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# YUKON TERRITORIAL COUNCIL

SECOND SESSION 1966

## Votes and Proceedings

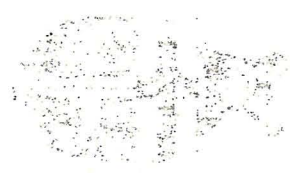
Volume 2

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Page 327  
Monday, 10:00 p.m.  
November 21, 1966

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

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

Mr. Clerk: There is Mr. Speaker.

Mr. Speaker: Have we any correspondence?

Mr. Clerk: I have two sessional papers. Sessional Paper #42 - Road signs, and Sessional Paper #43 - Labour Standard Legislation. CORRESPONDENCE  
Sessional Papers 42 and 43.

Mr. Speaker: Thank you Mr. Clerk. Have we any reports of committee? I note gentlemen that we have two bills to introduce this morning.

Mr. Taylor: I would beg leave to introduce Bill #13, An Ordinance Respecting Civil Measures to be Taken in the Yukon Territory to Deal With Any Wartime or Peacetime Emergency. INTRODUCTION  
OF BILLS

Mr. Boyd: I second the motion Mr. Speaker. BILL #13

Mr. Speaker: It has been moved by Mr. Taylor and seconded by Councillor Boyd that Bill #13 be introduced at this time. Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried and Bill #13 is introduced at this time.

Mr. Boyd: Mr. Speaker, I beg leave to introduce Bill #15, an Ordinance to Amend the Recording of Evidence by Sound Apparatus Ordinance. BILL #15

Mr. Southam: I second the motion.

Mr. Speaker: It has been moved by Councillor Boyd and seconded by Councillor Southam that Bill #15 be introduced at this time. Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried and Bill #15 has been introduced. Have we any notices of motion and resolution? If not we will proceed to orders of the day. Any motions for the production of papers? Have we any notices of motion for the production of papers gentlemen?

Mr. Taylor: Motion for the production of papers, #2. Moved by myself and seconded by Councillor Southam, Re - Corrections Committee. "The Administration is respectfully requested to table before Council at the earliest moment, minutes of the proceedings of the Yukon Corrections Committee for the year 1966 to date."

NOTICE FOR  
THE PRODUCTION  
OF PAPERS

NUMBER 2

Mr. Speaker: You have heard the motion. Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried. We are awaiting one motion, namely #1, Mr. Watt - Metropolitan Area, and I think that completes that particular subject. We will now consider motions and we have #6, Mr. MacKinnon.

Mr. Taylor: The motion was discussed on Friday.

MOTION #7 Mr. Speaker: We will dispose of that. Mr. MacKinnon, #7, Central Complex.

Mr. MacKinnon: Motion #7, moved by myself and seconded by Mr. Southam, Re - Central Complex. It is the opinion of Council that the Administration discuss with our Minister of Indian Affairs and Northern Development the necessity of establishing a Central Complex for Territorial Government and Administration with a view to halting the present trend of decentralization. May I proceed?

Mr. Speaker: Proceed Mr. MacKinnon.

Mr. MacKinnon: Well gentlemen I believe you are all fully aware of the meaning of this motion. It is to encourage the powers to be to establish us with some type of government complex and getting our feet on the ground for the future and I do hope for the full support of Council in this particular motion.

Mr. Southam: Well Mr. Speaker as seconder of the motion I feel it is time that we made a move in the direction of getting a central complex for the Territorial government and if things don't move any faster than they have in the past I think if you start now you will get it at the end of your next fiscal agreement, the one after this one. So I would say we should make some presentation to the Minister and see if we can get them thinking along our lines.

Mr. Speaker: Any further discussion? I would just like to ask one question. This hasn't been established in my mind at the moment, does that mean, is that referring to government buildings and installations and so forth?

Mr. MacKinnon: Mr. Speaker, yes I believe it is very self-explanatory, "government and administration". I consider us as the government.

Mr. Speaker: Thank you Mr. MacKinnon. Have we further discussions on Motion #7? Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: Have we any questions? If not we will proceed to public bills and orders. We have Bill #14 I note for process. What is your pleasure gentlemen?

Mr. Boyd: Mr. Speaker, I move that Bill #14, an Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expense of the Public Service of the Territory, be given first reading.

Mr. Southam: I second the motion.

BILL #14  
FIRST  
READING

Mr. Speaker: It has been moved by Councillor Boyd and seconded by Councillor Southam that Bill #14 be given first reading. Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried and Bill #14 has been given first reading.

Mr. Boyd: Mr. Speaker, I would move that Bill #14 be given second reading.

Mr. Southam: I second the motion.



Mr. Speaker: It has been moved by Councillor Boyd and seconded by Councillor Southam that Bill #14 be given second reading. Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried and Bill #14 has been given second reading. What is your pleasure at this time gentlemen, that completes the orders of the day.

BILL #14  
SECOND  
READING

Mr. Taylor: I would move that Mr. Speaker do now leave the chair and Council resolve into committee of a whole for the discussion of bills, memoranda and sessional papers.

Mr. Boyd: I second the motion.

Mr. Speaker: It has been moved by Councillor Taylor and seconded by Councillor Boyd that Mr. Speaker do now leave the chair and Council resolve itself into committee of a whole. Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried and Mr. Taylor will take the chair as chairman of committee.

Mr. Chairman: I will declare a short recess until we get organized.

RECESS

Mr. Chairman: I will call this committee to order and we are dealing with Bill #11 and under Vote 20, page 160.

BILL #11  
VOTE 20

Teslin Subdivision.....Clear

Mr. Taylor: Mr. Southam will you please take the chair. When we last sat on Friday I did wish to raise a point in connection with this Teslin Subdivision and that has to do with the main subdivision. As some of the honorable members will recall when we went to build a school down there some years ago it was found that indeed the subdivision was not suited to take the weight of the building because it was situated in a bit of a swamp. It was another one of these situations where we drew lines on paper and didn't take into consideration that this land or that some of it was very swampy and wet. However it was brought to my attention last Spring that we can recover by means of moving gravel around and we can recover a great deal of land in Teslin thereby consolidating rather than scattering the community and I would like to draw this to the attention of the administration at this time. This is possible and I would ask that the consider in the spring budget that funds be made available for this reclamation of land in the Teslin Subdivision. We went across the road, across the Alaska Highway this year in an attempt to find land and create another subdivision where one could get water and so on and drier land. We caused to be drilled some test wells and the wells were drilled at depths up to 300 feet and no water obtained so as a result I believe that the program to survey the subdivision across the road has been cancelled. This is good, in which case possibly the revenues that were set aside to develop that townsite or a portion for it used to reclaim some of the land in Teslin. At this point I raise this and possibly the administration will take a look into it.

TESLIN  
SUBDIVISION

Mr. Commissioner: Mr. Chairman, we would be very happy to look into this particularly in the light of a question that was raised two or three days ago that I am having looked into right now and that was to needing more facilities at the Teslin School. Now I don't know how adjacent to it this is but it may be part and parcel of the same thing. I will put it this way that we are very happy to look into the aspects.

Mr. Taylor: Thank you Mr. Commissioner. Just one comment on the school. The school is on the Indian Reserve. There was no Territorial land available to take the weight of this building.

Mr. Chairman: Are we clear? Clear.

Ross River Subdivision.....Clear  
Carcross.....Clear  
Water Service Adjacent to Whitehorse.....Clear  
Mayo Sewer System.....Clear  
Mayo Water System.....Clear  
Community Development Grant.....Clear

Mr. Taylor: I wonder if Mr. Commissioner could enlighten me on this item. It was understood that the community development grant was allocated for all the districts this year by means of a formula we worked up in relation to Centennial plan and I am wondering why this appears in the supplements.

Mr. Commissioner: Well to simply bring your accumulation of funds up to date Mr. Chairman. You have these unspent balances in the total of \$56,328.09 as of the 31st of March. Well they would lapse at that point and they have to be put back in the supplementary estimates so they can now be spent.

Mr. Taylor: Am I to understand this amount is surplus over the \$8,000 that the district has been deducted and this is the surplus held by the Councillors in their accounts.

Mr. Commissioner: It is not giving you the money, it is giving you the money that you have had available to spend as of March 31, 1966. I am sure that Mr. MacKenzie has a statement prepared on this. Have you not been given a statement?

Mr. Shaw: I thought that this was voted at the Spring Session and as far as statements go, you get them when you ask for them. It would be nice to have them submitted.

Mr. Commissioner: I make it clear to you, this is unspent balances as of the 31st of March, 1966. You have an accumulation since then of monies that are being allocated to this fund each month on the basis of liquor sales and also you have spending going on that has been charged on these accounts as per your projects that you have approval on. All that you are doing here gentlemen is bringing forward for your current spendings those monies which you had not spent on the 31st of March, 1966. I will see that you are given a full statement.

Mr. MacKinnon: I might ask the Commissioner if we have not been given a year in advance on these monies?

Mr. Commissioner: I think that when the statement comes down it will answer this question very clearly but I do not believe it is the policy with regard to this money to make it available for anything more than a current basis.

Mr. Southam: Well Mr. Chairman, I know this figure isn't right at the present time because Keno City has built a hall and spent somewhere near \$16,000 and there is more to go and this is probably true as far as the 31st of March. And as I understand it this includes the grant for this year.

Mr. Commissioner: This could well be but I will get you a statement Mr. Chairman and everyone who has a question will be answered correctly and properly.



Mr. Shaw: I thought that last year was the Centennial year, it VOTE 6 all boils down to dollars and cents.

Mr. Chairman: Anything further on Vote 6? We will move to Vote 7. VOTE 7

Administration.....Clear

Mr. Chairman: That is all we have on vote 7 for the operation and maintenance side of the fence. Could I ask from the chair when we can expect the long overdue Game Ordinance?

Mr. Commissioner: Mr. Chairman, there is one or two sessional papers that are being prepared right now in this connection and also a statement in connection along the lines of pounds, branding, now could I ask just so that I know that whether these things are in the works as to the specific thing that you were looking for?

Mr. Chairman: There was an Ordinance prepared for presentation last summer and it was not felt to be complete and it was to be resubmitted at this session. This information can be gleaned from that. We will move to Vote 20, page 162.

Mounting Yukon Game Animals and Birds.....Clear

Mr. Chairman: We will move to Vote 8. VOTE 8

Administration.....Clear  
Workmen's Compensation Inquiry.....Clear  
Accommodation Territorial Administration.....Clear  
Death Written Off Amount of One Dollar.....Clear  
Archivist.....Clear  
Alpine Centennial Project.....Clear

Mr. Chairman: May I ask from the chair was this not to be fully federally sponsored?

Mr. Commissioner: I have asked for a report on this particular thing Mr. Chairman and I would appreciate the opportunity of bringing Council up to date completely on what is going on with this project as soon as I have this information available and at that time I would be very happy to include in my remarks the answer on this as to whether this is recoverable or not.

Expo '67.....Clear

Mr. Shaw: I was going to ask the Commissioner if possibly we could get a report or outline on how this is progressing.

Mr. Commissioner: That question has already been asked and I signed a sessional paper this morning to bring Council up to date on what is going on and to ask their further advice.

Centennial Torch.....Clear

Mr. Shaw: May I have this explained, who is carrying the torch for who?

Mr. Commissioner: This will be included in the report that I am having for Council on Expo. There is also the matter of signs, centennial plaques, etc. This will be included in the report that Council will be getting.

Mr. Chairman: Would it be possible to get an itinerary?

Vote 8 Mr. Commissioner: I believe that they are being printed in booklet form by the Centennial Commission and I believe I saw one around this table last week.

Mr. Chairman: I believe there is a Mr. Porter involved with Centennial, will he be coming before us?

Mr. Commissioner: If Council would wish him to I am sure that we can arrange for him. Could I ask that you leave this until you see the reports that are prepared for you now and then Council could decide if they needed further information.

Mr. Chairman: Are you clear? Clear

Furniture and Office Equipment.....Clear

VOTE 9

Mr. Chairman: Have you anything further on Vote 8? We will proceed to Vote 9.

- Roads Bridges, Public Works, Head Office Supervision...Clear
- Maintenance "S.S. Keno" Dawson.....Clear
- Campground Operation.....Clear
- Sawmill Road.....Clear
- Dawson Emergency Fire Control.....Clear
- Carmacks Fire.....Clear
- Ross River Fire.....Clear
- Gravel Lake Fire.....Clear

Mr. Shaw: This represents all the fires in the Yukon Territory and the expenses in relation to that? \$46,855?

Mr. Commissioner: Until up to the end of the 31st of August. This does not include the accounts that will be rendered after that date Mr. Chairman. I would feel there was a considerable amount rendered after the 31st of August. Council understands too that this is 100% recoverable monies doesn't it. We simply act as an agent for the Crown in paying these bills and Northern Affairs rebates to us 100%.

Mr. Boyd: Would that be so in the claims for the Dawson City flood damage?

Mr. Commissioner: No this; Mr. Chairman is not quite the case. This matter will be up for further discussion in Council and Council will be told and explained to at that time that in the first instance the claims for the Dawson flood will be a charge against the Territory.

Mr. Shaw: I wonder if the Commissioner can inform the committee as to whether the work was done in respect to the uplifting of the Dawson Airport. There was to be a survey, I think they call it a soil testing and so on, with the object in view of upgrading the Dawson Airport. I wonder if that has been done this summer.

Mr. Commissioner: I have no idea Mr. Chairman but I will certainly see to it that Council is informed.

Mr. Chairman: We will proceed.

Roads, Bridges, Public Works.....Clear

Mr. Watt: Just one thing I would like to say and that is I think the Engineering Department is doing a pretty good job of trying to improve the cut-off on the Two Mile Hill on the Robert Service Road. I think they were stopped this Fall because of freeze-up and I hope they plan on carrying that program further.

Mr. Commissioner: I will be very happy to pass on the good word to the Engineering Department and I think in the face of that they will be very happy to see the work is done.

VOTE 9

Mr. Chairman: Gentlemen, we will proceed to Vote 10.

Administration.....Clear

Mr. Shaw: Just one question in this wage and salary department. It involves people and I wonder if Mr. Commissioner would know whether all these people that are instructing in this school are people that have papers, or diplomas or what have you in the particular field in which they are instructing.

Mr. Commissioner: Mr. Chairman, it is my understanding that this happy state of affairs finally came to pass with the opening of the school in this Fall term. I do not know whether there is any staff change that has possibly diluted from this picture but I will make an inquiry and if there have been any changes where we have people who are not fully qualified from a collegiate or certificate point of view I will report to Council but as far as I know Mr. Chairman such is not the case.

Mr. Shaw: Thank you Mr. Commissioner. I thought of the subject when we first started out. This has been established long enough that they should have a prerequisite or some diploma.

Whitehorse Vocational School.....Clear

Mr. Commissioner: So that the Councillors understand this is 95% recoverable from the Department of Labour.

Mr. Shaw: Is this the program that the government was trying to get off the hook just fairly recently?

Mr. Commissioner: I am afraid this is correct.

Mr. Shaw: Is there much thought in this matter according to things that I have heard and this may be incorrect that people are going to this school because it is a good opportunity to earn \$35 a week or whatever it is as subsistence is concerned. That certain married people are going in there, husbands are working, and these people are going in there and receiving this subsistence allowance. Is there any abuse of this and has this been investigated to see if these people are proceeding from there to jobs?

Mr. Commissioner: I think that with any program of this nature it is entirely impossible to eliminate all the abuses, there are bound to be abuses. The administrator of the school advises me that the quality of the student body this year from an educational background point of view and from a the point of view of ability to take in the teaching and absorb it and take their proper place that they are being educated for in the trade school was never better and while I cannot help but agree with the remarks of the Councillor concerning the possibility of abuses, I can only be guided by what the people who are running the school tell us. I would feel that the statement that has been given to me is an accurate one and properly conveys the situation as to men and women who are presently taking courses in our vocationtraining program. Remember Mr. Chairman this is of a national as well as a local significance and we are endeavoring to train men and women in our vocational school here and bring them up to certification standard that their



Mr. Commissioner continues.....  
certificate will be acceptable anywhere that this type of training is offered. I believe that we have come a long way in obtaining this objective. The manner of subsidizing people so they can attend this type of school is an absolute essential in order to permit them to do it. You simply cannot finance yourself beyond school age with a wife and no skills and attend school in order to upgrade your training without some assistance. I would say that until proven or shown to the contrary the program generally is accomplishing the end that it is set for.

Mr. Watt: I would like to ask the Commissioner if the thought has been given to the possibility of some assistance to train underground miners of a type that are required in the Yukon Territory. Could they co-operate with Keno Hill---have they looked into the possibility of apprenticeship training and if so what has been done and is it realistic?

Mr. Commissioner: If the question has been raised and if it has been investigated then I am not aware of it but I think it is like all questions of this nature. If it has the practical application and the facilities and the institution that we have can play a part in this then I think we should be playing a part and I can assure the Councillor that if the matter is brought up and can be shown that we can play a practical part we should make every effort to play that part. As to whether the question has been raised or whether it has been investigated I am sorry I cannot answer that.

Mr. Watt: If it hasn't been investigated do you think that we could have a report on it?

Mr. Commissioner: Yes I see no reason why you couldn't, we should be looking into it.

Mr. Boyd: Somewhere in the last 10 days we had something submitted to us either through the mails or correspondence on this very subject. I believe it was something from Mine, Mill and Smelter. This subject has been up and received attention.

Mr. Watt: I am not aware of it if it has been. I know the subject was brought up in the Whitehorse Star and a suggestion was in the editorial there. This is why I asked the question here. We did get something from the Mine, Mill & Smelter but it had nothing to do with this.

Mr. Chairman: Gentlemen, at this time I will call a short recess.

RECESS

Monday, November 21, 1966.  
11:00 a.m.

Mr. Chairman: I will now call Committee back to order. Is VOTE 10 there anything further on Vocational Training?

Mr. Shaw: I have a question, Mr. Chairman. I realize that this project is all encompassing all over Canada. That is why the Federal Government is subsidizing this so heavily if you can call it that. I think it would be quite interesting to have a little data in respect to the Yukon itself and I wonder if any figures are kept that would tell you that in four year's time the class of two years back...actually how many of these people would be working in the Yukon at the trade that they learned at the Vocational School. I don't think that would be too difficult to have and it would be very useful. We would know just about how effective it was as far as the Yukon is concerned. I wonder if the Commissioner knows of any records or data that is maintained at the School or some Department of Government...if he thinks it is possible that it will be of some use in the future and also the present.

Mr. Commissioner: Mr. Chairman, I couldn't argue with the usefulness of the data but the problems of compiling it may present unsurmountable problems, Mr. Chairman, for the simple reason that once a man or woman has graduated from the School or has left the School, graduated or not, we have no requirement that the person in question keep us advised of their whereabouts or their progress so that the very best I could hope to come up with for Council's information would be such data as we may be able to compile on a more or less hearsay basis. Whatever data is available, I will be very happy to see that Council is supplied with but I would want them to know that the inherent problem of keeping track of people once they have joined the labour force and are no longer in the trade school system is crossed with great difficulties.

Mr. Shaw: The reason I mentioned this is that to me it would appear to be most useful and it would be most useful from the viewpoint of the whole of Canada but, nonetheless, I am concerned with the Yukon right at the present moment. Now, when a person does graduate from that School, it would be quite simple, for a five year period, if they were asked if they would notify the Institute every year...kind of a form letter...of their whereabouts and if they are working at this trade. It seems that other forms of Government don't have any problem...if you happen to be in a business, you are continually getting letters from the Bureau of Statistics wanting to know how your business is going along..if you have an increase? If not, why not...information such as that that you get every month. In fact they'll even require you to take stock every month until you put up a squawk and say if they want to take stock, they can come down and do it themselves which is exactly what I did. Once a year I do those things but nonetheless they do require this and they keep sending it, and if you don't answer within a reasonable time...what they consider a reasonable time...they send you a pretty snarky letter with a registration so....a little information like this, I think, would be quite useful as far as the Territory is concerned. Let us know what...this I am sure is beneficial to the whole of Canada but it would be nice to know just how much of an impact it is right here in the Territory.

VOTE 10

Mr. Commissioner: Mr. Chairman, it is very possible that at the National level this information would be very readily available through the Manpower Department of the Federal Government and my first inquiry will be directed to them to see if they have such information broken down as it would apply to people who had been trained in the Vocational School here in the Yukon Territory. I will do my utmost to see if this information, or such information as is available, is provided to Council.

Mr. Boyd: Mr. Chairman, just one thought on that. Obviously it is doing exceptionally well. It has to. We have evidence and signs of it right here in the Yukon and if Mr. Commissioner puts a notion into the people in Ottawa...if he puts the notion into their head, it will only be an excuse for hiring another hundred men to keep the statistics over and above what they have got now.

Mr. Shaw: Mr. Chairman, I wasn't...that was the least thing I wanted. I was asking if this information was available. I don't think at any time that I asked Mr. Commissioner to go ahead and carry out the survey. I didn't do this. I asked if this information was available because in any business, unless you have a breakdown of where your business is coming from and going to, it's pretty hard to operate and operate successfully and I think the same would apply to this.

Mr. Chairman: Anything further on this item, gentlemen?

Mr. Southam: Mr. Chairman, this trying to keep track of people is quite a job but I have a little information on some of them that...for instance, two or three of the girls that were trained as hairdressers...one is now operating a shop in London, another is operating a shop in Paris, France, and they are scattered all over the globe. We also had a few welders. They are down at the Peace River Dam. We also had two or three carpenters that came out of the School. They stayed a couple of months and then they went to some place down in Alberta where they got \$3.40 an hour instead of \$2.83 or whatever the case may be. I think it's a very good thing and when they graduate, they get a certificate...that is a journeyman at least...he gets a certificate...or they get a certificate...which is good right across Canada and this is as it should be. I also think it's a very good thing because...now instead of...now when we hire a mechanic that comes from the School, we have a pretty good idea that he is a good mechanic. Before we had to sort of find out by trial and error so I think it has its good points.

All: Clear.

Mr. Chairman: The next item is on page 132, Whitehorse Vocational School Dormitory, in the amount of \$2,409.

All: Clear.

Mr. Chairman: Gentlemen, we will return to Vote 20 on page 166, where we find an item for Vocational Training in the amount of \$692 as enumerated.

All: Clear.

Mr. Chairman: This, gentlemen, concludes the Vocational Training Vote. We will proceed with Vote No. 11, Yukon Hospital Insurance Service. We have an amount of \$27,247 as enumerated. There being nothing in Vote 20 for this Department, we will proceed to Vote No. 12, Travel and Publicity. The first item for consideration may be found on page 136 in the amount of \$37,423 as enumerated. VOTE 11

Mr. Boyd: Mr. Chairman, on this Department of Travel and Publicity, I would like to direct what I have to say to the Commissioner. We have been in the habit of voting certain monies to this Department whereby it could spend it by matching grants to other organizations and, at the same time, I find that this Council is giving a grant to a certain organization with no knowledge whatever of these matching grants. When I found out we were giving a grant...what I thought was to take care of their little or large troubles.. I found out, to my surprise, that we have another Department giving them another like amount, or an amount...no matter what the amount is...alike or different...it's another grant for which we never see details. This to me is wrong. If I am going to give a grant to any organization, I am going to vote on it in this book. Unless we have assurances from Administration that there will be no matching grant through another Department, then I am going to ask if they are already getting one, have had one, or something. Certainly I don't want to be voting money once and then have it...the organization getting money that we know nothing about. It turns out that the money that we give them by way of grant...they turn around and they submit it to this Department and call it a matching grant. It's our money in the first place. So, what are we doing?

Mr. Commissioner: Mr. Chairman, could I ask specifically what is being referred to here?

Mr. Boyd: I will give you one name...the Historical Society. They get a grant from us and they get one from the Travel and Publicity. I don't think that's all either. I am not quite sure of this.

Mr. Commissioner: Mr. Chairman, I wonder...I would like to ask the Legal Advisor a question here. Under what Ordinance, or under what authority do we come to Council and ask for them to permit grants to be made to organizations over which we don't have the control of the expenditures? Where does this emanate from?

Mr. Legal Advisor: Well, there are certain provisions in relation to Boy Scouts, Girl Guides, and so on. I would have to back check on the lines of authority...but it has been a feature of our financial arrangements for a number of years that certain groups...the Red Cross also...have a direct grant. I would have to look into it but as I have indicated, there are some groups which have a direct grant but the matching grant problem is a second question. I have no information on that.

Mr. Commissioner: In other words then, Mr. Chairman, I would take when a matching grant question comes up, it is being dealt with on an item by item or problem to problem basis. Is that I would take, Mr. Chairman, as to what the manner has been of Council dealing with this? In other words, I would take it Mr. Chairman, that Council says we will pass "x" number of dollars for this organization on the understanding that they in turn give the equivalent, or a certain portion of similar money...is this the manner?

VOTE 11

Mr. Boyd: No. This is anything but. My point is that if we are going to give a grant...we will use the Historical Society now...the name...this to me would seem to me to be all the grants that they should get from this Government but they can come along after we have given them this grant and say we are operating something in the interest of the community and our light bills or costs are this and that. They, then, submit a bill to Travel and Publicity and get a matching grant...along these lines...and of this I disapprove. I would rather see one grant so that Council knows where it is standing or else we be supplied with a list of the matching grants given by Travel and Publicity so that we know what we are voting when we are voting money.

Mr. Commissioner: Mr. Chairman, would I take it that the formula that is used by Travel and Publicity in giving these matching grants is a formula that has been approved by Council?

Mr. Boyd: No.

Mr. Watt: Mr. Chairman, I agree with the principle of a matching grant. If an organization or a group of people in a community want to do something say for Tourism and it is of a type approved and there are things laid down that it has to be something of tourist value. If they are willing to scrape up a dollar themselves, the matching grant is to help them by matching dollar for dollar which I think is fair. This things have to be approved first of all, be of a type useful for tourism, and, secondly, the Community participating. I like the idea of this and it should be encouraged, but I think Mr. Boyd does have a point. If the dollar that the group is putting up is also received from the Territorial Council through a different grant...in other words, if their dollar...I think that's what Mr. Boyd is getting at. Is that not right?

Mr. Boyd: That is right.

Mr. Watt: I agree with Mr. Boyd's point, but I also agree with the principle of matching grants. I think the idea is good.

Mr. Commissioner: Mr. Chairman, I have the message now.

Mr. Shaw: Mr. Chairman, I think that possibly the Terms of Reference of the Matching Grants are not really laid out possibly to clarify the situation. Also, Councillor Boyd, I don't think, didn't quite clarify the situation...he said the Historical Society. The Dawson Historical Society receive a \$500 grant. That's all the money they receive...the same as the Whitehorse Historical Society so I don't know if it's that one or another one we are referring to. I note in this particular subject or item of Travel and Publicity, we have an increase in Salary of \$8,683...provisions for additional staff. I think that before we start increasing the size of the staff of this Department that I would leave it in the Commissioner's hands. There are certain things about the Travel and Publicity that we have to go over I believe..in various forms...maybe different Terms of Reference. I would not be against approving this particular amount of money but, at the same time, I would like this well looked into to see that we need additional staff for this particular matter.



