road wash-outs and bridge wash-outs and I felt that civil disaster was something of a National nature or a territorial nature and it would boil down to whether it was a case of the Highways Department repairing it or something of this nature. You say that these terms of reference have been set up and I would like to know, was it the administration that set up these terms of reference or is this Federal or just what. My other question is, you say there is Civil Defence Committee for the Yukon and I would like to know who they consist of.

Mr. Green: First of all I have have to go back now and review this, I may have misinformed you as far as the communication and a national warning is concerned in case of a national disaster. The national disaster warning would come from Penhold and it is operating daily If this system fails in so far as going South to the Edmonton area then you still have excellent communications say between here and Alaska. So far as the warning is concerned that is the pattern it would take, but as far as your local station is concerned when Squadron Leader Thompson at the R.C.A.F. Station receives the message on his panel is included Mr. Peters of the C.B.C. There may be a possibility there of say a 20 minute delay in the operation of the station should it come in at night. If the message came say from Penhold to the R.C.A.F. Station in the hours of non-operation of the local C.B.C. station then there may be a 20 minute delay so far as the warning being passed to the public. As far as the terms of reference when I mentioned the types of disaster that is pretty well for general information as for example, fire, floods earthquakes. Locally here in the Federal paper which came out these were typical types of peace time disasters which were given. When we were preparing the Yukon Civil Disaster plan we did include road and bridge wash-outs and we did include extreme snow and ice conditions. These are factors which in say the southern portion of Canada are not too serious. We also added the other consideration of an electrical power failure,these are only added locally here to be able to give guidance to the Engineering Committee who will be looking after this. Now you asked as far as the Heads of the Various Committees. The Chaiman Mr. Judd and his Assistant G.A. McIntyre. The Deputy Chairman Mr. Fisher-Flemming and his Assistants Mr. H.J. Taylor and Mr. B.C. Daniels. The Head of Engineering Mr. K.J. Baker and on his Committee Mr. Koropatnick, Mr. Choate, Mr. Philipson and Mr. Mosely. The Medical and Public Health Committee, Dr. Sprenger and Mr. Cameron. The Head of the Welfare Committee Mr. C.B.H. Murphy and he has Mr. Bisier, Mr. McCullum, Mr. Cousins, Mr. Smith

and Mr. C.D. Taylor. Head of Police Committe, Inspector L.G. Pantry and he has four of his N.C.O's as members of his Committee. Head of Communications Committee Mr. A. Blackburn and he has Squadron Leader Thomson D. MacKenzie Department of Transport and Mr. Peters from the C.B.C. Head of Fire Committee, Mr. Blaker and he has Mr. D.F. Merrill of the Yukon Forestry.

Mr. Chairman: Does that answer your question Mr. Thompson.

Mr. Thompson: Yes it does Mr. Chairman.

Mr. Shaw: The purpose of this Emergency deal is to provide for emergencies that happen locally. I was just thinking, I can see the problems in say earthquakes fires floods and soforth. Say this should happen to be armed conflict, it is obvious they will size up where they can do the most damage with the least possible effort. It would appear to me Mr. Chairman, if I was from another country and I wanted to do damage here the first thing I would do would be to fly over to Whitehorse smash up the airport and the next would be to knock out the hydro damm you have here. Now if that happens you have taken out the communication system because this hydro plant will completely imobilise communications in the Territory. The C.B.C. Station would be knocked out and the best you could do would be to pick up Fairbanks. It would be as far as I can see if they dropped a couple of bombs on the Airport that would be out of business as well. The heating of the buildings will have gone and all communications and would completely isolate the whole of the Territory and I wonder if provisions have been made and there are such things as some central location that had transitorized battery equipment, that was powerful enough to reach over the area.

Mr. Green: As far as the radio communications are concerned the only one which would actually break down completely would be the C.B.C. The R.C.A.F. have their own exhillary power and we would then come back to the stage where we would be using hand power. I know its a very black picture as far as this is concerned but it would cost millions of dollars to be able to get the exhillary power.

Mr. Thompson: I think so long as Mr. Green is aware of this power factor we don't have any problems. The various Committees sound quite capable and I imagine they have taken these various points under consideration but as Mr. Shaw has said if you take power away from us we are at the mercy of the eliments.

Mr. Green: A good example of that is when New York City lost their power for 16 hours and it was a disaster that they could not put their fingers on and they have got the experts of North America and they don't know why the power failed.

Mr. Taylor: I think note could be made with reference to communications throughout the Territory in the event of a disaster and I think the Forestry would play the biggest role as they have the equipment.

Mr. Commissioner: May I be excused as I have another Meeting to attend, unless you are going to say something Mr. Chairman and then I would like to hear it.

Mr. Boyd: I am sure you will be hearing nothing, I was just going to thank Mr. Green for his informative remarks and suggest that we excuse Mr. Green and Mr. Commissioner. You may be excused Mr. Commissioner.

Mr. Green: I must add in view of Emergency Measures are concerned. Last year their budget was $26,000,00 and a lot of this is actually going to the stock piling of various resources. The main one which would be the most critical in time of disaster would be Medical supplies. As an example now they have bought 36 what we call advance treatment centres which is a 200 bed Hospital capable of being set up in 7 hours. As far as the Yukon's share is concerned we are waiting for Dr. Butler who is with the Northern Health Services he will be looking after the Yukon and the North West Territories and takes up his position in Edmonton in January. As far as supplies are concerned which he considers are essential so far as survival is concerned I assure you that you will be getting it.

Mr. Taylor: I didn't realise we were going to shut down this operation so early. I have several questions in relation to Emergency Measures. One is a most important one that I have been pushing for the last three to four years and that is the dissemination to the public of information of disaster planning. I think at one time we had some pamphlets made available to us on "Seven Steps to Survival" but this was in relation to atomic destruction of one sort or another. Is it the intention of the Emergency Measures Organisation now to proceed with the dissemination of information to the general public and what to do in the case of disaster.

Mr. Green: This morning I approved a press release for both of the papers as far as the whole background on Emergency Measures as far as the Yukon Disaster Committee and what steps should be taken to inform the public of a disaster and the actions which they should take. A copy of this was also handed to Mr. Peters the Local C.B.C. Manager and he in turn is now making a tape which will keep the public informed of what to do in disaster conditions.

Mr. Thompson: I am surprised that Mr. Taylor didn't mention the fact that we have spent millions of dollars in preparing for the eventuality of Emergency Measures and you have one of the larger items of stock piling of Hospital Emergency Units that can be erected in 7 hours. The first question that comes to mind is where are we stock piling these, and wouldn't it be a lot more economical to have one of these in a place such as Watson Lake in operation that could conceivably be removed to some place in the Yukon. I am sure that the Yukon is as handy to British Columbia as the stock pile in either Ontario or Quebeck or wherever they may be. This is one of the first things that would come to my mind if they are buying these and stock piling them, why can't we be putting them to very good use in places not only in the Yukon but anywhere in Canada.

Mr. Green: I am sorry this is a question I cannot answer all I can assure you is that as far as stock piling and equipment is concerned it is outside the possible 16 targets which have been appreciated as far as the Canadian Government is concerned and the stock piles are all beyond immediate possibility of damage as a resultof a nuclear attack in any of these 16 cities. As far as why they couldn't

be put to use, I imagine as far as our own electrical equipment in the communication business we would be most unahppy if we had communication sitting on the table we expected to had to operate say within three or four hours notice.I agree its better to keep the equipment out and be operated all the time but as far as these Emergency Hospitals are concerned they are complete with 21 days survival equipment including everything with the exception of food.

Mr. Thompson: Mr. Chairman, I appreciate this and don't question it, my only concern is that if these services or facilities are available and you say we are stock piling to the extent of millions of dollars. The first thing that comes to mind is that you say 16 points or 16 places that are subject to possible attack, I assume that we must be one of these 16 points and therefore this would preclude the use of these facilities in our area. I think this is something that could be taken well into consideration, the possible use of major facilities such as this to be put to practical use in a community not necessarily this one where it could be doing some useful function now.

Mr. Green: I can quickly review so far as the target cities, Vancouver, Victoria, Edmonton, Calgary, Winnipeg Toronto, Montreal, Halifax, St. John. Its the major cities, where as the possibility of a nuclear attack on Whitehorse which is most remote unless we get a stray bomb. However as far as the possibility of fall-out it certainly is there in a nuclear attack.

Mr. Shaw: This question would relate to local disaster, such as floods, in regard to small places such as Watson Lake, Mayo, Dawson. We in Dawson unfortunately have been subject to a number of floods and the citizens turned out day and night to back these floods and this has happened on more than one ocassion. For quite some number of years they had local radio stations, just after the war when people operated their own radio stations and didn't even bother with the Department of Transport Regulations and soforth. They then decided that these little places had to come under a little bit of control and that knocked out the little stations that gave communcation when these things happened and a local radio station was formed. The C.B.C. then came in and said it was not economic to run a small station here and there and put up one central Station. The thing was we still had a flood every once in a while and there was no means whatseover of communication unless you could get to the telephone and send the message if approved and then this would get on the 6.30. news. In other words there they had all this equipment but there was no means and this applies to all these small communities whereby an authorized person cannot get on this line to transmit to that other community. It appears to me that you have many instances in the smaller communities where the trouble could be quite serious and something like that would be a most useful piece of equipment.

Mr. Green: This happened in other Territories and the C.B.C. frowned on this, but we will try to do something as it is a a definite requirement as far as disaster is concerned.

Mr. McKrimmon: I would like to ask one question. Is this Disaster Program something we are getting in the Yukon Territory or is it depending on Council approval.

Mr. Green: There is actually a requirement for legislation in so far as the declaration of a Disaster area for the

whole or any part of the Yukon Territory as such. The Yukon Act at the present time does not include this, therefore Mr. Hughes as far as the Yukon Territory and Mr. Smith of the N.W.T. are now in process of preparing legislation for Council for the production of a local Ordinance to legalise the legislation required.

Mr. Shaw: Does it require Parliamentary addition to the Act.

Mr. Green: Yes I believe so. I have given Mr. Hughes a copy of all the Civil Defence Acts for every other Province in Canada.

Mr. Chairman: Mr. Green as I said before we certainly appreciate your attention it has been very enlightening and we hope to see more of you as time goes on.

Mr. McKinnon: I do have another question. Do you have an approximate figure and cost of this type of system to the Yukon.

Mr. Green: This apparently would come under your supplementary estimates, but as far as the cost to the Yukon to the 31st of March 1966 will be $3,873.68 of which $2,7050.00 is your 50% portion for the pumper, so actually as far as the cost of Emerceny Measures for the Yukon until the 31st March, 1966, will be $1065.00.

Mr. McKinnon: Then Mr. Chairman I say lets pass the legislation as soon as possible.

Mr. Chairman: I declare a recess.

3.30 pm, Thursday November 18th 1965

Mr. Chairman: I now call the meeting to order. We were discussing Item 3. Did we conclude on that? I think we did. Bill No.6 Item 3

Mr. Taylor: Mr Chairman, I had a question in relation to Item 3. In view of the line of thinking of Committee this morning with respect of producing a type of transfer document or transfer method where both the transferee and transferer sign it, I would like to ask the legal adviser if we should provide for such a thing in this present bill or should we leave it until the Spring session?

Mr. Legal Adviser: I would recommend that the full alteration be left for the Spring session. If you do want to make a simple change now then 24 (e) could be amended to relieve the vendor of responsibility so that it would then read : "fail to notify the Registrar of the purchase or other acquisition by him of a motor vehicle or trailer in respect of which a certificate of registration has been issued". This would relieve the vendor of the duty but he might be in a bit of a pickle if the transferee didn't get around to doing it and the vehicle was involved in an accident. So by relieving him of a legal duty you may be luring him into a false position.

Mr. Taylor: I was thinking of relieving him more from a mandatory position and yet leaving it permissive for him to do so. I wonder if we could consider it in that respect.

Mr. Legal Adviser: If we do it in stages and we eliminate the first three lines of 24(e), that is stage one of the operation, and if you put an (f) in;"the vendor may by notes in writing inform the Registrar that he has disposed of his interest in the vehicle or trailer who shall make a record of such notice". There is no complusion. I would have to play around with the words to see if I could come up with something but if you want it done now, perhaps it's not the most pressing consideration at this time.

Mr. Taylor: I only wish to ensure that we don't lose sight of this question in other items that come up. I wonder if Mr. Clerk has any comment?

Mr. Clerk: I do not think it is a very serious situation. I think things are working out under the present ordinance very satisfactorily. In my humble opinion it would be just a matter of altering our certificate of registration slightly and that would not necessitate any change in ordinance because the forms in use are not specifically prescribed by the ordinance and we can make an alteration on any one of the forms at any time if we can see any merit in the suggestion. But at the present time the system of transfer of registrations is working very well and does not result in two people paying the same fee; the fee for transfer is always paid by the purchaser.

Mr. Taylor: I wasn't thinking of the fee, I was thinking of the compulsion under ordinance; it is an offence under the ordinance for instance, if a man wishes to leave the Yukon and at the last moment is able to sell his vehicle and has made the transaction, then leaves,

he is in fact breaking this ordinance unless he somehow notifies you that he has sold his vehicle. What I am getting at is that possibly we could lift the compulsion out of this for the person who is selling the vehicle and yet leave it permissive for him to notify you if he so desires.

Mr. Clerk: I would prefer to leave it the way it is but make it much simpler for the owner to notify us by merely filling out a part of the registration certificate which he has in his possession at all times and then there would be no excuse for it not being done.

Mr. Shaw: When you go to get a licence for a car, the first thing you have to do is go up to the office and give them your registration certificate and card. Couldn't there be something on the back of that card regarding the transfer with a space for the signature of the purchaser and the person who sold it.

Mr. Clerk: This is precisely what I have just got through saying Mr. Shaw.

Mr. Shaw: I didn't understand it.

Mr. Clerk: Right now the reverse of the registration certificate is the application for renewal. It would be a case of altering that and making it a notification of sale to some other person whose name would be filled in on the same form.

Mr. Shaw: I understand Mr. Clerk said that if they thought it was better they could change this thing but I did not hear any agreement to change it.

Mr. Clerk: No you did not Mr. Chairman, you are quite right.

Mr. Legal Adviser: May I suggest that I try and embody what Councillor Taylor is reaching for and perhaps the Clerk could produce a modified form so that you could look at it on, say, Monday.

Mr. Chairman: Is this the wish of the Council.

Council: Agreed

Item 5 Mr. Chairman: We will proceed with No 4

The Chairman read the subsection (3) of section 76 together with the explanatory notes. It was noted that the Item 4 did not correspond to Explanatory note 4 but to Explanatory note 1 in the original bill.

Mr. Taylor: I have one question to raise. It seemed good at the time and still does that it would be desirable to retain the provision "where otherwise posted".

Mr. Chairman then read the explanatory note to Item 4

Mr. Legal Adviser: Could I deal with that note Mr. Chairman. I can see no objection to the amendment suggested by Councillor Taylor. I think dropping it off was more or less the draftsman's sense of housekeeping and if you wish to have the words "unless otherwise posted" I can see no reason against that. What we are reaching for in

this amendment, if you look at the explanatory notes on the original bill - I think the Chairman has it before him but in case you do not, may I read it ; the present 76 (3) reads : "The maximum permitted speed for motor vehicles on highways in the Territory outside municipalities or settlements is sixty miles per hour unless otherwise posted". Now what we're saying is "no person shall drive". Instead of saying the maximum speed we are making a definite offence. On May 27th 1965 Mr. Fisher was charged in Mayo for speeding contrary to Section 76 (3). Magistrate Trainor dismissed the charge and expressed the view that section 76(3) did not set out a prohibition. It just established a limit but didn't say it was forbidden to exceed the limit. This view was shared with Crown Council who suggested that while the charge might have been laid under section 164 it might be simpler to amend section 76(3). This has been considered and the suggestion is accepted and that is why this is now brought before you. We never did tell people that it was an offence if they did go at more that 60 miles an hour.

Mr. Taylor: The only reason I raised it last time was now we are dealing with the section again it might be wise to provide something for the future. In this day and age when traffic control is such that very high rates of speed are allowed, we might as well leave it in and provide for it.

Mr. dhairman: Are you agreeing with this paragraph 4 as it is written gentlemen?

Mr. Shaw: I agree to that Mr. Chairman, adding on "unless otherwise posted".

Mr. Chairman: Do you agree to have "unless otherwise posted" added on?

Committee : Agreed

Mr. Taylor: It may be possible in proposing these amendments that we could give direction as philosophy for an amendment and when the bill is finally shaped we could submit it as a single amendment. This may help things along.

Mr. Legal Adviser: I would try and catch the philosophy and then give to the member raising the point a draft of the words which he might use in his form of resolution. I can't form a resolution; I would in fact be introducing amendments to a bill that is before you.

Mr. Taylor: I was just saying we should hash this around and when we have finally arrived at the amended bill we could take the whole thing under one resolution but if you so desire I would move section 4 of bill #6 be amended by adding the words to subsection 3 "unless otherwise posted".

Mr. Chairman: Excuse me, Mr. Taylor, if you are going to make a motion I would prefer you to write it out.

Mr. Taylor: I will proceed, Mr. Chairman, and will draft this out.

Mr. Taylor: I would move Mr. Chairman that Bill #6 be amended by adding the words "unless otherwise posted" to subsection 3 of section 76.

Mr. Shaw: I will second the motion.

Mr. Chairman: It is moved by Mr. Taylor and seconded by Mr. Shaw that Bill #6 be amended by adding the words "unless otherwise posted" to subsection (3) of section 76. Are you ready for the question?

Mr. Taylor : Question

Mr. Chairman: Are you agreed

Committee: Agreed

Mr. Chairman: The motion is carried.

Mr. Taylor: One other question. Will we now have to take and make resolutions up for all these other sections that were not in the original bill? Is that our amendments proposed by the administration?

Mr. Legal Adviser: No. These other amendments not regarded by the administration as proposed by the administration and where they are brought as amendments produced by a member who wishes to move, because of this rather complicated process of drafting where we do not undertake local drafting except for a member and I am available to do your drafting, but any official drafting that I would undertake has to be cleared back through Ottawa and this takes time and we don't have that much time. I agree the position is a little vague but when a member is introducing his own amendment I am quite happy to sit down and work out the wording with him or, if he feels it is a short one, he could write it out at the table - this is a quick way of dealing with it - but if it is a big one then I will work with the member on it.

Mr. Chairman: We will proceed with No. 5.

Item 4 The Chairman then read Item 5.

Mr. Chairman: I would like to ask Mr. Legal Adviser if # 4 in the explanatory notes is answering #5.

Mr. Legal Adviser: Yes, Mr. Chairman

The Chairman then read the explanatory note

Mr. Legal Adviser: Put shortly, Mr. Chairman, the Registrar had the power to order the release unless it was required to be impounded under the ordinance or was required by the Crown, so it wasn't clear to us why we should also give the Commissioner or the Registrar further power to order the release of the motor vehicle from impoundment. "He shall" do it, so why go on to say that he may do it. So we feel this is just extra printing.

Mr. Chairman: In other words a repetition of what's already in some place else.

Mr. Clerk: I could explain this, as this was my request. If you notice the words that are set out as being deleted

they are word for word with what has already been stated under sub paragraph (c) of the section as it now stands in the new bill and I have underlined the words in the original section and they are absolutely repetitious of what went on above. They were absolutely superfluous and indeed the section does not make sense at all with them in there.

Mr. Chairman: Are you clear gentlemen? We will proceed with #6

The Chairman then read Item #6 Item 6

Mr. Taylor: In thinking over this section I am just wondering if we are not getting into a rather odd position here. I gather from this section that what we want to do is make it legal or permissive for a constable or inspector to come along and check your speedometer to determine whether it is right or wrong. If this is meant to aid an officer in building a case of speeding against an individual then I couldn't agree with it. If this is meant just as a safety check and is not designed to determine how fast the guy was going or something - this is what I am concerned with.

Mr. Legal Adviser: I must apologise for the paucity of the explanatory note. I see now that I have not made it clear, but if you look at the explanatory note on the original bill: "in the course of his judgement in the Fisher case Magistrate Trainor stated that in his opinion using as a standard a distance between two mile posts was unsatisfactory." The magistrate has also commented on the need to prove speed measuring devices and it is in recognition of these problems that section 2 has been prepared. It is not the private motorist for whom the qualified tester is appointed, but so that they can get up in courts and say that they are qualified, appointed by the Commissioner, that they have tested the police car speedometer which could for instance have been .29 per cent off at 30 mph and 1.3 per cent off at 60 mph, and so on. The police had been relying on mile posts in the Mayo area but there was no evidence produced to show that the mile posts were a mile apart. So that was one weakness. These mile posts along the Alaska Highway - we assume they are a mile but they may not be accurate for the purpose of prosecution and this is why we have this certificate in part 2, which is really to prove that during that previous months this police speedometer has been accurate. The magistrate on one occasion threw out a case where one of these speed measuring devises had run over two wires left on the road, and he would not accept that because there was no proof that the device itself was accurate without taking it over to the dynamometer in the Vocational School and testing it there, and then presumably have somebody to produce evidence that the dynomometer itself was accurate. One could go on indefinitely to measure a mile and then you have to prove your yardstick that you've used so you end up in the Royal Science Museum in Kensington London, looking for that measured yard, or whatever it is they have buried away somewhere. So rather than get involved in one layer of proof after another, one appoints somebody who is competent to say he has tested that speedometer. That is what it is aimed at. They are not actually going to book the private motorist for not having an accurate speedometer.

Mr. Thompson: I am just wondering if Mr. Legal Adviser could tell me how many people were convicted in this last year by the police by using this method of running over their so-called radar trap if it isn't legal.

Mr. Legal Adviser: I didn't say it wasn't legal, I just said that the Magistrate wouldn't accept the device as evidence. I am afraid I do not know how many cases have been taken using this dual wire device. I rather thought they had done away with it and had gone over to straight radar. Even with radar I suppose we need some proof to satisfy the magistrate. This trouble hasn't arisen in other courts as far as I know.

Mr. Thompson: I am trying to establish the fact that anybody who pleaded guilty was convicted and anybody who pleaded not guilty, by reason of not having one of these testers, would be proven not guilty. Is this a correct assumption?

Mr. Legal Adviser: No, I cannot make any general assumption, one would have to look at all the facts. The magistrate in a particular case might still have been satisfied that the motorist was exceeding the speed limit or the justice may have taken the view that he was guilty. I haven't a particular case before me. I am sorry to be so negative about it but the police have a number of ways of establishing the correctness of their calculations. They may have had a survey made over a measured mile. They may run their vehicles over that measured mile and follow a motorist and, having established that the police speedometer was correct, they have have taken the vehicle backwards and forwards across their own trip wires at various speeds to verify the accuracy of the machine. It wouldn't call for the appointment of certified inspectors really but this way simplifies presentation of the evidence, so instead of the person whose actually conducted the speedometer tests being present you produce the certificate to say that it has been tested.

Mr. Thompson: What it boils down to in fact is that the police would have one more person to testify against somebody who had conceivably been speeding and to verify the police charge.

Mj. Legal Adviser: It is not the person; a certificate will be produced in court. You wouldn't call another witness.

Mr. MacKinnon: Will this tester be a member of the police force or an employee of the territorial government.

Mr. Legal Adviser: I don't know, I will have to inform myself as to who would be most likely to be appointed. I would think that somebody at the Vocational School would be the proper person but may I inform myself?

Mr. MacKinnon: Thank you.

Mr. Chairman: Speaking from the chair, it says : "speedometer or other speed measuring devices".

Mr. Legal Adviser: That is the radar.

Mr. Taylor: At the moment I have my doubts about this section. I would like to know a little more about what we are getting into. With respect to these devices, I am not clearly convinced that this is the thing we would be doing and I would like more information before I say that I am in favour of it or not.

Mr. Chairman: May I ask where you intend to get this information? Is it something that is not available to you or what?

Mr. Taylor: I haven't the foggiest notion Mr. Chairman. For instance I understand there is an involvement here of radar units and I understand that these radar units are very controversial units in their application. Therefore before I pass legislation approving them I would like to know that they are good, that the legislation that provides for them is good legislation.

Mr. Southam: My interpretation of this is that it is a device to test both the car of the police and of the defendent if he's caught speeding to prove that the speedometers are right. All I can see is that it's a test to prove that the speedometers are right and not necessarily the speed they were going, but right to the mile.

Mr. Shaw: My interpretation of this is that when the policeman tells the magistrate that Joe Blow was going 60 miles an hour, the magistrate will ask how the policeman knows his speedometer was correct. So the policeman can say 'here's a gentleman who can vouch for the accuracy of my speedometer, an accepted tester of speeding devides and that therefore when this officer says that this was so under these conditions, then the magistrate brings the other fellow up to say that the equipment he used was accurate according to his knowledge and he is qualified to say so. It would appear to me that if the policeman's speedometer was haywire unless someone could prove otherwise, your word would be as good as his. And I think this is the fellow that will say "this is right' or 'this is wrong'.

Mr. Legal Adviser: Mr. Chairman, if there is any witness that the Committee would like me to arrange for I would be pleased to see who could speak more competently on these machines. At the moment we have radar, or this other Dowden device, as it is called. These can be used but when you are proving a case you are going to have to produce the policeman who took the police car through this machine to confirm any error, then you are going to have to produce the man who measured the mile over which the police car was tested. You are going to need up to two or three extra witnesses. You already have these devices. What you are doing is simplifying the presentation of the case. That is all that's intended. We have taken the criticism offered by the magistrate and tried to come up with a piece of legislation that puts an end to this business. Is it your wish that I should arrange for somebody who can speak of these devices? As a matter of evidence in court where a machine said he was doing 35 miles an hour, this is technically hearsay unless you can establish that the machine was accurate, so in order to get round that you have to call the person who tested the machine and so on. It's much simpler to produce a certificate and say it has been tested.

Mr. Taylor : If you can put several interpretations on the section I am just wondering which one the magistrate will employ but if this is purely and simply the case then I would agree with the section. The one thing that comes to mind is who will be this tester. The Commissioner may appoint a tester - would this be one of the police themselves? Or would it be somebody from the Vocational School or what? It certainly shouldn't be the RCMP if it's on their own vehicle.

Mr. Chairman: Speaking from the chair, I don't see why it shouldn't be. I don't see it matters who it is so long as he's a man of honourable nature. I don't see why they should be discriminated against.

Mr. Shaw: If a man gets up and swears that he had to do this and so on and so forth I cannot see anything wrong with it. It's just as Mr. Legal Adviser says, it is something to clean things up. I would be in agreement with it.

Mr. Clerk: Could I make a contribution?

Mr. Chairman: What, Mr. Taylor.

Mr. Clerk: With all due respect I would like to make a slight contribution. You will remember you have the same situation arise in liquor ordinance cases where the policeman had to stand up in court and open the bottle and take a sip of it and say he knew what was in it and he had to taste this and say that it was liquor To get round this you had to appoint an analyst and you present in court now a certificate from the analyst stating that this is liquor you're talking about, and this is the same thing. You want to get a certificate from the man who checked the speedometer to say that the speedometer is accurate.

Mr. Taylor: Is there anybody who is qualified here with the exception of the instructors at the vocational school?

Mr. Chairman: It is up to them to get somebody that is qualified. They are asking for it and they will have to have a qualified person otherwise it won't hold with the court.

Mr. Taylor: Well the same power we have to put these things into the law books gives us also the right to withdraw them so I will go along with this section and if nothing adverse results out of it everything will be fine but if some adverse item should arise I shall certainly be the first to holler about it.

Mr. Thompson: Is there something in the ordinance at the present time that covers legality of the use of this speed measuring device and/or radar. Is this what we are trying to establish, or is this ordinance to now make them legal devices?

Mr. Legal Adviser: They are perfectly legitimate devices. There is nothing against them. It doesn't have to be written into the ordinance that you may use a stop watch to time or drop a pocket handkerchief from a distance so that your colleague sees you and starts his watch -

the old-fashioned hole-in-the-corner techniques. You do not have to pass anything to say that you may use a stopwatch or that you may use a measuring line. There is nothing illegal about them. It is the simplification of the presentation of the accuracy of the method. I am making a note to inform the Commissioner of the special emphasis that has been laid on the qualification of the people concerned. It seems to me that in view of your remarks somebody from the Engineering Department or the Vocational School who is qualified in the callibration of instruments should be the person appointed by the Commissioner.

Mr. Taylor: Is there just going to be one contemplated? Possibly Mr. Clerk can answer this. This has resulted out of a Mayo case; how would you provide a man for testing and send him around the territory to test these vehicles.

Mr. Legal Adviser: A speedometer can quite easily be tested over a measured mile with a stop watch. Once that mile has been established then you can take a stop watch and run backwards and forwards checking the speedometer at different speeds. It's only in the Whitehorse area I think that we have had the case of the Dowden machine being rejected by the magistrate because there wasn't sufficient evidence before him to say the machine was accurate. Quite possibly only the callibration problem would arise so we have the School to fall back on.

Mr. Taylor: This is the part that worries me. By passing this we're giving them a vehicle to use this Dowden machine, as you say, to allow its admissability.

Mr. Legal Adviser: We could use the machine tomorrow and make it admissable. It is only a question of how you do it. I could take the machine and support its record by a mass of evidence and the magistrate would be compelled to accept it. But it is going to tie up two or three or four men each time you prosecute somebody for speeding. There is no difficulty if you have got the man-power in proving this thing is right. What we are trying to do here is produce a certificate saying that the machine is right.

Mr. Chairman: Are you prepared to go ahead with number 7 or do you wish to continue this discussion?

Mr. Shaw: I am agreed with this one. I might state that when you travel along some of the roads in the United States you will see a notice "Check Point" for your speedometer and it gives all the distances so you can check your own speedometer and this is on many of the highways of the United States. I haven't noticed them up here of course.

Mr. Chairman: Are you agreed Mr. MacKinnon?

Mr. MacKinnon: I would just like to mention that I would hate to think that this is just a matter of setting up another job which will have to be paid for by the Territorial Government. If we can get by without these machines by measuring off between two mile posts then I think we should do it.

Mr. Chairman: Mr. Southam, are you satisfied?

Mr. Southam: Agreed.

Mr. Chairman: Mr. Thompson

Mr. Thompson: Agreed

Mr. Legal Adviser: If there is any doubt I could ask the police to put on a demonstration of how this machine would be proved and why and on the basis of that demonstration a certificate would be issued in future. Perhaps you would like to see one of these things work. We have all seen them work the hard way from the customer's point of view but you might like a demonstration of how the expert would go about proving that the machine was accurate. Would that dispose of some of the problem?

Mr. Taylor: I haven't any idea what we are talking about. If this is some great device it's foolish to drag it up here but are we talking about a two-wired thing, this Dowden thing you are referring to? Is that an electronic deal. I don't know what we're speaking of here, I've never seen any of these devices.

Mr. Legal Adviser: I think they have two instruments in the territory; that is the Dowden and straight radar. Could I arrange for more factual information on the actual machines and a discussion by somebody who knows about them. I don't know the first thing about them myself. I could arrange that for tomorrow possibly.

Mr. Chairman: Speaking from the chair I do not think it matters to us what kind of machines they are. What we are concerned with is are we prepared to authorise the issuing of a certificate that states that the man was speeding according to this speedometer and the certificate is stating that the speedometer from which the test was made is accurate, so all they want is the certificate to be used as factual knowledge that the man was going that fast. As it is now they have to bring in four men, and a battery of testing instruments as Mr. Legal Adviser has proposed to demonstrate.

Mr. MacKinnon: The point I am concerned about - it says here in 151 (b) - "The Commissioner may appoint one or more qualified persons". Is this going to be a full-time job?

Mr. Chairman: May I interrupt here with all due respect. I was advised that the Legal Adviser had a meeting at half past four and there has been a phone call for him. I think in that respect we should allow the Legal Adviser to be excused.

Mr. Legal Adviser: I am obliged.

Mr. Taylor: Before Mr. Legal Adviser goes - the only thing I am concerned about is what are we talking about? How do you measure this electronic device, how do you tell whether it's functioning? It's all a mystery to me.

Mr. Legal Adviser: On that point I can ask for an expert to come before you to speak to you about this machine. I do not know the first thing about them. It would not

be a full-time job but would just be an incident of a man's other employment.

Mr. Shaw: Have I got this right? It appears to me that all that is being asked for - we have the expert, we have the devices, we have everything - just the authority so that instead of having to appear in the court he can sign the certificate to that effect.

Mr. Legal Adviser: This is basically it.

Mr. Thompson: Before Mr. Legal Adviser goes the thing that intrigued me was his statement that these various items are accepted now. Now who has given whom authority to accept the findings of this. You say this is not in an ordinance, it doesn't have to be in an ordinance but the police can go ahead and convict on this. If this is the case why don't they just go ahead and just set up somebody as being qualified to test them. This is the thing that intrigues me but you can answer that tomorrow, Mr. Legal Adviser.

Mr. Legal Adviser: I am obliged, sir.

Mr. Chairman: Gentlemen I would draw your attention to the time. What is your wishes.

Mr. Taylor: There are no witnesses here now so all we can do is revert to Council.

Mr. Thompson: Mr. Chairman I move that the Speaker now resume his chair and hear the report of the Chaimman of Committees.

Mr. MacKinnon: I second that Mr. Chairman.

Mr. Chairman: We move that the Speaker resume his chair and hear the report of the Chairman of Committees. Are you ready for the question.

Committee : Question

Mr. Chairman: Are you agreed?

Committee: Agreed

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

Report of Chairman of Committees

Mr. Chairman: The Committee convened at 10.55 this morning and discussed Bill #5 with Inspector Pantry present and answering yesterday's questions plus other questions.
At about 11.20 Councillor Watt left his chair without explanation.
The Committee continued to discuss Bill #5 until noon, at which time committee adjourned. The Committee convened again at 2.00 pm with Mr. Watt absent. At 2.00 pm Mr. Don Green, the Civil Emergencies Planning Officer of Yukon and North West Territories attended the Committee and gave a talk on the progress of this subject.
At 3.30 we continued discussion of Bill #5 and it was moved by Councillor Taylor and seconded by Councillor Shaw that Bill No. 6 be ammended by adding the words "unless otherwise posted" to subsection 3 of section 76.
It was moved that Mr. Speaker resume his chair to hear the report of the Chairman of Committees.

Mr. Speaker: Gentlemen, you have heard the report of the Chairman of Committes, are you agreed with the report?

Council: Agreed

Re : Standing Order #5

Mr. Speaker: Now have embodied in this report the matter of a member leaving the Committee without asking permission of the Chairman which of course is contrary to our rules. Do you wish any debate on this matter at this time?

Mr. Thompson: I do not feel that any debate is necessary. I think it should be drawn to the member's attention that it is contrary to a standing order. I think that would be sufficient.

Mr. Speaker: Do you agree therefore that I should bring this matter to the member's attention?

Council: Agreed

Mr. Speaker : Are there any contrary? Thank you. Now gentlemen we come to the business of the day for tomorrow, the agenda. What is your desire in this respect?

Agenda

Mr. Taylor: Mr. Speaker, we have the consideration of bills; we could possibly conclude the motor Vehicles bill and get back to Bill #3 so I would suggest in general bills, motions and sessional papers and also I wonder if we could have Mr. Commissioner in Council for question period tomorrow morning?

Mr. Speaker: Yes, that matter is on the agenda and the Commissioner thought that it was this morning but I pointed out that it was tomorrow morning. However Mr. Clerk might remind him that we would appreciate having him here in the morning for a question period. Can someone inform me, do we have that in Committee or in Council?

Mr. Clerk: It is in Council Mr. Speaker

Mr. Speaker: Thank you. What is your pleasure from now on?

Mr. Thompson: Mr. Speaker I move that we call it five o'clock.

Meeting : Adjourned

Mr. Speaker: It has been moved that we call it five o'clock. Are you agreed with the motion.

Council : Agreed

dr. Speaker: Are there any contraries? The motion is carried and this meeting is adjourned until tomorrow morning at 10 o'clock.

Mr. Speaker read the daily prayer and Council convened at 10:00 o'clock a.m. Councillor Watt was absent. Commissioner Cameron was present.

Mr. Speaker: We will proceed with the correspondence which is the first item on the agenda.

Mr. Clerk: Yes, Mr. Speaker. I have two short memoranda this morning. The first one, dated November 18, 1965, Production of Papers No. 1, Corporation and Income Tax Revenues:

"The position in respect of information on this subject is as set out in my paper to Mr. Speaker and Members of Council dated July 8, 1964. Nevertheless, I have written to Ottawa and asked for the latest publication of Taxation Statistics put out by the Department of National Revenue and when that is received it will be presented to Council."

Signed G. R. Cameron, Commissioner.

Reply to P. of P. No. 1

The second memorandum is dated the 18th of November, 1965, on Question No. 3:

"The position on this question which relates to the reduction of fire insurance premiums is that advice is awaited from the Royal Insurance Company Limited of the saving that would accrue from a particular course of action. It is expected that such advice will be received shortly."

Signed G. R. Cameron, Commissioner.

Reply to Question No. 3

The next one is dated the 17th of November, 1965, entitled New Year's Eve - Cabaret Lounge Hours, and it will be set out as Sessional Paper No. 31.

Sessional Paper No. 31

The next one is dated November 18, 1965, Reference for Advice on Civil Disaster Plan. It will be set out as Sessional Paper No. 32.

Sessional Paper No. 32

That is all for this morning.

Mr. Speaker: Thank you Mr. Clerk. Mr. Taylor, did you have some matter that you wish to bring up?

Mr. Taylor: I think that it's cleared up, Mr. Speaker. I was a little confused as to the answer to Question No. 3 as to whether it was a Sessional Paper or a memorandum.

Mr. Speaker: Have we any Reports of Committees? I note that this morning we have a new Bill before us. Would any member care to introduce this Bill at this time?

Mr. Boyd: I beg leave to introduce Bill No. 7, An Ordinance Respecting Local Improvement Districts.

Mr. Thompson: I second that motion.

Introduction Bill No. 7

Moved by Councillor Boyd and seconded by Councillor Thompson, that introduction be given to Bill No. 7, An Ordinance Respecting Local Improvement Districts.

MOTION CARRIED

Mr. Speaker: Have we any Notices of Motion and Resolutions?

Notice of Motion No. 18

Mr. Taylor: I would like to give Notice of Motion respecting Labour Legislation.

Mr. Speaker: Have we any Notices of Motion for the Production of Papers. Have we any Motions for the Production of Papers? Mr. Taylor, would you take the Chair, please.

Mr. Taylor takes the Chair.

Motion for P. of P. No. 3

Mr. Shaw: I have a Notice for the Production of Papers in respect to the Whitehorse General Hospital, seconded by Mr. Boyd. It is respectfully requested that the Administration supply the following data in relation to the Whitehorse General Hospital for the latest full year available.

1. Total yearly operating cost.
2. Total revenue received from Yukon Territorial Government.
3. Total revenue received from other Government Agencies.
4. Total revenue received from other sources (Out-patient, compensation, etc.)
5. Total Salaries and Wages paid to any and all employees found necessary for the yearly operation of the hospital on a local basis but to exclude administrative costs of persons employed and living in Ottawa.
6. Average number of employees engaged per month.
7. Yearly average of patient days with average percentage occupancy.

Mr. Speaker: Are you prepared for the question?

All: Agreed.

MOTION CARRIED

Mr. Shaw: Thank you, Mr. Speaker.

Mr. Shaw resumes the Chair.

Mr. Speaker: Are there any further Motions for the Production of Papers? If not, we will proceed to Motions, and the first one on the agenda is No. 15, Mr. Thompson, Cemesto.

Motion No. 15

Mr. Thompson: Mr. Speaker, Motion No. 15, moved by myself and seconded by Mr. Boyd, re the Moving of Cemesto Houses to Territorial Sub-divisions, that in the opinion of Council "Cemesto Houses" which are being made available to the public for purchase be specifically designated by name, and not be allowed to be moved into Territorial Subdivisions in the vicinity of Whitehorse. It is recommended that the Administration make the necessary amendment to the Area Development Regulations forthwith. May I proceed, Mr. Speaker?

Mr. Speaker: Proceed, Mr. Thompson.

Mr. Thompson: Well, gentlemen, this is a subject that has had a little bit of controversy attached to it inasmuch as these houses were made available to the public and for some considerable time when we knew that they were to be sold, we advised the Administration that Crestview and Porter Creek Subdivisions were not in favour of having these houses moved to this area. This was fine. They accepted our suggestion but they informed us that there was nothing in the Territorial Ordinances that prohibited their removal from their present site to any subdivision. Inasmuch as the City of Whitehorse have passed a By-Law that says they are not fit for moving to Whitehorse, we feel, by the same token, that they are not fit for subdivisions in the Whitehorse vicinity. I would ask your concurrence on this, gentlemen, and I am merely carrying out the wish of the citizens of Porter Creek and Crestview Subdivisions in asking that these houses be named and not be allowed to go into the subdivisions. The only other thing that I have to say is that according to the Territorial Engineering Department, basically there's nothing wrong with these places. Structurally, they meet all the requirements. We have heard here in Council that they had to be up-graded before we could take them over for Territorial housing which we discussed at some length, which is fine. The general concensus of opinion was that there was nothing wrong with these places, but if you tried to move them with the type of structure that they were, they would lend themselves very admirably to falling to pieces and it is the wish of both Citizens Associations of Crestview and Porter Creek that these houses do not be allowed. I ask your concurrence on this, gentlemen.

Discussion Motion #15

Mr. Speaker: Have we any further discussion? Mr. Taylor.

Mr. Taylor: Mr. Speaker, it seems, as the Member has noted, that the various associations in Whitehorse with respect to these two Subdivisions, are in agreement with this proposal and I would certainly go along with this if this is what the people want, of course, this is what I will support.

MOTION CARRIED

Mr. Speaker: Now, proceed to Motion No. 16, Mr. Taylor, Corrections Programme.

Mr. Taylor: Mr. Speaker, this is Motion No. 16, moved by myself, seconded by Councillor Southam, respecting Corrections Programme, that it is the opinion of Council that a new Territorial Department be formed to administrate the corrections programme, same to function independently of any other Department of Administration. May I proceed, Mr. Speaker?

Motion No. 16

Mr. Speaker: Proceed, Mr. Taylor.

Mr. Taylor: The motion, Mr. Speaker, arises from our discussions of a few days ago with respect to the new corrections programme, and it appeared during these discussions that some firm direction of Council, or opinion or whatever you wish to call it, should be given on some of the basic aspects of setting this up; and as many Members of Council will agree, the Committee of the Day decided that they would like to see the recruiting of staff for this program undertaken at the earliest possible moment and provided for that, and now I think it is essentially important that we

Discussion Motion #16

Mr. Taylor continues:
give some direction with respect to the setting up of this new department. I would suggest that the Department probably should function on its own, that the department head of this particular corrections programme or corrections department, be answerable to the Commissioner as a department head and not to anyone else. So, consequently, this is why the motion is being proposed. I think that it is, from this point on, self-explanatory, and I think it is a very important one.

Mr. Speaker: Do we have any further discussion on Motion No. 16?

Mr. Boyd: Well, Mr. Speaker, I would just like to ask Mr. Cameron if he has any unhappy thoughts on this motion...is it premature? Would it create any complex problems at this moment or would you be in support of this?

Mr. Speaker: Mr. Boyd, I think it is a matter for Council Members to decide on and give their opinions and then it could be passed on to the Administration for discussion.

Mr. MacKinnon: Mr. Speaker, I would like to submit that we are a little hasty in trying to form another Government Department and I think it would be better to look this thing over a little before we recommend a department to administrate. I think we'd better find out more about this program.

Mr. Boyd: Mr. Speaker, this is a motion, and you are going to ask us to vote on it, yes or no. I would either like to know, have an answer to my proposal, or we are going to have to defer this motion into Committee....one thing or another, we just can't jump up and say agreed.

Mr. Speaker: That is quite correct, Councillor Boyd. I was just thinking merely of the fact that this might entail a lot of discussion back and forth and perhaps through the formalities of Council that it might be an idea to put it into Committee, but we don't want to restrict the matters too much....if you have a definite question, I think that it would be quite permissible. I just don't want this to get into a Committee meeting, that was the reason that I mentioned that, but if you have a question, would you care to put it now?

Mr. Boyd: I have a question. Would the Commissioner feel happy or unhappy if this motion was passed?

Mr. Speaker: Mr. Commissioner, could you answer that, please.

Mr. Commissioner: Mr. Speaker, the motion is in complete agreement with the Administration's thinking, here and in Ottawa, so it certainly, there's no conflict with our thinking and the motion as drawn up.

Mr. Thompson: Mr. Speaker, I had one thought to go along with this motion and here again I am in agreement. I think that there was some mention of a superintendent being in charge and I would suggest that this would be the gentleman to coordinate matters and to head up this department if this is in keeping with Mr. Taylor's motion.

Mr. Southam: Mr. Speaker, I think Mr. Thompson has just about said what I was going to say. I think the supervisor or whoever is in charge of this department is the man that will be responsible...it is only a matter of a straight line organization and he would be answerable to the Commissioner, but I think it should be a department apart from the administration as it is at the present time.

MOTION CARRIED

Mr. Speaker: We next come to Motion No. 17, Mr. Taylor, Computer Facilities for Administration.

Mr. Taylor: Motion No. 17, moved by Councillor Taylor and seconded by Councillor Thompson, respecting computer facilities for Administration, that the Administration is respectfully requested to take immediate steps to invite a representative of International Business Machines Ltd. to come to the Yukon and after making a study of accounting and other systems employed by the Administration, provide the Council, now assembled, with recommendations and information related to the use of computers including efficiency and cost comparisons. May I proceed, Mr. Speaker.

Mr. Speaker: Proceed, Mr. Taylor. I was just wondering as to the legality of one section of this, when you state International Business Machines, that's the only thing, or a like firm. It definitely states one corporation and I didn't know about it, but proceed.

Mr. Taylor: Yes, Mr. Speaker, the reason, of course, that I cite International Business Machines is that they are the people who build these computers and lease them. I don't know of any others, although there may be. During the discussions on the Financial Advisory Committee this past month, the matter of costs, or problems within the Treasury Department, and it involves staff, it involves this, that and the other thing, and we are constantly faced every day, when discussing finance, with the problem of increasing administrative costs and with no great increase in the number of people that are being administrated to. Now, we searched around and kicked the idea about between Administration and Financial Advisory Committee, and one thought that was expressed was that possibly we should take a look at this computer situation and see if, in effect, computers could save the taxpayer a dollar, produce as efficient, or more efficient, an operation than we have today and so I undertook to make somewhat of a study in this regard. I found that one local corporation who have offices here in Whitehorse do, in fact, use computers, and so I went down and saw them. It was pointed out then that this particular group used five computers and they rent them on a monthly basis. Apparently these computers cannot be purchased - they must be rented. I asked them how many people does it take to operate these five computers and just what they do. Apparently these run practically the whole corporation. They give them cost analyses, do their payrolls, they file their stock controls and so forth, look after their credit cards and I don't know what. I found out that it takes three girls to operate these five machines to program them, and that they do the work of somewhere between thirty and forty people. So as I say, I also learned that it is the one function of this firm which uses and leases these computers that if you desire, they

Discussion Motion #17

will send a man to look over your corporation, to look over your methods, accounting methods, your problems, and will give you recommendations in effect as to what the computers can do for you, what it will cost, and give you comparisons as to what the saving might result, if any, over your present methods. In this respect, I feel that these people would come immediately and review the situation and give us some information, and I think this is the best approach that we have come up with yet with respect to solving this problem of increased costs, administrative costs, and so forth. So, this is what the motion asks. It asks that we invite a representative from this group to come to the Yukon, look over our system and advise both the Administration and Council, answer any questions that Council may have as to the use of computers and whether or not it is practical to use these or not, and so I would leave it at that point.

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

Mr. Thompson: Mr. Speaker, as seconder of the motion, I most heartily concur. I feel that the costs of the Treasury Branch of the Territory, and the costs are doing nothing but skyrocketing, and if there is any possible way of curtailing this in any manner whatsoever, I am whole heartedly in concurrence, and I feel that staff is a particular problem in this Department, and if we can do anything at all to alleviate these problems and keep the costs somewhere reasonable, then I will go along with this motion.

Mr. Speaker: Have we any further discussion on Motion No. 17?

MOTION CARRIED.

Mr. Speaker: Now, gentlemen, the next item on the agenda is questions. Now, today, we have the questions broken down into two categories, namely, the questions that are starred, written questions, and then, of course, the Commissioner is with us to answer oral questions. At this time, I would ask for the written questions first so we can follow along with the others. Are there any questions?

Question No. 10

Mr. McKinnon: Mr. Speaker, I have a question re Haines Junction Water Delivery.
1. How many bids had been received at the time of first opening of tenders, Monday, November 15th?
2. How many bids had been received since that time and, if any, are they going to be considered as legal tender?

Mr. Speaker: If there are no further starred questions, we will proceed to questions that the Commissioner will endeavour to answer. Mr. Taylor.

Mr. Taylor: My question was to Mr. Clerk.

Mr. Speaker: Proceed with your question to Mr. Clerk, Mr. Taylor.

Mr. Taylor: Mr. Speaker, I wanted to ask Mr. Clerk if he could possibly table or procure for Council and Committee of the Whole a copy of the Criminal Code of Canada and table it on the table during Council Sessions so that we may have access to it.

Mr. Speaker: Would that be possible Mr. Clerk.

Mr. Clerk: I could, I believe, get one but I'm not sure exactly how long it would take to get one. I'll try.

Mr. Speaker: You can look into this and advise us then. Are there any further questions, starred questions?

Mr. Taylor: Mr. Speaker. Will we be meeting with the Commissioner as we did last year, in Committee of the Whole, this morning?

Mr. Speaker: Last year, it appears that we had the questions in Council, not in Committee. Now it was the pleasure of Council at that time, I seem to recollect, that that was Council's wish. Now if it is Council's wish to change that and have the questions in Committee, that is the Council's prerogative.

Mr. Boyd: Mr. Speaker, I wonder if I may, I have a note from the Commissioner's Office telling me I should be up there at 10.30 and I would like to be excused. I think it is a proper request at this time. I see it is twenty-five minutes to eleven.

Mr. Speaker: Is that to see the Commissioner, Mr. Boyd?

Mr. Boyd: I don't know really what it's for. It is to attend a meeting in the Commissioner's Office concerning Corrections Institutions - that's all I know.

Mr. Cameron: Mr. S peaker, it was to get Mr. Boyd out of Council so I could talk about him. It is a Corrections meeting, and I am supposed to be there myself but I would like to sit in with the question period with Council if I could, and if it is their wish at any time that I can make myself available, I will certainly try to make myself available to the Committee at any time, but usually it has been the open question period during Council and if I was unable to answer it verbally, I would ask that it be a written question and I would give you a written answer. I might point out, Mr. Speaker, just in general terms that we are running a heavy backlog upstairs, and if we appear to be very late in getting certain answers to Council, I hope you will bear with us. We have that one office empty and it makes a big difference to the papers, climbing up on us every day, and until Mr. Fleming arrives, why I don't know how we are going to be able to catch up, but we are doing the best we can.

Mr. Speaker: Thank you Mr. Cameron. Councillor Boyd has asked leave of absence to attend another meeting that is part and parcel of the Council you might say as a representative. Would you agree with his request?

All: Agreed.

Mr. Speaker: You are excused, Mr. Boyd.

Mr. Boyd: Could I ask one more question? Is this meeting going to proceed without you, Mr. Commissioner?

Mr. Commissioner: Yes, Mr. Speaker, it is. Mr. Judd is carrying on and I told him that I would be up as soon as possible.

Mr. Boyd leaves the Council Chambers.

Mr. Taylor: Mr. Speaker. I would like to direct a question to Mr. Commissioner at this time and that has respect to Broadcasting facilities in the Yukon in relation to Radio and Television Services, and I wonder if Mr. Commissioner has acquired any information from Ottawa since the Spring Session with respect to either of these - television services program or this twenty-four hour a day radio broadcasting problem we have here apart from the Sessional Paper with respect to the brief.

Mr. Commissioner: Mr. Speaker, I believe that is all the information we have received. I don't even recall now what the Sessional Paper stated. However, I think the Council will probably be aware that at the present time, the Carruthers Commission are doing a study in the Northwest Territories and this seems to be one of the main points that keeps re-occuring in the submissions to this Commission, namely, that Television and Telestar, live television to the North, is essential for good business and the development of industry and the retention of long-term employees. The Canadian National Telegraph, according to their figures, in order to put in the additional dishes on the microwave towers and facilities required to bring in live television, they are looking at a capital expenditure of over five million dollars. I am just pointing this out as information. When it will come, I have no idea. There is nothing further on the twenty-four hour radio service except as Mr. Green pointed out, and I signed the letter the day before yesterday, which Mr. Green didn't admit, but he did write it and it is, I think, the best letter we have sent yet, I mean it is very well worded because this man is a communications man, and sort of puts it up to them that - I should say I put it up to them, that we would like to have twenty-four hour radio service, regardless of emergency measures or anything else. He has quite a long rundown and preamble in it so it will be interesting to see what the effect is. I think it is the case of the squeaking wheel. I don't doubt but that we will eventually get it, but we have to keep after them. So far we haven't hit them in a soft spot yet.

Mr. Taylor: Mr. Speaker, I have a supplementary question on this topic and that is in view of the distances involved and the difficulty we have had in the past and the desire of Council to discuss this particular subject with some members of the CBC, do you feel that we would have any success in asking a representative of say the Special Services Department or a senior official of the CBC to talk this over with us, all these little related problems?

Mr. Commissioner: Well, Mr. Speaker, as to whether there would be any success gained from such a venture or not, I am not prepared to say. It appears that when these gentlemen come up, they are good listeners and they will explain their side of the story and then somewhere between Whitehorse and the Ivory Tower, we get shot down. I'm not blaming any one individual, but they actually have to answer to their superiors and everything goes on the priority lists in the budget and they just, so far, haven't seen fit to do what we have asked. I certainly don't see any harm in attempting to get one of these individuals up, but as to whether they would be able to come for this Session or not would be very doubtful. They are suffering the same way as we are by the fact that there are too many places to go and too few people to cover the different locations. I know it won't be a case of finding an individual who will sit here and say "Well, yes, I think you've got a point, we'll do it", so it would merely

Mr. Commissioner continues:
be exchanging correspondence for verbal and personal contact.

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

Mr. Taylor: Yes, it does, Mr. Speaker.

Mr. Speaker: Are there further questions? Mr. Southam.

Mr. Southam: Mr. Commissioner, as you know, we have several children down here from Elsa in schools, and in talking to a gentl:man yesterday, he inferred that there had been several complaints concerning the food that they have been dished up. They have talked to Mr. Froese about it and he says there is nothing that can be done. I wonder how is this? Is it let out on a contract basis or how is this served up or do you pay so much to the caterers for the purpose of feeding these said children? One particular laddie has lost about eight pounds since he's been down here, but I don't pay too much attention to this because the fellow could be homesick for all I know. I've been homesick myself before now. Every time I come down here I lose weight. However, the thing is that these people, these parents of these people, have began to worry about it and so on. I wonder if you could tell me how this thing is set up and who I could go to to get some answers.

Mr. Commissioner: Well, Mr. Speaker, I would suggest that Mr. Southam speak to Mr. Thompson or Mr. Froese. I am not sure how it works myself, but I presume the children referred to are the ones living in the converted teacherage that we have this year in Whitehorse,-in other words, converted to a hospital accommodation for twelve or fourteen students in the high school age, and in this case, there is a man and woman running this establishment, house-mother and house-father, running the establishment, and I believe they do the cooking right in there. I don't know, I'm inclined to agree with Mr. Southam that it is hard to say whether or not you can find any real answer because there are different children from different homes and they get very accustomed at this age to a certain type of food that their mother cooks, and I think even the Waldorf-Astoria would fall down in this case when the kids are supplied the meals that should satisfy them all; but as far as whether the meals are satisfactory or whether they are scrimping on food, you could certainly find out from Mr. Thompson and I would be interested in hearing from you as to what the outcome is. We certainly don't want any children losing weight because of lack of good nourishing meals.

Mr. Speaker: Does that answer your question, Mr. Southam? Are there any further questions? Well, gentlemen, if there are no further questions, what is your pleasure next?

Mr. MacKinnon: I have a brief here and I don't know exactly what the procedure is on submitting it. When do you do such things as this?

Mr. Speaker: A brief has to be submitted - some thought has to be given - in other words, it is not permissible to Council to present a brief that calls for an expenditure of Government funds. That must be introduced by the

Mr. Speaker continues:
Government. A brief also has to have, if it does qualify, it has to have three signatures for the person submitting the brief. I believe I have seen this brief and, at the present moment, there will have to be a few changes made before we can accept it as such. I would be pleased at a later date to discuss the matter with you and perhaps we will find some way to get it into the hopper. Is that satisfactory to you, Mr. MacKinnon?

Mr. MacKinnon: Mr. Speaker, I guess there isn't much other choice, is there.

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

MOTION CARRIED

Mr. Speaker: The motion is carried and Mr. Thompson will take the Chair as Chairman of Committees.

Mr. Thompson: I will call a five minute recess.

Friday, November 19, 1965
11 o'clock a.m.

The Chairman, after calling the Committee to order, asked the pleasure of the members.

Mr. Taylor: Mr. Chairman, it seems to me that we are going to need the presence of some legal counsel in order to proceed with Bills. In Motions, the presence of some gentleman, either Commissioner or Legal Adviser, will be required in respect to Financial Advisory Committee, Discovery Road, Trapping and the Fur Export tax item. Mr. Boyd, who raised one of these items, is not here. Suggest that if absolutely necessary, we recess until such time when we can bring some of these people in.

Chairman: Mr. Clerk, have you asked if the Legal Adviser could be with us this morning?

Mr. Clerk: I have asked that Legal Adviser be at this meeting together with Mr. Boyd but I haven't asked if he could be excused from attending Council.

Chairman: Well, gentlemen, Commissioner, Legal Adviser and Mr. Boyd are at this meeting so I would suggest that we all go to this meeting too. What is your pleasure?

Mr. Taylor: I would suggest, Mr. Chairman, that Bill No. 5 - An Ordinance to Amend the Motor Vehicle Ordinance - be the next item discussed. Bill No. 5

Chairman: Gentlemen, we were discussing Bill No. 5 - An Ordinance to Amend the Motor Vehicle Ordinance - and we had proceeded to item number 6, the appointment of a tester and the certificate of a tester. Are there any further discussions on this point? Bill No. 5 (Item No. 6)

Mr. Taylor: I believe that we were going to await further information in respect to this tester, equipment, etc.

All: Agree.

Chairman: We will continue to item 7, Arrest without Warrant. Bill No. 5 (Item No. 7)

"The said Ordinance is further amended by adding thereto immediately after section 160 thereof, the following sections:-

'(160A. An officer may arrest without warrant a person who has committed or who, on reasonable and probable grounds, he believes has committed an offence, contrary to:-

(a) sub-section (1) of section 8;

(b) sub-section (1) of section 12;

(c) sub-section (1) of section 25;

(d) sub-section (1) of section 38;

(e) section 76;

(f) section 129;

(g) section 160;

and (h) sub-section (2) of section 162!".

Bill No. 5

There are no explanatory notes on the new Bill but on the old copy under explanatory notes 3, it reads:

> "The administration has been requested by the R.C.M.P. to set out more clearly the powers of arrest for offences under the sections and sub-sections shown in the proposed section 3. In popular language, the offences are:-
>
> (a) Driving without adequate insurance;
>
> (b) Operating a vehicle or trailer without number plates;
>
> (c) Driving without a licence;
>
> (d) Using some/one else's licence;
>
> (e) Driving without due care and attention or reasonable consideration for others;
>
> (f) Failing to stop when signalled by a traffic officer in uniform;
>
> (g) Obstructing or interfering with an officer in performance of his duties under the Ordinance;
>
> (h) Operating a motor vehicle after cancellation of licence.
>
> The power of seizure of the vehicle of course has to be provided if there is going to be a power of arrest".

What is your pleasure, gentlemen?

Mr. Taylor: Mr. Chairman, we have had a great deal of discussion on this subject. We have had the assistance of both Legal Adviser and Mr. Pantry and I think that it boils down to a question I had asked a few days ago, and I must concur with this, and that was whether or not in effect the Police at the present time had the power to arrest without warrant? I have been advised that the power of arrest does in fact exist now and this was confirmed somewhat by Mr. Pantry. I should like to draw your attention to section 434 and 435 respecting arrest without a warrant of the Criminal Code. It would appear that we are asking that a police officer may arrest without a warrant a person who has committed or who on reasonable and probable grounds he believes has committed an offence contrary to the Motor Vehicle Ordinance for the Territory. In effect, we are giving the R.C.M.P. the authority in respect to arrest in respect to our Ordinance, that which he does not possess under the Criminal Code for criminal offences. I say that by virtue of the Criminal Code of Canada, he has no authority to arrest a person he feels has committed a criminal offence. Therefore, I would certainly not agree to provide this authority to the R.C.M.P. or any peace officer. In this respect, Mr. Chairman, I would move a motion that section 7 of Bill No. 5 be amended by deleting that section.

Criminal Code Section 434 and 435

Bill No. 5 (Section 7)

Motion was seconded by Mr. McKinnon.