Mr. Commissioner: Mr. Chairman, Council has my personal VOTE 11  
guarantees that any additional staff will be well justified  
to my entire satisfaction before it is permitted in this  
Department or any other Department.

Mr. Boyd: Mr. Chairman, I will once more point out that in  
65-66, this Department cost us \$71,000. For this year, it  
is \$144,000....one hundred percent increase.

Mr. Chairman: Have you anything further in the matter of  
Travel and Publicity in the amount of \$37,423?

Mr. Watt: Mr. Chairman, I would like to say that under  
this increase.....this \$20,000 is for the Klondike Defence  
Force. I think that was approved by Council so a great part  
of that increase has been something we have done on our own.  
We voted \$20,000 for advertising...provisions for payment to  
the Yukon Klondike Defence Force for their publicity and pro-  
motion campaign...on page 136. I do have a question with  
respect to this. Has this money been paid and how much has  
been used? Possibly the Council could ask for a report or  
does anybody have any information with respect to this?

Mr. Commissioner: Mr. Chairman, could I bring a written  
statement to Council in connection with the monies that have  
been expended. Is this satisfactory?

Mr. Chairman: In relation to this, might I ask a question  
from the Chair? I believe this summer the name "Klondike"  
was to be copyrighted by the Territory. Has this been done  
and has this been finally approved?

Mr. Commissioner: Mr. Chairman, it is my understanding that  
this matter has been finalized and the necessary copyright  
functions.....

Mr. Chairman: I am wondering, as a supplementary question,  
as to whether or not legal action could be taken against  
anyone using the Klondike name from now on without the per-  
mission of the Commissioner of the Yukon Territory.

Mr. Commissioner: Could I ask the Legal Advisor to answer  
that question for you, Mr. Chairman?

Mr. Legal Advisor: That is the purpose of registering and  
this, of course, would only apply to new users....where some  
established users of the word....it would be difficult to  
take any proceedings against them.

Mr. Chairman: Anything further on Travel and Publicity,  
gentlemen. We will then turn to Page 167 in Vote 20. We have  
an item under Travel and Publicity in the amount of \$2,800 as  
enumerated.

Mr. Shaw: Mr. Chairman, here we have a man who is going to  
work for six months and they are setting him up with \$1,200  
worth of furniture. What happens to the furniture, I wonder,  
when he fulfills his contract in six months? This may be  
necessary and I would agree with it presuming it is necessary  
but it would be a matter also for the Commissioner to look  
into. Maybe we could give him a couple of soap boxes for  
six months and get him into business.

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

VOTE 11 Mr. Shaw: It's not a question, Mr. Chairman. I just noted the amount...six months...an employee...and we are setting him up with \$1200 worth of furniture, that is if the information is correct. It states on this..."provision for the following items required for Centennial Co-Ordinator and Steno, \$1200" so that if that's all it's for, it would seem to be a large expenditure. If they need it for other staff, well, they need it I suppose.

Mr. Chairman: Anything further on Travel and Publicity, gentlemen?

All: Clear.

Mr. Chairman: Next is Vote No. 13, Justice.

Mr. Commissioner: Mr. Chairman, if you are going to proceed with this at this time, could I be excused to get my file on this from my office so I could answer some of your questions?

Mr. Shaw: Could we deal with something else, possibly, and deal with this at two o'clock?

All: Agreed.

VOTE 14 Mr. Chairman: We will then move to Vote No. 14, Yukon Regional Library, breakdown of which may be found on page 139. We have an item in the amount of \$14,419. Are we clear?

Mr. Shaw: Mr. Chairman, this is getting to be a pretty big organization. We are up to nearly \$90,000 right now..... almost as much as Travel and Publicity if you take out that \$20,000 and I think it's just about time we started to do a little economizing on a matter such as this. I notice we have technical books on painting, records and other educational material for \$2,000. That's more or less kept to the school and kept to the Vocational Institute...rather than getting into three or four departments that are educating.....I can understand books but I don't know if it is necessary to go any further than that...extend it any further. I think that this has reached a figure, myself, that is certainly more than adequate to cover the needs of fifteen thousand people.

All: Clear.

Mr. Chairman: The next item is in Vote 20, gentlemen, on page 168. Here we have an item under Yukon Regional Library, New, in the amount of \$10,058. Clear?

Mr. Shaw: I am not very clear, Mr. Chairman. I thought that when we built that Library...I think it cost about \$100,000... that everything was included. This is about two three years later. What is the carrying over of contract? Does that mean that the contractor would carry the contract for two or three years or just what is the answer?

Mr. Commissioner: Mr. Chairman, this is simply a matter of.. for one thing, there is a \$1,000 additional item here, and the balance, \$9,058, simply represents the holdback from the contractor until such time as the guarantee period of the building has transpired. I think that you gentlemen will possibly remember that we opened this Library in the middle of winter here. I don't remember the exact date but I know it was during the very, very cold weather and certain things...the building was taken over from the Contractor with certain things still to be

Mr. Commissioner continues:

VOTE 14

done and they were not paid for until such time as they were completed to the Engineering Department's satisfaction. This does not represent...except for this \$1,000, gentlemen...this does not represent anything at all of new funds.

Mr. Shaw: Thank you, Mr. Chairman. I was just a little confused because in the Main Vote we had something for this. I thought that would complete it and now we have not got it completed but I assume that this will complete the project.

Mr. Commissioner: This is quite correct.

All: Clear.

Mr. Chairman: This then concludes discussion on Vote No. 14, Yukon Regional Library. Vote No. 16 will take some time. I wonder, gentlemen, if we can go to.....gentlemen, it now being ten minutes to twelve, I would declare Committee in recess. We will resume at two o'clock this afternoon.

Mr. Thompson: The Commissioner intimated previously that he had some answers to some questions. Would it be in order to sit around and listen to them?

All: Agreed.

Mr. Chairman: Well, I will call Committee back to order then. Proceed, Mr. Commissioner.

Mr. Commissioner: There was a question raised as to what the Territory might do in the way of tax alleviation should there be a possibility of a railway being built in the Territory. Now, as I see the present Taxation Ordinance, the answer would be in the negative, but I think that if a matter of this nature, gentlemen, became a public interest that it would certainly be the proper thing for us to do, at the Administrative level, to present to Council what conceivably might be done in the form of tax alleviation should this become a reality and indeed, under the present Financial Administration Ordinance, there would appear to be authority that the Commissioner could make an Exemption should it be in the public interest, but I would think that if the matter came up and it became a matter of immediate interest that it would be dealt with...or could be dealt with...by separate legislation. We have endeavoured, without actually directly inquiring from Ottawa, if anything was done in the Northwest Territories at the time of the Pine Point building and we do not know exactly what was done but there does not appear to have been any specific legislation passed for this purpose...so whatever transpired there could possibly have been done by land grants or something at the Federal level, but I would make it very clear to you that under our present Taxation Ordinance, there is no provision for the alleviation of taxes for new railroad construction. Does this satisfactorily answer the question that was posed?

TAX ALLEVI-  
ATION RE  
RAILROAD

Mr. Chairman: Speaking from the Chair, I don't think that the Commissioner alone could give any special dispensation. This would require the Commissioner and Council and I am wondering if this shouldn't be a matter for consideration in the next Five Year Agreement where we agree as to who will tax what and to what extent.

Mr. Commissioner: Mr. Chairman, on the revenue side, when you are in Ottawa speaking in connection with the revenue side of things, this might be the time to bring the subject right up. I think that as long as I make it clear to you that there is no present provision for it...I think this was basically the question that was posed. There is no legislated alleviation at the present time. The question of night Traffic Court has

NIGHT  
TRAFFIC  
COURT

Mr. Commissioner continues:  
been raised and, indeed, night Traffic Court was tried and there are varying points of view but there were some difficulties encountered in its continued operation. I have asked the Legal Advisor to explore the possibilities of bringing about some alleviation of the problem of people having to appear in Court on minor traffic offences and if, indeed, we find that minor legislative change will bring this about, we will have it for you at your Spring Session. If, on the other hand, we find that major legislative change may be necessary, we will give you a report on it and ask for your guidance at that point. Does this satisfactorily answer the question, Mr. Chairman?

Mr. Boyd: Yes, that is acceptable for the time being.

Mr. Shaw: Just as a matter of knowledge, Mr. Chairman, if I might ask a question in this relation because I think it can be answered right now by possibly the Legal Advisor. We have, as far as I am aware, the Territorial Court here and the Magistrate's Court. It seems that they are very very busy with the work they have to do involved with matters that come to their particular jurisdiction. Traffic Court though is something that in most cases, not in all cases, in most cases appear to be of a very, very minor nature such as I park here and I have to pay \$2.00. It's easy to handle. I think it can be handled in the City Office but there are other things that are not quite so simple. The question would be...these minor traffic regulations...do they have to go to, providing....I am not referring to a \$2.00 fine...other ones....do they have to go through the Magistrate's Court or would it be possible to expedite this to have a lower category of legal jurisdiction?

Mr. Legal Advisor: The average traffic offence can be dealt with by a Justice of the Peace. Our Justices are almost all JP 2's I think and they would have quite extensive jurisdiction over offences of that nature. In fact, the practice had developed of, say Mr. Kerr, taking the traffic violations in order to lessen the burden on the Magistrate who is concerned with more serious offences. However, this still does not relieve the offenders of the need to come to Court. That has been a practice that they all have to come. We must distinguish, of course, between City By-Law offences where they do go and pay their \$2.00 parking tag down there. Those are not in the same category as the Courts at all. It's perfectly open to a Justice to deal with speeding and going through stop signs and so forth.

Mr. Shaw: Mr. Chairman, I understand that the gentleman referred to has been in hospital for possibly six months so that wouldn't.....are there two separate categories? I know that one is away that the other one takes over, but is it....I wondered if it was a customary matter to expedite this that there are two distinct categories we will say.

Mr. Legal Advisor: Well, there are quite a number of Justices in the Whitehorse area and I believe the practice, as far as possible,....a division of the type of offence is made in day to day terms with the Court operation. I believe that they do try and divide the run-of-the-mill violations into a list for the Justice. There is no legal distinction between the two groups.

Mr. Commissioner: Mr. Chairman, could I offer this. I think that possibly what the Councillor is asking is if a lesser Court establishment could hear these cases and, subject to the Legal Advisor telling me to the contrary, it is my understanding that a night Traffic Court or any other properly constituted Court under our Law as it is written at the present time, requires the services of all Court officials. In other words, Mr. Chairman, whether a Magistrate is conducting the Court or a Justice of the Peace is conducting the Court, we still would require Court Reporters, Police, etc.

NIGHT  
TRAFFIC  
COURT

Mr. Shaw: Mr. Chairman, I think we are getting down to the crux of the matter. If you go up to Dawson, Mayo, Watson Lake, the R.C.M.P. will bring the person who is accused of this particular matter to the Court. There is a Justice of the Peace. I don't know that there is any Court Reporter and half a dozen of this other crew that you have up here, but it seems to be most expeditiously carried out...the functions of Justice in these small matters, and it would appear to me that exactly the same thing could be undertaken right here. There is no large crew that goes in there with the Justice of the Peace as far as I know. There's a Justice of the Peace period. If the person wants to plead "not guilty", then I would assume that all this rigamarole would be gone through and you get the counsel for this and the counsel for that and the counsel for something else, but I think 90% of it is dealt with in this manner. I am referring to minor offences and it would appear to me that exactly the same thing could be done here. It would be much more economical and when a person has done something and he pleads guilty to the charge, it's a minor affair. I don't see why it is necessary to have a huge staff to go through all this.

Mr. Chairman: If you wish to pursue this gentlemen, you could possibly pursue it after recess. At this time I will declare the Committee in recess until two o'clock this afternoon.



1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document details the various methods and techniques used to collect and analyze data. It covers both qualitative and quantitative research approaches, highlighting the strengths and limitations of each.

3. The final part of the document provides a comprehensive overview of the findings and conclusions drawn from the research. It discusses the implications of the results and offers recommendations for future studies and practical applications.

Monday, 2:00 p.m.  
November 21, 1966

Mr. Chairman: Gentlemen I will call this committee to order and we will proceed to page 137, Vote 13 which is Justice. What is your pleasure in this respect gentlemen?

VOTE 13

Mr. Boyd: Mr. Chairman, I think when we came to this subject a couple of hours ago the Commissioner said that he had something to say and I think we should listen to what he has to say first.

Mr. Commissioner: The vote that is before us gentlemen, I have been informed is in here as the Advisory Committee on Finance has concurred on it being resubmitted to Council during this present session and this is being done on the understanding that steps will be taken by the Government of Canada to transfer to the government of the Yukon its legal and court staffs here in the Yukon. Now, if this is passed arrangements giving effect of a transfer could be effected to coincide with the new Territorial-Federal agreement due to come into effect on April 1, 1967. Now at the operating level it will mean that positions which are at present the responsibility of the Department of Justice of Whitehorse, namely the Legal Advisor, the Secretary to the Legal Advisor, the court staff, and all effectively but the Police Magistrate will be transferred to the Yukon Territorial Government. Now I think that everyone will realize that the transfer of staff cannot be even considered until the funds are voted and after they are voted if Council deems it advisable to do so then the people who are involved have to be dealt with as individuals. As they come under different jurisdictions some of them may wish to transfer, some of them may wish not to, there may be some positions come vacant that will require necessary advertising and recruiting to fill these positions. In other words, gentlemen, a tremendous amount of indulgence from the Council in permitting us to give proper effect to their wishes to pass this vote is going to be required. This is not a simple stroke of the pen situation and it is tremendously important to the individuals who are concerned with this **move**. The implications of this have got to be studied before any move is made but the end result will remain the same, namely the transfer of the Justice function to Territorial jurisdiction. Now the police services will continue to be the subject of an agreement between yourself and the Minister of Justice and they will be governed by the terms of this but effectively speaking gentlemen, as outlined to your Advisory Committee on Finance, the initial move in order to get this under way is going to be your acceptance of this particular vote. If there are any questions I will do my best to answer them for you. If I cannot supply the answers for you I will get the answers for you.

Mr. Taylor: Mr. Chairman, does this mean then that we will have a quasi Attorney General and we will get the assistant and we will get all these other things we have been fighting to get?

Mr. Commissioner: I would not be prepared to say that you would get any different functions than what are presently being performed by the people who are directly attributable to these jobs except they will come under your jurisdiction.

Mr. Taylor: Mr. Chairman, it seems to me that if we are going to accept the responsibility for Justice then we must also accept not only the administrative function but we must also say, have an attorney general or someone who can be accountable

VOTE 13

Mr. Taylor continues.....

to this Justice Department, without having this person or this quasi attorney general we are not really getting anything are we? We haven't gained anything.

Mr. Commissioner: The legal implications or the legal aspects of this move and as to whether it would put you in a position to say that you could create an Attorney General's Department is not what I have before me in the way of information but perhaps you would like to hear from your own Legal Advisor on this question.

Mr. Legal Advisor: Well, it is a fairly intricate constitutional question involved here and under the Yukon Act we are of course a Territory and the Attorney General of Canada is the Attorney General for the Yukon. The effect of local changes on that situation would be very limited but certainly until the financial administration on the ground control passes into the hands of the Territorial public service the step that Councillor Taylor has in mind cannot be undertaken. It is probably the end result of a series of steps and those considerations I can't comment on but at the moment simply approving this, simply appointing a Territorial Legal Advisor would not achieve for that Legal advisor the equivalent status of an Attorney General. Changes would have to be made elsewhere.

Mr. Taylor: Mr. Chairman, I just really cannot make up my mind what is intended here, whether this is in fact a progressive step or whether this is a step to encourage the Yukon Council to accept what we rejected this Spring. Now, as I have said before, if we are to accept the responsibility, the financial responsibility for Justice we would be then doing so on behalf of the people of the Yukon and when the people of the Yukon came to us individually or our administration, as the case might be and wished to quiry some aspect of Justice be what it may, then we are going to have be in a position to answer those questions. At this particular date we find it difficult to get answers to our questions here at the table because these must from Ottawa as they control Justice. It seems to me if we accept the responsibility financially for Justice as such we must also set up the whole part. For instance if I rose at this particular minute and wished to know something in relation to the courts over here and their operation or in relation to the police services, there should be one man here that could give us that answer and that would be the much discussed and much sought after quasi attorney general. I also note here that there has been a recommendation made here by a Bentley-Delaute report. I have seen no such report here in respect of this. The only thing that I have seen that would indicate there is some program afoot is this paper which is the report of the Financial Advisory Committee which has been tabled. I can't say that I am happy because I would like to know for instance when we are going to get our assistant legal advisor who I understand would be the legal advisor to the Council and who would also assist the senior legal advisor. We have asked for this for years and years and years and I don't see anything here indicating that we are going to get it, yet we have the question of the legal aid program. We have the matter of the J.P. courts, we have asked this be remedied and the J.P. courts are still in the police barracks. There are so many of them I can't recall them at this particular moment. I have always said that until we have Justice in the Yukon and can control it why should we pay for it. This is my opinion, I am still not prepared to vote this. I would vote it down until we have something more concrete because this is the only lever we have to get answers to our questions.

Mr. Boyd: Mr. Chairman, could I just draw your attention to this report submitted by Treasury concerning this matter. "The meeting was informed that the Department of Justice and the Department of Northern Affairs had approved the idea that the Justice function should be taken over by the Territorial Government. This was whole-heartedly accepted by the meeting which was agreeable to appropriate financial provision being made in the Supplementary Estimates for the current year". And we, the Financial Advisory Committee, it was our view that the other members would similarly go along with this. Now what is written here does not appear to be what Mr. Smith is saying. It says here the Justice function should be taken over by the Territory, the Territorial Government. What is the argument then?

Mr. Watt: Mr. Chairman, this Justice vote was turned down in the last session and I guess that is why it is here now but one of the main reasons was that in our last five year agreement and the police agreement that went along with it there was the recommendation or the key recommendation was that there would be the appointment of what they called at that time the Senior Legal Advisor to be a go-between between the Justice Department and the Territorial Government and would assist in drafting legislation. It didn't refer to him as an attorney general or a quasi attorney general. This was a term that was added later by a newspaper I believe. Whether this individual is, whether our present Legal Advisor was given this position and somebody else is appointed to assist him or somebody appointed to that position and the Legal Advisor has other duties but there are too many duties for one individual there. I think this is why we have the difficulties and it is one reason why this vote was turned down last year. This is something that the government has promised us each session and last session was the first time that we deleted this from the vote in the budget in order to get some action. And we did get some action from it. As a result of it we heard that a Bentley-Delaute Commission would be here to look into this Justice and we haven't had a report and before I am prepared to vote for this at all I would want to see that report because between the time we deleted that vote and now there has been no change, exactly no change that I can see. One objection that we did have was a simple request for the payment of fines. At that time nothing had been done and we have been on this same point for two years. We had been trying to establish something for two years, just a few months ago we had a letter and it was something passed on to us that a lawyer had written and this was the excuse for not setting up the system because a lawyer in town who was not a Territorial Councillor said he didn't like the idea. Now, is this a reason? Is this lawyer in town making legislation. We specifically asked for this and this was the excuse that the administration, or one of the main excuses, for not having the simple system of paying a fine. I don't think an honest effort has been made to set up a system. This was another reason that I am not convinced that all the money that is spent here on policing is justified. I think that with the administration in their concern over the new correctional institution and everything else that, well I am prepared to delete this from the budget once more and until a lot of these questions are straightened out. I think some of them at least. I think that Ottawa is going to pass this \$500,000 a year on to us as being for the operation and maintenance costs of the Yukon Territory which is a distorted view. It doesn't cost \$500,000 to police the Yukon Territory. If this is coming out of our own pocket we would cut it in half,

VOTE 13

Mr. Watt continues.....  
we'd cut the staff in half, we'd cut the airplane out, sure I think we could cut that down to around \$200,000. Until I am convinced that a lot of this is necessary then I can't vote for this budget. One of the duties of the senior legal advisor was to explain to us how these things are necessary and what portion these people police and what is necessary and how it will effect federal responsibility. I am at this time not prepared to vote (his and I would like to hear somebody make a motion to delete vote 13 from the budget. If nobody else will I will but I would like to hear somebody else's point of view on this first.

Mr. Shaw: Mr. Chairman, I note in the report of the Financial Advisory Committee that, "This was whole-heartedly accepted by the meeting which was agreeable to appropriate financial provision being made in the Supplementary Estimates." I would like to ask the committee, Mr. Chairman, on what this included. We have various functions of Justice, it seems to be all embracing but the Department of Justice in the first instance makes up Ordinances as a function of Justice. At least it would appear that way because everything has to go to Ottawa to the Department of Justice. We have the matter of prisoners, is that included with it. We have the matter of the administration and so forth. Is that included? We have the matter of the head of the department and we must have this head of Justice a qualified man, a man of qualified legal talent as chief factotum. Now I would like to ask the members of the committee if this was included and what they were whole-heartedly approving of. Was this part of that which we would be taking over?

Mr. Boyd: Mr. Chairman, I would suggest that the chairman of our committee answer this.

Mr. Thompson: Well, Mr. Chairman, I think that Mr. MacKenzie was a little carried away with his adjectives. It was acceptable to the Financial Advisory Committee. We accepted it on the basis that the Legal Advisor would receive an assistant forthwith and that the functions of the Legal Department would be taken over by the Territory. But I am a little concerned now and by the remarks of the Commissioner where he says that we have to approve of the Justice vote before the Justice Department will do anything. I don't remember such a similar situation occurring when the Territorial Administrator's position was changed from a Northern Affairs position to a Territorial. I don't remember seeing anything that the two senior secretaries in the Commissioner's office and the Executive Assistant's office being changed from a federal to a Territorial position. We weren't asked to pass on anything of this nature and it wasn't required before they would do anything about it. I am wondering as has been stated by setting up our own Legal Department on what level would our senior Legal Advisor be in a position to deal with the Justice Department in Ottawa should this change be effected. Will he in effect be talking to the second deputy assistant administrator in one of the lowly offices or is he going to be talking to the direct pipeline to the senior level. These are other questions that I would also like answered and it seems to me that in this overall question that we have a Legal Department and why is it necessary that our Ordinances for the Territory be prepared in Ottawa? I would think that the people here would have a much better understanding of the situation, of the problems and they could institute the necessary legislation



Mr. Thompson continues.....  
that would be required on our behalf and then go to Ottawa and supposedly ask their blessing although in itself I don't see why this should be necessary. I would like to hear further from the Commissioner with regard to this. I think there should be some matters cleared up before we proceed. I think that the basis of the remarks here under Justice are reasonably correct with a few exceptions. We did suggest that we reinstitute the Justice vote on the basis, that I have stated, VOTE 13 that the Legal Advisor would have an assistant appointed and that it would be turned over to the Territory by the first of 1967. Now, as has been pointed out we have asked for this for the last five years and nothing has been forthcoming so it would seem that if we give our blessing to this Justice vote that things will stagnate for another 10 years or another five-year agreement so we wouldn't be any further ahead. So in this instance I think it should be administration's move to make it adamantly clear to Council just exactly what their intentions are.

Mr. Commissioner: Mr. Chairman, the answers that are apparently required here are of a complicated nature and with Council's forbearance I will have a paper prepared that will endeavor to answer these questions as fully as I have ability to do so. This will not be available this afternoon but I don't see any other way to cover such comprehensive matter.

Mr. Taylor: Mr. Chairman, it is going to be very interesting to see what answers we get because Councillor Thompson is quite correct. We notice in the paper it states that Northern Affairs and the Department of Justice have approved the idea that the Justice function should be taken over by the Territory. There is nothing here to indicate that it is going to be. There is no firm guarantee that this is going to be the course of action. As has been pointed out, we were to have this drafting facility here in the Yukon, this was felt to be a good idea but we never got it. We were to have the assistant to the senior Legal Advisor, this we have been waiting years for and we have held up everything from the police agreement, this was thrown at the new Council real quick so that we could pass that one when this Council began but we haven't got that assistant. If we do accept this Justice Department in it's financial end of the stick then we should have the full authority to administrate it. It should either be handled in Ottawa or here in the Yukon entirely and wholly with one person heading it up who would be in a sense a quasi attorney general and answerable to the Attorney General of Canada. Until we do that I can't see the sense in taking a bit or a chunk of this. It is all or nothing.

Mr. Shaw: Well I am of similar feeling in the matter of taking this department over. Unless you take the whole kit and caboodle over with the exception of let's say the Judge, the magistrate's appointments are usually political so that is the way that will be as long as the system continues, and I can quite see making a contract with the R.C.M.P. because we have't the facilities to do something like that, but if we only take over the administration of the court which almost appears to be the case, the administration of the jails, and incidentally this is about \$400,000 short, unless we can take over the whole thing there is not really much point in taking over a part of it unless it is specified as a particular part. It is certainly not taking over the administration of Justice because this is only a part that we are taking over. The part that is so important to Council is to have the answers in the Yukon Territory so that when legislation is created it is created

VOTE 13

Mr. Shaw continues.....  
 right here. A very good illustration is the fact that the questions we are putting forth right now are being answered at a rate that is so much faster than the answers that have been attained before for us that the whole session is going along at a fast speed. I think the same thing would apply to Justice and the administration of Justice. We are going to Ottawa next January and I would feel Mr. Chairman that it might be a good thing to let this go in abeyance and when we get to Ottawa perhaps the whole program will be outlined or it might be outlined before we get to Ottawa before we go so then we will have a concrete proposal on what is going to be and on what is going to be done and how it is going to function and it will also be something that can be implemented at the start of the five-year agreement. This particular measure here is a bookkeeping thing where the Department of Justice pays themselves or we give it to the Northern Affairs to pay and it will no doubt get paid. It has only a few more months to operate and in the meantime concurrent with this agreement the whole program can be laid out in a comprehensive manner so that we will all know exactly where we are going and in so doing I think that would be much more sensible. As far as passing this Bill Mr. Chairman, it doesn't matter to me. As far as passing it is concerned if we don't pass it they will pay the bills anyhow and they have for years and I, myself, would be acceptable to passing it for the simple reason that I have passed it before when Council passed it before so I don't believe in changing around from one thing to another but that doesn't mean to say that in passing this that it is going to make any difference in one way or another or change my feelings in respect to it, to the way it is operating under a sort of colonial set-up where everything must come from back East to do anything you want. I think that we could settle this in Ottawa this coming January when we go there and perhaps the administration could have as clear a report as possible and as concise a report as possible so we would know what the whole score was and when we went to Ottawa that would be the time to meet both parties.