Legal Adviser: I would make one observation, Mr. Chairman. I have given legal advice to the Committee and I have considered their legal advice closely. Anybody in the legal profession in the Yukon Territory who wishes to debate this matter with me in public may do so. I have practiced

or been in the practice of law since 1935. Not only am I offering you my opinions but also the opinions of very able council in the Department of Justice. This point has been considered and reconsidered and I have quoted and talked on the views of the Council in the Department of Justice. But it is entirely up to you whether you include the power of arrest as a clear statement of powers, because it will make no difference to the powers that the Police are advised they have when legal opinions are to the contrary. I feel that I should make it very clear that there is a wealth of legal opinions to support what I have told you. It will make no difference, actually, if you delete this because the powers presently existing in the Police Departments will continue to exist. I urge the members of the Council to accept the legal advice that is offered to you at this table, not elsewhere because I am responsible to the Council.

Mr. Shaw: Mr. Chairman, we seem to have digressed from the business at hand to another matter which is unfortunate. In my experience in this Council chamber, I have found many of these decisions very difficult to make in various subjects in so far as an Ordinance will say this and perhaps go to another section and you will find something that counteracts this and makes it that. In this matter, the Legal Adviser of the Territorial Council and also the Department of Justice have said that they have the powers, and Mr. Taylor has read a section that indicates that they do not have the powers. When I get advice from the Department of Justice or the Legal Adviser, I must accept that until it is definitely shown that there is a mistake. As I said before, this has digressed from the original intent of the particular section but the Motion has come up too rapidly and therefore, I must certainly vote against it.

Mr. Taylor: Mr. Chairman, I wish to make one thing clear. I feel that we are discussing a very important Bill and it is not my intention to offend anyone or intimate that I have received wrong information but I am a layman who is working very hard to see that those things which I must decide at this table should be done as fairly as possible. I am not a lawyer and certainly I require this information from all purposes as to what we are dealing with. I must only lend my weight and assistant to a Bill which is, beyond any shadow of doubt, good legislation for the people. In this case, there seems to me to be some doubt as to whether I should lend my support to this particular section of the Ordinance. It is spelt out. All I have before me now is the Criminal Code, the proposed amendment and frankly, I can't agree with that. I want to make it abundantly clear that I am not trying to offend anyone here but I must be very firm and adamant in my opposition to this. There are two points of view with regard to item number 2 and I would suggest that possibly one would relate to summary convictions proposal with respect to the Yukon Act. In this respect, I would suggest that all this information be laid before the next spring session but prior to that would ask that all members consider this amendment which would delete this section from this Ordinance.

Legal Adviser: I hesitate to involve you in listening to the reading of correspondence but it is the shortest form in which I can put this matter before you. You see, I am your Legal Adviser and I am entirely responsible for the correct-

ness of advice at this point and time. I certainly appreciate the care and thought that has gone into this and it is right, and we should be challenged when in doubt. This is the background to the opinions I have given you. In February 1961, Mr. Bickell, who was then Legal Adviser, had discussions with Mr. Olson, Chief of the Legal Division Department of Northern Affairs and National Affairs at that time regarding authority to arrest without warrant and he says:

> "At that time you were of the opinion that there was no need to amend the Motor Vehicles Ordinance along the lines suggested in view of the provisions of section 21 of the Yukon Act and Sections 692(d) and 700(2) of the Criminal Code".

Mr. Bickell writes:

> "Upon further review of these provisions I am now in doubt as to there being an authority in existence to enable the R.C.M.P. to arrest without warrant and detain motor vehicles under the Motor Vehicles Ordinance. In particular, an arrest without warrant applies only to indictable offences under the Criminal Code and the intention is, of course, to permit such action to be taken under proceedings for summary conviction which apply under the Motor Vehicles Ordinance.
>
> In these circumstances, I would ask you to kindly review the matter again and advise me regarding your interpretation of the above referenced provision.
>
> It is now determined that there is no existing authority under which an arrest without warrant and the detention of vehicles may be effected by the R.C.M.P. under the Motor Vehicles Ordinance, I would request that a suitable amendment be prepared as soon as possible to cover this requirement".

Now, that was well over four years ago. The memorandum was acknowledged and the acknowledgement is, perhaps, of less interest at the present time but he does go on to say:

> "It is quite true that sub-section (1) of sections 434 and the following of the Criminal Code limit the powers of the Police to arrest to certain offences but after our discussion in Ottawa I thought that you were quite content to leave things as they are at present. Consequently, instructions to the Department of Justice have been forwarded and the final draft .....".

Now, that was in 1961 and when I came here this matter had still not come before you. It was raised with me and my attention was drawn to this correspondence and to the opinions which I read fairly fully yesterday and the only parts I omitted were in Latin. If you wish, I would read that letter in full but again Mr. Olson, speaking for the Department, said:

> "Applying the reasoning of the Chief Justice in Regina versus Ferris",

Perhaps I should quote the reference here for those of you who are unfamiliar with the case. In 1958, 24 Western

Weekly Report, page 255 ..... His Lordship was speaking on page 261. Anway .....

> "..... to section 21 of the Yukon Act and section 700 of the Criminal Code, we are compelled to conclude that:
>
> > A peace officer may arrest without warrant a person who has committed or who, on reasonable and probable grounds, he believes has committed or is about to commit
>
> not only an indictable offence but also a breach of an Ordinance of the Yukon Territory. The reason for so saying lies in the qualification created by sub-section (1) of section 700. This sub-section does not require the unqualified application of section 435 but requires it sub modo by the use of the words mutatis mutandis meaning 'making the necessary changes in point of detail'. In applying section 21 of the Yukon Act, the words 'an offence' or 'an offence to which section 21 of the Yukon Act applies', is to be substituted for the words 'an indictable offence', thus making the necessary changes in point of detail".

Now that's the view. It does involve a certain amount of rationalisation and thinking too that you cannot by simply looking at section 434 and 435 come safely to any conclusion and anyone who says that you can is gravely in error, and shows the want of scholarship.

Chairman: Thank you, Legal Advisder. I feel that I have erred in my duties in that we have a motion before the house and we've had a fair amount of discussion on it before it was brought to your attention. It was moved by Mr. Taylor and seconded by Mr. McKinnon that section 7 of Bill No. 5 be amended by deleting that section. Are there any further comments on this Motion?

Mr. Shaw: Yes, Mr. Chairman. As I pointed out earlier, I felt that this Motion was done a little hastily and the Motion, more or less, digress from the original discussion of the Bill. Therefore, I would find it necessary to vote against the Motion.

Chairman: Mr. Shaw, I accept your explanation but I can't, however, go along with your line of reasoning. It is every member's prerogative to make a Motion and I don't feel that it was made in haste but here again, this is a matter of opinion.

Mr. Taylor: Mr. Chairman, I moved the Motion and I know that we have discussed this thing for days with witnesses and everyone else. There is no doubt in the minds of the Committee and nobody's too clear on this subject. I could be wrong but there is a certain degree of doubt as to the allowing of this section to the Ordinance to remain. We are now speaking to the Motion and I don't feel that we have digressed in any respect as I have made a Motion with reference to section 7 which we are discussing.

Mr. Shaw: I have stated my sentiments. Why I say in haste is not only because of the Motion itself but because we have two members of the Committee who are not present. These

members have been quite involved with this at the present time. I maybe wrong in my reasoning but, nonetheless, that is the way I look at it.

Mr. Taylor: Mr. Chairman, I must point out that I realise that two members are away and that one is at a meeting but I feel that the most important function of all, in relation to the individual member, is his function in Council and that this should take precedence or preference over any other activity. We have one member who may not come back. I don't know. He is away which is contrary to the Rules of the House, and nobody will know until he comes back. We cannot wait until that period of time because this period is unknown. I think that it is the duty of the five members here to deal with this thing in a expeditious manner.

Mr. McKinnon: Mr. Chairman, I might point out, the purpose of our being here is to work to the best of our ability for the people we represent not to be setting traps for them to step into. Therefore, I support this Motion.

Chairman: I wonder if Legal Adviser has any further comments to make on this subject?

Legal Adviser: With your leave, there is further correspondence. I was looking at papers dated 1961 but I see that in 1963, the matter was again discussed, after I came here. On that occasion, the Assistant Deputy Minister of the Department of Justice was writing to the Officer Commanding R.C.M.P. (G) Division a letter dated 10 May. He says:

> ".....relevant. I think the gist of the matter is that when section 435 of the Criminal Code refers to a 'criminal offence', this means any offence of the 'criminal' nature, using this word in its ordinary, rather than its constitutional sense, over which the Parliament of Canada has legislative jurisdiction. Upon this reasoning the offences created by the Ordinances of the Territories are criminal offences within the meaning of section 435".

This is an additional argument. However, he says:

> "It would appear to be desirable that the matter be set at rest, under the Motor Vehicles Ordinance, and other Ordinances, in the same manner that it has been set at rest under the Liquor Ordinance by section 63 thereof which reads as follows:-
>
> > '63. Any peace officer may arrest without warrant any person whom he finds committing, or whom he on reasonable grounds suspects of committing any offence against this Ordinance or the regulations'".

So you have a precedent for this type of provision in your Ordinances now. There was also a letter of the same date from the Assistant Deputy Minister of the Department of Justice referring to the exchange of correspondence and he goes on to say:

> "..... matter. The Provincial Summary Conviction Acts which contain the provincial provisions for the arrest of persons found committing provincial offences

appear to be enacted under the authority of section 92(15) of the British North America Act which reads as follows:

'92. ...

15. The Imposition of Punishment by Fine, Penalty, or Imprisonment for enforcing any Law of the Province made in relation to any Matter coming within any of the Classes of Subjects enumerated in this Section.

....'."

He says:-

"The corresponding provision in the Yukon Act is section 16(y) which reads as follows:-

'16. ...

(y) The imposition of fines, penalties, imprisonment or other punishments in respect of the violation of the provisions of any ordinance; and

...'.

In the Liquor Ordinance of the Yukon Territory express provision is made, as noted in my letter to the R.C.M.P. for the arrest of persons found committing offences against that Ordinance, such provision being contained in section 63.

It would, therefore, appear appropriate that this matter be dealt with, in the Yukon Territory, as in the other provinces, under the provincial legislation and for this reason and in order to set at rest any doubt there may be as to the application of section 435 of the Criminal Code we would like to suggest that you give consideration to the anactment of such a provision either generally or in respect of particular Ordinances".

He was dealing there with section 435 but as I indicated before the proposition put before you does not rely entirely on the meaning of "criminal" for the purpose of Sections 434 and 435 but on section 21 of the Yukon Act. If you take that and apply it mutatis mutandis, you then demonstrate that there is an inherent power of arrest for breaches of our Ordinance. This is all the material that I can usefully lay before you. The argument is intricate: I can only say that it is my considered opinion as your Legal Adviser they do have this power.

Mr. Shaw: Mr. Chairman, I should like to put a question to the Legal Adviser. When we had Mr. Pantry with us the other day/days, the problem seemed to be, as far as I can ascertain, more directed to the transients. I would, therefore, direct this question to Legal Adviser: it may not be put in the legal manner but he will probably understand what I mean. To word this particular section which would indicate that an an officer may arrest without warrant when said officer has reasonable grounds to believe that the suspect will be leaving the territory. Could that be added and incorporated in this to serve, the real purpose, for this request?

Legal Adviser: I don't think that this is impossible. It

would, however, be wrong to do what the member has suggested; to confine the application of this section to non-residents only. This would be unconstitutional - the discriminatory end to Criminal Legislation. I could add:-

> "if the officer has reasonable cause to believe that the offender will not appear"

but, I would like to consider this and discuss it with the draughtsmen in Ottawa. There could be one or two implications which would arise and I suspect after the analysis there will be more. Not impossible and I certainly wouldn't dismiss the suggestion.

Mr. Taylor: I think that Legal Adviser has referred us to the direction of the legal department in Ottawa but I feel that section 21 of the Yukon Act does, in effect, give authority to the Police to arrest without warrant any person found contravening the Motor Vehicle Act. I read it as saying that unless otherwise therein especially provided proceedings for the imposition of punishment by fines, penalty and imprisonment for enforcing the Ordinance and so forth in the Territory may be brought summarily before a Justice of the Peace under the provisions of the Criminal Code relating to summary conviction. This, as I read it, does not say about the enforcement of an Act or Ordinance. It doesn't intimate to me that arresting a person is considered here. It only refers, here as I see it, to the imposition of punishment. Maybe my thinking is right or wrong but I am entrusted with the responsibility of making or breaking Legislation on behalf of the people in the Territory. I would rather see this matter in Court, contested in Court, and let the Supreme Court of Canada make a ruling on this or some learned Justices somewhere in the land. I just wouldn't like to see this section left in the Ordinance as it is such a controversial item. I feel that the Legislation is dangerous in one respect and I don't feel that we should be giving powers which could be greater than the powers given in other areas.

Chairman: Legal Adviser, would you like to comment on that?

Legal Adviser: No, it depends on what you mean by "proceedings". Do they mean the way in which a man is brought over from the police cell or do they mean the whole machinery? I suggest that proceedings start from the moment the man is stopped. I can only tell you that the Department must have considered this otherwise section 21 of the Yukon Act really becomes almost a finality, because the summons provision wouldn't apply, nothing would apply except the imposition of punishment. You've got to start somewhere and I say that you have to start with the policeman on the beat and the man who is speeding. That's where proceedings start.

Mr. Taylor: Mr. Chairman, one final comment. It must be agreed by members of the Committee that there is reasonable doubt in respect to this and that in effect you can take this section 21 which emanates this opinion and place several interpretations on it. In other words, there is nothing clear and concise in respect to this and I think that until there is something clear and concise in the Yukon Act we should not make a Legislation of this kind until that time.

Mr. Shaw: Mr. Chairman, many words go on in this Council chamber and Courts, legal arguments and so forth, which

confuses everybody. This particular Ordinance is to serve a particular purpose. I have made a proposal, and I am not qualified to say whether it can be drafted or not, to add to this and no doubt the Legal Department will find out how it can be fitted in. The reason for this is, it is not the people in the Yukon or the residents who are creating the trouble, it is the people who go in and out of the Yukon. We are endeavouring to put the same punishment for crimes committed by transients as those placed on the local people. We are not, as far as I can see, putting a burden on the people who live here, we are trying to make it even: to give equal treatment, good or bad, to the people who come in and out of the Territory. That is my impression of it and the amendment or proposal I have put forward will serve this purpose. That is why I feel in my capacity as representing the people, I must look to the Legal Department of the Government for advice.

Chairman: Mr. Shaw, am I to understand that you are making an amendment to an amendment?

Mr. Shaw: No, I'm not, Mr. Chairman. I don't want to accept any Bill that would be harmful to the public. I think that many times a Bill comes before Council and the direct effects are not always clear and many times we amend it to get the general feeling of Council. I felt that this Motion, and I may be wrong, was premature in that we hadn't studied all the effects.

Mr. Southam: Mr. Chairman, it seems to me that it doesn't make any difference whether the persons are, transients or residents of the Territory. You can have people, as we have them in my neck of the wood, who get into a car smashup today and be gone tomorrow. You know that as well as I do. All they have to do is come to Whitehorse, up the plane and be gone. I expressed my views on this section two days' ago and nothing has been said in this chamber to change them. Therefore, I am opposed to the Motion for the simple reason in that I think that it is good legislation myself and unless somebody can prove otherwise, I will certainly vote against it.

Mr. Taylor: Mr. Chairman, concluding my remarks, I would like to point out that Mr. Shaw feels that this is a hasty Motion which requires more study. I think, possibly, he missed my remarks on the fact that the Motion will take this out of this Bill, that a study be made over the winter in preparation for the spring session which would give us several weeks or months from which may emanate further information in this respect. We are not necessarily here to legislate to the service of the Administration but also here as well to legislate in a manner which would protect the civil rights and liberties of the citizens of the Territory. It is possible that in passing such a legislation which has been proposed in section 7, we may infringe on these civil liberties.

Chairman: Are there any further comments, gentlemen. It has been moved by Mr. Taylor and seconded by Mr. McKinnon that Bill No. 5 - An Ordinance to Amend the Motor Vehicle Ordinance - be amended by deleting section 7.

Agreed: Mr. Taylor and Mr. McKinnon.

Contrary: Mr. Shaw and Mr. Southam.

Chairman: Well, gentlemen, we have two "For" and two "Contrary". I will vote "For" the Motion.

Motion Carried

Legal Adviser: Mr. Chairman, I would like to say something. I wish to thank the Councillor for the very interesting discussion. It has, I think, served to focus more attention on this. I should, however, explain that when I offer an opinion I am not pleading for the retention of a particular section. I am not, when I speak to you on a legal opinion, a member of the Administration. I have to put on a different hat. It is a matter of indifference to me whether you throw the Bill out or not. I just bring these matters to your attention but I was distressed, if I may speak informally for a moment, to hear the Councillor say that he was unable to get a copy of the Criminal Code. My library and services are always available to members of the Council. That is what the books are there for and I have the most up-to-date material on these things. If there is any research point that the Councillor wants, I am here to help, and I would turn up the best authorities I have and the latest reports. As I say, that is an informal side comment. But I would like the Councillors to understand that I am quite prepared to come back in the evening to work with them in the investigation of a point. In fact, I insist on having the opportunity of rethinking.

Chairman: I appreciate your comments, Legal Adviser. Well, gentlemen, in view of the time and the lengthy discussions, I would ..... My apologies, Mr. Shaw.

Mr. Shaw: I move that we recess for Lunch.

Chairman: Bless your little cotton picking heart! Well, gentlemen, is there any opposition to the Motion?

Mr. Taylor: Mr. Chairman, one point before we do recess for Lunch, I wonder if we could possibly proceed with the balance of this Bill this afternoon and then go back to the Liquor Ordinance? Of course, we will require the services of Legal Adviser if he is not tied up elsewhere.

Chairman: Are you available this afternoon, Legal Adviser?

Legal Adviser: I can be back at 2 o'clock.

The presence of Legal Adviser was requested for 3 o'clock and a phone call was to be placed to Mr. Vars should the gentleman's presence be required.

Chairman recessed for Lunch and informed the Committee that they would be reconvening at 2 o'clock, p.m.

Mr. Chairman: The Committee will be convened, and I would draw your attention to the Bill that we are discussing #5 and we are now to Section 160B of item 7. This deals with the seizure of motor vehicles 160B (1).

Mr. Taylor: Mr. Chairman, with respect I had understood by a motion this morning that we delete all of Section 7 which relates to the powers specified and this has in effect been removed.

Mr. Chairman: I apologise Gentlemen, that I was so brash.

Mr. Southam: Mr. Chairman, I didn't understand that. I understood it was the section on power of arrest.

Mr. Chairman: The motion states that Bill # 5 be ammended to delete section 7. I have marked in the particular section which we were discussing and the balance of the page in specific terms with what we had discussed this morning. This is why I said we would wait until 3.30.p.m. until we have the Superitendent of Liquor with us. Are there any further comments onthis Section.

Mr. Shaw: The section is taken out, it was moved that it be deleted. I think we should go on to Section 8 Mr. Chairman.

Mr. Chairman: General Penalty. Section 164 of the said Ordinance is repealed and the following substituted therefor:

"164. Every person who violates a provision of this Ordinance or the regulations for which no other penalty is provided is guilty of an offence and liable on summary conviction.

(a) for the first offence to a fine not exceeding one hundred dollars:
(b) for a second offence to a fine not exceeding one hundred and fifty dollars; and
(c) for a third or subsequent offence to a fine not exceeding two hundred dollars."

Mr. MacKinnon: Doubling of the fees. Is this what we are here for or the fines. Doubling it since 1958, has your wages doubled and I would like to ask why, is it the cost of living or what is the purpose of this. I think it is a lot of nonsense.

Mr. Boyd: In answer to Mr. MacKinnon, I think it is the cost of living, The cost of policing these careless people has doubled since 1958 and probably beyond that figure, everything in line with that operation has doubled.

Mr. MacKinnon: Mr. Chairman, I would like to remind Mr. Boyd that it was maybe those careless people that put him in the seat.

Mr. Chairman: Mr. MacKinnon we don't want to go through the same problems that we have had previously and would you kindly direct your remarks either to the Chair or to the subject in hand if you don't mind.

Mr. Taylor: In viewing this, I don't see too much wrong here, this is of course a penalty provision which is only applied to a person who is found guilty of an offence

to the Ordinance. The Member is quite correct that everything has doubled. It does give the Magistrate a little more leway, it doesn't state of course that he has to in the first offence fine anybody $100, but if it so being that the nature of the offence requires a higher fine than is now provided, I can see nothing with it. We are dealing now with people who have been convicted and we must provide the penalties for them.

Mr. Shaw: As Councillor Taylor has stated, this is up to the Magistrate, it costs more nowadays to make offences than it did 50 years ago.

Mr. MacKinnon: Mr. Chairman, might I mention that if it is up to the Magistrate why is it before us now.

Mr. Taylor: The reason for this is that we must give the lattitudes by legislation to which the Magistrate must view whenhe hands out these penalties we have got to make this permissable.

Mr. Shaw: The Magistrate could $500.00 if there wasn't something to restrict him and it works just as wellthe one way as it does the other. This will state that you cannot go more than that and merely for breaking the law a $100.00 isn't a great deal in this day and age.

Mr. MacKinnon: No, its just a matter of doubling it in my estimation.

Mr. Southam: Mr. Chairman, I think it was about time something like this was put into the Ordinance. We have quite a bit of touble with speeders in our area, they don't bring them to Whitehorse but fine them right on the spot in front of a Magistrate. Some fines are $10. some $15. some $25. all for the same offence and I think its about time that there was something put in the Ordinance. A certain crime carried a certain penalty and I certainly don't think this is out of reason. A Magistrate using his own judgement should surely be able to know whether he should fine a man $100. for his first offence $50. or $25. he doesn't go off the deap end. I sometimes wonder why they bother picking up the fellows at all for all they fine them.

Mr. Boyd: Mr. Chairman, I would move that we accept Section 8 of this Bill asit is.

Mr. Chairman: I don't think a motion is necessary, we have been dealing with this section by section and if you are in agreement, I don't think a motion is necessary. Am I in error Mr. Shaw:

Mr. Shaw: You are perfectly right Mr. Chairman, we just ask for agreement, but if something has to be thrown out usually it is customery to provide a motion that this be deleted.

Mr. MacKinnon: I would like to ask the Legal Advisor a question. Could he explain to Council if the doubling of these fines is something to make it more potent to the people involved or is it a matter of lack of funds in the case of operation.

Mr. Legal Advisor: It would be a sad day if lack of funds were to dictate the cause of justice or if a Magistrate was to look at the public quarters and decide he should step up the fines because taxes were to heavy. That is not

the objective. It is like all things that are written, they have to be revised and reviewed in the light of circumstances. The law has to keep abreast of the times and last year there were changes in the offences, the penalties for the liquor laws and it just so happened that in picking up these changes in the Motor Vehicle Ordinance in was noted that since 1947 there has been virtually no change in the penalties. I think the liquor law penalties virtually doubled in 1963 The suggested penalties here are entirely for you to fix. You could for instance make the first penalty $10. or $1,000.00 but it it just brought here to give you the opportunity of looking at it and deciding what you think is appropriate.

Mr. Chairman: Mr. Legal Advisor, could I ask you one question, I understand that these are arbitrary figures and you say its immaterial whether its $10.00 or $1,000. Would you either concur with these or make a suitable suggestion.

Mr. Legal Advisor: Well if you want a recommendation then I would say that I don't think these fines are out of line with modern times.

Mr. McKinnon: Mr. Legal Advisor, are these in line with say the Provinces

Mr. Legal Advisor: I am just trying to find in the B.C. Ordinance sample penalties.

Mr. Clerk: Mr. Chairman, you might possibly help yourselves if you took a look at the penalties which are already set up in the Motor Vehicle Ordinance in Section 160, 161, 162 and 163. They all start at $100.00 the same as this section and four previous sections.

Mr. Shaw: Its these sections laid out and in the end we have what you might call a catch-all where there aren't any penalties. So you have in the catchall the same as you have in the previous sections where all the penalties start at $100.

Mr. Legal Advisor: I would like to draw your attention to the B.C. experience, Section 60 of Chapter 253 of the Motor Vehicles Act, penalties generally except as in this act as otherwise provided, any person contervening or committing any breach or any offence against any of the provisions of this Act or recommendations, or refusing, ommitting or neglecting, observe carry out perform any duty or obligation by this Act or by the regulations created to impose is liable on solid conviction to a fine of not more than $500, or a term of imprisonment not exceeding 2 months or both.

Mr. Chairman: It seems rather odd that these matters have not been included in the various sections. It seems to me that this is a last recourse, that if they pick you up they can't find anything else to charge you on they are going to get you this way. Am I wrong in this assumption Mr. Legal Advisor.

Mr. Legal Advisor: Yes Mr. Chairman, they can pick you up but it would be so tedious for each small offence to be put in and the fine shall be so and so Its only for the more significant offences that they attached a penalty in the section that spells out the offences. In our own experience we have Ordinances which attach special penalty to a particular offence and in the end there is a cash order. We used to have it in the liquor ordinance where we used to sneak them out to the middle of the ordinancebut it was a bit difficult to find and put them in a general penalty clause at the end.

Mr. Chairman: The reason I brought this question up at this time was because this had reference to Mr. Watt's suggestion for motion that we be able to pay various fines to some person for miscellaneousoffences and I was just wondering if this would cause any difference of legality.

Mr. Legal Advisor: No I don't think that would make any difference as I reported with regret that we are unable to initiate a trial of this proceedure. There are people who take a different view of this and since I am not in charge of this aspect there is nothing I can do about it.

Mr. Boyd: I presume when we are talking about paying this sum of money to any individual rather than go into Court the same way as we pay a ticket that we get on our windshield. There isn't any difference in getting a ticket for speeding somewhere else, just because its not in the municipality makes no difference. I was wondering if the powers of law would like to see all and everyone picked up for these minor things, be required to go through the courts in order that the courts can justify the cost of the operation. I think the Police have got to show a number of these cases in order to justify themselves being here. Now if all these minor things were paid to whoever it may be we would save a lot of times in the Courts

Mr. Legal Advisor: Councillor Boyd will realise I can't comment on the last part of his remarks but the fine which you now have before you in the section under review do not have any direct connection with the suggestion that fines could be paid directly for certain offences. May I review the situation in England on motor offences and summons served. If a man doesn't appear he may write a letter and say I plead guilty, here is 10s. the Court does not pay attention to that letter until the Police Constable has reported the case and proved it in the absence of the motorist. The Courts in Britain could not accommodate all these minor cases, this is what I suggest in the Yukon that the Courts proceed in the absence of the offender. It seems very little reason for a man to loose a days work unfortunately and probably loose $20.00 for a day's work. This has been the practice in England for more than a hundred years but I couldn't persuade the people here who conduct the Courts to see my point of view.

Mr. Shaw: I think the public arevery disgusted with all the goings on and legal things that are going on and I think that if we can get a much better situation where we can lay things out clear cut so that we know how to deal with it. If I am driving along the highway at 40 miles and hour in a 30 mile zone and an officer picked me up, I know that I was doing wrong but I hadn't thought of it, but that is no excuse. I have to pay a

penalty, now if the officer said there you are you were going so fast and I knew there was a standard fine of say $10. then I could pay this and get my receipt. But to have to go through all the Courts and legalities is such a waste of people's time in my estimation. Therefore when it was rejected by Ottawa I just thought that was typical. When we have a man who pleads not guilty then we have a different situation, but when a man knows he has done wrong and is prepared to pay the fine and its not a criminal offence in the general sense it just beats me why you have to go through the Court.

Mr. Legal Advisor: It was not Ottawa that rejected it, it was rejected at a local point and I can produce correspondence to you on this point in which arguments were paraded against this. Its not a question of standard fines, they fine a man whatever is appropriate to the offence and then they write and tell him. If he doesn't pay the fine then he is brought in on warrant and is in real trouble. That is why it can't work that way.

Mr. Shaw: Its a very sad day when seven Members representing all the people in the Yukon Territory come up with something and we get no discussion no anything.

Mr. Chairman: Mr. Shaw may I just say on a point of priveledge, can I ask you to what you are eluding. Evidently there has been previous representation made on a similar or some other point.

Mr. Shaw: I am eluding that a person who has made a minor infraction of the Motor Vehicle Ordinance should be able to pay his fine by correspondence if necessary or by some way rather than appear in Court.

Mr. McKinnon: I am referring to the subject being discussed. I would like to ask Mr. Legal Advisor who rejected this at the local level.

Me. Legal Advisor: The matter was discussed with Crown Council in correspondence and they came to this view. I at one time thought I had secured the application of the Magistrate for the course suggested on an experimental basis. Unfortunately the light of representation made by Crown Council, I thought that the scheme would no longer redeive the co-operation. I could bring to you the actual exchange of letters but this will take some 15 minutes to search for them.

Mr. McKinnon: I would like to point out that in view of what I have heard that Crown Council overrules the Territorial Council.

Mr. Boyd: In listening to Mr. Legal Advisor's statement that the objection had been made by what sounded to be someone beyond this building and I naturally assumed it was Ottawa. I would like to suggest as a proposal that the Legal Advisor does pursue this further and that the people responsible for doing it attempt to set a fine for speeding, and the Constable be supplied with a receipt book so that a man doesn't have to come 10 or 20 miles to be here at a certain day and the Magistrate isn't there and he has to make three or four trips because Counsel wasn't available. I think that it is high time we take administration also and a little bit of responsibility in as much as they could have said this could be discussed further and pointed out the facts as to who it was and give us some chance to know what is going on

Mr. Legal Advisor: I must confess that I think the responsiblity to have reported this frustration was mine but how can I be selective about some one frustration to single this one out. I apologise for not having made a formal report back, this was an oversight on my part and I will bring later the correspondence. I should like to make it clear that the R.C.M.P. were not receptive to the idea of receiving money on the spot. There would be no reason if a case was taken in the absence of the accused, for a man to come to court he could pay this by cheque once he was told what the fine was.

Mr. Taylor: I think that this matter should be brought to light and certainly agree that Mr. Legal Advisor could research this and we can discuss it on the day following and maybe resolve this problem and find out what we can do with it. I wonder if we could refer to Section 8 at this time and leave the other remaining section for discussion.

Mr. Boyd: Mr. Legal Advisor has said that he can bring the correspondence concerning this. I am not really interested in seeing this correspondence but seeing something get on the move again as was intended by this Council.

Mr. Chairman: Mr. Boyd I accept your statement and I should have said this some time ago that this is not pertaining to Section 8. I feel that it refers to the Bill and this I am in total accord, but what we have been discussing in the matter of relative fines to relative offences. I hesitate to chop anyone off in the middle of anything and I make this as a comment you have the floor Mr. Boyd.

Mr. Boyd: I am happy and will come back to the subject at an oportune time.

Mr. Chairman: Mr. Legal Advisor, do you have anymore to add on Section 8.

Mr. Legal Advisor: No, I have no other comments that may be helpful at this time.

The Council agreed they were clear on Section 8.

Mr. Chairman: We will refer back then to Section 6 "The Appointment of Tester" and Mr. Taylor has the floor.

Mr. Taylor: I would like to direct a question to Mr. Legal Advisor and that is, is there any further information on this testing device situation.

Mr. Legal Advisor: I am sorry I have had five Meetings to-day and was not able to deal with that. Could I be allowed to discuss this with the Police who have these machines and report back to you later.

Council agreed.

Mr. Chairman: Well Gentlemen if you have no further questions on Section 6 are there any other matters pertaining to Bill # 5 that you would like to discuss at this time.

Mr. Boyd: I wonder if at this time I could continue from where I was chopped down. The reason I rose on this point is that I feel that what has happened in the past we are not concerned with, we are not satisfied with this

and what has happened in the past, concerning paying your fine on the spot so to speak. I propose now that the legal Advisor do persue it further and do his utmost to implement what we passed earlier on in another session. The fact that Policemen don't like carrying around a receipt book, I don't like carrying around a cheque book either and having to write one. He can carry this receipt book just as easily as I can carry the money in my pocket. I would like Councils agreement in my proposal on this as I don't think a motion is necessary.

Mr. Shaw: Mr. Chairman, I very much agree with Counciller Boyd except for one respect and this is the way we go about it. I think this could be set up to agree with everyone and serve the purpose such as by correspondence and not necessarily by a ticket. I would even go further than Councillor Boyd in so far as I would request the Legal Advisor to possibly come up with some practical way in which this could be operated. Whether this be by letter or the Officer giving a ticket, but to give us something to discuss and work over.

Mr. Legal Advisor: I have laid before you what I thought was a very feasible operation and that was conveyed to Crown Council and those who would be interested in this. My object in presenting the letters to you is that you may see Crown Council's point of view, and he is part of the Courts machinery and I am not.

Mr. Taylor: If we are going to get to the bottom of this thing and if Crown Council have taken our motions and desires on behalf of the people then I think that possibly we should have the Crown Council up to meet with Committee some day to discuss this subject. Possibly one of the Members may put a motion in with respect to this that the matter be discussed in the attendance of those people involved.

Mr. MacKinnon: May I just mention at this time, that Crown Councils fees have more than doubled in the past two years, I wonder if this would have any bearing on the situation.

Mr. Shaw: I think this Council brought these matters up in the first place thinking that perhaps we could work something out simple. Crown Council in my opinion is high enough paid that they can possibly go to a little bit of extra work. I think our desires are to see where we can make it as reasonbly operative for the public and I feel that is the aims which I wish to aim for. I don't personally see it is necessary to get into any legalities, if the letters can be presented as the legal Advisor has stated. We are quite capable of assessing and if we then still feel that we want this then we say again that we want it.

Mr. MacKinnon: The point is this, it really irkes me to say that we pass a motion in this house and have it cut off at local levels, namely the Crown Council.

Mr. Taylor: If there should be no further discussion on this Bill I suggest that we proceed with Bill #3.

Mr. Chairman: I appreciate your concern over this, but if there is any further discussion I would just as soon have it finanlized now if there are any other comments.

Mr. Shaw: I would just like to ask Mr. Legal Advisor if he is of the opinion that we want to re-open this

particular matter.

Mr. Chairman: I think Mr. Shaw at the moment that things will be left in beyance until such time as the Legal Advisor can clarify some of these matters.

Mr. Legal Advisor: I would still like to bring the letters here. No doubt you will give me a further direction probably along the lines of Councillor Boyd's statement, that I be instructed to reOopen and insist the wish of Council.

Mr. Chairman, I concur with the Legal Advisor and I concur Mr. Shaw and I am wondering if what we are talking about can be amened to the present Bill or are we talking about something subsequent to it. I feel that this is a point that has been raised before and there has beenmuch discussion on it and I feel it is something which we should implement at this time if we can. This can be done in conjunction with the Legal Advisor's comments and in conjunction with the documents that can substantiate this.

Mr. Boyd: I understood the Legal Advisor to say that the machinery and wheels and everything already exist and all it takes is to get around the Crown Council and the Police get them to carry a receipt book.

Mr. Taylor: I still think that the logical and sensible approach to this problem would be to set a time suitable and we could possibly have Crown Council here and a Representative of the R.C.M.P. if necessary to discuss this more fully.

Mr. Boyd: I did ask a question and could I get a yes or no.

Mr. Chairman, I apologise Mr. Boyd, would you like to repeat the question.

Mr. Boyd: I think the Legal Advisor recalls the question but if he wants me to repeat it I will.

Mr. Legal Advisor: I think the question was whether there are any legislative changes needed to get this thing rolling. My answer in my view is no, but before you set atime to discuss it further that you look at these letters I have mentioned and decide whether there is any useful purpose of discussion or whether I am instructed to go back and insist.

Mr. Boyd: Mr. Chairman, I would suggest that we peruse the correspondence and then set a time for Crown Council.

Council Agreed.

Mr. Chairman: Mr. Taylor is your suggestion that we set a time certain to meet with the Crown Council on the matter and if you are in accord with withdrawing this request.

Mr. Taylor: There is no motion in this effect. I concur it was just a suggestion and if we handle it in this manner it is quite acceptable to me.

Mr. MacKinnon: As I recall this was a motion that passed this Council in the Fall of 1964 and why must we discuss this now with Crown Council.

Mr. Boyd: We have already decided that we are going to discuss it with the Crown Council and review the correspondence at a later date in this Session and then proceed from there

further, and I hope Mr. MacKinnon will accept this as sufficient for the time being, and at the same time would like to draw your attention to the time.

Mr. Chairman: I declare a short recess for tea.

3.30 pm - Friday November 19th 1965

Mr. Chairman called the meeting to order and asked the wishes of the Committee.

Mr. Shaw: Could we take up this memorandum with Mr. Vars that we received this morning from the Commissioner?

Sessional Paper #31: New Year's Eve

Mr. Chairman: Is Committee agreed?

Committee : Agreed

Mr. Chairman: This is referred to us as sessional paper #31. It concerns New Year's Eve respecting cabaret lounge hours and it is submitted to us from Kopper King Services Ltd. per Mr. J. Alder Hunter.

Mr. Chairman then read the memorandum

Mr. Chairman: I am wondering if the Superintendent of Liquor for the Territory has had time to solicit any of the other operators regarding this memorandum.

Mr. Vars: No I haven't. I got a copy of the letter yesterday afternoon. I think this is something that should be discussed by the various operators. I think some of you gentlemen contacted the various operators regarding those hours before the last legislation and I think the hours that you agreed on were the most favourable for the majority of them. Cabarets at the present stay open until 2 o'clock. Mr. Hunter is right in saying that there is a special occasion permit when a premis can stay open until three in the morning but they are only allowed to have 12 a year. They have a thirty-minute grace period which allows them till 2.30, so they're talking about half an hour.

Mr. Chairman: You are saying that they can have twelve a year?

Mr. Vars: A club may have twelve a year.

Mr. Chairman: Is Kopper King considered a club?

Mr. Vars: No, it's a cabaret.

Mr. Chairman: So they get no special dispensation?

Mr. Vars: No there is no provision and it is stated in the ordinance that a special occasion permit or a banquet permit may not be issued to a tavern, cocktail lounge or a cabaret.

Mr. Boyd: I'm glad to know Mr. Chairman that at least Mr. Vars considers it is not a club so Mr. Hunter must be wrong in his assumption and this idea of discussing it with other operators seems to be so much poppy talk because if this kind of club as written in this letter is entitled to consideration then so are all other clubs of its type. They will all ask for it. If this organisation were operating as a club and would come along and say we will entertain the public in our club on the same basis as other clubs, namely on a non-profit basis, then I could see some reasoning behind their request but certainly I don't see it on this basis and would not be in favour of it.

Mr. Vars: I might just add if I may that Mr. Hunter makes reference to the BC ordinance. The BC ordinance provides that any licenced outlet may not be open for more than 13 consecutive hours from nine oclock in the morning until not later than midnight, on each day of the week. They provide for a late operation one day of the year: New Year's Eve.

Mr. Chairman: Are there any other questions?

Mr. Taylor: New Year's Eve is a special occasion celebrated only once a year and it is unfortunate that the time of celebration is at the period of midnight. We have always been criticised by people within and outside the territory that our liquor laws lead to rolling up the sidewalks, so to speak and so we have always tried to exercise a little more latitude in legislating to remedy this effect. I think the request has a certain amount of merit; I speak again out of the consideration of the outlying areas because here in Whitehorse you have many places you can go - private clubs and that type of thing but unfortunately many of the outlying areas do not possess these large facilities and in some cases we now have these entertainment licences for cocktail lounges which virtually make cabarets out of these places within their own hours and in pursuit of these endeavours we have little orchestras and things. I think it would be a good thing for New Year's Eve that we exercise a little latitude, to make a regulation in respect to this and to provide the people with four to five hours if they so desired to welcome in the New Year.

Mr. Boyd: I would like to ask Mr. Taylor if he would assume that a man who is not operating a cabaret would be satisfied that these should be singled out and granted this privilege; in as much as he is selling the same beverage, would they not all be intitled to the same considerateon?

Mr. Taylor: This could be done possibly on the occasion of New Year's Eve, but I said cabaret lounges insomuch as they are permitted entertainment and I think that in the act of welcoming in the New Year there is a certain amount of music and singing and consequently it only has its place by law in cabaret lounges or shall we say to cocktail lounges to which applies an entertainment licence.

Mr. Chairman: Could I ask Mr. Vars if he has any comments on this?

Mr. Vars: I would like to ask Mr. Hughes a question. I don't think the Commissioner could change these hours by regulation as they were written in the ordinance, so the hours for longer sale would have to be written right into the ordinance.

Mr. Legal Adviser: This is quite right and this is why at this time we are in some haste to get this letter down to the Council so that Council could give any appropriate constructive thought about the change of hours and include it in the liquor amendments if necessary. So it will call for a change in the legislation, not just a regulation.

Mr. Vars: We can't just regulate the hours as they are written in the ordinance. There will have to be a change in ordinance.

Mr. Taylor: So that we can have something constructive to work with I would suggest that for this one day, provided that it does not fall upon a Sunday or Saturday having anything to do with the Sunday period, we should consider providing cocktail lounges having an entertainment licence -

which would cover your cabarets and outlying cabarets - with the right to stay open until four o'clock the following morning.

Mr. Chairman: You have heard Mr Taylor's suggestion, are there any comments?

Mr. MacKinnon: I can see Mr. Taylor's point. It would be very nice if these places could remain open on New Year's but if it's too deeply involved and going to take too much paper work I don't think it's worth too much consideration. On the other hand I would like to see it if it's at all possible without getting into a big issue.

Mr. Taylor: I would like to direct a question at Mr. Legal Adviser. If the Committee were desirous of effecting this change would it entail a great deal of work to produce something that would make this provision for this day only?

Mr. Legal Adviser: No, there is no special drafting difficulty; we would simply amend the hours in the section and make it a special provision for New Year's Eve provided it didn't run over on to a Sunday if that's your wish. There is no special difficulty. We can put in a saving provision for Sunday, and for Mr. Vars' position I don't think there would be any difficulty there. No special problem.

Mr. Chairman: May I ask from the Chair, Mr. Legal Adviser, what is the inherant problem of making it any day. You've specified not Sundays.

Mr. Legal Adviser: Well, I thought Councillor Taylor did indicate that he didn't want it to run over on a Sunday. There is no problem. If you want Sunday drinking you just instruct me.

Mr. Chairman: Mr. Legal Adviser, don't put words into my mouth, Sir.

Mr. Legal Adviser: Sorry, if you want it for others to have the privilege of drinking on a Sunday.

Mr. Taylor: I assumed under the Lord's Day Act we were not permitted to allow this on Sunday but I note in the ordinance that it has been the policy to shut down the sale of licenced premises on a Sunday and this could be a matter for discussion and enlightenment. But to conform with the ordinance as it now exists and without getting too involved, as Mr. MacKinnon has pointed out, I suggest maybe we could do this by excluding Sunday but on any other day, or of course except polling day or Good Friday. Actually we're just specifying one day aren't we. I honestly feel this would produce some enjoyment for the people of the territory and I think we should consider this, certainly for the outlying districts.

Mr. Chairman: It has been brought to the Legal Adviser's attention that we are talking of New Year's Eve, extending hours providing it does not fall on a Sunday.

Mr. Vars: May I offer one suggestion. Mr. Taylor is referring to cocktail lounges and cabarets. You still have the problem that there is no provision for late operation for any place where there is not a cocktail lounge or a cabaret. In other words you are going to

get amenities where there is nothing but a tavern where there is no provision for a late operation other than a special occasion permit.

Mr. Taylor: Generally these communities which are so small that they cannot afford to enjoy this provision of a cocktail lounge with an entertainment licence have small community halls where they get a special occasion permit. It's the larger communities where you can't take the whole community into the one hall that we are concerned about.

Mr. Chairman: May I ask the Legal Adviser one further question in relation to his previous comment. Is it the power of Council to legislate for Sunday drinking if this is so desired?

Mr. Legal Adviser: Yes sir, as a matter of fact you already allow Sunday drinking. It is perfectly permissible in restaurants. There is no sin attaching to a drink on a Sunday that does not attach to it on any other day of the week. The question of the Lords Day Observance is of course an entirely different area and doesn't limit your power in this respect.

Mr. Vars: I think provincially that they pretty well control Sunday drinking in places where food is for sale also.

Mr. Chairman: You are referring to the Provinces?

Mr. Vars: Yes.

Mr. Legal Adviser: I should add that down at Niagara Falls they are finally getting round to something that the Yukon has had for many years: to allow drinking with meals on a Sunday. There's been some agitation down there. The Yukon's generally ahead of other parts of Canada.

Mr. Chairman: You've heard many comments regarding sessional paper #31.

Mr. Taylor: I would propose a motion. I would move that an amendment be drafted in respect of Bill #3 for the consideration of Committee respecting sessional paper #31.

Mr. Chairman: It has been moved by Mr. Taylor that he would move that an amendment be drafted for the consideration of Committee respecting sessional paper #31.

Mr. MacKinnon: I second that motion.

Mr. Shaw: Speaking on the motion I think perhaps certain things should be clarified for the benefit of the Legal Adviser to draft an amendment: Would it just apply to cabarets or would it apply to cabarets, cocktail lounges and beer parlours. Just whether this would be in line with this to three o'clock as I believe the other licences go to on special occasions or whether this could be extended to four o'clock. Or should this also apply if New Year's Eve should occur on a Sunday. It appears to me that clarification would be needed on that. I can't see myself what Committee actually wants except they do seem to be amenable to more latitude than exists at present.

Mr. Taylor: I proposed that we give this privilege to cocktail lounges which possess an entertainment licence. You can't have entertainment in a tavern and you can't have it in a cocktail lounge unless you have an entertainment licence. But in most of the outlying districts most of the cocktail lounges have taken out entertainment licences. They certainly have in the southern end. This is what I refer to and I am amenable to this. If no one can by law stay open later than three o'clock in a club may be we'll establish it at three but it does give an extra hour. I would be happy with three o'clock in the morning.

Mr. MacKinnon: I would like to suggest that this should cover all licences. I don't see why we should make exceptions and there are a lot of people out along the highway for instance who would like to have a little party on New Year's Eve as well as they would in Whitehorse. I think we should consider all the people.

Mr. Taylor: As I pointed out, usually there are other facilities available in these small places. In the larger communities too you find large buildings and so forth but in communities, I cite for instance Watson Lake, where there is no facility big enough to hold everybody we can make use of the cocktail lounges to hold our celebrations at New Year. But I certainly do not intend to extend entertainment into a lounge which is not licenced to have entertainment.

Mr. MacKinnon: I think we need a little clarification here and I will outline a couple of instances in the vicinity in which I am living. This all comes about in respect to the Kopper King. Now I am thinking in terms of the Casa Loma. They do have entertainment and it is very enjoyable. I don't believe it has a cabaret licence. They close at regular hours but the music is very good and I think a lot of people, rather than just dancing, like to sit and listen to the music and for this reason I think we should allow this to cover them all.

Mr. Taylor: I think the premise that has been referred to is in fact a cabaret because if it was offering entertainment without a licence then it would be operating opposed to the ordinance.

Mr, Vars: I think Mr. MacKinnon is right. I think that people may have an entertainment licence but also may operate on hours that permit them to close at twelve o'clock. It is not necessary that they remain open. This is their decision. You have the same situation at Watson Lake.

Mr. Chairman: Could I make one comment Mr. Taylor? I am not clear on your motion "I would move that an amendment be drafted for the consideration of Committee respecting sessional paper #31." You haven't said anything.

Mr. Taylor: No. I felt this would give the instruction to the Legal Adviser to draft an amendment for consideration and if the amendment is considered suitable then it can be adopted into the bill at that time.

Mr. Chairman: Mr. Legal Adviser, is this in keeping with correct proceedure?

Mr. Legal Adviser: I think I have got the form of what's intended and I can bring it back to you and you can make what word changes you wish, at the time when you consider the draft. It will then be up to the Councillor to move that the Liquor Ordinance be amended in this respect.

Mr. Boyd: I just want to say Mr. Chairman that I don't think this motion is acceptable. Certainly not to me, because it says nothing and I request that it be made by the Legal Adviser simply on the basis of Council's opinion but to call that a motion - I would hate to go back six months from now and know what it meant.

Mr. Taylor: If this thing causes so much pain I will withdraw the motion and trust that Mr. Legal Adviser will prepare a draft which would outline permitting cocktail lounges having entertainment licences to remain open until three o'clock in the morning on New Year's Day. That is if the seconder will withdraw.

Mr. MacKinnon: I have one further question to Mr. Vars. Is there an exact difference between the licences that are issued to the Kopper King and the Casa Loma? Is there a different interpretation?

Mr. Vars: Only so far as their hours are concerned. If they want to have entertainment they have to apply for an entertainment licence. This provides that they may open at two o'clock in the afternoon and run to two o'clock the following morning and they may choose hours anywhere in between them. It doesn't mean that they have to remain open until two o'clock. In Mr. Taylor's instance, these people have an entertainment licence and they close at midnight.

Mr. Chairman: Before we go any further for Mr. Boyd's edification, I goofed this morning and I goofed again this afternoon. We have a motion before Council which has been moved and seconded and we are having more discussion on it before we bring it to a vote and I would draw your attention to this fact. It has been moved by Mr. Taylor and seconded by Mr. MacKinnon that an amendment be drafted for the consideration of Committee respecting sessional paper No. 31.

Mr. Taylor: I would like to withdraw the motion if the seconder will withdraw.

Mr. MacKinnon: I would like to ask the Legal Adviser if he feels this motion is sufficient to give him what he needs for redrafting and I would like to hear from him before I withdraw from seconding the motion.

Mr. Legal Adviser: The motion on its face is deficient in its instruction but I have listened to the Committee and I have listened to the request made by the mover as he suggested he be allowed to withdraw and I think I can come close to what he wants to have in front of him when he makes the resolution. Perhaps we could put it another way Mr. Chairman. The member may wish to come and instruct me to prepare this for his presentation as a private member's amendment and after its preparation he brings to you a proposed amendment, if he can give me the instruction privately. This disposes of whether it is a resolution matter at the present stage.

Mr. Chairman: Mr. Vars, do have some comment?

Mr. Taylor: I wonder if the seconder is withdrawing? Either the seconder must withdraw or the motion must be acted upon.

Mr. Chairman: Mr. MacKinnon, Mr. Taylor has requested that the motion be withdrawn and as the seconder it is up to you to concur or to deny.

Mr. MacKinnon: If Mr. Taylor wishes to withdraw the motion I will withdraw seconding it.

Mr. Boyd: I would like to ask Mr. Vars if it is now intended that premises may be given permission to stay open until three oclock. It seems now, as Mr. Vars pointed out, that we are only talking about half an hour unless this means 3.30. Does this mean 3.30?

Mr. Vars: I think that this decision is probably up to Council. At the present time there is thirty minutes grace allowed on the hours written in the ordinance. Unless you include this thirty minutes grace it means they close at three o'clock and that's it. You would have to write in there that there's a thirty minute grace.

Mr. Taylor: Concerning the serving of liquor under the terms of the liquor ordinance I had given no thought to the fact that this would not include the thirty minutes grace. When you shut a cocktail lounge down at midnight you have half an hour to get out. I can't see why this particular system would change in respect of this.

Mr. MacKinnon: I would suggest that we still have that thirty minutes grace, especially on New Year's Eve. It might take you that long to find your coat.

Mr. Vars: Unless there is provision made for the thirty minutes grace there is no alternative but to close at three o'clock.

Mr. Boyd: One more question. Private clubs: when they close at three o'clock is the place required to be empty at three l'clock too or do they have a half hour's grace like the Legion or Elks?

Mr. Vars: I think that their serving of liquor must end at three o'clock. I don't think there is any provision that the club has to close at any particular time. I think the club as a club may remain open but they must not serve liquor after three o'clock in the morning.

Mr. Chairman: In view of this I can't see any problem in granting an extension of half an hour if private clubs have this prerogative.

Mr. Vars: They don't at the present time. A private club only has the hours of operation that a cocktail lounge or a cabaret has. If you are going to amend this I think you should include clubs as well as cabarets.

Mr. Chairman: I think you are referring to clubs when you say they don't have to close; they have to cease serving liquor but they don't have to close.

Mr. Vars: Yes but it is in the club's constitution that it may remain open twentyfour hours but the liquor regulation indicates that they are operating on a special occasion permit so they must not serve liquor after three o'clock in the morning but it doesn't say that the club has to close.

Mr. Chairman: Therefore you would not be out of line in saying that they would have an additional half hour past the hour of serving liquor

Mr. Vars: I think there's a little misunderstanding, they can only serve liquor until three o'clock if they are operating on a special occasion permit. If they are operating on a straight pub licence they assume the same hours as the cocktail lounge or the cabaret.

Mr. Taylor: I'll take up with Mr. Legal Adviser the suggested new drafting of the amendment and we can possibly proceed with the matter at that time.

Mr. Chairman: Is there any further discussion on sessional paper #31?

Mr. Boyd: Yes, I would like to ask one more question of Mr. Taylor. We have cocktail lounges which haven't got a licence to have music, shall we say, but for this one special occasion - as we are so concerned about people's entertainment - would it not be permissible to grant them the authority to have some music and enjoy the same privileges as the rest of the cocktail lounges. Is there anything to stop them doing this?

Mr. Taylor: No, if they take out an entertainment licence I can see nothing the matter with that. I believe it is $25.00 if the seating capacity is less than 40 and $50.00 if the seating capacity is over 40 persons. I only provide for those places which are licenced to provide entertainment and I figure this is what we're going to have to stick to.

Mr. Boyd: I am not sure on these people who are permitted to have entertainment. It seems that a cocktail lounge is allowed to have entertainment and everything is hunky-dory. Is this any cocktail lounge?

Mr. Vars: Any cocktail lounge outside the boundaries of Whitehorse may apply for an entertainment licence and remain on their cocktail lounge hours but if they are going to have entertainment they must apply for an entertainment licence. This licence will cost them $25.00 if the seating capacity is under 40 persons and $50.00 if the seating capacity is over 40. Then this permits them if they wish to operate as a cabaret from two oclock in the afternoon to 2 o'clock the following morning or to have entertainment and remain on cocktail lounge hours, from 10.00 am to 12 midnight.

Mr. Boyd: What I'm trying to get at Mr. Chairman - we'll take the place that hasn't got the orchestra now. Is there anything wrong with him getting a licence and paying $25 or $50 for it and using an orchestra, or not necessarily an orchestra, just music, for one night. Is he compelled thereafter to have music because he has the licence?

Mr. Vars: No I don't think that entertainment as written into the ordinence as entertainment provides for them to

have it if they so wish. But I don't think they must have a band every night of the week or that they must have a singer appear twice a week. The provision is there but it doesn't lay down what entertainment must be available.

Mr. Boyd: I haven't got across yet whether there must be entertainment available. In other words can I fire the orchestra New Year's day and not have any more music in my place even after I've bought this $25 licence? This is all I want to know. There's no orchestra now but I'm willing to pay my $25 and will have an orchestra on New Year's Eve and after that I'm not going to have an orchestra.

Mr. Vars: I think all cocktail lounges at present have music controlled by the operator. I don't think it's necessary that you have an orchestra but once you have an entertainment licence the provision is there but it isn;t compulsory to have somebody there. I think this was the thought behind the change in the ordinance last Spring - that it was available but that it wasn't compulsory.

Mr. Chairman: Does that answer your question, Mr. Boyd.

Mr. Boyd: Yes, it answers my question, Mr. Chairman. So they can stay open until two o'clock instead of 12 even if there is no music.

Mr. Vars: If they apply and receive an entertainment licence. They would have to be the holder of an entertainment licence before they could do this.

Mr. Boyd: And yet they wouldn't have to have the entertainment, they could still be open at two o'clock without the entertainment.

Mr. Vars: Yes , this is right.

Mr. MacKinnon: What I am getting afraid of here is that we have given some places something for nothing and we are going to make other places pay $25. Now I did express this before and I would like to see this straight across the board on New Year's Eve, that all licence holders regardless of whether they have entertainment or not can stay open a little bit longer on New Year's Eve at no charge. This was my contention.

Mr. Shaw: As usually happens as soon as hours are the subject, it entails hours of discussion. I think I would be very much inclined to make it simple to agree with Councillor Thompson. If we are going to give one group of people permission to stay open an hour longer or whatever it may be, you give other people in the same type of business the same number of hours. You don't monkey around with entertainment. They may not have a licence for entertainment, they have a licence for whatever they have. That remains just the same. When a person has an entertainment licence or whatever licence he has to operate the business throughout the year, at a great deal more expense it would seem somewhat unfair on the big night of the year when the business may be big to say we'll give everybody the same type of thing, so he has to operate through the year without it. If we are going to extend this sort of thing I would like to make it as simple as possible; say as this particular night is New Year's Eve we'll allow you all to stay open to this time. Period. This includes the whole works

right across the board. It's an occasion most people celebrate which doesn't start till midnight. It's much more simple to enforce; it's clear to everybody, everybody's getting a break equally, you're not making fish of one and fowl of the other. If people want to meet in these sorts of places, give them all the same chance.

Mr. Taylor: Thinking this over, Councillor Shaw has a good idea because we will achieve the same result. I'm quite agreeable to this. I feel that by restricting the entertainment end of it we would have to go through the ordinance and it would be a lengthy undertaking. However it occurs to me that no taverns would be likely to stay open beyond midnight where cocktail lounges exist and consequently it's their prerogative if they want to stay open or not but I think if we do this we should extend it to four o'clock in the morning.

Mr. Chairman: Am I correct in saying that you feel that taverns should have the same?

Mr. Taylor: Sure. But unless they have an entertainment licence they may not have entertainment. They just stay in their category.

Mr. Vars: I think you will find provincially that provision is only allowed to licenced classes of entertaining - a lounge that has dancing or a cabaret that is putting on entertainment - these are the only people that are given preference for late operation.

Mr. Chairman: But not a pub.

Mr. Vars: Not a pub nor a cocktail lounge.

Mr. Shaw: Of course you can have many regulations and lots of uses for them. To give you an illustration we have Pelly River. They have a little pub there; now on New Year's Eve if they want to keep that o en I would say they have just as much right to do so as they would have in the four or five cabarets which you have down in Whitehorse where they have all kinds of facilities. They have no facilities there, that's the only one they have and I can't see that anybody's going to get hurt over the deal. If it was a matter of life or death maybe, but if they hoist a few more beers down there and they hoist a few more cocktails up there, it boils down to the same thing. I can't see any difference whatsoever.

Mr. Vars: I think if you are going this far you should consider some of the operators. I think you will find a lot of them arn't interested in staying open after midnight regardless of whether there's any money in it or not; they've had a long hard day by the time it gets to midnight.

Mr. Shaw: I'm not saying they had to. I don't want to force anybody to do anything. I say give them the opportunity if they want to on this special occasion. If they don't want to stay open they can close the whole thing down, that's up to them, but if they want to, give them the same right as you give to anybody else.

Mr. Taylor: As I say, Mr. Chairman, I don't think the taverns will stay open anyway. As long as nobody offers entertainment who is not licenced, there can't be any

trouble.

Mr. Chairman: Well, can we leave it? I understand from the foregoing that you are going to be with the legal Adviser and draft a motion to the effect that we amend the ordinance to cover these specific instances.

Mr. Taylor: I thought we had just about made if off this subject a while ago but the question has been raised that maybe the thinking of my amendment restricting this to places which offer entertainment may be wrong and there's no use drafting this and then going back and drafting another one. I would like some direction as to what the thinking of the Committee might be in respect of this; whether it should be given to all operators or whether it should go only to those who have cocktail lounges offering entertainment. Once I know this it will save us a lot of time.

Mr. Boyd: I am glad to hear that Mr. Taylor, who thought he knew what he wanted at least, even he has now finally admitted that he doesn't know what he should put down as yet, although he expected the Legal Adviser to put it down a little while ago. What we're trying to do is try to give somebody, because it's New Year's Eve, a little bit of a holiday. These fellows have all paid their yearly licences. Can't we just say two hours more beyond your licenced hours. Forget everything else. If you want to stay open another two hours behond your regular hours, go to it. Period.

Mr. Taylor: In reply to the Honourable Member of Whitehorse East, I know what I want, but it's kind of pointless for me to go on. I've made a proposal which is apparently not acceptable to some members at this table and I say that rather than go through coming down here with an amendment that you're not going to accept and going back upstairs and changing it, I am saying you won't accept my proposal so I am amending it to suit the members of Committee. But I don't want to start throwing amendments to this table that you gentlemen obviously will not have.

Mr. MacKinnon: Then, Mr. Chairman, I will make a motion that this will include all licences throughout the Yukon Territory to extend their hours on New Year's Eve.

Mr. Vars: I don't know if you want to include dining room licences - beer and wine with meals?

Mr. Chairman: Are we also into pub licences?

Mr. Vars: Yes, this would be pub licences, this would be everything.

Mr. Taylor: My amendment will be drafted accordingly. I don't feel that a motion will have any effect because I am a private member who is proposing this.

Mr. Boyd: That's fine Mr. Taylor, just to save you re-writing this and so on, what are you going to put in to this amendment.

Mr. Taylor; Possibly if Mr. Boyd will read his Notes and Discussions tomorrow on the section of about three minutes ago he will have his answer. I am going to have it provide for all licenced outlets.

Mr. Boyd: Straight across the board? Just two hours straight across the board.