Mr. Taylor: Well Mr. Chairman, just to add to that it seems highly unlikely that Ottawa will ever exceed to the idea that they suggested to this Financial Advisory Committee because this would mean giving the Yukon, this would be an autonomous step really, and that is something which Ottawa as past events will indicate are unwilling to give us whatsoever. It has been reported that they are willing to do this in the N.W.T, our Minister has reported as saying that of the Carrothers Report that this is wisdom and it appears that the N.W.T. Council, if they approve that plan, there will be no hold-up at the Ministerial level. But of ours he says no and we can't even go near it so I very much doubt gentlemen that the Federal government would ever consider such a move as is suggested here because as I say it is a move towards autonomy. If it was a retrograde step I am sure that they would suggest it. I am not prepared to accept these figures this time, as a means of protest against this situation. It has existed far too long and until Ottawa are willing to come around and sit down and work with us on this thing which they have not done in the last five or as many years that I have been in Council and this is going on six years. I am not prepared to lend my hand to the expending of public money. I might also say it is a straight gun to the head as far as I am concerned, when it is stated that you either approve this or you will get nowhere. I think there is another little item that has to be considered here

Mr. Taylor continues.....  
and that is the money that is owing to the various communities  
for rental of courtroom facilities in the community halls. VOTE 13  
Mayo has a problem and I know we have a problem in Watson Lake  
and the general idea seems to be, okay fellows, approve the  
Justice vote and get your money. I would be quite prepared  
to see it amended to include the monies owing the monies and  
precluding the rest. I don't like having a gun put to my head.

Mr. Boyd: I am becoming a little bit bewildered now and I  
would like to---it seems to me that when this come up during  
the Financial Advisory sitting the discussion went along  
the lines that Justice would be turned over to the Territory and  
become a Territorial function as of April 1st and I think it  
went so far as to say that the only man that would remain  
federal would be the judge. I would just like to ask the rest  
of the Financial Advisory Committee, am I right in this way of  
thinking or am I off the beam?

Mr. Thompson: You are correct as far as my recollection is  
concerned, there would be one member and that would be the  
judge.

Mr. Southam: I agree with Councillor Boyd this was the under-  
standing that I got. We would take it over as of the first  
of April, 1967 and that the judge would be the only federal  
man in this jurisdiction.

Mr. Boyd: Mr. Chairman, this relieves me a little bit in  
as much as when we suggested that Council would be whole-  
heartedly behind this move it was not because of this. I don't  
think that we can be condemned for that and the contents of  
the minutes would indicate this. Now we seem to be in another  
category as far as what is what is concerned.

Mr. Thompson: Mr. Chairman to finalize this discussion I  
think as part of the Financial Advisory Committee meeting I  
would move that we delete this item once again from the supple-  
mentary estimates at this time pending the Commissioner's re-  
port covering the various aspects of this.

Mr. Southam: I will second the motion.

Mr. Taylor: Is it your wish to defer this just for the present  
time or is this deleting it from the budget?

Mr. Thompson: Could I ask the Commissioner as to what extent  
of time he would require for report on this matter.

Mr. Commissioner: If you would give me until Wednesday morning.  
I would undertake to have this available at that time.

Mr. Thompson: Mr. Chairman, in that case I would move that we  
defer this matter, until the report has been tabled by the  
Commissioner.

Mr. Southam: I second the motion.

Mr. Taylor: It has been moved by Councillor Thompson and  
seconded by Councillor Southam that vote 13, Bill #11, be  
deferred pending a written report from the Commissioner. Are  
you ready for the question? Are you agreed with the motion?  
Any contrary? The motion is carried. I will call a short  
recess.

RECESS

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for financial transparency and accountability. This section also outlines the various methods used to collect and analyze data, ensuring that the information is reliable and up-to-date.

2. The second part of the document focuses on the implementation of these practices. It provides a detailed overview of the systems and processes in place, highlighting the challenges faced and the solutions implemented. This section also includes a discussion on the role of technology in streamlining operations and improving efficiency.

3. The third part of the document addresses the future of the organization. It outlines the strategic goals and the steps being taken to achieve them. This section also discusses the importance of continuous improvement and the need to stay ahead of the competition through innovation and research and development.

4. The fourth part of the document provides a summary of the key findings and conclusions. It highlights the strengths of the current system and identifies areas for improvement. This section also includes a list of recommendations for future action, based on the findings of the study.

5. The final part of the document is a conclusion. It summarizes the main points of the document and reiterates the importance of the findings. It also expresses confidence in the organization's ability to overcome any challenges and achieve its long-term goals.



Monday, November 21, 1966.  
3:30 p.m.

Mr. Chairman: I will call Committee back to order. Before we proceed with the Budget, I believe Mr. Commissioner has some answers to some of the questions we have asked.

Mr. Commissioner: I would like to answer the question raised regarding the Watson Lake Sewer and Water...if the Contractor could be held responsible for damage to the system caused by frost action. My Engineering Department advise that the contractor cannot be held responsible for damage to the system caused by frost action. He is responsible for faults and defects as described in Paragraph 35 of the General Conditions, that is General Contract Conditions, Mr. Chairman, and this goes on to say "Without restricting any warranty or guarantee implied or stipulated by law, the Contractor will, at his own expense, rectify or make good any defect or fault however caused, that within twelve months from the date of the Engineer's Final Certificate of Completion appears in the work. If any defect or fault appears in the work and the Engineer is of the opinion that it is one which the Contractor, either under subsection (1) or under a warranty or guarantee implied or stipulated by law, is obligated to remedy and make good, the Engineer may direct the Contractor to remedy and make good the defect by fault and the notice may specify the time within which the defect or fault is to be rectified and made good". Mr. Chairman, this applies to things that the Engineer considers to be of a faulty nature, and thirdly, "The Contractor will rectify and make good the defect or fault described in a notice given pursuant to subsection (1) within the time specified in the notice". I think, Mr. Chairman, this makes it abundantly clear that frost action in itself is not something that the contractor could be held liable for.

WATSON  
LAKE  
SEWER &  
WATER

Mr. Chairman: Thank you, Mr. Commissioner. Is there something else?

Mr. Commissioner: I have nothing else at the moment except to say that we are working with such haste as we can to get the Workmen's Compensation Ordinance available for Council and either Mr. Legal Advisor, Mr. Clerk or myself will have further information for Council by tomorrow morning as to what we will be able to do on this gentlemen.

Mr. Chairman: Thank you, Mr. Commissioner. I think now, gentlemen, that we will proceed to Vote No. 15, Department of Welfare, the details of which can be found on page 142. The first item of consideration is Administration in the amount of \$21,123. I have one question from the Chair. Has anyone...Treasury...ever computed the amount of annual contribution to the Canada Pension Plan...the total contribution by the Territorial Administration?

VOTE 15

Mr. Commissioner: Yes, Mr. Chairman. We had it tabled here the other day. Is that satisfactory?

Mr. Chairman: Yes. I haven't gone through it yet.

Mr. Watt: Mr. Chairman, I have one question with respect to this. As a result of last Session, we had some discussion about a Widow's Pension and Mr. Murphy, the head of the Welfare, at that time asked us to hold off on it until he goes to Ottawa during the summer and how this would fit in with the Canada Pension Plan. He said he would report to us at the Fall Session.

VOTE 15

Mr. Watt continues:

He expected to have something firm and concrete by then. Could I ask to leave this with Mr. Commissioner unless he's got the information at his fingertips...ask Mr. Murphy for his report if he has one?

Mr. Commissioner: Mr. Chairman, I think this is part of the conference that Mr. Murphy is away attending at the present time...Canada Assistance Plan, is that correct Mr. Legal Advisor?

Mr. Legal Advisor: I'm sorry, Sir. I don't know....

Mr. Commissioner: I believe that is the general name. Do you know, Mr. Clerk?

Mr. Clerk: I think it is.

Mr. Commissioner: It is within the scheme of this I do believe that he was referring to and if Mr. Murphy is back here before Council prorogues, I will see that the information is made available to Council.

All: Clear.

Mr. Chairman: The next item is Alcoholism Services, \$84. St. Mary's Nursing Home, \$8,566. Senior Citizens' Home, Whitehorse, \$1,140.

All: Clear.

Mr. Chairman: We will proceed to Vote 20 in page 169. Under Social Welfare we have an item in the amount of \$3,278.

All: Clear.

Mr. Chairman: That, gentlemen, concludes the Welfare Vote.

Mr. Thompson: Mr. Chairman, I would like to ask the Commissioner one question. A Session or two ago, we approved in principle the expenditure of some \$65,000 or \$75,000 or \$80,000 for a cottage type welfare program for children...dormitories.. and I am just wondering if this had been held up due to the various reasons...I just don't recall just what at the moment... I am just wondering, in view of the expanding costs and various features, has this program been instituted or is there any thoughts of second looks?

Mr. Commissioner: Mr. Chairman, I believe this is a similar question to what Councillor MacKinnon asked. Could I inquire.. is this the same cottage type dormitories for boys and girls who would be attending school in the Whitehorse area that Councillor MacKinnon questioned or is this a further type of dormitory?

Mr. Thompson: No, Mr. Chairman. This is something different. This has to do with incorrigibles, children who are unmanageable, and in view of the Commissioner's remarks about not saddling ourselves with any further great outlays and expense, I am just wondering if conceivably another look can be taken at this program before it is instituted. It's still in the preparatory stage.



Mr. Commissioner: Mr. Chairman, I would have to ask for VOTE 15 time to get a proper answer to Council on that because I am afraid that I am not aware of....I am aware of the inquiry or the initial look at this but as to whether anything further has gone beyond that point, Mr. Chairman, I don't know but I would be very happy to provide this information. This was a Dormitory type accommodation for the Juvenile Delinquent?

Mr. Chairman: A children's group home.

Mr. Thompson: Yes, it was a half a dozen, or eight or ten children and the father and mother type program to look after them.

Mr. Chairman: Are we clear on Welfare, gentlemen?

All: Clear.

Mr. Chairman: We will proceed to Vote 16, Public Adminis- VOTE 16 trator. You will find the details on page 147. The first is an item of \$2,596, and there being nothing in Vote 20 on this Department, gentlemen, have you anything further on Public Administrator?

Mr. Thompson: Mr. Chairman, I would like to ask one question. I understand that since the close of our last deliberations that this Department has commenced functioning on its own. In other words, the Senior Legal Advisor had this under his jurisdiction and now that it is a separate entity, I am just wondering if the Senior Legal Advisor or Administration have any comments to make on this aspect. Here again is the institution of another Department and I am just wondering, in light of the many and various comments that have been made at this Session, if they did have any further comments to make on this change. I would direct that to Mr. Legal Advisor and/or the Commissioner.

Mr. Legal Advisor: It raises one or two rather interesting practical questions because if you view this particular Department as a prototype of what might happen if Justice became a Territorial function, you might, for instance, find that the Registrar of Land Titles is not a lawyer but a layman. He would refer particular legal problems to the Senior Advisory Counsel or whoever you have here. The Registrar of Joint Stock Companies might be a layman and he, too, would carry out the normal office routine and take the specific legal problems to the legal staff. This, in effect, is what is happening in the Public Administration work. Mrs. Veinott, who was appointed Public Administrator, does refer legal problems and questions to me. I appear before the Judge on Chambers Motions and other necessary Court work, draft various Court documents and so on, settle agreements for her. I have really assumed the role of lawyer to the Department of Administration. She is a person of considerable law office experience and it works very well. You need a good capable person to head the Department - somebody who has got that type of background experience. The work was going up. It will continue to go up owing, on the one hand, to the number of people who die in the Yukon and the complexity of settling estates today. Each Government Department seems to have regulations and forms that have to be filled out and you are continually filing papers at the Federal or Provincial levels across Canada. You can look for an increase in the paper work there. This is a situation. They cannot control it. The costs have gone up slightly. I found that I was spending about three hours a day on detailed work and this was carrying my work well into the late hours every evening so that I just had to give it up. You didn't achieve any economy when I gave it up because you weren't paying me anything for it. There is

VOTE 16

Mr. Legal Advisor continues:  
now a second member of the Department there and the whole experiment, if you can call it that, seems to be working very well. The arrangement is interesting in its own right and as a prototype for changes that might come about in the future. I don't know whether that gives you enough information. The Department handles about seventy estates a year. Of course, some of them are on a continuing basis. It is about three-quarters self-supporting I would say on the basis of fees although in my last year I was happy to report that we recovered \$15,000 from one of the estates and we showed a profit for the first time in a number of years. You can't do that every time. So, if there are any detailed questions, I will do my best to answer them.

Mr. Chairman: Anything further on Public Administrator?

All: Clear.

Mr. Chairman: Gentlemen, there is an item remaining on page 170 under Vote 20....Debt Redemption Loans and Investments in the amount of \$100,000.

Mr. Thompson: Isn't this the same \$100,000, Mr. Chairman, that we passed in a Bill form that gave Administration the right to lend them this money so this is just a duplication?

Mr. Clerk: Yes, Mr. Chairman. That is the same as Bill No. 10...the same \$100,000 but the Treasurer didn't deem it worthwhile taking it out of there but we do have a Bill for it.

Mr. Chairman: Will a Bill be prepared deleting this item?

Mr. Clerk: No. As I say, he didn't think it was worthwhile taking it out. That's why it hasn't been taken out of there now. It's just there for the same purpose but, of course, it would only be used once.

Mr. Taylor: I was just going to say that we didn't want it in there twice, Mr. Chairman.

Mr. Shaw: Mr. Chairman, doesn't this show the actual money expended and the other is enabling legislation?

Mr. Thompson: Mr. Chairman, I have one other question with reference to this \$100,000. It is inappropriate, I presume, at this time I am wondering just what the financial position of the City is with respect to loans, debentures and other matters in connection with the Territory. In other words, we have seen in the Main Estimate a considerable amount of money allocated for City use and these are on a repayment basis. I am just wondering whether Mr. Territorial Treasurer could give us any indication as to what the City's present position is with respect to repayment of these various loans and whether this was a very wise move on our part to get them further into debt.

Mr. Commissioner: May I speak on this, Mr. Chairman?

Mr. Chairman: Proceed.

Mr. Commissioner: I asked Mr. Territorial Treasurer here VOTE 16 a few days ago to bring me up to date on the status of the very same things and I have had some information from him, also some information from the City Manager, and I will see that this is tabled for Council's information promptly, Mr. Chairman.

Mr. Southam takes the Chair.

Mr. Taylor: Mr. Chairman, we still have this matter of \$100,000. We approved a Bill on it to spend \$100,000 for the City of Whitehorse and to leave it in the... Bill No. 11 would mean that this \$100,000 would be available for transfer by allotment and I would suggest that this thing should be removed.

Mr. Commissioner: Mr. Chairman, could I ask the Legal Advisor to explain the difference between the effect of the Bill and the effect of the content of the \$100,000 in your Supplementary Estimates?

Mr. Legal Advisor: I am sorry. I was drafting a telex here. I missed the first part.

Mr. Commissioner: May I outline the problem, Mr. Chairman?

Mr. Chairman: Go ahead, Mr. Commissioner.

Mr. Commissioner: The question has been raised, Sir, that \$100,000, the last item in Vote 20, could conceivably be a duplication of Bill No. 10 which enabled the City of Whitehorse to borrow \$100,000. Councillor Taylor has raised the question that conceivably this would leave the \$100,000 available in this Project and Loan Capital with the possibility of being transferred by allotment. I wondered if you would explain the effect of Bill No. 10 and the effect of the inclusion of the money applying to Bill 10 in this Supplementary Estimate.

Mr. Legal Advisor: I am not sure that I can offer an adequate explanation but I believe that the advance on the \$100,000 that was made now has to be ploughed back in so that this re-establishes the position. That is what I believe about it. That's really the extent of my knowledge. As you know, Sir, these estimates are not discussed with me so my information is rather scanty.

Mr. Taylor: Mr. Chairman, we have already approved a Bill to provide a \$100,000 under a separate Bill for the City of Whitehorse. However, the money expended and approved in that Bill now appears in the Supplementary Estimates... Bill No. 11. Therefore, I would like to move, Mr. Chairman, that Item 3901, Vote 20, Bill No. 11, in the amount of \$100,000, be deleted.

Mr. Shaw: Mr. Chairman, I think if the Honourable Member will look in the Bill No. 10, An Ordinance to Authorize the Commissioner to Lend Money to the City of Whitehorse, here it states, "The Commissioner may on behalf of the Territory". It doesn't say that he will. It says that he may so we will accept that, giving him permission enabling legislation. Then, later on, they come up with the money to approve the amount of money. That's a different situation. I think we will find in all our Bills granting money to the Commissioner... it just itemizes the amount which the Commissioner may spend.

Mr. Shaw continues:

When we go through the Budget, that gives him final authorization. I can't see it's any different in this than it is in any other Bill....matter of appropriation enabling legislation and the actual passage of the money.

Mr. Taylor: Mr. Chairman, I could be wrong but it seems to me that somewhere along the line we have already expended this money. If I am wrong, I would like to have it pointed out and put straight here.

Mr. Boyd: Well, it seems to me that if it is expended, it should be in the Budget. If it's already expended, it should be in the Budget some place else, but if it is not...it's got to get into the Budget somewhere.

Mr. Commissioner: Mr. Chairman, I can assure you that there is absolutely no intention at all of having an extra \$100,000 available for transfer by allotment or any other means. There is just one \$100,000 sum of money and this is the money which, by the passage of Bill No. 10, you are giving Administration authority to lend to the City of Whitehorse upon presentation of proper credentials.

All: Clear.

Mr. Boyd: Excuse me, Mr. Chairman. On Page 154, Loan to the City of Whitehorse, \$100,00 and then on page 170, Loan to the City of Whitehorse, \$100,000. Maybe Mr. Taylor has a point.

Mr. Thompson: 154 has been changed.

Mr. Shaw: Mr. Chairman, the Bill says "pay and apply the sum not exceeding in the whole".

Mr. Taylor resumes the Chair.

Mr. Chairman: Well, gentlemen, have you anything further at this time? We have deferred the matter of Justice until possibly Wednesday or Thursday and if there is anything else, I would assume that we will pick it up in the final review with your concurrence. What is your pleasure now, gentlemen? We have Bills or we have Sessional Papers.

Mr. Shaw: I would suggest we go on with Sessional Papers.

All: Agreed.

SESSIONAL  
PAPER #36

Mr. Chairman: I believe we concluded discussion on Sessional Paper No. 35 respecting Salary Adjustment, Yukon Territorial Government. The next Sessional Paper, gentlemen, is Sessional Paper No. 36, Societies Ordinance. (Reads Sessional Paper No. 36).

Mr. Shaw: I thought we had done this before...this Sessional Paper. I seem to recollect something from Mr. Smith and thanking him for being so prompt.

Mr. Chairman: I believe that was in the case of the oral answer. This question was answered orally, gentlemen, some time ago and this Sessional Paper follows it up.

All: Clear.

Mr. Chairman: The next paper is Sessional Paper No. 37 respecting Dalton Post - Mile 106 Haines Road. (Reads Sessional Paper No. 37). SESSIONAL  
PAPER #37

Mr. MacKinnon: Mr. Chairman, I am not quite clear. I would gather from this then that we will just about have to abandon the idea of making this an historic site. They state that the Indian can still come in and claim the ground after it is restored. Am I correct in this?

Mr. Commissioner: I think it would be very unfair to say that we would have to abandon the thought of making this an historical site. I don't think that would be quite the case, Mr. Chairman. I do think that we have reserved the land around Dalton Post with the condition that the Indian people will be able to occupy this historical village which simply happens to be part of the land that the Post sits on, but certainly there is no reason why we cannot carry on and try to make such plans as we can to improve this as an historical site because, basically, the land on which the Post now sits has been reserved for this purpose. I realize that we have agreed that the Indian people whose historic right, or historic occupants of the area, is not going to be denied but I certainly don't feel that this in any way, shape or form is going to stop entirely or detract in any way, shape or form from looking after this historic site.

Mr. MacKinnon: Mr. Chairman, we are going to have a radius of one and a half miles surrounding this area. Isn't that a lot of acres?

Mr. Boyd: Quite a few. This is for the attention of Mr. Smith. Does it not say in this that the Indian may go back and purchase...actually purchase a parcel of land for his own use...within that limit?

Mr. Commissioner: Obtain individual land holdings if they wish. I don't know exactly what the means of the native people obtaining individual land holdings, but I am assuming that their individual land holdings would not be on top of the present Dalton Post.

Mr. Watt: Mr. Chairman, when I seconded the Motion, I thought the Motion was good and it is simply to preserve something that is of historical value and the traffic there is increasing due to the inland ferry system by leaps and bounds, but the part of it...I didn't expect to see a radius of three miles reserved. The intent of that was just to reserve one small part of it or purchase it if it was not already Government owned before it was destroyed too badly. Now I kind of hesitate because there is enough area there to almost cover Whitehorse too. It's a radius of a mile and a half which is a diameter of three miles which is thousands of acres....three or four thousand acres....640 acres to a square mile. I would like to see the Administration kind of reconsider this now and think of the intent of the original Motion and that is just to preserve the site itself. From what I can see, tourists go into the area as they are attracted by Dalton Post and you are going to have to have so many restrictions on them...if you want to do a little bit of fishing or a little bit of camping away from the Post, say a half a mile from the Post, along the river or something, we are going to run into so many controls that it is going to be something like the Whitehorse area here and it's away out in the bush. I think that...I would like to see the Administration reduce that to the original intention of the Motion.

SESSIONAL PAPER #37 Mr. Commissioner: Mr. Chairman, could I have this to suggest.. that we leave this reservation as it is at the moment. It is very apparent that it is not doing any harm to anyone as the people who have the historic right of access to the property have not been detracted from at all...with the thought in mind that when we get our Yukon Historic Sites and Monument Board organized and possibly some restoration done that by that time the area will be cut down to something that is in keeping with what is required immediately around this particular building site. Would this be a reasonable approach? Could I ask, Mr. Chairman, if Council would agree to this?

Mr. Chairman: Does Council agree?

Mr. Boyd: Yes I agree but I didn't agree with Councillor Watt in the first place inasmuch as he asked for something regardless of what the rest of us think, and I think that if there is going to be any suggestion as to cutting this down and so on that Council should agree on it as a whole rather than one man...with all due respect.

Mr. Watt: Are you saying that I don't have the right to agree on this?

Mr. Commissioner: Mr. Legal Advisor announces, or tells me, that 4480 acres is involved.

All: Agreed.

Mr. Chairman: May I proceed with the next Sessional Paper, gentlemen?

All: Agreed.

SESSIONAL PAPER #38 Mr. Chairman: Next is Sessional Paper No. 38, addressed to Mr. Speaker, Members of Council, Report of the Financial Advisory Committee. (Reads Sessional Paper No. 38).

Mr. Southam takes the Chair.

Mr. Taylor: Mr. Chairman, I don't agree on one point here at least and that is the Financial Advisory Committee and Administration sit each month. I agree that if we all lived in Whitehorse here that it might be possible, but to pile this and heap this upon a Councillor's other duties, which are already many and varied, requiring them to come into Whitehorse once every month for a meeting is just busting the bowl so to speak. It takes many days to come in here for a one day meeting. It takes time to drive in, get prepared, and drive back home again. It just breaks up your whole year. If you are going to do this type of thing, then I think the stipend of the Councillors should be raised to such a position that he can take on the duties of a cabinet post, quasi cabinet post, and require that this be a full time proposition. I cite this to say that I hope that the Administration do not require this. In respect of No. 2, the Senior Legal Advisor...this matter, of course, and will be dealt with when we next deal with the Justice Estimates.



Mr. Boyd: Mr. Chairman, it is obvious that the Councillor is thinking of himself only - not the interests of the people. He just said so. We sit around here and complain.. I heard the Councillor from Dawson City say today that when he leaves here, he knows nothing, until he comes back the next fall. This is the intent of it. We should know something and if we were around here as we should be once a month and meet with the Commissioner and his good staff, we would know what is going on and could at least sound a warning, inform the rest of the Councillors and so on. We have two or three shining examples of why we should have been around here before to know what was going on and we have them before us this very minute, and I think it's a real good thought - beyond all doubt it is because no man can run anything in the interests of the people unless he knows from day to day what is taking place and I am not blaming Administration for a lot of things. We ourselves are to blame as, because you say, we are out in the hinterland but you got yourself elected, with all respect, and you did so on the basis that you were going to serve the people and I think this is what you will have to live with, or should live with.

SESSIONAL  
PAPER #38

Mr. Taylor: Mr. Chairman, I might respectfully submit that this is fine - a wonderful idea, but who is going to pay for it when we have to subsidize ourselves to the degree that we have to subsidize ourselves....I mean those of us from the hinterland who have an obligation, a financial obligation, placed upon them to trot in here every month and leave our own businesses and our own program - fine. I am quite prepared to do this but who is going to pay for it? I have to subsidize myself bad enough now. I just don't know where to find this money to do it. Secondly is, if you do come in here to sit as a Financial Advisory Committee, you can't do a darn thing unless Council sits anyway and if you want to call a Council Session every month, you might be able to something, otherwise a Councillor is powerless to do anything. So, you can come in here and find out what is going on but you might just as well go back home again and forget about it unless you're going to have a Council Session to do anything. Council cannot call a Session. Mr. Commissioner and the Administration are the only ones that can call a Session so what are you gaining by it? Tell me?

Mr. Shaw: Mr. Chairman, I might rise on a point of privilege if you can call it that. I think Councillor Boyd misquoted me when he said that I said I knew nothing. I wouldn't say that even if it is so. I said I wasn't aware of many things that were transpiring while I was away. It's hard to get any information. As far as information goes, I do not feel, myself, that it is necessary for Financial Advisory Committee to meet every month with the Administration. I do think it is quite desirable that the Administration do present a news letter every month on just what is transpiring. I think that is very good. It was a practice that was implemented in the past and somewhere along the road, it disappeared. Those are the remarks I have to say on that point. I do not particularly appreciate the reference to the indifference of Council to act on their recommendations. I appreciate, possibly, the emotions behind it because I think, myself, I have pointed out that the Advisory Committee on Finance is merely an Advisory Committee. They weren't an authority on just what could be done and what shouldn't be done on behalf of the Council. They were just as determined by the "Advisory". The difficulties in having an Advisory Committee of three Members is that...it's not difficulties but possibly a good thing...from what they see...that's the way they act. Now, I think we have

SESSIONAL  
PAPER #38

Mr. Shaw continues:

a very good illustration at this particular Session, Mr. Chairman, whereby in the discussion it appeared to the Financial Advisory Committee that everything was all lined up on the Justice Department. However, when we do sit in Council and we get further papers, we find out that it's not quite the same as it was during that Session so that is why, though it serves a useful purpose in getting to a certain point, it is not any more than an Advisory Committee. I have always maintained that from the first Session or the first time it was implemented.

Mr. MacKinnon: Mr. Chairman, I have got to go along with Mr. Taylor on one point and that is for all the hinterland Members, this is just about an impossibility. This would be one way of closing them out of the Financial Advisory Committee. Myself, it wouldn't effect very much, but I do realize Mr. Shaw's position and also Mr. Taylor's and they are a long ways out of Whitehorse, and I doubt there is a necessity of meeting once a month.

Mr. Chairman: Is there any further discussion, gentlemen?

All: Clear.

Mr. Taylor resumes the Chair.