Mr. Taylor: For everything that sells beer, whiskey, wine, milk and water.

Mr. Boyd: I think that might pass.

Mr. Vars: It won't be two hours. If the taverns close at midnight at present they won't be open until four o'clock in the morning.

Mr. Taylor: This will be permitted. I am asking that it be permitted until four in the morning, irrespective of what hours they presently operate on.

Mr. Chairman: Now this is for one night only?

Mr. Taylor: Only: New Year's Eve.

Mr. Boyd: That might get past the Council but I think it will be much easier, in other words of getting somebody a four hour's hike. He's not licenced the same as the other people and if you merely gave them a New Year's present of two hours longer serving period so that a tavern would close up two hours longer than a cocktail lounge and so on. They've got no music but this would just give them a present of two hours longer operation.

Mr. Taylor: I am glad that Councillor Boyd has finally got the idea and in effect this will mean four hours longer operation for those who will close at midnight.

Mr. Boyd: I don't know who has got whose idea but what I am trying to say is only this - let everybody add two hours to their closing time. Two hours to their present closing time, so that if a beer parlour closes at twelve o'clock he's going to close at two o'clock. Two hours for everydody, not two hours for some and four for others. That's all.

Mr. Taylor: I take the other approach. I am proposing that licenced premises may be permitted to remain open until four am, irrespective of their hours. I think they should be permitted to stay open until four on this special occasion and this is what I am proposing.

Mr. Shaw: I agree with Councellor Boyd. We should treat them all exactly the same. If they have a licence to do certain things they pay accordingly and we will say we will give you a New Year's present of two hours more. Everything is simple. Just two hours. Period. To me that's fair to everyone.

Mr. Taylor: Well, Mr. Chairman, in respect of what Councillor Shaw says, this may be fine in respect to the city of Whitehorse but it certainly isn't just out in Watson Lake. What I am trying to consider is the outlying districts as I am the big centres and I am asking that by some means or another all premises stay open until four a.m. if they so desire. We had this restricted down to the group that it should apply to and probably the only group it will apply to that will remain open - those with an entertainment licence but if you happen to be in Whitehorse where you have the business and where you can stay open until two o'clock, or a cabaret - fine. In the outlying districts you

can't do that. So that the cabarets in Whitehorse can stay open under your proposal until four in the morning but those of us who happen to live in the hinterland can only stay open until two. And it's my desire that we stay open till four and if you wouldn't agree to four maybe we can go to three. But I am going to propose four o'clock in the morning. Period.

Mr. Boyd: You go ahead. But don't forget that you are only you and there's five of us going to have to be satisfied on this thing and it would be much nicer if we could come to some arrangement in which we are included not just you. So it would save the re-writing of this thing and a whole lot of other things if you remember there are others here too.

Mr. Taylor: I have not forget there are other people here. I had proposed something, I acceded to your request and your ideas in some respects but I have also got to consider the outlying areas and I find that the proposal you make does not provide for the people in the outlying districts and I am going to propose that if four a.m. is too late, then three a.m.. We will work it from there. But when the amendment is prepared, then you can deal with it. You can throw it right out that window there - this is perfectly all right.

Mr. Chairman: Well, gentlemen, we have milked this considerably.

Mr. Shaw: I have a little stripping to do on this. To proceed with this I will need an answer from Mr. Vars. I understand that all the cocktail lounges in the territory are permitted to open until two o'clock.

Mr. Vars: This is correct.

Mr. Shaw: So that if they get two hours more all the cocktail lounges will be extended two hours. Now Councillor Taylor was talking about standing up for the rights of the hinterland. I have been a proponent of that for some years. But I think if you look at the facts, Councillor Taylor was opposed a little while ago to having beer parlours enjoy this particular privilege. It was just those with entertainment. So by having two hours we are not taking something from the hinterland we are giving something to them, in other words beer parlours. So we have added to Councillor Taylor's proposal to give more to the hinterland.

Mr. Taylor: I was not opposed to taverns staying open because I know they won't but what I was opposed to in the ordinance here as you will recall and I am sure that you helped in its preparation and deliberated at great length we have reference to entertainment licences all through the ordinance and in order to provide entertainment in licenced premises not having an entertainment licence would require changing many sections of the ordinance and we are talking about one simple little change to provide this sort of thing, to provide for entertainment in places that are licenced to offer entertainment. Now I have altered that, I have acceded to that request, fine. Let all premises stay open. That wasn't my initial intention but I am certainly not trying to make things tough for the hinterland. As I say, I will be proposing an amendment and possibly we can discuss it at that time.

Mr. MacKinnon: Due to all the hassle I feel that the only way for us to make any progress is by form of a motion so if it passes this Council now then the draftsman knows what to draft and we know what we are getting back. New Year's Eve isn't so far away now. If we keep hassling over this it will not be written till next year. So I would suggest a motion and I would like to hear some of the other members.

Mr.Southam. I would like to ask Mr. Vars a question: at the present time what hours can these private dubs like the Legion and Elks stay open until and sell liquor. Two a.m.?

Mr. Vars: Yes, 2 a.m.

Mr. Southam: What troubles have you had in the years gone by - doesn't everyone get enough to drink at that time? It appears to me that most of the people that I ever saw had plenty and if you are going to give them another two hours I'm afraid you are going to get in a few more policemen to deal with the traffic on the way home. Now this will affect your motor Vehicle Ordinence at the same time. However I am quite agreeable with your two hours. I don't think it's needed but I will go along with it. Not being a drinking man, or only on occasions, I try to control it and it seems to me to be giving an awful lot of latitude to New Year's Eve because I see them arrive home anywhere from six in the morning to twelve the next night so wherever they've come from I don't know, from Whitehorse I believe.

Discussion Closed for the day

Mr. Chairman: As I mentioned before I think we have given this a pretty good run and from what I gather there will be an amendment presented to Council with reference to sessional paper #31. I would ask you what is your pleasure at this time. We have Bill #3 for your consideration. An ordinance to amend the Liquor Ordinance.

Mr. Boyd: I see the clock and I know how long it took us to get over one little paragraph and I would think it would be wiser to leave it and start afresh on this bill in the morning. It seems to me we are not going to accomplish very much and Mr. Vars might want to get away. The Legal Adviser is not here.

Mr. Chairman: What is your pleasure gentlemen? Shall we defer this until tomorrow if Mr. Vars can be with us.

Mr. Taylor: If Mr. Vars and Mr. Legal Adviser could be with us we could make some progress during the two hours tomorrow morning.

Mr. Vars: I can be available in the morning and I think that the Legal Adviser should be here. I think probably we will have some questions that might arise.

Request for Recess on Sat.

Mr. Chairman: I don't know if this is the appropriate time or not but I was going to ask if we could defer this meeting tomorrow for several reasons. I may be alone in this, but it is definitely the wish of Council. I would particularly ask that we do recess for tomorrow but this is entirely up to Council. I don't know whether I am out of order mentioning it at this time but I do have some pressing business. It is definitely up to Council.

Mr. Shaw: Mr. Chairman, I feel that we have two factors here. We have the matter where a member such as yourself has pressing business. I think that when that occasion comes there will be no problem in asking Council for time off. There is nothing wrong with that at all if you do have the business. But I would like to point out that members who come from far away for a considerable period of time have no opportunity to attend to the numerous chores and jobs that are always necessary in their business or home and even two hours could put it ahead and may make it an addition of an extra day or so. It is more awkward in a sense that we do have meetings on a Saturday. This was set up years ago when everydody worked on Saturday. Now nobody does but it does make it hard for a member that is away for so long and it is absolutely impractical for a member like myself and perhaps Councillor Taylor to go 350 miles home. You take a day to get there and a day to get back so you just have to sit in your hotel room and pass away the time. This is why I personally like to continue as much as possible. If Councillor wishes to go away he has my every sympathy and I would certainly not hesitate to gladly approve of him being away in the daytime but I will leave that with you, Mr. Chairman.

Mr. Taylor: I would think this is something we would have to determine on our agenda but I suggest we contact Mr. Vars and let him know of our decision before closing Council and we would also have to determine as to whether or not Mr. Legal Adviser would be available tomorrow morning should we decide to sit.

Mr. Chairman: Do you have any comment Mr. Vars?

Mr. Vars: No. I shall be available but I think that the Legal Adviser should be here.

Mr. Chairman: If it's your pleasure gentlemen we will excuse Mr. Vars and notify him later.

Council: Agreed

Mr. Boyd; Mr. Chairman, I would move that the Speaker resume the Chair and hear the report of the Chairman of Committees.

Speaker resumes Chair

Mr. Southam: I second that motion.

Mr. Chairman: It has been regularly moved by Mr. Boyd and seconded by Mr. Southam that Mr. Speaker resume the Chair and hear the report af the Chairman of Committees. You have heard the question, are you all agreed?

Report of Chairman of Committees

Council: Agreed.

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

Report of Chairman of Committees

Mr. Chairman: The Committee convened at 11.00 a.m. The presence of Mr. Legal Adviser was requested and Mr. Legal Adviser appeared on cue as Committee proceeded with the Business of the day.
Committee continued with discussion on Bill #5: an Ordinance to amend the Motor Vehicles Ordinance.
It was moved by Mr. Taylor and seconded by Mr. MacKinnon that Bill #5 be amended by deleting Section 7. Mr. Taylor and

Mr. MacKinnon were for, Mr. Southam and Mr. Shaw were opposed. The Chairman voted for the motion which was carried.
Committee adjourned at 12 noon and reconvened at 2 pm and Bill #5 was further discussed.
Committee met with Mr. Vars of the Liquor Control Board to discuss Sessional Paper #31. There was a motion by Mr. Taylor seconded by Mr. MacKinnon that an amendment be drafted for consideration of Committee respecting sessional paper #31. Mr. Taylor withdrew the motion and Mr. MacKinnon concurred.
I can report slight progress on Bill #5.
It was moved by Mr. Boyd and seconded by Mr. Southam that Mr. Speaker resume the Chair and hear the report of the Chairman of Committees.

Mr. Speaker: Gentlemen, you have heard the report of the Chairman of Committees. Are you agreed with the report?

Council : Agreed.

Mr. Speaker; Are there any contraries? Thank you.

Discussion re Deputy Chairmanship

Mr. Chairman: I would like to make one slight addition. I appreciated the opportunity of being Chairman of Committees today; I don't concur with the idea of passing the Chair around because I don't think there is enough continuity. I don't think there is enough time for anyone to assimilate all the various duties that are attached to this. I would strongly recommend that we revert to our previous order and have the deputy Speaker act as Chairman of Committees until further notice. I think that it would be a very good time to discuss this matter. I feel we have given it a trial. I don't feel that any of us would renege our duty but I don't feel it is in the best interests of the Council that this duty should be transferred from member to member and I would strongly suggest that the deputy Speaker resume his duties as Chairman of Committees.

Mr. Speaker: I am fully in concord that this would be a good time. We have tried it for a number of days but I have to be guided by Council's wishes. Now that it has been tried I am quite amenable to the suggestion that it be open for discussion.

Mr. Taylor: I have as you know served as Chairman of Committees for the past three years or so and I think each member should take a try at this because it's great experience, it does acquaint you with the rules. I think a lot of what Councillor Thompson says is good, however I would very much like to see someone try this as a deputy Chairman of Committees for a period of time;if Council feel that passing the Chair each day lacks continuity possibly one member could take it on for, say, a week and then pass it on or take it for the rest of the session. But I would like to see one of the other members gain this experience as deputy Chairman and this is the only way you can get the very experience that may be required at the next Council should only one of our present number remain. Then that member will be called upon to guide the other members to get them started again. I would suggest that possibly one of the members take this on possibly for a week or for the balance of this session.

Mr. Speaker: Councillor Southam, do you have any particular views on this subject?

Mr. Southam: I heartily agree with Councillor Thompson. I think that the inexperience that we have makes it harder for the members of the Council along with ourselves, although as I said before there is only one way we can get experience which is by doing it. None of would renege if one of us were asked but I do think that Councillor Taylor has something when he says that some other member could take it for a week or for the balance of the session and to my mind I don't think there is anybody more capable of doing it than Councillor Thompson. That's my opinion.

Mr. Thompson: You double crosser.

Mr. Southam: I'm sure that he made an excellent job today; he seems to know the parliamentary rules; I know he knows them a lot better than I do but I certainly think he did a wonderful job today.

Mr. Speaker: I certainly agree that Councillor Thompson did a very good job today, however I would like the opinion of Council members. I think we should settle this. We've got to get down to something so we know where we are going. Would you care to give your opinion, Councillor MacKinnon?

Mr. MacKinnon: I believe that Councillor Thompson did do a splendid job and I would like to see him stay with it. Other than that I did not approve of this handling from one to the other day by day. It's very confusing - you start on one bill and it's never finished. A new man starts the next day and he's not sure where it was left off. It hasn't been his duties to follow and I think if Mr. Thompson can accept it, it would be fine with me. If he doesn't I would recommend that each member should have it for at least one week instead of one day.

Mr. Thompson. This wasn't what I started out to say, believe me, and I still think Councillor Taylor is the logical person to look after our welfare in Committee. I appreciated it today. There is no question that it isn't educational but I feel that there has to be continuity and I feel that the only way you can do this is to have one person looking after it. I would defer in favour of Mr. Taylor.

Mr. Taylor: I would like to assure the Honorable Member that I do keep some sort of track of what is going on and I would be glad to offer any assistance in regard to agenda and procedures. I really would like to see some of the new members take this on for the experience that can be gained from it and I concur that Councillor Thompson did a tremendous job today and conducted himself and the Committee in an outstanding manner. I would ask the Honourable Member to carry on with this for a little while and possibly at the next session we can have one of the other members take it on. I wish to reiterate that I will always have at hand any information that is required by the deputy Chairman of Committees and will be glad to assist them.

Mr. Boyd: I concur that passing it from day to day is not good. I can visualize for instance when we get into a budget and we are hopping around, the man next day would find himself in rough weather and to know what went on three or four days prior to that would be difficult too, so

I think there is great merit in getting one permanent speaker even if it is for one week, two weeks or for a further period of time than that. I think this must be done. I feel also that there is a certain amount of handicap on the part of the man who is in the chair inasmuch as he is not free to be a yoyo up and down and it looks as though there is only Mr. Thompson and I here who hold the fort for the biggest majority of the people as some Councillor has often said and it would be wise to have one of the outside members act as chairman.

Mr. Shaw: I would like to see Councillor Thompson take on this duty but he feels that he doesn't care to, which is his privilege. Would a suggestion something like this be acceptable to the members? That the deputy Speaker and Chairman of Committees accept as part of his duties to arrange for a deputy Chairman to take over, if he himself were not taking it over and he could notify me at the start of each sitting whereupon I will be able to appoint that person for that particular function.

Mr. Taylor: Of course this still hasn't determined whether the members will accept this. I am bound to accept it by the very rules that we follow. I have also lost the freedom of debate in that sense and for the last three years I have made that sacrifice and I think it is about time that some of the other members assist in this regard. I would be glad to do anything I can to assist them. But I think this is the only way that experience can be gained and I would ask that one of the newer members take this on until the end of this session. Quite frankly I would like to have the freedom of debate for one session.

Mr. Speaker: Well gentlemen, we always get down to the basic matter, not who necessarily will be Chairman of Committees but which of us will accept the honourable position. I hesitate to call for volunteers in something like this.

Mr. Taylor: Possibly we can think this over during the weekend and come up with an idea as to how to alleviate this problem. We seem to be short of at least one voice and I gather that as long as I am in the Chair that is quite unacceptable to him and I don't know whether other members may not be acceptable either. Let the weekend go by and possibly we can come up with a solution.

Mr. Speaker: I think that is a very good idea. Tomorrow morning you can take over the duties of Chairman of Committees and over the weekend possibly we can come up with some solution. Would that be acceptable?

Mr. Taylor: I guess that would be acceptable to me because the only other course I can take is to resign which I may do unless some other member considers taking this on. I am asking for freedom of debate in this session and I think three years of sacrifice is pretty substantial. This is the big work of the House but I am offering to cut that work down for new members by helping to keep the records.

Mr. Thompson: I am sure none of us would renege our duties. I don't feel qualified, shall I say, I am not conversant with the rules and regulations to the point that I feel is necessary. For this reason I decline, not becuase I am afraid of it. I am not. The other objection I have, and

I reiterate Mr. Boyd's statement, is that we represent the metropolitan area of Whitehorse in which there are several people. I feel that we should be able to voice our opinions and as Mr. Boyd said be able to debate any question without reservation, and as Mr. Taylor has pointed out it is definitely a reservation when you are Chairman of Committees. So for this reason I sse no problem; Mr. Southam did an admirable job, Mr. MacKinnon did an admirable job. The Council are quite amenable to going along with rules and regulations. As Mr. Taylor said, he will point out any errors and yourself as well and I feel that a member for one of the outlying districts would more capably fill this position..

Mr. Taylor: I wonder if Councillor Southam might consider taking this on to the end of the session, or possibly Councillor MacKinnon.

Mr. Speaker: You have heard the proposal Councillor Southam, as you were mentioned first, would you be prepared to carry on for the rest of the session?

Mr. Southam: Well, Mr. Speaker, some acquire greatness and some have greatness thrust upon 'em. I guess in this case you've thrust it upon me. If you are quite agreeable to put up with all the mistakes that I'll make, I'll try and do it for you to the best of my ability. Thank you.

Mr. Speaker: And I can assure you that you will have the full co-operation of myself and of the deputy Speaker. Now before we proceed we have the matter of the agenda for tomorrow and then another matter to follow that. Regarding the matter of the agenda for tomorrow in respect to carrying on for the two hours that we have available, it was suggested in Committee that we have the Superintendent of Liquor Control, who is available and Mr. Legal Adviser, if he is available, whose presence will also be necessary, to continue the discussion tomorrow. Is that agreeable to you.

Mr. Taylor: I gained the impression that some members did not wish to be present tomorrow as they had things to do during the day so I would suggest that we determine who would like to work tomorrow and who would not and then if it's the decision of the Council to work tomorrow then we can decide what we shall do.

Mr. Thompson: It's not a case of not wanting to work; I'll be working but there is a confliction of interests at the moment and for this reason I would ask your indulgence. I would like to be absent tomorrow. I am also very much concerned about this ordinance and for this reason I ask if we could recess for tomorrow. As you know I have several operators in my area who are vitally concerned with the ordinance and if it is agreeable with Council I would ask that we recess in this instance only.

Mr. Speaker: Well this raises an awkward situation.

Mr. Thompson: I don't mean to make an awkward situation. I ask your indulgence that I be absent tomorrow morning. I just merely state that I want my cake and the icing too, I don't wish to make an awkward situation out of it.

Mr. Speaker: Councillor Thompson has asked for leave of absence tomorrow morning due to business pressures. Do you agree?

Mr. Taylor: I have been thinking the situation over. If we could determine how the members felt I know that I could usefully use tomorrow researching data for next week - this five-year agreement and a few other things. I am quite amenable to a recess tomorrow.

Mr. Boyd: In view of the circumstances I think it might be wise, although it may not suit all, the majority would prefer to adjourn until Monday morning.

Mr. Speaker: In the matter of agenda we do not usually make motions. I think to bring this in its right perspective I would be prepared to entertain a motion as to whether or not we operate tomorrow morning.

Mr. Taylor: I would move that Council do not sit again until 10.00 a.m. on Monday morning.

Mr. MacKinnon: I second that motion.

Mr. Speaker: It has been moved by Councillor Taylor and seconded by Councillor MacKinnon that this Council do not sit until Monday morning at 10.00 a.m. November 22nd. Are you ready for the question?

Council: Question

Mr. Speaker: Are you agreed with the motion?

Council: Agreed

Mr. Speaker: Are there any contraries? This motion is carried.

Discussion re absent Member

Mr. Taylor: May I direct Mr. Speaker's attention to the fact that we do not have one member present and would there be any way in which we could determine whether this gentleman will be back with us or not. I notice that the seat for Whitehorse West has been vacant for some time.

Mr. Speaker: That of course is of quite some concern to me being your chief executive on this Council. According to our rules, and I will quote: "every member is bound to attend the service of the Council unless leave of absence has been given him by the Council". Now as you are aware it is always necessary to ask the Council; it is not my authority or any member's authority to accept a person's leave of absence. We have to do it through the normal channels. It appears in this particular case that leave of absence was not asked for, neither was it granted. This action could be construed as an affront to the dignity of this Council. Another point which is certainly of some concern is, does a member of this Council without due reason, without very good reason, have the right to deprive his constituents of representation on this Council. It is a very unfortunate affair and I am not quite sure at the moment what action can be taken. Certainly I am not the person to say what action should be taken if any. This is the prerogative and the right of Council itself. I would all the members to perhaps debate this matter and instruct me what action if any I should take in this delicate matter.

Mr. Taylor: I think that, in one instance I do know, the administration are very unhappy . I understand from private conversation with the senior administration that we are here to conduct the business of the territory. We are not all here to conduct this business and I do not think they are very pleased. I know that we have always tried to retain the decorum of this House and of course we are the only ones who can rule our House. The courts decided in a case two years ago that in fact even the Supreme Court of Canada or any court had right to interfere in our internal affairs. This has happened before and nothing was really done; we all attempted to smooth these things over and get into harmony again and I would really like to see this happen again. But I think that if we are to enforce the rules as we do from day to day we must also enforce the rules in respect of membership of the House. We owe this to the people at least as well as to ourselves. I would suggest that one course of action might be to have Mr. Clerk endeavour to communicate with the gentleman and determine whether or not or when he may return and if he has a grievance to bring his grievance with him. Certainly I would say he was in contempt of this House and if he is not aware of this I believe that he should be made aware of this. This is the only thing I can say until we know when or what this gentleman is doing, till Mr. Clerk could determine that, I guess it would be very difficult to know what to do. But I do think it is very very bad practice to be in contravention of the rules of the legislature of the Yukon Territory.

Mr. Boyd: Mr. Speaker, I would suggest that arrangements be made to contact the Councillor in question and ascertain what his intentions are and immediately after that has been done that we deal with what we will then know - whether or not the gentleman will be in his chair again for this session.

Mr. Speaker: Have we any further comments on this particular subject?

Mr. Thompson: I would just like to say that I feel that by our learned friend's absence this does contravene our rules and regulations and that this should be brought to his attention. Whether he is aware of this or not I do not know. I do feel that, as Mr. Boyd says, when and if we do hear his side of the story we will be in a better position to deal with it.

Mr. Speaker: How would you suggest I notify this gentleman?

Mr. Taylor: If it is the desire of the Council this would be the duties of Mr. Clerk.

Mr. Speaker: Is that agreed with the Council?

Council: Agreed.

Mr. Speaker: Would you attend to that Mr. Clerk if you please? We have just one more thing gentlemen. Should we carry the agenda as suggested for Saturday morning on to Monday morning, namely the Legal Adviser and the Superintendent of Liquor present discussing Bill #3 along with the motions.

Council : Agreed.

Mr. Speaker: I move that this Council now stands adjourned until 10 o'clock on Monday morning. Meeting Adjourned

Mr. Speaker read the daily prayer and Council convened at 10:00 o'clock a.m. Councillor Watt was absent.

Mr. Speaker: Have we any correspondence this morning?

Mr. Clerk: Yes, Mr. Speaker, I have two memoranda from the Commissioner this morning, both dated November 19, 1965. The first one is on Question No. 1 - Territorial Property Tax.

Reply Question No. 1

"It is not possible to say at this time what Territorial property tax will be levied for the year ending 31st of March, 1966. To be settled first is the question of property tax for the year ended 31st of March, 1965, which the Administration is endeavouring to get adjusted. It is hoped to be able to effect a substantial refund in respect of that year. A decision on this matter may be expected shortly. Council will be informed."

The second one is a memorandum addressed Mr. Speaker, Members of Council:

Re Centennial Canoe Pageant

"During your perusal of Supplementary Estimates you will find an item under Vote 8 calling for an expenditure of $2300.00 for a Centennial Canoe Pageant. May I suggest that you call on Mr. Judd and Mr. Ron Butler, the Commodore of the Pageant to explain the program to you."

That's all the correspondence, Mr. Speaker, and I have another matter to report on. Do you wish me to proceed?

Mr. Speaker: Proceed, Mr. Clerk.

Mr. Clerk: You asked me to contact Mr. Watt and ask him what his intentions were regarding his attendance of Council. I called him and he said he would come in and make a statement if you wished, but he said that he felt that there was no point in his being here under the present circumstances. That's as far as I went.

Mr. Speaker: Could you inform me, is the gentlemen ill?

Mr. Clerk: No, he's not ill, and he's quite well and able to attend.

Mr. Speaker: Thank you very much, Mr. Clerk. Are there any further Reports of Committees? Have we any Notices of Motion and Resolutions?

Notices of Motion #19

Mr. Boyd: Mr. Speaker, I beg leave to give Notice of Motion concerning Musk Ox.

Mr. Taylor: I would like to give Notice of Motion respecting CBC, Canadian Broadcasting Corporation. #20

Mr. Speaker: Are there any further Notices of Motion? Mr. Taylor, would you please take the chair.

Mr. Taylor takes the Chair.

Notices of Motions #21 & #22

Mr. Shaw: Mr. Speaker, I have a Notice of Motion in relation to construction of a bridge at Dawson and, while I'm on my feet, I also have a Notice of Motion in relation to Yukon Fishing.

Mr. Speaker: Thank you Councillor Shaw.

Mr. Speaker: (Resumes chair). Thank you Mr. Taylor. Have we any further Motions or Notices of Motion, I should say, I beg your pardon? Have we any Notices of Motion for the Production of Papers? We now proceed to Motions for the Production of Papers. We have, Mr. Taylor, Corporation and Income Tax Revenue.

Mr. Taylor: These have been processed.

Mr. Clerk: They are merely waiting for a reply.

Mr. Speaker: I think we need a third item in there because I am never aware, Mr. Clerk, whether this has been passed or not.

Mr. Clerk: Well, as long as they are not passed, they would be under the previous item, under Notice of Motion.

Mr. Speaker: Thank you. There always seems to be some confusion with regard to this for me for some reason or another. We will proceed to motions. Let me see...I believe the first one here is No. 17, Mr. Taylor, Computer Facilities.

Mr. Taylor: Mr. Speaker, I believe this matter has been discussed and is an error in the Order Papers.

Mr. Speaker: This should be in Committee.

Mr. Taylor: Yes, it has been approved.

Mr. Clerk: Yes, it should have been taken off.

Mr. Speaker: We will now proceed to Motion No. 18, Labour Legislation, Mr. Taylor.

Motion No. 18

Mr. Taylor: This is Motion No. 18, moved by myself, seconded by Councillor Southam, respecting Labour Legislation "that the Administration is respectfully requested to contact the Dept. of Labour, Ottawa, requesting that a senior representative be sent to attend this session now assembled to discuss problems related to Labour Legislation and Winter Works Incentive Program . May I proceed, Mr. Speaker?

Mr. Speaker: Proceed, Mr. Taylor.

Discussion Motion No. 18

Mr. Taylor: I feel the motion is self-explanatory, Mr. Speaker. As all Members are aware, there is a strong desire between people of the Yukon for more effective Labour Legislation. It has been suggested that we may be able to adopt the Canada Labour Code in the Yukon Territory, with some refinements, and the intent of the motion is to ask that people do come from the Federal Department in Ottawa to discuss this with us, and I would leave it at that point.

Mr. Speaker: Are there any further discussions on Motion No. 18?

Mr. Southam: Well, Mr. Speaker, as seconder of the motion, I thought it would be a very good idea if some of these experts would come in and give us some guidance as to our Labour Legislation for the Yukon, and I understand that's what they are being paid for and, therefore, I think we should have somebody up here to show us where we may be wrong in our thinking. At this time, I would like to leave it at that, Mr. Speaker. Discussion Motion #18

Mr. Speaker: Thank you Mr. Southam. Have you any further discussions on this subject.

MOTION CARRIED Motion Carried

Mr. Speaker: The next item will be questions. Are there any questions this morning? Gentlemen, if there are no questions, we will proceed to the next order of business which is Bills.

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

MOTION CARRIED

Mr. Speaker: Mr. Southam will now take the chair as Chairman of Committees. In Committee

Mr. Southam: I now declare a three-minute recess.

Mr. Southam: I will now call this Committee to Order. What is your pleasure, gentlemen?

Mr. Boyd: Well, Mr. Chairman, I see we have Mr. Vars with us. I presume we are going to Bill No. 3, An Ordinance to Amend the Liquor Ordinance.

All: Agreed.

Mr. Hughes: Mr. Chairman. May I make one comment. The other day, Councillor Taylor was suggesting that we have made some changes in Section 24 and, at that time, I think, I remember saying "No, I don't think so", but, as a matter of fact, I think he is quite right and perhaps we can discuss that in a little more detail when we get to it. Mr. Vars has drawn my attention to the change and I am not quite sure how it got in there at the moment. Discussion Bill No. 3

Mr. Southam: Do you wish me to read this?

Mr. Boyd: May we stop you at a certain point if we so wish?

Mr. Southam: Do you want me to take it by sections?

Mr. Thompson: This is the new Bill No. 3?

All: Yes.

Discussion Bill No. 3

Mr. Southam: An Ordinance to Amend the Liquor Ordinance. (Reads Bill No. 3 and explanatory notes to end of (b) of 1.)

Mr. Boyd: All clear.

Mr. Southam: Are you all clear on that one?

Mr. Taylor: I just have one question. It is the intent I assume to not allow the Liquor Stores in the Yukon district to stay open until 8 o'clock on Saturday nights.

Mr. Vars: This is correct.

Mr. Taylor: Mr. Chairman, I wonder if this is because of the off-premise sale.

Mr. Vars. That is right. This is in conjunction with the fact that there is provision now for persons to get liquor at places other than liquor stores.

Mr. Southam: All clear, gentlemen?

Mr. Shaw: Just one matter, Mr. Chairman. I certainly hope that...it seems that at every Session, we are changing around the liquor store hours. I hope that something can stay for a couple of years now.

Mr. Vars: I think, gentlemen, that it was recommended at one time that the hours not be written into the Ordinance but be left under the control of the Commissioner with suggestions from the Council. This would eliminate the yearly change.

Mr. Taylor: I have one other question in relation to Section 1, Mr. Chairman. Possibly the Legal Adviser could give some direction in this regard, and that is I note in relation to off-premise sale, that we do legislate price control....this dollar and a quarter limit... Do we have the legal right to do this?

Mr. Hughes: Well, what we are really saying to them is that if they want to have this right, this is the condition. If they want to challenge it, they have every right. This is how the customer is protected from exploitation and that is why the price is - it's a maximum price. If the man operating the bar wants to sell it at cost, that's his concern. I understood it was working very well and that it was one of the most successful innovations being tried in our liquor laws. If an operator decides that he's going to charge five bucks for a bottle, well, that's fine. He can do it until we hear about it and then the Commissioner would withdraw his permission.

Mr. MacKinnon: Mr. Chairman, now I've heard on the North Highway, like liquor being shipped from Haines Junction say to Mile 1083 or 1202, these people in that area are having to pay freight on that liquor and, therefore, it puts their liquor at a different price than say it was at Haines Junction. Is this the intent?

Mr. Southam: I would say, speaking from the chair, that I think we are ahead of ourselves right now. I don't think we have come to that. However, Mr. Legal Adviser, could you answer that?

Mr. Hughes: These orders are being filled directly to the consumer. I understood that in the past, when say a customer at Teslin phoned in an order, sent in an order here to be filled, be shipped out, he would have to pay the freightage. This is understandable. But, if the hotel operator is charging freightage on the bottle, plus the permitted mark-up, this is something else.

Mr. Clerk: No.

Mr. Hughes: Is that it or is it the case of the direct order? But, Mr. Vars can deal with that. It is more of an operational question.

Mr. MacKinnon: Yes, it was brought to my attention some time ago, before we came in here, that, like on beer, it is freight free, but an order of liquor, they've got to pay freight, that is off-sale liquor.

Mr. Vars: Beer is not free unless it is outside a 25 mile radius from the liquor store or warehouse - it has to be outside that distance away. As you probably know, taverns were the first in this line that were established in the Territory and it was agreed some years ago, after much discussion, that the Territorial Government absorb the freight on beer. We never paid freight on liquor.

Mr. McKinnon: Mr. Chairman, I would like to ask Mr. Vars if he wouldn't think it would be only fair to pay this freight on off-sale liquor seeing there's such a small margin.

Mr. Vars: I think that this was discussed thoroughly by the Commissioner and the Territorial Treasurer and I think it was agreed on that liquor would remain the same and liquor sold for off-premise buying would be delivered to them exactly the same as their liquor for resale in the taverns. In other words, they would pay freight.

Mr. MacKinnon: I really think we should give it some consideration. There's only a dollar and a quarter on a bottle, and if freight takes 40 cents of that, it's not too encouraging is it. Say Coachways, for instance, from Whitehorse to my place, is $4.00 a hundred.

Mr. Vars: That's approximately 24 of the 30 bottles of liquor.

Mr. Southam: Are you clear on this, gentlemen. It seems that I erred in not reading the full Section so I will continue from here on, and I am sorry that I made this mistake. (Reads Bill No. 3, Section 1, Subsection (2), (3) and (4).) That is the full Section of Section 1. Are you all clear on that?

Mr. Boyd: May I ask, Mr. Chairman, is a change contemplated in connection with (4) by the Administration.

Mr. Southam: Explanatory Note (b) "The provision for the regulation of off-premises sale has been taken out of Section 9 (see section 9(4) and included in the new section 12C. See following section of this bill." I assume that there has been a slight change. Mr. Vars, would you like to answer that?

Mr. Vars: I think it was just allocated into another Section. It is the same phrasing.

Discussion Bill No. 3

Mr. Boyd: Might I ask, Mr. Chairman, why is this No. (4) in here? Is it not already in? I would assume that it is not already in from its wording, and this here seems to be that there is possibly some change contemplated as to when the licensees may go to the store to get their supplies.

Mr. Hughes: Mr. Chairman, perhaps I can read what was Subsection 5 of Section 9, which is No. 4 of Section 9. This is the way it read, I should say, still reads:

> "sales or delivery of liquor in liquor stores may be made to licensees or their agents, duly authorized in writing, during such time as the Commissioner may establish by Regulation".

I think that is virtually word for word --I think it ends up here "as the Commissioner may establish" but it forrerly read "may establish by Regulation". It is the same thing moved up one. It is not a change of significance. What has been taken out and moved to the next provision, the 12 (c), is the one relating to the regulation of off-premises sale, and that is No. 3, the old one which read, no, No. 4, the old one:

> "where the retail sale of liquor from Licenced Premises for off-premise consumption is allowed by Order of the Commissioner, the hours for such retail sale shall be set out in the Order, together with other provisions to control the price and serving facilities"

and I think this is now No. 4 in 12 (c) which follows in Section 2. This is in effect, you will see, it says:

> " Every off-licence premise granted by the Commissioner shall be subject to such terms and conditions as the Commissioner may be Regulation set out."

I think it is really saying the same thing as the old one, the old No. 4, says, but it is appropriate to put all the off-sale provisions in 12 (c) rather than having them scattered in 12 and in 9.

Mr. Southam: All clear on No. 1?

Mr. Taylor: Another question, Mr. Chairman, does the provision still exist in the Ordinance for the Commissioner to set up a private enterprise liquor store?

Mr. Hughes: I don't think it ever existed.

Mr. Taylor: Last spring, we were in discussing this matter. It was decided that we wished, in some small communities such as Carmacks or Teslin, or other areas, smaller communities, that we would provide the Commissioner with the power to, for instance, authorize a free enterprise type of liquor store where maybe a store operator would do this in these communities. It was my understanding it had not been provided for.

Mr. Hughes: I am sorry, Sir. No, I have no recollection of a specific instruction on that point and certainly no recollection of it being included as a provision. If Council wants to discuss the implementation of such a provision, we will, of course, take instructions. It may be a fault of memory. I don't remember that instruction.

Discussion Bill No. 3

Mr. Boyd: Mr. Chairman, if I remember right, it was discussed but it was dropped in lieu of the off-sale premises or premises sale which was intended to take the place of this approach.

Mr. Southam: Are we all clear on Section 1? We will go on then. (Reads section 2 of Bill No. 3). That's all for that one.

Mr. Shaw: Just for clarification. Would this mean than when a beer parlour, a tavern, located a long ways from seomthing else, that they can get a licence to sell off-premises liquor.

Mr. Vars: This is correct.

Mr. Shaw: Upon payment of a fee.

Mr. Vars: The fee is set out as $10.00. This was not charged this year...I think on agreement with Council...as a trial method, but I believe the fee is $10.00. The reason for the change was that we had one instance where a motel operator, operating also both a cocktail lounge and a tavern, decided to close the cocktail lounge down for the winter. We decided we should have liquor available there, so we allowed the tavern to sell liquor on an off-premise basis otherwise we would do that community out of a service.

Mr. MacKinnon: Now, in areas where the tavern has refused to handle this liquor, is there any consideration for other provisions, such as a grocery store?

Mr. Vars: No, there is no provision except for licenced premises, either a cocktail lounge, a cabaret or a tavern.

Mr. Taylor: Mr. Chairman. This was my point, that in some smaller communities, in some area, the only outlet has decided they don't want to sell off-premise liquor, and consequently, the town, or the community, is denied this availability of liquor and for this reason, and this is why it is felt that possibly grocery stores could be considered, possibly under the direction of the Commissioner, as being eligible to sell liquor off-sale, if regulations were provided and they were bonded or whatever you had to do...but this was what we sought. I can think of three places right now where it could work. They would be Carmacks, Old Crow, Teslin.....and Ross River.

Mr. Shaw: Mr. Chairman, I think that it is something that Council would need to go somewhat carefully on. For instance, when it is granted to a licencee, an existing licence, for say a beer licence, they do have a certain amount of responsibility and knowledge of the laws applicable to the sale of liquor, and if Joe Blow, who has got a small grocery store or something, and he handles it, then he wouldn't, generally speaking, have the knowledge of the liquor laws, the same amount of responsibility, and I think we would run into all kinds of problems. I agree that we should make it available if possible, but then, on the other hand, I think it should be looked into very closely. For one thing, as far as Old Crow is concerned, I note from remarks by Councillor Taylor, the people of Old Crow don't want any beer or

liquor outlet in that area, and I have given them my promise, which I intend to keep as much as possible, that they will, the people themselves will approve of whether they want an outlet such as that in that locality. I don't think it would be beneficial to the Community. They have very strongly stated to me that they don't want it and I feel that their wishes must come paramount in something like that. One question I would like to ask...there's no licence being granted in respect to that village, is there?

Mr. Vars: No. I think that where there is provisions for liquor to be sold by the bottle, other than from liquor premises, provincially, across Canada, I think it is not grocery stores in any other province...it is a licenced druggist who handles liquor. Now you realize the number of druggists we have in any outside area outside of Whitehorse.

Mr. McKinnon: You take credit for beingahead of the Provinces.

Mr. Taylor: Mr. Chairman, I would like to see some provisons, take for instance, Ross River, there's a situation there where there is no hotel, there is a store, a trading post, there's no possible outlet for this thing, like having a tavern or cocktail lounge. Even today, the town is booming. Certainly these people would be far better off being provided with beer than some of the mixtures of fusel oil and so forth like in the home brew that they make. This is why I say possibly we could provide, if the Commissioner could make Regulations respecting off-premise sale, where warranted, in this small group.

Mr. McKinnon: Other than that, Mr. Chairman, are we going to have to build liquor stores in these several places.

Mr. Southam: Are there any further comments?

Mr. Vars: Is mail service available in these places? Liquor may be delivered by mail or express.

Mr. MacKinnon: That doesn't look too handy to me.

Mr. Thompson: I was just wondering if the Director of Liquor could tell me what the service would be like to a place like Ross River under the circumstances.

Mr. Vars: I am not positive. I think there's at least a weekly mail service. I don't know if there's any more frequent than that, but I would have to check with the Postal Authorities.

Mr. Southam: Speaking on the mail service, I've had a little bit of experience with that too. We used to send out to Atlin for our liquor. First we used to get it from Rupert, then Vancouver, until somebody didn't send back the right change, and then we changed it to Atlin. We used to get three bottles, I think it was, in a small carton. They were never short there, I know that. They had it coming in in a fairly steady stream...so mail service might have its possibilities.

Mr. Vars: It was investigated for service to remote areas. Discussion Bill #3

Mr. Taylor: This would be dependent, of course, on having a Mining Company who are paying the air bill, but when the individual has to pay it, it get's pretty expensive liquor... a charter aircraft.

Mr. Vars: Yes, but I think mail service, rather than air service, would be used.

Mr. MacKinnon: I think, when this was first proposed, the main place in mind was Teslin. Now Teslin does not sell off-sale, off-premises liquor. This was the purpose. Now, you can go back through the Votes and Proceedings and you will find that out, and now it is being completely overlooked.

Mr. Southam: Speaking again on the mail service, or whichever way you get it, we used to pay, from Rupert, a dollar a bottle freight. From Atlin, the postage was around about 40 or 50 cents. I just forget exactly, that's what it was, a dollar a bottle from Rupert or Vancouver, 30 or 40 cents by mail from Atlin.

Mr. MacKinnon: Mr. Chairman, I would also like to point out that when I was at Discovery Mines a couple of weeks ago, that I got over twelve complaints of no off-sale liquor at Carmacks. I think this is worth considering.

Mr. Thompson: I don't think that Mr. Vars has had an opportunity to reply to Mr. Taylor's question as to his thoughts regarding the possibility, or the prudence, of having off-sale establishments other than cocktail lounges or beer parlours.

Mr. Vars: The two most recent complaints, complaints from where there are licenced premises, we have provided for the sale from licenced premises, but we haven't made it compulsory for these people to sell off-premises. It seems to me that the margin of profit is fair for the handling of the bottle...you don't have any dispensing to do, you don't have glasses to buy, you don't have to have a waitress, you merely put the bottle in a bag and collect a dollar and a quarter for the bottle. This seems to me like a fair profit. Other than that, I don't know what the answer is.

Mr. Thompson: You say that the complaints are from.....

Mr. Vars: I was saying that the complaints that Mr. MacKinnon was reporting were from Carmacks where there is a licenced tavern and from Teslin, where there is also a tavern. We have made the arrangements and supplied the necessary workings for these bottles to be sold from taverns where there is no cocktail lounge but we haven't compelled them to take the service into consideration.

Mr. Thompson: Well, I don't think it was our intention to compel anybody. But in the event they don't want to comply, then there should be some other arrangement. I was under the opinion that the people who had the licence and weren't dispensing this were the ones that were complaining.

Mr. Vars: I think not. I think it is a general complaint from the area. There is no liquor sales available in that particular area. Is that not right, Mr. MacKinnon?

Mr. MacKinnon: Yes, Mr. Chairman. That seems to be the complaint.

Mr. Thompson: Mr. Vars, are there any remarks or correspondence from any of these people who are in these locations as to why they're not?

Mr. Vars: No, we have no correspondence at all, or written complaints, from people in these areas.

Mr. MacKinnon: Yes, Mr. Vars says "no complaints from any of the people". Are you referring to the premises?

Mr. Vars: No, to the fact that liquor is not being sold by the bottle from these establishments.

Mr. MacKinnon: You are referring to the general public?

Mr. Vars: This is correct. I thought it was the general public you were concerned about not being able to get the liquor.

Mr. MacKinnon: Well, in this case, the general public have come to me in this area.

Mr. Southam: Are we all through on this section, gentlemen? At this moment, I will call a five minute recess.

Monday 22nd November.
11. O'clock a.m.

Discussion Bill # 3

Mr. Chairman read to Council Section 3, of Bill # 3 Paragraph (b) now reads:

((b) he is the true owner, or a lessee having a written lease for not less than one year of the business carried on by him in the premises;"

Is there any questions Gentlemen.

The Council agreed they were clear on this Section.

Mr. Chairman: Read to Council from Bill # 3 Section 4 referring to Cocktail lounge licences Whitehorse, Tavern licence Whitehorse, Resolution of City Council, Cocktail loungelicences, and Tavern licences.

Mr. MacKinnon: Referring back to Section 3, "he is the true owner, or a lessee having a writtenlease for not less than one year of the premises". Does this mean that you have to give a written lease for a year and we have already discussed places that will not exceed 6 months in operation. It will be pretty hard to give one year lease to an operation that is only going to exist for 6 months.

Mr. Chairman: Mr. Legal Advisor could you answer this.

Mr. Legal Advisor: The object of the provisional has been to try and find the person of substance who is really responsible. If you have a lease for 6 months instead of a year why not make it for a week or a month or where are you going to draw the line, the line was drawn in the past for one year. There is no change in the period it was just a criticism of the wording which existed. It was a lessee having a written lease for not less than one year if the business carried on, you can't be a lessee of a business in the technical sense. You can take over a business or you may be buying it or even taking a share of the profits but this is a lease of the property. You lease real estate not a business, that was the object of the change to deal with the problem that the Councillor has just raised is in fact there is no authority now. If you do have these short term leases for 6 months, why not make it three months. If Council wants to change this then it is entirely up to them, I would be glad to draft this proposal.

Mr. MacKinnon: I think it would be appropriate to change it seeing there is so many licensee that do notcontinue in operation for one year. I would hate for instance to give somebody a lease for a year on a summer operation and find I was stuck to continue the operation for a full year to cover the lease.

Mr. Vars: I think it might be necessary as far as the liquor licensee is concerned to have a lease for a year. There is no reason why the person leasing the premises could not sub-let the premises for a 6 month period. I think it is necessary for the liquor licensee to have the surety that somebody is going to have this place for at least a year in case of an operation for instance. What are we going to do if this man comes along at the end of 5 months and says I am going to finish already.

Mr. Legal Advisor: I don't think it raises as much difficulty as the Councillor feels. As your legal advisor it is not for me to suggest to the public perfectly legitimate ways of getting round this problem, they must take their own advice. Speaking as a lawyer of a private practice, I don't think that I would have very much difficulty in arranging the affairs of my Clients to meet the requirements of the Ordinance. I don't think it is my job to stand here and tell the public how to go about it, but it is possible.

Mr. Boyd; This has been in effect before, there is nothing changed as far as the time is concerned and we have no troubles, so I don't think there is any problem to worry about. As long as there is no trouble or complaints, I see nothing we are forced to do but leave these the way they are and go on with the Bill. Has Mr. MacKinnon had any complaints from anybody.
Mr. MacKinnon:

Not exactly Mr. Boyd, but I just thought there might be a little problem here and I thought we should air it a bit, instead of taking the dogmatic attitude that some people take.

Mr. Boyd: I would thank you again for those remarks Mr. MacKinnon.

Mr. Chairman: Could we move on Gentlemen.

Mr. Taylor: With review to Section 4 I note something has popped up here with respect of sub=section (2) of section 24 which provides that now a tavern licence can be granted in Whitehorse with ten furnished rooms and also that a beer licence in respect of a tavern outside the Whitehorse district only requires 5 furnished rooms. It was our intent in the Spring Session in order to provide accommodation that we would not allow any licences to be granted in either a tavern or liquor premises unless they have at least 30 furnished bedrooms, in the outlying premises 20 bedrooms. I ask why ten furnished rooms has been proposed.

Mr. Vars: I think Mr. Legal Advisor asked for a discussion on this before we got this far. The intent was not to change anything except to provide for licences already held, in other words people that were licenced in 1965. It was felt I think that should they, should the attitude be adopted that new licenses were required, this would put every Hotel in Whitehorse with the exception of three or four out of business. I think it was Council's intent that anyone who held a licence in 1965 be permitted to carry on, but any new structure in Whitehorse or outlying districts must have 20 or 30 rooms. Unfortunately portion 2 of Section 4, I think the intent was that it should be written "held a liquor licence on the 31st day of March" the same as in (a) is that not correct Mr. Legal Advisor.

Mr. Legal Advisor: That's a reasonable interpretation but while its almost pointless to speculate why this got in, I think what happened was that the draftsman preparing this was relying on the text of the old Ordinance before a change was made in the Spring. It may be that is what he did and therefore was re-stating the old bedroom requirement for taverns. The Councillor was quite right and I gave my opinion the other day that there hadn't been a change. I was

comparing at the time the draft with the local amendment but it is true that in the Spring Session you did not make a reference to the bedroom requirements for taverns. I would like a little more opportunity to discuss this with Mr. Vars, because we only got together on this this morning. I wonder whether we might save time if we had another look at this before 2 o'clock this afternoon and find out exactly what way to do this. If you would care to deal with the other provisions I think it might save time this afternoon.

Mr. Chairman: Might I ask a question from the Chair, while you are going to look at this thing. Regarding Keno City where they are going to rebuld, would this mean that when they rebuild they would have to have 20 bedrooms. Would you please look into this as well.

Mr. Legal Advisor: They held a liquor licence and if they qualified then,they are still qualified.

Mr. Chairman: In other words they could rebuild and 15 bedrooms would be enough as they had before.

Mr. Legal Advisor: Yes because they had a licence, but they must get built of course before the licence goes otherwise it might probably be different. Suppose there was a delay and it was years before they rebuild, and they say well we held a licence on the 31st March, 1965, but I think as long as they get on with it there shouldn't be much difficulty.

Mr. Shaw: I would just like to ask a question if that is possible under the ordinance there is a certain amount of lattitude in the Administration giving that because if one burned down at this time of the year its almost impossible to rebuild a place before the licence expires. I think that when the law is made common sense should prevail and I wonder if it's possible that it can.

Mr. Legal Advisor: Common sense will prevail, lets presume a licenced premises was burnt down on the 30th March, 1966 they would have something like 24 hours to get a new building up. Common sense will prevail but they can't expect to sit around for ten years and then come back in.

Mr. Chairman: Read to Council Section 5 (1) Paragraph (b) of sub-section (1) of section 31.

The Council agreed they were clear on this section

Mr. Chairman: Read to Council Section 6, sub-section (3) of section 34 with reference that no minors in part of licensed premises.

Council agreed they were clear on this Section.

Mr. Chairman: Read to Council that Section 39 of the said Ordinance is repealed, and the section was unnecessary because of introduction of off-premises licences. Are you clear on this Section Gentlemen.

Council agreed.

Mr. Legal Advisor read to Council the existing Section 39.

Mr. Taylor: I have one question in relation to Section 6. In the outlying districts again we have Community Halls some of which are very small and I imagine in most of them there is an area set aside for a bar and we have always been in the habit of encouraging the younger adults to join with us in dances and soforth and it has been honour bound that they do not take any liquor. Would this in effect mean that they can no longer do this, in other words can they not mix with adults.

Mr. Vars: There was no provision for them to be on the premises where liquor was being sold in the first place. This authorizes them to be on the premises where you are selling liquor but not in the room where it is being dispensed. Is this correct Mr. Legal Advisor.

Mr. Legal Advisor: I won't ask for the names of the people who were involved in these functions, but they might not have been quite on the right side of the law in the past.

Mr. Clerk: Could I ask a question. Doesn't the situation arise where liquor is being sold under a banquet permit.

Mr. Vars: This is correct but only under a banquet licence and if they are licenced premises. There is no provision for a minor to be on that part of the premises at the present time. What we are trying to do is legalise for minors to be on there but not in the portion of the premises where liquor is being served.

Mr. Clerk: That's when they are a licenced premises,

Mr. Vars: Yes, when they are operating under a banquet permit they are not in the sense a licenced premises and minors can be on the premises, is that not correct.

Mr. Legal Advisor: No its not correct, because if you have a licenced premises they are licenced premises whether they have a banquet dining area or not. Perhaps we should go further than this draft goes if Council would like at this time to define how far they want provision given to minors. If Council would define the extent of liberty then we will sit down and draftit.

Mr. Taylor: I think we can be somewhat too restricted but I do not suggest for one moment that young people should be encouraged to drink at these affairs. I have seen on many ocassions where the young people have been in the premises and enjoying the dances and other entertainments and I think we are shielding them from something which some day they are goingto have to face anyway. I would like to see provision made that in such as special ocassion permits where these are in effect in Community Halls that young adults be able to attend these functions without being able to drink.

Mr. Vars: I think the special ocassion permit provides for just this, minors to be on the premises for that one particular night. It is up to the dispenser of liquor to insure that no minors are served. I think you are getting two items mixed up, the requirements of a special ocassion permit with the place that has an established licence outlet.

Mr. Legal Advisor: If it is the wish of Council that we clarify where the minors can go to special ocassions where liquor is being dispensed and we could possibly introduce an amendment in the effect that on application

known as special ocassion shall be endorsed with the permission for the attendance of minors. We could just make it special ocassion permitsand automatically allow the attendance of minors. We could do it but it might make all sorts of small technical offences simply by entering licenced premises to pass through a licensed place to get through to the Dining Hall or the place where the function is going on. We could tidy it up, but there again I suggest that Mr. Vars and I sit down and see what we can do.

Council agreed.

Mr. Boyd: The thought strikes me that we can tidy up and do many things and while we are doing that we are undoing something else. I think the very thing we are thinking about now is already in practice with no troubles whatsoever. Youths have never been turned away from these functions, we have them every week or two weeks right here in Whitehorse and they enjoy the same priveledges as you are so discussing. I think the moment we put something in writing we are leaving a little more difficulty somewhere along the line. I don't see why we should want to bother with something that's already functioning and doing a very good job.

Mr. Vars: I think all we are asking for is permission to take out one Section, Section 34, that means that no person under the age of 21 years shall enter or be found in or upon that part of any licensed premises where liquor is sold or kept for sale except a restaurant where liquor is sold or kept for sale. This is the point that you have clubs that are licenced minors should be permitted to be on these premises but they shouldn't be in the room where you are dispensing your drink.

Mr. Legal Advisor: Mr. Taylor made a point that in a small community they might not be able to segregate one from the other.

Mr. Chairman. May I make a comment from the chair. In the Calumat area where we have liquor in the curling club we have a section that is partitioned off for our minor members. When there is a banquet there is a list given to the man dispensing the liquor of the members that are under 21. This list is also given to the Beer Parlours too, I don't say it works but it is there and this is the way we do it.

Mr. MacKinnon: I think its very necessary that we do go more to the steps that Mr. Taylor has outlined in that most of the Community Halls on the North Highway we would run into these obligations and its very necessary to have the young people attend these functions to make it successful.

Mr. Boyd: Has Mr. MacKinnon ever had any knowledge of where at the present time the people he speaks of are not allowed to attend.

Mr. MacKinnon: Mr. Chairman, in answer to Mr. Boyd, I will say we are just trying to legalise it, we don't want to carry on as it is.

Mr. Vars: I think Mr. MacKinnon you are slightly confused. This pertains to licenced premises only, you have no problem at all in your Community where you have a curling

rink and whereby you get a special ocassion permit. The pardon that we are asking for here to change and permit minors on premises where there is already an existing licence and where there is social functions that the minors participate in.

Mr. MacKinnon: I would like to ask Mr. Legal Advisor, is this so, is this how it exists at the present time.

Mr. Legal Advisor: Yes with premises that are not normally licenced that's alright but I thought you were looking at the problem of segregating the minors in licenced premises, where you take over a room and have a bar at the function going on. That's why I thought Mr. Taylor was referring to that kind of function.

Mr. Taylor: I thought possibly we could leave this to Mr. Vars and Mr. Legal Advisor to discuss this.

Council agreed.

Mr. Chairman: Read to Council Section 8 subsection (2) of section 45. where it was repealed and the following substituted.

(2) Except as authorized by this Ordinance, no person within the Territory, by himself, his clerk, servant or agent shall have or keep liquor in a place other than the residence in which he resides.

(3) A person elegible to purchase liquor from a liquor store may

(a) have or keep liquor in a motor vehicle in a manner authroized by section 48: or

(b) possess and consume in his dwelling house beer or wine lawfully made or brewed by himself or by a member of his family residing with him in the same dwelling house."

The explanitory note to Section 8 redrafted to bring provisions of this Ordinance into line with home brew provisions of Excise Act.

Are we clear on this one Gentlemen.

Mr. Boyd: No Mr. Chairman we are not clear. I wonder if the Legal Advisor could tell us in as few words as possible what does this restrict, what is the meaning of it.

Mr. Legal Advisor: The Excise Act levies duty upon beerand liquor brewed in Canada and no doubt it was to prevent the escape of revenue that it was drafted to say that you could not give away your home brew and not entertain friends. That is the way the Federal Act is written, the Yukon Ordinance soughts to permit the giving of hospitality by a person who has brewed his own beer. We are informed that the Excise Act prevails and to leave out provision would mislead people into committing an Excise offence. This amendment was brought before you as the view always has been that the Federal Acts prevail where there is a conflict, but some reason to think that its view may be challenged by at least one constitutional lawyer raising an argument. If I may throw one small constitutional bomb into the areana, the conflict between the Federal Parliament and the Provinces always arises because of the spelling out of the areas of legislation in the British North America Act. That's mine says the Federal

Government, this is mine says the Provincial Government and then there is a middle ground occupied by one or the other. The Yukon for a long time has been informed that it is subservient to the Federal Parliament, it is certainly a creature of the Federal Parliament. It is not certainly a creature of the British North America.Act so there is no question therefore of the division of legislative responsibility. It might very well be that having been given the right to legislation on liquor your Ordinance ranks as one of equal status with the Excise Act. However, this would not prevent the peolpe who infringedthe Excise Act from being prosecuted for an infringement to that Act. You could not in your Ordinance say nobody may be prosecuted for the infringement of the Excise Act. While in considerable ground for thinking our Ordinances being delegated powers given by Ottawa they are only limited by the terms of that deligation. The mere fact that we arein conflict does not make your Ordinance bad, you may fail to protect the local home brewer from prosecution under the Excise Act. This is why it is brought before you , do you think you can mislead the Yukoner who feels he can give a bottle of beer to a friend or if you wish to register your dissapproval behind the Excise Act then you may refuse this thing.

Mr. Chairman: Does this answer your question Mr. Boyd.

Mr. Boyd: Yes it does Mr. Chairman.

Mr. Shaw: As far as I can see according to our Ordinance as it exists we do allow this hospitality. That in itself would give security to a person who was dispensing that hospitality in so far as he reads in the Ordinance that it is so. We would in a sense by having that there mislead him and it would appear to me that the only way that we would ever find an answer to this particular matter would be that this gentleman did dispense the hospitality was brought before a Magistrate, was exhonerated by the Magistrate, the Crown appealed it and so forth and it went right through to the higher Court to establish just who had the ruling. In other words before we know the answer to this it is going to require a somewhat courageous man to go out and test it and the circumstances will have to fit in line so that that can go right through the highest Court in the land to give a ruling on who has the power and who has not. As far as we are concerned to have it in there might be misleading to the people in the Yukon Territory. To take it out of there we might be depriving him of his traditional moment of hospitality and it is a difficult question whether it should be taken out or whether it should be left in. I would ask the Legal Advisor if I am on the correct lines.

Mr. Legal Advisor: That's it Mr. Chairman, by leaving it in you may mislead a number of persons, he wouldnIt be prosecuted underoour Ordinance he would be prosecuted under the Excise Act. If you take it out then of course he could be prosecuted under the Ordinance or the Excise and obviously the authorities would find it more convenient to prosecute under the Ordinance than bring down the whole law on the form of the Excise Act. I feel quite confident that this is a breach of the Excise Act. It is not for me to critisize the Excise Act but there may be some at this Table who doubt whether the Excise Act is kept up to the spirit of the times.

Mr. Shaw: I personally would critisize this section of the Excise Act where you can't offer your hospitality it is absolutely ridiculous. This other particular matter would there be any way Mr. Chairman, I wonder if

the legal advisor could say, in the Ordinance that we kept the same one as we had before and this may conflict with the Excise. This will at least let people know what is in there make them as aware of the fact as we at this Council are aware of. This is quite a fundamental problem.

Mr. Legal Advisor: I think the local public will take note of the discussions at this Table to-day and will be on their guard but I don't think you can introduce anything into the Ordinance.

Mr. Boyd: I have respect for this means of collecting Excise and I have no respect when they tell me I can't have a friend in the house and offer him a glass of beer. I think this is carrying it too far and as for the people down there 4,000 miles away and they run wild and I think we can't enjoy and make our own rules here for the benefit of the people, then I think its about time we started asking ourselves some questions. I would like to suggest we do not need to discuss this thing further, leave our law the way it is, delete this from our amendment and carry on.

Mr. Vars: I think there is a lot of concern over this that isn't going to apply to the average individual. I think you must have something in there to be able to control the man who is going to make this himself. We have had this experience up here many times and I don't thinkanybody would walk into your home and prosecute you if you were serving your company with home brew. I think there must be protection in there to limit the person who is going to make it himself.

Mr. Legal Advisor: To sell this is a single offence. While Mr. Vars does not think anyone will walk in there is no guarantee on this and book you on an Excise offence. This is the point, so long as the Excise Act stays unchanged then can prosecute.

Mr. Chairman: At this time Gentlemen if we could recess and take this up again.

Mr. Shaw: I think Mr. Chairman, that if we left the Ordinance as it exists at present I would be prepared to bring in a motion to see if something can be done to change an Act that I think is unfair, which if accepted by Council could be directed along through the proper channels.

Mr. Taylor: I would give notice that this afternoon we will also be proposing an amendment that Section 63 be repealed.

Mr. Chairman: Gentleman at this time I call a recess for tea.

2.00 pm - Monday 22nd November 1965

The Chairman called the meeting to order after the recess and asked what the Committee's pleasure was.

Mr. Taylor: I think Mr. Vars and Mr . Legal Adviser were going to look into several items raised in our discussion this morning, possibly we could go back to some of these items.

Mr. Chairman: Agreed?

Mr. Boyd: No Mr. Chairman, we were dealing with the last paragraph here and I think it would be wiser to clear it up if possible and then go back to the things we've been hassling over.

Mr. Chairman: Are you all agreed?

Committee: Agreed

Mr. Chairman: Mr. MacKinnon, are you agreed?

Mr. MacKinnon: Yes

Mr. Chairman: Why don't you say so? I think we have disposed of section 8.

Mr. Boyd: I think this is where we were discussing this bill, at paragraph 8. I think we have virtually concluded that we did not want to go along with this particular part of the amendment. I would move that it be removed from this amended bill.

Continued Discussion of Bill #3 Para. 8

Mr. Shaw: Is Mr. Boyd referring to subsection (a) and (b) or subsection (b) of section 3. Could Councillor Boyd please explain exactly?

Mr. Boyd: Yes, I would s y that subsection (b) is the one that I am concerned with and this is what my motion refers to.

Mr. Shaw: Then I would second that motion.

Mr. Legal Adviser: Can I ask a question? If the proposal in section 8 is distasteful to Council you can say we move that we do not accept section 8 in the draft bill, rather than the portion in (b) because it is really a re-write of the previous section 45 subsection(2)changed in respect of the right to offer hospitality, so if you say we won't accept it then that puts an end to the interference with the present section.

Mr. Thompson: I wonder if the Legal Adviser can just clarify one item in this section 8 subsection (2) of section 45 of said ordinances repealed. I don't find a subsection (2). Have there been some amendments?

Mr. Legal Adviser: If members have the Consolidated Liquor Ordinance before them it is on page 18 at the top. I don't know whether this has been brought to your attention.

Motion re Bill #3

Mr. Chairman: I have a motion before the Committee. It has been moved by Mr. Boyd and seconded by Mr. Shaw that section 8 of Bill #3 is not acceptable to this Council and therefore request its removal. Are there any comments?

Mr. Taylor: Question

Mr. Shaw: Is Mr. Thompson satisfied, Mr. Chairman, before we have the question?

Mr. Thompson: Mr. Chairman: Am I correct in assuming that this is in the ordinance in another form and this is clarifying it further? I am not clear on it.

Mr. Legal Adviser: Well, the present form is found on page 18 of the Consolidated Ordinance and those members who have a copy in front of them will see "except as authorised by this ordinance". It then goes on to say "no person within the territory by himself or his clerk, servant or agent shall" and if you compare the wording in #8 before you "except as authorised by this ordinance no person within the territory by himself, his clerk, servant or agent shall". Now at that point in the old text it breaks off into a paragraph but here it continues "shall have or keep liquor in a place other than the residence in which he resides". In the old form it said, going into a new paragraph "shall have or keep liquor purchased from a liquor store in a place other than the residence in which he resides" and it then went on to say "or in a motor vehicle in a manner authorised by section 48." But you see in the form that you have before you it goes into a sub (3) and it says "a person eligible to purchase liquor from a liquor store may have or keep liquor in a motor vehicle in a manner authorised in section 48." The draftsman has broken it up that way I think because section 8 refers to vehicles exclusively and in the old form you might have said "in which he resides or in a motor vehicle in a manner authorised by section 48" - well, section 48 does not apply to a residence. So the draftsman says Ah, we will separate, and that is why they have broken that there, there is no change in the wording, there is just a different layout. You will find that the words in one are found as words in the other but in a different place. We went on to say in 2(b) "no person shall have or keep liquor not purchased in a liquor store" and then we went on to say "but this does not prohibit the keeping of wine or beer if made by member of the household where the beer or wine is kept, if such person is a holder of a valid permit to make such beer or wine." Then we went on to say "and it shall be lawful for such a permit holder to dispense such home brewed beer or wine in reasonable quantities to members of his family and bona fide guests" This is what has caused the agitation. Now ours now reads "a person who may buy liquor from a liquor store may possess or consume in his dwelling house beer or wine lawfully made or brewed by himself or a member of the same family residing in the same dwelling house." And it stops there. There's no reference to bona fide guests; possibly the Excise have no guests. That is the only difference but if the intention of Councillor Boyd's motion is to say that you like the law as you have it then the simple procedure is to say we won't accept such an amendment at all, because if you do accept that section 8 except (a) and (b) our drafting becomes out of order. It has all

been changed around. The bit that we have here is changed and tailored to fit the whole of it and I would advise you to go back and keep faith with the old form rather than try and drop a bit of the new; just stay with what you have, which appears to have worked perfectly well, if a little illegally, since the Spring session.

Mr. Thompson: My only point is that by deleting this we are doing nothing to bring our home brewed provisions in line with the Excise Act. Wasn't this the original intent that we could in some way circumvent the long arm of the Excise Act?

Mr. Legal Adviser: Mr. Chairman, as your Legal Adviser I could not of course be party to such a thing. The difficulty is if you want to have the ordinance the way you drew it in Spring , this is not in accord with the provisions of the Excise Act, but it is not illegal under the ordinance and you have the power to leave it the way you drew it in the Spring. The only trouble is whether the home brewer in the Yukon be misled by what appears to be a passport to give his beer to his friends. You cannot make something legal that is illegal under the Excise Act, but you are able to say we will leave our law undisturbed, we are quite satisfied with the philosophy that it expresses.

Mr. Shaw: If Council, rightly or wrongly, did pass this law that is in the book at present and unknown of course at the time that some other archaic law was in effect, it might nullify what we have done. My concern was that, upon advice that this was the situation, I do not feel that we should take that hospitality piece away, particularly in the north country that has a reputation for such hospitality. However, I was concerned about what might happen to somebody that did follow along with the ordinance thinking that he were right. I stated my intentions to give for Council's consideration the motion that would ask the Federal Government to take another look at this archaic law and change it in line with the times, and I also felt that in so doing at least the people would know what Council's feelings were on the matter and would need to guide themselves accordingly. They would have a certain amount of warning. Also I would be very hopeful of the possibility that our parliament, who are so wise about many things, would see fit to take something out that did not conform with present day usage.

Mr. Boyd: Question

Mr. Taylor: Question

Mr. Chairman: Ready for the question. All in favour.

Committee : Agreed

Chairman: The motion is carried, gentlemen. At this time Mr. Hughes is needed upstairs. I wonder if he could be excused for the moment. Motion Carried

Mr. Legal Adviser: I am much obliged Sir. I have worked over with Mr. Vars the draft amendments which he might put before you to echo what Councillor Taylor wanted this morning.

Mr. Chairman: We will now carry on with No. 9

The Chairman then read paragraph No. 9. Para. #9

Mr. Chairman: Do you have any comments?

Mr. Shaw: Could the Liquor Superintendent explain what this is about?

Mr. Vars: Until recently we have never gone into splits or half bottles of wine. Now that a number of restaurants carry these there is a provision for a half bottle. Due to the fact that we did not have these before there is no tax on quarts, just ten cents a bottle, and we thought it was fair to ask for 5¢ per half bottle.

Mr. Thompson: In Section 86 you don't specify 26 ounces, you just say "on each bottle or on each flask of spirits, on each bottle of wine and on each imperial gallon of draught beer" There's nothing to say whether it's 26.

Mr. Vars: That's right. Wine is normally referred to as a bottle because it varies from 26 to about 31ounces. Most champagnes are 31 and most Canadian wines are 26's so it's commonly referred to as a bottle and a pint or splits as a half bottle.

Mr. Thompson: Conversely then your bottle is a large one and your flask is a small one in the case of spirits.

Mr. Vars: That is right.

Mr. Chairman: Any further comments?

Mr. Thompson: Mr. Vars, I wonder if you could give me some idea as to the other taxes or surcharges that would be on a bottle of rye or scotch or any beverage to give us some idea of liquor prices as opposed to the various taxes and the final price to the consumer.

Mr. Vars: The tax is very definitely laid out in Section 86 and of course is included in the retail price that you pay. In other words, on a quart bottle of rye, scotch, gin and rum there is 25¢ tax and on a pint or a mickey there is 10¢. All beer is 10¢ a dozen, wine has been 10¢ a bottle and last year you requested to be allowed $1.25 on a keg or 12.5 imperial gallons. At that time no draught beer was drunk in the territory and there was no providion for that although there is 10¢ tax on a dozen beer.

Mr. Thompson: Do you show that broken down in the financial statement?

Mr. Vars: I think you will find that the tax is broken down.

Mr. Thompson: What I mean to say is, there is so much Federal tax charge, so much territorial tax charge.

Mr. Vars: We only charge the amount that is listed here, as a territorial tax. Federal tax would be payable at the distillery or brewery; it goes on beer before it is bought and the tax on liquor from the distillery is by the gallon on proof gallons. It might not appear in that; I don't have a copy of that.

Mr. Thompson: What I am trying to make a comparison to is the fact that you have a basic price for the article, say it's a dollar, you have four dollars federal tax, you say you have now 25¢ surcharge tax for the territory. What I'm getting at is are there are other taxes that are on this

commodity that don't show in either of these two specific instances.

Mr. Vars: Well I can't answer for Federal. I have nothing to do with Federal taxes. The only thing we are concerned about is territorial taxes which is primarily on education and recreation. This in turn I think is pro-rated to each councillor's area and the money is spent on recreation and so forth. This is not a percentage, it's a straight bottle tax: 25¢ a bottle regardless of the price on rye, gin, rum, hard liquors, 10¢ a bottle on wine, 5¢, which is what we are asking for on pints of wine and 10¢ on a dozen beer. Now we have nothing to do with Federal taxes.

Mr. Thompson: You say you have nothing to do with Federal Taxes, therefore when you send an order to the distilleries you pay the net price for a bottle. Now does this include the Federal tax? No. Who pays this? We pay it probably in one form or another. That's what I'm trying to establish. You say that you have nothing to do with it, you don't collect it, but yet you have to pay for it before it comes out of bond. This is what I want to know: how much is it on a bottle?

Mr. Vars: Well this I can't tell you. It depends on the number of proof gallons there are, it depends on the alcoholic strength of the liquor.

Mr. Thompson: Let's take a for instance then.

Mr. Vars: All right, take Canadian liquor which is 30 under proof at $13.00 a gallon. All you have to do is refer to your Federal taxes and this is in the structure - it's $13.00 a proof gallon of liquor. Now we don't collect this, we have to pay it. This is collected by the Customs and Excise department who have a Customs office normally in the distillery. We would only have to pay for it if we ordered our goods to come in transit in bond and we would have to pay the duty before we could touch them when they arrive here; normally all Canadian goods are bought duty free.

Mr. Thompson: And where did you say I could find this information?

Mr. Vars: I think if you will look in any of the Excise acts that it is $13.00 a gallon. A proof gallon.

Mr. Thompson: And this is for Canadian?

Mr. Vars: This is for Canadian, yes.

Mr. Thompson: And what would it be on an import, say Scotch?

Mr. Vars: I think it $13.50

Mr. Thompson: And overproof?

Mr. Vars: On overproof the price per gallon would be the same except you get more proof gallons in overproof than you do in thirty under.

Mr. Southam: Are there any further comments or questions?

Committee: Clear.

Mr. Chairman: Are we all agreed on this section?

Committee: Agreed

Section 25 Cocktail Lounge Licences

Mr. Chairman: We will go back to Section 25 on Cocktail Lounge licences. I think that calls for further debate.

Mr. Vars: Yes, I think there was some confusion there with number 2 in paragraph 4, section 24 and the same in 25 too which should really not appear in there at all. I will read it to you:

"Sections 24 and 25 of the said ordinance are repealed and the following substituted therefor:

'24. (1) In the municipality of Whitehorse no liquor licence in respect of a cocktail lounge shall be granted except to a hotel that (a) held a liquor licence on the 31st day of March, 1965, and that has at least fifteen furnished and serviced bedrooms regularly available for the accommodation of the travelling public; or (b) has at least thirty furnished and serviced bedrooms regularly available for the accommodation of the travelling public'" Or in the case of a tavern that has an existing licence. In other words in the ordinance now you have combined the requirements for a licence for a cocktail lounge and a tavern. If you specify the number of rooms you wanted - We had no intention of changing the number of rooms you wanted, the only thing we're trying to do is verify that people that had a licence in 1965 would not have to come up and provide 20 rooms outside Whitehorse and 30 rooms in.

Mr. Taylor: All I wanted in that section was that we would retain the twenty and thirty room clause and that this ten, five furnished rooms could be specific and people would have to have these rooms on March 31st 1965. Either that or remove it right out.

Mr. Vars: That will be removed.

Mr. Southam: Any further requirements, gentlemen?

Mr. Shaw: What changes would be made in section 24?

Mr. Vars: Subsection (2) of 24 will be deleted and (a) of 24 will read : "held a liquor licence on the 31st day of March, 1965, and that has at least fifteen furnished and serviced bedrooms regularly available for the accommodation of the travelling public.

Mr. Chairman: Is there anything further on this bill that you wish to discuss? Mr. Thompson.

Mr. Thompson: I would like to ask Mr. Vars the procedure for the granting of licenced premises in cafes and restaurants; does the discretion remain with you and the Commissioner as to who will receive a licence or what for selling beer or wine in a restaurant?

Mr. Vars: No. So far there have been no restrictions put on this. It hasn't been considered that it is a form of a licenced outlet. In other words they are serving beer and wine only in conjunction with food services and at the present time under designated hours. It isn't the same as a cocktail lounge that is selling all types of liquor with no food. We felt that restrictions for cafes and dining lounges should not be so strict as for taverns and cocktail lounges.

Mr. Chairman: Anything further gentlemen?

Mr. Taylor: I have one amendment coming up at present being typed up by Mr. Clerk for presentation. This is in respect to New Year's Eve extended hours. We also have the question under consideration by the Legal Adviser of some other matters like off premise sales.

Mr. Chairman: We hadn't got as far as that yet.

Mr. Taylor: I see; so long as this will be brought up before we conclude deliberations on the bill. I would also like to propose a motion at this time. I would move that Section 63 of the liquor ordinance be repealed and the following substituted therefore: "Any peace officer may arrest a person whom he finds committing an offence against this ordinance or regulation". I wonder if there's a seconder to this motion.

Motion re Section 63 of Liquor Ordinance

Mr. MacKinnon: I'll second the motion.

Mr. Taylor: In speaking to the motion, we are back to the same old proposition we were at a couple of days ago with the Motor Vehicle Ordinance, and in discussing this it was brought to light that the only other place where this power of arrest without warrant appears is in the Liquor Ordinance, and I shall cite section 23: "Any peace officer may arrest without warrant any person whom he finds committing or whom he on reasonable grounds suspects of committing any offence against this ordinance or the regulations." Now you will notice again gentlemen that we have created a power which is greater than even the criminal code of Canada creates for criminal offences. I cite Section 435 of the criminal code of Canada which states af follows: "a peace officer may arrest without warrant (a) a person who has committed or on reasonable and probable grounds he believes has committed or is about to commit an indictable offence and (b) a peace officer may arrest without warrant a person whom he finds committing a criminal offence. I don't think we should give him sweeping privileges here and I would like this restricted to a person he finds only committing the offence and I feel that if he suspects somebody of committing an offence, Section 65 provides for a warrant to arrest that person from a Justice of the Peace, and we have lots of them in the territory. The matter of whether or not we come under the Summary Convictions Ordinance should be discussed and

debated in the Supreme Court or even in the Federal Parliament but I think until we clarify this particular position where there is no doubt as to whether or not we are able to do this under Section 21 of the Yukon Act, I think that we should refrain from having this on our territorial statutes. I ask that we leave, as the motion suggests, the right of any peace officer to arrest any person whom he finds committing an offence against the ordinance or the regulations but we take away his open warrant.

Mr. Shaw: I cannot agree with this motion. This Section 63 has been in for years and years and years and I do not think that it is particularly abused. I would draw attention to the fact that here we have instances in this particular section where people who could easily be in a state of intoxication - there are many cases that could happen under this. If we take away all the powers such as are contained in here, which to my mind have not been abused, we would I believe be substituting order for chaos. I have never heard complaints in respect of this. I have been in this council for eight years approximately and I have been in the territory for almost thirty years and though there could be isolated instances of something that has been abused, I haven't heard of it. Certainly I haven't heard of it being brought to my attention that it is a very serious state of affairs. I think myself that this is going just a little too far in this type of thing. I believe in free institutions and our freedom and our democratic way of doing things, and I know that where abuses are taken they should be rectified but as I have stated before we must recognise the fact that our police force is here to protect the citizens; I do not look on it as a force that is here to prosecute or persecute everybody just because they happen to have the power. As I said before, we would substitute what we have as reasonable order and chaos could come out of something like this. I cannot subscribe to this repeal of Section 63. And another matter: this is very similar to the almost identical one in relation to the Motor Vehicle Ordinance the other day. It is certainly premature, it hasn't had the thought, this is the first I know about it. No I cannot go for this and I would strongly advise against throwing this particular section out.

Mr. Boyd: I heartily agree with Mr. Shaw. We have to leave something for somebody to have the power to do something with people who require something done to them at the right time, not two days later after they have run round the country looking for a warrant. There is no abuse of this and I think the authorities handle the situation exceedingly well. Some people may feel agrieved but on the whole the public is getting real genuine service and I would be opposed to this motion at the present time and certainly would not want to see it get voted in without a whole lot more consideration and I doubt if we need to consider it now.

Mr. Taylor: I think , if you will recall our discussion on the bill in respect of Motor Vehicles Ordinance, that we decided that we would let the courts or Ottawa or somebody else decide whether or not we were justly producing legislation with these open warrants, and it was pointed out that precedence was set by Section 63 of the Liquor Ordinance, and if there seems to be some doubt as to whether or not we should provide this legistation and in view of the fact that it does affect someone's civil liberty, I

feel that we should kick this out of here for the time being and let a study be made in Ottawa as to whether we should or should not provide this legislation. As I say, the criminal code says - sure you can arrest a person whom you find committing an offence but if he just suspects somebody of committing an offence then he has no powers of arrest under the criminal code. Why should we give him it over one of our ordinances?

Mr. MacKinnon: This is the basis that I second the motion on; it looks to me that the same should apply under the Liquor Ordinance as it did in the Motor Vehicle Ordinance and I think that Mr. Taylor can duly present it as it exists.

Mr. Taylor: There is one more thing. In Section 21 of the Yukon Act it does say "may be brought summarily before Justices of the Peace under the provisions of the criminal code relating to summary conviction". Even the Yukon Act refers to the criminal code and the criminal code still does not provide any more power of arrest than a person committing a crime unless it is an indictable offence. I think it is quite clear.

Mr. Shaw: I can visualise a Justice of the Peace getting out of bed at one o'clock in the morning to issue a warrant. I think this is something that has had no consideration. It has just been plonked in here and it should not be committed upon in such haste. After all this has been through successive council after council after council and has been studied in all its implications and the Councillors have seen fit to see that it remains here probably for very good reasons and to take it out at this time would be detrimental to order and that's one thing - we must certainly have our freedom but we must have order in our freedom or we don't have our freedom.

Mr. Chairman: Any further comments?

Mr. Boyd: Question on the motion

Mr. Chairman: It has been moved by Councillor Taylor and seconded by Mr. MacKinnon that Section 63 of the Liquor Ordinance be repealed and the following substituted therefor : "any peace officer may arrest a person whom he finds is committing any offence against the ordinance or the regulations". Are you ready for the question gentlemen?

Committee: Question

Mr. Chairman: Are you agreed?

Committee: Agreed

Chairman: Any contrary? (There were 3 contrary) The motion is defeated. What is your pleasure gentlemen?

Motion re Section 63 defeated

Mr. Vars: There is one other section that I think Committee wanted to come back to: Section 6 - Subsection (3) of Section 34.

Mr. Legal Adviser: I wonder if we might take the comments of Committee at this time regarding the amendment to be worked out for Subsection (3) of Section 54; that is the

one in Section 36 of the draft ordinance before you. If you remember the discussion this morning as to whether people under 21 could or could not be present on the premises, and it was susgested that the following be added to subsection (3): "but nothing herein shall be deemed to prohibit the presence of persons under 21 years of age who are bona fide guests in premises where liquor is being dispensed under a banquet permit or a special occasion permit" All that subsection (3) is really talking about is licenced premises, so to clear the matter up in the case of unlicenced premises that have a special occasion permit, I would suggest that we add this. I believe this is the point that Councillor Taylor wanted covering. If this meets with the general approval of the Council I will prepare it for presentation tomorrow or further reading of this bill.

Mr. Chairman: Any further comments? Do you agree that we should have the Legal Adviser draw up the necessary amendment?

Committee: Agreed

Mr. Boyd: I've got nothing against putting it in if it means anything, but it doesn't say at the moment that you shall not or can not. It doesn't say that you can, but the fact that it doesn't say that you can not - I'm wondering if we're really adding anything or if we're just putting in another bundle of words into this bill.

Mr. Taylor: I realize that what is not expressed is not implied but let's settle this issue by spelling it out.

Mr. Boyd: Well this is just my point - what is not expressed is not implied. If it's not implied then why add it. If you want to do it go ahead but it's like me writing down the paragraph twice in the sense of the word. There is nothing wrong with the situation the way it is; it doesn't say that you can not, and by putting it in you are simply saying something that already exists.

Mr. Taylor: We sometimes get Justices of the Peace who are not trained - and there are many of them in the territory, and even learned Justices in their wisdom in making decisions in respect to this ordinance - where somebody charged with being a minor in a place where liquor is being consumed - may say there is no provision in the ordinance that doesn't say yes or no, but it would appear in the ordinance that they definitely did not intend to have young people on these premises. Consequently this amendment would spell it out that they in fact can be allowed. It leaves only one clear cut interpretation.

Mr. MacKinnon: I might ask what the Legal Adviser's opinion is on this particular matter.

Mr. Legal Adviser: It is simply an attempt to clarify. It doesn't, as Councillor Boyd points out, add anything. If you want something positive added then we should say we will tack on to the end of Subsection (3) "and the person or persons under the age of 21 years who are bona fide guests in premises where liquor is being dispensed under a banquet or special occasion permit is hereby authorised". That would make it more positive. The question has never been more than one of understanding because they could be present on a special occasion permit if they weren't in licenced premises. This is the point and if you want it in a more positive form we'll put it in

a more positive form. I am trying to catch the attention of Council on this.

Mr. Thompson: Mr. Legal Adviser, can a special permit banquet be permitted in a licenced premises?

Mr. Legal Adviser: In clubs.

Mr. Thompson: Can a club that is licenced to deal with membership close its doors on specific occasions and operate under a banquet permit?

Mr. Legal Adviser: It may segregate an area, not close its doors to its members.

Mr. Southam: Any further discussions?

Council: Clear

Mr. Legal Adviser: So you would like it in a more positive form than I have just put before you?

Mr. Chairman: That is the understanding. Is there anything further in this ordinance?

Mr. Boyd: I would like to see an expression of opinion here - are we for this change or are we not. I feel that we are not adding anything to it and I am against putting in a whole lot of words that are superfluous.

Mr. Taylor: As Mr. Legal Adviser pointed out, Mr. Chairman, we are not adding anything to it, we are clarifying it and I cannot see anything wrong with the amendment and in fact I'm very surprised to hear any objection.

Mr. Shaw: If it's possible, if you can clarify the situation as much as possible then I think that is quite acceptable. They always seem to print ordinances or statutes of laws negatively - you may not, you may not, you may not. It is very seldom that they say what you can do but here is a section that is out of the normal manner and which is spelling it out. It does have the advantage of clarifying it particularly for some of the JPs who have not had the experience in legal matters that some magistrates have had and it would tidy it up.

Mr. Boyd: Agreed

The Committee were agreed on this.

Mr. Southam: On account of the time gentlemen I will declare a recess for tea. Do we need Mr. Vars or Mr. Legal Adviser after tea?

Mr. Shaw: I cannot see that we will need Mr. Vars but we may need Mr. Legal Adviser.

Mr. Boyd: We could go on with some motions; I notice there are some concerning game at which Mr. Fitzgerald may be needed and we can get off on a more lively subject.

Mr. Clerk: Mr. Chairman I've got a further amendment to this Liquor Ordinance that you could probably cover right after tea break.

Mr. Chairman: Is that agreed?

Committee: Agreed

Mr. Thompson: I would suggest that we have Mr. Vars with us after tea to further consider these amendments and answer any questions the members might have to put forth.

The Chairman then called a recess for tea

Monday, November 22, 1965
3 o'clock p.m.

The Chairman called the Committee to order and discussion proceeded on Bill No. 3 - An Ordinance to Amend the Liquor Ordinance

Mr. Taylor: Mr. Chairman, I would move that Section 5 be amended to provide additional hours of opening at New Year's as outlined in the draft before us.

Motion re Bill No. 3

Seconded Mr. McKinnon.

Chairman proceeded to read the above amendment which read as follows:

"5. Sub-section (1) of section 31 of the said Ordinance is repealed and the following substituted therefor:

'31. (1) Subject to sub-section (2):-

(a) A tavern may be opened once each weekday and once opened must remain open for not more than fourteen consecutive hours between the hours of nine o'clock in the forenoon and twelve o'clock midnight except on the occasion of New Year's Eve when the tavern may remain open until the hour of three o'clock in the forenoon of New Year's Day unless New Year's Day shall fall on a Sunday;

(b) A cocktail lounge, or a club may be opened once each week day for the sale of liquor during a continuous period ending not later than two o'clock in the forenoon of the following day and may not be re-opened during the ten hour period immediately succeeding the close of business, except on the occasion of New Year's Eve when a cocktail lounge may remain open until the hour of three o'clock in the forenoon of New Year's Day unless New Year's Day shall fall on a Sunday;

(c) A cabaret lounge may be opened once each week day for the sale of liquor during a continuous period ending not later than two o'clock in the forenoon of the following day and may not be re-opened during the twelve hour period immediately succeeding the close of business except on the occasion of New Year's Eve when a cocktail lounge may remain open until the hour of three o'clock in the forenoon of New Year's Day unless New Year's Day shall fall on a Sunday;

(d) A mess or canteen may be opened during the hours endorsed on its licence'".

Mr. Taylor: Mr. Chairman, I should like to point out a typographical error in sub-section (c) four lines from the bottom. Should this not read "cabaret lounge"?

It was agreed that this was the case.

Bill No. 3 (Section 5)

Mr. Thompson: This in essence gives all the operators one hour of grace for New Year's providing New Year's does not fall on a Sunday?

Mr. Vars: Well no, because some of them get more than one hour. Taverns normally close at midnight and this gives them three extra hours. Cocktail lounges normally close at midnight which gives them an additional hour: though they are permitted to remain open until 2 o'clock a.m. It is not mandatory.

Mr. McKinnon: Should like to ask Mr. Vars .... it states 3 o'clock. Is the 30 minute grace included in there? When is cut off time?

Mr. Vars: I should say that it was included in there.

Mr. Boyd: Mr. Chairman, I can go along with this reasoning with the exception of the taverns. I doubt the wisdom of this. You are giving the others one hour and the taverns three hours. I think this is folly. What we are giving these other outfits is one hour extra on New Year's Eve over and above their regular hours. I think that one hour extra in the case of beer parlours might be sufficient. I might be out-voted on this but this is my opinion.

Mr. Taylor: Mr. Chairman, there is one thing possibly Mr. Boyd may not be aware of. Some of these cabarets presently close at midnight in the outlying districts. Some of these lounges, in the outlying districts, close at midnight thereby they are being given the opportunity to sell liquor until 3 o'clock a.m. and no longer.

Mr. McKinnon: Yes, Mr. Chairman, we have fully discussed this and I think that we should let it go at that. We have gone over and over it and this is what we finally decided. I think that we should let it go.

Mr. Thompson: Mr. Chairman, in the matter of municipal outlets, would this have to be ratified by the various city councils?

Mr. Vars: I don't think so. The city, so far, has never interfered with the hours of operation. I think that just as long as the various outlets pay the necessary fee, the city would be quite happy to let them operate.

Mr. Boyd: As a matter of curiosity, I've heard Mr. Taylor's comment that he didn't expect any of the taverns to stay open. I am wondering if Mr. McKinnon has the same view? Or does he feel that there will be taverns which will stay open until 3 o'clock a.m.?

Mr. McKinnon: Mr. Chairman, in answer to Mr. Boyd. I would say that there will definitely be taverns in the outlying districts which will stay open until 3 o'clock a.m. where there is nothing else. Therefore, I believe that this was the reason why we included taverns, for the outlying areas and as I have said before, we should let it go just as it is.

Mr. Boyd: One more point now. I know that in cocktail lounges and even cabarets, food of some kind is available. If we have a man sitting until 3 o'clock a.m. at least just pouring beer down him with nothing to eat, I doubt if

he would get home if he stays that long and I wonder if this is the point. Some people are going to have trouble in getting home anyway. It isn't as though you were at a party where there is someone to look after you. At a place of business such as this, there is nobody to look after you and see you on your way. You really are on your own and there is such a thing as over-doing it.

Bill No. 3 (Section 5)

Mr. McKinnon: I don't think it is over-doing it at all. I don't see that people are going to get overly drunk sitting in a beer parlour any more than sitting in a cocktail bar. These people are all over 21 and I see no reason why we should take them under our wing and walk them home. It's all a lot of nonsense to continue with this.

Chairman: Any further comments? It has been moved by Mr. Taylor and seconded Mr. McKinnon that Section 5 be amended to provide additional hours of opening at New Years as outlined in the amended draft before us.

The Motion was Carried with Mr. Boyd recording a Contrary vote.

Motion Carried.

Mr. Taylor: I suspect, Mr. Chairman, that the matter of the typographical error in sub-section (c) will be picked up when the amendment is prepared for the final draft?

Chairman: See that's done Mr. Clerk.

Mr. Clerk: Yes, Mr. Chairman.

Chairman: Gentlemen, do we have any further need for Mr. Vars? Mr. Thompson, you have something you wish to ....

Mr. Thompson: Yes, Mr. Chairman, I have one question I would like to ask Mr. Vars. In an organisation such as he is running that is contributing substantially to the economy of the Yukon, why it is that in the space of eight months just passed, there have been numerous occasions when a particular brand of liquor has been unavailable? I have heard this from many and varied sources. I have been aware of this myself and it seems to me that there must be something radically wrong with our organisation when such a situation as this exists. I wonder if Mr. Vars would care to comment.

Mr. Vars: There aren't too many answers available. Some brands sell much faster than others. There was a period in the early part of the season when I was away sick and the staff carried on to the best of their ability. Prior to that there was the problem of the general strike in Vancouver, which affected pretty well all types of beer used here. Also t[illegible] two boats out of Vancouver which we missed which could account for the short supply in some labels. I would be happy to look into this further if you would give me a list of names and brands this involves.

Chairman: Does this answer your question, Mr. Thompson?

Mr. Thompson: I will accept the statements of Mr. Vars. It would appear to me, nevertheless, that there is room for improvement. I feel that the Government is making a fair return on their investment and I also feel that the individual is entitled to the particular brand of his choice. We are not dealing with a perishable product and I don't feel space is at this much of a premium. I will

very definitely make a point of giving to you, in writing, the various complaints that I have received. You have probably received many yourself or at least you are aware of them. As I said, I am firmly convinced that this is a situation that should be eleviated for the good of the Territory as a whole.

Mr. Vars: Quite rightly so but you must consider that in some instances, we are at the last end of the trade road and anything that we have coming from Eastern Canada could conceivably take six weeks one time, two months or more the next. Depends on the facilities available coming from Canada and whether we arrive in due time to catch the boat out of Vancouver. We are still interested in shipping in the cheapest possible way into the Territory. To do this, we must realise that the water rates are essential and we can miss a boat by one day sailing out of Vancouver.

Mr. Thompson: Mr. Chairman, I have made myself adamantly clear. I still feel that it's a matter of administration and I feel that you and your staff have been in the business long enough to know how to operate it. I don't intend to make this an issue, or a point but I feel that if these problems are inherent at all time then necessary steps should be taken to correct them and I hope that you will.

Mr. Boyd: I would like to ask Mr. Vars if we are now stocking wines of the satisfaction of these different dining rooms and so on? At one time I was given a list of at least twelve wines that they would have liked to buy but were unable to. They were told that it would be looked into. Are they now getting all the wines asked for?

Mr. Vars: To the best of my knowledge, yes. There is one specific outfit interested in some American wines which we are trying to obtain. I understand that consideration is being given to this.

Mr. Boyd: You are actually saying that you have upgraded your stock of wines considerably, variety wise?

Mr. Vars: Yes, but you must remember that we did carry a lot of the wines these people were asking for; but not necessarily in smaller sizes. Some of them were imported wines and had they approached us at the normal time we would have got them. However, we have them on order now and are coming in. To the best of my knowledge they are happy. I know of no one who is dissatisfied with the type of wines they are getting.

Mr. Shaw: I would like to direct this to Mr. Vars. If people were short of this or short of that, would it be by reason that you were only allowed to carry a certain quantity of stock or are you unlimited within reason as to the amount of stock you can carry?

Mr. Vars: No, we are limited to the amount of stock we can carry. Our figure, I think, is $350,000.

Mr. Shaw: Does this, in any way, this $350,000, is that inadequate for the stock you need to carry to provide the service?

Mr. Vars: No, I think not! There is the problem whereby

brands will exceed all expected sales. However, we are never out of any one brand which sells for a specific price. We probably have five brands in the same price category that are available.

Mr. Boyd: I should like to ask Mr. Vars. He says that they carry a stock of $350,000. Is this the retail or is this your cost?

Mr. Vars: No, I don't think I said that we carried stock of $350,000. We are allowed $350,000 for purchases.

Mr. Boyd: Well, what stock do you carry and are you basing your $350,000 on retail or cost? Are you faced with the problem whereby you cannot order adequate stocks?

Mr. Vars: Not really, no. We are limited to the amount of any one particular item that you can bring in. You can't have all your money in one particular commodity. We have beer, liquers, wines.

Mr. Boyd: Are you basing your $350,000 on cost or retail sale?

Mr. Vars: Cost and the destination.

Chairman: Did that answer your question, Mr. Boyd?

Mr. Boyd: Oh, yes and no.

Mr. Thompson: Mr. Vars, you didn't answer Mr. Boyd in so far as the inventory amount was concerned. You said $350,000 but what does your inventory usually run?

Mr. Vars: Around $300,000. I have to verify it. Fluctuates from month to month.

Mr. Boyd: Draft beer wouldn't be considered in that inventory in any way would it?

Mr. Vars: No, Sir.

Chairman: Any further questions?

Mr. Boyd: Yes, one more and I won't ask any more. How long has the $350,000 figure been set? Has this been cut in lieu of increased business recently or has it been $350,000 for quite some time?

Mr. Vars: I think three years but I would like to check before making a positive statement.

Mr. Taylor: Mr. Chairman, I had a question. Why do we pay Marine Insurance? Is this not the responsibility of the carrier?

Mr. Vars: My understanding is that the goods are the responsibility of the Consignee after leaving the port of embarkation. The only claim on the Carrier is in the event of shortage or damage.

Mr. Taylor: Since container loading came into being, are we suffering the amounts of pilferage that we used to suffer? Are we suffering any pilferage now?

Mr. Vars: Which containerising are you speaking of? The recently and newly established large container or the original container? It is an expected fact that there is pilferage in all lines of merchandise coming into the country but is has probably been cut considerably by the use of containers. Possible that a lot of pilfering went on during unloading at Skagway prior to the use of containers.

Mr. Thompson: I don't know whether this is proper or not at this time but will we have an opportunity to discuss Mr. Vars' department at some other time or is this the time to go into this. There are several items. Is this going to be a part of the budget? It doesn't show on my supplementary estimates in any way.

Mr. Vars: It is my understanding from the Territorial's Treasurer that the budget will come up at a separate meeting other than this Bill.

Mr. Thompson: Fine, the day will come!

The Chairman thanked Mr. Vars for attending the Meeting and he was excused.

Chairman: What are your wishes at this time, gentlemen?

Mr. Shaw: Well, Mr. Chairman, I think somebody mentioned something about going to some of these Motions and Legal Adviser having different amendments to Bills. Maybe he would like to get away to do that and we can go over some of these Motions.

Chairman: Do we require Legal Adviser for anything further, gentlemen?

Mr. Boyd: No, I think that seeing it's 4 o'clock, we can go on to Motions, and get along without Legal Adviser for the rest of the day.

Legal Adviser was excused and Chairman called a recess.

The Meeting reconvened and Mr. J.B. Fitzgerald from the Games Department was present.

Motion No. 12

Chairman: We will discuss Motion No. 12 - re Trapping. It has been moved by Mr. McKinnon and seconded Mr. Watt that the Administration take every possible step to open all or part of the game sanctuary for native Indian trapping.

Mr. McKinnon: Yes, Mr. Chairman. This was a very small request I felt and mainly interested in extending the trapping grounds for the native Indian on the basis of bringing a few squirrels out of there and possibly rooting out a few wolves. The intention of the Motion was to discuss this with the Games Department and hear their views and I think that is the reason why Mr. Fitzgerald is here. I also might mention that we got a letter from the Yukon Fish and Games Association today and am very pleased to note that they have the same feeling as I have that this would be under direct supervision of the Games Department.

Mr. Boyd: I wonder if Mr. McKinnon can clarify himself? Do they agree with your Motion or are they against your Motion?

Mr. McKinnon: Mr. Boyd, I believe that they more or less agree which is the way I interpret it. They didn't have our Motion or a copy of it. The essence of their Motion is the same as the essence of Motion No. 12. Motion No. 12

Mr. Boyd: May I quote from the letter that Mr. McKinnon is talking about.

"The Motion passed at our meeting reads as follows:-

> 'The Yukon Games and Fishing Association go on record as being opposed to the granting of trapping and hunting in any games sanctuary in the Yukon Territory unless any removal of game is done under the direction of the Territorial Games Department'".

Mr. McKinnon: That's exactly the point, Mr. Boyd.

Chairman: Mr. Fitzgerald, would you like to comment on this?

Mr. Fitzgerald: Yes, Sir. Back in 1959/60 I think since I came into the Games Department, we had in 1960/61 eight trappers in two or three areas up the highway say 1155/1165 and about 3 or 4 miles deep in the rat area in there. There was another area beyond that up against Swede Creek and these areas were checked out and found to contain a lot of pushups and so on and so forth but not the type of feed found in muskrat areas outside. These areas were let open and in 1960/61 eight trappers took 1439 rabbits and in the following year we had 16 trappers but in 1962/63 we only had 3 trappers in there: that was all that showed up and showed any interest. In 1963/64 we had 8 trappers in there and at that time some of them, in the middle of the operation, took off and went back to their own registered trap lines. When we first heard of it, there was a bunch of women trappers there then later on it was opened to Indians from Snag and Aishihik. At the time, these rats were of a very poor quality. They were of different colours. We let them take 862 rats in 1963/64 and it pretty well cleaned out the population, thinking that when it comes back, we would have a better type of rat for the trapper and we would make more money. Now there is going to be a survey within the next week and a half in the same areas again. Now there is an additional area in the Haines if it works out and shows a population of rat there, we will probably try to handle it in the same manner as we have handled the present areas. Trappers entered into this situation enthusiastically at first and interest dropped off when they couldn't get in there and they had registered trap lines of their own. I may have mentioned the wolf situation in the sanctuary - wolves are very necessary because this is one part of the Territory at the moment and we hope and unfortunately we have our most predominant predator with us - the two-legged one. The wolves are playing a very important part of the sanctuary. All predators are. This is one part of the sanctuary in the Territory where it is being balanced off by nature and if you can get there on foot, in some places you will see where predators are killing off game but I think that this is a natural thing. Now, why these rats produced and grew to such large numbers I don't know. This more or less suggests to me the lack of rat predators. However, we are ready if the population is sufficient there for rats and so on to go along with this controlled trapping situation as we have in the past, under our supervision and

Motion No. 12

control. This is my opinion; we don't feel that we would like to throw it open. For if we throw it open to the native trappers we would have to consider the white trappers too and I know that most of the people have registered trapping areas up there. We try to do the best we can to see that the native trappers are looked after. In most cases, they have first choice of the trapping lines. They have approximately 436 traplines in the Yukon area.

Mr. McKinnon: Yes, Mr. Chairman. Mr. Fitzgerald, the intent was to have it under the direct supervision of your Department and now, I would like to hear if you have any comments to make on squirrel trapping?

Mr. Fitzgerald: There is going to be a lot of game kicking around there just now. To get the squirrels, I think it would be best to be in there pretty soon, even right now. Muskrat trapping takes place a little later on. I think that maybe when making that survey on muskrat and so on we can check on the squirrels too and take everything into consideration.

Mr. McKinnon: Mr. Chairman, I would like to thank Mr. Fitzgerald and I think that this pretty well meets with the request of the Motion. Thank you.

Mr. Shaw: I am very happy to feel that we do have a Games Management which allows these people to go in. I wasn't aware that anyone can go in there at all. I am very happy to hear how this is being managed to keep the balance of nature more or less. However, we do have a matter in this Motion. Mr. McKinnon is satisfied with the Games Department's attitude, with regard to game management but if that is the case, then of course he would be satisfied with it and would have to vote against this particular Motion, as it puts in a different policy entirely to what he is satisfied with at the present moment.

Mr. McKinnon: Mr. Chairman, I can't see Mr. Shaw's point. It is respectfully requesting that the Administration take every possible step to open all or parts of the game sanctuary for native Indians. Mr. Fitzgerald has said that the native Indian does have priority and that they are going to do everything possible to find out when this trapping will be available, if it is.

Amendment to Motion No. 12

Mr. Boyd: Mr. Chairman, I wonder if Mr. McKinnon would be agreeable to a change of wording of his Motion to read:

"under the control of the Games Department".

The Motion as it stands is simply wide open with no control whatsoever and I think that this should be put in there.

Chairman: Mr. Boyd, doesn't Mr. Watt have to be here to agree to the change of the wording?

Mr. McKinnon: Yes, I'm in full agreement with Mr. Boyd's proposal but the seconder, Mr. Watt, is not present. I don't know what steps should be taken from here.

Mr. Shaw: I would like to state that the seconder doesn't have to be here to make an amendment. I should also like to state that the mover of a Motion is not permitted, under our Rules, to make an amendment, it requires someone else.

Mr. Boyd: Mr. Chairman, I would like to make an amendment to this Motion that after the word "trapping" the words "under direct control of our Games Department" be added.

Amendment to Motion No. 12.

Seconded Mr. Shaw.

Mr. Fitzgerald: Mr. Chairman, could I say another word or two here. All the snow-shoe walking and cruising in the Park is not completely done by myself. I should have mentioned in the beginning that we get the fullest co-operation from the Indian Department concerning this type of thing. There is a man sitting in the gallery now, Mr. McIntosh, who is vitally concerned with this. Because he is experienced in this type of thing. We have insufficient personnel in our Department to get out and cover this and we have to depend on the assistance of these people to a great deal and between the two of us while looking at the situation we should come up with a reasonable answer. I just wanted to mention this. When you mention "direct control of our Department" this is being rather astringent. I thought probably that we could delegate this control to representatives of the Indian Department. Some person appointed by them. We can't be right there all the time.

Mr. Shaw: I would submit, that Mr. Fitzgerald could call in any adviser he wants, any department but he is responsible, his Department is responsible for saying when they do this or do something else, in conjunction with what the Department considers is good management, the Department in charge that is.

Mr. Taylor: Mr. Chairman, I am wondering why we just don't remove this sanctuary: it's a National Parks Reserve. Also remove it as a games sanctuary because when you allow game to be trapped and killed, it ceases to be a sanctuary. I'm quite amenable to having it removed completely. We are going to have to make a few changes to the Ordinance to provide for it because the Ordinance states under part 8 Games Sanctuaries and Reserves that except as provided in section 38:

"No person shall hunt game in a game sanctuary.

3. No person except a game guardian or the holder of a scientific licence shall have in his possession in a game sanctuary any firearm or trap of any description unless it has been sealed by a game guardian in such a way as to render it inoperative and every provision is to be made to keep the sanctuary as a sanctuary".

As I said, if you are going to keep this principle, this is what it is set up to do. To protect game in the area - where game can abound without being slaughtered. If you are going to open this up to trappers, that's fine too but you should lift this as a games sanctuary because it is going to cease to be a games sanctuary.

Mr. Shaw: This is an entirely different subject. We are talking about games management, and not throwing everything wide open. If you throw, it wide open, then it's open to everything and everybody and away we go. It would appear to me that though, the Ordinance has been read out, there could possibly be some extenuating circumstances which permitted the trapping of muskrats in there, in the past.

Amendment to Motion No. 12

Mr. Fitzgerald: Mr. Chairman, I think that you will find that the section Mr. Taylor has just read has been amended. Anyone can carry a rifle in their hands for protection.

Mr. Taylor: I would like to ask Mr. Fitzgerald under what powers or Ordinances are in effect at the moment which permit these people to trap in a sanctuary? What Ordinances are they covered by now:

Mr. Fitzgerald: I think it is section 79. I am just wondering if section 79 sub-section (i) may cover that.

Mr. Thompson: Just wondering if it is (i) or (f). I would say that we don't have a games sanctuary with those kind of Ordinances.

Chairman: Are there any further questions, gentlemen, before I read the Motion?

Mr. Thompson: I would like to ask Mr. Fitzgerald one other question. He said that in this sanctuary, two-legged predators were fairly obvious too. Is this prevalent and if so, to what extent?

Mr. Fitzgerald: I don't know to what extent, Mr. Thompson but I do know that it is prevalent. You can see where game had been dragged out of the sanctuary or down to where it could be handled by a vehicle. We found two big rams with the head and hind quarters removed: fully matured animals and as far as I was concerned they were pulled down in another area. I think that it's an ideal site for a games sanctuary. If you look at it on a map it's taking up a very small part of the Territory. Over half of it is glacier. The game, contrary to some sanctuaries, does not get out of the country into B.C. or Alaska. It can't and I think that it is an ideal situation for a sanctuary, but it needs more attention. I think that there should be more attention paid to the boundaries of the sanctuary.

Mr. Thompson: Mr. Chairman, further to that question, evidently there are some people who are poaching as it were illegally. Can I ask how many convictions were brought about say in the last year or two years, say?

Mr. Fitzgerald: Well, we were pretty close to convictions on one or two occasions. That is all I can say about that, Mr. Thompson. I don't think there have been many people back again but we didn't get enough evidence to get them into Court. Mind you, I think that some of this damage is caused by people travelling through the country. I wouldn't say that it was all local. Foreign cars have been noticed right on that highway with people shooting. Someone had to come along and tell them to put their rifles away.

Mr. McKinnon: Then, Mr. Fitzgerald, do you think that if there were some responsible trappers in the area, might cut down on poaching?

Mr. Fitzgerald: No, I don't think so Mr. McKinnon. Until you put pressure on the trapper you are not going to get any information from him, except business as to what he has trapped and so on. Where most of the offences are committeed, it is mostly not a good trapping area. Most of

it. If I may refer, Mr. Chairman, to this section (i) and if you read further, Mr. Thompson, you will see where:

Amendment to Motion No. 12

"supervision of game with regard to hunt game at any time in any part of the Territory under any method deemed necessary by the Commissioner to carry out and experiment an investigation in connection with the conservation, development and so on".

Mr. Shaw: Mr. Chairman, I am not too acquainted with that country. I wonder if Mr. Fitzgerald could elaborate. Visitors shooting off guns on the highway. When they enter this particular reserve, are there any signs to indicate that this is a games reserve and so on?

Mr. Fitzgerald: Mr. Chairman, the ideal situation would be to have every gun sealed before going into the sanctuary. Wasn't very long ago when every visitor to the Territory had to keep his rifle and shotgun securely stored in the vehicle, aeroplane, etc. Notices to this had been posted all through the Territory. Now the sanctuary itself is covered by signs of a temporary nature, stuck up all around the place but I have had complaints from residents that this is not good enough. They want the big and obvious signs in the places where you can see them from the highway. I have asked for permission to construct some signs similar to those used by Tourist for publicity and thus have our sanctuary well designated.

Mr. Shaw: Mr. Chairman, that is what I am thinking about. Unless there are adequate signs people are unaware of it and the fact that they are not allowed to shoot guns and so forth in a games sanctuary. Particularly worst in a games sanctuary in view of the fact that the game in that area might feel protected and thus be a little more bold than game in other areas. I hope that Mr. Fitzgerald does have provisions in his estimates for putting up adequate signs. Signs so that when people come to the Territory they can see something that is worth while looking at. I think that the signs utilised by the Tourist for publicity would be just right at both ends of this sanctuary.

Mr. Boyd: I am just wondering whether the Motion as amended has any meaning. We are already doing exactly what the Motion asked for.

Mr. Taylor: I still want to say that game sanctuaries were created for the sanctuary of game as such and Legislation was provided to make this into being. I, of course, am a great exponent of the optimum use of resources but I think that in this particular case I can't agree. I say, either remove the games sanctuary as such or keep it as a games sanctuary. You've, got to do one or the other and I don't think that infrigement on game in that particular area is a good thing at this time. There are certainly a lot of people who are concerned about this: more notably the people referred to as the Yukon Fishing and Games Association. I know that they, as a conservationist group have often voiced strong protest with respect to this particular area. I know that as sure as the Devil, if you open this up for trapping you are in for another conflict and controversy Territory-wide that I think should be avoided at all costs. And it is for this reason that I would have to vote in opposition to the Motion.

Amendment to Motion No. 12

Mr. Thompson: Well, Mr. Chairman, we have been, waiting, for several sessions for proposed changes to the Games Ordinance and I am wondering if Mr. Fitzgerald has anything along these lines to concur with the Motion that Mr. McKinnon has proposed. It seems in the Ordinance that this is superfluous. We have already got it! They are going in under supervision now to a certain extent and it's a case of just continuing this procedure. I don't feel that the passing of this Motion is going to give them anymore, amended or otherwise, because I don't think that it will pass if it's not amended and if it's amended then you've already made provision for it in the Ordinance. Are there any suggested changes in your Ordinance that are coming up shortly?

Mr. Fitzgerald: You mean covering the boundaries of the sanctuary?

Mr. Thompson: Yes.

Mr. Fitzgerald: Mr. Chairman, I feel that the areas concerned in the sanctuary are not ideal. Not ideal trapping areas. Most of the people who go out, the trappers, have registered trap lines.

Mr. Thompson: Mr. Chairman, then, on a point of privilege, why, are we allowing them in? If they already have trap lines and it isn't a recognised area then I see no point at all in letting them in.

Mr. Fitzgerald: Mr. Chairman, I can't see a bunch of trappers getting together and just ask, to go and trap in a certain area. There was an abundance of muskrat in this area and the trappers concerned knew this and thought they could make use of it. The Indian Department thought so as well and the situation was placed before the Commissioner and he went along with it.

Mr. Taylor: Mr. Chairman, another point too is that if you trap off these muskrats in order to upgrade the fur in the area on a controlled basis, I think this is fine. But I believe you stated that you want to give them a chance to build up again and this would be another consideration in defeating this Motion.

Mr. McKinnon: I don't see why we should defeat the Motion. It is only a request to be summarised by the Games Controller and I don't feel that we are asking for very much. Mr. Fitzgerald doesn't see fit. There is no traffic. So, it is just a simple request.

Mr. Shaw: Mr. Chairman, I'm supporting this Motion to be amended. I didn't go for the first one but I support the second one and I support it because it is exactly the same policy being followed now under the Games Management. There comes a time, same as lakes, when they must be clean. To have gone against the original Motion, it may appear that I didn't approve of the Department's Games Management policy. I feel that this doesn't actually make any difference as it is now and, and my opinion is that it is Games Management. If they feel that something is required to disseminate the population, they are getting diseased or whatever happens in these cases, then they can just go ahead.

Mr. Thompson: Mr. Chairman, they have already got this far, why pursue it. They can go in there now and do anything that this Motion says. The Motion says that he wants to open all or part of the games sanctuary for Indian trappers. He doesn't say, squirrel, he doesn't say mink, he doesn't say beaver, he doesn't say rat, he says all trapping.

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Mr. Shaw: That is quite correct: and I go against the Motion. In other words I don't think that they are doing right. It is somewhat ambiguous any way you look at it. I'll admit that. I'll admit that very much. I am quite satisfied with the policy that is going and if that goes or doesn't go but doesn't change the policy, it's all right with me.

Mr. McKinnon: I did mention the type of animal that we were concerned with and one was squirrels. Mr. Fitzgerald has made his comments with regard to squirrels.

Mr. Boyd: As has been pointed out before, the Motion as amended really adds nothing and means nothing. I would like to suggest that Mr. McKinnon should withdraw his Motion, I will withdraw the amendment and he will have exactly what he claims he has even though it isn't written as such but he knows exactly what he claims he is asking for. Would you prefer that, Mr. McKinnon?

Mr. Taylor: Mr. Chairman, that idea is sound but the Motion cannot be withdrawn because the seconder of the Motion is not present in Council.

Mr. McKinnon: Mr. Chairman, I will not withdraw.

Chairman: It has been moved by Mr. Boyd and seconded Mr. Shaw that Motion No. 12 be amended to include the following:

"under direct control of our game department".

There were three votes "For" the Amendment and two "Contrary" votes.

The Amendment to the Motion was Carried.

Mr. Shaw: Mr. Chairman, this makes it awkward for now I shall have to vote "Against" the Motion.

Chairman read the amended Motion which read as follows:

"It is respectfully requested that the Administration take every possible step to open all or parts of the game sanctuary for native Indian trapping under the direct control of our Games Department".

There were three votes "For" the Motion. Messrs. Taylor and Thompson recorded "Contrary" votes.

Mr. Boyd: Mr. Chairman, I wonder if I might draw your attention to the time and at the same time suggest that we carry on tomorrow and excuse Mr. Fitzgerald now.

The Committee agreed and Mr. Fitzgerald was excused.

Mr. Boyd: I would move that Mr. Speaker do now resume the Chair and hear the report of Committee. Seconded Mr. McKinnon.

Mr. Speaker: Well, gentlemen, you have all heard the report from Chairman of Committee, are you all agreed?

All: Agreed.

Mr. Speaker: Well, gentlemen, I believe that we have the matter of tomorrow's Agenda to discuss.

Mr. Southam: Mr. Speaker, I would propose at this time that something should be done whereby we can pay our respects to the departed Bishop and probably attend the funeral as a body or whatever the Council wishes. Also discuss Motions, Bills, Sessional Papers, etc., when it comes up before us.

Mr. Speaker: Thank you, Mr. Southam. I believe the funeral for the late Bishop is at 10 o'clock a.m. It would be nice if we could attend in a group if that is acceptable to Council?

All: Agreed.

Mr. Speaker: That will take care of the morning's business. Your suggestion Mr. Southam is that we go to Motions, Bills, and Sessional Papers for the afternoon.

All: Agreed.

Mr. Speaker: Any further proposals, gentlemen?

There being no further proposals Mr. Boyd moved that Council adjourn 'til 10 o'clock a.m. Tuesday, November 23, 1965.

All: Agreed.

Tuesday 23rd November 1965
2.00 o'clock pm

With Mr. Speaker in the Chair and all Members present
Council convened at 2.00 pm

Mr. Speaker: I would like to welcome Councillor Watt back to his seat this afternoon. Before we have the Clerk read the correspondence I have for tabling a letter from Mr. John O. Livesey which I think you have a copy and which is rather long to read and therefore you can read it at your leisure. Have we any correspondence Mr. Clerk?

Mr. Clerk: Do you wish this letter from Mr Livesey to be part of the Council journals?

Mr. Speaker: Yes. What is your pleasure in respect of this matter? Do you move that it be taken?

Mr. Taylor: I would suggest that any documents that are addressed to the Commissioner on taking representation should form part of the journal.

Mr. Speaker: Is that agreed?

Council: Agreed

Mr. Speaker: Are there any contrary?

Mr. MacKinnon: I think it would be very foolish. I I don't think that the one from the Yukon Fish and Game Association was tabled in this manner and I don't see why this one should be.

Mr. Speaker: This was a letter addressed to the Speaker and members of Council and I feel it is my duty to bring it before Council who can accept the tabling or reject it. This is up to Council. Perhaps I am at somewhat of a loss to know the exact proceedure in the matter of letters such as this but it would appear to me that Council themselves could deal with it in the way they saw fit, so it may be necessary to have a motion in relation to how we proceed with this particular letter. Have we a motion?

Mr. Boyd: I would move that the letter from Mr. Livesey addressed to the Speaker be tabled.

Moved that letter from Mr. Livesey be tabled

Mr. Taylor: I second that.

Mr. Speaker: It has been moved by Councillor Boyd and seconded by Councillor Taylor that the letter from Mr. Livesey be tabled. Are you ready for the question?

Council: Question.

Mr. Speaker: Are you agreed with the motion?

Council : Agreed

Mr. Speaker : Are there any contrary? The motion is carried. Would you proceed with the correspondence Mr. Clerk?

Motion carried

Correspondence re: Question 9

Mr. Clerk: Yes Mr. Speaker. The first is a memorandum dated November 19th on Question #9 which was 'Why is tender for extension of south access road to second avenue not called?' The answer is: ' This matter was discussed with the City Clerk on November 2nd, 1965 and I was informed that the call for tenders could not be made until negotiations for the acquisition of one acre of land from White Pass are completed and the two squatters, located on the proposed road right-of-way, have been removed.

The proposed road right-of-way lies in part on that area of South Whiskey Flats which is held under lease, from White Pass, by Taylor and Drury Limited. There are also squatters' houses on this portion of the proposed right-of-way.'

No. 34 re: Motion #15

There is another memorandum on Motion No. 15, Cemesto Houses, dated November 22nd 1965 'that in the opinion of Council "Cemesto Houses" which are being made available to the public for pucchase be specifically designated by name, and not be allowed to be moved into Territorial subdivisions in the vicinity of Whitehorse. It is recommended that the administration make the necessary amendment to the Area Development Regulations forthwith.

'Amendments to the Area Development Regulations have been prepared and attached is a copy of the Regulations drafted for the Porter Creek area. Regulations for Crestview and Canyon Crescent will be the same except for point of detail.

'I shall be glad to know that this implementation of Council's Motion is satisfactory.

'In order to avoid confusion the orders are being issued forthwith, but if they do not enjoy the support of Council they can be rescinded.'

re: Motion #16

And another memorandum dated November 22nd on Motion No. 16 - Correction Program 'That it is the opinion of Council that a new Territorial Department be formed to administrate to the corrections program, same to function independently of any other Department of Administration.

'It is the feeling of this Administration that a new Territorial Department should be formed to administer the corrections program and the above Motion of Council in support of this thinking is very much appreciated.'

That is the end of the correspondence, Mr. Speaker.

Mr. Speaker: Thank you Mr. Clerk

Mr. Clerk: I have submitted to Council also the retype of the Liquor Ordinance showing all the amendments that have been made and also there is a new Bill #6 - an Ordinance to Amend the Garnishee Ordinance, which incorporates several new sections that we are just submitting now, so this will take the place of Bill #6 in the folders at present.

Mr. Speaker: Are there any notices of motion and resolution?

Mr. MacKinnon: I beg leave to give notice of Motion re commercial fishing.

Notice of Motion re Commercial Fishing

Mr. Speaker: Are there any further motions? If not we will proceed to notice of motion for the production of papers. Are there any notices of motion for the production of papers?

Mr. Taylor: I note that the motion of production of papers in respect of agricultural papers has been lifted and we have not yet received those reports. Possibly it is just an error?

Mr. Speaker: We have missed them for quite some time, since November 18th. Would you take notice of that Mr. Clerk?

Mr. Clerk: I took it off the order paper because the reply had been given to Council stating that the reports would be forwarded to Councillors when they were received some time ago and I assumed that was all that was necessary at the time.

Mr. Speaker: Does that satisfy your question, Mr. Taylor?

Mr. Taylor: These have been coming for about three sessions; this is why I noted it so that it's on the order paper. One must not forget to ask about it now and then.

Mr. Watt: I would beg leave to go back to the end of the daily routine. I have a matter which I consider of public importance which I would like to discuss. In a case like this I think I give you a copy of what the matter is, then if two members rise it can be discussed. The matter is the resignation of the member from Whitehorse West.

Notice of Intent re Resignation of Member from Whitehorse West

Mr. Speaker: Thank you Mr. Watt. You wish to say something?

Mr. Watt: I think it is allowed if two or more members say it is allowed.

Mr. Speaker: Is that agreed?

Council: Agreed

Mr. Speaker: Proceed Mr. Watt

Mr. Watt: I will give you a copy of the notice of intent and I will read it out. First of all I would like to apologise for not having joined Council this morning at the service. I didn't think it was right under the circumstances. Yesterday I attended in the gallery and I understand that normally in a situation such as this concerning the conduct of a member a statement is requested from the member; he retires and it is considered. Yesterday I was here and the Council saw fit not to consider a statement, which is fine, today we are not considering a statement, we are not considering a resignation, you have a resignation. This was addressed, I think properly, Notice of Intent to Resign to Mr. Speaker. It is with regret that I hand in my resignation. I violently object to what I sincerely believe was a deliberate intent by the Administration to violate Council's rights and rules in an attempt to coerce the territorial

Council into extending police powers; I further object to Council's agreement to a Chairman's ruling that the Administration's conduct be not discussed before this House. By returning to my seat I would be sanctioning both the violation of the rules of the House and also the denial of my rights as a Councillor to speak concerning the conduct of the House. Under these circumstances I feel I am unable to adequately represent the district of Whitehorse West. I respectfully request Mr. Speaker that you immediately request a bye-election for the Whitehorse West constituency so the people of that area are without representation for the least possible length of time. Mr. Speaker, I say these words and I do this without hard feeling towards anybody. What has gone has gone and two months from now I will be taking my territorial problems to my territorial councillor. Thank You.