SESSIONAL  
PAPER #39

Mr. Chairman: Sessional Paper No. 39 deals with Game. Do you wish to proceed with this at this time? I will proceed with the reading of it anyway. (Reads Sessional Paper No. 39).

Mr. Boyd: I have one question, Mr. Chairman. Has the Game Commissioner reviewed this document and does it meet with his approval?

Mr. Commissioner: Mr. Chairman, this is in answer to the question which I believe was asked of me some time in the last week or so, and I asked my Administrative people to get me the answer as soon as possible to it and I think your question was as to when would the Amendments to the Game Ordinance be available for you, and I cannot answer directly the question posed by the Council at this time as to whether or not the man in charge of the Game Department has given his approval to this presentation but I would have this to say that my Administrative people must have acquired this....these various requests and got them accumulated and I think it is a reasonable assumption that they came from the Game Department. If you would like me to get Mr. Fitzgerald here so that he could go over these things with you, I would be very, very happy to do so if Council so wishes.

Mr. Boyd: Well, Mr. Chairman, not this evening. What I recalled reading seemed to be quite a document some time ago. I don't know what all was in it. These I have no complaint with at all. The reason I asked that question was that possibly there should be more in it than what we see here inasmuch as I don't recall what took place a year ago, that is, the content.

Mr. Commissioner: Mr. Chairman, is there a suggestion that there is a...was a presentation of an enlarged document to Council at a previous time in this regard?

Mr. Southam takes the Chair.

Mr. Taylor: Well, Mr. Chairman, yes. There was a private Member's Bill submitted last Session to deal with this matter and for one reason or another, it was not concluded, but it was in a fairly final form, but I think we are farther behind now than we have ever been over the many Sessions that we have been requesting these changes. This really doesn't tell us a great deal really that I can see. I would like to discuss this with Mr. Game Commissioner. SESSIONAL PAPER #39

Mr. Commissioner: Could you name a time, Mr. Chairman, and I would be very happy to arrange to have him in attendance.

Mr. Shaw: Mr. Chairman, possibly that could be set in Council this evening - a time certain for tomorrow.

Mr. Commissioner: Would you convey this to me, Mr. Chairman, and I will see that Mr. Game Commissioner is in attendance.

Mr. Taylor resumes the Chair.

Mr. Chairman: What is your further pleasure, gentlemen? Do you wish to proceed? The next item is Sessional Paper No. 40, Canada Pension Plan. (Reads Sessional Paper No. 40). I have a question from the Chair. Where is the "pensionable employment" in subsection (1) of section 11? There is no pension plan for Councillors apart from this. Maybe Mr. Legal Advisor could answer this. SESSIONAL PAPER #40

Mr. Legal Advisor: The pensionable employment under the Canada Pension Act is that legislation. It's true that the Council doesn't have a private scheme of its own...at this stage. It would be pensionable in that sense.

Mr. Shaw: Mr. Chairman, it is very clear...especially that part in subsection (c), "After he reaches 70 years of age or dies". Well, after he reaches 70, "or after a retirement pension becomes payable to him". Now everybody must join this. Everybody must pay and everybody receives so where the 70 years of age....I say there is probably some explanation for it but I really say that that must be clear to everybody. It's quite a deal.

Moved by Councillor Boyd, seconded by Councillor Southam, that the Speaker do now resume the Chair and hear the Report of the Chairman of Committees.

MOTION CARRIED

MOTION CARRIED

Mr. Commissioner leaves Council Chambers.

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

Mr. Taylor: Mr. Speaker, Committee convened at 10:20 a.m. this morning to discuss Bills, Memoranda, Sessional Papers and Motions. Committee proceeded to discuss Bill No. 11 with Mr. Commissioner in attendance. Moved by Councillor Thompson, seconded by Councillor Southam, that Vote 13, Bill No. 11, be deferred pending a written report from the Commissioner. I can report progress on Bill No. 11. Moved by Councillor Boyd, seconded by Councillor Southam, that Mr. Speaker do now resume the Chair and hear the Report of the Chairman of Committees and this Motion was carried. REPORT OF COMMITTEES

All: Agreed.

Mr. Speaker: We have the agenda for tomorrow. What is your pleasure in this respect?

Mr. Taylor: Mr. Speaker, we have before us some Bills awaiting processing, Sessional Papers, Motions and Memoranda. I am wondering if Council, when in Committee of the Whole tomorrow, if they would be agreeable to discussing the matter of Game which is contained in one of the Sessional Papers with the Game Commissioner, say at 10:30.

All: Agreed.

Mr. Speaker: Mr. Clerk, would you please notify Mr. Fitzgerald to see if it is possible that he be here at that time.

Mr. Clerk: Yes, Mr. Speaker.

Mr. Speaker: Have we anything further?

Mr. Watt: Mr. Chairman, I would like to suggest that...we are just about finished with our Supplementary Estimates which is one of our major jobs during the Fall Session, and we are just about completed our Sessional Papers, but what seems to be one of the major difficulties right now is the waiting for the Workmen's Compensation legislation that may or may not be coming from Ottawa and we don't know exactly when it is coming. As time is going by and this is fairly comprehensive legislation, I would like to suggest that if we don't get this legislation by Wednesday morning that we simply ask to have it sent to us so we can consider it... we are meeting here in Whitehorse in January anyway and we could consider it then. It won't be much of a delay and it will probably save us a day or two sitting of Council by giving ourselves an opportunity to look at it and possibly find out how section of it will affect working people in the Territory. I think that any legislation that is to be presented to us could be presented to us by Wednesday. I would like to make a Motion that all legislation requiring Council's approval be presented to Council no later...at this Session...no later than the 23rd of this month, the morning of the 23rd, and then we will be able to set a target date for our closing from there.

MOTION RE  
NO FURTHER  
LEGISLATION  
PRESENTED

Mr. Taylor: Mr. Speaker, of course I couldn't lend myself to such a suggestion. There is legislation coming and we have been told by Mr. Commissioner that he is hastening his Department to provide this to us at this Session. We have asked for it for about five years and, boy, if we get it at this Session, let's deal with it. To put a stop on legislation at this time is premature. It should not be considered.

Mr. Thompson: Mr. Speaker, I feel that we have waited for five years for this proposed legislation and we have already been in Session two weeks now and there is still no evidence that we are going to get it. The consensus is that it has been sent from Ottawa but nobody knows how or where or they are not sure just when and I feel that this is a valid point, that it is going to take a fair amount of time to go through this and to have the legislation before sitting in Council, it is conceivable that somebody might take a few minutes and do some homework in this respect so I would, therefore, second the Motion, Mr. Speaker.

Mr. Clerk: Mr. Speaker, for Council's information, we had some last minute information on this Ordinance this afternoon and my office has now started typing the Bill but I would ask for one more day because there's about thirty pages and it is quite a bit of typing so Wednesday only gives us one day to have it typed, proofread and corrected, if necessary. I would ask for one more day if possible and maybe they could stretch it to Thursday morning. We are preparing it now. We have it.

Moved by Councillor Watt, seconded by Councillor Thompson, it is respectfully requested that all legislation requiring Council's approval be reported to Council by Administration not later than noon, November 24, that is Thursday A.M.

Mr. Taylor: Mr. Speaker, I think there should be at least some debate on this matter. This would mean that we have on the Order Paper...we discuss this every Session and I don't know why it keeps coming up...but we have on the Order Paper several matters, questions that have been asked, out of which might arise Private Members Bills. Until these are answered, I feel that Council would be foolish to stop or withhold the possibility of dealing with any other legislation during this Session. We have before us at the Spring Session the Public Service Ordinance which is going to be a monumental chore. We also have the Labour Provisions Ordinance, we presume. We will now be spending some time on the long awaited Ordinance which is now being prepared for us and if during that time another matter involving the people and the business of the Territory arises, I don't feel that there should be a curtailment at this time. The end is not in sight and I am unalterably opposed to accept this Motion and shut off the other functions of this Council.

Mr. Speaker: I will say, gentlemen, that we are now in Council and the discussions will need to be kept within the confinement of the Rules, namely that the person speaks on this Motion once and the mover of the Motion, if he should speak again, will close the Motion. Have we any further discussion on the Motion?

Mr. Thompson: As the seconder, I don't mean to close off any debate on this but I moved that we closed on the 23rd but in the process of from your table to your desk it was changed from the 23rd to the 24th and I don't know if Mr. Watt meant there would be an Amendment or did he want to specify this. I want it understood that I seconded one Motion but I still agree if it is the 24th.

Mr. Speaker: To answer that question, Mr. Thompson, that is what I have written on the paper. I have 23rd scratched out and 24th on top. Now, far be it from me to say which it is. You can toss a coin and....I don't remember the original oral part of it. It would indicate the 23rd. Perhaps Mr. Watt can inform me if I am correct in reading 24th.

Mr. Watt: I believe that's what written on the paper, Mr. Speaker. The original thought was the 23rd, but in light of the Clerk's comments, if they want to go through the formality of changing that to the 24th, I would certainly agree, but speaking on the Motion, this has been the normal procedure ever since I have been in Territorial Council that sometime during the Session, when we do see an end in sight,

Mr. Watt continues:

is to set a date for the Administration to table Bills before us so that we can schedule a time to complete our deliberations. The only departure from that was during the last Session when the Council objected to it and at that time we had an experience where a Member presented fifty or sixty pages of legislation the last couple of days and this was originally designed to prevent that...we can have stuff in front of us...ahead of us in plenty of time to consider it properly. I would sooner pass no legislation than poor legislation. I want to do everything possible to pass good legislation. Any legislation that is important right now can be tabled by this date that is set there. We are meeting again in January and if there is other important legislation drafted and ready for us, I would strongly urge that the Administration give it to us while we are at home so that we will have time to do a little bit of homework on it because if we get this stuff ahead of time and have time to consider it, then we can cut down a lot of discussion at the table here and shorten up our Session.

Mr. Boyd: Could I ask a question?

Mr. Speaker: The debate is ended on the question, Mr. Boyd.

Mr. Boyd: Could I ask a question?

Mr. Speaker: Well, I don't know the exact ruling on this but I will permit this particular question but make it a question, please.

Mr. Boyd: Could the Clerk inform us if he had any further legislation that he intended to put before us at this Session that we have not heard about?

Mr. Clerk: Nothing that I know of other than that Workmen's Compensation Ordinance, Mr. Speaker.

Mr. Speaker: Thank you, Mr. Clerk. Does that answer your question, Mr. Boyd?

Mr. Boyd: Yes it does and I thank you for your courtesy.

Mr. Speaker: Are you ready for the question?

MOTION CARRIED

MOTION  
CARRIED

The Motion was carried with Councillors Taylor and Southam Contrary.

Mr. Taylor: Mr. Speaker, I would like my vote recorded as unalterably opposed to this Motion.

Mr. Speaker: Thank you, Mr. Taylor. What is your pleasure now, gentlemen?

Moved by Councillor Boyd, seconded by Councillor Southam, that we call it five o'clock at this time.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: The Motion is carried and this Council now stands adjourned until ten o'clock tomorrow morning.



Tuesday, November 22, 1966.  
10:00 a.m.

Mr. Speaker read the daily prayer and Council was called to order. All Councillors were present as well as Mr. Legal Advisor.

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

Mr. Clerk: There is, Mr. Speaker.

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

Mr. Clerk: We do, Mr. Speaker. We have Sessional Paper No. 44, dated November 18, entitled Public Utilities Income Tax Transfer Act. (Reads Sessional Paper No. 44). We have another Sessional Paper No. 45 entitled Yukon Participation in Expo 67. Sessional Paper No. 46 is not here this morning because there was some question on it and it has been sent back for clearance, but we have Sessional Paper No. 47 which reads, "Mr. Speaker, Members of Council. The attached letter and draft terms of reference for the proposed economic study was sent to you on October 26, 1966. Your views would be appreciated". There is an attachment and it concerns the economic study of the Yukon Territory. Also submitted to Council were the amended Bills Nos. 2 and 3, and also a new Bill, No. 16, which is an Ordinance Respecting Territorial Gaols. That's all for this morning, Mr. Speaker.	SESSIONAL PAPERS #44 #45 #47
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Mr. Speaker: Thank you, Mr. Clerk. Have we any Reports of Committee? We have Bill No. 16 for Introduction at this time. What is your pleasure?

Moved by Councillor Boyd, seconded by Councillor Southam, that Bill No. 16, an Ordinance respecting Territorial Gaols, be introduced at this time.	BILL #16 INTRODUCED
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MOTION CARRIED

MOTION CARRIED

Mr. Speaker: Have we any Notices of Motion and Resolution?	NOTICES OF MOTIONS
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Mr. MacKinnon: Yes, Mr. Speaker, I beg leave to give Notice of Motion respecting Highway Plaques.	#8
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Mr. Speaker: Are there any further Notices of Motion and Resolution?

Mr. Southam: Yes, Mr. Speaker, I beg leave to give Notice of Motion re Requirements of Mine Supervision.	#9
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Mr. MacKinnon: Mr. Speaker, I beg leave to give Notice of Motion re a Tax Revenue.	#10
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Mr. Watt: Mr. Speaker, I beg leave to give Notice of Motion Transfer of jurisdiction over Mines and Minerals to the Yukon Territorial Government.	#11
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Mr. Speaker: Have we any further Notices of Motion and Resolution? Mr. Taylor, would you please take the Chair?

NOTICES OF  
MOTIONS  
#12 & #13

Mr. Shaw: Mr. Speaker, I have a Motion in relation to Power at Old Crow and I have another Motion respecting Pre-Engineering re Dawson Bridge.

Mr. Shaw resumes the Chair.

Mr. Speaker: Have we any further Notices of Motion. If not, we will proceed to the Orders of the Day. Have we any Notices of Motion for the Production of Papers? If not, we will proceed to the next item. We have a Motion for the Production of Papers No. 2, Mr. Taylor.

Mr. Taylor: Mr. Speaker, this has already been dealt with.

Mr. Speaker: Thank you. There's no way of my telling whether it has been dealt with except by memory.

Mr. Clerk: Mr. Speaker, on the Order Paper, if there is a Notice for the Production of Papers given...when Notice is given, it appears under Notices and then when the Motion is passed, it goes down to the heading Motions and sits there waiting for reply.

Mr. Speaker: Thank you. Now we have that straightened out. Have we any questions this morning?

Mr. Taylor: Yes, Mr. Speaker, in view of the fact that Council seems to have muzzled itself next Thursday, I am wondering if the Administration could double their efforts to try and get answers to these questions that are on the Order Paper because some of these questions may require legislation before next Thursday.

Mr. Speaker: The question was would the Administration hustle up and get answers to these questions. Are there any further questions?

Mr. Boyd: I had a question to ask the Commissioner, Mr. Speaker, and I was going to ask him orally. Will the Commissioner be here this morning?

Mr. Speaker: I could not answer that question. Could you answer the question, Mr. Clerk?

Mr. Clerk: Yes, Mr. Speaker, Mr. Commissioner will be down about 10:30, bringing the Director of Game with him.

Mr. Speaker: Thank you. Does that answer your question, Mr. Boyd? Have we any further questions?

Mr. Taylor: Mr. Speaker, I have another question. In view of the fact that a Sessional Paper was sent down here early in the morning and distributed, on the Fourth Avenue Insurance situation....I believe it was to do with Councillor Boyd's situation...and removed, I am wondering when we may expect that paper re-submitted to Council....that Sessional Paper.

Mr. Clerk: It should be down tomorrow morning, Mr. Speaker, or possibly Thursday morning at the latest. It had to go back because there was an error on it. It had to go back and be re-run but it shouldn't be more than another day.

Mr. Speaker: Have we any further questions? If not, we will proceed to Public Bills and Orders. We have Bill No. 13 for First and Second Reading as well as Bill No. 15. What is your pleasure?

Moved by Councillor Boyd, seconded by Councillor MacKinnon, that Bill No. 13, An Ordinance Respecting Civil Measures to be taken in the Yukon Territory to deal with any peacetime or war emergency, be given First Reading at this time.

FIRST  
READING  
BILL #13

MOTION CARRIED

MOTION  
CARRIED

Moved by Councillor Boyd, seconded by Councillor MacKinnon, that Bill No. 13, An Ordinance Respecting Civil Measures to be taken in the Yukon Territory to deal with any peacetime or war emergency, be given second reading at this time.

SECOND  
READING  
BILL #13

MOTION CARRIED

MOTION  
CARRIED

Moved by Councillor Boyd, seconded by Councillor Southam, that Bill No. 15, An ordinance to Amend the Recording of Evidence by Sound Apparatus Ordinance, be given First Reading at this time.

FIRST  
READING  
BILL #15

MOTION CARRIED

MOTION  
CARRIED

Moved by Councillor Boyd, seconded by Councillor Southam, that Bill No. 15, An Ordinance to Amend the Recording of Evidence by Sound Apparatus Ordinance, be given Second Reading at this time.

SECOND  
READING  
BILL #15

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: Now, gentlemen, that completes our Daily Routine and Orders of the Day. What is your pleasure at this time?

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

MOTION CARRIED

MOTION  
CARRIED

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

Mr. Taylor: I will declare a short recess, gentlemen.

Mr. Legal Advisor leaves the Council Chambers and Mr. Commissioner enters.

Mr. Chairman: I will call the Committee to order. I believe Mr. Commissioner has some answers to questions before we proceed.

Mr. Commissioner: The first item that I have is for distribution to each Councillor, Mr. Chairman, indicating the status as of October 31, 1966, of their Community Development Funds.

STATUS OF  
COMMUNITY  
DEVELOPMENT  
FUNDS

Mr. Chairman: Would you file that with Mr. Clerk, please.

STATUS OF  
CITY RE  
DEBENTURES  
OWING

Mr. Commissioner: The next one that I have concerns a question that was raised on the status of payments on Debentures owing by the City of Whitehorse to the Government of the Yukon Territory and I would advise that as of this date all payments owed by the City on Debenture payments to the Territory are up to date. Is there any further questions on that particular one?

Mr. Shaw: Mr. Chairman, I think the question was what amounts were involved...how much would the City be owing the Territorial Government?

Mr. Commissioner: Well, I see. I can get the amounts. I understood the question, Mr. Chairman, to be the status of repayment on loans made by the Territorial Government to the City. If it was amounts that were involved, I can easily get this, Mr. Chairman, if that is what Council wanted to have.

Mr. Shaw: I don't think I asked a question, Mr. Chairman, but I felt that the Territorial Government in presenting this particular thing...the Administration must have been well aware of the obligations that the City of Whitehorse had and therefore felt that this was quite within the confidence and their ability to repay the \$100,000. I didn't raise that question.

Mr. Thompson: Mr. Chairman, I asked the question and I am quite satisfied that things are in fine shape and there is no reason...the only reason that I brought it up was that I was of the opinion, when we met for Financial Advisory Committee in October, that they were somewhat delinquent but if everything is under control, there is no problem.

Mr. Commissioner: Mr. Chairman, that is absolutely correct. During Financial Advisory Committee sitting, the City was in arrears on some of their payments at that time but I have checked with the Treasurer and he advises me that these payments have all been made...this is on Debentures and loans. Does this take care of this, Mr. Chairman?

All: Clear.

PROPOSED  
SECONDARY  
SCHOOL  
HOSTELS

Mr. Commissioner: Mr. Chairman, we had a question several days ago in connection with what was going on with the proposed Secondary School Hostels. I answered the question and supplementary to that, I have brought you for Council's perusal the proposed site plans, preliminary drawings and perspective sketches that are now available in this matter. It is not possible to have more than one set of them available, Mr. Chairman, so I would ask for their return so I can, in turn, put them back where they were procured from.

Mr. Chairman: Possibly these could be viewed at recess, gentlemen, or sometime during the day.

ALPINE  
CENTENNIAL  
PROJECT

Mr. Commissioner: One further item that I have here...you asked yesterday when you were going through the Votes on the Alpine Centennial Project. You questioned the \$5,000 that was inserted in the Budget and asked if this was recoverable. This is not recoverable and is part of the \$15,000 commitment which I am told was agreed to as the Yukon Territory's contribution to this Centennial project. This project is estimated to cost at least, in its original concept, about \$236,000 of which \$152,000 was to be paid for by fees and the expense would be paid by the climbers themselves and \$15,000 of the remaining balance was committed from the Territorial Government. Other funds are to be made available for this project through the Centennial Commission and other sources beyond ourselves.

Mr. Chairman: Will this cover Search and Rescue and this sort of thing or will we be stuck with that?

ALPINE  
CENTENNIAL  
PROJECT

Mr. Commissioner: Mr. Chairman, Search and Rescue during the time of these climbs...is that what.....?

Mr. Chairman: I was wondering if this amount was figured into this amount or will we be stuck with additional Search and Rescue costs?

Mr. MacKinnon: Mr. Chairman, I don't believe we have Search and Rescue. I believe that was turned down by Council.

Mr. Commissioner: Mr. Chairman, I believe that all the information I have in this connection has probably been filed for yourselves in this booklet and I could endeavour to find an answer to that question for you, Mr. Chairman.. in other words, you wish to know if this Budget, this two hundred and some odd thousand dollars, included an item conceivably for Search and Rescue operations should it be necessary during the time of these expeditions.

Mr. Chairman: Speaking from the Chair, I think I raised the question....these things can get pretty expensive. You can run into a \$50,000 or \$100,000 bill pretty quickly... is it ourselves, as a Territory, who are responsible for this or the Federal Government?

Mr. Commissioner: I can say that we as a Territory are not responsible for this expedition. Now, I am having a paper prepared for you gentlemen to explain the Torch question, the plaques and the itinerary of the Centennial Projects and I will try and get that before you as quickly as I can. There are several other items that are forthcoming. Mr. Murphy is not back here yet to allow me to give you a proper answer on Widow's Pensions, but the Children's Group Home that was questioned yesterday....Councillor MacKinnon passed information on it...this, I am told, is a part of the total Detentions program. In other words, this was phase three of the total Detentions Program. There was to be Medium Security Facilities, Minimum Security Facilities and the Juvenile Group Homes and this step No. 3 in this total program is still under consideration at Federal level and we do not have any further information on it at this time. That is all I have at the moment, Mr. Chairman.

CHILDREN'S  
GROUP HOME

Mr. Chairman: Anything further, gentlemen? May we then proceed to Sessional Paper No. 39 respecting Game. We have with us Mr. Fitzgerald, Director of Game. We have read the Paper and I don't know if this covers all the Amendments. I presume it does but at least there is some information in this paper. I wonder if we take them one by one and then if anyone else has anything to interject following this.... this would be the most expeditious way to deal with this so with your concurrence, this is the way we will proceed with this Paper. The first item is "motor vehicle". To include "conveyance of any kind other than a boat". Also to include aeroplane and helicopter. Isn't that included now. It states "motor vehicle" means a vehicle that is drawn, propelled or driven by any means other than by muscular power, but does not include a vehicle that runs or is intended to run only upon rails.

SESSIONAL  
PAPER #39

SESSIONAL PAPER #39 Mr. Fitzgerald: May I answer that, Mr. Chairman? There was some question in connection with this definition here where a person was charged on one occasion with taking a boat due to the fact that it was propelled by motor which was considered a motor vehicle. It brought up the question of trappers taking beaver in the spring with a boat...some of them have motors and others don't. So, technically speaking, if this was classed as a motor vehicle, everytime he fired a shot or had a loaded rifle in the boat, he would be committing an offence under the Ordinance. In order to clear our trappers, we would like to have the expression used "other than a boat" but we would like very much to include...make sure that aeroplane and helicopter is included. This was the purpose.

Mr. Shaw: In relation to this, Mr. Chairman, on different occasions...one was last fall...I enjoyed very much sitting on the bank watching a caribou swimming across the lake. There were a lot of people there and it took about a half an hour for him to get across and it would have been very easy for someone to get out their gas boat and harass the caribou, head it for shore and then shoot it or something. Are provisions made so that this kind of thing cannot happen?

Mr. Fitzgerald: Yes, Mr. Chairman, the Ordinance at the present time covers swimming game. You are not allowed to shoot swimming game.

Mr. Shaw: That will be included, I presume, in the Ordinance.

Mr. Chairman: Is there anything further on the interpretation of "motor vehicles"?

All: Clear.

Mr. Chairman: Next is "private game farm". For the purpose of covering animals and birds wild by nature held in captivity for propagation or commercial reasons.

Mr. Shaw: In this regard, Mr. Chairman, I have had different people approach me and I haven't gone into the subject but they object very strongly to people keeping wild animals in captivity for commercial purposes...in fact for any purpose other than scientific or in museums or something, or a zoo to let people in the City know what a moose looks like or a caribou looks like or what have you, and I was wondering what the Game Director's attitude is in this particular respect. I believe in B.C., in fact I know thirty-five years ago you could not keep any game animals in captivity.

Mr. Fitzgerald: Yes, Mr. Chairman, in some Provinces you are not allowed to take game animals into captivity but there has been cases in the Territory where animals have been kept in lodges and so on in view of travellers on the Highway and the conditions have been terrible under which these animals have been held. The idea here would be to have some control over such animals if they are allowed to be kept in captivity. Some people have kept an animal or two...no shade, right in the hot sun, maybe not sufficient water and all the rest of it...dirty conditions. We are hoping that if these people are allowed to take these animals into captivity and under permit so that we know where these animals are held and we know the conditions under which they are held and we would also hope that the Commissioner would be empowered to make Regulations covering such animals...the size of the pens, the manner in which they are kept, and generally oversee that these animals are held properly and not treated in an improper manner.



Mr. Shaw: Well, Mr. Chairman, if it would be any guidance for Administration.....I personally am not....I do not approve of keeping wild animals in captivity. However, it may be something that is expected of you for tourists to see.....I don't know. It may be a very strong point with people who do keep them in some of these lodges and perhaps other places, but if this is the case, I certainly feel that there should be quite stringent Regulations maintained to see that these animals are treated in as humane a manner as possible. Once an animal is kept in captivity, from particularly when it is young, you can't let that animal out. That animal, in most instances, will starve unless it is looked after by these people that got the animal when he was small. Most of these animals are very cute when they are small, but when they get large, they become somewhat of a burden for the owners who didn't realize that in the first instance and certainly I feel that animal that is kept in captivity should only be kept under a permit and he should be subject to certain Regulations so that the animals are treated in a humane manner.

SESSIONAL  
PAPER #39

Mr. Southam: Mr. Fitzgerald, these people that keep these animals now...do they have to have a licence?

Mr. Fitzgerald: The only provision we have, Mr. Chairman, is that they have to have a permit. Then there's provision for exporting living animals. It costs \$1.00 per permit to capture animals and \$2.00 to export each animal. This has proven to be sort of a lucrative business for trappers in the past and we have assisted them all we can by providing proper containers, putting straw or hay in the bottom of these containers to ship the animals. Personally, I am not in favour of these animals being held at all but there are an awful lot of people who wish to hold them in the Territory and some of them are even talking about starting a wild animal game farm.

Mr. Southam: I assume then that this is strictly for..... I certainly agree with Councillor Shaw. I don't believe any wild animal should be kept. I saw some of them up and down the Highway...actually a few were domestic animals and they would probably get run into.