Mr. Speaker: Thank you Mr. Watt.

Recess

Mr. Watt then retired and Mr. Speaker declared a recess of ten minutes

Mr. Speaker: I now call this Council to order and we will proceed with the business on hand.

Motion re: Vacancy in the House

Mr. Taylor: I would move that in view of the vacant seat which now exists in the House Mr. Speaker do forthwith contact the Commissioner of the Yukon Territory and advise him of this vacancy in order that he may proceed with the issuance of a writ.

Mr. Boyd: I will second the motion Mr. Speaker.

Mr. Speaker: It has been moved by Mr. Taylor and seconded by Mr. Boyd that in view of the vacant seat which now exists in the House Mr. Speaker do forthwith contact the Commissioner of the Yukon Territory and advise him of this vacancy in order that he may proceed with the issuance of a writ of election. Are you ready for the question?

Council: Question

Mr. Speaker: Are you agreed with the motion

Council: Agreed

Motion Carried

Mr. Speaker : The motion is carried. I notice in this motion it says forthwith and this of course means right at the present moment, so is it the intention to attend to this matter right away or to proceed with the orders of the day?

Mr. Taylor: In view of the urgency of the matter I would suggest that this be attended to at this time Mr. Speaker

Mr. Speaker: Are you agreed

Council: Agreed

Recess

Mr. Speaker: Are there any contraries? Council now stands adjourned for a period of ten minutes.

Mr. Speaker: I will now call the Council to order and proceed under the headings of Motions. The first motion we have is Mr. Boyd, #19 relative to Musk Ox. Motion #19 re Musk Ox

Mr. Boyd: This is a real new subject for Council I must admit. The motion is moved by myself and seconded by Mr. Thompson 'That Administration consider the feasibility of transfering Musk Ox from N.W.T. to Yukon.' Now the reason I drag this up is because on reading the Votes and Proceedings of the N.W.T Council I see that they are suggesting that they have an open season of some kind on musk ox inasmuch as they appear to be multiplying at quite a considerable rate. There are no musk ox whatever in the Yukon; I don't know why there are none or if there ever were any. I think it would be an added feature if we could consider the feasibility and if it is possible it might be a successful deal in the long run. It would certainly be worth while from a publicity point of view as far as game is concerned for the Yukon. The motion is asking only to consider the feasibility and I would like to see the support of Council in this respect.

Mr. Thompson: I seconded this motion before Mr. MacKinnon got through that trapping motion yesterday and games sanctuaries, so I am hoping Mr. Boyd does not have a game santuary in mind for these but I can see no harm in looking into the feasibility of the suggestion and if it is practical, by all means. I feel anything in this way would be beneficial not only for the Yukon but for Canada as a whole.

Mr, Taylor : I am as much in the dark about this as I am sure the other members are and I feel that it would be interesting to get some information in relation to this and in view of the fact that the motion does suggest this I will support it.

Mr. Speaker: Are you ready for the question?

Council: Question

Mr. Speaker: Are you agreed with the motion

Council: Agreed

Mr. Speaker: Are there any contraries? The motion is aarried. The next item is Mr. Taylor's Motion #20 re CBC. Motion #19 carried

Mr. Taylor: This is Motion #20 moved by me and seconded by Mr. Thompson 'That the Administration is respectfully requested to contact the Canadian Broadcasting Corporation in Ottawa, requesting that a senior official or officials attend the session now assembled to discuss problems related to radio and television services for the Yukon Territory.' Mr. Speaker, during the past several sessions from time to time motions have been put forth by members respecting the good offices of the CBC and the operation and functions that they perform, and also in relation to services which they provide. There have been many many representations in relation to radio broadcasting and certainly more recently many thoughts and opinions and representations with respect to television services. The motion would ask that a senior official or officials attend the session now to discuss these problems. We are working Motion #20 re CBC

at a distance of four thousand miles by correspondence and this has proved fruitless. I am led to believe that the CBC do have a special services branch who could give us information related to our Yukon problems and I suggest that the matter is of sufficient importance to the people of the Yukon in that for information, education and communication the CBC is all we really have. I feel that the CBC would no doubt comply with this request and send somebody up to discuss these matters with us. I would also refer members of Council to the questions raised in the House on Friday with the Administration in which they thought that this matter was a good idea. Consequently I would ask for the support of all members of Council in respect of this motion and possibly we may move on with the matter.

Mr. Speaker: Any further discussion on the motion?

Mr. Thompson: As seconder of the motion I wholeheartedly agree with anything that we can do to improve the communications system for the Yukon, and I am also of the opinion that until such time as we can find the clue to the person who knows how to proceed along these lines and get the results and the answers we are just beating our heads against a wall. I feel that if we can talk to somebody who can get on-the-spot feelings, not only of ourselves but of the whole territory, we would be in a much more capable position to get some reaction and action from the Administration in Ottawa. For this reason I wholeheartedly concur with this motion.

Mr. Boyd: It would be very easy for Ottawa to say that it is not convenient at this time, which may well end this motion, so I am wondering if possibly we request rather that the people you mention in the motion arrange to visit Whitehorse and that we appoint say three Councillors to deal with them and discuss our problems as you see them. Then I think there would be a much better chance of these fellows being in Whitehorse at some later date but I think trying to nail them down to come here on the spur of the moment might be a means of having them say it was not possible.

Mr. Speaker: Is there any further discussion on this motion?

Mr. MacKinnon: I believe the motion is a very good one and I cannot see any harm in making this request. I think it is something we should not continually stay away from. If we can help the people to get these few things I am all in favour of doing it.

Mr. Southam: I agree with the motion. I also agree with Councillor Boyd. I think that, if it's not possible for these people to come to this particular session, we should leave a note whereby they could come up and see somebody here, not necessarily myself but Councillors in Whitehorse who could meet with them and give them our views on the matter. I for one certainly think that radio or television is a thing that is really needed in the north and I don't know how you are going to get it any better than try to get somebody up here but, as Mr. Boyd says, you may not be able to get them at this particular time but we should leave some way where we could contact them if they get up at a later date.

Mr. Taylor: On closing on this motion I might point out that problems in relation to the CBC services as they are now provided in the north and as it is desired they should be are very wide and varied and I feel that this is a matter that should be attended to by all members rather than a select committee. I am sure that each member in his own area, more so in the outlying areas, do have many problems not experienced in a more urban centre and this is why I feel that these gentlemen should come to this Council table. It has been a bone of contention for many years and it was unfortunate that while we were in Ottawa this Spring due to the illness of the director of the northern services of the CBC we were unable to meet with him but it seems to me that there would be no difficulty in these people coming here from Ottawa. As I recall they spend many millions of tax dollars every year in the course of their duties and certainly the few hundred dollars it would cost to send them up here would not be too burdensome on the CBC. I am sure they do have a big interest in the Yukon and I think that they should be called to have an opportunity to come up and speak and discuss with the elected representatives of the people of the Yukon on their problems. I would suggest that if we can approve this motion we should still ask that these people come and join with us at this session.

Mr. Speaker: Are you ready for the question?

Council: Question

Mr. Speaker: Are you agreed with the motion?

Council: Agreed

Mr. Speaker: Are there any contraries? The motion is carried. Mr. Taylor, would you please take the Chair for a moment.

Motion #20 Carried

Mr. Shaw then took his place in Council and Mr. Taylor took the Chair

Mr. Speaker: Councillor Shaw

Mr. Shaw: I have a motion Mr. Speaker, seconded by Mr. Boyd in relation to a bridge over the Yukon at Dawson. 'That in the opinion of Council the immediate start on the construction of a bridge over the Yukon River at Dawson is an economic necessity for the following reasons:

Motion #21 re Bridge at Dawson

'1. To expedite the operations of the large asbestos deposits which have already resulted in the commitment by a large corporation of expenditures of millions of dollars to produce a mine-mill complex of a capacity of at least 40,000 tons yearly. This important enterprise in the Yukon's economy will now face the prospect of a possible three month yearly cessation of productivity in a highly competitive world market due to the freeze-up and break-up each year of the Yukon River.

'2. That a proposed Government expenditure of approximately $250,000 for a ferry and ferry landing facility at Dawson is unrealistic in view of the fact that ultimately a bridge will have to be constructed and that this is a short-sighted approach and a waste of money as

it does not materially improve the present existing facilities and that any landing facility that is not constructed of steel and concrete could easily be carried down river on the first break-up or be under water during June and July.

'3. That there are substantial known deposits of silver, lead, zinc in the Sixty Mile area this bridge would serve, close to the Alaska border which if they were to come into production could more likely than not be transported through Alaska rather than close the operations for a minimum of two and possibly three months each year.

'4. That this bridge would produce a secondary outlet for the Yukon, year around, to Alaska and would certainly assist the tourist industry of the Yukon which has steadily shown an increase over each of the last ten years and is still on the up-grade.

'5. That the construction of this bridge would almost certainly preclude the possibility of the freighting of ore and supplies through the State of Alaska road system to the detriment of the economy of the Yukon Territory.

'It is therefore respectfully requested that the Northern Affairs Department take appropriate action on a program to commence construction of a bridge over the Yukon River at Dawson by the Fall of 1966.'

I apologise to Council for having such a long-winded motion, but I have done this for the purpose - in trying to be brief and hoping that the powers that be would peruse the proceedings that followed a motion - that that would be sufficient. Apparently they do not look at these discussions that follow it and have to come back all the time for more information and so I found it necessary to put most of the pertinent reasoning in the motion. So, although I have taken quite a time reading the essential parts of it rather than discuss it, I hope that this will come to the attention of the Northern Affairs department. I do not think I need to dwell on this matter. This bridge is tremendously important to the economy of the Yukon, and I say the whole Yukon because if perchance this ore and supplies should come in via Yakutat or some other place it would be a tremendous loss, particularly of course to transportation in the south end, and the economic stimulant it would make. I have nothing more to say on this particular matter and hope that Council will approve the motion.

Mr. Speaker: Any discussion, gentlemen?

Mr. Boyd: Question on the motion

Council: Question

Mr. Speaker: Are you agreed with the motion

Council: Agreed

Motion #21 Carried

Mr. Speaker: Are there any contraries? I declare the motion carried. Mr. Shaw, I wonder if you would like to discuss your motion #22?

Mr. Shaw: Thank you Mr. Speaker. This is a motion moved by myself and seconded by Mr. Southam re Yukon fishing: 'It is respectfully requested that in answer to a memorandum of the Commissioner in relation to Yukon Fishing sent to the Director on March 30th 1965, and answered by said Director on September 17th 1965 requesting a clarification by Council, that the following proposal be forwarded to the Department of Fisheries with the support of the Department of Northern Affairs and the Minister thereof.

'That the Yukon Territory be given the same control over fresh water fishing as the Provinces now enjoy, whatever this may be.'

I was asked for clarification. I can hardly conceive how this can be misinterpreted by the way this motion is formed: that we have the same privileges in respect to fresh water fishing as the Provinces. I hope this clarifies the motion and brings it again to the attention of the Department of fisheries and that they in turn will see fit in their wisdom to say that we may have the same control as the Provinces. No more and no less. Thank you.

Mr. Speaker: Any discussion gentlemen?

Mr. Southam: As seconder of the motion I think we should have, as the motion points out, the same control over our fresh water fishing as any Province in Canada and I am hoping this motion will bring some improvement on what we have at the present time.

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

Mr. MacKinnon: I would just like to comment on Councillor Shaw's motion. My feeling toward the Yukon handling their own fish department is very essential. I can see things from day to day that have been badly neglected on account of our not having our own department.

Mr. Boyd: Question on the motion

Mr. Speaker: Are you agreed with the motion?

Council: Agreed

Motion #22 carried

Mr. Speaker: Are there any contrary? I would declare the motion carried. Will Mr. Shaw return to the Chair?

Mr. Shaw: Thank you

Mr. MacKinnon: I would like to rise on a point of privilege. I would like to express my regret on account of the resignation of my good friend John Watt. I would say John's contribution to Council has always been of great value to the people he represents as well as to the people throughout the Yukon. Gentlemen, we have lost a valuable member.

Mr. Speaker: That yyou Mr. MacKinnon. We will now call a short recess for tea.

Recess

Tuesday, November 23, 1965
3 o'clock p.m.

Mr. Speaker called the Council to order and informed them that the next item on the agenda would be Questions.

Mr. Taylor: Have the Administration issued any changes in Regulations respecting the Liquor Ordinance since April 1, 1965 and will any such changes be tabled pursuant to section 88, sub-section (2) of the Liquor Ordinance? — Question No. 11

Mr. Boyd: I have three questions:-

(a) Is the City Council ignoring the opinions of the Metropolitan Planning Committee in regard to the closing of a street/streets in the City of Whitehorse? — Question No. 12

(b) How many parcels of grounds the Whitehorse area were actually sold by White Pass during the last two years and how many parcels were leased by White Pass during the same period? — Question No. 13

(c) Re the south excess road extension to 2nd Avenue:-

What progress has been made re two squatters occupying certain ground and ground leased by Taylor and Drury from White Pass, and does Administration feel that this project can be proceeded with during 1966? — Question No. 14

Mr. Speaker: If we have no further Questions we will proceed to Bills.

Bill No. 7 - An Ordinance respecting Local Improvements Districts - was given 1st and 2nd reading — 1st and 2nd Reading Bill No. 7

Mr. Taylor: I would move that Mr. Speaker do now leave the Chair and that the Committee resolve itself into Committee of the Whole for the purpose of discussing Bills, Sessional Papers, Motions and any memoranda. Seconded Mr. Boyd.

Mr. Speaker: I note that we have the Legal Adviser to be present possibly to discuss Bills. Is that acceptable?

Mr. Taylor: Mr. Speaker, I believe that we had agreed, if at all possible, to deal with Motions No's 3, 10 and 14, in order that they may be cleared for the Auditors.

Mr. Speaker: I did have on my memorandum here that the Legal Adviser would be present and I didn't know what for, which is why I brought this to your attention.

The Motion as moved by Mr. Taylor was carried and Mr. Southam assumed the Chair where he called a two minutes recess.

Chairman: We shall now come to order. We have Mr. Fitzgerald with us so we will proceed to discuss Motion No. 14. Moved Mr. Boyd seconded Mr. Thompson re Fur Export Tax - It is the opinion of Council that the Federal Government consider the removal of the 5% export tax on fur. — Motion No. 14

Mr. Boyd: Mr. Chairman, I have used the phrase "5%" because I didn't know what it was percentage wise. It is so much a pelt for this and that and it appears to work out to 5% in as much as they call in 5% in the North West Territories if we

re Motion No. 14 are talking about the same thing. I wonder if Mr. Fitzgerald could tell us what is this tax charged on in the Yukon Territory?

Mr. Fitzgerald: Well, Mr. Chairman, in exporting fur from the Territory, under the Fur Export Ordinance, there is a list .. I could read it out to you - do you want me to read it out?

Mr. Boyd: No. It is an export tax, though?

Mr. Fitzgerald: There is an export tax and I have it here: I don't agree with one. One I think is a little high.

Mr. Boyd: The one on fishers is the highest isn't it?

Mr. Fitzgerald: Yes.

Mr. Boyd: Well, the point that gets me on this tax is that for years it has not been worth going to hunt and we have the same conditions existing elsewhere in Canada, today. People are loosing money on what they produce but they are being highly subsidised. Here, we seem to prefer to have our native people sit where it's nice and cosy around the stove and keep them because there is insufficient money really - in other words it is not worth their while to go and hunt. Some maybe a little lazy but they are not all lazy if the incentive was there. Now to turn around and give somebody something for growing something elsewhere in Canada, which they do. Here, we are in the reverse. We are charging them something for obtaining something and they call it a natural resource. It's only a natural resource if you are a good farmer, even though it maybe trapping. There will be no trapping if, shall we say, using your head and leaving something to multiply and so on. Otherwise the trapper will trap his place out and sit while we keep him. The point I want to make is to get more of these people out trapping and make the dollars a little more valuable to them, the pelts a little more valuable to them. These people: I don't know if they pay income tax or not. I don't know if their earnings are that high or not and I don't know if they pay property taxes or not. I presume that they do but if they do then it seems to me that this tax here is an extra tax. It is something that got originated many many years ago. It was a case of saying we can take it, when the white man moved in. In the first place, these fur belong to these people. It belonged to them in the first place. I'd like to ask Mr. Fitzgerald if the return was better on fur does he think that we would have more people catching fur?

Mr. Fitzgerald: I think that probably there would be more people trapping. There are a lot of trappers now, who, with encouragement, can get out and trap but when the rumour is that fur is going to be better in price then you get more out there. Links right now are supposed to be around $30. This is a territory of export tax and as I have mentioned before, it is fairly well in line with every Province in the Dominion of Canada. Because at the Canadian Provincial Wildlife Conference, these prices are compared in a portion of the Council called the Fur Council.

Mr. Taylor: Mr. Chairman, although I can see some merit in what Mr. Boyd proposes here, I can't agree that first of all it would be wise to remove this tax. This is not a 5% export tax and consequently the Motion, as Mr. Boyd has noted, is not

right but with respect to the tax payable on furs, I think that this is a necessary thing. I don't know how much revenue accrues from this, possibly Mr. McKenzie would have these figures, but I do know that the one thing when this tax is repaid, 25 cents, 50 cents, etc., on game that it offers controls. It will let you know how much fur is being exported out of the Territory and it also produces, no matter how small, a revenue for the Territory and I certainly don't feel, other than possibly on fisher, that this is placing too great an imposition on the trapper. Generally speaking, it is the trader, the fur buyer, who ends up paying the tax and the native does not pay tax at all unless he ships his own fur. I haven't noted there having been any complaints about the fur export tax. Certainly in my area where there is a great deal of trapping going on and I think that it would be foolish to remove it in as much it is not, to my way of thinking, an extravagant tax by any means. As I say, it does offer us controls; it lets us know just how much fur we are speaking of and has also been pointed out, this is a uniform system right across Canada and as long as it remains as such we would be unwise to remove it.

Discussion on Motion No. 14

Mr. Boyd: One more question, I understand and am led to believe that now we are shipping fur out to Edmonton to be sold. The Government is doing this. This leads me to wonder that, if it is sold outside the Province, who is paying the export tax? Do Indians, under the Department of Indian Affairs, pay this tax as others do?

Mr. Fitzgerald: Mr. Chairman, any person or organisation shipping fur outside the Territory pays export tax. You will notice in the Fur Export Ordinance that it is unlawful for any public carrier to handle this fur. The Indian Department does ship fur for some Indians who request this and when they obtain the export permits they pay the tax. Some of the Indians ship furs as far east as Winnipeg, one or two. Some of the white trappers ship outside and usually to the west coast. As Mr. Taylor said, a lot of the traders who handle fur trapped here by local trappers have, when they ship, to pay this export tax and in a good many cases have thought that they have covered themselves sufficiently to allow for the tax but found that the price of fur wasn't as high as they had paid the trappers and were left holding the bag. Actually, in this case, the trapper was ahead of him.

Mr. Boyd: The fact that the trapper don't pay the tax, I won't accept anybody's reasoning on this. He is paying this tax. If the buyer makes a margin of mistake in his profit, that's too bad for him but he intends to get his profit in the first place and the tax. He will deduct this from what he pays the trapper.

Chairman: Are there any further questions on the Motion?

Mr. McKinnon: Mr. Chairman, I am in agreement with Mr. Boyd's Motion. I think that this tax is a very unnecessary thing and I believe that to encourage the trapper to get out into the field we should do everything possible. This is something in the class of income tax like for instance when mines start to develop, they don't have to pay tax. Why should the trapper pay tax?

Mr. Taylor: Well, Mr. Chairman, I might point out that to remove this fur export tax would be contrary to our five-year

Discussion on Motion No. 14

fiscal agreement in which we have agreed that no changes be made in the tax arrangement with respect to natural resources in the Territory during this period. That is in addition to the other things I have outlined and in effect the Motion is out of Order, it should be ruled out of Order, in that we have determined that there is no 5% export tax.

Mr. Boyd: Mr. Chairman, one more question. Can I ask, what is this tax? I know you are going to tell me that it is a tax on fur but how do you arrive at it? For instance, you have 25 cents down here for links and you indicate now that the price of link is $30. I don't object to this but when you get a squirrel or some such thing as this which is worth about 25 cents and you start deducting, is this revised according to the values of the fur or is it something that is set which states that until Kingdom Come?

Mr. Fitzgerald: Mr. Chairman, there have been a few changes made since I came to the Department. Polar bear - we don't have very many shipped out of the Territory. $5 is nothing compared to what you can get for a polar bear right now. It is in the hundreds of dollars. Only natives are allowed to kill them. I would say that in a good many cases, our export tax on fur is under that imposed on the rest of Canada. It runs to $5,000 I think.

Mr. McKinnon: Mr. Chairman, I would like to ask Mr. Fitzgerald a question. If we have polar bear in the Yukon, do we have an open season on it?

Mr. Fitzgerald: No, just to native trappers - Eskimos and Indians.

Mr. Shaw: Mr. Chairman, I think we have to make a decision on the Motion. We have to accept what the Motion says rather than what it might intend to say. We have here:-

> "It is the opinion of Council that the Federal Government consider the removal of the 5% export tax on fur".

Well, they don't have it on fur but they do have it on gold and might have it on silver, I don't know but they certainly have it on gold, which the Federal Government receives. The tax paid in this respect is the same as what we pay for gasoline tax and other Territorial taxes so that on this actual Motion, regardless of my feelings on the matter, I must vote according to the Motion but as there is no export tax, I can't agree or disagree with the Motion. Let's put it that way.

Chairman: Well, gentlemen, are you ready for the Motion? Mr. Thompson did you want to ....

Mr. Thompson: Well, Mr. Chairman, I seconded this Motion and was also under the opinion that there was an export tax on fur. Here again we used the term "5%" because this was comparable with approximately what the North-West Territories came up with. But the one part where I was in error was in thinking that it was a Federal Government Tax as opposed to a Territorial tax as Mr. Fitzgerald has pointed out. This is a Territorial tax and so as such this would make the Motion out of order. Also as Mr. Taylor has pointed out we can't do anything to upset the tax

structure. Only the Administration can do that until the end of the five-year agreement. So with this in mind, I would feel that with Mr. Boyd's concurrence, we will either rule this out of order vote it down under the circumstances but to keep in mind that this is a Territorial Tax and to have them consider the removal of this export tax on fur when the new fiv-year fiscal agreement is discussed.

Mr. Boyd: Mr. Chairman, in view of the fact that my Motion is out of order, I would be pleased to withdraw it for the time being if Mr. Thompson would concur?

Mr. Thompson: I would concur, Mr. Chairman.

Mr. Taylor: Mr. Chairman, I would suggest at this time that Mr. Fitzgerald be excused.

All: Agreed.

Mr. Clerk: Mr. Chairman, I would suggest that you find out whether the Motion was carried or not?

Motion No. 14 withdrawn

Chairman: Gentlemen, are you agreed to the withdrawal of the Motion?

All: Agreed.

Chairman: Thank you, Mr. Clerk. The next item on the Agenda is Motion No. 10. Moved Mr. McKinnon seconded Mr. Southam re Road Maintenance Discovery Mine - It is the opinion of Council that the Administration give urgent consideration to the maintenance of the Discovery Mine road from Carmacks. Is Mr. Baker coming up, Mr. Clerk and also Mr. Oliver?

Motion No. 10

Mr. Thompson: I wonder, Mr. Chairman, if it would be Committee's wish to discuss Motion No. 3 while we are awaiting the appearance of .....

Motion No. 3

Chairman: Committee agreed?

All: Agreed.

Mr. Thompson: Mr. Chairman, this Motion was Mr. Watt's Motion but it was seconded by me, and we did defer it to Committee for discussion on the whole and that is:-

> "re New Financial Advisory Committee for the Coming Year - That Mr. Boyd, Mr. Southam and Mr. McKinnon be appointed to assume the full duties of the Financial Advisory Committee for the coming year".

As I said, this was Mr. Watt's Motion but I did second it and I seconded it in principle because I felt that we should have three new members and three different members than the Financial Advisory Committee which has just ceased its operations and since this Motion was made, there was one other suggestion made which, I feel, has merit but here again this is open for comment and suggestion. It was mentioned that there might be some merit or consideration given to the fact of having one member carry over into the next Committee so that there would be a certain amount of continuity and in thinking this over, personally, I feel there is considerable merit in this because the Administration have a consistent habit of trying to bury little items of interest that various

Motion No. 3

members bring up and if you have somebody on the Committee who has taken notes and are aware of these various differences, it's a much more efficient operation. I feel that if you have somebody in this position to bring these points to their attention, it would be a better operation. The reason why this was brought up was because if you have three in the first year and three in the second year, the third year you will have two of the original members back on the Financial Advisory Committee if we rotate it in this manner. So there would be absolutely no difference than having one carried over into the next year. It amounts to the same thing that two of the members are going to serve two years in any case so whether they serve one year at the first or one year at the last or one and two is a matter entirely of discussion. I leave this with you now so that you can consider it before voting on the Motion.

Mr. Shaw: Mr. Chairman, I can see quite some merit on what Mr. Thompson has just said. I certainly agree that it should be changed every year, which is of course the procedure we are taking, but the point is that you do get the problem as to who should go on or rather remain on there. How this is resolved with no hard feelings of any sort is the only point that I should like to bring up.

Mr. Taylor: Mr. Chairman, I also think that the idea has a great deal of merit. The matter, I think generally, has been discussed in caucus among the members to see how these things can be determined. I would suggest that the only way you can determine this would be by the wishes of the Committee or Council as a whole but I can't see how it would present any great problem. I do think the idea is sound in that respect. I know that when we went down in the spring to Ottawa it was my first time as I didn't get a chance at it during my first three years on Council, namely because one member never did resign, but I might say that it was a truly great experience. We were left completely in the blue and hadn't it been for the member from Mayo, with whom I was acquainted, telling me a few side lines and side issues which had occurred in Ottawa the previous year in relation to the budget, I certainly would have been completely in the blue. Therefore, I think that there is a great deal of merit in what Mr. Thompson states. I don't think that there would be any real problem in respect of this, as it could be settled in caucus.

Mr. Shaw: I do feel that there is a problem in this, Mr. Chairman. Let's put it this way. We have two members of the Financial Advisory Committee in Council at the present time, namely, Mr. Thompson and Mr. Taylor. I have the highest respect for both members as a member of this Committee. I would be very hard put to say one should and one should not go. I would feel that even if I drew it out of a hat to make my decision it could, in a sense, make the one left out feel somewhat put out, even if he didn't say so. I respectfully submit, Mr. Chairman, that this is a somewhat delicate matter to enter into at this particular point. I can see where continuity is valuable and I can see also, at this point, I would very much like to see those members of the Council who have not served on this Committee, become immediately acquainted with the operation of this Financial Advisory Committee. The members who have been at this time could make the new members aware of certain matters that they have to take up and give close consideration to. Therefore, that is the reason, Mr. Chairman, I

would prefer that the three members who have not been a part of this are appointed to such.

Discussion on Motion No. 3

Mr. Taylor: Mr. Chairman, one other point that I did forget to make when I was on my feet last time was that one of the reasons why I suggested we have a special committee of Council to deal with only the five-year agreement alone was by reason of this lack of continuity. The wool could be pulled over our collective eyes here at the table. However, I am amenable to anything that Council decides; with respect to deciding such a thing as to who would remain, this could be very very simply be handled by the old Committee appointing one of their numbers to follow on. This is no problem.

Mr. Boyd: Mr. Chairman, I don't go for this idea that there is being wool pulled over our eyes. We maybe asleep but I hope that I am not <u>that</u> sleepy! Someone maybe able to pull the wool over my eyes once in a while but not <u>all</u> the time! I think that's carried a little too far and I think that Administration's point of view is that Commissioner is there at all times with the Advisory Committee and also is Mr. McKenzie. He is another man. The merit of your thinking is good. I'm not against that either but I just can't go for the fact that these fellows are pulling the wool over our eyes. This is bad!

Mr. Taylor: I take it that the member has not been involved in the Territorial budget?

Mr. Shaw: I would suggest for the edification of Mr. Taylor that Mr. Boyd has been and member of the Financial Advisory Committee and he would be very well qualified to take this on again. He did a very good job and he has the experience to proceed and help the new members and I would be afraid to state that I couldn't understand what was in front of me and if somebody should pull the wool over my eyes, I would also submit that I wasn't doing a very good job of things. One doesn't do that, you know, so I think that I am pretty well in favour of this Motion.

Chairman: Any more discussions, gentlemen?

Mr. McKinnon: Mr. Chairman, what Motion is this?

Chairman: No. 3.

Mr. McKinnon: I did realise what we were talking about all right but I wasn't sure of the number of the Motion. I would like to say at this time that I do not particularly want to go on the Financial Advisory Committee this year. I would just as soon wait over for another year if it's agreeable with the rest of the members.

Mr. Boyd: May I ask, is Mr. McKinnon stating the fact that he does not wish to go on this year or is he saying that it doesn't really matter? In other words, could you be a little more specific. Are you going to be left on this list is what I'd like to know?

Mr. McKinnon: Mr. Chairman, I hope that Mr. Boyd is the only one that didn't understand. I do not wish to go this year if the Committee agrees!

Mr. Boyd: That's the understanding now, Mr. McKinnon. Thank you.

Discussion on Motion No. 3

Mr. Thompson: Mr. Chairman, then in this case before we could vote on this Motion we would have to make an amendment by the substitution of one name. I don't know whether this is the time to do this or whether you would like to defer it in as much as I see that Mr. Baker is in the gallery. I thought that this was very straight forward when I brought it up that's why we discussed it but should you care to defer it until further discussion on it I would so move.

Chairman: Is the current Committee agreeable to deferring this matter for the time being with more discussions at a later date?

All: Agreed.

Motion No. 10

Chairman: I see Mr. Baker in the gallery, gentlemen and I would ask him to join us when we will discuss Motion No. 10. Moved Mr. McKinnon and seconded Mr. Southam re Road Maintenance - Discovery Mine - It is in the opinion of Council that the Administration give urgent consideration to the maintenance of the Discovery Mine road from Carmacks.

Mr. Shaw: What Motion is that one?

Chairman: No. 10.

Discussion on Motion No. 10

Mr. McKinnon: Mr. Chairman, I have asked for the Administration to give urgent consideration for the maintenance of the Discovery Mine Road. Now, as you are all aware of a letter I presented to Council from the Mine Management that we have quite an operation in that area. We have a pay roll of $25,000 per month and also $25,000 per month spent within the City of Whitehorse. I might mention too that the mine is now in production and I feel that it is very necessary that the Territorial Government do everything possible to keep this mine in operation. The road has been very bad in the past, almost impassable for the lack of maintenance. I also understand that the Territorial Government do claim 16 miles of the Discovery Mine Road where no maintenance is being done also. I believe that if we can do anything that we should extend the Territorial end of this road to at least half-way. I would like to mention that in view of the fact that this is fairly well out from civilisation, when Territorial equipment is being used for maintenance of the first part of the road, that it would be appreciated by Mine Management if they could hire the equipment to continue on with the maintenance on to the mine, if this is necessary. I would personally like to see the Territorial Government do all the maintenance especially in the winter, with no cost to the mine.

Mr. K.J. Baker: Mr. Chairman, may I say something for the record, please? First of all, this road is still classified as a tote trail and it is not a Y.T.G. responsibility to maintain this road at all. It is still the function of the mine to maintain this road from Carmacks to the property. What Mr. McKinnon had to say about the Y.T.G. going down on doing its task is, therefore, not correct.

Mr. Shaw: Mr. Chairman, is this Discovery Mine a producing mine or .....?

Mr. Baker: Yes, it is a producing mine.

Mr. Taylor: Mr. Chairman, possibly the best approach to

this problem would be to attempt to have reclassification of the road and possibly we could get some Federal funds to assist us, also Territorial funds, and have it classified as a mine access road. Mine access roads are roads that lead from a public road onto a property of an individual mining or other resource exploitation company, which has brought its property to the development stage. Of course, we have gone beyond that but we could possibly go back to a mine development road but I do know that the Federal Government has been fairly good in matters such as this and maybe this could be our approach to the problem. In a case I know of, the Cantung Road, certainly the Territorial Government looks after a stretch but also the mine is responsible for their stretch of the road and they have to pay the maintenance cost even though the Territorial/assists them for they have the heavy equipment especially in times of spring break-up. The mine is not built for the amount of responsibility in the upkeep of the road. It seems to work and maybe this could be an avenue to approach with respect to sorting this problem.

Discussion on Motion No. 10

/Government

Mr. McKinnon: Mr. Chairman, I would just like to say one thing. It was not my intent to suggest that the Territorial Government was not holding up their work. It is just something that hasn't been done at all and I would like to see some steps taken to see if it is feasible to take care of the road at the present time.

Mr. Baker: Mr. Chairman, if you will refer to the supplementary estimates, you will note there on page 66 that we have an item of $10,000, which is a request of Council for funds to maintain sixteen miles in this area: the first sixteen miles in this area. Once Council approves this money, then we are prepared to do the work.

Mr. Shaw: Mr. Chairman, what Mr. Taylor has just discussed is, I think, very good. A reclassification of the road is what's required and the fact that it is a tote road, there is nothing in our agreement to say that we can't expend money on it, and I think that when a mine is producing in the Territory I am very much in agreement with the principle of Mr. McKinnon's Motion. It certainly requires some assistance from the Government to put in a road. I haven't searched through the supplementaries but I note what Mr. Baker has stated with regard to $10,000. I can assure you that it will get my support and at the same time I think that it is a good point to reclassify this particular road.

Chairman: I wonder if, at this time seeing that Mr. Oliver is in the gallery, if he could be invited to join the Committee.

All: Agreed.

Chairman: Mr. Boyd, did you want to ask a question?

Mr. Boyd: Yes, Mr. Chairman. I should like to direct this to Mr. Oliver. Is anything being done in connection with Discovery Road now with regard to getting it out of the tote trail status and getting it into a more appropriate status?

Mr. A. Oliver: Yes. The first sixteen miles has been requested to the Department of Northern Affairs to be reclassified in 1966 to a "development road" status. The remaining twenty-four miles, the company has been asked to

Discussion on Motion No. 10

approach the Department in Ottawa to have it reclassified as a "mine access" road. On a mine access road status the emphasis is on the company to approach the Department. I think that in the supplementary estimates before Council at this session the Administration has asked Council to approve the expenditure of $10,000 to maintain the first sixteen miles until the road can be reclassified. The money for the reclassification is in the Estimates for the Department of Northern Affairs for next year.

Mr. Boyd: Mr. Chairman, it seems to me now then that Mr. McKinnon's worries are being amply taken care of. In due course, if not soon, the whole situation will be cleaned up.

Mr. McKinnon: Mr. Chairman, yes. Due to the fact that the maintenance of this road is an urgent matter is there anything that we could do to start this maintenance say now? Or as soon as possible especially on the first sixteen miles?

Mr. Baker: Mr. Chairman, I am very much afraid that we will have to wait until Council approves the supplementary estimates before work can begin, because this item is part of the supplementary estimates. Council has not given Commissioner authority to spend any money for the maintenance of Discovery Road, as yet.

Mr. Thompson: Mr. Chairman, I don't mean to make any inference at this time but during deliberations of the Financial Advisory Committee we saw fit to postpone the approval of the financial Advisory Committe to a very small item in the budget and great gnashing of teeth occurred and dictates were going out in all directions to stop spending immediately. Now from this I gathered that the Administration happily go along and spend and hope that the Territorial Council will approve as opposed to this approach that we will wait until it is approved. I am not making reference to your Department but what I am saying is that in effect somewhere within your vote an amount of money could be found to expedite the immediate removal of snow or something of this nature to facilitate things. As Mr. Shaw has said, as it is something of this importance, it can pretty well be a foregone conclusion that Council would back something of this nature. I don't feel that it is a controversial issue. I don't feel that there is going to be too much debate on it so I am just wondering that in the light of this couldn't something be done forthwith to eleviate this situation?

Mr. Baker: Yes, Mr. Chairman; I think something could be done along these lines. Would Council like to say that we should begin this work on Monday of next week?

Mr. McKinnon: Mr. Chairman, I would say by all means, sooner if necessary. I would like to ask Mr. Baker, will it be possible for the mine to hire the Territorial equipment to continue the maintenance to the mine and at what cost per hour would this be set out?

Mr. Baker: Mr. Chairman, this can certainly be done. We have done it a week ago in the case of Discovery. In answer to the second part, it will be hard to say what equipment will be necessary to maintain this road. If we

Discussion on Motion No. 10

refer to a grader then it's going to cost $9.10 an hour plus the operator which is $2.80 plus a 10% overhead charge. Off hand I don't know what truck gravels are and off hand I just don't know what the cost of steamers will be.

Mr. Shaw: Mr. Chairman, it's quite feasible and in order that tomorrow morning we discuss what we discussed in Committee and approved a section, this particular $10,000, and once it were approved then the Administration would go along and everthing would be in order and the Mover of the Motion will be happy with having received the action on it and I think that would be the way to do this and possibly accept this Motion as it is and proceed tomorrow.

Mr. McKinnon: I think that's a splendid suggestion, Mr. Shaw.

Mr. Taylor: Mr. Chairman, I really think that we can possibly expedite this matter a little more expeditiously than that at the present time by someone proposing a Motion to the effect that we agree in principle to the Government, Territorial Government that is, going about this work.

Mr. Boyd: Mr. Chairman, I don't feel that we need a Motion right now. Nothing more is required.

Mr. Taylor: I gathered that this thing was so important that it couldn't wait, until tomorrow morning otherwise I would say that the matter is well in hand and requires no further consideration until such time as Monday morning rolls around. It seems to me that Mr. Baker can proceed. Mr. McKenzie can find the funds. He knows what the thinking of Council is. Once the session is over and the supplementary estimates have been approved, the money will be available to pay for the work done.

Mr. Shaw: What is required, Mr. Chairman, is passage of this Motion.

Motion Carried

Chairman: Any further questions on this Motion? Are you agreed on this Motion.

All: Agreed.

Motion Carried

Messrs. Baker and Oliver were excused.

Chairman: What is your pleasure, gentlemen?

Mr. Thompson: Mr. Chairman, I would request that Mr. Speaker do now return to the Chair to hear the report from the Chairman of Committee.

All: Agreed.

Motion Carried

Mr. Speaker: Well, gentlemen, you have all heard the report from Chairman of Committee, are you all agreed?

All: Agreed.

Mr. Taylor: Mr. Speaker, I would suggest that we proceed with discussions on Bills, Sessional Papers, Motions and

memoranda tomorrow.

Mr. Speaker: Legal Adviser will be required. Is it agreed that the Agenda will comprise the items enumerated by Mr. Taylor.

All: Agreed.

Mr. Speaker: What is your pleasure now, gentlemen?

Mr. Boyd: Move that we do now call it 5 o'clock.

All: Agreed.

Mr. Speaker read the daily prayer and Council convened at 10:00 o'clock a.m. The six remaining Councillors were present.

Mr. Speaker: Have we any correspondence this morning?

Mr. Clerk: Yes, Mr. Speaker, we have one Sessional Paper. It is dated the 23rd of November, 1965, City of Whitehorse Traffic By-Law and Motor Vehicle Ordinance. It will be set out as Sessional Paper No. 35.

Sessional Paper #35

And, another short memo, dated November 23, 1965, on Question No. 8, "What is the cost of a Territorial Election in the Yukon to Territorial Government?". The reply is "The Territorial Government bears no part of the cost of a Territorial Election. This is a Federal responsibility". That is all this morning, Mr. Speaker.

Reply Question No. 8

Mr. Speaker: Thank you, Mr. Clerk. Have we any Reports of Committees? We have no bills to introduce. Have we any Notices of Motion and Resolutions? If we have no Notices of Motion and Resolutions, I will ask for Notices of Motion for the Production of Papers. We have no Notices of Motion for the Production of Papers, so the next matter is Motions which are both in Committee. The next item will be Questions. Are there any Questions?

Mr. Clerk: Mr. Speaker, I don't believe Motion No. 23 is in Committee.

Mr. Speaker: I am very sorry. That is quite correct Mr. Clerk. My apologies. Mr. MacKinnon, Motion No. 23, in relation to Commercial Fishing.

Mr. MacKinnon: Mr. Speaker, moved by Mr. MacKinnon, seconded by Mr. Southam, re Commercial Fishing "It is respectfully requested that the Administration consider commercial fishing for white fish in a chain of lakes out of Carcross, Y.T. - namely Lake Nears, Windy Arm and Tagish Lake." May I proceed, Mr. Speaker?

Motion No. 23

Mr. Speaker: Proceed, Mr. MacKinnon.

Mr. MacKinnon: First of all, I wouldn't want Mr. Boyd to feel that I was getting into his Territory. It used to be my home and I think that is the reason I hear from so many people of that area. Now, as you realize, white fish cannot be caught on a hook so they are of no value to the sports fishing, but, at the same time, I feel they are good food and if commercial fishing was allowed here, it might be of some assistance.

Discussion Motion No. 23

Mr. Taylor: Mr. Speaker, in respect of this motion, I feel that I for one, and I am sure Council would no doubt agree, would like to know more about the fishing situation in the Yukon...fresh water fishing. We certainly discussed it at some length but never at any time have we ever approached the Fisheries Officer, and I would like to suggest that, if all Members agree, that we take this motion into Committee and we ask Mr. Summers, I believe that is the gentleman's name, to join with us and possibly he could explain the situation in relation to this motion and possibly members may have other questions to direct with respect to fishing to the Fisheries Officer. So, therefore, I would suggest that this motion be referred to Committee for further study and consideration.

Discussion Motion #23

Mr. Southam: Mr. Speaker, as seconder of the Motion, I thought that if it was possible at all to bring another, shall we say, industry, into the Yukon that this might be a good one. Now I agree with Councillor Taylor, I do not know too much about fishing in the Yukon although I do know some is being done. I believe we are fishing commercially out of Ethel Lake because they were providing the camp up above with fish and getting a pretty fair price for it. If this is the case, where we could get white fish, fresh white fish, winter fishing, I would certainly think that this was a good idea, but as I say, I don't know too much about the commercial fishing in the Yukon, but I still think if we could get another industry going, it would certainly help out.

Mr. Speaker: Is there further discussion on Motion No. 23? Question. Are you ready for the question?

Mr. Taylor: Mr. Speaker, am I permitted at this time to make a motion to move this into Committee?

Mr. Speaker: Well the Question has been called on the Motion which puts it into very advanced stage. Would the Council be prepared to revert it back so it is possible to make a motion or not?

Mr. Boyd: Mr. Speaker, I would suggest we revert it back because I don't want to vote yes on this Motion until I have some particulars to be guided by. I would like to hear the Head of the Fish Department's answers.

Mr. Speaker: Would you, therefore, be agreed that Councillor Taylor proceed with this Motion?

Agreed.

Mr. Speaker: Proceed Mr. Taylor.

Mr. Taylor: I would move that Motion No. 23 be referred to Committee.

Mr. Boyd: I second that Motion.

Motion #23 referred to Committee. MOTION CARRIED

Moved by Councillor Taylor, seconded by Councillor Boyd, that Motion No. 23, Commercial Fishing, be referred to Committee of the Whole for further study.

MOTION CARRIED

Mr. Speaker: Now, we will go back to Questions? Are there any questions?

Mr. Thompson: Mr. Speaker, I have a question referring to Welfare in the Territory.

Mr. Speaker: Would you mind reading the Question, please, Mr. Thompson?

Mr. Thompson: This is a question that I wanted an answer to, Mr. Speaker. I thought that the normal procedure was to give it to the Clerk.

Mr. Speaker: A Question is not like a Motion for the Production of Papers that requires Council's consent, more or less, it's just a matter of a straight question, in, relation to Welfare...

Mr. Thompson: Well, in that case, Mr. Speaker, I will withhold my question until tomorrow.

Mr. Speaker: Thank you, Mr. Thompson. Are there any further Questions? Just a moment...I might have incorrectly informed you. I assumed that this was a starred question, in other words, requires a written answer. If it is a straight question, I give you my apologies. If you just have a question to ask, you can ask it right now. My mistake, I thought it was a starred question and that you required an answer.

Mr. Thompson: This is correct Mr. Speaker. I would require a written answer.

Mr. Speaker: I might further inform Council that at this time, possibly this is a good time, we have the Commissioner with us here and he has stated, I just got this advice, that he will be leaving, I believe, tomorrow, and he would be prepared to come here today to sit in on a question period. Would that be acceptable to Council?

All: Agreed.

Mr. Speaker: Mr. Commissioner, would you care to join us this morning?

Mr. Commissioner: Thank you, Mr. Speaker.

Mr. Speaker: Have we any further questions? Mr. Taylor, would you please take the Chair.

Mr. Taylor takes the Chair.

Mr. Shaw: Mr. Speaker, I have two questions. The first question....Can it be made possible for the public to purchase, at a price set by the Administration, a complete set of the Estimates and Supplementary Estimates as shown to Council after Council has passed same, if orders are placed before hand? The second question is can the Administration inform Council as to whether or not the repeal of the amusement tax is included in the new Five-Year Agreement as was indicated it would be at the last Council Session? Thank you, Mr. Taylor.

Question No. 15

Question No. 16

Mr. Shaw resumes Speaker's Chair.

Mr. Speaker: Are there any further Questions?....starred Questions I should say. If not, we shall proceed to the next item..of which there aren't any, Public Bills and Orders. We have the Commissioner with us this morning and he is prepared to endeavour to answer any questions that Council may have. Would you please proceed.

Mr. Boyd: The first one that strikes me is how long is Mr. Commissioner going to be away? Is he going to be here for a few days before we prorogue?

Mr. Commissioner: Mr. Speaker, I plan on returning on the second of December and I imagine that the Council will still be in session...I will be gone ten days. I might just add to that, in relation to the Financial Five-Year Agreement and the Supps, Mr. MacKenzie has been called to Ottawa again next month, and he will be going to Ottawa, probably once every six weeks for the initiation of this Five-Year Agreement. He commented yesterday that he was becoming a little concerned as he would certainly be required here for the study of the Supps in particular, so if you would bear this in mind to make sure he doesn't get away without you seeing him.

Mr. Speaker: Did you state when he would be leaving?

Mr. Commissioner: I am not sure whether it will be....I think it's not until after the 10th of December.

Question re Motion #17, Computer Facilities

Mr. Taylor: Mr. Speaker, I have a question to direct to Mr. Commissioner. Has any progress been made on Motion No. 17 with reference to computer facilities?

Mr. Commissioner: Mr. Speaker, there's no progress as yet. There will be some progress today. It was sitting on my desk with a notation of a gentleman's name that I am going to ask have come to the Yukon. We are not going to, at this time, become involved with International Business Machines. There is a gentleman that makes a specialty of accounting machines and I am going to ask if he could come up here and look at our operation and discuss it. I hope he would come up here in the next week or two and discuss the situation with the Council. As far as the International Business Machines are concerned, and computers themselves, the answer in that field, I think, is fairly obvious as far as the Department of Northern Affairs is concerned. They had this study done for themselves and it was ruled out completely, that they were in no way large enough for computers. There's quite a difference between computers and automatic business machines or accounting machines and I think that this is the step that we have to take. We have a small accounting machine now which we haven't had long enough to assess, but this man is also familiar with the large computers and so I will be writing regarding this today.

Mr. Boyd: Mr. Speaker, where is this accounting machine now in the building?

Mr. Commissioner: It is in the Treasury Office, Mr. Speaker.

Mr. Taylor: Mr. Speaker, it is rather difficult at this point to stay within the realm of a question period. However, I had asked that International Business Machines be contacted. I assumed that the Company themselves paid the costs of sending a man here. I would ask the Commissioner if another further request in line with Motion No. 17 asking for a representative of this organization is made, I don't feel it is required as it is already made and the intent was clear, would the Administration provide the funds, if any are required, to bring this man up here or would we have to dig it out of our own personal pocket?

Mr. Commissioner: Well, I can't very well answer that, Mr. Speaker. I don't know how these companies work, but I would assume that if the individual we have in mind comes up here and sees that there is any requirement at all for even study of the subject, why..an approach could be made, say to International Business Machines, and I would say that they would come up at their own expense. I don't believe there would be any expense involved.

Mr. Taylor: I can only say, Mr. Speaker, that the motion called for something to be done and this is what I'm after, and if it is necessary, I will attempt to do this at my own expense if the Administration will go along, give the gentleman every co-operation possible, because I feel that these people are the people that make the machines, they make the studies, they have done this with a great deal of experience.

Mr. Commissioner: Now, Mr. Speaker, this is not correct. International Business Machines are not the only people in the business. There is National Cash Register and numerous others, and all I would ask is what Councillor Taylor bases his knowledge on computers. These are a very, very complicated and large operation, and we are not ruling the Motion out or acting against the Motion, but we are attempting to take it in stages. I think that the Motion will certainly be activated to its fullest and, but we would like to take the proper steps in doing so.

Question re Motion #17, Computer Facilities

Mr. Speaker: Are there further questions?

Mr. Southam: I would like to ask Mr. Commissioner if there are tenders out for the Mayo Water System for early spring.. as soon as possible.

Question re Mayo Water System and Reply

Mr. Commissioner: It is our intention to get the tenders out as early as possible, Mr. Speaker, but I am not quite sure....the indications at this stage....I believe the money will have to be revoted in the Main Estimates. This doesn't necessarily mean we cannot call the tenders until that time because it has been approved, but the money has lapsed and will have to be revoted...so the answer is "yes", Mr. Southam, the tenders will be called as early as possible.

Mr. Commissioner: Mr. Speaker, I have two subjects that I would like to talk on and I am not sure whether I should speak on them in Council...it's to do with subjects that were brought up to me. One is a motion, and the other is, they're both motions....one Daylight Saving Time and one Labour Legislation. So, whatever your wishes are....

Mr. Speaker: Well, if they would require discussion, I think we could revert to Committee and if the Council so wishes, then we could discuss this more fully. Would that be agreeable to Council?

All: Agreed.

Moved by Councillor Boyd and seconded by Councillor Thompson that the Speaker do now leave his Chair and Council resolve itself into Committee of the Whole to discuss Bills, Sessional Papers, and other things.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: Mr. Southam, will you take the Chair in Committee of the Whole.

Mr. Southam: I will declare a four minute recess.

There is a short recess.

Mr. Southam: Well, gentlemen, I will call the Committee to order. We have Commissioner Cameron with us and I believe he has a couple of subjects that he would like to discuss so I will ask Commissioner Cameron to lead off.

Mr. Commissioner: Thank you Mr. Chairman. First thing, I might make a point on this discussion you had a few moments ago regarding fishing, commercial fishing. I must say that I was very happy to hear you suggest that the Fisheries Officer come in here. I have been attempting to contact him by phone for the last three or four days. I would hope he's in town but I am unable to reach him at his

Mr. Commissioner continues:

Re Motion #23, Commercial Fishing

Office. The reason I wanted to contact him was to find out some facts and figures to present to you gentlemen regarding a motion that went through last year wanting the Territory to take over Fisheries. At that time we went through Votes and Proceedings to see what the discussion was, and there was no discussion to speak of...just the Territory wanted to take this over as another resource along with Game. The concern that we have, and I think you will find this concern reaffirmed by the Fisheries Officer, is that there is an awful lot of Federal money is put into fishing, sports and commercial, in the Yukon Territory, in comparison to the amount of money realized by fishing licences. So, I would suggest you discuss this quite thoroughly with him because otherwise you are just inflating your budget which is, I believe, what you are attempting not to do in order to make the Mother Parliament realize that we are becoming a little more self sufficient. I think that you will find that the amount of money received by sports fishing licences in comparison to what would have to be expended in order to keep sports fishing supplies plentiful and in also administering commercial fishing, they just don't balance off in our favour. There are some facts and figures which I have read recently, and I wouldn't want to be quoted as being actual fact, but, for example, it was considered, I think it was a million and a half pounds a year of fish must be available in the Yukon in order to make it a practical export to outside points and, of course, we don't have lakes of this capacity which they do in the Northwest Territories. I forget how many million pounds they ship out of their big lakes there. I believe I am correct in saying that, at the present time, there are 33 commercial fishermen, fishing licences, in the Yukon Territory. There are all sorts of these facts that Mr. Summers should have available, and I would like to suggest that if at all possible, you query him to the maximum extent to find out where you would stand should we have Fisheries handed over to the Territory. I don't think there is any objection. I received no objection from Ottawa on this recommendation, but they asked me why and I didn't find out why and, therefore, I didn't want to go ahead on the basis that it would be nice to have it as one of our Territorial Departments.

Re Motion #18, Labour Legislation

The two main points I want to discuss this morning was the one, Motion No. 18 on Labour Legislation. It says "that the Administration is respectfully requested to contact the Dept. of Labour, Ottawa, requesting that a senior representative be sent to attend this session now assembled to discuss problems related to Labour Legislation and Winter Works Incentive Program". I am wondering at this time what the Council has in mind after the Advisory Committee meeting with Mr. Hereford in Ottawa last spring in discussing this subject and I think it was his feeling at that time, and I believe it was the feeling that has been expressed in the Yukon, around this table in years past, that we don't want to become involved in the same maze of legislation that the Provinces have -- it's too bulky and too difficult to handle and to administrate compared to the size of our population and our labour problems. However, there are possibly some minor adjustments that are required in Labour Legislation. The second thing is re Winter Works Incentive Program where Mr. Hereford said, and I checked this out in the Minutes of the meeting when I was in Ottawa a few weeks ago, that he would be happy to receive representation or comments from the Yukon as to how the Incentive Program might work. My opinion at the present time is that due to the labour shortage we have just been through this past summer and with the amount of work available this winter, that there is very little necessity to become too involved at this stage of the game setting up or attempting to set up a Winter Works Program. We have tried

Mr. Commissioner continues:
different things over the past years, the City and different groups have got together and tried to come up with some answers, and they always seem to be shot down by two main points -- the first one being our inclement weather in the winter time and the second being the fact that the people employed, I am not sure on the percentage, but I believe it is 70% to 80% of the people employed on the project must be unemployed at the time a project is carried out, and I suppose you might add a third item, the fact that you cannot just create work under the Winter Works Program that you would normally not do in any event. The idea of Winter Works is to complete or to develop and build on projects that are required but can be left until the winter time to do when the unemployment is high. As I understand at the present time, there is enough exploration and construction work going on in the Territory that, weather permitting, every able-bodied individual that has any trade or profession of any kind can actually be gainfully employed. So this is the sum and substance of my query before I forward this to Ottawa to ask that someone be sent up here. In other words, this is expensive, regardless of who pays for it, for an individual to come and spend a day or two going over subjects that, unless I have missed on something, have been pretty well covered. In the case of Labour Legislation and in the second one, Winter Works Incentive Program, which I believe this year is the wrong year to be concerned about attempting to develop into this.

Re Motion #18 - Winter Works

Mr. Taylor: Mr. Chairman, I was the author of that particular Motion, and there was very good reason for its conception and its drafting - that is the fact that for many, many years, I have a file here...a partial file...I've got more at home, just didn't have a means of bringing all this paper up here, respecting Labour Legislation and the need for same in the Territory. I have Northwest Territory's Labour Legislation proposals, have Disputes Legislation, Federal Disputes Legislation respecting Labour Unions, Collective Bargaining. I also have a proposed Labour Relations Ordinance, enumeration of points on which the direction of Council is desired which was submitted to us sometime ago at a former Session. None of these questions have been answered and I believe there are some ninety or more odd questions in there. These are all matters that should be discussed I feel because, for instance, we have Labour Unions coming into the Yukon, we are certainly going to have labour disputes...we have had a couple of them already. I think the one at Tourists Services a short time ago was a good example, and we have the Labour Unions themselves pushing us. I have several items from at least one Labour Union active in the Territory in this file asking for legislation. We have also considered the Canada Labour Code, and we have been considering whether or not we could adapt it to the Yukon. We have made a start at interpreting it. There's nobody who understands it better to my way of thinking than the people in Ottawa, if necessary, the author of this. But, certainly, there is a decided demand for this type of legislation in the Territory and there has been for some years. Now, even though employment is running at an all time high, that means that more people are employed and these people want protection. They need protection in the form of basic minimum wages, they need protection in many forms of employee-employer relationships and, as I say, collective bargaining is another thing we should be considering and so, therefore, I strongly suggest that, with all due respect to Mr. Hereford....I was, of course, there in Ottawa and I don't think that we really achieved anything at that point....he did suggest that we should let this thing lie for awhile, but I cannot agree, and this is something the people are demanding. We are faced with this every day, and I would

imagine that Mr. Clerk still has a reasonable amount of Labour disputes coming up. I don't know whether he has any problems in dealing with them. I hear things are going very well. But, with the matter of Winter Works Incentive Program, this was also raised in Ottawa, and I know our Administrative Assistant, just prior to his departure, had again requested of Ottawa some laxity in restrictions and terms of reference with respect to this to suit the Yukon, as you say, in view of its climatic position and in view of the fact that during the fall and spring of the year, when the weather is still relatively good, we can take advantage of some of this money available under this Program, and I would certainly strongly recommend, as we have again done by Motion, that we do try and get somebody up here to discuss this with us. It was also suggested, and it is not necessarily being facetious, on two occasions in this Chamber, that if the Federal Government cannot send anybody up here to discuss Labour Legislation with us, that we get Harvey Murphy from Mine Mill and possibly, or somebody from the Canadian Labour Congress to come up here and discuss it with us, but we must have somebody here who understands Labour Legislation because, let's face it, we are all laymen, we are trying to do our job, we are trying to provide good legislation for the people, and I would strongly recommend that these people be contacted and that they do send somebody here to work with us. Now, we are working on this Canada Labour Code right now, and we have a lot of work to do with it and, certainly if we had somebody here who understood it and could assist us in shaping up some good, good Labour Legislation, this would be most desirable.

Mr. Shaw: Mr. Chairman, I can agree very much with Councillor Taylor's remarks. This is terribly frustrating. For years we have been asking that we get some form of basic, comprehensive Labour Legislation. We have done it by Resolutions and we have done it by bringing the matter up and, as Councillor Taylor has stated, this, I am hopeful to feel, this period is a transitional period in the Territory. We are liable to have totally different type of economy in another five years to what we have now and it is vitally necessary that we have some type of solid reference in matters to Labour and Employment, Employers. We brought up this matter before and they sent out a man down here who was an expert, I think, in Labour Arbitration. We hadn't got to the stage of Labour Arbitration yet. First I feel we must start with a basic Code and go right through with it and have it broken into various sections which refer to the whole matter. In other words, we want somebody up here from the Labour Relations Office, or some person, or somebody, that can say "Well, boys, you lay it out this way. This is the way you lay it out. Now, what do you want?". "Well, we want this, we want that". "OK, that's so and so and such and such". In other words, have some guidance in the matter. This gentleman that came up, he was, no doubt, an expert in conciliation, or what you might call it, but it was of absolutely no use to us in relation to what we wanted in this Council and which we have been asking for for many years, so that when disputes arise, we have a Legislative Act to say "Well, this is what is done" and, of course, gets amended from time to time to fit in with the circumstances. I do feel that what this Council needs is a man that can come here and [illegible] the ability to start right from scratch, and can say "Well, it's this way and this way. How do you want this to be set up" and guide us in making this up. I quite appreciate the fact that we have a Legal Department that will draft the particulars

Mr. Shaw continues:
of Legislation, but we want some person to say how you outline it, how you start, the basic steps to how you hook up one of these Labour Bills...Ordinances, from the start to the finish; but we have never had that - all we had is an expert in any particular department. Surely there's somebody that...they're not that concentrated that they can only do one thing at once...there must be something that they start from. That is why I agree very much with the Motion and it just gets put off and put off....this is every Session...it's the same thing. Apparently we don't make ourselves explicit and so there we go. Now I have tried to be explicit on this occasion and Councillor Taylor also has. I certainly hope the Administration in Ottawa can read the results of this discussion or read the discussion that took place so that it will finally sink in just what we want. This is about the sixth or seventh time of asking, and I think it is just about time that we get a little co-operation and assistance on the lines which we want.

Mr. Commissioner: Mr. Chairman, there is no opposition to getting assistance, professional assistance, up here, but I disagree entirely with the remarks so far that we have had the wrong people at the wrong time. Now, Mr. Curry, who is an expert in the field of Union Agreements and so on, was asked to come up at a time when the Council was concerned over a strike situation which was going on here in Whitehorse, and when this man left, there was apparently of no use to Council because of the comments that were made...."Well, he didn't tell us anything". He told you and showed you where you were protected by the Federal Labour Provisions and so on and that the strike in this particular instance was legal. In the spring, in Ottawa, there was another expert - supposed to be one of the two top labour men in Canada - and he said "Fine, stay away from the massive Labour Legislation of the Provinces". There was nothing made at that time, nor have I heard any definite decisions since on just exactly what you want. I mean, these men are not miracle men. I don't say that we don't need Labour Legislation, but to bring these gentlemen in and sit around again..this will be the third time and, as far as I can see, there will probably be very little gained unless you have some definite ideas or suggestions for them:

a) They have said, "you are protected union members"
b) They said "you don't need the Labour Legislation as is in the Provinces -- it's too cumbersome, too awkward. It's only words until it is policed and administered".

Now, if we bring this fellow in and go over it again, as I say, I am not going to turn around and say this fellow won't come in--I am going to forward this to Ottawa and say "This is a request. Please advise as soon as possible as the Council would like to have this man now". But, if they query me through a telex, I am still not convinced that the Council has gained anything from the two sessions they have had with two specialists in their field, and we are asking for a repetition of the same thing, so I don't think it is a case where they have asked and asked and asked and nothing has been done. We have brought these people. But, I think they are going to have some direction. I would ask, Mr. Chairman, if maybe the Clerk of Council has anything to say on this Labour Legislation, if he would pass his comments. He is the Labour Relations Officer for Whitehorse, for the Territory.

Mr. Clerk: Well, I don't have anything to add to what the Commissioner has already said. I know we are adequately protected by the Arbitration Legislation Federally, that is by Federal Act, as has been proven in the last strike as Mr. Taylor mentioned. There may be some specific questions that Council may like to ask pertaining to the new Canada Labour Code. That's the only thing I could think off, but they may also be able to get the answers from the Hearings that are being held in the Northwest Territories without having an expert brought up here.

Mr. Boyd: Mr. Chairman, first of all, with the Winter Works Incentive, I agree wholeheartedly with Mr. Cameron. We are even today sending outside and paying people's way in here to get them and to make them stay and do the work that is required to be done now. So, I think adding any more to it would accomplish nothing other than confusion because you will have to bring the men in. Now you heard Mr. Cameron, Mr. Taylor mention something that took place in Ottawa on this Labour deal, and it appears to me that Ottawa has already given you their views and as I said before, to get a man to come up here isn't going to accomplish anything. If you want Labour Laws, he isn't going to sit here and draw them up and pull them out of the moon or anything like that. This takes months of doing. The thing to do, if you insist on it, is have Ottawa proceed but you don't have to have a man come up here and tell you, as you say, nothing which, in a sense is right. He's only a human being and he can only give you certain answers, but I think Mr. Taylor remarked that people are complaining. I don't know who is complaining. It may be the Union is complaining but I haven't seen a Union yet that didn't complain continually about something. They are always on strike or something like this so this isn't the real criterion to be guided by...the fact that,certainly, the ordinary run-of-the-mill that works for, all the construction and business men, in this field, are not complaining. They are making more money here, in respect to hours, than they can make outside under a Union set up. Now, there is complaint, I admit, and this is one thing that should be corrected, that is the minimum wage that is being paid around in the Yukon. This is a complaint and it certainly needs looking into and attention as quickly as possible, but I cannot see you asking a man to come up here and pull a rabbit out of the had and say "This is it boys". If you could get Ottawa to say "We will proceed with what you are thinking about and we will have something for you in the line of a bill in a certain period of time"...this would be fine, but as Mr. Cameron points out, we don't want to get like the Provinces. There is nothing but reams and rafts of paper and after all, we are only a few people. We don't need more paper than we have people and we've got to watch out what we are getting into.

Mr. Taylor: Mr. Chairman, I can't agree with Councillor Boyd in this respect. What is this? Sessional Paper No. 10, 1960, Second Session, Northwest Territories Council. This was sent to us in reply to our request for information and a strong desire respecting Labour Legislation for the Yukon Territory. That is five years ago...five long years ago. Now, as Councillor Shaw has pointed out, it takes

some time to get the basic philosophy of Labour Legislation, what is desired across to the draftsman, and I think that Councillors who have been here some time will also realize it takes you three years beyond that time to get the Legislation out of Ottawa. Everytime you ask for Legislation, it takes time and time and time and more time to get it here.

Mr. Boyd: Point of order. I am not concerned about how long it takes to get something out of Ottawa. The point I did make was Ottawa gave you their views. We know what happens in Ottawa, how long it takes, how long we've been trying to get this. I'm not concerned about that. I merely stated my views with regard to the man being brought up here now.

Mr. Taylor: Mr. Chairman, there was no point of order as it turns out. Now I wonder if I may continue. As far as getting a man up here...we've asked for somebody to come and discuss this with us...if the Members here feel that they are competent, to be able to provide the philosophy, answer all the questions, then, of course, there is no need to have anybody come. But, as far as I can see, in the last five years that we have discussed this thing, or four or five years, nobody has proven any competence in this field at all at this table and this is why we have continually, over these years, asked for somebody to come and discuss it with us. We have asked for basic legislation. The adaptation of the Canada Labour Code seems to be the answer now, that's the last one, in relation to our Labour Provisions Ordinance which we find in our Volume here. Not, there is nothing clearer than that and to say, to state, that it is absolutely foolish thinking, or anything to this effect, to have somebody come up here who understands the problem and who is capable of giving us assistance in this regard is, in itself, foolish...any statement of this nature. We have a problem in the Territory. We do, in effect, need a basic minimum wage. These could be provided here. Also the Federal Governmeny provide a basic minimum wage scale for Federal Public Works and I believe we have applied that to Territorial Public Works but we haven't applied it to industry in the Territory, Civil Industry. I say, gentlemen, that this is Legislation we are going to have to provide ourselves with, and I say we require some one to come up here to discuss it with us at this Session, this Canada Labour Code, its adaptation to our own Labour Provisions Ordinance, so that we can give the philosophy to the draftsman to start drafting this and then, if we ever break this hurdle, and it's taken us years and we haven't got over that hurdle yet, then we have to start putting the pressure on the great Ivory Tower to produce Legislation in less than three years. This is what has to be done and I cannot agree with the Honorable Member who said it would be foolish to bring somebody up here because we do need somebody.

Mr. Boyd: Mr. Chairman, I will just rise once more. I assume that Mr. Taylor did talk to some gentleman he named, along with the Financial Advisory Committee. Were you not able to get the problems of the Yukon over to this man? Did he not give you an answer at that time or did he just rush you off because that was the time to get your answer and probably have him up here. Something went wrong. You didn't sell him on the idea. Now you think you are going to have somebody fly in here and you are going to sell him on the idea overnight but you couldn't sell it to him while you were in Ottawa. Where do you stand?

Mr. Taylor: Well, Mr. Chairman, we have sat for five years and haven't been able to sell anybody in Ottawa on this thing yet - obviously or else we would have this Legislation. No. 2, if you can sell the Federal Department of Labour on the Labour Provisions Ordinance and all the needs of the Yukon in the half hour allotted to you to discuss labour in Financial Advisory Committee, any man is certainly better than I am. If anybody can show me how to do that, I would certainly like to know that too. As I say, the same answer we got in Ottawa is the same answer we have been getting in these replies from Ottawa. I believe once we asked a man to come up there and they said "no", they weren't going to send one...at a former Session. I'll dig out the Sessional Paper, given time to do so, and I will show it to you because we all received a copy of it.

Mr. Shaw: Mr. Chairman, I don't think we need to get excited about the ramifications. My idea was merely that we get this thing consolidated, a comprehensive Labour Ordinance. Gentlemen, at this moment, if you want to find out what refers to labour, you can go to an Ordinance referring to Arbitration, you can go to an Ordinance referring to Labour Provisions. It's hard to say where you will find these. You could go to an Ordinance that is Master and Servant, you could go to an Ordinance that is Mechanic's Lien, where he doesn't get his wages. Then you go a little further and you refer to an Ordinance that refers to a Miners Lien, and then you go a little further and you get into another Ordinance that is referred to as a Woodmen's Lien. We have 1, 2, 3, 4, 5, 6 that almost apply to exactly the same thing. So if a person has any complaint or any reason, he naturally looks to the Laws of the country. He might not find it in one, but if he looks at another, he may find it, and if he looks at one and doesn't find it, well, he can refer to another. So, we have six Ordinances that we have that, to a layman, would be very difficult to interpret or find an interpretation in what he wants, and my feelings are that these things could be grouped under one Labour Provisions Ordinance. Now, when a person can't get his money and tries to put a lien on something, well, surely, that could be in this same Labour Provisions Ordinance so that labour was covered and governed in one particular Ordinance for easy reference for everyone and it could be amended from time to time to fit in with things. And that is what I felt would be really necessary to get down to the basic philosophy, but something that everyone could understand. The fact that a person comes up here...this gentleman that came up here...I certainly did not intend my remards or references to him to be derogatory, Arbitration, but when we haven't got the basic law set up, it seems a little premature to have a very complicated arbitration law put in the Ordinance. First I think we should walk before we could run, and just have the thing outlined as one solid piece of legislation and then add and detract as conditions change. That is what I would like myself.

Mr. Thompson: I was just going to say, Mr. Chairman, before you adjourn for a few moments, that I believe the Commissioner has another subject to discuss and he is also in a hurry to get to another meeting so I thought maybe we could oblige him.

Agreed.

Mr. Taylor: Well, Mr. Chairman, if you agree that we are still talking to four empty walls and getting nowhere, well then I agree to that but I don't agree that we should just drop the subject without having something firm done about

it and a firm direction to Ottawa to achieve what the Motion of Council asked for.

Mr. Commissioner: Mr. Chairman, just as a parting shot. Even when there was four empty walls and experts at the end of the table, nothing was accomplished. This is my problem. When Ottawa says "What was accomplished when we sent you those experts?" and Mr. Curry was an expert in Union relations only because he was an expert in Labour....that's where he specializes, so he covered both fields. Mr. Hereford specialized in Labour as well. Nevertheless, I shall do my best to have this thing put through and have this man come before you. I'll make you no promises because, as I say, unless you have some direction for him and gain something from it, I am sure that the more of these gentlemen that we bring up, when they go away with no useful effect, then the less chance we have of convincing the Department that they should spend money or travel up here for us. So, I am just trying to protect myself on it. I promise you I will do everything I can to get this man through. The other one should just take a couple of minutes and then I have to rush up and talk to the Chief Electoral Officer because of you gentlemen. He's waiting to be spoken to....if you insult me anymore, I'm going to walk out in a huff. This is on the Plebiscite for Daylight Saving. We are ready to set up the deal that will go out in a sealed envelope, with a sealed envelope inside of it, self-addressed and stamped, to be returned, addressed to the voter. The ballot will have the have the Voter's name and address so we can make sure there is no monkey business and that we can get some idea of geographic reference..... we will know where these come from. The narrative on the ballot would read like this: "Mark the square beside the statement you prefer with an X -- (1) Go on one hour of Daylight Saving Time all year round and add one additional hour of Daylight Saving Time in the Summer". And we say "Saylight"...somebody mentioned Pacific...we don't want to get involved in Pacific, Mountain, or any of these, because this confuses people . Pacific Standard Time doesn't mean a thing to a lot of people. "(2) Go on one hour of Daylight Saving Time all year round (3) Stay on Yukon Standard Time all year round." This is as basic, simple, two-syllable words as we could get so that there should be no confusion and this will give us an idea, the best idea, of what the peoples wishes are and in what area these wishes come from. It was suggested that there could be a fourth one, but I am afraid that a fourth one would complicate it. It might involve us in information that tends to obscure the meaning of the ballot so I think that if we just keep those three basics, we should get some pretty simple facts from them. And, if this is agreeable and this sounds reasonable, we will go ahead and put some ballots out. We would like to get it out in the month of December if we could.

Re Plebiscite Daylight Saving Time

Mr. Southam: May I ask one question from the Chair. Are you going to put a time limit on it.

Mr. Commissioner: Time limit on the returns? I would say, yes, we will.

Mr. Southam: I would think we should.

Mr. Commissioner: May I be excused?

Mr. Shaw: I just have one remark. I hope Mr. Commissioner didn't take anything personal in my remarks. I do know that

he does transmit these things that 4,000 miles East. I realize that there must be times when he is just about as frustrated as I am myself.

Mr. Commissioner: No, Mr. Chairman, I am quite happy with the situation. I never object to a good argument.

Mr. Taylor: With respect to this, I was wondering if any further consideration had been given to placing on the ballot in some separate corner as an additional question to be answered, whether or not people agreed to creating a chaotic situation by putting the Yukon into two Time Zones as was suggested?

Mr. Commissioner: No, I don't think so, Mr. Chairman. As I say, we will know the geographic location of these ballots on their return and this will tell us, for example...if everybody on the North Highway came out with a definite "No, stay on Standard Time", this would be a pretty good indication that if we are going to put people on Standard Time and still give the minority voice a fair break, then we would have to have Time Zones. But, I don't think we should word anything in there...it could tend to obscure the meaning of where they mark the ballot.

Mr. Taylor: Well, the feeling coming in right now is that the people don't want two time zones and they are most adamant on this. I haven't heard of anybody in favour of it yet except at this table.

Mr. Thompson: Could I ask one question of the Commissioner. Who do these ballots come back to? I would just as soon have an impartial committee sitting on this.

Mr. Commissioner: I represent that. Mr. Chairman, I am not sure that we have come to any decision on that. I imagine that it would be to the Commissioner's Office, but I can find out and let the Council know. I don't know that we got that far in our thinking. We were just trying to get the part required for the printing all set up.

Mr. Southam: At this time, gentlemen, could the Commissioner be excused? At this time I call a five-minute recess.

Tuesday 24th November
11. O'clock a.m.

Mr. Chairman: We will now discuss the supplementary estimate for the Discovery Road, and read to Council Bill Number 2. On page 66, Vote 9, Mount Freegold Road to provide funds for maintenance of the first 16 miles of the Mount FreeGold Road. This section is used by the Forest Service, The C.N.T., The general public and a number of mining companies. The first 16 miles should be incorporated in the Territorial Road Network and the sum is $10,000.00

Council agreed on this.

Mr. MacKinnon: Mr. Chairman, I would like to point out that we have been referring to the Discovery Mine Road, it is to Discovery mines, but the actual name of the Road is Mount Freegold and I would like to add that as a correction.

Mr. Chairman: At this time Gentleman, I see Mr. Spray is with us and do you agree we ask him to join in our discussion?

Council agreed.

Mr. Chairman: At this time Gentlemen, we will discuss the brief from the Mayo Chamber of Commerce and I will read the letter to you from the Commissioner. The Brief was also read to Council concerning the Mayo Fire Department.

Discussion on Sessional Paper 27.

Mr. Shaw: Mr. Chairman, I was wondering in view of the fact of the question, that if you so wish would pass the chair to some other member.

Mr. Chairman: Mr. Boyd would you take the Chair for the present.

Mr. Boyd: With pleasure Mr. Chairman.

Mr. Southam: Well I really haven't too much to say on this subject because this thing was sprung on me out of the blue. The first time I heard anything about it was when I heard it on the air that I was going to take this up with Council. I don't know whether this is the way they do things in Ottawa or not, but that's the way they do it here. Now again speaking on the salary of a Fire Chief, in my experiences in the past even when I lived in Timmins yearsago whenwe had a fire voluntary force at that particular time, the Fire Chief was exactly as stated in this thing here. I was on the voluntary Fire Department and I go $5.00 for tearing out of bed in the middle of the night and rushing to the fire in time to hold the hose, and $2.00 if I turned out for a Drill which I din't always do. I don't know, as I said I haven't much experience in this thing, it seems to me that $50.00 is too little but then again I think in most cases the men that take it are concerned with the municipalities, they are community minded, they wish to see their own homes protected and also see the other peoples. They do this more or less on a voluntary basis. I know that the equipment that they have to fight the fires with in these places are not perfect by any means. They are not the same as you have in Whitehorse, I don't know what you have in Dawson and I would hate at this particular moment to make a recommendation of what should be done. I would like to hear from the rest of the Members as a whole what they think as they have had probably more experience with

this thing than I have. As I say I didn't like the way that they brought it up in the first place, they called a Meeting and I wasn't even invited and the next day when I came home for Dinner the wife said "Well what have you promised to do this time" and that was the first I had heard of it. I did hold a short Meeting with them later, before I camedown to find out what their views were and the people that passed this piece of paper weren't there, they sent it with somebody else. So Gentlemen, with that I am going to leave it to the discression of the Council to discuss and see where we come out. I will take the Chair back now Mr. Boyd.

Mr. Taylor: I think that the idea is reasonably sound it would appear that there is a grievance and possibly Mr. Spray may be able to enlighten us a little in this regard as he may be aware of some of the requests from the Mayo Fire Department. I must say that in viewing the situation very generally that I think they have a very sound idea here in respect to Fire Chiefs throughout the entire Territory, they are given the responsibility of both running a Department and maintaining the equipment involved with this operation. The remuneration is small indeed in consideration of the duties and responsibilities performed, but at this time I would like to ask Mr. Spray for his comments on this and also I would like to ask him whether he particularly knows of this Mayo situation.

Mr. Spray: We have problems with our Fire Chiefs and Fire Departments throughout the Territory all seven of them particularly when it comes to appointing a Fire Chief. In Mayo in the last two or three years we have gone through three Chiefs. At one time the Mayo Fire Chief was paid $100.00 per month and we reduced this to $50.00 per month to bring it in line with all the other Fire Brigades in the Territory. As far as the amount of money that is paid to Fire Chiefs this is a matter for Council to discuss, it will mean that we will have to set rather rigid qualifications for a Fire Chief and expect that he is not acting particularly as a voluntary Fire Chief. If we are going to pay $125.00 a month, they we expect a fair amount of time spent on it. Personally I have no comments with regard to the wages, this is strictly an arbitrary figure. We have trouble obtaining Fire Chiefs to the point that we don't have qualified Fire Chiefs but each year the Deputy Fire Marshall comes to the Yukon and goes throughout the Territory holding instruction courses. At that time he will spend more time with the Fire Chiefs and if necessary we appoint a Chief throughout the year other than when the classes are being held, and make arrangements for the Fire Marshalls in the Territory to give instructions to this Chief and if necessary give consideration to have the Fire Chief from the City of Whitehorse go out and sit down with the Chief and go over points and help them. Plus the fact that the Fire Marshall's office is always available for information and instruction throughout the year by letter. I do believe throughout here it says that the position of Dog Officer is held in higher importance than that of a Fire Chief since he receives $65.00 per month. You must keep in mind that out of this $65.00 a month a Dog Officer operates his own vehicle and feeds the dogs that he impounds and he is also expected to travel to Elsa and Calumet. I don't think there is too much bearing on the positions as they are quite different. Other than that Gentlemen, there is not much more I can discuss, one point that the Mayo Chamber of Commerce has raised is that we

transferred one of their Trucks from Mayo to Keno, this is a temporary transfer and we have a new truck on order for Keno, and it will be going back to Mayo I hope by early January.

Mr. Shaw: This is certainly a situation I couldn't add too much to except a few comments in so far as where I live there is only one Fire Department. Where there is a fire in my particular area I know that I always turn out if it is a fire of any consequence and many people do likewise and receive no pay whatsoever, they can ask for it but they are glad to help their neighbour put out the fire. It usually costs you money besides your time in clothing because I know the last time we had a fire just before Council it cost me a new fur hat. Now in relation to the amount of pay for Fire Chiefs in the small communities I think a lot of that should be governed by the amount of work that is involved. I think the first consideration should be what amount of labour or time does a person have to spend in his duties. We have another matter in the brief which is the matter of equipment, if I were in a small community I would be more concerned about the type of equipment than the matter of remuneration. The whole subject will boil down to in my opinion on what duties were involved and whether its worth $50.00, $100.00 or $125.00 or just where we start on this matter. Mr. Spray has pointed out that there is seven communities, what do these other communities feel in this particular matter, do they feel that they are adequately compensated or the duties they have to perform. We do have the issue from Mayo, but perhaps to bring it more into prospective is that we find out what these other communities feel in the same matter. It will give Council a much better yardstick to come up with some sort of judgment. If we just come from one community we do not have a very good picture of it. I think we should get the views of these people so we have something down concrete on a piece of paper just as to what the situation is. I think if that were done we would have a much better opportunity of what the situation was.

Mr. Boyd: I can see where Mr. Shaw is asking the other seven to claim for $125.00 because if you don't ask them they are certainly goingto ask for it whether they feel they are going to get it or not. I think the whole point hinges on what do they do for this money. I noticed Mr. Spray said they maintained the equipment, how much time do they spend on maintenance, do they actually maintain it or do our Government employees do the work. My bearing would be how much time do they spend on this job and that's how you are going to decide on how much they get I should think.

Mr. Spray: Mr. Chairman, it depends on the individual Fire Chief what time is spent on maintenance to their equipment. When it comes to the motor vehicles it is the Fire Chief's responsibility to insure the motor vehicles and all the other equipment is in good working order. He is not expected to grease and change the oil, this is done by the service stations or the Territorial Garages, but it is up to him to make sure that this is done regularly. On the inspection of houses and business places in the community, each individual chief has different views on this. Some of them are very keen on this and inspect regularly and others don't necessarily do as much work on it as they don't have the spare time. They are required to submit monthly operational reports directly to the Fire Marshall who approves them

and forwards them back here to Whitehorse. The Fire Chief receives his pay regularly each month as long as he is on duty, if he is on leave for a month we find an acting Fire Chief and he receives the $50.00 a month. Now this raise in the Fire Chief's pay is just the matter of money Gentlemen, $6,300.00 per year and one way of looking at it is that we could put this $6,300 into Fire fighting equipment which I feel we need very badly. We spent some $34,000.00 on equipment this year which includes two fire trucks, last year we spent a substantial amount and next year it won't be quite so high but we are working on a standard that will be acceptable to the Fire Marshall and eventually I hope we will have new trucks in all the communities and fire fighting equipment.

Mr. Shaw: Mr. Chairman, I would just like to answer Mr. Boyd's remarks, but my suggestion was to make an increase all round, it was certainly not in this written statement but my reply to get it said. I would expect if I were submitting a brief for more pay I would point out why I would justify the desired increase. Unfortuantely in this brief we have right now, according to my observations, there is nothing that states why more should be paid except that a Fire Chief should get more money. There is no something to say that this person is required to put in 5 hours a day, two hours a day or 1 hour a month, it really has no guidance except that I want more pay and they need more pay. They may need this I don't know and I am not aware of the fact there is any justification for it that is put down by the hours of labour and so forth.

Mr. MacKinnon: In a recent discussion with a Fire Chief in my area, he felt that instead of giving them a raise, he would much rather see the Territorial Government have a Fire Chief Supervisor to assist them in their work.

Mr. Taylor: Just in listening to the comments around the Table, I think Councillor Shaw's idea is a fairly sound one but possibly as Councillor MacKinnon has pointed out there is another opinion of a Fire Chief. It may be that we should solicit this opinion and make a general review of it and at the next Spring Session which isn't far away and decide then on the matter. Possibly the Area Development Office could bring before us recommendations outlining the opinions of each Fire Department.

Mr. Thompson: Mr. Chairman, my views are that fire fighting is a voluntary community effort with the exception of Whitehorse of course and we as individuals are becoming very complacement regarding our community responsibilities. It is my feeling that it is the responsibility of all citizens to take an interest in their community affairs and contribute in some way something to the respect of communities, and not to expect the Government to subsidise them in each and everyone of their functions. For this reason as has been stated there has been nothing to substantiate an increase and I feel that under the present system it is quite adequate.

Mr. Boyd: There was a time not long ago when there was no fire equipment at all. Now they have been given fire equipment and been given a fire chief in a sense at no extra cost to them, but it is certainly a cost to the people. Somebody is paying for it and I think they should take sufficient interest in their community to organise their own desires.

Mr. Taylor: I appreciate your remarks, but I think you

must also agree that the volunteer firemen themselves are called upon quite often to give much more than what they can really afford. Such as a $100.00 suit on a fire, when that fire siren goes, regardless of where you are you go and sometimes these things happen very quickly and they are not reinbursed for this. A personal harm which attaches to a fireman attempting to put out a blaze which may put him temporarily out of work and he has nothing for this and I think some consideration should be given to that aspect. It is not an easy chore to leave the comfort of your home on a 40 below night to go and in effect risk your life in many an instance and apply your knowledge and skill to the equipment made available to you. I think that in consideration of this and the point of view the two honourable gentlemen have put before me have expressed, I think this should be given consideration.

Mr. Boyd: I wasn't suggesting anything derogatory I admitted that the Fire Chief is being paid a salary and so-on but I don't think it should get on the basis of where this entire organisation should be a salaried set up in the sense that it is a salary. There is an obligation and there is a statement in this wording from Mr. Southam that the money is not drawing the right type of men. Will $100.00 or more money draw the right type of men, I have my doubts very much so. I think there is a lot to be left up to the community spirit so to speak and they shouldn't overlook this fact. After all there is not a lot of taxes collected in these areas in fact very little tax wise, property wise and so-on.

Mr. Taylor: Well Mr. Chairman, I have figures somewhere in my briefcase here that the Hinterland do pay a very substantial amount of taxation in this Territory and if necessary I am quite prepared to ask that these figures be again prepared by the Administration for perusal of Council to prove this point. In any event I might say that I rose to point out that this is a consideration that possibly some members had overlooked. These men do a good job and the only time they do get paid any money at all is when they go to their practices or have to attend a fire. $5.00 for fire, for working in sometimes 40 and 50 below weather is pretty poor pay when you think about it. The Firemen haven't squawked but the man who needs this Department, the king pin, the man who keeps this crew together and handles the personnel and the equipment should be given a little consideration where necessary. I agree with Councillor Shaw that the obvious solution to this would be to solicit their opinions and discuss it further at the Spring Session.

Mr.Shaw: Mr. Chairman, I would just like to make one comment in relation to the effect that I certainly agree with some of the remarks passed by Councillor Thompson and Councillor Boyd. Any fire that commences in Dawson, I am not talking about a chimney fire, I am talking about a fire. If it were left to the Fire Department that fire would get completely out of hand because they couldn't cope with it. They have all kinds of volunteers, now these volunteers can ask for pay but I believe if you went through the records I am almost certain you would find that 90% of the people do not ask for that remuneration, they are only glad enough to help their neighbour. If we depend only on the Fire Department to put out fires in that area I am afraid it fail as the Fire Department is too small and it must get the co-operation of the citizens.

Mr. Chairman: Mr. Boyd would you please take the Chair again.

Mr. Southam: I think we are going around in circles here, what we are concerned with at the present moment is the Fire Chiefs. I don't know who is the Fire Chief of Mayo but I do know who is the Fire Chief in Keno City and I know that the man in charge of the Keno Fire Department or was, he may not be there now, was a very good man and very conscientious and I have no doubt that the person I am speaking about put a good many hours in time over and above $50.00 in the Fire Department. He did it because of the community minded man. I don't know as I said who is in charge of Mayo but it looks to me as though the monitry figure is the thing with them. You people you live in Whitehorse don't live in Mayo, you don't know the feeling there is between two or three fractions there and it seems to me that this is one of the things that is the matter. The community say that the moral is in an old time low somewhere here and I think that states about the whole thing here. I don't personally think its a monitry thing at all its something else.

Mr. Boyd: Mr. Chairman, I don't think there will be any harm in Mr. Spray following out Mr. Shaw's suggestion and attempt to get some more opinions. Probably we could be a little more clear at the next Session than we are now.

Mr. Chairman: Are you agreed to this suggestion Gentlemen.

Council agreed.

Mr. MacKinnon: I would just like to ask a question to Mr. Spray. Could you tell us if any type of coveralls are supplied to the fire fighters for protection of their clothes at the present time.

Mr. Spray: We do have protective clothing in most of our fire brigades. If we take a case in point, Haines Junction has 8 helmets, 8 coats, 4 pair ofmitts with liners. We do not supply the pants as they are not used and are of no use, but we do supply the clothing. In Mayo they have 6 helmets, 6 coats and six pairs of boots.

Mr. Taylor: How many fireman are in these areas.

Mr. Spray: Mr. Chairman, this depends, we are trying to bring the clothing up to 7 or 8 in all the fire brigades and there is no doubt that in some fires it varies as sometimes we have six turn out and sometimes we have twelve turn out. The clothing is quite expensive and we say about 8 as an average figure for the turn-out, some individuals are working at the fire but not in close contact to the actual flames. Eventually perhaps we can raise it to 12, but at the meantime we are not up to 8 all around we are trying to bring it up to this standard.

Mr. Chairman: In view of the time Gentlemen I wonder if Mr. Spray could be with us again at 2. o'clock this afternoon as we have one more subject to discuss to do with the Fire Department. I now a declare a recess until 2. o'clock this afternoon.

Wednesday, 24th November 1965
2.00 o'clock p.m.

The Council reconvened at 2.00 pm with Mr. Spray present. After calling the meeting to order Mr. Chairman read the Sessional Paper #29 which was a letter from Mr. A.H. Melnyk, Secretary of the Mayo Chamber of Commerce regarding equipment in the Mayo fire department.

Mr. Chairman: I wonder if Mr. Spray could enlighten us a little bit on this.

Discussion Sessional Paper #29

Mr. Spray: What Mr. Melnyk says is quite true; the Mayo truck was damaged beyond economical repair and in order to give Keno City fire protection and water supply I instructed the Keno Fire Chief to take the tanker from Mayo to Keno on a loan basis. Now Mr. Melnyk requests that we return the truck immediately to Mayo and provide Keno with another unit. I cannot immediately replace any unit in the territory because I have none. This is why we were forced to loan the truck to Keno. I am well aware that it is a hardship for the people of Mayo; it diminishes their effective fire protection. On the other hand if we hadn't done this it would have left Keno without any fire protection whatsoever. On September 15th we ordered a new 1966 GMC combination fire truck, tanker and water carrying unit for Keno and the latest word we have on this is that it will be ready for delivery at the end of December or early January. At that time we can transfer the truck back to Mayo from Keno. At the present time there is absolutely nothing I can do as we have no spare units on hand.

Mr. Taylor: I think there is something we can do. Apparently the chief concern is that they need water capacity at Mayo. I would assume that this truck that is now in Keno has a pump on it and I assume also that there is a truck with a pump on it in Mayo, however it's got a very small capacity and I would suggest the Alaska Highway patch crews who have now finished their work for the year be approached through the Federal Department of Public Works, to rent or by some means provide us with one of their tanker truck units until such time as we are able to get our equipment in or until the Spring and return the tanker to Mayo, which would nicely solve the problem, without costing us too much money.

Mr. MacKinnon: I would like to ask Mr. Spray where we stand at the present time in regard to the fire truck for 1202 and also Haines Junction.

Mr. Chairman: Mr. MacKinnon I think we are off on another tangent and perhaps we could deal with this later.

Mr. Taylor: We'll be getting to those fire departments when we discuss the estimates. I am wondering Mr. Spray if the Administration would consider doing this because there must be all sorts of these tanker trucks available at the present time insofar as the Federal DPW have shut down their seasonal operation. These are trucks that never normally go out in the winter and if we can rent one of these at a reasonable cost and send it into Mayo.

I think it would accommodate the situation.

Mr. Spray: Thank you very much; that's an excellent idea and we may not have to go to DPW if we have one of our own. I hadn't thought of this as it was last August that this problem arose and it is only now of course that these trucks could be available. We ordered our new units from GMC, Yukon Motors and were not anticipating such a delay in their delivery. The trucks are in Vancouver at the present time but the bodies have not been constructed and they will not be available until early January, but we will look into the matter of supplying Mayo with tankers from our own equipment or DPW's.

Mr. Chairman: Are there any further questions gentlemen?

Mr. BoydL I have no further questions; it seems to be solved.

Mr. Thompson: While Mr. Spray is here could we deal with Sessional Paper #34 which is actually the reply to Motion #15 concerning Cemesto Houses and the proposed amendment to the Area Development Ordinance.

Mr. Chairman: Is that agreeable?

Committee: Agreed.

Discussion Sessional Paper No.34

Mr. Chairman then read Sessional paper #34 and the Area Development Ordinance

Mr. Thompson: It says 'I shall be glad to know that this implementation of Council's motion is satisfactory'. I would just like to say that since this has come before us I have had the opportunity to discuss this with Mr. Spray and the only question that I raised is that it does not say what we were asking - that Cemesto Houses could not be moved into the area or any area, but Mr. Spray assures me that no house or home can be moved without a building permit. This is the crux of the matter and so if this is the case I would concur with the motion but I would like Mr. Spray's comments on this so that they are on record.

Mr. Spray: The regulation for the sub-division states that no building may be moved or erected on a lot without benefit of a building permit. The amendment covering Cemesto type houses states that no permit shall be issued for these houses. You put the two together and it means in fact that no person can move a Cemesto House into a sub-division.

Mr. Boyd: I wonder what Mr. Spray would do if he found somebody had rolled a truck in there with a building on it, had got the building off it and in the morning it was there. Would you require him to move away again?

Mr. Spray: We would just ask him very nicely to move away and then if he did not do so I would place the matter with the Legal Adviser.

Mr. Boyd: This could happen, I've seen it happen.

Mr. Spray: On buildings of the size of the Cemesto building that are to be used for houses we have rarely met this problem. Small construction buildings or outside sheds possibly yes, but houses very rarely. We have on occasions caught them on the highway.

Mr. Shaw: This is a matter that was discussed some time ago. I raised the question of being short on buildings, that these buildings be made available to the public in the surrounding areas. In the meantime the authorities in the Municipal Council of the City of Whitehorse did not want these moved into the City of Whitehorse. The member for the Porter Creek area, Whitehorse North has the same sentiments in relation to his particular area. My attitude would be that these particular people, namely the honourable representative on my left and the Municipal Council, have more knowledge of the circumstances than I, so if they recommend, and the people they represent don't want them, then I would just have to agree with the motion. There is just one thing that does come to my mind - I do know of one person who has invested in this with the intention of moving it to one or the other and whose bid has been accepted by Crown Assets Disposal Corporation. Right now he is stuck with it. He is stuck with what he has paid for and if he can't move it or tear it apart - I don't know what all the circumstances are - it's going to make it hard. I still must agree with the member and with the City Council but I would draw to your attention that it is going to be hard on the person who has bought it with the intention of moving it. Will the Crown Assets Corporation possibly refund the money?

Mr. Spray: I understand that Crown Assets will not refund the money.

Mr. Thompson: I am not certain on this point. It would stand investigation but it was my opinion that the application for bids on these buildings stipulated that they would be dismantled on site. Now because of this there is no restriction, as Mr. Spray has mentioned, to somebody getting a building permit and building from scratch. There is nothing to say that some of the material in these things is quite acceptable. Here again the Engineering Department have assured various people that these buildings are of suitable construction but they spent a great deal of our time during the last session telling us that they didn't meet the various requirements, mainly because there wasn't adequate wiring. Evidently, just because it doesn't have sufficient wiring, it doesn't mean that it does not meet the building standards, so the Engineering Department's approach to this is that this can be rectified or modified. This had no bearing on the Association's request that Cemesto homes be kept out of the Porter Creek and Crestview subdivisions and I worded my motion accordingly to the effect that it would be kept out of the sub-divisions in and around Whitehorse inasmuch as it is the same request as the City Council has made, that they should not be allowed into the vicinity.

Mr. Taylor: If this is the intent I would suggest that the regulations should be amended to provide for this because it definitely states that the prohibition affects any building of similar construction or any building composed wholly or partly of portions of such buildings which would rule out the use even of the materials.

Mr. Spray: I stand to be corrected on this point, but I understand that these buildings were of such a construction that if you dismantle them and use the materials to build another building you are going to end up with exactly the same building. The type of construction is more like a panel construction and fine as they are they are not of the standard required by the national building code, quite possibly because of the wiring, which can be replaced, or the foundations, which have to be replaced in any case. But we worded this regulation in such a way that we would not allow portions of the building into Porter Creek or Crestview.

Mr. MacKinnon: Is this being fair now to the people who have purchased these houses? I would be the last one who would want to be involved in stopping this after the people have already bought the homes with intent to move them to a certain area. I think if they were sold to the people under these circumstances we should be a little lenient and stand behind those people right now.

Mr. Spray: It was general knowledge that the standard of these buildings was acceptable in Porter Creek, Crestview and Canyon Crescent. Crown Assets Disposal Corporation were aware of this, the Department of Public Works was aware of it and we made no secret of it. So it's quite possible that people did purchase with a view to moving into Porter Creek. Now I have received no applications for building permits, however I am aware that one individual is, or was, contemplating it as he picked up an application for it at my office.

Mr. Shaw: Councillor Thompson informs me that he thinks the form stipulates that buildings have to be dismantled on site, but if that wasn't in there and he did intend to move it and found he couldn't because regulations came in after, it would appear that the Crown Assets Corporation in such an instance would be under a certain amount of obligation to say they would give the money back - a kind of sense of fair play, that's all.

Mr. Boyd: I would just like to ask Mr. Spray if we can verify that it did say that the building shall be dismantled

Mr. Spray: I can verify this for you, however it is my understanding that this is the standard form used by the Crown Assets Disposal Corporation and 'dismantled or removed' should have been the wording of the form. It is their intention to allow them to be removed from the site. Whether or not the form actually reads this way I cannot be sure but I can confirm it for you.

Mr. Boyd: It was my understanding that it was worded as such but I did note also that since the buildings have been sold some have been moved in tact. One at least is very conspicuous on the highway.

Mr. MacKinnon: I still think this is worth a lot of consideration; I wouldn't want to be the one to put a man out of his home on account of something we are passing here, and if his intention was to bring the house to a certain area, I shouldn't want to stop him.

Mr. Thompson: I think the fact that no applications have been made to move any of these anywhere is tantamount of no immediate problem. I can pick up loan applications

from a bank, I am conceivably going to take out a loan but unless I complete them and return them I am not going to get very far. So if this is the case I don't feel we have a problem. There is just one thing that I would like Mr. Spray to clarify. You said that there was no indication that these were not acceptable in these various places, but I thought that at the time of our discussion possibly these would be made available, that the Association informed you that these would not be acceptable in Porter Creek? I think you have given the impression that they were acceptable up to now.

Mr. Spray: Yes. I am aware of what Mr. Thompson has told me that these houses were not acceptable to the people of Porter Creek. When I said it was known that they were acceptable I was talking about standards, not of the wishes of the residents of the area.

Mr. Thompson: I would suggest that we refer this to a later date when Mr. Spray can bring a copy of the disposal form for our attention.

Mr. Chairman: Is the Committee agreed on this?

Mr. Taylor: I think this is not so much a case of the people who have bought these buildings although this of course is an important consideration. I think in relating the two, consideration of the people resident in the district would take priority over everything else. This is a sub-division and it is unfortunate that it even has to be discussed at this high level. It seems to me that the people of Porter Creek have decided, by what majority I don't know, that they do not want these houses in their sub-division, that it would not enhance their community, and I think this is what would have to be respected. If the member representing that group has stated that this is the thing, this is what we must accept and what the other people do with their Cemesto buildings is another question.

Mr. MacKinnon: I am not quite clear here. Are we acting on behalf of what was supposed to have been done or is it a matter of accepting the standard of these buildings as they are? I would refer that to Mr. Spray.

Mr. Spray: I am not quite clear on the question.

Mr. MacKinnon: Are we acting on behalf of the original intent or on the standard that has been approved on these buildings. Have these buildings been approved by a regular standard?

Mr. Spray: According to our territorial engineer these buildings are to a standard that would be acceptable to Porter Creek regulations. They do not meet the specifications set down in the national building code point by point. According to the code such buildings are permissable. This is based strictly on the wishes of the people in these three areas.

Mr. MacKinnon: If they are in concurrence with the code or standards I don't think we should oppose it.

Mr. Taylor: I think it is still up to the residents themselves. I know I have sub-divisions in my electoral district and I think that in each one of them they agree that they don't like to be administered from 300 miles away by people who are not living from day to day with the problems, no more than we at this table like to be administered from 4,000 miles away by people who do not necessarily have to live with our day to day problems.

If there has been a request from the Porter Creek Citizens' Association or Crestview Citizens' Association, that these buildings are not desired in the community I think it should be respected.

Mr. MacKinnon: I would like to ask Mr. Thompson if the people of Porter Creek are aware that these buildings do meet the standards?

Mr. Thompson: I don't think this was discussed. I think that at the last session it was abundently clear that these would make excellent summer cottages for somebody by a lake or a stream somewhere but because of their flimsy construction and poor wiring they would be considered unsuitable for habitation for all year round unless it was at a terrific expense because of the lack of insulation and things like this. It was brought up at a regularly conducted Porter Creek Citizens' Association meeting and also at Crestview and they were told that Cemesto houses would be put on the market and that they would be for sale but it was the wish of the two associations that they should not be permitted to move into their areas.

Mr. Shaw: I was quite an advocate at one time of moving these buildings. However, one has to respect the wishes of the people that are directly concerned. I still think it is a good idea but the people themselves that are concerned don't think it is. This may be an analogy with what we decide here and what Ottawa decide is good for us. This is what the people want; it is purely a local matter and involves all the people in this particular area and this area only and if they want it, as far as their representative has put forth, then as far as I am concerned this is the start and finish of it.

Mr.MacKinnon: I think the point is quite clear: that the people are not aware that these houses come up to standard.

Mr. Spray: I don't believe it is a question of standard as much as a question of whether or not these houses would be an asset to the community. I don't believe they think they would be an asset.

Mr. Boyd: It would seem to me Mr. Chairman that if they considered them to be an asset at all they would have left them where they were and let the people buy them where they were instead of going through all this monkey business of sale, removal, dismantling and so on. And if the people and the powers that be such as Crown Assets took the view that they took it is only reasonable to assume that the people living where the buildings might get planted shouldn't take the same view. I am agreed that the people of Porter Creek should decide their own issues.

Mr. MacKinnon: I would like to remind Councillor Boyd that during the arguments on Votes and Proceedings, the reason for moving these houses was on account of an obsolete system and not on account of the houses in particular.

Mr. Taylor: I would like to say that we have gotten back to the original point when we first discussed this some time ago in another session - that what we really need is a good fire-bug well equipped with many matches, but I would certainly like to go on record as supporting the request of the Porter Creek Citizens' Association in that

they wish to keep them out and I would suggest that we deal with this matter and get on with something else.

Mr. Chairman: Are we all agreed gentlemen?

Committee: Agreed

Mr. Chairman: Is it agreed that we excuse Mr. Spray at this time?

Committee : Agreed

Mr. Chairman: You are excused Mr. Spray. I will now declare a short recess to discover where we're at.

Mr. Chairman: I will now call the meeting to order. We will now discuss Sessional Paper #32 - Civil Disaster Plan

The Chairman then read the Sessional Paper #32.

Discussion Sessional Paper #32

Mr. Taylor: In this respect I would suggest that the best move to follow here is, in those communities that have fire departments, to delegate this authority to the fire chiefs whoever they may be as they are generally equipped to handle such emergencies and in communities in other districts that have no fire department, possibly a member could select somebody to fill in.

Mr. MacKinnon: Here we go again, Mr. Chairman. This morning we were discussing raises for fire chiefs, now the question arises - should we appoint somebody from various areas; are they going to want money for it or do you just tell them that they are responsible for this? I don't quite get the meaning of it.

Mr. Taylor: As it says in the document, this is someone whom they would contact in the event of the disaster. Assuming it was the fire chief, they would be contacted, they would be kept up to date with data and I don't see that it's that great an additional burden on anybody and of course these people are working in emergency situations day by day.

Mr. MacKinnon: That's what I'm getting at, the word 'appoint'. I don't think it's a question of appointing. I think we would have to search out someone who was willing to take over these duties.

Mr. Shaw: The reference to advice is very clear: the Commissioner is asking members of Council if they would feel it would be a sensible proposal that they should contact members in their electoral district and find out if someone is willing and capable of acting as co-ordinator and sending that name along to the Commissioner's office so that he may appoint such member and outline the duties and whatnot. I think that's all it is. I think certainly that it's a very good idea and that's that.

Mr. MacKinnon: I do not believe that this should become the responsibility of an individual Councillor. I think this should be left in the hands of Administration and if they want to write and make arrangements with somebody in particular I think that would be much more satisfactory than having a Council member scouting around looking for somebody.

Mr. Shaw: Council has said on various occasions - these things are being done and we don't know anything about it - so now Administration are saying OK, here's your opportunity to do something about it and we will listen to the advice you give us. So I think this is a very commendable memorandum. I will accept the responsibility in one form or another.

Mr. MacKinnon: I can see this is quite a problem in my area for instance because it covers so much ground. I would have to arrange it with people in Carmacks, 1202, Haines Junction; I would much rather see this in the hands of the Administration.

Mr. Taylor: If I can find a seconder for this motion I would move that fire chiefs be appointed as contact authority in outlying districts for civil disaster planning.

Mr. Chairman: Is there a seconder for this motion?

Mr. Boyd: Mr. Chairman, this memorandum as I see it is drawn for the attention of the four outside members only; it is not for this Council to decide at all and they are, as Mr. Shaw states, giving you the responsibility that you have been asking for, not going over your heads. I have noticed more than once at this Council that Administration asks somebody to do this or appoints somebody to do that and immediately there was a howl set up because the Councillor didn't like what he'd done. So here's a chance to do exactly as you've been asking for and I would not renege on it if it were me.

Mr. MacKinnon: Those were very kind words from the Honourable member from Whitehorse whom it doesn't concern but I will still say that I would much rather see this the responsibility of the Administration than of the individual Councillors. It is more involved here than we foresee.

Mr. Shaw : I would suggest that we leave it at that Mr. Chairman and that the member can always drop a letter to the Administration, thanking them for the trust placed in them and disappointment but they feel it is a little too complicated for them and ask the Administration if they will appoint somebody for them.

Mr. Thompson: Mr. Chairman, I concur with Mr. Taylor's suggestion that the fire chiefs be appointed. This is sound reasoning. The reason I am not seconding the motion is that I am of the opinion of Mr. Boyd, that this is primarily for the outside districts and I feel they are more capable of looking after their respective duties than we are and if this is the wish of any particular Councillor then I feel that he is quite at liberty to appoint them and this reference for advice is sufficient authority to proceed on this basis.

Mr. MacKinnon: I would like to point out that the appointment of a fire chief would not be too practical in the case of disaster; I would say that a road foreman would be much more practical as this man is in charge of a lot more equipment that might be needed at such a time.

Mr. Boyd: This thing doesn't concern we three or four Whitehorse people. You fellows are arguing with us. All I would like you to do is go home and when you get there tell the Commissioner whom you want to appoint. It's

not for Mr. Taylor to say who you are going to have appointed in your place. You appoint him, not Mr. Taylor.

Mr. MacKinnon: On Mr. Boyd's comment I would like to say that I haven't noticed any of the hinterland members leaving for home so far.

Mr. Taylor: I think this has gone far enough as well but I might say that Carcross is I believe in a Whitehorse constituency but I imagine that the Whitehorse member would wish to represent the community of Carcross, as the honourable member for Whitehorse North may wish to represent Porter Creek in respect of this but in any event I wish to make it abundantly clear here that I think fire chiefs are the most capable people and consequently I would be appointing, if it were my duty to do so, all the fire chiefs in my electoral district to take on this duty and I would suggest and recommend to the other members involved that they follow suite because I think it would be these people who would be best equipped to handle the situation. It would be nice to have it uniform because these people are all contacted, they are all given the same amount of information and so forth and they are always in the community and if any one of these gentlemen for any reason leave the community, the information required is always left in the fire hall or in the office, wherever this service is, and there are always deputy fire chiefs. This is why I suggest we do it this way.

Mr. Thompson: I agree wholeheartedly with Mr. Taylor. But there is one small matter - there are several communities that don't have a fire department and in this instance it's a little difficult to make it uniform across the board. So for this reason I would suggest if you want firemen in your area and Mr. MacKinnon wants road maintenance men in his area and we want the water truck delivery men in ours, then I feel this is giving you the necessary authority to proceed along those lines.

Mr. Chairman: Are we agreed?

Committee : Agreed

Mr. MacKinnon: No. I am still not in agreement. I would like to point out that it is not our duty to make these appointments. We are elected members. We represent all the people - why should we stick our necks out. Maybe there's going to be a lot of glory for the man who is appointed, maybe if I appoint the road foreman the fire chief will think I should have appointed him. I think this is the duty of the administration.

Mr. Taylor: We came up here to act as Councillors and to represent our people. It is our duty I infer and we have done it in centennial work and I feel it's our duty to do it here. It gives a little more autonomy - this is what we've been looking for for a long time. It's not a very big step but it shows at least that the Administration are interested in getting our view in such matters.

Mr. MacKinnon: I would like to ask Mr. Taylor how well it worked in the Centennial.

Mr. Taylor: The matter worked out rather well in the Centennial as far as appointments were concerned with the exception of my constituency because I had a fellow down there who didn't quite agree. I might also say Mr. Chairman that I feel that I have capably looked after

the situation and I do not shirk my duty as a Councillor.

Mr. Thompson: Bully for you.

Mr. Chairman: Gentlemen, as your Chairman I would like to make one or two comments. I do not agree with Mr. Taylor for one thing and I think, as Mr. Boyd pointed out, that it is our duty in our own districts to see who will take it, and then write to the Administration and say here's a joker that will do it. With this, gentlemen, I think we should wind up this debate on this thing and I would call a recess for tea and a change of stenographers.

Wednesday, November 24, 1965
3 o'clock p.m.

The Chairman called the Committee to order and informed the members that they would proceed with Question No. 1 - Territorial Property Tax - which read:- Memo Question No. 1

> Will Territorial property taxes be reduced this year, if so, to what extent?
>
> It is not possible to say at this time what Territorial property tax will be levied for the year ending March 31, 1966. To be settled first is the question of property tax for the year ended March 31, 1965, which the Administration is endeavouring to get adjusted. It is hoped to be able to effect a substantial refund in respect of that year. A decision on this matter may be expected shortly. Council will be informed.

Chairman: Is there any discussion on this Question, gentlemen, or are you agreed with the answer?

All: Agreed.

Chairman: We shall now proceed to Sessional Paper No. 35 - City of Whitehorse Traffic By-Law and Motor Vehicle Ordinance - which reads:- Sessional Paper No. 35

> It has recently been brought to my attention that the Traffic By-Law of the City of Whitehorse, which is By-Law 149, allows for voluntary payment of fines for certain offences. Among these are two which I think are of a sufficiently serious nature that voluntary fines should not be allowed. These are speeding in a twenty-five mile per hour zone, ten dollars and speeding in a school zone, ten dollars. These are outlined in Section 117 of the By-Law.
>
> Section 33 of the Motor Vehicle Ordinance provides that every holder of a Chauffeur's or Operator's Licence, who is convicted of an offence under a provision of a Municipal By-Law, that fixes a speed limit within a municipality, shall forthwith deliver his licence to the Judge or a Magistrate making the conviction and the Judge or Magistrate shall endorse on the licence the particulars ofthe conviction. Sub-section 2, of this same section, provides for the suspension or cancellation of the licence for a similar offence. This section, I believe, is being circumvented by the voluntary fine provision of the Municipal By-Law.
>
> This matter was brought to my attention by the City Constable who stated that in some cases fines for speeding had been paid two or three times a month by certain individuals and I have also been advised that in one case the voluntary penalty for speeding in a school zone was paid twice on the same day by the same individual.
>
> It was also suggested that if the Courts are too busy to handle all the traffic infractions in the City that a special traffic court be instituted.
>
> I would appreciate your comments and recommendations on the above.

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Mr. McKinnon: Mr. Chairman, I would like to ask Mr. Clerk if the City has a Constable?

Mr. Clerk: At the date that the information was turned over to the Commissioner, there was a City Constable. There isn't now. Incidentally I might add that this memorandum was my own and the information was given to the Commissioner through myself.

Mr. Shaw: Mr. Chairman, with due respect to all concerned, here we have a situation and I don't know how it was allowed to develop. In the first instance I believe that the By-Laws of the City of Whitehorse or any municipality and particularly this one, have a solicitor who guides them in the legality of what they may do or may not do. Further to that we have section 56 of the Municipal Ordinance which states that the Commissioner must be notified of any By-Law that is passed and it goes on further to say that the Commissioner may disallow any By-Law. It would appear to me, generally speaking, that any of these By-Laws are usually perused by the Legal Department. In other words, the Legal Department of the City and the Legal Department of the Territorial Government say and that, apparently, has not been given adequate study or we would not have the matter such as we have here. If a Municipality creates a By-Law and it is contrary to the Rules of the Ordinance or does not comply with them let's say, then it would appear to me then that's it! That By-Law is no good. It states in section 33 of the Motor Vehicle Ordinance that this must be endorsed by a Judge or Magistrate and if that is not done then it is just a matter of saying well boys you'll have to drop into line on this. If this is not correct and it doesn't fit into things, well there is the possibility that we should change the Ordinance to comply with it. Meantime, it does seem a gross infraction of the Ordinance. That's all I have to say but as far as advice is concerned with regard to comments and recommendations, those are my comments, Mr. Chairman.

Mr. Clerk: May I reply to those comments, Mr. Chairman? In the first instance, this traffic By-Law isn't in direct conflict with the Municipal Ordinance which does give the City power for raising revenue, etc., and that is why this discrepancy wasn't noticed at the time the By-Law was perused by our Legal Adviser. Indeed, I didn't know this was going on until it was brought to my attention by the City Council. Now, the Motor Vehicle Ordinance provides that every holder of a Chauffeur's Operator's Licence who is convicted. Now paying a voluntary fine is not a conviction! He is not convicted. He is given the pleasure of paying a fine and this doesn't constitute a conviction, a true conviction. This is another matter that the Legal Adviser has to consider. This problem was at its height when we had about 400 Hondas running around the streets of Whitehorse in the summer time. This problem is only prevalent in the City of Whitehorse. These Honda operators were continually breaking the speed limit and as I said two or three times a month and they would just go down to the City Office and pay the fine. It's just like buying an ice cream cone. They couldn't care less if it cost ten bucks. Their dad had another ten bucks so this went on and on and then the City Constable brought this to our attention and said that he couldn't do anything with them. He would stop them and they would pay the fines but five minutes later they were speeding again! There was no way that he could get to the Driver's Licence because it wasn't a

conviction in the Magistrate's or Police Court. This is why he brought it to our attention. He wanted something done about it because he was wasting his time. I do feel that these two offences, speeding and particularly speeding through a school zone, should be controlled a little better than that. The case of the person paying a fine twice in one morning indicates how ridiculous the situation can be in the summer time. In the second last paragraph where it was suggested that if the Courts were too busy, the City Constable didn't realise that if all these had to be taken to Court that there would be a long line of them all summer long. Therefore, he suggested that if the Courts felt they were too busy to handle them a Special Traffic Court could be instituted as it is in most large centres.

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Mr. Taylor: Mr. Chairman, it was never my understanding of it in any city or municipality outside that what was called a minor speeding ticket necessarily required an endorsement of the licence. I don't think that I would agree this should be mandatory. I could agree if somebody was a habitual offender, having been caught repeatedly exceeding the speed limit contrary to the Law that maybe some action could be taken at that time to endorse the licence. But you must remember that when you endorse a person's licence it is a pretty serious thing. He may go elsewhere and find himself in difficulty, rightly or wrongly, and this would be held against him. If it's a minor offence, I'm not sure that we should endorse these licences on a mandatory basis. I think that it should be left to the wisdom of the Magistrate or Judge.

Mr. Shaw: Perhaps I should say, Mr. Chairman, that I consider speeding through a school zone a serious matter. Ten dollars will not give a child back its life or patch it up after being run over. It is serious, when it is well signed with kiddies running back and forth. When it's done twice in one day, then it is time something was done about it to the person who does it for they are flatly ignoring safety. I would feel, Mr. Chairman, that Legal Adviser could take this under his wing and come up with something that wouldn't be hard on the people but at the same time would comply with the Ordinances as they are at present.

Mr. Boyd: I noted that Mr. Clerk made a remark to the effect that their father had another ten dollars. I assume, therefore, that these fellows are under twenty-one years of age and so on which is another thing to think about. It isn't the real people who drive cars and so who are causing all this furor but Hondas owned by youth.

Mr. McKinnon: Mr. Chairman, I would like to ask Mr. Clerk a question. Does the City plan to replace the vacancy they have now for a Constable?

Mr. Clerk: I'm afraid I can't answer that but I do know that the R.C.M.P. are filling in in the interim: filling and issuing parking tickets, etc.

Chairman: Any further discussion, gentlemen?

Mr. Boyd: Well, it seems to me that they are ignoring the ten dollars. It's a sign that the fine doesn't mean anything. I think we have the right to go a little higher than ten dollars. Certainly the second time I would go to fifty dollars and see if the father has another fifty dollars in his pocket. Certainly he would stop them if it started to

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hurt that much.

Mr. Taylor: Mr. Chairman, I would just like to say that it's not the fine I'm worried about, increase the fine if necessary, if we are speaking in the terms of convictions. But endorsing of the licence is another question.

Chairman: Mr. Boyd would you take the Chair?

Mr. Southam: Well, my feelings on this matter is that I agree with Mr. Boyd that if the ten dollar fine won't stop them maybe a fifty one will, or twenty-five, seventy-five and so on. But at the same time I can't understand why if a man continues to break these traffic Laws twice in one day I surely think that he would have been pulled to the Court from the second one or if a man breaks it three or four times in the month. This shows that he has no regard for Laws anyway. As Mr. Boyd says, he maybe under twenty-one and they may be irresponsible but if they are driving a vehicle, in my estimation, they should be made responsible and if you have to resort to the Law to do it, then let's put some teeth into it so that this is what is going to happen. You know just as well as I do that you maybe driving along this road here at noon for home and you just don't know where these kids are coming across inter-sections. The light says slow down to ten miles an hour. Well, I've been in the City before when these fellows have come at you, from different angles, and lights come at you from different ways and one thing and another, which is also a violation of the Law and they just don't seem to care. So I would say that maybe by upping the second fine in the second offence or take him to Court on the second offence maybe the answer.

Mr. Shaw: Mr. Chairman, I think that we are getting into a slightly different category in the fine part of it. I think that this is up to the Courts to decide, on a speeding offence. Now, when you get speeding through a school zone, that to me is pretty careless. It's a little different to just going five miles faster on the highway. That to me is speeding and generally speaking not too serious. But when people ignore a school zone and particularly twice in the same day, that, I think requires an appearance in Court and then it's up to the Magistrate, I think, to endorse or otherwise the licence. I wouldn't like to lay any Law where you endorse it. That comes under the Magistrate's jurisdiction according, to the severity of the penalty and certain offences involved. The same thing here maybe different in another place. I think the matter here, Mr. Chairman, which has been brought to our attention is the matter of the City passing a By-Law to do something that is contrary to the Ordinance or if not contrary, it would certainly be a confliction. Let's put it this way. That, I think, is something for the Legal Department to take the appropriate action whatever that maybe. If it needs changing, well bring us something up that needs and if it doesn't need changing, then it's fine.

Mr. Boyd: Mr. Chairman, just one more. It might be interesting, in as much as Mr. Clerk says that this is his preamble, to find out if he has any suggestions or not?

Mr. Clerk: Well, I did make a suggestion at the time I discussed this with the Legal Adviser and the Commissioner that the only way we can get a proper system of fines in

effect, as we mentioned on second or third offences, was by endorsing the licences. If you do that, you have to have the culprit brought before a J.P. or Magistrate. You can't have him just pay a voluntary fine because as pointed out by the Legal Adviser, it is not a conviction if you allow him to pay a fine because he hasn't been convicted. He has been allowed the privilege of paying the fine so that he won't be convicted in my estimation. But this is something that has to be straightened out or we are going to have the same problem every summer and we never will get to the bottom of it unless we get to the system of endorsing the licences and having them in front of the J.P. so that their licences can be suspended.

Mr. Boyd: Is Mr. Clerk saying that no matter how many offences a man may commit the Law has insufficient teeth to take him to Court let's say the third time? Can't they suspend his licence or do anything other than just take a ten dollar fine? Do they have no more power than this?

Mr. Clerk: Under the present City By-Law the only thing they can do is allow him to pay his fine. Under the By-Law. That is the penalty. It has been two or three times each month all summer long by several individuals. They have paid a considerable amount in a considerable number of ten dollar fines regularly two or three times a month. There is nothing City Council can do to get them into Court.

Mr. Thompson: Mr. Chairman, wouldn't it be much easier if the City Council amended their By-Laws to cover these possibly in the way Mr. Boyd has suggested. By increasing the amount of fine for each offence?

Mr. Shaw: Mr. Chairman, it would be easy but we do not have the authority to do it. That's up to the City Council and so far they have seen fit not to change it. That's apparent. They haven't changed their thinking to put in their By-Law that with the second offence at speeding that shall not be accepted as a fine and would have to have the due process of Law. Seems, that is all they have to do.

Mr. Clerk: Mr. Chairman, I might add that Legal Adviser would be very interested in your comments and I would suggest that when you have all the comments you can think of I will request that Legal Adviser read them and then he may wish to offer some suggestions to you for your further comments. I think that would be the best way to handle it.

Mr. Thompson: Mr. Chairman, I apologise if I said Territorial Council, I meant City Council to amend their By-Laws. I didn't infer that we should but it seems to me that this is their responsibility.

Mr. McKinnon: Mr. Chairman, I would like to ask Mr. Clerk, if this has been brought before the City Council and what were their comments?

Mr. Clerk: I'm not sure about that, Mr. McKinnon. I don't believe it has been officially brought before the City Council.