Mr. Chairman: Is there anything further on this, gentlemen?

All: Clear.

Mr. Chairman: Next is "resident". Amend by adding "having been resident and returns to reside in the Territory and has so resided for a period of thirty days prior to the date of applying for his licence". Might I ask if this is common practice in the Provinces.

Mr. Fitzgerald: As far as I can find out, we don't have a provision. Once you have established residence and come back.. quite often no questions are asked, but this was placed here merely for the consideration of Council. People have been living here and going out for a couple of months or so and return and they are not able to hunt. That's the only reason.

Mr. Chairman: How would he prove former residence?

Mr. Fitzgerald: I would suggest, Mr. Chairman, that there are numerous ways in which this could be done if necessary...our own records....local records are available....Tax Rolls and so on.

SESSIONAL PAPER #39 Mr. Shaw: Mr. Chairman, I would assume this would be a recommendation of the Game Department.

Mr. Fitzgerald: Yes.

Mr. Shaw: That sounds reasonable.

Mr. Chairman: Anything further on this, gentlemen?

Mr. Boyd: I think it is intended, Mr. Chairman....we have many people who leave who have lived here for years and they return after being disappointed with the glories of being outside....matter of a year to put their roots down again. I think this is the intent of this. I agree with it.

All: Clear.

Mr. Chairman: Next is Legislation covering illegal use of "drugs or poison". Is there nothing in the Ordinance covering the use of poison at the present time?

Mr. Fitzgerald: Yes, Mr. Chairman, there is, but it would mean altering the section slightly to include ducks. That's why the poison is included in here.

Mr. Chairman: This is for pellet guns?

Mr. Fitzgerald: Yes, commonly known as a capture gun.

All: Clear.

Mr. Chairman: Next is slight change; to prohibit communicating location of game from aeroplane to person on the ground. This is provided for, I am sure.

Mr. Fitzgerald: No, No, Mr. Chairman. It isn't.

Mr. Chairman: "Section 10. (1) No person shall hunt game from or by means of an aircraft".

Mr. Fitzgerald: What has been added, Mr. Chairman, is "and to communicate the location or approximate location thereof by any signal, by radio or otherwise to the person on the ground". This is the enlargement on this subject.

Mr. Chairman: It's a pity we don't have a copy of the proposed Amendments up here when they are available rather than dealing with the general topics. Is there anything further on this?

All: Clear.

Mr. Chairman: Next is to prevent use of helicopter in hunting "in any manner including the transportation of game, hunters, or hunting gear".

Mr. Thompson: Mr. Chairman, I strenuously object to this. I don't think this is a necessity in any manner. I do agree that it shouldn't be used for hunting but I don't say that after I have gone to the trouble of doing my hunting and getting my animal and if I am in a remote spot, that I can't go to a helicopter operator and have him fly me into the area and get my game and bring me back out. This would specifically prohibit this and I don't agree with it.

Mr. Southam takes the Chair.

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Mr. Taylor: I must say that I concur with Councillor Thompson. I don't agree to go as far as they do in British Columbia where it is quite legal to use a helicopter almost to the point of shooting the animal but I think that the helicopter, being a rotary winged aircraft, has come into such wide spread use that it must be considered as an aeroplane. It should be possible to take a hunter to a hunting camp from town...a hunting camp being a timberline, it should be quite legal for him to take a hunter to that camp. It should not be legal, however, to haze game. Of course you can't shoot game out of a vehicle, out of an aeroplane or anything else....the helicopter has come into such common use now that this would be far too restrictive and I think unnecessary. You say it shall be illegal to haze or use an aircraft in the hunting of game. It shall be illegal to report from an aircraft to the ground where that game is. Incidentally, I might say that our own Government or Federal Government, through Indian Affairs, spent hours this summer looking for game trying to keep one of their operations going. They seem to be immune from these laws. I feel this is well covered and there is no need stopping them from transporting game, hunters or hunting gear and I would be unalterably opposed to this.

Mr. MacKinnon: Well, Mr. Chairman, if we give them that privilege then they have everything that we are trying to take away. If you can be transported to the hunting grounds and from the hunting grounds, then really you are hunting by helicopter. I think that if we have got to draw a line that we have to draw a fairly stiff one and don't leave all these loopholes. If we are going to allow transportation to and from, then we may as well not have any Ordinance against them at all because once they are allowed to get in there, they can signal from the air to the party on the ground by a certain dip of the prop or....there could be any type of signal given. There could be something dropped from the helicopter...say a piece of paper...anything...indicating where the game was at so I think if we are going to get anywheres, we must stick to what is written already.

Mr. Taylor: Mr. Chairman, as I just pointed out, this is covered because it would be....a helicopter is an aircraft to begin with. It's a rotary wing aircraft rather than a fixed wing aircraft and it is illegal, and will be, to report the location of game from an aircraft...it doesn't matter whether you send somebody out on a carrier rack and it wig wagged signals, or dropped paper, or confetti, or anything else, it is still illegal. It is illegal to direct game from an aircraft...that would be hazing the sheep and this sort of thing...and it is illegal to shoot from an aircraft. I think this covers it very nicely.

Mr. MacKinnon: Mr. Chairman, Mr. Taylor must realize that if there was a piece of paper dropped from a helicopter that you could not say that it was done intentionally...possibly it's an agreement between the party on the ground and the helicopter pilot. You try and determine that or make such a statement. This would be impossible and I believe that it is a ridiculous thing to let helicopters go to and from hunting grounds.

Mr. Taylor: Mr. Chairman, you can't provide for every little breach of the Ordinance and anybody who would try to breach it once would try and do it again and eventually he would get caught. If you don't get him one place, you'll get him another.

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Mr. Boyd: These helicopters are a menace to the game and we are not all as honest as we would pretend to be sitting around this table. If you have got a gun in a helicopter, you are going to use it if you want game and you will haze it as you call it. You can single out a choice animal and you can put it right down to where the hunter is, really, if you want it, with a helicopter. The Rules, the Laws, where there is nobody around to enforce them, they may as well be non-existent, and because men are what they are and a lot of hunters what they are, the game hasn't got even a chance to survive. You've got a scope on your gun. You can shoot from the aeroplane....it's a well known fact that game have been found riddled, shot from above. Where's the honour in this? Who is going to enforce it when there is nobody there to enforce it? I would like to see this changed to read that no helicopter or aeroplane as far as that goes shall have a gun in it. What do they need a gun for? They don't need one. If they are not hunting, then they don't need a gun. They go and come to wherever their destiny is and so be it. Let that be the end of it, but I am certainly opposed to these people using the helicopters and pretending they are nice boys. They are not....in any sense of the word.

Mr. Taylor: Mr. Chairman, taking a gun out of an aeroplane is probably one of the greatest sins you can do because a gun is there for a purpose of survival. It is there because it is being conveyed by the party you are hiring, on his behalf, and any suggestion to take the gun away is the most ridiculous.. one of the most ridiculous statements I have heard among many here in the last few days. The matter of helicopters, as far as I am concerned, as Mr. Boyd has pointed out....the same with aeroplanes....you can buzz game with an aeroplane.... you can buzz game with a helicopter, and I repeat that a helicopter is an aircraft and by prohibiting...making it illegal to shoot from a helicopter or to direct game from a helicopter, or to report game from a helicopter as you would a normal aeroplane because this is an aircraft. It might be a little more versatile. It fixes the situation up pretty good, I think.

Mr. Watt: Speaking after the Member who made the most statements around here in the last few days, we had a letter on this particular item from the Fish and Game...the Hunters Association and the statements in the letter sounded pretty reasonable and it was explaining how the use of helicopters would effect this Game Industry and it is quite a business. I am not too familiar with the operation and how it effects their business, but they are very concerned with it. I think that they do have a point and before the Ordinance is drafted and brought before Council, I will have an opportunity to talk to more of the people that are living in my area and can give us more concrete information in how this will effect their business. I have seen movies taken in Northern B.C. when they were building the microwave...by an Engineer who has had the use of a helicopter...and I have seen in these movies where a wolf is laying on his back pawing at the air trying to get back at the helicopter that was right above him and I have seen moose in just a bad a condition after having been chased by a helicopter. It was really pitiful to see these animals in that conditions after being tormented with these helicopters. They were certainly at a disadvantage and like Mr. Boyd, I don't see any sport or

Mr. Watt continues:

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fun in it, but by the time this Ordinance is drafted and brought before Council, I will have my mind made up better on how and to what is done....if aircraft can be used... types of aircrafts can be used in the hunting business. I think we should consider the effect of the use of these vehicles on the hunting business.

Mr. Shaw: Mr. Chairman, I think first we should consider what we are talking about in this particular matter. We are talking about a sport. We are talking about the sport of hunting, not the sport of killing. These people that come up and spend a great deal of money to come up here to big game hunt...they spend it because they like to get on a horse and they like to go out and hunt caribou and what not and this, in itself, provides employment for many of the natives of the Yukon. In fact, some of them, that's about the only work that many of them do, and if we are going to allow modern mechanical means for hunting to facilitate hunting, you are getting away from the prime purpose, I think, of what this hunting business is, namely, that these persons who come up here from the cities and can afford it, like to get out and get in the wilds and hunt these animals. The easier we make it to kill animals, the faster the game population will be defamated. I cannot see why it is necessary, just because we have the new invention of the helicopter...why it has to be used so that we can kill off more game. It's an Industry and the Industry is only existing by fact of the employment it creates for many people in this Territory who otherwise may not be able to find work that is suitable. I don't know what the statistics would show on something like that, but that is not the particular point. This is a sport. I think we should keep it as a sport, Mr. Chairman...as much as possible. It is a sport that has been going on for many, many years in various parts of Canada, and if we are going to allow helicopters to put them right in where the game are and take them right out again, it could mean that there would be a lot less people employed in the matter, there would be a lot more game shot and killed and the benefits to the people of the Yukon, in my estimation, would not accrue in the manner in which they are at the present time. Now, I don't know very much about big game hunting although I have done a great deal of hunting in my time but I have never gone out with pack horses and someone to wait on me hand and foot so I don't know all the ramifications of this, but looking at it on behalf of the people of the Yukon and that is the way I must look at it and the people of the Yukon include the people who have employment in this particular thing. I think that is quite important in our economy and that we should keep it the way we have it now and prohibit the use of helicopters for any game purpose....that is my feeling.

Mr. Taylor: I will resume the Chair and call a recess.

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11:00 a.m., Tuesday  
November 22, 1966

Mr. Chairman: I will call the committee back to order and we will continue discussing Sessional Paper #39, the matter of helicopters in hunting

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Mr. MacKinnon: Mr. Chairman, now before we close, I have seen some drastic things happen by hunting with helicopters. I won't go into detail because I don't want to embarrass anybody. I have seen ewes hunted in mid-summer by a helicopter by a private survey company supposedly for our biologist to set bait. Now the cost of this operation I would say we would have been much farther ahead by going down to Burns & Coompany and gotten three-quarters of beef for the bear or possibly we could have gotten ten. But we had to use ewes that were just about having lambs and this actually happened not far from here and they were picked up and hauled to our biologist's camp by a forestry vehicle. This type of thing happens and when you put a bunch of survey kids amongst a couple of hundred ewes with rifles, high-powered rifles, we don't have any idea how many of these ewes were wounded during this event. I would just like to hear from Mr. Fitzgerald as to what he has to say about hunting from helicopters and travelling to and from the hunting grounds.

GAME

Mr. Fitzgerald: The episode in question, Mr. Chairman, I have no knowledge of but I couldn't help but notice that Mr. MacKinnon said these people got their use of helicopter. If it was our resident biologist he was employed by the Canadian Wildlife Service, he did have possession of a scientific permit which did allow him to take mammals and this means what the word implies, mammals of any description. As for using them for bait he also conducted certain research on the animals while using them. But I have no knowledge of the incident. If I could, Mr. Chairman, stray a little bit from the question and give you my comments with regard to the helicopters?

Mr. Chairman: Agreed.

Mr. Fitzgerald: I respectfully suggest of all the suggested amendments to the Game Ordinance that this is the most important and it would take quite a long lengthy explanation to describe to you the things that I know of that have occurred within the Yukon Territory concerning our game and the use of helicopters. They have interfered with the big game outfitters. I know one instance where a hunter and a guide and with horses tied down in the valley at the bottom of this mountain were starting to climb, stalked a nice looking sheep and a nice looking bunch of animals, a nice looking ram, when suddenly a helicopter fluttered in there and went up along the side of the mountain and placed the animals on top of the mountain but in this particular sweep they didn't get the ram. So the helicopter fluttered back down and picked that ram out of the remaining herd, the remaining stand of sheep and placed them up on the mountain. Now I think we all know that a big fat ram although he would get away from you and I in a reasonable stalk, he doesn't run very far and probably runs out of your sight but he doesn't run very far. But a helicopter could place that animal in any position he wanted so that a man could step out of that helicopter and kill him. Now this cost this particular outfitter, he had three hunters and he docked them \$250 apiece, so it cost him \$750. Being new to the game he went along with it and didn't want to create any criticism



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GAME

Mr. Fitzgerald continues.....  
of the outfitters in the Yukon and thought about this and let it go. However, when we consider the ordinary type of helicopter that is used here I think we all know the load capacity of these things. Now if the use of the helicopter is restricted in hunting and in any manner that is transporting game, hunters, or gear it is not going to interfere with the helicopter company. In a monetary way it is not and it is not going to interfere with any of our resident or non-resident hunters. There is only one outfitter that used a helicopter in the Yukon to move hunters in from the highway into the camp and this was to overcome a four and a half hour ride. I know that he didn't have enough horses was the reason why he used a helicopter. Now, a few of my personal friends in town here who are ardent hunters and sportsmen have used a helicopter to place them out on a certain mountain near Whitehorse and after the hunt was over the helicopter picked them up and brought them back and I know that if this should become law that you cannot use a helicopter for hunting, transporting game, etc. this is not going to interfere with these people at all and they are going to very much welcome it, this legislation. Now, if I could---I could go on and on upon things that have happened here. Sheep have been hit by 22 bullets. They have been killed this fall by a hunter who found a festered sore on the side of the animal and on the back of the animal and took a look and found a 22 bullet imbedded in the animal and there is only one way that that got there. You know that an Indian or a prospector if he decides he has to have a sheep, within the season of course, with a 22 rifle he would probably get it. But these animals are obviously injured or wounded from a helicopter. Now, if I can just go a bit further on this, we know that in the State of Alaska there is a lot of criticism in the use of aircraft. They can land these little aircraft in their backyard, they can land them on glaciers, they can land them on a sandbar, they roll a few rocks aside and they are all over the place. I wondered why they were so lenient however I was quite amazed to learn, and I quote from the Methods and Means of the Alaska State Game Act. "The following methods and means of taking game are prohibited...by use of a helicopter in any manner including the transportation of game, hunters, or hunting gear". Now I naturally wanted to find out how effective this was and was there any difficulty in enforcing this part of their Act or did it interfere in any way with the hunting situation in Alaska. In every magazine you pick up there is something on hunting in Alaska. I was told that it didn't interfere in any way at all and there was no problem in enforcing it. The helicopter companies operating in Alaska realize that this is completely out and they proceed accordingly. Now what brought this on, this last part I had a lot to do with this summer. Two or three men came into the Territory from Alaska in pursuit of a helicopter crew. They had the co-operation of my department and these men were not intercepted, they had been relieved from outside. A statement had been made by one of these pilots that a Dall sheep head, horns and cape in Vancouver was worth \$500. Well it is a lot more in worth to the Territorial Government if it is taken legally and it was then that I learned about this helicopter business and I again respectfully suggest that this is a very very important piece of legislation and if it is passed I think that it will certainly help to conserve our game populace.

Mr. Thompson: Mr. Chairman, I wonder, Mr. Fitzgerald and Mr. MacKinnon have given specific incidences where there have been violations of the Ordinance and I am just wondering if these

Mr. Thompson continues.....

gentlemen have reported these violations, if there have been any convictions, or just what has been being done. You say that people are doing it and I would just like to know if there have been any convictions under this aspect of the Ordinance? SESSIONAL  
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Mr. Fitzgerald: If I may answer that Mr. Chairman, or try to answer that. In the first instance mentioned by Mr. MacKinnon, I know nothing about this and if this was done in the manner suggested, technically I doubt if there is an offence. He had a scientists permit and if a helicopter landed them on the mountain or placed them in a place where they could be shot easily. If it is a helicopter there is nothing that can be done. These animals being shot from the air and injured from the air by helicopter, you don't learn about these things until several months later. But if we had this machinery in our Ordinance I am not suggesting that we would get every individual who commits an offence contrary to this suggested amendment but if the machinery was there to go to work on any character that you did come up against or could accumulate enough evidence to go before the courts---at the moment this can't be done. I don't know whether this answers your question Mr. Thompson but this is my personal opinion. GAME

Mr. Thompson: Well no actually it didn't. I said how many convictions under the Game Ordinance and you are specifically saying helicopters but we do have it in the Ordinance that airplanes at the moment are outlawed are they not?

Mr. Fitzgerald: No they are not Mr. Thompson.

Mr. Thompson: What is the present reading about the coverage of motor vehicle. I think Mr. Taylor read it off.

Mr. Fitzgerald: What I tried to say there was that in certain aspects of hunting a fixed wing aircraft or airplane is unlawful to go hunting but it doesn't mention helicopter. With a fixed wing aircraft you can transport hunters between central points and your base camp and so on but you are not supposed to chase, bother, or haze game. That is with a fixed wing aircraft at the moment. Now on convictions, to my knowledge there has not been any but there has been several quires and investigations.

Mr. Thompson: Mr. Chairman, I can't concur with this, I don't feel that the aircraft and the helicopters should be penalized. I think it is a case of approach it the same way that the income tax people approach people for payment of income tax. They don't go to you they go to your employer so therefore, if we have any problems the onus should be put on the operators to see that these specific regulations are maintained. Now you say that it doesn't hurt resident hunters or it doesn't hurt visiting hunters, theoretically you have to get into these areas so it boils down to the fact then that they are resident hunters that would be using these facilities of a chopper or otherwise they would have to have a guide to go out if you are not a resident. Mr. MacKinnon mentioned survey crews. The same thing applies if they are in nine times out of ten and if the government can't ride herd on their own people I don't know where you are going to end up. So I think you are putting an undue importance of aspect on it. I feel there is room for both. You say that one hunter used them this summer because he didn't have enough horses, well you say in another breath that you want it to be a sportsman-like deal and let them ride and get the great outdoors and all but I think you are being a little contradictory here in places.

Mr. Watt: In the light of what Mr. Fitzgerald has said, there are a few questions I would like to ask him and one of them is apparently there may be an enforcement problem, in Alaska, does it say in the book what the penalty is and my second question is would you assure us if you have legislation drafted to amend this Ordinance to amend this particular Ordinance---say before the Spring Session. SESSIONAL PAPER 39

Mr. Fitzgerald: You should ask me the last question first. As far as I am concerned the matter is drawn up and ready to go and what you have in front of you is just the very brief highlights of what has been forwarded. Now your first question, when these, I don't want to mention any companies, certain helicopters were operating in Alaska under permit, Canadian helicopters none the less, one of these helicopters was seen transporting a sheep from a mountain top. Later the remains of a sheep was found in a camp just inside Alaska. Unknown to the operator a member of the U.S. Federal Fish & Game Wildlife Service was hunting in that area and one time he was ten minutes behind this helicopter. I asked him what action he would have taken had he intercepted the helicopter and he said the helicopter would have been seized and that would have been the end and the company would have been minus one helicopter. Later they came down into the Yukon Territory and conferred with myself and the police and gave us the whole story. I am not too familiar with this act as to just to what the penalty is but I am sure that they would have seized the aircraft. Getting back to Mr. Thompson's remarks I just don't understand where he can feel that I was contradictory in my statements. GAME

Mr. Thompson: Well Mr. Chairman, the case for the hunter is that he should conceivably use only packhorses and that is the extent of it. You are saying theoretically that you are not even supposed to take an automobile off the main highway or into someplace. We say that we are advocating that helicopters can be used because it can get you to the scene of the hunt a little bit more expeditiously and by the same token it would save you a lot of trouble by getting back out. Now I don't see anything wrong with this, I think your biggest problem is the case of your policing. You have got yourself and one man to police 206,000 square miles and all you can do is act on reports and this to me is the basic trouble right there in the lack of policing.

Mr. Fitzgerald: Mr. Chairman, we do get certain assistance from other departments but it is very sketchy, I agree with that. However, referring to Mr. Thompson's remarks, I don't think I said that everybody had to travel in to a hunt by packhorse or packhorse and saddle. If I did---I am referring to outfitters and the outfitter if he didn't have enough horses wasn't probably working within the confines of our Ordinance and this matter is being attended to or will be attended to. It is in the process. I will just enlarge again that none of the outfitters in the Territory, with the exception of one, used a helicopter this Fall. The payload, the cost of this is not within their reach and there again I repeat these are methods to protect our game population. Even the matter of photography and I was hoping that if this legislation is considered that we even have these people controlled who are in here doing photography work with helicopters.

Mr. Thompson: Mr. Chairman, how many specific instances occurred to your knowledge this summer in the Yukon where helicopters are allegedly the culprit?

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GAME

Mr. Fitzgerald: I will have to think about that for a moment. I would say there was at least half a dozen and I would emphasize that I don't wish to mention names and so on, but there were no charges laid and it would be doubtful if charges could be laid. But there were cases. In Ross River a helicopter pilot came in there with a small grizzly on the rack of his helicopter and if he would have had another man in that helicopter I don't think that he could have transported this animal. But he had it on the helicopter and put it down on the village and as so much to say here is a bear and who wants it. If it hadn't been for the helicopter the bear would have been still alive. There are other cases where it is unknown to the companies concerned, I must say that the local managers and company officials are very much in favour of their pilots staying out of it, and I have contacted them and gotten their co-operation, but they can't fly with every pilot. There are cases up the road where they took local people after hours and took them up in the hills and then brought them back with their game. But this all comes out after the pilots have gone outside for the winter and the information filters in and so on.

Mr. Thompson: In relation to the number of animals taken by local hunters, big game hunters, and these half a dozen instances that you have mentioned, what would you say the proportion was. You mentioned this one case at Ross River and you have mentioned cases of the helicopters taking out people after dark and bringing them back. What are we talking about? Half a dozen animals? A dozen animals? Do we know what the present situation is in the Territory concerning our various animals? Do we have any idea of their reproduction cycle is? Do we have any idea of how they are being depleted? Are they, the herds, growing or are they not? I think that before something of this nature should be enacted that we should have a little bit more background and find out whether it is necessary or not and I don't think that it is Mr. Chairman.

Mr. Boyd: Mr. Chairman, I don't think it matters what their ratio is. That is not the point. Whether they are losing ground or gaining ground is not the point. The point is that a helicopter is nothing more than a menace, it leaves nothing to chance, it leaves no work, no time for the game to disappear and get out of the road. They can't get out of the road. Game does avoid wolves occasionally and we even go to the trouble of poisoning them in order to protect the game and now we have something that is far more deadly than wolves. We have something that the game cannot beat and I will make a motion that the contents of this paragraph and before I make the motion it states helicopters only--well there are certain things that these hunters can do with fixed wing and it is adequate. It is not intended that the helicopter should become a menace to the game. Any menace has got to be gotten rid of. I will make a motion that this particular paragraph to prevent the use of helicopters in hunting in any manner including the transportation of game, hunters, or gear be accepted as written.

Mr. MacKinnon: I will second that motion.

Mr. Thompson: Could I ask Mr. Fitzgerald just one question while this is being written up. Are helicopters outlawed in B.C.?

Mr. Fitzgerald: I am not familiar with that. I know that representation is being made to have them outlawed.

Mr. Taylor: Talking from the chair, helicopters can be used in B.C.

SESSIONAL  
PAPER 39 Mr. Thompson: Could I ask where are we getting precedence for this particular request. Are they outlawed in Alaska? Are they outlawed in Alberta? Are they outlawed anyplace else in Canada? Is this amendment being instigated primarily by the hunters, the game guides? Is this where the basis of this comes from? We have a letter in connection with this to this extent. Is this where the motion originated?

GAME Mr. Fitzgerald: This is one segment of the population that wants this and I know that there are other independent citizens who have approached me and I imagine there are one or two organizations who have not communicated on this in the way of a letter.

Mr. Taylor: May I ask from the chair while the motion is being drafted, how are you going to distinguish between travelling gear and hunting gear?

Mr. Fitzgerald: I have thought about this Mr. Chairman and I must agree that the fixed wing pilot or helicopter pilot must have some means of survival. I think this could be worked out without too much problem.

Mr. Taylor: One question from the chair, how do you distinguish between a bush pilot and a hunter.

Mr. Fitzgerald: Primarily the rifle, any type of rifle or firearm.

Mr. Taylor: Any man who goes into the bush without a rifle is a fool and how do you distinguish between hunting gear and bush gear?

Mr. Fitzgerald: I would suggest that if it comes to this there are different types of survival rifles of course and if the rifle is packed away with his survival kit or his sidearm he is very obviously not a hunter. If he is a hunter he is likely equipped with a high-velocity rifle and scope and so on.

Mr. Taylor: Mr. Southam, will you take the chair. Gentlemen I think that we are searching for something.

Mr. Shaw: Could we have the motion Mr. Southam?

Mr. MacKinnon: Question on the motion. Order.

Mr. Taylor: I will resume the chair Mr. Southam. It seems that not only does this committee wish to retard legislation but they wish to retard discussion or debate.

Mr. Shaw: We don't wish to retard debate. There has been a motion to be written and all I ask that it be read and then we can continue.

Mr. Chairman: Gentlemen, the motion reads: moved by Councillor Boyd and seconded by Councillor MacKinnon that, the paragraph of sessional paper #39 which reads to prevent the use of a helicopter in hunting in any manner including the transportation of game, hunters or hunting gear, be accepted. There is your motion, are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried.

Mr. Thompson: Before we get carried away I would like to have my vote recorded as contrary.

Mr. Chairman: So recorded.

Mr. Boyd: I wonder if I could draw your attention to the time as we have a dinner meeting today at noon.

Mr. Chairman: Committee agreed? I declare this committee in recess until two o'clock.

RECESS





Friday, November 22, 1966.  
2:00 p.m.

Mr. Chairman: Gentlemen, I will now call Committee back to order. We are discussing Sessional Paper No. 39, and we come to Regulations to be issued annually covering open seasons, areas, and game allowed. Might I ask from the Chair, does this mean that Big Game Districts will be instituted? SESSIONAL  
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Mr. Fitzgerald: This is to make provisions for this Mr. Chairman.

Mr. Chairman: Is there anything further on Regulations? The next item is proposed legislation to cover no hunting on land enclosed by fence, under cultivation, etc., and the posting of signs on boundary of such land.

Mr. Boyd: Let's say there is some land enclosed by a fence but who owns it and why is it enclosed? There is some of this...nobody using it. This wouldn't apply would it?