Mr. McKinnon: Mr. Chairman, I would suggest that it should be brought before the City Council before we do anything.

Mr. Boyd: Mr. Chairman, I think that we are only being asked

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for suggestions. My suggestion is that this be taken up with the City Council with a view that they had better mend their fences and leave it at that.

Mr. Shaw: Mr. Chairman, I don't know whether the City Council knows about it. I read about it in the papers 350 miles from here, north from here. Maybe they don't get the newspapers or something, of what was going on with this speeding and the terrible problem of people travelling on motor cycles. I quite realised from where I was in the hinterland that this must be quite a problem and I wondered why they didn't take action. It appears that they must be aware of the fact. Apparently they don't want to take any action.

Chairman: Well, gentlemen, could we leave it that our comments on the vote and proceedings will be given to Legal Adviser for his perusal? Then he can approach the City Council with what he sees fit.

All: Agreed.

Chairman: What is your pleasure now, gentlemen?

Mr. Taylor: Mr. Chairman, there is a memorandum that I did want to comment on and that is Incorporation and Income Tax Revenues.

Chairman proceeded to read the relevant memorandum.

Mr. Taylor: Mr. Chairman, I just wanted to say that I found this answer most disappointing. I remember that it was just four years ago when we started in asking Ottawa just what kind of money it acrues from the Territorial Government with respect to Incorporation and Income Tax Revenues, Resource Revenues and all other things that we would need to know if we ever became a Province. A great difficulty was experienced in obtaining these figures. The last time this request was made, they sent us two great green-backed volumes giving tax statistics in Canada which would take a Philadelphia lawyer to figure out. Seems to me that there must be in Ottawa some means of determing how much revenue forms incorporation tax and how much revenue forms income tax which has been contibuted from the Yukon in any one given year. As far as I am concerned, I am very disappointed that Ottawa has been unable to give us these figures. It is my intention to once again ask that further consideration be given by Ottawa to this request. Because, gentlemen, if we cannot get this information how can we ever know where we stand? I mean you can hear via the grapevine that our contribution is a large one or you can hear from the same vine that it is small. We are the people who are paying the money and we represent the people who are so doing therefore I think we should be entitled to know how much money that is. I don't know how to approach it but I may ask this question once again in the hope that the Federal Administration will provide the figures because I am not satisfied with this reply. It is not the reply I expected to receive.

Mr. Boyd: Mr. Chairman, there are many people in the Yukon, business people, who do not file their income tax returns from the Yukon. The profits may all be derived here but they may have a head office in Kalamazoo or Montreal or somewhere else and therefore their tax goes in from there under the name of a company or incorporation. That is why you will

find it exceptionally difficult to know what is coming out of the Yukon in the way of taxes. You are not the only one, if I might say, who is trying to obtain this information. I know of another outfit which is trying and is making quite some headway in this regard and it maybe public knowledge before long. In fact, soon for what it's worth as to its correctness but it should be somewhere near the mark. I think that this is where the difficulty lies when you ask how much revenue is being paid income tax wise from incorporations in the Yukon.

Mr. Taylor: Mr. Chairman, I might say that I know of whom the member speaks and who is looking and gaining this information. They are getting somewhere. At least they are getting more than a book on taxes, which is all they were prepared to give this Council. I also know the Carruthers Commission has been seeking this information and having difficulty in getting it but as I say, it is information that we should be having here at this table and we want to know revenues, we want to know our position financially. We're going to have to have this information and you can extend this to resource areas, permit areas and oil. There are certainly figures somewhere in Ottawa and it appears that there is a great reluctance on the part of Ottawa to let us know what this figure is and I think that it is our prerogative to know them which is why I have asked for it. If others can get the figures or at least an attempt can be made to get it for them then I think that attempt can be made to get it for the people of the Yukon.

Mr. Boyd: Well, just to clarify that. I didn't intimate as to where the figures were going to be coming from. Maybe coming direct from the people who pay them and so on. This is another way of getting at it rather than from Ottawa.

Mr. Shaw: It would seem, Mr. Chairman, that the only way we can get some of these things is through a request to the Prime Minister then he can surely get it for he can order all the Departments to give up the information that they might have. Maybe that's the person that we would need to get this information from.

Mr. Taylor: Yes, Mr. Chairman, this is the best idea I have heard yet. In fact, possibly the Administration might consider taking the whole Council to Ottawa where we could camp on the Parliamentary front steps and have, what I believe they call, a "sit in". I think the Councillor has brought up an excellent idea.

Chairman: Any further discussions, gentlemen?

Mr. McKinnon: Mr. Chairman, I should like to make some comments on this seeing that everyone else has. In my estimation, we should be able to gain this knowledge. There is no reason why Ottawa can't give us a fairly accurate figure on just how we stand. If we are ever going to come to the point of autonomy we will not know when to start unless we have this figure. I would say that Mr. Shaw has made a very good suggestion that Council prepare a request and send it direct to the Prime Minister.

Chairman: Any further discussions, gentlemen?

Mr. Taylor: If Committee would concur I would propose a Motion to the effect that the Prime Minister's assistance be

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sought.

Mr. Shaw: Mr. Chairman, we have asked the Administration if they would get the information. I would be quite happy if they could get the information from the local Income Tax Office. I'd be quite happy if they could get it from the garbage collector.

Mr. Taylor: Mr. Chairman, the question was that the Administration was requested to provide the Council with figures showing the total amounts of revenue paid by the Yukon Territory in the year 1964 for both income and incorporation tax. It didn't say where the information was to come from. I assume that when this is tabled back the only information is in the publication of taxation statistics which is the big volume we got back last year. Therefore, I assume that they can't get this information and this information should be made easily available to us from Ottawa.

Mr. McKinnon: Mr. Chairman, I think that Mr. Taylor was going to propose a Motion.

Chairman: What next, gentlemen?

Mr. Taylor: We have Bills, Mr. Chairman. We have two Motions in Committee right now. We have one respecting the Financial Advisory Committee and one respecting fishing. I have been informed that the Fisheries Officer will not be back from Vancouver until the first day in December.

Chairman: Well, gentlemen, do you want to go into this Advisory Committee or .....

Mr. McKinnon: Mr. Chairman, is there nobody else in the Fisheries Department who would be available?

Mr. Taylor: Mr. Chairman, I spoke with the gentleman a few short minutes ago and I believe his assistant, is sick. He is the only one left of his staff at the present time.

Mr. Thompson: I would suggest, Mr. Chairman, that you put that down for the Agenda on the second day of December.

Mr. Taylor: Mr. Chairman might I ask Mr. Clerk a question? I believe this morning it was inferred that the Garnishee Ordinance had been changed, or added to or something? I just wondered what changes had been effected?

Chairman: Do you have any special Bills to take up at this time?

Bill No. 6

Mr. Boyd: Wasn't there some correction or something to be done to Bill No. 6, Mr. Chairman? Some word was mis-spelled? May I ask Mr. Clerk, then, why Bill No. 6 required retyping?

Mr. Clerk: Have you read the Bill through in Committee, yet?

All: No.

Mr. Clerk: Well, I wouldn't know of any corrections. I do know that I presented you with a new Bill. Firstly, there are no marginal notes on the first Bill and there now appears to be five marginal notes. Without reading through it, I wouldn't know of any other corrections.

The Chairman proceeded to read Bill No. 6 - An Ordinance to Amend the Garnishee Ordinance

Bill No. 6

Chairman: Would there be any discussion, gentlemen?

Mr. Taylor: Mr. Chairman, I would think that we will be needing Legal Adviser on this one. I have some questions about this. For instance, four days in which a Plaintif would have to file affidavits, etc. How does a man in the outlying districts do this? Firstly, where does he get the affidavits? He certainly can't necessarily get to Whitehorse in four days in order to find relief under this Ordinance. I'd like some answers from Legal Adviser on this.

All: Agreed.

Chairman called a recess.

Chairman: We now have Legal Adviser with us. We shall discuss Bill No. 6 - An Ordinance to Amend the Garnishee Ordinance.

Discussion on Bill No. 6

Mr. Shaw: Mr. Chairman, before we start discussing can we ascertain which we are discussing? There are two? I can't find the one I should have but I have the one I shouldn't have.

Legal Adviser: Mr. Chairman, this is the later version.

Chairman: Gentlemen, we are open for discussion on this Bill.

Mr. Taylor: Mr. Chairman, I think the first thing I would have in relation to this Bill. It points out, I believe it is sub-section (2), it points out that where the defendant or judgment debtor maintains dependents residing in the Yukon Territory he may, within four days after the service upon him of the garnishee summons, apply in Form B to the Court .... we specify four days here and it seems to me that many people who maybe involved in the terms of this Ordinance, may live outside Whitehorse and the outlying districts some distance from this capital and four days is most certainly insufficient time for these people to take advantage of this Ordinance. The affidavits which are required to be filled out could not possibly be obtained within this length of time. I would like some clarification on this: possibly this can be changed to provide a sufficient/amount of time for persons say in remote settlements or out on a construction project or something of this nature, to take advantage of this section of the Ordinance.

Legal Adviser: Mr. Chairman, this amendment was prepared as a Private Member's Bill therefore a certain amount of cutting out a whole cloth has to go on. It was drafted by myself and I have to sit down and plot out procedure and I have to fix on a number of days. There is nothing sacrocant about the four days. In the light of the comments by the Councillor, it is obvious that the four days should be re-examined. The number is put in there just as the number six for the six dollars. It was a number put in there for you to debate. The Court actually means a Police Magistrate's Court or the Territorial Court. The member, is quite right. They would have to communicate and file in the Whitehorse area. Of course, at the moment, they don't have this right at all so even four days is better than what they have got at this

Discussion on Bill No. 6

moment. It is quite, simple, to change this four or fourteen but you will have to bear in mind that the person who is garnisheeing has certain rights. You know, this can't be used as a device to defeat him so I wouldn't recommend a long period.

Mr. Taylor: Mr. Chairman, I would agree that two months is too long a time possibly but four days ..... I felt that this was a considered Ordinance. However, I would certainly suggest that the time of four days be changed to provide for a much longer period of time. I would say, possibly two weeks.

Legal Adviser: May I suggest that ten days is a fairly standard time for entering appearances and so on unless there is an extension. It's a matter of indifference whether it is ten or fourteen days so far as we are concerned. I couldn't put the draft before you with these numbers in blank. Then you would have nothing to debate. You could change this: but I couldn't put a draft in front of you with holes in it. There will be anough holes in what I've drafted but no blanks.

Mr. Taylor: Mr. Chairman, another question arises in respect to this and that is, is it possible that J.P's Courts could appear here so that the J.P's would have these affidavits available for the use of the general public? If this was the case, then ten days would be an acceptable figure.

Legal Adviser: I think, Mr. Chairman, that you might run into administrative difficulties there. You are giving the j.P. not only the work of deciding but also of collecting and providing facilities for the deposit of trust funds and keeping and accounting which would, perhaps, be a little more than one would expect of a J.P., to undertake. I would recommend that you don't decide that without some careful study. I would want the opinion of the Police Magistrate and the J.P's themselves and then be able to offer you their comments as some sort of guide on that. I would hesitate to include J.P's Court, at the moment. I think the better alternative, if I may take this position, would be to put fourteen days there. This should be ample time.

Mr. Shaw: Mr. Chairman, the standard time is ten days. All this requires, I believe, is an affidavit sworn before a Commissioner or Notary Public, then surely when you get a Garnishee Summons, it is a pretty serious deal. In ten days, you've had ample time to swear out an affidavit, regardless. That appears to me to be the procedure. I would ask, Mr. Chairman, if Legal Adviser could put me on the right track if I'm on the wrong in respect to that.

Legal Adviser: The ten days you see does occur in section 10 of the Garnishee Ordinance itself. It says:-

> "No order shall be made against the Garnishee or the payment out of any money paid into Court by a Garnishee until at least ten days after the service of the Garnishee's Summons .....".

This is why ten days is a fairly typical time. Now, I'm quite prepared to change this to four, ten or fourteen, whatever the wish of Council is. This is not difficult at all but it is your assessment of the difficulties of the people in outlying

parts which will provide the best criteria. I can only advise what I think the Law is but to give you a practical estimate: this is a decision for you.

Discussion on Bill No. 6

Chairman: Any further discussion, gentlemen?

Mr. Boyd: Mr. Chairman, we have to put in a period of time here so we will have to come to a conclusion on it. I would suggest that it should be ten days, Mr. Chairman.

Mr. Taylor: I have another question to ask. In form B and C of the schedule, may these affidavits be taken by any Commissioner in the Yukon Territory and if so, would it not then be possible to make these forms available to J.P's throughout the Yukon Territory in case residents may wish to use them?

Legal Adviser: The Affidavit of Circumstance would depend entirely on each particular case. There is no difficulty in putting a heading and saying:-

I, John Jones hereby .....

and winding it up by:-

sworn before me this day .....

This is just the crust on top of the pie and the pie base, but it is the meat and potatoes that go into the meal that counts. He may be saying that I have seventeen dependent children and I pay a rent of fifty dollars a week and so on. We can't do anything useful by giving a form to cover that. All we can do is give the head and tail but not the body. No J.P. or Peace Officer would have any difficulty and any experienced businessman could advise them and nothing would be gained by giving them a blank which starts off:-

I ..... hereby..... as follows:-

1.	4.	7. .....
2.	5.	
3.	6.	

They still have to be shown what's to be put in and put in some sort of order. The form itself wouldn't cure the problem. I agree that there might, be a problem, which is why I feel it is a good idea to extend the time, for filing.

Mr. Taylor: It's still the problem of filing. Another question that arises, is the man considered as having been filed the date the Oath was taken or the date the form was received in the office of the Court where it is directed?

Legal Adviser: No, when it is received. They apply on Form B to the Court, you see. Maybe you want to make it fourteen days.

Mr. Taylor: I can see then that if the person involved wished to take advantage of the benefit under sub-section (2), if he lived in a construction camp some distance away it may take him two or three days to get mail in and two or three days to get mail out, then he has to find a Commissioner to sign them, and then he has to return them so possibly ten days would be insufficient time. Perhaps

Discussion on Bill No. 6

this should be increased to twenty days, if this is the programme because we only have one Magistrate in Whitehorse for the Yukon Territory. On the other hand, if we had Magistrates in Dawson City, Mayo and Watson Lake, we could possibly cope with this. We certainly can't the way it is.

Legal Adviser: If it is the wish of the Committee, I will put twenty days. There are practical considerations.

Mr. McKinnon: Mr. Chairman, yes I think that Mr. Taylor has made a very good suggestion. I think that twenty days would be quite in line.

Mr. Taylor: I would suggest too, Mr. Chairman, that this not only apply to sub-section (2) but also to sub-section 7 where the plaintif creditor claims relief as well. Possibly he five days there could be changed as well.

Chairman: Mr. Boyd, would you take the Chair?

Mr. Southam: Mr. Chairman, it seems to me that twenty days is sufficient time for a man to be here or there. What happens quite frequently is that a man gets a garnishee and he quits. He is gone. What do you do in this case? Is this just giving a man a chance to pay his just dues or not? It seems to me that twenty days is too long and I don't see why ten days should not be plenty of time for anybody to return back to Whitehorse if necessary, or if you give the forms to the J.P. you maybe getting some place. In the position I hold at the pres nt time, I get these garnishee notices and present them to the gentlemen and invariably within three days, the man has quit and gone.

Mr. Legal Adviser: Mr. Chairman, perhaps I failed to make one point clear. If he doesn't apply all he is going to receive is six dollars. So if at the end of twenty days he hasn't applied all he gets is six dollars even if he does have fifteen dependents. If he wants more money to support his dependents, he will have twenty days in which to file this application which would show the following:-

> I have a wife and eight children. I pay this much rent. I send money to my grandmother and so on. I need more money.

The Court will say, very well, we will allow you ten dollars. That is the issue. He is not going to get ten dollars a day unless he files an application within twenty days. Briefly, Mr. Chairman, that is the issue as to whether he gets six or ten dollars.

Mr. Taylor: Mr. Chairman, I think that we will have to settle on twenty days for sure. Let's assume a man receives one of his Garnishee Notices and wishes to take advantage of this section, be it the plaintiff or the defendant, give him two days to get his letter of notice to Whitehorse, then give him two days for processing and another two days to return it. There are six days lost, in just gaining the application. Grant him two days to fill it out and find himself a Commissioner who will sign this affidavit, then give him another two days in which to have it back in Whitehorse, another two days for filing. It doesn't give him very many days of grace. I think that we have to go to twenty days to provide for him.

Discussion on Bill No. 6

Mr. McKinnon: Mr. Chairman, yes, I would like to point out that parts of the Territory only have once a week mail delivery.

Chairman: What is your .....

Mr. Boyd: Put it in at twenty days and that we all agreed.

Chairman: Are you all agreed, gentlemen?

All: Agreed.

Legal Adviser: Mr. Chairman, I am assuming at the moment that that twenty days is for section (2). In sub-section 7 the point isn't quite the same there. This is where the plaintif claims that there is money value to be added for board and lodgings and he may apply on not less than five days notice to the Judge in order to appraise the money value. It wouldn't be quite the same thing to say that he may apply in not less than twenty days. I suggest that the five days notice be left. This is something the plaintif, who is generally better organised, has to do. I recommend that you don't change that. You might make it six or seven days but don't make it twenty.

Chairman: Do you have any further discussion on this Bill, gentlemen?

Mr. Thompson: Mr. Chairman, there is just one thing. It says according to Legal Adviser that this person can make application to the Court for relief so that the six dollars can be increased to ten dollars, if the Court so sees fit. Down here in (5) it says that the applicant must appear in person on the day appointed and no default no relief shall be granted. As Mr. Taylor has pointed out, if he is out on a construction project somewhere between Francis Lake and Ross River, it is going to be little more than an imposition to get in to plead his case even if it is only for four dollars a day difference. I'm just wondering if this could be taken into consideration.

Legal Adviser: Well, yes. That is why I put in sub-section (3) that the court shall, upon being satisfied that the affidavit of circumstances discloses reasonable grounds for the application, appoint a day. The day that is appointed is the day the applicant must come in and prove his need. After all, if the man gives an affidavit, to the Court, he must be prepared to back it up by submitting to examination. He says:-

> I have a wife and seven children living with me in the Yukon.

The plaintiff or judgment creditor must be given an opportunity of examing the application. That is why there should be a personal appearance otherwise you'll just have nuisance affidavits filed, and everything will be held up for an indefinite period of time. The judgment debtor and judgment Creditor are entitled to an equal measure of assistance. The Court, knowing that this man is out at Ross River may very well say, very well he is out at Ross River therefore I'll appoint a day five weeks from now or six weeks. But then, when the appointed day rolls round, he has got to be in to answer to his affidavit. That's why I put it like that for it was the best way I could see to overcome this.

Chairman: Thank you, Legal Adviser. Are you all clear on this now?

All: Clear.

.....

Chairman: At this time, could Legal Adviser be excused?

All: Agreed.

Chairman: What is your wish now, gentlemen?

Mr. Taylor: I move that Mr. Speaker do now return to the Chair to hear the report from Chairman of Committee.

Mr. Thompson seconded the Motion.

Motion Carried

Mr. Speaker: Well, Gentlemen, you have heard the report from Chairman of Committee, are you all agreed?

All: Agreed.

Mr. Speaker: We now have the matter of the Agenda for tomorrow. What are your proposals, gentlemen?

Mr. Taylor: Mr. Speaker, I would suggest tomorrow we could possibly proceed with the Supplementary Estimates, if Mr. McKenzie is available, as well as Bills, Sessional Papers, Motions and memoranda.

All: Agreed.

Mr. Boyd: I would move that we do now call it 5 o'clock.

All: Agreed.

Mr. Speaker: This Council now stands adjourned until 10 o'clock a.m. on Thursday, November 25, 1965.

Mr. Speaker read the daily prayer and Council convened at 10:00 o'clock a.m. The six remaining Councillors were present.

Mr. Speaker: Gentlemen, at this time, before we go on to the daily routine, I have a statement to make as follows:

"I have been asked by Councillors Southam, Taylor, Boyd and Thompson, to state publicly and on their behalf, as their Speaker, that these Members disassociate themselves from the remarks made about the Senior Legal Advisor in the Editorial of the Yukon News of the 24th of November.

It is also the view of these Councillors that the description in that Editorial of the events leading to the resignation of the Councillor for Whitehorse West is neither complete nor accurate."

Statement re Yukon News Editorial

We will now proceed to the correspondence, Mr. Clerk.

Mr. Clerk: Yes, Mr. Speaker, I have two Sessional Papers this morning. The first one, dated the 23rd of November, 1965, on Question No. 6, will be set out as Sessional Paper No. 36. The next one is dated the 23rd of November, entitled "Vacancy", and it will be set up as Sessional Paper No. 37.

Sessional Papers Nos. 36 37

I have also presented each Member with an additional Bill Bill No. 8, this morning which shows for introduction. I have tabled a Report of the Committee on the Possibilities and Development of Agriculture in the Yukon Territory. Copies will be available in the Territorial Secretary's Office.

Agriculture Report tabled.

Mr. Speaker: Thank you Mr. Clerk. We will proceed to the next item _ Introduction of Bills. Mr. Clerk has informed us that we have Bill No. 8. What is your pleasure on the Introduction of Bill No. 8?

Mr. Boyd: Mr. Speaker, I beg leave to introduce Bill No. 8, An Ordinance to Amend The Intestate Succession Ordinance".

Mr. Thompson: I'll second that motion.

Moved by Councillor Boyd and seconded by Councillor Thompson, that Bill No. 8, "An Ordinance to Amend the Intestate Succession Ordinance" be given Introduction at this time.

Introduction Bill No. 8

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: Have we any Notices of Motion and Resolutions?

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion this morning respecting Corporation and Income Tax Revenues.

Notice of Motion #24

Mr. Speaker: Thank you Mr. Taylor. Are there further Notices of Motions and Resolutions? Have we any Notices of Motion for the Production of Papers?

Mr. Thompson: Mr. Speaker, would you clarify one matter? What is the difference between the Notice of Motion for the Production of Papers and a Question that requires a written report or a written answer?

Mr. Speaker: Yes, Mr. Thompson. A Notice of Motion for the Production of Papers, as a general rule, will entail quite an amount of research, or it could quite conceivably, so, therefore it is put in and then it is voted upon and agreed upon at a later date; whereas a Question usually is a relatively, or supposedly should be, a relatively simple Question. That is my viewpoint.

Mr. Thompson: Thank you Mr. Speaker.

Mr. Speaker: Now, under Motions, we have....both of the Motions that we have on the Order Paper are in Committee. That is fine. We will proceed to Questions. Have we any Questions?

Question No. 17

Mr. Thompson: Mr. Speaker, I have a Question pertaining to Welfare and I believe you want it read. Will the Administration provide Council with the following information: A list of each and every person who has received aid from The Welfare Department, be it monetary or material, during 1965 and to include the following information:

1. Name and Address in full
2. Date of Application for Welfare
3. Date Welfare was granted
4. Amount of Welfare received

Mr. Speaker: Thank you Mr. Thompson. If I may be permitted to state this does require a great deal of research. Would Council be agreeable to us putting that under Motions for the Production of Papers and consider that as read? Perhaps we should have a seconder for this particular matter under the circumstances. It is a large question.

Mr. Thompson: I interpreted your remarks, Mr. Speaker, as "detailed research" was something that would conceivably have to come from Ottawa. I believe that the information that I have requested is available in the Welfare Department here, and I think that it would only be a matter of going to the various ledger cards or whatever manner they keep this information and either making photostatic copies or taking it off them. I agree that there is a fair amount of detail involved and this is why I asked my question prior to submitting this.

Mr. Speaker: I must admit that sometimes I become confused myself on some of these issues so we will permit that as a Question at the present time. I would ask, after this, if there is any research or figures involved, that it go under the Production of Papers. I think that would be the right category.

Mr. Thompson: I have no reason not to put it under Production of Papers if you so wish.

Mr. Speaker: That's the rule....I think that Council will operate fairly smoothly if we put it under that heading. Are there any further Questions?

Mr. MacKinnon: Mr. Speaker, I have a Question I would like to ask the Clerk. Mr. Clerk, could you tell me when I could expect an answer to Question No. 10, Haines Junction Water Delivery?

Mr. Clerk: I would say in the next day or so. I see no reason why it shouldn't be coming pretty quickly.

Mr. Speaker: Are there any further Questions. I beg your pardon....does that answer your Question Mr. MacKinnon.

Mr. MacKinnon: Yes it does Mr. Speaker.

Mr. Speaker: Are there any further Questions? Well, that pretty well completes the daily routine and Orders of the Day, gentlemen. What is your pleasure at this time?

Moved by Councillor Taylor, seconded by Councillor Boyd, that the Speaker do now leave his Chair and Council resolve itself into Committee of the Whole to discuss Bills, Sessional Papers and, in particular, Bill No. 2.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: The Motion is carried and Mr. Southam, will you please take the Chair in Committee of the Whole.

Mr. Southam: I declare a five minute recess.

Mr. Southam: I will call the Committee to order. We have Mr. MacKenzie, the Territorial Treasurer, with us this morning and we will discuss Bill No. 2, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory. Are we ready to proceed, gentlemen? The first is Vote No. 2, and the first article is "Territorial Treasurer and Collector of Taxes". The first one is Removal Expenses... the sum of $5,250.00. Any comments? Do you agree with this article gentlemen?

Discussion Bill No. 2

Mr. Boyd: Mr. Chairman, might I suggest that you read these rather slowly and should we wish to stop you to ask a question, we will do so.

Mr. Southam: Do you agree with this?

All: Agreed.
Mr. Southam begins reading the Bill again, plus giving explanatory notes.

Mr. Boyd: Mr. Chairman, again if I may interrupt. I think you can call these off and give us time to peruse this without reading everything word for word. We can read it as fast, in this respect, as you can, and I think this would save time.

Mr. Southam: (Begins reading) Removal Expense, $5,250.00.

Mr. Shaw: Mr. Chairman, that's a lot of money for trotting back and forth. It almost would seem that you have three crews -- one on the job, one coming and one going. Don't they stay anymore? Don't they stay any longer than a month?

Mr. MacKenzie: Well, this is a hard thing to foresee, Mr. Chairman. There might be nothing and, on the other hand, there might be $5,000.00. We have to provide for a bad picture and that's what I'm doing here.

Mr. Shaw: Might I ask, Mr. Chairman, how the picture looks today?

Discussion
Bill No. 2

Mr. MacKenzie: This year has been very bad, very bad indeed. For some reason, there is a wholesale movement in staff -- not just in the Territorial Government either.

Mr. Thompson: Mr. Chairman, might I ask if these are old-time employees that are leaving or are they relatively new members, or what is the breakdown?

Mr. MacKenzie: Well, we have very, very few old-time staff members. They are almost all new. Anyone here for two years is an old-timer. It is as bad as that.

Mr. Thompson: Mr. Chairman, it was my understanding that to have your expenses paid in and out of the Territory that they would stay with the Administration for a minimum of a year. Am I to assume that there are these number of people who have been here between one year and two years....that this is what the expense is?

Mr. MacKenzie: I would say part of this expense is new staff, additional staff, not necessarily replacement staff. You can't argue that this is due to people leaving. It is the increase in the staff, new people.

Mr. Thompson: Mr. Chairman, then, if conceivably they leave before their year is up, then, that this could partially be covered by recovery from these individuals?

Mr. MacKenzie: I suppose we might try and recover, yes. In practice we have had to. We have this arrangement whereby we bring a person up, and if they stay for one year, I think it is, then all is well. If they leave before the year is up, then they have to pay back the fare. In practice, it has never been imposed....never had to be.

Mr. Boyd: Mr. Chairman, may I ask why the people are leaving wholesale? You say they are new staff. In a sense you are saying that they are like the birds...they come in the spring and they go in the fall. Why is this? Apparently it hasn't happened before. Why?

Mr. MacKenzie: Well, every year there is a certain turnover in staff. This year it has been exceptionally bad.... for some reason...I don't pretend to know the reason except possibly that conditions are better outside in every way. Employment is easier to find than it is here.

Mr. Boyd: This is my point. Possibly we are hiring people.. they come and find the picture is not good so we find ourselves paying these people another $6,000.00, whereas if we would have given it to them in the first place, they might still be here or something of this nature. Would this be an answer?

Mr. MacKenzie: I don't quite get your point there.

Mr. Boyd: Well, we are not paying them enough salary to start with. We are trying to hire them for less than they are worth.

Mr. MacKenzie: We are borderline I would say...borderline.

Mr. Boyd: Are we dismissing these people?

Mr. MacKenzie: No, we are not dismissing them. I will admit that salaries are in many cases borderline. They do not attract the best type of person.

Discussion
Bill No. 2

Mr. Southam: Any further discussion on this matter?

Mr. Boyd: No, not for the time being as far as I'm concerned, Mr. Chairman.

All: Agreed.

Mr. Southam: The next is "Advertising", $500.00.

All: Clear.

Mr. Southam: Next "Stationery and Office Supplies",-- $5,200.00.

Mr. Thompson: Mr. Chairman, this represents an increase of 50% in this figure. Now, either there has been no thought or preparation in the original $10,000.00 or something unforeseen in a large nature has come up to warrant another $5,000.00, or, the third possibility is that this is a very handy place to put in an additional increase of $5,000.00 to cover some other exigency. I would like to know Mr. MacKenzie"s comments.

Mr. MacKenzie: The comment there is that we had heavy expenditure, which was not foreseen fully, in the Five-Year Estimates. We had to obtain masses of stationery for the preparation of the Five-Year Estimates. They ran into several thousand dollars for stencils, copying paper, and everything.

Mr. Thompson: Mr. Chairman, I whole-heartedly concur but this seems like a very short range projection is you didn't realize this last year when you prepared the budget.

Mr. MacKenzie: Well, it is hard to foresee exactly what the cost is likely to be. These Estimates are prepared only once every five years, and it is hard to say exactly how much stationery you need....in fact impossible. There is no doubt about it, we have been granted appreciably more than we estimated we would need.

Mr. Southam: All clear, gentlemen? The next is "Public Utility Services" $720.00.

Mr. Thompson: Mr. Chairman, might I ask what this covers specifically?

Mr. MacKenzie: I think it says here on Page 24, provisions for light, power, etc., for cemesto housing units occupied by Treasury staff, Page 24.

Mr. Taylor: What amount of this, Mr. Chairman, is recoverable from the residents themselves.

Mr. MacKenzie: Well, the residents pay an inclusive rent of $85.00 per month, inclusive of all utilities. That was considered, in the beginning, to be a fair and accurate rent, accurate meaning pretty well equivalent to the cost so you might argue that the tenant does pay the full amount of these utilities in his rent paid.

ssion No.2

Mr. Boyd: Are there some more of these Cemesto houses other than this settlement we had?

Mr. MacKenzie: There were originally eight. Eight was the number we took over. Treasury has three or four of them.

Mr. Boyd: What would the average monthly bill per person be? I see it is $15.00 a month for nine months. Is this the average monthly figure?

Mr. MacKenzie: Average per unit...I think that means per person.

Mr. Boyd: Then there must just have been a gross mistake in calculating what the light bill would be in the first place. Is this correct?

Mr. MacKenzie: What makes you say that?

All: Clear.

Mr. Southam: Next is "Heating", $1,680.00.

Mr. Taylor: Mr. Chairman, it occurs to me that these units must be costing a great deal of money to heat, public utilities and heating, because if you have, these are for five units, shall we say, and of course I note that the three month period is out of here, that if these units are full, we are collecting a total in rent of $3,540.00 per year on these things....just in public utilities services alone, not including heating, and I am just wondering if this is an economical thing to do when you take into consideration what the Government pay.

Mr. MacKenzie: You feel that this rent schedule is not sufficient to cover us?

Mr. Taylor: No, I am not saying that. What I am saying is is it practical for us to provide accommodation in this type of construction?

Mr. MacKenzie: Yes, of course, well it was never looked on as a permanent arrangement. We needed houses, these houses were available. We knew nothing about them. We just took them and used them. But, it was by no means permanent. The whole housing arrangement in the Territory is very unsatisfactory.

All: Clear.

Mr. Southam: The next is "Repairs and Upkeep of Equipment", $500.00, making a total of $13,850.00. Are you call clear on this?

Mr. Taylor: Mr. Chairman, I have a question I would like to direct to Mr. MacKenzie. During the Financial Advisory Committee meeting, we looked at the situation in Treasury in general, discussed the problems of labour and the growing staff because of the growing responsibilities of this Department, and it was suggested that possibly we should have someone in here from IBM to take a look at the situation with a view to computerizing this Department and make this available to other Departments as well where required. It was decided, of course, at that meeting by

Mr. Taylor continues:
the Administration that possibly a motion should come from Council on this. As we are all aware, a Motion has unanimously come from Council in this respect, and there seems to be a reluctance on the part of the Administration to allow such a study to take place. Now, I have since learned that, in fact by personal communication of today's date, that these people are quite prepared to come at their own expense to make the study and then to come up and offer the results of this study, showing us cost comparisons, etc., etc. But, they did say that there was one thing that was most important and that would be that they would have to have the full co-operation of all Departments concerned. If this was instituted by the Administration in respect to the Motion, enabling Motion, would they receive the fullest and utmost co-operation in Treasury Department if they did come up with a view to make a study of systems and coming up with some recommendations?

Discussion Re I.B.M.

Mr. MacKenzie: The reluctance, Mr. Chairman, that was mentioned here is due to the fact that we have mechanized to some extent already and we are in the process of mechanizing further and we intend to continue doing so. What is suggested now would be to disturb that program....throw it aside and come up with something else. So, it is not something you can give a quick answer to.

Mr. Taylor: Mr. Chairman, with all due respect, I think I noted during the Financial Advisory Committee that I felt, certainly felt, that our systems were becoming a little archaic, though they may be good, they are archaic in some respects, and that really what we have done is taken away the colloquial pens and inkwells and provided the staff with ballpoint pens. It seems to be the only improvement in the last forty years that I can see. Now, I agree that machine accounting might be a good thing. I also agree that Industry throughout the length and breadth of Canada and North America and the world for this matter, have turned to using this new computer system in Administration. They have turned to this because of rising costs like we are having today, rising payroll accounting and stuff like this. Now, obviously they have found they are saving money by using computers. All we have really asked for is that they come and take a look at the system and make a recommendation and we're really not saying that we are going to have them or we are not going to have them. It would seem to me, and I think the Administration would have to agree, that if we computerized the Treasury and so forth and we save tax dollars by doing it, we provide greater efficiency doing it, I mean if this be the case, then, of course, we should consider doing this. But in order to arrive at this decision, we are going to have to have someone here to look it over for us. Apparently this is done at their own expense...at no cost to us. And, No. 2 is the only thing required is the co-operation of all Departments in allowing them to make this study and this would have to be full co-operation, and this is what I am getting at. Would they receive this co-operation?

Mr. MacKenzie: Of course, if it was arranged that this visit would be made. But, we are doing precisely what you suggested. We are mechanizing. We do have these National Cash Register experts up here to advise us what is required. We did so with Payroll. They are coming up next January to advise on another Department. Once that has been done, we will have them advise on another section, and in the end, shortly I hope, we have got as much on the machines as we possibly can. In fact, I have budgeted in the next Five Year Agreement for another machine in 1967. So, we are doing what you want but we are doing it with National Cash Register, not

Re IBM

Mr. MacKenzie continues: with IBM.

Re Housing

Mr. Taylor: Well, Mr. Chairman, what I am speaking of is more sophisticated. We are going ahead maybe a little faster than by going to this complicated equipment than using this standard business bookkeeping machine and so forth. So, this is what I suggest and as long as this thing can receive a fair go, as it was wish of Council that it should, and that these people receive good co-operation, I think we should allow them to come and make a survey, I really do, because they may be able to come up with something much better than standard bookkeeping machines.

Mr. MacKenzie: Well, Mr. Chairman, I would suggest that you produce this recommendation and the Commissioner will make his decision. It is certainly not up to me to decide.

Mr. Shaw: This matter, of course, is in the same category of housing. Council in the past, ever since I have been here and certainly myself, I feel, if we are going to get what is in the best interest of the Territory, that we should certainly stay away from this housing subsidy and having houses of our own, that we should encourage people to put down their roots, buy a house, have a job just like the average people do, and for that reason, Council has on many occasions brought up the matter of this particular housing situation. Now there have been Resolutions passed and Council has agreed and the Administration has agreed with it that in a case of having to get somebody up and have a house "you take one of these", whatever we have, and say "Mr. Such and Such, you can move in there for a maximum of two years. By that time we feel that you can get established and get yourself a house". And everybody, including the Administration, have agreed that is a very, very good idea, at least there is something that is a little reasonable in it. I note that we have houses here, they call them homes, houses, apartments and what not, and some of the Members of the Administration, some of the longtime Members, have been in that house since 1961, 1962..... people that are well paid. I will not quote any names at the present. We have this on our....Some of them pay $65.00 a month and there's one here that doesn't pay anything by the look of it...there's nothing there, since 1962. We have another one where a person pays $13.85 for a house, since 1954....and another one has got some accommodation, I don't know what it is, since 1958, he pays $16.15 a month. Well, goodness gracious, that will hardly pay the water bill if there is any water there. I see these lists down here. Since 1963....no, that's a teacherage....these are homes that some of the high executives of the Territorial Government now live in, and as I state, no rent...$50.00... $40.00...it is not very realistic. It's fine for a temporary proposition but 1961, 1962, 1958, 1954, is hardly a temporary accommodation so it seems to be gradually building up again.

Mr. MacKenzie: May I say that this Territorial Housing matter has been pretty well under constant review for many, many months. It is a very knotty problem. There's is no easy solution to it. Everyone agrees that there shouldn't be Territorial Housing, employees should buy there own houses and send down roots, but in practice it won't work. You have to provide houses. How many teachers would you get if you didn't provide houses, for one section of the public service? None. You have to provide houses for the engineering road foreman along the roads and those houses are the ones on which the rents are very low.

Mr. Shaw: Mr. Chairman, I think Council is agreed that we have to provide these houses for the teachers and it was agreed that we would pay them their salaries which they were entitled to in their profession, but we would also charge them what it would cost to provide the accomodation. I trust that you are looking after that quite ably. However, unless we have a very, very fixed rule of say, this is just the way it has to be. If we start giving this person that, and this person that, we are entering into nothing but disputes...if one person says "well, so and so has this and so and so hasn't". If there is an absolute down-the-line policy whereby, "on such and such a date, Mr. So and So, you must get yourself a house and that's it", then I think we can go...there will be an understanding and I think that we can get some place, but there are, Mr. Chairman, undeniably people in this executives of the Territorial Government that have lived in houses for many years over and above this and, by gosh, if that person is entitled to it, the other people are equally entitled to it. That's what it appears to me. I mean, unless we have a clear-cut policy...you can recollect a few years back, I think, what happened in the Educational Department when the policy was jumped over and a man was given an increase...well, my goodness, it was near the fall of the Crown or something. Re Housing

Mr. Boyd: I would like just to enlighten Mr. Shaw. He mentions these $13.00 and $16.00...I think they are Carcross and that's not what we are talking about. But I would like to draw your attention to one Director of the Department who has been in a home since 1957. This is no mistake because I brought this very forcibly to the attention of the Administration at least two years ago...at least. Now, all we are doing here is paying a man his salary and for $65.00 a month, I think we are subsidizing him to the tune of $100.00 a month...and for almost, well for at least eight years. Is this fair? Is this fair to the rest of the people who live here in this Yukon? It's absolutely ridiculous, and I am getting tired...I make no bones about it...of hiring people under false pretences. If this man is not prepared to become a taxpayer and pay his way in this area the same as those of us who make this Yukon tick, then get another man and get him out of that house as far as I am concerned. Now, we cannot go on in this way. The public, in the first place, they resent this. I send, we all send our family out to make a living. We don't push them into this cozy castle and ask somebody to pay their way. They have to fend for themselves and this is an attitude that is being carried far, far too far. I will go further. We even have people who have been here for quite some years, drawing the very top of salary, and they all of a sudden, as late as this year, move into a Government House...on what basis? Are they not capable of paying their way? What is the reason for this kind of a goings on. Nobody else can do it and nobody else, so far as this building, is concerned whether they do or don't as long as they can get on this payroll. It's got to come to an end and, if necessary, I am prepared to do more than this.

Mr. MacKenzie: May I comment on those remarks please, Mr. Chairman. I said that this policy of our has been under pretty well constant review for a long time. Now, I would also like to say that it is impossible, literally impossible, at this moment, to decide upon the policy to apply to Territorial Housing. The Federal Government are reviewing their housing arrangements and until they decide what they are going to do, we can't do anything. Another factor is taking the Alaska Highway...with all the houses in Camp Takhini, which are now D.P.W. Employees have been living in there,

Re
Housing

Mr. MacKenzie continues:
employees of the Territorial Government. We will have to decide how to handle them. I am only too sorry that the Commissioner isn't here to explain the difficulties there are.

Mr. Boyd: This is only offering excuses. Can you explain why this man, after us in particular, complaining about it, has been in this house since 1957? Tell me, why is he there? You can't say you are looking into it for the last ten years.. he's drawing the same salary and more than the average man is making and he's also dictating to the people, telling them how to live. It goes beyond this, and there are more than this one man. Now, this is not good enough so don't offer us excuses for something that is already beyond this stage. You can't be correcting something for ten years. I don't accept that any more. If I want to buy a house, I'm going to buy one. If I am not, I'd better rent one or get out of the country, but I had better not ask me, and your neighbour, and everybody else, to pay your bills and this was just what it was down to. Pay them and pay them without any kick. It's crazy!

Mr. MacKenzie: The case to which Mr. Boyd refers, if it's the one I have in mind, was served Notice by the Commissioner, a year's Notice, to move out at the end of August this coming year, to find other accommodation. Now he didn't do it. We didn't force him out....he's still there, but the understanding is that he will be out next year.

Mr. Taylor: Mr. Chairman, this is the type of thing that Councillor Boyd refers to. This is the thing we have been trying to stop for a long time. Now it seems to me that if the man is asked to move...if we're going to implement any of this, rectify any of this housing problem, we are going to have to take a firm stand, and we are going to say if it's a department head, if it's an office boy, if it's anybody, if it's somebody who sweeps the street in front of this Federal Building, we are going to have to say to him "All right, Buster, you just have to move...You have got to comply with the criteria that we have set down", and if it's a department head, out he goes...just like the fellow who sweeps the street. I agree with Councillor Boyd wholeheartedly. We have got to adopt this particular philosophy. I understand, also, that this same thing applies, that is I understand, that within this Administration, I believe in the Treasury Department, there was a gentleman who threatened to resign unless he got an increase in salary.....and that he was given an increase in salary this year. Now, this is the same thing. Are we going to have these people come up and say "All right, you do what I want or else". Are they more powerful than we are? I would like to take point as well with the explanation that we are waiting to see what the Federal Government are going to do with respect to housing. I think that this would give us excellent guidance, but, by the same token, if we, as we have said many times before in this Chamber, if we are going to seek a full autonomy, are we not able to establish our own criteria with respect of our own home? Can we not sweep our own floors or do we have to wait and see how everybody else sweeps their house. With respect to the Highway DPW takeover, I realize there's going to be problems and I think it is most important that we do establish a criteria and that we put it into force in the Territory as we may apply it now, that when we take over the highway, we again take another firm stand and say "All right, fellows, this is the situation. We have taken over the Highway. You are now our employees and we expect that you too will live just like all other employees." I feel that we are the ones that

should be establishing the criteria, not waiting for the Federal Government, you can wait for ever for the Federal Government.

Mr. Southam: At this time, gentlemen, I would like to call a short recess.

Bill # 2
Vote No. 3

Mr. Boyd: I rise again to correct an impression Mr. Taylor has. He mentioned it didn't matter whether it was the office boy or the Clerk and so-on, I would like to inform him that if he goes through and looks he will find that there is no-body, virtually no-body except the top paid brass in these places. The under-dog he is told to get out and hot foot, pay for your own oil, pay for your telephone, pay for your electric lights but I the big shot will live in a different style. I just want to make this abudently clear its discrimination of its worst kind and its going to stop.

Mr. Taylor: Mr. Chairman, I agree with Councillor Boyd I hadn't viewed the entire list provided here, but I think as he does that the Teachers, Welfare Workers this type of people should be provided with houses and a policy in respect of it. When I see the figures that other Members have noted here, the amounts of monies that we are paying for salaries and allowances I wholeheartedly agree with Councill Boyd in this respect, that something should be done. We have echoed this in this Chamber at great length and if it is absolutely necessary I would support any move that a Member may make with respect to chopping off the budget until we do get a firm policy established here. To take these estimates and not approve of them until we can have the assurance that the Administration will either or will implement a firm policy on housing and implement it. If it means kicking out a Department Head and putting him in a tent at Porter Creek this is quite alright with me, he can come and live like the rest of us.

Mr. MacKenzie: Might I ask what Policy you want implemented.

Mr. Boyd: First of all I would like you to live up to what Policy you have, you can't live up to that. You give a notice to a man who has been in a building for 7 or 8 years, you tell him he should move and he ignores you and I am led to believe that this is not the only ocassion of this kind. These people are making monkies out of the rest of the tax payers. We are doing our utmost to pay our way and pay other peoples way, but there is a limit to the amount of money we want to pay for other people, we feel they should help to pay our way for a change.

Mr. MacKenzie: I would like to repeat my question Mr. Chairman, what policy do you want implemented.

Mr. Taylor: Mr. Chairman, I think Councillor Boyd pointed this out to implement the Policy we have been speaking about here for some time and through some Sesssions and that is the policy with respect to housing. If a person comes in, a teacher comes in, they get housing for a year possibly two and then it must be clearly understood that then they must put their roots down, and go and find their own employment. They are making good money and coming to us every day, saying we want a salary increase and we are providing those increases and they have the money to pay their own. I see in here where people are even being paid room and board which is $125.00 a month

Mr. MacKenzie: In many cases this is inevitable because they not only service the living quarters they also service the office section. I would repeat what Policy does this Committee want us to implement?

Mr. Taylor spoke of the teachers being allowed to live in these places for two years and I submit that this is questionable whether this is wise or not. If you did that you would have your teachers staying for two years and then clearing off.

Mr. Boyd: Mr. Chairman, we are not too concerned about the situation of the teachers as it isn't too bad, but we are concerned about those who are not teachers, who are by and large residents. Now to give you the viewpoint of the teachers, I have had Meetings with their top advisory set up and they consider the very fact that we give these teachers housing a decrement to their success in managing eduction. The teacher has no roots, he is like a butterfly that will fly away and it doesn't encourage them whatsoever and the teachers themselves don't agree with the policy that we are giving them. They know that in the outlying areas the situation is entirely different, you can't expect a man to buy a house or build a house on account of the location and so-on. What we are concerned about is this Whitehorse area, it is no longer an isolation deal or anything else and its these people that are taking advantage. I am sure you will admit Mr. MacKenzie that some people are taking advantage of the situation and its the only way you can look at it.

Mr. MacKenzie: I agree Mr. Chairman that the long term tenants should be outed but I also feel that we must have housing for short terms. We will not bring the right people into the Yukon unless you can provide this housing, at least for a short term.

Mr. Thompson: Mr. Chairman, on a point of priviledge we are supplying housing, but we are not going to supply indefinately. We have stated we will supply it for a period of two years and if a person is interested in the Yukon and is going to put down roots, surely in two years this would give him adequate time to make their preparations. If they are not going to be interested as you say, they will go and this is fine.

Mr. MacKenzie: Mr. Chairman, this is exactly what we are doing, anybody hired for a couple of years and he is told about this, that at the end of this period he must get out.

Mr. Thompson: You are saying as of 1963 that after the two years they will be out, but there are lots of instances where they have been in for 8 and 9 years and nothing has been done about it. Do you think for one moment that once somebody gets in the house and finds that someone has been abusing this priviledge that they are about to get out, I can't see it. Until you make a firm issue and stand and say "that's it across the line" thenwe will have everybody in the Territory saying "Well Joe Blow is still in his place and has been in there for x number of years, why should I move".

Mr. MacKenzie: Well he has got to be made to move and he will be made to move, but for anybody coming in now and I think for the last couple of years, they have been told in writing that they have been given Territorial housing for a period of two years at the most.

Mr. Thompson: Mr. Chairman, you have already stated Mr. MacKenzie that this person in question was given writtennotice to move and he didn't. The fact that

he didn't is indication that the Territory doesn't intend to back up their demands. I agree with Mr. Boyd wholeheartedly on this subject and also with Mr. Taylor that there is only one thing that we can do and that is to make clear to the Administration our dislike for this situation and to withhold sanction of the supplementary estimates until Administration can conceivably show that something will be done and done definately.

Mr. MacKenzie: Well I can assure this Committee that something will be done on this problem but it cannot be done now. We have got this D.P.W. Camp Takhini problem to clarify and take accounts and we want to know what the Territorial Government is going to do with their housing. It is a very knotty problem believe me and we are not letting it ride but we just can't do anything about.

Mr. Shaw: I can recollect discussing this same matter three years ago, it was a knotty problem then so we decided we would undo a couple of knots and say two years was the maximum. That two years has long gone and the people that are there and have been told to move have said to the Administration in effect "you go jump in the lake I am going to stay here". That was the start and finish of it as they are still there, so it would appear you would say, well move out we will give you one month. This is perhaps going a little ahead with the problems that the Federal Government have in relation to Camp Takhini and I don't know what problems they have, myself I would feel that I would solve that very simply. I would say that if you work for the Territorial Government and we are happy to have you on the Highway, I'm referring to Camp Takhini and not the outlying districts on the Alaska Highway because that's impossible for a man to build a house and sell it and soforth. For the people that work here, the best organised district in the North where they have beautiful houses and National Mortage in housing to help them finance it and have everything, all they have to do is to pay for it. I would suggest that if a man wants to work for the Territorial Government, it would be my policy Mr. Chairman if I had any say in this matter that if a person wants to move in that house he can have a good opportunity to purchase it under favourable depreciated terms. That way we will be out of the housing business and if have to take over that Camp Takhini area and start running it we will need another 50 employees to look after it and maintain it. I say there's a house, if you want to buy it you can buy it and if you don't then you can find your own building.

Mr. Taylor: Just to conclude my remarks on this particular issue I would reiterate that I feel that we do not have to wait for the Federal Government to do anything. I would also like to reiterate that I stand firm with respect to the comment I made to do with criteria being established here and it was established three years ago with respect to housing. I believe that also took into account the fact we are talking more about the larger centre such as Whitehorse here where other accommodation is available and we are not putting the onus on the smaller outlying communities where accommodation is in effect at a premium. It was suggested that two years be the dropout

point as far as some of the Senior Administrative Personnel are concerned. Some of these people are drawing anywhere from $8,000.00 to $13,000.00 a year and that is a pretty healthy salary. We are subsidizing them just by room and board alone for $1,500 a year plus providing them for accommodation. I think something is going to have to be done and I concur that if it needs not passing these estimates until something is done then this is what we should do. If the Administration prior to the end of this Session can come up and say "well alright fellows here is the policy, what do you think of it" we would agree to it or reject it as we are supposedly the policy makers of the Territory.

Mr. MacKenzie: Well I am only sorry the Commissioner isn't here, that's all I can say, as he is the man to deal with this. He is dealing with the problem and he could give you gentlemen the answer, but in my opinion there is no solution to this problem now.

Mr. Boyd: I am prepared to wait for the Commissioner because the facts don't change whether the Commissioner is here or whether he is not here and if Mr. MacKenzie feels that we should let the Commissioner know our views we have already let him know them. I am quite prepared to wait, but I am not prepared to go on with this set up the way it is. There are 43 homes or more over in Riverdale for sale and there is no excuse for anybody not being able to get a home, they are drawing the pay and there is no excuse for them saying they can't afford to buy one. Those that are not drawing the pay are buying one anyway because the top brass says it shall be. So we will wait if it is necessary, as far as I am concerned I am willing to wait.

Mr. Taylor: I have one other question before Mr. MacKenzie goes and this is not intended to disclose any employee's names or position. I did sight an instance of which I am aware of the employee of this Administration where he said I am quiting unless I get $1,000.00 a year increase and this was granted. Are there many other instances of this nature where the Administration has granted increases on this basis.

Mr. MacKenzie: The answer Mr. Chairman is no, in both cases I think Mr. Taylor has been misinformed. Certainly no gun was held at my head or the Commissioner's head in this instance.

Mr. Taylor: Well why was the increase given on demand.

Mr. MacKenzie: It was justified by the responsibilities of his position.

Mr. Taylor: Why was this not done then in the Budget in the Spring.

Mr. MacKenzie: We are making changes all the time if a position requires more responsibility and takes more work and time then the salary has to be changed.

Mr. Taylor: Is this not contrary to the Public Service Ordinance.

Mr. MacKenzie: No it is not.

Mr. Boyd: Was the man given an increase under his regular status or was it necessary to change his status in order to give him an increase and if his status was changed would it not be advertised and publisized of a position being open for a new status.

Mr. MacKenzie: The status was not changed the increase was within the range. There was certainly no threatening on this thing at all, no matter who it was.

Mr. Boyd: Well I have nothing more to say at this time.

Mr. Chairman: We willcarry on then Gentlemen. Vote No. 4

Salaries and Wages - $5,125.00

Mr. Taylor: Mr. Chairman, just for clarification was this Cashier for tax assessment, is this in your office or another office. Is this for receiving tax revenues?

Mr. Clerk: Receiving all cash that comes into my office yes.

The Council agreed they were clear on this subject.

Stationery and Office Supplies - $500.00

Council agreed they were clear on this.

Insurance - Unemployment - $25.00

Council were clear on this subject.

Employee's Superannuation Fund - $135.00

Council were clear on this.

Death Benefits - $3.00

Council were clear on this.

Group Surgical -Medical Insurance Plan $27.00

Total $5,815.00

Mr. Thompson: May I ask one question, with reference to this casual help re the Motor Vehicle Branch during February and March next year, is this not usual Mr. Clerk. Don't you as a rule have additional staff at this time.

Mr. Clerk: Yes, we do every year.

Mr. Thompson: Could this not then be provided in the main estimates from year to year.

Mr. Clerk: Well that's a very big question, I shall have to look back into the estimates and see if it was left out and why.

Mr. Boyd: I should like to make one more comment here with regard to what we have just finished discussing. You will note here Employees Superannuation, Death Benefits, Group Surgical-Medical Insurance, $135.00, $3.00 and $27.00. This is the vote that is in here and this is also part of what we have been talking about in the previous deal. When you add it all in the subsidizing gets more ridiculous again.

Mr. Chairman: Are we all agreed on this subject Gentlemen.

Council agreed.

Mr. Thompson: Before we pass this over, I would like to know Mr. Taylor's comment on my question.

Mr. Clerk: If I could look at the main estimates I could answer that question right away. I believe that was inadvertently left out of the main estimates.

Mr. Thompson: It just entered my mind that something that is re-ocurring each year shouldn't have to be appearing in supplementary estimates.

Mr. Clerk: Yes the $49,000.00 that you see there in the main estimates didn't include that item like it should have done. It was left off the main supply bill.

Mr. Chairman: What is your wish now Gentlemen, we need Mr. Thompson with us for the Education, Mr. Spray for the Municipal and Area Development Administration. Could we have Mr. Spray down please Mr. Clerk. We will now go on to Vote Number 6 - Municipal and Area Development Administration. Vote # 6

Whitehorse Statutory Grant	15,569.00	
Dust Control - Subdivisions, Yukon Territory	7,500.00	23,069.00

Mr. Taylor: I wonder if Mr. MacKenzie could tell us why this $15,569.00 was not included in the main estimates.

Mr. MacKenzie: The first reason why was the re-assessment of property values within the City and the second factor is the City made an error in their own calculations.

Mr. Chairman: Would Mr. Spray please join us at the Table.

Mr. Thompson: Mr. Chairman, I would just like to ask Mr. Spray did we have an amount in the main estimates for Dust Control in the sub-divisions or in the Yukon.

Mr. Spray: No Mr. Chairman, this was presented to Council in a sessional paper. It is then the recommendation of Council that we proceed with the purchase of a Distributor for the dust control in the summer.

Mr. Shaw: I was just thinking there won't be any dust between now and March.

Mr. Spray: This will cover the operation that is carried out in the summer.

Mr. Taylor: I have a question I would like to ask Mr. Spray that I am not too clear on and that is the fact that when we established these sub-divisions of the Yukon Territory we put a great big order in Council arourd it. I would like to know how this is done, is it done at the request of the Federal Government or at the request of the Area Development Office and how difficult is it to have this order in Council released for further development of the sub-divisions.

Mr. Spray: This is the withdrawal of land around our sub-divisions which rests with the Territorial Government

and up to now it has been done by order in Council which makes it quite difficult to have any land released for further development. We are changing our policy and are now doing in the form of land reservations, the Territorial Government requests the land to be reserved for the Territorial Government for control development. If we require that land be released it is just a matter locally of releasing a portion of that land.

Mr. Taylor: Another question I have relates to the confusion created by the participation of two Territorial Departments with respect of these sub-divisions. These are the Engineering Department and the Area Development Department, as you know I have been long fond of the idea that we should amalgamate these two Departments. Area Development should be a Branch of the Engineering Department so that we can keep everything in one house.

Mr. Spray: In the past the Territorial Engineers Office had a Street Maintainance, Garbage Maintainance, Road Contruction etc. in the Territorial sub-divisions. In effect of this year Street Maintainance had been taken over by Area Development in as much that some of our sub-divisions it is done by contract. Where the Street Maintainance is done by the Territorial Engineers Department it is done on our request or through arrangements with the Development Office. Other than that and the construction of streets of course is done on the request of the Area Development to the request of the Territorial Engineers Office. In effect they act as technical advisors to Area Development and assistance in construction projects. The second part of the question Mr. Chairman, is very difficult to answer, without some thought on it and maybe we could give this some consideration to. Many aspects of our operation are to do with engineering and nothing to do with the low cost of housing for example, or zoning the regulations of our sub-divisions.

Mr. Taylor: Or sewer and water and Town Planning Mr. Chairman.

Mr. Spray: These are construction projects and the same as any other Department in the Territorial or Administration require the technical advice of Engineers and other assistance. There are so many aspects of our operation that engineering does not enter into.

Mr. Taylor: In the inventory of the equipment the maintainance and upkeep of equipment, say the Fire Department, does your Department have a man who does this or if not what Department does this?

Mr. Spray: The maintainance of our Fire fighting equipment such as motor vehicles are done through private enterprise such as local service stations and garages. Territorial Engineers maintains our water truck in Whitehorse as we find it more convenient and more economical rather than take it to the Territorial Garage. Our fire fighting equipment cannot be maintained by the Territorial Engineers because it is all specialized and if there are repairs to be done we have to get parts from the Factories and Distributors.

Mr. Taylor: I still think Mr. Chairman, we have tangled over this one for quite a few Sessions and we seem to get a blunt no from the Administration. I still think this Department should be attached to the Engineering Department, pecially in view of the fact that they do have the Engineering Staff and shall we say the professional men available to look after these sub-divisions.

Mr. Thompson: One question to Mr. MacKenzie before I ask Mr. Spray. In this Whitehorse Statutory Grant for this amount I see that this is Municipal and Area Development and I am wondering if the comment that I saw in the paper when you say that you came across this discrepancy in Whitehorse figures by your auditing. I am also wondering if this audit turned up the fact that the City were spending money which hadn't been authorized on this proposed rate, either installation of system or whatever it was. What position does this have to do with Council or the Territory, are all their funds approved by Administration or Council.

Mr. MacKenzie: No, the position there is not too satisfactory, the Municipal Ordinance does not appear to give any power over the City's affairs to the Commissioner. During this last trip to Ottawa I raised a point and arrangements to be made for the Ordinance to be amended to exercise control over finance and expenditures. Right now there doesn't appear to be any power, for some reason it was left out when this Ordinance was devised.

Mr. Thompson: I wonder if Mr. MacKenzie could tell me why that this should be necessary, why should the Commissioner have the power over the particular Municipal Ordinance.

Mr. MacKenzie: On ocassions it is necessary where expenditure by the City is out of all reason. That in my opinion is the case to-day. We have substantial expenditures on the Civic Centre which I don't think they should have done.

Mr. Thompson: In other words then Mr. Chairman, you feel that the City in turn will be coming to Administration or Council next Spring and saying we have overspent by x number of dollars and will you reinburse us by way of a grant.

Mr. MacKenzie: I am afraid they will be coming to us saying they can't meet their sewer and water loan payment and want assistance. They wouldn't need this if they were more careful with their finances and they are heading for a dangerous position. I want to get the necessary power in the Commissioner's hand before..

Mr. Thompson: I didn't want to persue this portion of my questioning any further but if any of the Councillors wish to question Mr. MacKenzie on this I will defer.

Mr. Shaw: I have just have one question Mr. Chairman, I was under the understanding that the Budget of the Muncipalities have to be approved by either the Commissioner or the Municipality..

Mr. MacKenzie: In practice the City Budget is presented to us and I examine it or approve it or otherwise.

Mr. Taylor: In the overall picture I think the powers granted, I will rephrase that, the Commissioner has power over the entire Municipal Ordinance by virtue of the Yukon Act. The Yukon Act provides to make Ordinance for the Government of the Territory in relation to mainly sub-paragraph 3, Municipal institutions in the Territory or including the Municipalities, local improvement districts and irrigation districts. If he has the power to create these then he must have power over the Ordinance.