Mr. Fitzgerald: We mentioned this in very brief form. It is covered. It would be occupied and under cultivation. It must be occupied.

Mr. Southam: Mr. Chairman, couldn't this be leased land where they are grazing? Aren't there herds of cattle grazing around this country any place? What about this strip of land up along the Mayo road? There's quite a stretch of it there.. about five miles. Would that be included? I guess it would.

Mr. Fitzgerald: Yes, this would include that but, Mr. Chairman, the leases of course are not fenced...the actual grazing leases are not fenced...you made reference to grazing leases.

Mr. Southam: I don't know where it was not but it was somewhere this summer. I noticed a stretch of fence here and there, one wire. I forget just where it was now, but I wondered what it was doing there and how it got there but there it was.

Mr. Chairman: There is no bird hunting as is done in the Provinces, is there? Anything further?

All: Clear.

Mr. Chairman: Next item is New Licences will be suggested covering Taxidermist and Private Game Farm. Both to be covered by Regulations.

All: Clear.

Mr. Chairman: Next is Amendment will be suggested covering assistant guides.

All: Clear.

Mr. Chairman: Next is Legislation will be suggested concerning wild animals and birds kept in captivity.

All: Clear.

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Mr. Chairman: Next is Legislation will be requested covering importation of wild animals foreign to the Territory and presentation of health certificate.

All: Clear.

Mr. Chairman: Legislation will be requested concerning search of vehicles and dwellings without warrant under certain conditions and legislation concerning issuance of search warrants.

Mr. Thompson: Oh, bully!

Mr. Fitzgerald: May I say something here. When we talked about the Game Ordinance the last time I was invited to Council, we went through all this and then we realized that the draft wasn't made up properly. We had touched on all these subjects if this will help shorten it. This was in there then.

Mr. Watt: Mr. Chairman, I would like to ask Mr. Fitzgerald... why is it necessary to search in houses without warrants? If they feel justified in wanting to search a house, isn't there a procedure that is fairly simple for the R.C.M.P. to get a search warrant?

Mr. Fitzgerald: In our present Game Ordinance, there is no provision to obtain a search warrant and there is no provision to make a search without one. At one time, you were allowed to search without warrant under your Ordinance, but then it was changed. I forget the year. I think maybe it was '58 or '59. This was cut out but a replacement was not made in the Ordinance to cover the obtaining of a search warrant. Now, if I can enlarge on this just a little bit. If...say you are in the vicinity of Ross River or a half dozen other places in the Territory...and you know evidence concerning an infraction under the Ordinance is within this man's dwelling house....but by the time you travel to Dawson City or Whitehorse or some other place to a Justice of the Peace to get a Search Warrant...you return and the evidence is no longer available. There's another part to this too if I could mention this right now...that if we are allowed this privilege, and I can only call it a privilege, it must be handled very carefully, but there will only be certain people who will...when I say conditions...who will have this privilege and these will be experienced personnel. You notice that when the thing is drawn up properly, there will be Guardians, Deputy Guardians and Honorary Game Guardians, but there will be only people like the R.C.M.P. or experienced Game Guardians who will be allowed to conduct such a search and if there is a Justice of the Peace available in this certain area, a Search Warrant should be obtained. We have asked that Form A and B to cover Information to Obtain a Search Warrant and search.

Mr. Watt: This is just an approval in principle, and I agree in principle that a search with a Warrant should certainly be allowed. It would automatically eliminate any possible abuse of the privilege. When this legislation is before us, I am going to....I will go along in principle with the warrant but for the search without a warrant, there are going to have to be some pretty solid safeguards before I will go along with it. There are too many people who could be given this privilege, walk into anybody's house and search and you would be resisting arrest or resisting something if you don't allow them to search. When this is before us, I will see how it is presented.

Mr. MacKinnon: Mr. Chairman, I can only agree with Mr. Watt on this particular item. Searching without a Warrant could be very dangerous. This would be giving, we will say, guides that are classified as Game Wardens the right to go and rummage through your freezer, possibly for no purpose at all, and without experience in this field, the appointment might go to some of their heads and they might come over to my place, for instance, and say "I have got to ransack your freezer", and I don't think I would appreciate this very much and I might end up in a lot of difficulty. I would like to remind Council that three Sessions ago Mr. Watt put in a question asking the Commissioner how many warrants were held in the Territory at the present time. If my recollections are right, there was 47, and there was a supplementary question as to how many R.C.M.P. we had in the Territory and there was 53 so pretty near every one had to sign a warrant at that time.

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Mr. Fitzgerald: With regard to Outfitters and Chief Guides, Mr. Chairman. The question will also be put before Council.. the suggestion that these people will only hold this appointment while they are in the field of conducting hunts and this is to prevent infractions or to report infractions and take whatever action necessary while in the field concerning their actual hunting practices, but as I mentioned a while ago, it will be outlined in such a way that this privilege is allowed and it almost has to be in my opinion to enforce the Ordinance properly. There will only be certain people that will be allowed this - a Guardian or a member of the R.C.M.P. and these will not be blanket search warrants... they will not be blanket search warrants...it's just to protect the evidence that you know...pick up evidence that you know is in a place and by the time you travel both ways to get a warrant...why, it definitely isn't there when you return.

Mr. Chairman: Anything further on this item, gentlemen?

All: Clear.

Mr. Chairman: The next item is an increase in the cost of Resident Hunting Licence will be suggested.

Mr. Watt: I would agree that Mr. Fitzgerald could suggest it.

Mr. Boyd: Well, Mr. Chairman, there has been a Motion on record for quite some time now...as long back as Mr. MacKinnon was mentioning...three years...that the price be increased, but it hasn't got that far yet so let's hope it does.

Mr. Chairman: Three new Licences will be suggested.  
(1) Resident Bird Licence; (2) Private Game Farm; and  
(3) Taxidermist Licence.

Mr. MacKinnon: Mr. Chairman, just as a correction....I have said three Sessions...not three years.

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

All: Clear.

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Mr. Chairman: Have we anything further with respect to this Amendment? Mr. Southam would you take the Chair.

Mr. Southam takes the Chair.

Mr. Taylor: Mr. Chairman, I trust that the matter of Cow Moose Season, which this Council has asked for on behalf of the people for some time, will be included, because I note from discussions this morning that it was indicated that where Regulations are to be issued annually covering open season areas and game allowed, this could only be done with the creation of Big Game Management areas, and I would like to hear some comment from Mr. Game Director on this.. the opportunity to include the Cow Moose Season finally after all these years spent by the Council to have this done. I also have a matter respecting predatory control which I would like to raise bring up later. I would like to hear Mr. Game Commissioner's thinking as to whether or not this will be done.

Mr. Boyd: Mr. Chairman, before you....point of order. I don't think that Council did vote for a Cow Season and maybe you are putting words into our mouths. I didn't understand that this had ever been voted. You are saying it is. I would like this first clarified before Mr. Fitzgerald is required to speak on this.

Mr. Taylor: Mr. Chairman, as I recall, at some stage or another, it has been voted at this table.

Mr. MacKinnon: Mr. Chairman, I recollect the discussion. It wasn't by way of a vote. I recollect a discussion with Dr. Pearson, the Biologist, in regard to the Cow Season, and he was quite in favour of a Cow Season. He suggested it would be very healthy for our game population if we did have a controlled Cow Season and I think that's about as far as it went. I don't think it ever went to vote. It was a discussion and Mr. Pearson did go along with the idea.

Mr. Shaw: Mr. Chairman, I don't know if this is a sensible way or not when you have so few animals in the Territory... moose in British Columbia where that would possibly be a good idea because they are eating up all the valuable forage in the area, but in the Yukon....I don't know. I am not convinced myself that it is necessary or desirable. That's just my viewpoint.

Mr. Taylor: Mr. Chairman, the matter was raised and voted upon...it was determined by a vote....it wasn't unanimous possibly. I remember Councillor McKamey was the man that proposed the Motion, which I seconded. However, in any event, I would like to know if Cow Moose Season is going to be included in this proposed Amendment.

Mr. Fitzgerald: Mr. Chairman, I wouldn't say that it is proposed just as a Cow Season sort of thing but the part that Mr. Taylor made reference to...open season, game allowed, etc., being covered by Regulation. I hope that if we ever got in a position where we had sufficient personnel to have this matter checked into....I don't think we should just open up Cow Moose over the Territory just like that. I think the area should be checked, zones laid out. I agree with this but we have to know what we have before we take this step and I think that Dr. Pearson's remarks probably go along that line too. There would have to be a certain amount of research done in the areas and your game population fairly well known and then take it from there.

Mr. MacKinnon: Mr. Chairman, I believe a few years ago there was a survey made in Saskatchewan in regard to this very thing and they found that it was a way of preserving the game...that by having the two week Cow Season that most of our would be hunters sat at home and waited for the Cow Season to open and then when they went hunting as a result they got no game so it did show in statistics that there was less moose killed by having a Cow Season than there would be without, providing this Cow Season is opened at the proper time of year when the cows are up on the hill... then you will be preserving the moose.

Mr. Taylor: Well, Mr. Chairman, I have listened to many debates on this subject in Council and we can sit and debate forever at this table on this subject and I think that if you get out in the bush and see what is actually happening in relation to this, I think you would then have a better understanding of why we should consider such a thing in this new draft Amendment. I know since the Spring Session, one incident alone, flying in a helicopter returning to Watson Lake, I had an opportunity to make a survey in the Highland River area and in twenty-four line miles, we counted 35 moose, only two of which were bull moose, one of which was a yearling and the other a two year old and the rest were all cows. In very, very few instances did these cows have a calf in tow and I think this is...as I say, when you get into the area and you get a look at what is happening... bulls and the cows are being allowed to...they are protected and, consequently, it is destroying our game and, gentlemen, this is exactly what will happen in some of our areas. It has been suggested...I believe the Member from Dawson said that there are no moose left in that area or very few and, consequently, maybe this wouldn't apply in this area, and maybe in the Mayo district if there is no game...if the game is low, consequently this is where Big Game Management districts come into the picture as we have discussed, but I feel that every effort should be made, certainly in the area to the South and East, to put in a Cow Moose Season because this is harmful to the game...just as harmful as this matter of predator control and our sheep. If we don't allow some wolves in among those sheep, we're not going to have any sheep left because lung worm will have them all.

Mr. Shaw: Mr. Chairman, it could go the other way around.. rather than shoot off all the cows perhaps the hunting has been too heavy in those areas. Maybe we should restrict it for a while and allow the bulls to grow up.

Mr. Taylor: I can't agree with that either. I might say that down in British Columbia in a few areas...I think one is Lower Post just off our boundary...they have been shooting moose right at the community for a hundred years. At another Post they shoot practically out of their front door and they shoot either a bull or a cow moose, whatever it happens to be. This is the finest hunting area in British Columbia with regard to moose in relation to our boundary that I can think of. Maybe there's a little lesson to be learned there that the mammalogist can't explain either.

Mr. MacKinnon: Well, Mr. Chairman, how would it be if we just had open season say on the old barren cows? What's the use of keeping the cow that doesn't produce? She just eats up a lot of the good grass and, at the same time, she makes our freezer look pretty good. I would suggest that cows without calves could be taken but, mind you, I don't think any individual will shoot a cow with a calf...not even a native. I am quite certain...a barren cow...a dry cow...

SESSIONAL Mr. MacKinnon continues:  
PAPER #39 that isn't productive. I don't see any harm in having an open season on barren cows.

Mr. Taylor: One interesting point, Mr. Chairman, is possibly we should be consistent in our thinking and take cow season off the caribou population. This should be interesting.

Mr. Shaw: How do you tell a barren cow from one that isn't? That's a good question that I would like answered.

Mr. MacKinnon: Mr. Chairman, it's very easy to determine. First of all you meet a cow in the wilderness. She has no calf. She is very fat as a rule and late in the fall, a cow without a calf, I would classify as a barren cow.

Mr. Shaw: It would be tough on the cows if the calves died when they were young, wouldn't it?

Mr. Taylor: Mr. Chairman, the other matter I wished to raise while we are discussing the Amendments to the Game Ordinance is the matter of predator control. I have had some discussion with Mr. Game Director on this subject but, just for the records sake, I would like to say that there has been some difficulty experienced in B.C. this past summer, northern B.C., with the lung worm situation in sheep, and I think that many of their wardens, or at least a couple that I have talked to, have observed and agreed, as have other people, that by taking off too many wolves, the lung worm is allowed to go rampant through the herds and thereby we are losing sheep. We have upset a simple balance of nature and, consequently, this is having harmful effects on the game population and I would like to suggest, as I have suggested informally, that from now on, in the Territory, that some of at least a certain part of this wolf population be allowed to run or it will have a very adverse effect on the sheep. If the lung worm gets a hold, you lose everything and I know of areas throughout the Northwest Territories and adjacent boundaries to the Yukon that once were abundant with sheep til lung worm or some type of disease went through and they are wiped out and you don't see a sheep anymore. I would like consideration given to this problem and it may be that something could be included in the new Amendments whereby possibly wolves are not poisoned except where possibly an Outfitter sees where they have to be controlled somewhat.

Mr. Shaw: I would like to pose a question to the Game Director, Mr. Chairman. Do wolves bother sheep as a rule?

Mr. Fitzgerald: Mr. Chairman, I know that a lot of people believe that they do not but I am satisfied that they do.. by personal observation...of course the wolverine, too... as much as the wolf. We probably have as many wolverines as we have wolves. We see them in bunches of four or five now which is very unusual. In areas where we have large sheep bands, like the Kluane Game Sanctuary....because the predator is serving a very useful purpose there. Now, this lung worm that is referred to...I think you will find that all our sheep have lung worm but one factor that wasn't mentioned which has a great deal to do with death rate in sheep is that if the range is over grazed and the lung worm takes over...the sheep usually becomes run down and then he is afflicted by the lung worm and, of course, over grazed means over populated I would imagine.

Mr. Shaw: I just didn't know that wolves climbed up mountains....that these sheep could get up pretty quick and that would be that.

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Mr. Fitzgerald: That's right, Mr. Chairman, but you will notice that sheep are not molested unless they come down to the meadow floors and this is where a lot of the wolves hunt. I personally have observed this and they would approach that lick just the same as a man...swing around and get down there in front of it and approach the lick....as you know, this is probably one of our smartest animals. They ambush them along the trail and different ways and probably sometimes right on the mountain.

Mr. Taylor resumes the Chair.

Mr. Chairman: Is there anything else in relation to the Game Ordinance that anyone wishes to raise at the moment? If there is nothing else, may Mr. Fitzgerald be excused at this time?

Mr. Fitzgerald leaves the Council Chambers.

Mr. Chairman: Gentlemen, we have received this morning... what is Sessional Paper No. 41?

Mr. Clerk: It is one that required a correction and I haven't been able to resubmit it yet.

Mr. Chairman: It appears as though the next Sessional Paper is No. 42, addressed to Mr. Speaker, Members of Council, respecting Road Signs. (Reads Sessional Paper No. 42). We have an attachment of a map of the Territory and the proposed signs. Proceed.

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Mr. Shaw: Mr. Chairman, to start this off, I think this is an excellent idea. In other words, the roads would be numbered unless they have a name. That is correct is it?

Mr. Commissioner: That is correct.

Mr. Shaw: The Boundary Road, that's always known as the Sixty Mile Road but lately it has been called the Boundary Road, I suppose that would have a number, would it? It's a Yukon Road...Yukon 3...I think that a lot of thought has gone behind this and it's commendable that they have come up with this type of road numbering system and I would like to commend the work that has been done on this.

Mr. Watt: Mr. Chairman, I agree in principle with the suggestion but there is just one slight comment that I would like to make. As a result of a couple of Motions in Council, the name was given to the Klondike Highway and it is from Dawson City to Whitehorse through Carcross and to Skagway and it was with reference to the old trail that it was given and I notice here on the map that this has terminated at Whitehorse.. this Klondike Highway. This should go down to Carcross and continue on.

Mr. Commissioner: Mr. Chairman, there is only one small problem. This was brought to my attention by the Clerk who has looked into it and the designation of this road being the Klondike Highway all the way through is very acceptable and will be done as soon as that portion of the Alaska Highway, which stretches from the Carcross Road to the Takhini Turn-off, falls under the jurisdiction of the Territorial Government.



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Mr. Shaw: Mr. Chairman, I appreciate the fact that the Alaska Highway is a Federal Road. Could we not put up one of these Klondike Highway, or two of them, on the Highway, in small letters on top of a post section... that nobody would see...it doesn't matter...and still have the same effect. There would be nothing wrong in that. It would be no different than putting up a sign advertising Joe's gas station and it would still be absolutely correct. It would not be misnaming the Alaska Highway and it would serve the purpose and clearly continue the source of this road where there was a road... in other words, from Carcross right up to the Klondike.. so hardly the Federal powers that be could hardly have any objections to that, Mr. Chairman. I wonder what Mr. Commissioner would think of that.

Mr. Commissioner: Quite personally, Mr. Chairman, I am very much in agreement, but I would suggest that we are within a matter of months, probably fourteen or fifteen months, from getting control of the Highway...the amount of paper work that would be involved in the meantime would possibly hardly justify the effort, but I will put it to you this way, Mr. Chairman, that I will institute inquiries and if this suggestion can be done without a great deal of official representations, we would be very happy to carry this on, but I would certainly appreciate Council's indulgence of the fact that if we find that this is going to cause a great deal of official correspondence and consultation, that we would all be prepared to live with the situation with the full knowledge that it is soon going to be our own to designate in a manner that is in keeping with Council's wishes.

Mr. Shaw: Mr. Chairman, that is a very satisfactory answer. Might I inquire of the Commissioner, Mr. Chairman, if we can expect to have these signs erected sometime early next summer....on the portions that do belong to the Territory?

Mr. Commissioner: Mr. Chairman, it is the Administration's wish to (a) to get your agreement in principle to what is proposed here. If this is forthcoming, we will have the necessary monetary requirements in the Budget for the Spring Session of Council, and in the meantime, we will have proceeded to make the necessary arrangements for quotations, etc. to expedite the matter as promptly as possible.

Mr. Thompson: Mr. Chairman, I would have two comments to make. I presume, inasmuch as there is no Highway 1 in the Yukon that when the Territory does take over the Alaska Highway, that it will be renumbered or given the prefix 1. The other item which is just a small matter...I don't see any road between Whitehorse and Carcross on this map so I don't know what we've got a number there for. Where you say there's a name, there's no number, I don't quite concur with this. I feel that even though they do have a name, they should be numbered because I think you will find that pretty near in every instance there are certain highways numbered that do have names, but I don't think it works in reverse. I think that they all are numbered and some are given names. So, I would suggest that this probably be kept in mind...we have a No. 1 that could eventually apply to the Alaska Highway. I think there also should be a number given to the Klondike Highway and/or the Klondike Dempster portion of the Whitehorse-Dawson-Carmacks-Carcross, wherever it is going.. they should be numbered. I don't object to them being named but I think they should have a number as well.

Mr. Southam: I wonder if there is any chance of the Alaska Highway being turned into the Trans-Canada Highway and, therefore, maybe we could get a little money out of the Federal Government.

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Mr. Southam takes the Chairman's Chair.

Mr. Taylor: Mr. Chairman, my comments on this...I think it is sound. I think that Councillor Thompson's idea or observation is quite correct. No matter where you go throughout Canada, it is this way. A number would have to be given to all and a name added to it. One thing though that I think is rather important and it is indicated in this document, no decision has yet been made as to what emblem will signify the Territory's signs and I would certainly, as indicated here, like to see the Malamute Husky retained on all our signs in the manner as described right here in this document. The Malamute and the Husky are historically a symbol of transportation in the Yukon. They were one of the first methods of land transport. I really think this really looks snappy and he should be retained among all others as the symbol of what will appear on all our highway signs.

Mr. Thompson: Mr. Chairman, I concur wholeheartedly. I think that's a very outstanding presentation. I have one comment on the actual numbers. I think that conceivably the shield could have a little coloring to it as opposed to white. I like the color of the sign itself...the emblem. The presentation is excellent and I would wholeheartedly give my support to this particular aspect of the signs.

Mr. Boyd: Well, I concur with the rest of the Councillors. I think it is quite an excellent idea. I am just wondering.. what will the signs be made of, who will make them and where will they be made...or has that been gone into?

Mr. Commissioner: Mr. Chairman, would you ask the Clerk. I think that he might have that answer.

Mr. Clerk: No, I don't think it has been decided yet. I did suggest sometime ago....I don't know if this is what Mr. Smith is referring to...I did suggest that the shop at our own Institute on the Hill should take over manufacturing all our road signs and licence plates and this could be done by the same thing. I don't know if this is what the Commissioner is referring to or not. I don't have any definite information.

Mr. MacKinnon: Yes, Mr. Chairman, in view of the fact that I was seconder of the Motion that apparently brought this about, I would like to say now that we have planned a sign which hadn't been taken into consideration at that time. The Motion was for the naming of a particular road but now I think it will be necessary to expand on this and there is more than one road leading to the Klondike. There is the Dawson-Mayo Road, the Alaska Highway, and there is the Sixty Mile Road so I believe that you will find it necessary to have this sign on the Alaska Highway as well and pointing out to the tourists that there is another route to the Klondike. I just don't know how to go about this but possibly something could be added to the sign that would be placed on the Alaska Highway telling the travellers that there was another route to the Klondike and I would suggest that the Sixty Mile Road is another Klondike Road...or an extension of the original. If you just have it running in from here to the Mayo-Dawson Road, you are going to miss all the Ferry service traffic, and this wouldn't be very practical in my estimation.

Mr. Taylor resumes the Chair.

Mr. Chairman: Gentlemen, is there anything further on Sessional Paper No. 42?

All: Clear.

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PAPER #43

Mr. Chairman: Next item, gentlemen, is Sessional Paper No. 43 re Labour Standards Legislation. (Reads Sessional Paper No. 43).

Mr. Shaw: The part that I don't quite understand, Mr. Chairman, which perhaps the Commissioner could explain... "recommended that the Minimum Wage Ordinance passed at the Spring Session of the Council, 1966, not be proclaimed in effect". That already is in effect, isn't it?

Mr. Commissioner: I am not fully aware of the detail behind this, Mr. Chairman, but you raised the question to me here several days ago concerning Labour Legislation and I assumed at that time that there was some commitment or understanding with yourselves and the Administration concerning the possible use of the Canada Labour Code or applicable portions of it to form a Labour Standards Bill. My inquiries have brought forth this particular situation that a proposed Labour Standards Bill is available in this Report and that my predecessor had seen fit not to proclaim in effect the legislation in connection with Minimum Wages which you passed at the Spring Session. I inquired as to whether it was your wish to bring this into effect irrespective of the fact that you do not have a Labour Bill in front of you now. I was informed that by simple Proclamation signed by myself that this can be brought into effect...this Minimum Wage legislation and I will be guided by what instructions I get from Council on this particular matter. I am sorry but I cannot tell you why this was not proclaimed in effect previously but this is in fact what has transpired. I believe that the Act or Ordinance was written in such a way that the effective date would be proclaimed by the Commissioner.

Mr. Taylor: Yes, Mr. Chairman, this is something that Council had worked on for some time to come up and offer some protection to the workman. Last fall it was decided that this matter would be left over to this Session...the matter of Labour Legislation, however, there was one thing that Council did approve and that was the basic minimum wage law. I realize that, as a new Commissioner, you, of course, have not had much of an opportunity to do much with this but I think that here is a case of possibly past frustration...the case in point is that when the Council makes legislation, they want it enacted and here is a case where our former Commissioner or Administration, as you prefer, saw fit not to provide this. I feel very strongly, and it's a pity that we have to go through this whole haggles again, I feel that this should be in until such a time as Labour Legislation is presented because there is no guarantee, even though it says it will be here for the Spring Session... this is no guarantee that it will be because this Labour Legislation was going to be at the Spring Session for years and it hasn't been yet. Last year the Labour Legislation was a result of my Private Member's Bill. That's how it got here. Council sat down and we had worked out something the year before, generalities on this Labour Code, and I presented a Private Member's Bill last spring. There has been at least seven months gone by since we proposed and approved this legislation and we approved it to offer at least some form of protection

Mr. Taylor continues:

to the working man until we did have legislation and I think more particularly of interest to me, of course, is the fact that there are women working up and down the Alaska Highway throughout the Territory for less than \$1.00 an hour. Now, this basic minimum wage is \$1.25 per hour and it would have at least aided one segment or one portion of our labour force, probably the most forgotten, and that is waitresses and chambermaids and the like of this type of thing and if it is at all possible...the Law is there...the Commissioner need only to enact it. The Regulations need only to be drafted up to bring this into effect and I would like to see it brought into effect until such a time as we do get Labour Standards in legislation. Every Session we sit down and they say "Yes, it will be there in the spring" or "It will be there in the fall" and it is not there and, as I say, if we are to get along and carry on this area of co-operation that we seem to be building in relation to this, I think that the Administration should enact the legislation that Council provides.

Mr. Boyd: a Well, Mr. Chairman, I like the rest of the Councillors realized that we passed a Bill but I never did see it acted on. Even though we decided it would be so, it was not so. I am wondering now if it has a real meaning in view of the way things have turned around in the last twelve months...the minimum wage of \$1.25 an hour seems to be a little pickaninny...small...in this day and age, when a man can't buy...well...can't buy a meal for \$1.00. He can't do nothing with \$1.00...can't live on \$1.00 an hour. He's only working because he wants to survive and wants to live and I am wondering if we shouldn't leave a dead dog sleeping until spring but not on the basis that this legislation will be here because I am like Mr. Taylor and we have no assurance, but is this \$1.25 a realistic figure and if it isn't, we should decide what will be.

Mr. Taylor: Well, Mr. Chairman, I think...I would like to direct a question to Mr. Clerk as Labour Provisions Officer. In his opinion, are there people working for less than \$1.25 an hour in the Yukon Territory?

Mr. Clerk: Yes, there are...quite a large number of people.

Mr. Taylor: Mr. Chairman, that is exactly why we asked for that legislation so many times and this is why we enacted it last fall and I think it should be brought into service as soon as possible...should have been done last spring.

Mr. Shaw: Well, this just knocks my feet from right underneath me, Mr. Chairman, because I was of the understanding that this was in force and in effect. In fact, I informed various and sundry people that it was so and as a result, there are quite a number of people that...their wages have been jacked up to \$1.25 an hour. This is a very, very necessary piece of legislation because it was passed because we weren't able to conclude for various and sundry reasons the whole Labour Provisions Bill, but this was absolutely necessary and desirable at that time and my recollection are that it passed through as a Bill, it received the assent... at least I was under the impression that the Commissioner gave his assent...and thought that might have been in at a time that the Commissioner puts his John Henry to the Bill.. in all good faith we would have expected that that would have been done forthwith or the Administration or the Commissioner would have said "No, boys. I don't agree with your Bill". This is a very, very breach of faith attitude in my estimation

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Mr. Shaw continues:

because we were of the understanding, I am sure, all Members of Council, that that was the way it was to be..no opposition at all and yet I read here that it won't be proclaimed in effect. Well, that just stumps me entirely.

Mr. MacKinnon: Mr. Chairman, I recall this quite well. There was a type of Bill passed in regards to a Minimum Wage Scale but there also had been discussions giving the Commissioner power to use this where necessary but not as an overall minimum wage scale. For instance, if you hired a chambermaid on the Alaska Highway....at \$1.25 an hour, that would amount to \$300 a month plus room and board which makes it \$400 a month. Now, in many places on the Alaska Highway, this would be a pretty expensive chambermaid and at that time, as it was discussed, the Motion of Council agreed that this would be impossible for the individual operator to pay this type of wages all year round and there would be exceptions and I believe that that is possibly the reason for holding back that legislation. I think it's a very good reason and it needs a lot more consideration. It's easy to sit here if you are not a wage payer and say "We should do this. We should do that", but when you are faced with the basic facts, then it is a different thing entirely. Possibly...we have a little Indian girl doing a half a dozen rooms, maybe less, and if an operator was forced to pay here \$400 a month, or the equivalent in fringe benefits, then it is kind of ridiculous. I think this was the consideration that was asked for. I just hope that Council remembers that conversation.

Mr. Taylor: Mr. Chairman, I can only say that this Council approved, by majority, the matter of basic minimum wages and the basic minimum law that is in effect....I note in the Pugh Report, as a matter of fact...it's there...the same thing...\$1.25...and this affects anybody employed, regardless of who. It does provide though that the rate of not less than \$1.25, or not less than the equivalent of that rate, in the time worked by him or the wages of the employee are paid on any basis of time other than hourly, so it is quite clear. I would like to ask Mr. Commissioner if it is his intention to implement this at this time?

Mr. Commissioner: Mr. Chairman, I think I made it very clear that I was looking for Council's direction in this and I have no knowledge, other than possibly drafting proper regulations, as to why this was not put into effect. There doesn't seem to be any reason on record that I can find, Mr. Chairman, for this not being done. I do have this to say to you and that is that the Ordinance respecting wages in the Yukon Territory that you have here and a Labour Provisions Ordinance which outlines very clearly in detail under what terms and conditions these wages are to be paid and other governing factors in connection with them, are two different pieces of legislation altogether. In other words, they are a far step apart and if Council, for any reason at all, feel that the terms and conditions under which they wish to give effect to these minimum wages are of very great importance, then I would suggest that you instruct me to withhold putting this Ordinance into effect. If, on the other hand, you feel that this is not an important element...that strictly the Minimum Wage should be put into effect, I am quite prepared to be guided by Council's wishes.

Mr. Taylor: Mr. Chairman, in this respect...this is why...the question has been raised. This is why I proposed the Bill. This is the only portion of the Bill that seemed to receive the Council's consent at that time because everybody wanted to go home. This is necessary legislation. This is

Mr. Taylor continues:

something the people of the Territory have been looking for. The labour force need this protection. They are offered protection throughout the rest of Canada with the exception....I don't know about the Northwest Territories.. and I would therefore move that the Administration implement immediately the basic minimum wage legislation as approved in the Spring Session 1966.

SESSIONAL  
PAPER #43

Mr. MacKinnon: Mr. Chairman, after all the discussions... and Mr. Taylor was so anxious to have this legislation brought into a reality...he did, at the same time, request the Administration to make an exemption...an exemption for prospectors in the field...to keep them away from overtime and keep them away from coming under this type of legislation, and if he wants to refer back to Votes and Proceedings, he will find his very words.

Mr. Taylor: Mr. Chairman, in answer to that...I was referring not to a basic minimum wage when I referred to that section.

Mr. Shaw: Mr. Chairman, I have been an employer in the Yukon Territory for over twenty-six years. The way the dollar has devaluated, it is necessary that, at the same time, as it devaluates, things must be taken into consideration to even that matter up in relation to what a man earns and what he has to pay. I feel that no one can afford to work for less than \$1.25 an hour whether they are cleaning out pots or washing dishes, or whatever they are doing. A business will just have to regulate its operations so that it can meet wages that are at least something that a person can live on. It is not good for this country if everyone is underpaid in relation to the balance of the country... you have an imbalance of the things that are nothing but detrimental. On top of that, Mr. Chairman, if we are in the habit of paying people 75¢ an hour, 65¢ or 90¢ an hour, we have very little chance of ever getting people from other places of Canada to come up and work here. We have to be realistic about this. There is no one that likes to pay out any more money than they have to, including myself, but, at the same time, if we expect to continue to **co-operate** in this Yukon Territory and to have a labour force, we must give them at least as good as what they get in the other areas of Canada...in the other Provinces...in neighboring Provinces. If we don't do that, then we will just have no labour force or a very inferior labour force. We have heard, when we were discussing Council's stipend, about how Members of Council should have this and should have that and they need money here and they need money here and all those ramifications. Well, that might be quite correct, Mr. Chairman, but that also applies to the person that is looking after beds, or washing dishes or any job in any part of the economy that you can think of and that is why there may have been sections of the Code when we discussed it that I did not agree with at that particular time but certainly I agreed and have agreed, from the very start, that we must have a minimum wage to at least protect some of the people that do not have the protection of unions or are not in the high industrial capacity. In view of this, I would second Mr. Taylor's Motion in respect of the Commissioner proclaiming this.

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

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that this is crucial for ensuring the integrity of the financial statements and for providing a clear audit trail. The text notes that any discrepancies or errors in the records can lead to significant complications during an audit and may result in legal consequences for the company.

2. The second part of the document outlines the specific procedures that should be followed when recording transactions. It details the steps from the initial receipt of goods or services to the final entry in the accounting system. This includes instructions on how to handle invoices, receipts, and other supporting documents, as well as the timing and frequency of record-keeping activities.

3. The third part of the document addresses the role of management in ensuring compliance with these procedures. It states that management is responsible for creating a culture of transparency and accountability within the organization. This involves providing clear guidance to employees, monitoring their work, and taking corrective action when necessary. The text also highlights the importance of regular communication and reporting to senior management and the board of directors.

4. The fourth part of the document discusses the impact of these procedures on the overall financial health of the company. It explains that accurate record-keeping is essential for identifying trends, managing risks, and making informed decisions. By maintaining high standards of record-keeping, the company can improve its operational efficiency and reduce the risk of financial loss.

5. The fifth part of the document provides a summary of the key points discussed and offers recommendations for further improvement. It suggests that the company should regularly review and update its record-keeping procedures to reflect changes in the business environment and regulatory requirements. Additionally, it recommends providing ongoing training and support to employees to ensure they are fully equipped to handle their responsibilities.





3:30 p.m., Tuesday  
November 22, 1966

Mr. Chairman: Well gentlemen I will call this committee back to order and we have a motion before us. It is moved by Councillor Taylor and seconded by Councillor Shaw that the administration implement section 5 of the Basic Minimum Wage Legislation as approved at the Spring Session of 1966. Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried. Mr. Taylor would you take the chair. SESSIONAL PAPER 43

Mr. Chairman: Gentlemen is there anything further in relation to sessional paper #43? The next sessional paper is number 44. - Public Utilities Income Tax Transfer Act. SESSIONAL PAPER 44

Mr. Shaw: There is another party in this. I don't quite understand, "Accordingly, the Government of the Yukon Territory may anticipate receiving rebates commencing with the year 1966". Whom would they receive the rebates from?

Mr. Commissioner: The Receiver General Mr. Chairman.

Mr. Shaw: Mr. Chairman, I don't quite understand what they are getting the rebate from, they don't get the taxes or collect the taxes like the provinces and I just wondered exactly where this rebate would come from?

Mr. Commissioner: Mr. Chairman, the public utility companies that operate in the Territory pay income tax on their profits in the same manner as what any other corporation is required to do and this is a paper telling you that as the income taxes paid by public utilities companies that operate in provinces are paying income tax as likewise those in the Territory are paying income tax and by agreement between the Crown and the Provinces, 95% of the tax is to be rebated to the provinces and so with the Yukon and the N.W.T. receive back from the Receiver General 95% of the income tax paid by the public utilities companies on their operations within the Territory. In other words Mr. Chairman it would be just the same as the paper indicating that income taxes paid on any other specific industry would be rebated to the Territory. This happens to be public utilities.

Mr. Shaw: Thank you Mr. Chairman, I see it now. The reason I couldn't see it was in the fact that this was July, 1966 and I couldn't imagine that the federal government would collect taxes for 1966 when this Royal Assent was given until sometime in April or something like that.

Mr. Commissioner: I think Mr. Chairman the date of the start of the rebates will commence with the tax year 1966 and the tax year gentlemen is April the first until March 31st in the year following. What is being asked here as it says here, "the Government of the Yukon Territory may anticipate receiving rebates commencing with the year 1966". I think it should say tax year here gentlemen to make it more clear. "I would propose that the full amount received be paid to utility companies concerned with the proviso that the full amount of the rebate be applied in reduction of consumer rates." In other words what you are being asked here is they rebate this money to the utility companies on the understanding that they in turn will show us a formula showing that this full amount is passed back to the consumer in lowered utility rates. "The approval of Council to this arrangement is requested. Payments made by the Government of the Yukon Territory will, of course,

Mr. Commissioner continues.....

be included in the annual estimates and be voted upon by Council." In other words the amount that will be involved will be an item in your estimates, where it is being paid to, the amounts being paid, and we will be in a position to tell you the formula that is proposed in each instance in order to get this money back into the hands of the consumer.

SESSIONAL  
PAPER 44

Mr. Shaw: In other words you say that the utility companies will be exempt from corporation tax, in other words 5%. Am I to understand that from now on the utility companies will pay 95% of what they would usually pay in corporation tax to the Territorial Government and 5% to the federal government. Is that correct?

Mr. Commissioner: Mr. Chairman, the tax will be paid in the normal way to the Receiver General who in turn will send 95% of it back to the Yukon Consolidated Revenue Fund each year. These amounts and where they are derived from will be made known to us which in turn will be made known to you as an item in the budget for you to question and pay with your permission, that number of dollars to the utility company in question which originally paid that amount of taxes and the formula whereby they are going to get that back into the consumer's hands will be presented at the same time.

Mr. Shaw: A supplementary question, I quite see how it is. I had just forgotten it is sort of in between. That raises another point Mr. Chairman. In order that there is any basis in something like this it will be necessary that, as with government largesse, to accommodate individuals somebody where along the line has to show statements of profit and loss and so on and so forth so there in turn Mr. Chairman it would appear to me that we will require the services of a public utility commission at some future date to insure that this will work as the Act is intended to work.

Mr. Commissioner: Mr. Chairman, I would hope that we wouldn't need guidance from a public utilities commission on this particular thing. I think what we are going to require is a very carefully worked out formula that we will be presenting to Council and the situation handled in such a manner that the intent of what is said here is given effect to. But I would certainly hope Mr. Chairman that we would have to establish a public utilities commission in order for us to accomplish this end. I am quite sure that we can come up with an acceptable formula to get this money back into the hands of the consumers.

Mr. Shaw: Mr. Chairman, the net result would be that the utility companies would not be any further ahead. All this would do is provide them, as far as I can see, with more bookkeeping or lower your rate accordingly.

Mr. Commissioner: Mr. Chairman, it is the Minister's desire that everything be done to lower the cost of basic utilities to the consumer's throughout Canada and the North. This form of tax rebate is simply one more approach along those lines and I think it will be much easier for Council to digest the impact or the intent of this situation when they see it spelled out in dollars and cents and in front of them.

Mr. Shaw: Mr. Chairman, well as far as the public utilities

Mr. Shaw continues.....  
company is concerned they are going to get the same amount of revenue from this but they are going to have added reorganization of their rates and restructure and so on. They will not benefit by it, the public will benefit by it and it will entail more bookkeeping on their part. That is the question I asked and nobody agreed with it before and finally I have put over.

SESSIONAL  
PAPER 44

Mr. Boyd: I have no sarcasm to offer.

Mr. Chairman: Order.

Mr. Shaw: Are you slipping?

Mr. Boyd: I wholeheartedly concur with sessional paper #44 and I would move that we accept this recommendation.

Mr. Thompson: I second the motion. All this about tax, have you a corporation George?

Mr. Shaw: No, I haven't a corporation I want to find out what is in here.

Mr. Chairman: Order gentlemen. It has been moved by Councillor Boyd and seconded by Councillor Thompson that committee agrees with the proposals outlined in sessional paper #44. Are you ready for the motion. Are you agreed with the motion? Any contrary? The motion is carried and the next is sessional paper #45, Expo '67.

MOTION  
CARRIED

Mr. Shaw: Yes again. I just can't see how in the sam hill you can spend a \$100,000.....sam hill, there isn't anything wrong with that.

SESSIONAL  
PAPER 45

Mr. Chairman: Order please.

Mr. Shaw: Sam hill is a.....Well in Mr. Sam Hill could they spend a \$100,000 on about 16 x 16 room. Surely anyone with ingenuity could figure out something for the Yukon Territory. \$12,000 for a display in a 16 x 16 room? I just can't see why. Maybe we need to hire a different firm of people, of window-dressers. I think it is very----I would like to see a display on the Yukon down there at Expo. It would let the people of the worl know that there was a Yukon Territory and I would assume that we would have a map there to show them there is. But I cannot see in--regardless of having to spend \$100,000 on something like this--this is absolutely ridiculous and I don't know, I would feel that maybe Mr. Commissioner could look into this matter and find out. There must be something else. If these people can't there must be somebody along the line who can give it something. If this was a large building I could see it and understand it. I think that this could be done for less and stay within our budget of \$50,000.

Mr. Taylor: Mr. Chairman, I heartily concur with the thinking that has been expressed by the honorable from Dawson in this respect. I know that both he and myself in conjunction with the administration and behalf of the Council spend a great deal of time, travelled a great distance and met with a great deal of people in order to try and culminate plans for the Yukon's participation in Expo '67. It seems that when we

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PAPER 45

Mr. Taylor continues.....

left the Spring Session everything was going fairly well until we got into this business of a \$100,000. I agree that there must be some means possible for us to participate usefully and beneficially for \$50,000 at Expo and even if we supply our own design and our own people in this respect. It may be possible that this would not be allowed, however, I feel as Councillor Shaw does, very sincerely that the Yukon should participate in Expo '67. There is a lot of work behind this and as I say we can see the benefits of letting many millions of people from around the world to know that we do exist. This comment that the N. W. T. does not plan to have a display means absolutely zilch or nothing. As I have said, the sooner we alienate ourselves from them and their thinking the better off we will be. We have been assured that we have the assistance in the form of \$50,000 from the federal government and I think that another look should be taken at this immediately as this Expo is going to be opening early next year and that some plan be worked out so the Yukon will, indeed, and in fact be an exhibitor, a beneficial exhibitor at Expo '67.

Mr. Boyd: Well Mr. Chairman, obviously these men are not \$1.25 hour men. Be it far above that capacity, apparently. It seems to me that this is Montreal's Klondike year. There is somewhere in the neighbourhood of a billion dollars being spent and these fellows are going to get their share of it the first time round. It is quite simple. Now, this chap that was up here concerning this publicity, we Whitehorse Councillors did have a chance to talk to him. I think I say this correctly, all of us. It seemed to me that he didn't think in anything less than \$100,000 and in fact this was small fry, this \$100,000 was a small kettle of fish for him and his way of thinking. So this is what you are up against and I think that you are going to get very little in the way as suggested by him in the way of \$50,000 because he is going to take most of it for his effort anyway.

Mr. Thompson: Yes Mr. Chairman I think that we are probably talking in terms of around \$100,000 because on the second time around after the designer resubmitted estimates he is 50% above the original estimated figure we gave him. So, conceivably the only item in this particular sessional paper will be the rental of the space which will remain the same. So by increasing your design and manufacture cost by 50% and for operation an additional 50% you are up to \$75,000 right now and I don't think that this is probably a very healthy time to be considering spending \$75,000 or \$100,000 on a one shot proposition. I think conceivably when we got into this in its original form we were probably carried away by the problem of trying to maintain a Klondike for the Yukon and this has come about because of the problems with Edmonton and I think that we are conceivably about \$50,000 over our original estimate and I think at that time we, in fact if I remember correctly, we were led to believe that between \$25,000 and \$30,000 would get us practically anything we wanted and after a few quires we found that this was not so. I think that if we let ourselves into something of this nature at this time we are going to find that it is going to cost considerably more because somebody stated we are getting close to the opening date and to change horses in mid-stream you are going to have to start all over again and presumably by this time you are not going to find anybody that is going to come up with a design and after they have come up with a design to manufacture the end product. So, I for one will be opposed to the continuation of this particular motion.

Mr. MacKinnon: I would like to ask the Commissioner a question before we get too deeply involved in this and that is the question as to whether this money is recoverable from the federal government? SESSIONAL  
PAPER 45

Mr. Commissioner: I think Mr. Chairman that answer would be more readily available from one of the Councillors than me. I would have to go ask my staff. Do you want me to get it checked?

Mr. Chairman: In that respect the Minister assured us that at the time of initial discussion that \$50,000 would be readily available from Northern Affairs.

Mr. MacKinnon: I would appreciate it if we could get a definite answer. It would have to do with the way I vote, concerning this sessional paper.

Mr. Commissioner: Mr. Chairman, I would ask the Clerk if he could obtain the information for us.

Mr. Chairman: I will call a short recess.

RECESS

EXPO

Mr. Chairman: I will call the committee back to order. We were discussing sessional paper #45 - Expo '67. Any further comments.

Mr. MacKinnon: I would make a motion that we give up the idea of this participation in Expo '67.

Mr. Thompson: I will second that motion.

Mr. Watt: Speaking on the motion, I can certainly agree with the motion particularly after the question which Mr. MacKinnon had asked had been answered that this is not recoverable at all from Ottawa and it will be coming out of the Territorial taxpayer's pockets. This figure of \$100,000 appears to be final and I agree with the motion that this matter should be dropped.

Mr. Taylor: Well I agree gentlemen that we have encountered a sort of impasse here but I don't agree that we should drop this idea of letting the world know that the Yukon exists through an exhibit in Expo '67. I don't think the Yukon should lose sight of the opportunity to be gained in relation to the \$50,000 we speak of or any like similar sum. The benefits that would accrue to the Territory from spending that by bringing more people to the Territory and bringing industry and I think we have lost sight of the type of exhibit that we foresaw and that was one which let the world know, (a) where we were, (b) why we felt that they would be interested in coming here and spending money as a tourist dollar, and (c) there was a small emphasis to be placed on industrial advertising at this exhibition. The site was located at the exhibition where anyone going into Expo would have to go by the boutique. The benefits that could accrue from an expenditure of \$50,000 at Expo, I am thinking would be good for the Territory and I think the Territory would get their money back in other ways, that is through tax revenue from the people coming to the Yukon in the future----gentlemen this is a world exhibition. Now, before we just throw this whole thing up in the air as this motion suggests, we haven't looked at this thing since Spring and the administration

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Mr. Taylor continues.....  
hasn't had a chance to find out what Council thought until now and I say that we should have another look, communicate with the Expo people and say all right, is there any other way we can participate and advertise beneficially in Expo '67. Then this thing we have persued and this to me would make common sense but to throw this program down the drain would not gentlemen be in the best interests of the people of the Yukon Territory until we have more information. If we are then informed that it is impossible to beneficially display the Yukon in Expo '67 then I would be in favour of scrapping the program but I could never never possibly agree to drop it in this manner and I feel that it doesn't cost much to write a few letters back and forth and I think we should look deeper into this.

EXPO

Mr. Boyd: Councillor Taylor talks about displaying the wares of the Yukon. The first question that was put to us by this gentlemen from Montreal was do you know who is going to look in your bo-peep, or whatever you call that thing and I said no and he said it is going to be by and large the fellow on a holiday. These are the people you want to attract into your booth. You are going to set up something that is not of interest to the masses or your booth isn't going to be too popular. So there was an angle that tossed our thinking as: how you are going to advertise the Yukon, it kind of tossed it into a cocked hat as far as I was concerned and he is a man who moves this way, he lives this kind of business and he wouldn't even consider our ideas really that he was going to be the job. In other words it wouldn't be it and we aren't as hep as we thought we were. I agree with Mr. Chairman that it would be nice to see ourselves represented there but I am also fully convinced that if we are going to do it we are not going to be up against \$100,000 but \$150,000 before we get through. We are going to get into a stream here just as we are a foot high. We got into them before and we can't get out of them. We are not quite into this one yet and I am not quite prepared to get into it either.

Mr. Chairman: Gentlemen, I have a motion before me moved by Councillor MacKinnon and seconded by Councillor Thompson that we do not participate in Expo '67 due to the fact that the whole cost is the responsibility of the Yukon taxpayer. Any further discussion on this motion?

Mr. Shaw: I am afraid that I can't vote for this motion. It is too chop chop. There is no room for maneuver whatsoever in this motion. I myself would like to see a motion that in as much as \$50,000 has been approved that the administration communicate with the officials of Expo to determine if we can have a display within the amount of money in which we had originally intended, namely \$50,000. This just wipes it out without any negotiation whatsoever and I don't think that was right. All these different states and countries have had exhibitions at the Seattle World's Fair. I had the pleasure of going to that fair and gentlemen I can tell you that one of the most outstanding exhibits of all the states and countries that exhibited in that world's fair, was the State of Alaska and that was the one that got the greatest comment and as a result the greatest advertising. We are reaping the benefits of that by the tourists that come up, hanging on to Alaska's shirttail. This exhibition that we are going to have at Expo is an exhibition that is supposed to portray all of Canada to the people of the world. And yet gentlemen I see

Mr. Shaw continues.....

that 40% of Canada, the N.W.T. and the Yukon, if this motion is implemented will not be represented except they will have a shield somewhere on this modernistic structure that they are going to have for the Canadian government. But afar from that there will be nothing to show the people that there is a N.W.T. or that there is a Yukon Territory. And yet Edmonton in relation to size on the map, a mere pinprick, on the map, pardon me, is going to spend a quarter of a million dollars. And here we have \$50,000 for 207 odd thousand square miles and this motion will wash the whole project and concept out of the window. Gentlemen I don't think that is using our common sense at all. I feel that the \$50,000 is a lot of money and there is a possibility even if we had to send Yukon Bud down there to man this station. I think he would be just as much attraction as one of these two million dollar boutiques. So, that is why I would be against this motion in the form that it is. I am quite satisfied that I wouldn't be prepared to expend more than this amount that has already been approved but not to wash the whole thing up. I think we should investigate this thing a little further and put a limit on the amount of \$50,000.

EXPO

Mr. Watt: I understood that the answer we got from the Clerk when Mr. MacKinnon asked if this was recoverable was no. Could you explain Mr. Shaw. I understood that there is nothing recoverable and this would be coming out of the taxpayers pockets and we are just in the process of going to Ottawa and asking for quite a few things and I won't ask for something unless it is absolutely necessary. Besides, we had a real good product in the Yukon and we don't have to pass on to the toptrists a bunch of ballyhoo.

Mr. Shaw: Yes, Mr. Chairman, this comes out of the taxpayer's pockets and the seven million dollars of Canada's showing there comes out of the taxpayer's pockets. The one hundred million dollar deficit and what have you involved in this Expo comes out of the taxpayer's pockets. Anything that the government expends has to come out of the taxpayer's pockets and whether it has to come from the Territory or whether it comes from the government, the federal government, it is the same thing. I think Mr. Chairman the yardstick that I always use in these matters is that whenever we expend in the Yukon Territory there is possibly 80¢ coming out of all the people of Canada and about 20¢ out of our pockets so it all boils down to the same thing, taxpayer's money and I am just as capable and careful and concerned about spending the taxpayer's money whether it comes out of Montreal or Quebec or Toronto or Vancouver as I am of the Yukon Territory.

Mr. Chairman: Is there anything further gentlemen?

Mr. MacKinnon: Mr. Chairman, I would just like to say that I am very afraid of this getting out of hand. It looks to me that this could well lead into something like our Minimum Security Camp that this Council gave sanction to and we are faced now with a \$100,000 expenditure. I believe by the time we are through that it might be \$200,000 and this is just adding insult to injury and I believe the time to stop it is now as it is getting out of hand. There is every indication of it.

Mr. Taylor: Mr. Chairman, I would....

Mr. MacKinnon: Order please.

Mr. Taylor: Mr. Chairman I would just like to.....

Mr. MacKinnon: Order Mr. Chairman, I think I closed the debate.

SESSIONAL  
PAPER 45

Mr. Taylor: This is now committee. Mr. Chairman, as I have suggested earlier we have done a lot of groundwork in this program and I think we should have an opportunity to sit down with the administration. Councillor Shaw and myself were appointed as a committee of two, to deal with this thing, the matter of the Yukon's exhibit in Expo '67. I think we should be given an opportunity to sit down with the administration and to contact the Expo people and determine whether or not there is any alternative to this proposal set forth on the sessional paper #45 before we cancel out the Yukon exhibit. I think you will all agree that the Yukon is a magic word throughout the world and here is a golden opportunity for us to make beneficial use of a display in order to publicize and bring people to the Yukon, both the tourist industry and the industry otherwise. Now there may be some other way we can participate and in this respect I would like to propose a motion or an amendment to this motion. I would move that the question do not now be put but be put on December the second next. This is seconded by Councillor Shaw.

EXPO

Mr. MacKinnon: I believe that this is out of order. We have a motion before us that should be read and this is an amendment.

Mr. Taylor: This is an amendment that is quite in order.

Mr. Chairman: I have an amendment to the motion and the amendment is moved by Councillor Taylor and seconded by Councillor Shaw that the question do not now be put and that it be put on December the second next.

Mr. MacKinnon: Mr. Chairman, I think there is something wrong. We haven't heard the motion read.

Mr. Chairman: I have read the motion before and the amendment comes first. Question on the motion.

Mr. Watt: Could I ask why the request to postpone this.

Mr. Taylor: Mr. Chairman, in answer to the honorable member I might say that I gave that information when I last rose and that was to give an opportunity to determine whether there is another way to participate in Expo before we throw this whole program down the drain. That gives us until December the second next to consider it.

Mr. Thompson: We won't be here that long, that is fine. And according to my calendar Thursday, December the 2nd, falls on Friday.

Mr. Chairman: Are you ready for the question on the amendment.

Mr. Boyd: Surely we can.....oh well I will sit down.

Mr. Chairman: Ready for the question?

Mr. Taylor: Mr. Thompson is quite correct that is Thursday the first of December.

Mr. Boyd: Mr. Chairman, just before you call this is this an amendment or a request? It is a request not to call a question and it doesn't change anything other than delay it. It is a request not a change in the motion.

Mr. Taylor: This is in order that we can get some more information before the question is put.

Mr. MacKinnon: Question.



Mr. Chairman: Question on the amendment. Are you agreed with the amendment? Contrary? I move the amendment defeated. It has been moved by Councillor MacKinnon and seconded by Councillor Thompson that due to the high cost of the Yukon's participation is the responsibility that we not participate. Are you ready for the question? Are you agreed with the motion? Any contrary? I will give my vote for the motion. The motion is carried.