Mr. MacKenzie: Maybe that is so, I can only say that the matter was discussed in Ottawa at the beginning of this month and the legal people there did not think it necessary to amend the Municipal Ordinance.

Mr. Taylor: The legal people certainly seem to be winding up this agreement but the Yukon Act is quite clear and this is the one that forced this power.

Mr. Shaw: When they prepare a Budget and when they prepare expenditures they must pass a by-law in order to spend that money on a particular project. Is this not correct.

Mr. MacKenzie: I don't know Mr. Chairman, whether a by-law is passed in this specific case, I haven't seen one and they normally pass across my desk.

Mr. Shaw: I meant to say when the Budget is presented do they pass a by-law to accept that Budget.

Mr. MacKenzie: I believe they do, but I do not recollect seeing a by-law in this case.

Mr. Shaw: At this stage, Section 56 sub-section (2) the Commissioner may disallow any by-law made under this Ordinance at any time within one year, for any reason. It would indicate that there is a control over the Municipality and that would mean the Commissioner has the control.

Mr. Thompson: I would like to ask Mr. Spray a question. Has his Department instigated any program for 1966 with reference to insect control. There was some discussion about this in the various areas and it was thought that it might be advisable to supplement the aerial spraying with some ground equipment and I wonder if Mr. Spray has taken this into consideration for possible inclusion in the Spring estimates.

Mr. Spray: My recommendations with regard to ground equipment were passed to the Commissioner some time ago. However, it does appear that we will not be doing so this coming year, in fact I have been told that we must continue with aerial spraying.

Mr. MacKinnon: I would like to ask Mr. Spray if there has been any progress in the new fire truck for Haines Junction and 1202. Secondly is there anything in the estimates for a new Fire Hall in Haines Junction or will it be included in the Spring.

Mr. Spray: The first part of the question Mr. Chairman, a new fire truck for Haines Junction is on order and is expected to be here probably in January. The last we heard was that the truck was on its way to Vancouver or is in Vancouver and they will be starting work on the body. The fire truck for Beaver Creek I must ask the advice of the Fire Marshall in this regard. It is my hope to do so by transferring the Haines Junction truck to Beaver Creek, however the Fire Marshall suggested that Porter Creek is also in need of a Fire Department and we only have one spare truck coming up, so it will be on the advice of the Fire Marshall to justify which Community requires it first. Porter Creek will be more difficult to set up a Fire Department as we shall have trouble finding man power but I hope perhaps we can go to female power. As for a new Fire Hall for Haines Junction there is none in the forthcoming year but hope in the 5 Year Agreement we shall be able to provide new Fire Halls throughout the Territory where required.

Mr. MacKinnon: Mr. Chairman, It looks very much like that 1202 will not get a fire truck at all is that right.

Mr. Spray: We have one fire truck to transfer and the Fire Marshall feels that Porter Creek requires it. I possibly think that 1202 would be a good place to start a Fire Department, but I must bow to the wishes of the Fire Marshall as Porter Creek equally needs one.

Mr. Shaw: Could I just make one short comment. In relation to aerial spraying they make set dates that they go around certain places. Everyone no doubt appreciates this, however, last year they made a date to spray a certain area and there was still a great amount of snow and was quite cold at that particular time. I wonder that when it is done by a set date and not by consideration of the weather that perhaps a lot of that is wasted.

Mr. Spray: I can comment on this right now, perhaps we do loose some effectiveness of the program when we are spraying over snow, equally we loose it in extremely hot weather. However, we operate with a Contractor from outside and our contract is called for early in the year January or February and March at the very latest and we must set dates for the Contractor. We are planning at setting the program back this year, but it is very difficult to set the dates exactly.

Mr. Chairman: In view of the time, I will call a recess until 2. o'clock and wonder if Mr. Spray could be present again.

25th November 1965
Thursday, 2.00 pm

The Committee reconvened at 2.00 pm and the Chairman called the meeting to order.

Mr. Chairman: We have Mr. Spray with us and I believe Mr. Thompson had some questions that he wished answered at this time.

Discussion Water & Sewer Systems

Mr. Thompson: This is again in conjunction with our water delivery for Porter Creek and, as you know, over the past two or three years this has been rather a contentious issue. I believe in 1964 Porter Creek were considered one of the prime areas where a piped water system should be installed. Since this time both Mayo and Watson Lake have taken precedence over us in this matter. I think that the Area Development department will realize that the situation is becoming intolerable as far as water delivery in the Porter Creek and Crestview areas are concerned, not only because of the demands in these areas but because the truck is being utilized in other areas as well, and for this reason I was hoping that there would be an approach, and some action, some concentrated effort on the part of the Area Development department to see whether the water system for this area could not be given preferential treatment. The thing that I have in mind is that I notice that not only in this item but in several other items that have been brought before the Council the feeling of the Administration is they cannot do anything until the new 1967-1972 five year agreement and with the many and varied demands on the Administration I can see nothing but chaos in 1967 when everybody puts in their applications for these various services, and I am wondering if we couldn't get hold of the Area Development Office to bring this to the fore again. We have had nothing but problems out there recently because of breakdowns of trucks and things of this nature and I feel that with the increase in population, the increase in the demands of the amount of water that is required trucking is not going to be the answer, and if trucking is not the answer then it is either going to be increased personnel to run the truck on a longer basis than it is now or it is going to be another truck so that the personnel will only work the required forty hours a week. So with this in mind I am wondering if Area Development have anything at all in their budget or in their proposed budget for next year that would offset these considered hardships.

Mr. Spray: As far as a piped water system for Porter Creek is concerned there is nothing proposed in next year's budget but we are in the process of acquiring a new truck for this area which is larger and better able to serve the customers. The new piped water system for Porter Creek was proposed for the new five year agreement in 1967 and we will do everything possible to get it in 1966 if the Territorial Treasurer could assure me that funds would be available. It is my understanding that it was not included in the present five year agreement, as Mayo and Watson Lake were not included and we would have to go to Ottawa for special authority for that one. Our existing truck in Porter Creek is not adequate to serve the number of customers and that is why we have ordered a new one which should be here in the New Year, in the early part of January.

Mr. Shaw: A few years ago Council were pretty well unanimous over the fact that they just had too many subdivisions and that what we should do is concentrate on subdivisions at present that were fairly well established and put all our efforts into that particular sphere. Porter Creek was one of these subdivisions. Now the reason for this was that we could provide the amenities to these various areas. What Councillor Thompson has just brought up is a matter that we all know these services are required, but the standard answer is that it wasn't provided five years ago and we have to wait another five years. Any private company that operated on that basis would go broke in a very short space of time. Apparently this is going into the next five year agreement; I cannot understand why it has to wait for five years, or whatever period of time it is, except for one little thing - it isn't in the agreement and we don't have the money. Well, if we know we are going to expend that in a couple of years' time, what is to prevent the Yukon Territory from borrowing an amount of money and doing the job now. It is something we are going to do; it is something that has been accepted that should be done, why is it necessary to wait for years. Isn't our credit good enough that the Territory couldn't borrow money to embark on something like this. If there was doubt about whether we should put it in or not - it isn't needed now, it won't be needed for another five years - fine, that's OK. But it has been established that it is required. If the Administration made a concerted effort there must be some way in which this could be done, even if we have to borrow. If I myself had to operate my business in the past with capital expenditures and couldn't borrow - and I think this would apply to any member in this community - I would never get any place. You just work out the program, borrow the money, and you're in business. Whitehorse has been able to borrow for umpteen years ahead and there is a policy that to my mind could well be thought about. Provide these things. Enjoy them now. It seems that everything else is on a time payment plan so why not us?

Mr. Spray: When Porter Creek was first established it was not intended that we have such amenities as piped water systems or even a truck system. Since that time it has grown to a size where it was decided that a truck water system was a necessity and up until now, and I expect continuing, we will be able to satisfy the demands of the people with our truck. Now as Councillor Thompson pointed out, we have had a major breakdown this Fall in as much as we have had the truck in for an overhaul. It's just not holding its own and this happens in the winter time that we have break downs with this truck so we fall behind. With the truck that we have coming now I see no reason why we cannot continue to satisfy the requirements of the subdivision as it is at the present time. As far as the requirement for water and sewer systems is concerned in Porter Creek, there has been some discussion as to whether it is necessary and last summer and the year before there were reports by engineers on various ways of supplying water to Porter Creek and the various costs for it. It is my understanding that money has not been available for this purpose and that we should hold off until 1967. Now if funds can become available I will be only too pleased to go ahead on planning for a water and sewer system in these communities. With our facilities we can supply the immediate needs of the subdivision.

Mr. Boyd: As a matter of curiosity, what vintage was this truck that broke down?

Mr. Spray: 1963

Mr. Thompson: I appreciate Mr. Sprays remarks in as much as they are doing what they can. I point out the fact that with the number of homes in our area now and with the continual upgrading of the lands surrounding these homes such as lawns and gardens, we could have a truck or several trucks running continually supplying two, three, four or five hundred gallon tanks if these people want to have water available to irrigate and water lawns. Now once you go on a piped water system you are still paying nominal rates - in Whitehorse it is $10.00 a month - and as far as I am concerned I don't think there should be any difference in cost for a subdivision which is as close to Whitehorse as we are. So quantity is no criterion but on the basis of all the Associated Engineering reports that I have been shown they always come back to the point that presently the requirements are X number of gallons. They do not look to the future and say if we had piped water the requirement would be X plus Y plus Z number of gallons so the reports all tend to indicate that a piped water system is not required. I will go further on this. In our Sessional Paper #25 of this session we have locations, pipedwater dates, pipedsewer dates and in every instance - Mayo, Haines Junction, Watson Lake, Porter Creek, Crestview and Teslin - there are provisions for piped water and piped sewer in every subdivision except Porter Creek. You are quite right in saying funds are not available and here we come right back down to the Territorial Treasurer's department. It seems to me that the Territorial Treasurer has the final say in whether funds are available or not for any project, be it water or sewer, be it a high school or anything; we can make recommendation after recommendation and if the Territorial Treasurer doesn't see fit to approve it this is fine - it's thrown out. It wasn't in the five year agreement, it's not covered but, on the other hand if there is a program or if there is a project that happens to get the Territorial Treasurer's approval and blessing, then fine. We've got the money for it. No problems at all. For this reason I feel that the Territory is taking an arbitrary stand on this particular issue in any case. I would like to have the Area Development department back us up in these recommendations in as much as I feel this has been going on since 1961. I moved into Porter Creek in 1961 and I was told don't drill a well - we'll have piped water within two years. And this came from the Territorial councillor who was serving at that time. Don't drill a well because you'll be wasting your money. You'll have to go under piped water and sewer. Fortunately I didn't take his advice, I drilled and I have water so this is not a personal vendetta or a personal problem. This is the problem of 95 per cent of the people in Porter Creek and Crestview. And this I think is the least you can offer to people who want to come to this country to try and make a living and a home and stay. The least of the amenities - water and sewer.

Mr. MacKenzie: I do not think that finances are an insuperable problem in Porter Creek; I think there are ways and means of getting round the financial obstacle and Porter Creek and the subdivision areas will be discussed

in Ottawa next month and the financing of their s wer and water systems. So I think it's quite probable that the solution to this problem will be found.

Mr. Taylor: After listening to the remarks of members it is interesting to point out that we went to the Federal Government when we negotiated our five year agreement and we put forth much the same type of proposal as we put forth today: that we in fact knew we were going to require these systems especially in Mayo, Watson Lake and Porter Creek, and even at this time the Federal Government said no, we won't amend our agreement, and I think you will recall that this was so. They refused and told us we were going to have partial truck systems and that was it. And then in the first year of the aggrement we got into this hassle. I have a question to ask in relation to these sewer and water installation proposals. Now I see there are proposals for many communities in the future. The very fact that they are provided for in a given year, does this mean that they are going in, like it or not? Or is the decision to be left with the communities involved? Are the people themselves going to decide whether they are going to have piped water or sewer, or are they going to have to accept sewer and water on the basis of the Administration's determination to put it in?

Mr. Spray: When I submitted these proposals to the Commissioner and the Territorial Treasurer for piped water and sewer in certain years, I did it on the assumption that during that five year period, a community of any size would want these amenities, and rather than leave them out because they might not want them, they might vote against them and then you would end up in a position where they are not provided for in the five year agreement, we put them in. If at that time the community comes back and say we do not want them, we do not need them and the Health people say you don't require them, then obviously they wouldn't be put in.

Mr. Taylor: Just for the record I would draw the attention of the members to the recommendations of the Financial Advisory Committee. A note, Section (i), says: 'Consideration should be given to the installation of piped water and sewer systems at Ross River and to the installation of piped sewer systems at Porter Creek and Beaver Creek and at all outlying points with a prospect of expansion'. Now I just state this other item which may not seem relevant but it is in respect that if Watson Lake feelsthat the water system is not required and is too expensive for their tastes in the year of the program that it's in, possibly Beaver Creek or Porter Creek or Ross River or some other area of the Yukon could then utilize these funds. Will this be done?

Mr. Spray: Mr. Chairman, this is a matter for the Treasurer to speak on as he is more familiar with this but from my point of view I personally want to see the amenities go in. If they are not required in one community but are in another then surely there must be some way of shifting this money. I'm sure we can find some way of doing it. The same with the years: if we specify 1968 there is no reason surely why we can't switch it to 1967 or 1972 if necessary, as long as it's in the agreement.

Mr. Thompson: You have covered the contingency that if it is required in the five year agreement, it is there.

The money has been allocated and as Mr. Taylor says, if we're not ready for it in '67 conceivably in '72 we might be and we can go along on that basis. Further to Mr. Taylor's remarks on the Financial Adiisory Committee's recommendation under Section (i), the reply that I have here before me is : 'Government of the Yukon Terriotry - Notes taken on discussions in Ottawa between the dates November 1st and 5th 1965' and they concern the supplementary estimates #1 and I believe this is Mr. MacKenzie 's report, and in reply to Section (i) it says : 'the need for water and sewer systems in outlying areas such as Ross River, Beaver Creek and Porter Creek', now finally Porter Creek - where we used to be up at the head of the list we're not only behind Watson Lake and Mayo and every other cotton-pickin' place in the territory we're now behind Ross River and Beaver Creek and it further goes on to say : 'was considered doubtful at the present time' and we are referring to the five year agreement. 'Considered doubtful at the present time' and yet Mr. MacKensie says that money is no problem. Yet it's considered by Ottawa to be doubtful.

Mr. MacKenzie: Yes, but not on the question of money, on the question of need.

Mr. Taylor: Might I ask who at these meetings was in doubt?

Mr. MacKenzie: I could not say at this time who the person was; it was the consensus of opinion of the people present at the discussion.

Mr. Taylor: Who was present at the discussion?

Mr. MacKenzie: I could not tell you.

Mr. Taylor: Were you not there?

Mr. MacKenzie: I was there.

Mr. Taylor: This comes right back to the same old argument that every time we go near Ottawa they are in doubt and I am wondering who has the wisdom and who has the knowledge in Ottawa to be able to tell us what is in doubt and what isn't in doubt about things in the Yukon Territory.

Mr. MacKenzie: I think it is early days to lay down cast-iron decisions as to when and where sewer and water systems should be installed. If it emerges that Porter Creek is an absolute necessity one will go in and the finances will be provided for it.

Mr. Taylor: Who will provide this finance?

Mr. MacKenzie: The Federal Government of course.

Mr. Taylor: The Federal Government are telling us that it's doubtful. On one hand they're saying it's doubtful and on the other hand you're saying that the Federal Government will go on with this. I think we should have a clear-cut opinion. If they're going to adopt the view that it's doubtful I think we'd better get back to them.

Mr. MacKenzie: I'm giving you a clear-cut opinion: the Federal Government will provide the finance.

Mr. Thompson: Mr. MacKenzie, may I ask if you remember at the time that this was discussed what your comments were on the matter?

Mr. MacKenzie: No I don't frankly.

Mr. Thompson: This wouldn't be one of your recommendations, that Beaver Creek, Ross River and Porter Creek were not in need of water or sewer services during the period 1965 to 1972?

Mr. MacKenzie: By no means. I am not in a position to recommend anything in that particular district. How can I recommend whether sewer and water systems are needed in Porter Creek or Ross River. I've never been there.

Mr. Thompson: Then why can somebody in Ottawa know any better if they didn't take their direction from information from people such as yourself or the Commissioner? I am very interested in this subject and I would like to know who was at this meeting and who decided that it wasn't practical.

Mr. MacKenzie: I am saying that these were comments in general terms; that in general terms they do not think these systems are required. But when the time arises to consider one particular place in detail, then it may be decided that the system is necessary.

Mr. Shaw: I think that what it really boils down to is that these people who have the control of finances in Ottawa must change their thinking. They have running water and all these amenities but they feel that the people up in the north do not require these things. I would submit that this is a standard of living accepted all over Canada. May be in some countries they do not have it but this is an accepted standard of living here and we are trying to get people to move into the north and if they have to get their water out of a garbage bucket - and I have done it - even if it's a clean one, nonetheless it sits there for two or three days; and they have to go to a little outhouse in the back. I would like to put the people who are making these decisions into the same sort of circumstances and just see how they felt about it. I think that they must come to the realization that the people up here who are prepared to pay as much as they can for these things need a policy that makes life more amenable. Otherwise you just drive them right out; you don't bring them in. The population we have in the two territories of both North West and Yukon indicates just how much advance has been made in the north during the hundreds of years that Canada has been a nation. It's just been absolutely regrettable and now is the time that they should be made aware of the fact that unless some of these amenities are provided with the co-operation of the people, with sensible planning, they will never have anybody up in the north and they have continually been trying to build people houses so that they can get them up here to work.

Mr. MacKenzie: I would like to say that when you see the estimates for the next five years you will notice provisions have been made for numerous sewer and water systems for outlying parts.

Mr. Boyd: I have a question on another subject but I would not want to interfere unless these gentlemen have finished.

Mr. Thompson: Mr. Boyd, carry on.

Query re Progress on Fire Insurance Rates

Mr. Boyd: I have a question for Mr. MacKenzie. Last session Council passed a motion wherein we recommended that Administration decrease, or arrange to cut down, the amount of insurance we are carrying so that instead of paying $75,000 premium we would get down to at least half or something of this nature because, after all, all these buildings cannot possibly burn down and we could carry it ourselves and a thousand and one things could happen if there was any sincerity in the attitude other than by we few councillors here. Now in answer to a question concerning this, at this late date, six or seven months later, the position on this question which relates to the reduction of fire insurance premiums is that advice is awaited from the Royal Insurance Company, on the saving that would accrue from this particular course of action. I ask what progress has been made. Is this all the answer we have, is there no progress? This is what it boils down to - that there is no progress. It would seem from reading this that a letter has been gotten off to the insurance company in the matter of the last week or something of this nature. Certainly there is not the co-operation that is desired. Surely we can get better action than this.

Mr. MacKenzie: This matter was discussed a month or more ago with an insurance man from Vancouver and he went away to deal with it in Vancouver and before we can take a decision we have to get this cost figure.

Mr. Thompson: There are no more questions for Mr. Spray Mr. Chairman.

Mr. Chairman : Do any of you have any more questions for Mr. Spray? Can he be excused at this time?

Mommittee: Agreed

Mr. Spray: Thank you.

Mr. Boyd: I would just like to ask if Mr. MacKenzie expects any result will be effected in view of the motion after we do finally get Royal Insurance Company's explanation?

Mr. MacKenzie: Yes I certainly think we will be able to come down on our cover and on the premium we pay. What I am aiming at - I may as well explain it to the meeting - is to omit all risks below $100,000 and carry this ourselves and only insure a risk if it exceeds $100,000. I am waiting to know the cost which is something they can't work out too rapidly, and of course there are alternatives: it could be $100,000 deductable and if that were the case the saving would be 26 per cent, which is enough, so I would assure the committee that this matter is being handled.

Mr. Chairman: We have Mr. Thompson in the gallery gentlemen and our next discussion will be vote #3. Could we have Mr. Thompson assist us?

Committee: Agreed.

Mr. Chairman: We're now at Vote #3 - Education and the first item is Administration: $5,309. Do you have any question on this item gentlemen? Vote #3 Education

Mr. Taylor: In respect to the Truant Officer. I believe this duty was normally carried out by the City Constable, is this the reason why this item is there? And secondly, who would normally fulfil this duty. Truant Officer

Superintendent of Education: Up until October 1st for the past several years the Territorial Government has contributed approximately one half a salary of the City Constable, who has in turn acted as a half time Truant Officer. Now we were finding our office work load increasing and at the same time the calls upon the Truant Officer were very substantial. I believe there were some complaints in the City that he was spending more than half his time attending to these duties and consequently we felt that it would be mutually satisfactory to take him on our staff full time after finding that he spent at least three quarters of his time attending to these problems in the city and also at the present time he is taking on some of the responsibilities with regard to bus transportation problems. For instance if a child doesn't get on the bus, he investigates the matter.

Mr. Thompson: Does he go and get them?

Supt. Ed: You mean if a child misses the bus? Well, I couldn't answer that question. Usually the call comes into us some time after the incident occurs, and he may very well have been doing this, I couldn't say.

Mr. Boyd: I think this is a step in the right direction. After all, there is quite some number of children to handle on these buses and they often become quite unruly and this is the place where this man is doing a good job. In one instance in particular when a child is conditioned or reprimanded, if it wasn't for this kind of a man on our payroll these things might be pretty bad and this is a real good move and a necessary one.

All clairman: All clear on that one gentlemen? The next matter is Telephones and Telegraphs. Telephones and Telegraphs

Mr. Shaw: I see nine months at $114.00. This seems an awful lot of new telephones and very expensive systems. Do you require all these additional ten telephones.

Supt. Ed.: Just within the past month we have had a central system installed of three lines. It is possible to reach any member in the office by calling any of the three lines provided the line is open. It makes for a more efficient system.

Mr. Thompson: Are you saying that you have three trunk lines? With three separate numbers?

Supt. Ed: Yes that's right

Mr. Shaw: Is this in the Administration offices?

Supt. Ed: On the second floor of the Polaris block

Mr. Shaw: A new office, isn't it. Is that the reason for it?

Supt. Ed: Yes, that's right.

Mr. Shaw: Oh, I see. I thought it was an addition.

Supt. Ed: I should point out, for example, on my own phone I can see the lights flicking every time a call comes in and there's a light on practically all the time. There's myself, the Deputy Superintendent of Schools, the Director of Elementary Instruction, the film librarian, who gets a lot of calls during the day, and of course the Purchasing Department which is doing a lot of phoning and receiving a lot of calls and queries from stores. The Attendance Officer too of course gets a lot of calls in the morning and right after lunch.

Mr. Thompson: How long ago did you say this system was installed?

Supt. Ed: It was installed within the past month. Arrangements were made for it some time ago but of course we had to wait for the equipment.

Mr. Thompson: This would be a case then of closing the barn door after the horse is out. You are asking for approval of expenditure of these funds now and in fact they have been expended.

Supt. Ed: Yes, this is true.

Mr. Thompson: Thank you.

Mr. Southam: All clear on this one? The next is Employees Superannuation - $241.00, making a total of $5,309.00 altogether. All clear on this one?

Committee: Clear

F.H. Collins School: Salaries

Mr. Chairman: Next one is the F.H. Collins School: $16,510.00. First is salaries: $13,877.00.

Mr. Taylor: Why were these salary schedule changes not programmed in the Spring budget?

Supt. Ed: Perhaps Mr. MacKenzie can add something to what I have to say, but firstly the main estimates were prepared prior to the salary negotiations, for example for this year the teachers are negotiating with the Territorial Salary Advisory Committee now. The main estimates for the education department were submitted to the Territorial Treasurer some time ago. Secondly, and again Mr. MacKenzie can correct me, I think one reason why we felt this could be left over was because we had a 48 per cent turnover of teachers and it was felt to be more advantageous to wait until September when we knew who would be teaching for us - their qualifications, experience and what their exact salary would be - and we could ask for adjustments to the supplementary estimates for the increase.

Mr. MacKenzie: I have nothing to add to that Mr. Chairman.

Mr. Thompson: I don't know whether Mr. MacKenzie can tell me, or perhaps Mr. Boyd who was on the committee who looked into this, could you tell me roughly what the percentage increase in wage was?

Supt. Ed: Last year the percentage increase over a whole year was ten per cent. Over the fiscal year it was 5.9. This was the increase in the schedule of teachers' salaries.

Mr. MacKinnon: I would like to ask Mr. Thompson if this increase in salaries has brought us in line with the provinces, or above the provinces?

Supt. Ed: I think that it made our position very competitive in hiring teachers. I think that our salary schedule in comparison with those of last year is attractive. I think it was pretty well in line with British Columbia and somewhat above the average for the Prairie provinces and consequently quite attractive to the teachers from the Prairies.

Mr. MacKinnon: Then I might ask Mr. Thompson if housing is an extra in the territory?

Supt. Ed: Mr. Chairman, if Councillor MacKinnon means by that that this is something we are giving the teachers of the territory which school districts outside the territory are not providing, I think you will find that in the more isolated areas in the northern part of the provinces school districts must provide housing for their teachers and I think you will find that the type of teacherages that the school districts are finding they must provide are far superior to the small shack with wooden stove and no running water that one so often found ten or fitteen years ago in some of these northern schools.

Busses for RCAF and DPW children

Mr. Taylor: I sometimes think that we were better off those few years ago when we did have log shacks and wood stoves. We weren't as paddy wasted as the citizens we are turning out today. I did have another question in relation to the transportation of school children under this particular number 83. It's a provision to have extra busses to carry RCAF and DPW children to school : $9,000.00. Do we pay this $9,000.00 to the RCAF for their busses or are these children bussed exclusive of the RCAF on our own busses.

Supt. Ed: The Territory was approached by both the Department of Public Works and the RCAF to have the Territory take over the bussing of school children from the Takhini, Valleyview and Hillcrest areas with the understanding that we would be reimbursed in full for the cost of providing extra busses. This would involve three 79-seat busses and on the basis of this the Territory called for tenders. The successful bidder was Canadian Coachways and the suggested starting date was January 1st, 1966. The cost of these, by the way, was $1,000.00 per month per bus over a two - year term. We have since learned that Canadian Coachways will not be receiving their new busses until April 1st so in actual fact this money will not be required as we will not be taking over the operation until April 1st.

Mr. Thompson: That's the nicest thing I've heard this year - that we can probably delete $1800.00 from the budget if this is not required.

Salary increase

Mr. Boyd: I would just like to clarify this increase in salaries a little because Mr. Thompson is going to be before you again on this same matter so I think it's important. In the first place, when this ten per cent increase was recommended and authorised, shall we say, there were some school teachers who were behind the rest of the provinces salary-wise and they were quite some behind, so these were brought up to be competitive. Not

all were brought up, some of them were competitive but mostly they were not and some were worse off than others. That is the reason for that increase and it did have the effect of keeping some teachers right here on the job who had made up their minds that otherwise they were going for greener pastures, but in view of the promises of increased salaries they did stay.

Housing

Mr. Shaw: I would like to ask a question of Mr. Thompson. I don't know whether he can answer it or not but he did state that accommodation given in areas where it was not practical to have it, I can understand that, however we will take northern areas such as - we'll use comparable sized towns such as this - would they provide accommodations in places such as Prince George, Dawson Creek, Fort St. John, Grande Prairie. Would you know that, Mr. Thompson? I know it's out of your sphere.

Supt. Ed: As a matter of fact before I came to the Yukon I was in Prince George and at that time there was some limited accommodation available. A former hospital had been converted into suites but they were just reaching the stage when they were going out of the provision of accommodation in Prince George City itself but in the Prince George school district the outlying schools were and still are providing teacherages. But I think, and what I am about to say is pertinent to this, you will find for the accommodation we provide in Whitehorse we are charging considerably more than places such as Watson Lake and Dawson and the element of subsidy is somewhat less than it is outside of Whitehorse and we are hoping year by year as we increase our rents that there will not be an element of subsidy at all in the accommodation provided in Whitehorse and this will tend to make people look around and purchase their own homes or rent commercial accommodation.

Mr. Taylor: This is the element of individual subsidy; in effect there's a huge aggregate subsidy here.

Supt. Ed: I shouldn't speak to that really but of course we have so many more teachers in Whitehorse; out of 149 teachers in the Territory I would say well over 100 are right in the City of Whitehorse.

Mr. Shaw: In view of the fact that Council is very concerned about this housing and would like to get as much information as possible, I wondered if it would be possible for you to find out what the policy of the Department of Education would be in British Columbia. Do you think you would be able to get that information? I would be very interested in knowing. It might possibly help provide some indication of how we can look to the future.

Supt. Ed: I don't think you could find out from the BC Department of Education because the question of provision of housing is a matter that is handled by the individual school districts and consequently the department doesn't have any say or become involved in the matter at all. If the School district finds that it's not getting the type or quality of teacher it requires on the basis of the present salary or type of housing it provides, it goes to something better.

Mr. Shaw: Is there no appropriate authority here who could get this information?

Supt. Ed: We could obtain information from Fort Nelson, Fort St. John and Dawson Creek.

Mr. Thompson: Further to housing I am just wondering in one case in particular, in the answer to Question 6 that we received today concerning the Nitsutlin Block, there are teachers in this place occupying apartments who are paying anything from $45.00 a month to $150.00 a month. I am wondering what the reason is for the difference.

Supt. Ed: Firstly, the normal rental charges in that particular block are $1,800 a year for the three bedroom apartments and $1,500 for the two bedrooms regardless of whether the teacher, or the teacher and his family stays there for ten or twelve months. They have to pay this amount. Now you will recall that very late in the summer we were able to make arrangements to obtain some housing on the hill and convert the Hanson Street teacherage into a dormitory. There were some eight to ten single women teachers who had been contracted to teach in the territory and who had been given to understand that their rental charge in the Hanson Street residence would be $540 per school year. Now when this last minute change was made we asked them to move out of the Hanson Street teacherage and we said we would place them in the Nitsutlin Block, we naturally couldn't say to them - now you have to pay $750 or $900, we were obligated to charge them the amount that we had contracted with them when we hired them. But this will be corrected in the coming year, there will not be a situation like this. The rents in the Nitsutlin Block this coming year will be increased over and above the fifteen or eighteen hundred dollar figure for apartments by five dollars.

Mr. Thompson: Could I ask one further question : in the case of the Fourth Avenue staff house where everybody is paying $100 a month for room and board, could I ask where they are getting their board? Or who is supplying the food, or where are they eating?

Supt. Ed: That is provided in the residence there; it is a place where the residents are supplied with room and board.

Mr. Thompson: And would you have a community dining room where the territory is maintaining a cook and a maid?

Supt. Ed: That's right

Mr. Thompson: That's very nice

Mr. Shaw: Is that paying it's way?

Mr. MacKenzie: The cost per person in the staff house works out at $125 to $130 a month and we are subsidizing it.

Mr. MacKinnon: Is that for food alone?

Mr. MacKenzie: Everything. The rents are gradually being increased.

Mr. Shaw: I think I recollect that the Territory bought that house for $50,000. It was a bargain. And I also recollect that the Administration said definitely that these people would be charged what the cost was and they

stated a figure to begin with of $100 because they didn't know exactly how much it would be. Well now it's costing them $125 a month. I don't think anyone would or could complain if they were charged $125 dollars a month. Or we could cut down on the groceries to make it $100 a month. That should be very fair I should think because they are still getting a very good break under the circumstances.

Mr. Taylor: Is this $125 a month in addition to what they pay in rent?=

Mr. MacKenzie: No. To live there costs $130 a month The rent originally was $95 and it was increased by $5 a month this year and next year it will be increased another five dollars and will be until such time as the rent they pay is the same as it costs to live there.

Mr. Taylor: Can't we increase this thing on a better rate of scale than that? If it's costing us $125 a month to feed and maintain these people, let's charge them $125 a month.

Mr. MacKenzie: You must ask the Commissioner for his reasons for his decision. It's his decision. To charge higher rates might stir up trouble.

Mr. Taylor: I respectfully submit that it's a little trouble we need around here to straighten things up.

Mr. MacKinnon: I would also like to suggest that trouble wasn't contemplated when they raised the taxes. It looks to me as if the only one who's paying his way in the Territory is the tax payer.

Mr. Chairman: In view of the time I would call a recess for refreshments.

Thursday, November 25,
3 o'clock p.m.

The Chairman called the Committee to order and discussion proceeded on Bill No. 2 - An Ordinance for Granting to the Commissioner certain sums of money to defray the Expenses of the Public Service of the Territory. Bill No. 2

Mr. Chairman: We were on the Department of Education - Vote No. 3 - and we were on the F.H. Collins Seconday School. Are we all clear on this, gentlemen? Bill No. 2 Vote 3

All: Clear.

Chairman: The next item is the Whitehorse Elementary School for $7,121.00. Any discussion on this, gentlemen?

All: Clear.

Chairman: The next item is the Selkirk Street School for $1,881.00. Are you all clear on this one, gentlemen?

All: Clear.

Chairman: The next item is the Takhini Elementary School for $3.150.00. This is for buses alone which is recoverable, so I guess you will be clear on this one.

Mr. Thompson: Mr. Chairman, I don't know whether this is applicable in as much as it is Takhini, I would just like to ask Superintendent Education to refer to the housing arrangements again for Camp Takhini - duplex houses. The rates here vary all the way from $50 to $200. Now, I went along with his reasoning on the teacherages or apartments in that there was a difference because evidently there have been people here for various lengths of time. You hired them under one programme and housed them under another but I noticed in these that they have all started this year and yet they say house, and they say a duplex, yet there is this difference. I wonder if you have an explanation for this?

Superintendent Education: Yes, Mr. Chairman. In order to find accommodation for these single women who were originally assigned to the Hanson Street Dormitory, we moved some of the married couples: some had children and some didn't have children who lived in Lambert Street Teacherage which is a small apartment block, to the Takhini accommodation. With regard to this $50 a month. I believe there were two cases where there was a married couple and both were teachers and each was paying $600 per school/ or a total of $1,200, for the accommodation they occupied in the Lambert Street Teacherage. They were moved into a unit up on the hill. It isn't quite as simple as it appears there. These people are actually paying $1,200 per school year for the duplex unit they occupy in Takhini. Again, as I have said, this was because these people were contracted at this amount and promised accommodation at the Lambert Street Teacherage. Next year, they will be paying the figure which will be allotted for the accommodation up there. It may appear, as if somebody is getting a unit up on the hill for $50 a month but this is not so.

/year

Mr. Boyd: Well, Superintendent Education, are you saying that next year this rent will get up to $150 per month because after all here is a married couple living for $1,200 a year which you can't do.

Bill No. 2 Vote 8

Superintendent Education: Yes, well these are three-bedroomed apartments and I presume we will have to charge the same amount for these units up on the hill as we would for a three-bedroomed apartment below which is $1,860 per year.

Mr. Boyd: You are saying that you presume you will have to do this? Do you mean presume? I don't think that there is any doubt about it is there?

Superintendent Education: Yes, you're right. This is the amount. They are three-bedroomed units and this is what we will have to charge.

Mr. Thompson: Well, Mr. Chairman, I ca see the difference. You say that these houses are all three-bedroomed houses yet one married couple is getting one for $50 which is the rate you quoted for some other place and they are getting better accommodation. But in four other instances, and I presume that these are all three-bedroomed homes; one is paying $50, one is paying $125 and another one is paying $200 while another is paying $150. This is what I am trying to reconcile. On what basis is this difference established?

Superintendent Education: I don't understand the $200. I don't know of any teacher who is paying $200 a month

Mr. McKenzie: Do you know the name of that person?

Mr. Boyd: Duncan.

Mr. McKenzie: Yes, he is a Treasury man.

Mr. Thompson: You've teachers in Treasury?

Mr. McKenzie: No, no.

Mr. Shaw: Treasury in teachers.

Mr. McKenzie: Duncan is a Treasury man.

Superintendent Education: The teachers we have up there were formerly living in units either at the Lambert Street Teacherage where the rent was $1,200 per year per unit. In the case of a married couple both teaching of course each paid a half of this which is $600. Some were living in a two-bedroomed unit in the Southern Block where the rental charged was $1,500 per year and others were living in three-bedroomed apartments in the Southern Block where the rental was $1,800 per year. This is what they are being charged for the units up on the hill.

Mr. Thompson: Could I ask Superintendent Education - do you have a teacher by the name of Heller?

Superintendent Education: Yes, we do. He was originally assigned to a two-bedroomed apartment with a $1,500 rental and this is what he should be paying up on the hill.

Chairman: The next item is Christ the King Elementary School for $2,742.00. Are you clear on this one, gentlemen?

Mr. Boyd: These pupils being bussed, Superintendent Education. Will they still be 100% recoverable?

Superintendent Education: Yes, it was the agreement with the Department of National Defence and the Department of Public

Works that we would be reimbursed 100% of the costs.

Chairman: All clear?

All: Clear.

Chairman: The next item is Christ the King High School for $1,350. This is for bussing, again. Are we all clear on this one?

All: Clear.

Chairman: The next one is the Hanson Street Dormitory for $8,358.00.

Mr. Taylor: This dormitory. This is for the high school students from out of town?

Superintendent Education: Yes, this is right.

Mr. Thompson: Mr. Chairman, is this a typographical error "salary for house parents"? Or is it "parent"?

Superintendent Education: We have a married couple as House Parents there. The woman does the cooking and supervises the female students. The husband supervises the male students.

Mr. Thompson: There is no salary then?

Superintendent Education: Well, together, this is what they are paid. The man and his wife, to act as supervisors: to provide meals and do the cleaning required other than the cleaning done by the students in their own rooms and possibly the corridors.

Mr. Taylor: Can two people live on $2,100.00 a year?

Superintendent Education: The man has another job as well. He is just working at this part time.

Mr. McKinnon: Mr. Chairman, I notice here in section 62 - 7 months at $700, $50 a student per month. Where does the $60 go that the Government is paying towards those students' board?

Superintendent Education: Well, Mr. Chairman, for those students from isolated areas or where secondary schools are not available or the courses required are not available, the Territory provides a living allowance subsidy. This amounts to $50 per month for an elementary school student and $60 a month to a secondary school student. This money is provided not necessarily only to the parents to put their children in this dormitory for the parent has a perfect right to make other arrangements for the student as far as accommodation in Whitehorse, Mayo, Dawson or any other place where there is a school concerned. In this particular dormitory, we charge $80 per month per student. Of this $80, the Territory pays $60 which is the subsidy the Territory provides parents of any secondary student. The net cost to the parent is $20 per month.

Mr. McKinnon: Mr. Chairman, is this Hanson Street Dormitory for primary and secondary grades?

Superintendent Education: Mr. Chairman, it is just for the secondary grades?

Mr. McKinnon: Then is the $50 quoted here correct?

Superintendent Education: Well, this is the amount we have estimated for the food the Cook has to buy from the local stores.

Mr. McKenzie: Mr. Chairman, I think perhaps Mr. McKinnon might like to read page 17 where he will see thereto, this $60 for high school students plus the $20 from the parents. On page 34 is the cost of running a dormitory but that's only one side of the transaction.

Mr. McKinnon: Mr. Chairman, I presume then that the cost per child is $110 per month? Is that right?

Superintendent Education: There are 14 students living in this dormitory.

Mr. McKenzie: They pay $80 per month of which $60 is absorbed by us. The parents pay $20 and that is shown on page 17.

Mr. McKinnon: Mr. Chairman, no I'm not quite clear. This provision for groceries. Now the $80 that is paid. What is this for?

Superintendent Education: Mr. Chairman, in order to operate, we have to have a building, we have to provide heat, lighting, electricity, we have to provide House Parents and furnished rooms for these students and the $80 does not cover the complete cost of the operation but it does help pay part of the cost.

Mr. McKinnon: I see, Mr. Chairman, but I see that such things as this has been allowed for below.

Mr. McKenzie: If I may comment, Mr. Chairman. If a high school student did not live in student teacherage, then he would receive from us $60 and he would have to pay $80 to us. He would receive from us $60 and with that he would be able to be housed elsewhere. If the student is housed in the Hanson Street Dormitory then he pays the $60 to us plus the extra $20.

Mr. McKinnon: Yes, Mr. Chairman, this is just what I am getting at. There is $60 allotted by the Government now in support of these children from other areas. We also have another $50 here for the same thing for groceries and supplies and beneath we have charges for heat and such things as this besides.

Mr. McKenzie: You've got to look at this in two ways. You've got the dormitory and it costs $8,000 to run it. That's one angle. Then you turn around and start taking in high school pupils and you get $80 from the parents. $20 comes out of the parents pockets and $60 from ours. Now, it is not intended that the $80 received off-sets fully the operational costs of the dormitory at all.

Mr. Thompson: Mr. Chairman, I would just like to clarify one item here. You say that this salary of $300 is for the House Parents, for two people, and that their board is included in this. I take it that this is a married couple. I'm just

wondering, are they being charged any rent at all? Anything for board or anything of this nature?

Superintendent Education: Mr. Chairman, no, they're not. The understanding is that they will be paid $3,600 a year, plus a bedroom in the residence which they have plus their board.

Mr. Boyd: Mr. Chairman, what about a family? Do they have any family? And does the family get free board and another room?

Superintendent Education: This particular couple does have one boy and he is being charged $50 for his board.

Mr. Thompson: Am I not correct in hearing you say that it costs $60 or it costs $80 and we are charging everybody else $60?

Chairman: If I may speak from the Chair. I think that if you look at page 17 it states there that $50 is the fee that is granted by the Government to parents.

Mr. Shaw: It would appear to me that in a case like this where two people are getting between them such a small amount, there would have to be some other incentive and that, I suppose, is where this other fits in.

Mr. Thompson: Mr. Chairman, maybe I should point out for Mr. Shaw's edification that the husband is also a Territorial employee and although I don't know what he is drawing I would imagine that it would be more than $300, a month. He is also been given free board, free lodging for what I gather the supervision of students at some time and it seems to me that it must be during the night if he is working for the Government during the day.

Mr. Shaw: Mr. Chairman, I would agree that I don't know all the ramifications of these things but perhaps I can look at it this way that it doesn't matter who you get you have to give extra pay for extra work.

Mr. Thompson: This is a very good point. Mr. Chairman, I wonder if he does in fact fire up the boiler and do the maintenance on the building?

Superintendent Education: Mr. Chairman, it's an automatic furnace so he would not have to fire up the boiler, but he certainly has responsibility, because there are 14 students in the residence. He has the responsibility of caring for these students to see that they are in at night, that their homework is done and so on. He is also responsible for minor maintenance and caretaking in and around the building.

Chairman: Are you clear on this item now, gentlemen?

All: Clear.

Chairman: The next item is the Dawson Elementary High School for $6,508.00. Are you clear on this one, gentlemen?

All: Clear.

Chairman: The next item is the Watson Lake Elementary High School for $12,809.00. Are you clear on this, gentlemen?

Mr. Boyd: How many children are in each of these schools?

Superintendent Education: At the end of October there were 124 school students in the Watson Lake Elementary High School and 74 in the St. Ann's School.

Mr. Boyd: One is a three-roomed school and the other one is a three-roomed school. Is this right?

Superintendent Education: The St. Ann's School is a three-roomed school and goes from grades 1 to 8 and the Watson Lake Elementary High School goes from grades 1 to 12. There are six rooms in which students are registered and there are 7 full time teachers including the Principal.

Mr. Boyd: It would seem that this school is operating at one-third less than capacity compared to Watson Lake Elementary High School?

Mr. Taylor: How did the member arrive at that, Mr. Chairman?

Mr. Boyd: The average is about 20 pupils per room is a normal figure. Take it at 30 and 6 rooms would be 180 students. They have 124.

Mr. Taylor: Mr. Chairman, I don't think that this is any criteria. You only have so many teachers for so many rooms and in some cases the rooms could be over-crowded and the other may be short, I agree. I agree that all the rooms that are there are necessary. All grades attend this school.

Chairman: Are we clear on this item, gentlemen?

All: Clear.

Chairman: The next item is St. Ann's School - Watson Lake for $7,600.00. Are .....

Mr. Thompson: Mr. Chairman, if I may ask one question. I notice in the breakdown you say that there are 7 teachers there but you only show 5. With regard to the other two, do they have their own accommodation in Watson Lake?

Superintendent Education: Of the Watson Lake Elementary High School, staff, there is only one whose accommodation we don't provide, a married women whose husband works, I think, for C.N.T. We provide the accommodation for the other six. In one case there is a married couple occupying one apartment. This may be the reason for the breakdown.

Chairman: Clear, Mr. Thompson?

Mr. Thompson: Are they both teachers, Superintendent Education?

Superintendent Education: Yes.

Chairman: May we proceed? The next item is the St. Ann's School - Watson Lake for $7,600.00. Are we clear on this, gentlemen?

Mr. Boyd: Would it be right to assume, Mr. Chairman, that the cost of $450 - $500 per pupil in view of this heavy transportation charge which is going up considerably - you estimate the D.P.W. will charge some $450. $350 is what we

are getting from the Government we'll say but we know that it is costing us $450. At least this is what I'm led to believe but I think that now, we are running even above this.

Superintendent Education: Mr. Chairman, I would presume that this would be so as the cost of bussing from Watson Lake has gone up considerably as a result of this contract. This is because the bussing we had previously was inadequate.

Chairman: All clear, gentlemen?

All: Clear.

Chairman: The next item is the Mayo Elementary High School for $477.00. Are we all clear on this, gentlemen?

All: Clear.

Chairman: The next item is the Teslin School for $802.00. Are we clear on this one, gentlemen?

Mr. Taylor: I'm not too clear on this point and possibly Superintendent Education would know more about it. I understand that one of the classrooms at the Teslin School is quite overcrowded in one grade. Is this correct?

Superintendent Education: We have 77 students in the school. One teacher has grades 1 and 2 with 30 students. Another teacher, the intermediate teacher, has grades 3 to 5 with 25 students and the Principal or senior teacher has grades 6 - 9 with 22 students. At the beginning of the year, the intermediate teacher had grades 3 to 6 with 32 students but after a visit from one of our Department officials, we took the grade 6 out of the intermediate group and put it into the senior class. This lightened her load somewhat as she had a very heavy one.

Mr. Taylor: I have another question, Mr. Chairman, in relation to the school bussing problem there. I noted from remarks by Superintendent Education that the new buses from Canadian Coachways would not be in until next April. As we are all aware there is a desperate problem as far as buses are concerned, in Teslin. If we are going to have to wait until April, I would suggest that we get something, even of a temporary basis which is better than what we've got here. I think that we are hauling far too many children in the small bus. I do know that we are hauling about 16 to 18 children in a 9 passenger vehicle.

Superintendent Education: Mr. Chairman, I may have given the wrong impression here when I was referring to April 1, 1966. I was referring only to the three buses for the Hillcrest, Valley View and Takhini because these were ordered just recently but the buses for Watson Lake were ordered in July and they should be here at any time now. Perhaps I can elaborate on this for Council, Mr. Chairman. Canadian Coachways did not at the beginning of the year have the new buses on hand and consequently they approached us with the possibility of using one of our buses to carry on with the contract and one of the buses from here was sent to Watson Lake. Since we are involved in bussing at Watson Lake, from Bro Saw Mill project - we are hauling about 20 students from there - our buses then were tied up with Watson Lake and Coachways lent us a station waggon, van or bus type of thing which had a capacity actually of 9 students.

We presumed this would be sufficient at the time but this was not and when I learned of this we approached Coachways and they made arrangements to put a second vehicle on that run. They are going to carry on with this until such time it is not required any longer. When the new buses arrive from Watson Lake, they will then release our bus.

Chairman: Clear, gentlemen?

All: Clear.

Chairman: The next item is the Haines Junction School for $3,540.00. Clear, gentlemen?

All: Clear.

Chairman: Next item is the Carmacks School for $789.00. Clear, gentlemen?

All: Clear.

Chairman: Next item is the Kluane Lake School for $1,031.00. Are you clear on this, gentlemen?

All: Clear.

Chairman: The next item is the Beaver Creek School for $1,115.00. Are you clear, gentlemen?

All: Clear.

Chairman: The next item is the Old Crow School, for $836.00, making a total of $81,928.00 for Vote No. 3 - Education. Are you all clear, gentlemen?

Mr. Thompson: Could I ask a question, Mr. Chairman, of Superintendent Education? The majority of supplementary estimates include salary increases for teachers, retroactive pay, and I am wondering with the schools that don't show, does this mean that there have been no teachers from last year who would, in effect, be given retroactive pay or is this overlooked, camouflaged? Where would it show?

Superintendent Education: Well, the way the Supplementary Estimates are arrived at, our office took a list of teachers who were hired for this year, and the last year's estimates were prepared on the basis of the teachers we had last year. As I mentioned, we had a 48% turnover of teachers over the summer and so we got many new teachers. They may, somewhat, have different qualifications from last year's teachers and consequently the salaries would be different. It is on the basis of this that we determine whether or not additional funds will be required for teachers salaries.

Mr. Thompson: Mr. Chairman, the new teachers would automatically come under the new arrangement?

Superintendent Education: Oh, yes, yes. In the schools not listed here, the teachers salaries were such that they were covered by the main estimates.

Mr. Thompson: Thank you.

Chairman: All clear, gentlemen? Have we any more need of Superintendent Education? If not, could he be excused?

Mr. Boyd: Just one more question, Mr. Chairman. This town, Dawson City, has quite a large number of teachers. Was there no turnover there? Did the salary schedules there remain static when virtually every other place got changes?

Superintendent Education: Dawson City had a very substantial change. $6,000 no less.

Mr. Taylor: I have a question, Mr. Chairman, just as a point of interest. In relation to new mines say possibly Discovery and Dynasty and other mines a little bit out of the way, I'm just wondering what the policy is in respect to school facilities? I note that at Cassiar and also at Canada Tungsten in the North-West Territories, the actual capital cost of the school is generally provided by the mine but I believe that in the North-West Territories the teacher has to be acceptable to the Department of Education. I'm not sure if he is hired by the Department of Education or the mine. I'm just wondering if you can clarify that point? What is our position with regard to these newly opened developments in relation to education?

Superintendent Education: Mr. Chairman, I really couldn't answer that question other than by looking at the situation in regard to the mines that have been in operation in the past, e.g., at Elsa at one time the mine rented us classroom space. We provided the teacher/teachers and the desks and so on and we were responsible for the instructional programme. We resumed the responsibility for education.

Mr. McKenzie: Mr. Chairman, I think that this is covered by the Report of the Committee on Education a few years ago.

Mr. Taylor: I have a copy of it at my hotel room.

Superintendent Education: I know that this has been our practice in the past. We have assumed the responsibility for education. Along the highway, the Army and the D.P.W., when it took over from the Army, if a school was located in a Maintenance Camp, they did provide the classroom accommodation and the accommodation for the teacher. This is still done, as a matter of fact, at Swift River. Our school is in a D.P.W. building, which they provided and they provided the heating and lighting, etc., while we provided the desks, furniture, books and the teacher and we look after the supervision and instruction.

Mr. Taylor: I think that it's rather an important point because it seems that we are on the verge of some sort of dynamic growth expansion, and I might say that we might make an affluent society, but in any event we are going to be faced with this problem as these things do spring up overnight. It only takes a matter of one or two years and we have a going concern at any of these operations. No doubt before we enter into the next five-year fiscal agreement, we are going to have to consider possibly schools in places like Discovery and Dynasty and many other mines presently under development. I think that it would be appropriate at this time for the Administration to sit down and come up with what they think would be a good policy to cover us until 1967 and maybe you can come up with an idea and shoot it in to Council for consideration. It is something we haven't planned for in our agreement and I think that we should come up with some sort of policy.

Mr. Shaw: Mr. Chairman, Mr. Taylor has voiced pretty much what I was about to say. I recollect when the Granville School proposition came up there was no policy on that. The company concerned didn't want to accept any responsibility which I felt and the Council felt, they should. It was quite a hassle. It worked out in one sense and in another it didn't. I feel that we should have now a very clear policy in respect to where we will put schools or where our responsibility starts, and where the responsibility of the mining company is concerned so that we will have a uniform policy. As you are aware, very soon we will have an operative mine at Cassiar and they are going full guns at it and spending many dollars on this. It appears that we do not have a clear-cut policy. We must have that policy and have it now so that when these things start to crack, everything is ready and there is no problem. If we don't have that, we will have a continual hassle. There is no rush within the next couple of days but to get cracking on a policy so that we can say this is the way it is so that when anybody starts up, there it is. It's all laid out and I think that it is very very important and should be done just as soon as possible.

Mr. Taylor: Mr. Chairman, I should just like to say that mining in itself could be so affected by the world market failing that it could shut down a mine. It is generally considered not in the best interests of Government to have Government-built schools in situations where this could happen but I think, as I said, they have remedied this by having a company build a two-roomed school which meets their needs. Canada Tungsten is a good example of this I think. I'm not clear as to whether they pay for the teacher or the North-West Territories, Government pays, or even if they share the cost, I think that this is the sort of arrangement we should be looking for in the Territory with respect to new developments.

Mr. McKenzie: Mr. Chairman, perhaps this might be relevant. Granville School - Granville School building and teacherage are the property of ..... This corporation provides facilities such as heat, water, light, etc., the Territorial Government provides the teacher, school supplies, texts and literary books. In addition to that, there is a policy statement in here.

Mr. Shaw: Mr. Chairman, that sounds like a very sound policy but I think that at the moment we have a request to build a high school at Elsa.

Superintendent Education: There was a request last year but there was no decision on that and no further request has been made.

Mr. Shaw: I agree, Mr. Chairman, that there would have to be a decision. It was a clear-cut policy to start with. I think that every gentlemen at this table would agree that it wasn't very clear-cut.

Mr. McKenzie: Mr. Chairman, here is another recommendation to this Committee. Company Schools - These schools are located in remote areas where, because of the uncertainty of their being a continuing requirement, or because of the few children taught, construction of this school by the Territorial Government is not warranted. The interested company provides the services to build the staff housing and as the company pays school taxes, the Territorial Government pays the company an agreed sum in compensation

for the provision by it of heat, light and relative services. The Territorial Government also provides the teacher.

Mr. Taylor: Mr. Chairman, that seems to conform with the North-West Territories and B.C.

Mr. Shaw: Going on that policy, how did this other matter come up in relation to that high school?

Superintendent Education: This was in effect when the school at Elsa first started. We had a two-roomed operation but in 1958 the new school was built. This is a Territorial building and a completely Territorial operation.

Mr. Shaw: Contrary to this. Why is this?

Superintendent Education: These people refer to remote broad or small operations. This particular operation is certainly not going to close down overnight. I have been here for a number of years and it is still in operation.

Mr. Shaw: If there is a policy there is always whether it is or isn't. What is remote and what isn't?

Superintendent Education: Mr. Chairman, I understand that the Clinton Creek operation, is a very substantial one. Actually we would like to know more information as to how many students will be there so that we can make the necessary arrangements

Mr. Shaw: Will the Government provide the buildings for this particular project?

Superintendent Education: Well, that is up to the Commissioner.

Mr. Taylor: Well, Mr. Chairman, I would submit that would be up to the Council. I feel that if a mining company is going to put in a conduit then I feel that it is up to them to provide the school. If the Government is expected to construct the school then it should be the total function of the Federal Government to provide that for it is the Federal Government who receives the revenue from this mining operation.

Mr. Shaw: Mr. Chairman, I feel very much the same. Say a large corporation putting up a mine. They are out to make a profit. The Government went to the extent of building a school at the cost of say $200,000 right there, plonk! The company decided to shut down and so we have an, unused installation. This would appear to me to be similar to Cassiar. This could happen. We could be more lenient than that but as far as I am aware in Cassiar they provide them the teacher and say here you are, go to it! They do that, they accept that and it seem to work out quite well. This is a very good policy and one we can emulate here. Take the Granville School for example. I did feel that the company should have some responsibility as well as the Government and that worked out on a shared basis and seems to have worked out very satisfactorily.

Mr. McKinnon: I would like to ask Superintendent Education if any consideration has been given towards the need for a school in Pelly River?

Superintendent Education: Mr. Chairman, with regard to this. Periodically, I am approached by the Indian

Superintendent expressing his interest in having a school at Pelly River. As the majority of the children in this area are Indian students, I have suggested to him that he write to the Commissioner with substantiating facts and figures. Then we can take it from there. Up to the present, nothing has been done. These children now live in the hostels in Whitehorse and go to residential schools. This is the way they are being provided for now.

Mr. McKinnon: Yes, Mr. Chairman. In recent discussion with parents in that district, they would very much like to have their own school and have their children back home.

Mr. Boyd: I think that there are 3 to 5 families we are talking about. We already provide schools in various areas to enable children to return home but they don't want to come home. Some of those who could have gone home, the parents sent them back again. I think that we should get the facts before too much discussion.

Mr. McKinnon: I wish some of the members would get the facts, Mr. Chairman. There are over 65 people on the Pelly River vote. This would be a little more than 3 to 5 families.

Mr. Shaw: I wonder, Mr. Chairman, how many children there would be there? Do we have any figures to go on?

Mr. McKinnon: I am not definitely sure but I would presume around 25 to 30.

Mr. Shaw: If such a project was effected, Mr. Chairman, then I presume the cost would be shared by the Department of the Territorial Government and the Indian Department?

Superintendent Education: This is why I think that the first steps should be taken by the Indian Affairs Branch after all they are responsible for the education of these children. If they approach us in writing and the Territorial Government feels that it is feasible, then an agreement will have to be reached with respect to sharing the cost of the school as well as the operation. We would need some assurance that after one year the school wouldn't be half empty. This, I think, happened at Carmacks a couple of years ago. We would look a little foolish.

Mr. Thompson: Just as a matter of interest, could you tell me how many students are enrolled at Carcross at the moment?

Super endent Education: Carcross Residential School at the end of September had 103 students and the Lower Post had 148 students. The Public School at Carcross had 29 students. We supervised instruction at these schools.

Mr. McKinnon: At a later date, I will request in the form of a Motion that the Administration does consult with the Indian Department on behalf of the people of Pelly River, with a view to having a school there.

Chairman: Speaking from the Chair - Superintendent Education, how many children are coming down from Elsa at the present moment?

Superintendent Education: I'm sorry, but I don't have a breakdown as to where the students are coming from.

Chairman: Any further discussion, gentlemen? Can Superintendent Education be excused at this time?

All: Agreed.

Chairman: What is your pleasure now, gentlemen?

Mr. McKinnon: I should like to ask Mr. McKenzie. With regard to Question No. 6 from correspondence we have received, I note that the Territorial Government is renting a house to a person not employed by the Territory. Is the Territorial Government in the commercial house renting business at $40 per month?

Mr. McKenzie: I don't recall the case mentioned but I would suggest that this be left until the Commissioner could be available, if it is to do with staff housing.

Mr. McKinnon: No, this does not apply to staff, Mr. McKenzie.

Mr. McKenzie: Gentlemen, am I to understand that this house belongs to the Territorial Government and is let to a man not employed by us? The Commissioner is the man to see on that for he would have given permission to let it to somebody.

Mr. McKinnon: Mr. Chairman, I'm just wondering how to get in on these deals. It's under PanAm apartments.

Mr. McKenzie: Who is renting this, Mr. Chairman?

Mr. Thompson: Mr. Stratton.

Mr. Clerk: PanAm No. 2.

Mr. McKenzie: Quite frankly, I don't know who he is. I can't answer your question so I'm afraid you will have to leave this for the Commissioner to answer.

Mr. Taylor: Could you find out?

Mr. McKenzie: I shall be glad to find out and let you know tomorrow.

Chairman: Gentlemen, may Mr. McKenzie be excused at this time?

All: Yes.

Mr. Thompson: Mr. Chairman, I would suggest that Mr. Speaker do now take the Chair and hear the Report from Chairman of Committee.

Mr. seconded the Motion.

Motion Carried

Mr. Speaker: Well, gentlemen, you have heard the report from Chairman of Committee are you all agreed?

All: Agreed.

Mr. Thompson: Mr. Speaker, I am wondering in view of the Superintendent Education's remarks about the unnecessary expenditure in the bill of $9,000 for transportation, would this be the time to make note that we would like this item

deleted or should we wait until the final analysis is taken on this Bill? What would be the proper procedure?

Mr. Taylor: Possibly I can answer that, Mr. Speaker. Generally the time to do that would be at the final review of the budget of the supplementary estimates.

Mr. Speaker: What is your pleasure now, gentlemen? We have the Agenda for tomorrow.

Mr. Taylor: Mr. Speaker, possibly we could proceed with the supplementary estimates and maybe we could have Mr. Judd here for Vote No. 8 - General - otherwise, we could proceed with Bills, Sessional Papers, Motions, and memoranda.

All: Agreed.

Mr. Taylor: Mr. Speaker, I would draw your attention to a morandum dated November 19 that a Mr. Ron Butler has suggested that he accompany Mr. Judd on Vote No. 8. He, apparently, is the Commodore of the Centennial Pageant. Possibly he could be contacted by Mr. Clerk this evening with a view to joining with us tomorrow.

All: Agreed.

Mr. Boyd: I would move that we do now call it 5 o'clock.

All: Agreed.

Mr. Speaker: This Council now stands adjourned until 10 o'clock a.m. on Friday, November 26, 1965.