SESSIONAL  
PAPER 45  
EXPO  
MOTION  
CARRIED

MOTION CARRIED

Mr. Chairman: Mr. Taylor will you take back the chair.

Mr. Chairman: Thank you Mr. Southam. Well gentlemen the next item is sessional paper #46. Where is #46?

Mr. Commissioner: Were you contemplating being able to deal with the next sessional paper this afternoon. Sessional paper is being corrected.

Mr. Clerk: The next is sessional paper #47.

Mr. Chairman: As sessional paper #47 is a long document and has to do with economic study and I don't think we will have the opportunity to deal with it.

Mr. Commissioner: May I be excused then Mr. Chairman.

Mr. Chairman: Thank you Mr. Commissioner.

Mr. Thompson: In view of the time I would move that Mr. Speaker do now resume the chair and hear the report of the chairman of committees.

Mr. Watt: I will second that.

Mr. Chairman: It has been moved by Councillor Thompson and seconded by Councillor Watt that Mr. Speaker do now resume the chair and hear the report of the chairman of committees. Are you ready for the question? Are you agreed? Any contrary? The motion is carried and Mr. Speaker will now resume the chair.

Mr. Speaker: Gentlemen, I will now call this Council to order and hear the report of the chairman of committees.

Mr. Chairman: Mr. Speaker, committee convened at 10:25 to discuss bills, memoranda, sessional papers and motions. The committee first dealt with sessional papers with Mr. Commissioner and Mr. Fitzgerald in attendance. It was moved by Councillor Boyd and seconded by Councillor MacKinnon that the paragraph in sessional paper #39 which reads "to prevent the use of helicopters in hunting in any manner including the transportation of game, hunters, and hunting gear," be accepted as written. This motion was carried and Councillor Thompson was opposed. The committee recessed at twelve noon and reconvened at 2:00 p.m. It was moved by Councillor Taylor and seconded by Shaw that the administration implement section 5 of the Basic Minimum Wage Legislation as approved at Spring Session 1966 and this motion was carried. It was moved by Councillor Boyd and seconded by Councillor Thompson that Committee agrees with the proposal as outlined in sessional paper #44. This motion was carried. It was moved by Councillor MacKinnon and seconded by Councillor Thompson that we do not participate in Expo '67 due to the fact the whole cost is the responsibility of the Yukon taxpayers. The motion carried. It was moved by Councillor Thompson and seconded by Councillor Watt that Mr. Speaker resume the chair and hear the report of the chairman of committees. This motion was carried.

CHAIRMAN OF  
COMMITTEES  
REPORT

Mr. Speaker: You have heard the report of the chairman of committees. Are you agreed. Thank you. What is your pleasure now gentlemen?

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

Mr. Speaker: We have an agenda yet before we adjourn.

Mr. Taylor: Mr. Speaker, apparently Mr. Commissioner has delayed sessional paper #46 and there is some urgency to sessional paper #47, the economic study. Possibly we could deal with this right off after bills, memoranda, and sessional papers and motions.

Mr. Speaker: Is it agreed that tomorrow's agenda will be sessional paper #47, with particular note of urgency to that paper. What is your pleasure now.

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

Mr. Boyd: It has been moved by Councillor MacKinnon and seconded by Councillor Boyd that we do now call it five o'clock. Are you ready for the question? Are you agreed with the motion? Contrary. The motion is carried and this Council stands adjourned until tomorrow morning at 10:00 o'clock.

10:00 a.m., Wednesday  
November 23, 1966

Mr. Speaker said the daily prayer and all Councillors were present when Council was called to order.

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

Mr. Clerk: There is Mr. Speaker.

Mr. Speaker: Do we have any correspondence?

CORRESPONDENCE

Mr. Clerk: We have two sessional papers this morning, #48 which is the minutes of the 13th meeting of the Financial Advisory Committee, and we also have sessional paper #49. I have here for Council's perusal a copy of Regulations passed since the last Session of Council and also a copy of all land transactions which Council may peruse at their pleasure.

SESSIONAL  
PAPERS  
48 & 49

Mr. Speaker: Thank you Mr. Clerk. Have we any committee reports? Have we any notices of motion and resolution?

Mr. MacKinnon: Mr. Speaker, I would like to give notice of motion re Daylight Saving Time - Yukon Time Zones.

NOTICES OF  
MOTION

Mr. Speaker: Any further notices of motion?

Mr. Boyd: Mr. Speaker I would like to give notice of motion concerning the Financial Advisory Committee.

Mr. Speaker: Thank you Mr. Boyd. Have we any further notices of motion? If not we will proceed to orders of the day. Have we any notices of motion for the production of papers? We will therefore proceed to motions. We have the first one, Motion #8, Mr. MacKinnon.

MOTION #8

Mr. MacKinnon: Mr. Speaker I am sorry but I haven't got a copy of the motion. Motion #8, moved by myself and seconded by Mr. Watt. "It is the opinion of Council that the Administration be requested to make a regulation to encourage roadhouse operators to attach information plaques on roadhouse highway signs informing the general public of winter month closures." May I proceed Mr. Speaker? Well I think you are all aware that we have a little problem with a lot of people who close down during the winter months and they just forget to cover or take down their signs and the signs being two, three and possibly ten miles away from the establishment could mislead the general public. Possibly a man's car would break down and they would be forced to walk in eight or ten miles and find the place closed. These signs are very misleading and I believe that we do have a law now that can force them to take down these signs but I wouldn't want to see this happen because it is quite costly to put up a sign, we'll say for instance 8 x 12, and if Council could see fit just to put a notice on the sign saying they are closed from December until March whichever way it would be I think this would be beneficial to the operator.

ROAD SIGNS

Mr. Taylor: Yes, I brought this to the attention of Council a few days ago during the question period with the Commissioner and I am not clear, I can't find them in Votes and Proceedings, as to whether there is any requirement at the present moment whatsoever in respect of this initial question. I wonder if Mr. Clerk will inform me if there is any requirement for people to post notices of closure under the Signs Ordinance?

Mr. Clerk: Mr. Speaker, to the best of my knowledge I don't think there is.

MOTION #8

Mr. Speaker: Thank you Mr. Clerk. Have we any further discussion on Motion #8? Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried.

MOTION  
CARRIED

Mr. Speaker: We will proceed to Motion #9, Mr. Southam.

MOTION #9

Mr. Southam: Motion #9. Moved by myself and seconded by Mr. MacKinnon. "That the Administration be requested to prepare legislation or regulations requiring all supervisors in mines to have approved First Aid qualification and full knowledge of Mine Rescue Equipment and Mine Rescue technique and Fire Prevention methods." May I proceed Mr. Speaker? I think you will probably all know why I am bringing this matter up. There is in the Ordinance a section or paragraph that states that the Manager of a mine must train a certain amount of personnel for mine rescue training. It has been my belief and has belief for a number of years that this doesn't go quite far enough and that any supervisor, regardless of his job, who supervises men underground whether it be a producing mine or whether it be a prospect, no matter where it might be, that he should have atleast a qualified St. John's certificate for first aid and also know the capabilities of mine rescue machines. I do not mean by this that a man has to be a trained mine rescue man but he should know what a machine will do and what it's full capabilities are and also he should have full knowledge of the mine rescue techniques. Then, if such a thing as a fire breaks out he should know exactly what he should do and how soon or what. This is a must not written into the act in Ontario but it is the must of any supervisor that works there. I know this because I have worked there. In B. C. it is an unwritten law also, you might say. Any engineer, any supervisor that works under ground has to take all this training and know what he is doing. Also in B. C. you have to take a written and oral examination in the Mines Act. In other words, before you can become a permanent supervisor in B. C. you have got to know the Act and you have to know the workings of it. This is the reason that I bring this up. Now this has never been exactly written into the act and I think it should. I certainly think that any supervisor that has to do with the responsibility with men underground or with men around should have to have the first aid certificate and also know the ins and outs of the mine rescue equipment. I hope that Council will agree with me and that this is something we should look forward to getting into our act sooner or later. Thank you.

MINE  
SAFETY

Mr. Thompson: Mr. Speaker, although it says on the motion that it was seconded by Mr. MacKinnon I think that it was my illegible writing that led to that. I did second the motion and speaking to the motion I quite fully concur with the mover and I feel that it is in the best interests of the mining industry and I feel it would give a greater control and give a safety aspect to the industry and I can see it doing nothing but good and so with this in mind I give my whole-hearted support.

Mr. Taylor: Mr. Speaker, I think this is good. I think that this is sound. It is necessary legislation I feel. I think it has always been recognized that a good supervisor who, be he under ground and if not on the ground in a mill, should never send a man to do a chore that he wouldn't do himself and as we will know even working around a mill the supervisor should

Mr. Taylor continues.....

be current on all aspects of safety. As you know it is easy to get into trouble around a mill. There are all sorts of acids running every which way. Underground, of course we all realized what happened this summer and a minute or a fraction of a minute can make quite a difference in things like that can make quite a difference. I would whole-heartedly endorse this motion. I think it is a real step forward in the mining legislation in the Yukon.

MOTION #9  
MINE  
SAFETY

Mr. Speaker: Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried.

MOTION CARRIED

Mr. Speaker: The next motion is #10. Mr. MacKinnon.

MOTION #10

Mr. MacKinnon: Mr. Speaker, this is motion #10, moved by myself and seconded by Mr. Watt. "It is respectfully requested that Administration make every possible effort to collect land line tax from C.N.T." May I proceed? Well gentlemen I believe that you are aware that C.N.T. are a profit making organization even though they lose their hide in the East. But, they don't get away with this sort of thing anywhere else. Just in the Yukon. They end up with an overall company deficit of around forty million dollars each year that the federal government pick up the tab for. So instead of the Yukon having to give such a grant I suggest that we collect the taxes from this particular company and then we help to pay our own way instead of them having to take the money away from here and we having to get it back in the way of a grant from the federal government. Now in 1960 I went to my Councillor and wanted him to do something about C.N.T. not paying gas tax and I knew something about it because I was selling them gas tax-free and he said well it is nonsense and that they were a Crown Corporation and that you couldn't do anything about it but in later years with Mr. Clerk's strenuous efforts he managed to collect gasoline tax plus have them licence their vehicles. I feel that we can go a little further and we can make them pay a land line tax such as other telephone companies do in Canada. I think it is a very important thing and I think it is a very big thing. I know my telephone bill seems to increase a little each year and I think that a very wise move would be to do our very best to make this company pay the Territorial government land line tax. I think it is a necessity. We talk of taking steps towards autonomy. This is a step towards autonomy. Let's sort of keep the horse ahead of the cart.

TAX  
REVENUE

Mr. Speaker: Have we any further discussions on motion #10? Are you ready for the question?

Mr. Taylor: Mr. Speaker, one question, there is another subject we dealt with and I believe that there is a bill respecting this before Council right now and I am just wondering that in view of the fact that this bill is in front of Council involving taxes on the Taxation Ordinance. Why are we dealing with this now and secondly why don't they pay taxes?

Mr. Clerk: It is quite an obvious answer. They are a Crown Corporation and are exempt by a federal act.

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

Mr. Taylor: Part of it. In view of the fact that the matter is under discussion subject to a bill it should be right and proper that we discuss this with bill #2.

MOTION  
#10

Mr. MacKinnon: Yes, Mr. Speaker. Now, Mr. Clerk says that they are exempt and I am not quite so sure that they are exempt. They are not exempt in Alberta or B. C. even though they are a Crown Corporation. They used to be exempt from paying gasoline tax and buying licences and they aren't exempt now. I think Mr. Clerk should look into this before he says that they are exempt because I think that we have the right to collect these taxes.

Mr. Watt: Mr. Speaker.

Mr. Speaker: The debate is closed. Are you ready for the question? Are you agreed with the motion? Are there any contrary? The motion is carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: The next item is motion #11. Mr. Watt.

MOTION #11

Mr. Watt: Motion #11. Moved by myself and seconded by Mr. MacKinnon. "It is the opinion of Council that the Federal Government be requested to transfer jurisdiction over mines and minerals, to the Territorial Government." May I proceed? Mr. Speaker this is a problem that we will have some difficulty with I think and I don't want to really prolong this but this is just a request to see how the Territorial Council feels in principle and if we as a Council think that this should be approved or that steps be taken towards this direction then I think the Council will vote for the motion. If not, it will be defeated. My reason for this is that mining is a primary industry of the Yukon and our future depends on it. We have tourism and a few things but mining is primary and our future depends on it and Ottawa is 4,000 miles away and our liason between here and Ottawa is not very good as we have seen in the past. And we have seen where the differences where Ottawa's thinking and our thinking have caused some confusion in the administration of mines and minerals. If we want to make a minor change in the Quartz Mining Act the Federal Government has to go to the House of Commons and do that for us. It takes five years to make a minor change and all the provinces have jurisdiction over their mines and minerals. If we want to change the Quartz Mining Act in B. C. you go to the B. C. legislature, the provincial legislature, and in a matter of a few months or less than that legislation can be drafted and voted on in the legislature. This should happen here. Our times are changing and I think there are many things in our Quartz Mining Act and in our other acts in respect to mining and mineral that are archaic and they will not be brought up to date and be more effective until these responsibilities are transferred to the Territorial Government. One example would be the bridge at Dawson City. This is primarily for the development of mines and minerals and we would have more say and more responsibility in putting in a bridge at Dawson City and have more say about where it should go in and when. I think this is important to the development of the Yukon. We have no responsibility over mines and minerals right now and we are in competition with Eastern Canada and other parts of Canada in respect to this. Asbestos is a good example, we are competing with Eastern Canada for world markets. Ottawa looks at us and at Eastern Canada and they can pass legislation there with respect to encouraging the sale of asbestos in a world market. Naturally they are going to agree with Eastern Canada because there are a lot more votes in the House of Commons in Eastern Canada than in the Yukon. We could take steps towards assisting these mines and minerals. Another thing is that we don't know what the revenue is and we can't find out. This could be more

MINES &  
MINERALS

Mr. Watt continues.....

than we realize or it could be less. Another thing is that we have another situation at Keno Hill. We have no jurisdiction over their problem, we can't help them, we don't know how much money Ottawa is taking out of Keno Hill where a tax holiday may give them a few more life or something like this and assist in the Territory in that way. We would be better off to have a little less tax off them and continue a large payroll and even sacrifice a few thousand dollars or so. But, we are not in a position to do so or keep it in inquiry. We should at least be in a position to look at it. If we had jurisdiction over mines and minerals we could possibly have somebody as head of this department from the Territorial Council and he would be in a position to come to Council and say that we would operate this company at a concession if they would build a 300 mile railroad, either a tax concession or certain development of an area. We are not even in a position to do so right now. This is what is developing the mines and the minerals in the provinces. Newfoundland right now, they were offered European financial assistance for the development of Churchill Falls, this was a concession. The Premier of Newfoundland was in a position to go over and offer this. We have no salesmen to go out and offer anything. Bennett did it in B. C. Manning did it with oil and gas in Alberta. Thatcher did it with potash in Saskatchewan and these men are in a position to go to world markets for money and bring it into Canada to develop these. The federal government in most cases was objecting to the development of these mining industries and in particular to the development of water in B. C. and the Western Provinces. Every year more substitutes are developed to replace our mines and minerals. Fibreglas, etc. and these products, if they aren't developed now and put into a productive stage then there is going to come a time when these are not necessary. The resources of coal in Northern Saskatchewan, the government saved those for years when they could have been developed. Gas and oil was found and developed in Alberta and this coal was no longer needed. This would have been a developing field and would have possibly have been in use today. Most of our local products, lead, silver, and zinc are mostly be sold in the U.S. There are steps being taken now that this will be a prepaid agreement between Canada and the U. S. and the southern parts of the North American continent. We are going to have more direct interchange between the U.S. and Canada and the U. S. takes most of our products. Most of our asbestos goes there. I would like to have the support of the Council on this and I don't think that the country here, the Territory or the Council can realize any degree here at all of political independence until we get jurisdiction over mines and minerals. This may be a little bit premature now and I realize that before anything is done in this from Ottawa it takes five years after a suggestion is made here before anything is done there. I can give you a good many examples of that. I would like to have Council's approval of this right now and if it isn't as has happened in the past suggestions that have been brought up like this, other Councilors have thought about it for a few months and then come up with a suggestion of their own. If this is repeated now I hope this happens to this motion later on.

MOTION #11

MINES &  
MINERALS

Mr. MacKinnon: Mr. Speaker as seconder of the motion I am wholeheartedly and undoubtedly all with it. I imagine that you gathered that from the start. I think it has a lot of very good, well let's say it is a brilliant outlook for the Territory and I think it would be of great importance if we could handle that one particular thing. I believe instead of having a bunch of fly by night outfits coming in and starting a sale of stock that eventually we would have the real thing. I hope we have Council's support on this motion.

MOTION #11

Mr. Taylor: Mr. Speaker, I am tickled today. This is the nicest ray of sunshine that has burst into this Council. After five long years I have finally heard from that end of the table somebody that agrees with autonomy even though they voted it down everytime it has come to the table. Here it is this morning and by both members, the same members who refused unanimity when we asked for it at the last Session. This is outstanding and I commend both those members for finally getting the light. I think that this is good.

Mr. Speaker: Order.

Mr. Taylor: I think this is outstanding. I am glad that they have seen the light. It is too bad they didn't at the last session, we might have been well on our way towards this goal. In so far as mines and minerals I am sure that we all agree. We have all agreed with a few exceptions that this would be a desirable thing, an outstanding thing. But, the federal government, though of course told us that they are not prepared to give us mines and minerals at this time until we have done a couple of things. One of them is that we have got to show that we are responsible enough to administrate and look after these things, I don't think we have shown ourselves responsible, at least at this moment, in order to take this on. Number two is that we have other things to consider other than mines and minerals and I think it would be foolish to think that the government would even think of handing over this resource until we have accepted some other responsibilities in negotiating the administration. I have heard mention of the Quartz Mining Act. This is wonderful and I am sure happy that this hasn't been turned over to the Territory. Because if this was we would be in some of the other messes as some of the other pieces of legislation we have in the Territory. Woe-be-tide the industry as it would fall apart. The trail to economic and political independence as outlined by the honorable members was found in Motion #10 and I hope the honorable members read their back Votes and Proceedings and note this because that was the thread and if the members feel so inclined it might be reworthy of resubmitting this motion at this time in the knowledge that it would receive full unanimity in Council. I support the motion.

Mr. Watt: Excellent.

Mr. Speaker: Any further discussion? Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: Mr. Commissioner would you care to join us?  
Mr. Taylor will you please take the chair?

MOTION #12 Mr. Speaker: Mr. Shaw, Motion #12.

Mr. Shaw: Motion #12, moved by myself and seconded by Mr. Boyd. "It is the opinion of Council that the Department of Indian Affairs subsidize the electricity and power charges at the Village of Old Crow so that the residents do not pay an amount per kilowat hour greater than that paid by the residents of Dawson." May I proceed? The object of this is the fact that during the last month the people of the City of Dawson have after 70 years of exploitation you may say, that's what it was, are finally being promised, there is nothing definite that I have heard on it, a lowering of power and



Mr. Shaw continues.....  
 electricity rates as such. We have been paying a charge of 25¢ a kilowatt for all these years and have been able to get no relief until quite recently when we were told that we would be getting it and thereby making it a little bit better to live with as far as this utility question is concerned. I am quite sure the rates will be lowered. Now, if go a little further we find up in Old Crow that the Yukon Electric Co. are supplying lights to the people in that area and they are charging them 25¢ a kilowatt for this light. Now, 25¢ is an awful lot for anybody to pay. I do not blame Yukon Electric for charging 25¢. I would imagine that this is almost a losing proposition as far as this is concerned. I am grateful for the fact that there is somebody in that area who is producing power that the people can use, however I think we should perhaps---I am not condemning the electric light company but I am still stating the fact that 25¢ is just too much to have to pay for light in this day and age. It doesn't matter where you go. In the wintertime a 100 watt bulb would be used for ten hours and that is 25¢ a day for one bulb for one family. Now that isn't very much. It comes to \$7.50 a month if you don't use anything else. Usually you would use more than that. Particularly in an area that is dark so much of the day. It is quite a burden for these people to have to pay for just the very minimum. Whatever the charges are per house or whatever I am not sure but I know how much you have to use to have it eaten up. So, by having some relief where they are assisted by the government and they are also pay their own charges. In other words a rate not higher than what was charged in the City of Dawson. This particular matter, we have the question that came up yesterday, in which came up yesterday when I had difficulty in finding out just exactly how it worked where the government does in fact assist the people with utilities by refunding the corporation tax or passing it over to the Territory and the Territory in turn refunds it, it is a form of subsidization. Now, we are subsidizing people in this case Mr. Speaker in this case who pay 10¢ a kilowatt. Now, how about the people who are paying 25¢ a kilowatt? They are entitled to some assistance. Now if we work it on the same basis and give them the same rate I don't think the company would make any money. I thought that perhaps the Commissioner could contact the Minister of Northern Development who in turn could contact the Minister of Indian Affairs who in turn who could in turn direct the department in this particular matter or incidence. They may have to pay say 12¢ a kilowatt. I don't know what the rates will be in Dawson but I think this is a means whereby this type of subsidization is all over the Yukon Territory, that they pay no higher rates than what I would pay in the City of Edmonton but that doesn't seem to be quite possible. However I think that this is something that could be well attended to and I would appreciate Council's support. In the meantime this particular area....Mr. Speaker the people have a very very small earning power. They have a very hard time in order to make ends meet because whatever they buy costs them except what they get in the woods, costs them twice what it does here and when they have to pay 25¢ a kilowatt I imagine it makes it pretty hard to make ends meet at all. This is not in the direct handout sense, it is the sense of assisting someone.

MOTION  
 # 12

Mr. Speaker: Is there any discussion on this motion gentlemen.

Mr. Thompson: I would like to direct one question to the member from Dawson and he intimates that this 25¢ per kilowatt hour. I am wondering, is this based on the total consumption of the area or the consumption of the town and have the rates

MOTION 12

Mr. Thompson continues.....  
been computed by this method. I understand that a great amount of the electricity that is produced in the Dawson area is required for the heating of the water lines. Practically a large portion of the year and I am wondering if this is a city expense or are there any subsidies that are forthcoming for the City on this behalf or just why is the rate this high. There must be some specific reason why this rate is so high and I am wondering if this is it.

Councillor Shaw: I don't quite get the question Mr. Chairman, I am referring to Old Crow and I was using Dawson just as an illustration. If Mr. Thompson would be a little more explicit I would be glad to answer.

Mr. Thompson: I apologize Mr. Speaker I was referring to Dawson and so I stand corrected.

Mr. Speaker: Any further discussion gentlemen?

Mr. Boyd: I seconded this motion and I feel that these people are not wage earners. They catch a little fur and by the time the storekeeper takes a crack at them and the government takes a crack at them for some other taxes on the fur and so on, it seems they should have some consideration, after all, federal people to accept this.....what happens if a man has some tough luck and has no money from catching fur. He goes hunting meat and can't find any....what happens, they can't pay it.

Mr. Speaker: Gentlemen, are you agreed with the motion. Are there any contrary? I will declare the motion carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: Councillor Shaw do you wish to discuss motion #13 at this time?

MOTION  
#13

Mr. Shaw: Motion #13. Moved by myself and seconded by Mr. Watt. "It is the opinion of Council that it is desirable and economic that the Minister of Indian Affairs and Northern Development be approached with the view of having all river soundings, foundation investigations and all pre-engineering work completed this winter that will give all the information necessary for the construction at some future date of a bridge over the Yukon River." May I proceed? I have brought this subject up Mr. Speaker because I think that a bridge is very necessary over the Yukon River at this particular point and though the Minister has indicated that the money is not available for some reason or another that the bridge cannot be constructed. I think we all agree that it is inevitable that sooner or later it will be imperative to construct this bridge in that particular area. Before bridge construction can be undertaken we have to find out just the best place for the bridge to go, we have to find out the contours of the river, and we have to find out how solid the foundation might be and engineering aspects that must be ascertained before the construction is started on that bridge. I have seen the government so many times do things absolutely backwards and the resultant expense is to the taxpayer. I think Mr. Speaker that all members will agree that every year that something is left in abeyance of a large project it will just cost more in the future. Now, we could carry out these experiments or tests in the wintertime and it is relatively easy. You can go out on the ice and you can drill with the ice for a platform and you can find out the data necessary at the minimum of



Mr. Shaw continues.....

expense as opposed to all of a sudden going out in the middle of summer and try to hold a barge on the river and test it with the water coming down and so on and that is the reason that I have asked that this necessary pre-engineering work be attained this winter so if and when the Minister in his wisdom and the cabinet and the treasury board and all the other ramifications...that they immediately know what they are up against, what the cost will be, and there will be no delay and it can be done now.

MOTION 13

Mr. Speaker: Any further discussion on this motion? Are you agreed with the motion? Are there any contrary? The motion is carried.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: Thank you Mr. Taylor. Gentlemen that completes motions. Have we any questions?

Mr. Boyd: Yes Mr. Speaker, I have an oral question to direct to the Commissioner. In our Ordinances we have words to the effect that all hotels shall post in a conspicuous place the room rents within the rooms for that particular room and these notices are conspicuous by their absence. I was wondering if you Mr. Smith could tell me why this is so and do you think it will remain so or do you think that we could get this situation corrected?

HOTEL ROOM RENTS

Mr. Commissioner: Mr. Speaker, I am very surprised to hear this statement as being an old hand at the hotel business in this town I always found that I always had to comply with the law and it was required under the Ordinance to post conspicuously in the hotel room the daily rental rate that the room in question was to be rented at. Also, the house rules and regulations concerning check-out times, etc. and I would be very happy to have this matter looked into. Certainly where we have jurisdiction and where this law applies I will do my utmost Mr. Speaker to see that it is complied with.

Mr. Speaker: Thank you Mr. Commissioner. Any further questions?

Mr. Taylor: I have a question to direct to Mr. Commissioner. I am wondering if he would have any further information with respect to the Council's mace?

COUNCIL MACE FOR

Mr. Commissioner: Mr. Speaker, I have made inquiries concerning this and we are getting the information looked up and I will certainly have it available for Council in the next day and I do believe that on immediate examination of this problem the whole thing seems to have gone to a certain point and at that point it was dropped. I will have definite and full information for the Council on this. When it is convenient Mr. Speaker I have some other questions or answers to questions when it is convenient.

Mr. Speaker: I have just one more question, has any progress been made regarding Criminal Codes?

Mr. Commissioner: Yes I can answer that, nothing has been done.

CRIMINAL CODES

Mr. Taylor: Mr. Speaker, a supplementary question. Is it intended that copies of the criminal code will be provided the members of Council by the administration?

Mr. Commissioner: Mr. Speaker, if I have a motion from Council requesting this I will be happy to see that this item is placed in the supplementary estimates or spring estimates to see that these be gotten.

Mr. Taylor: Here we go again. Yes Mr. Speaker.

Mr. Speaker: Any further questions?

Mr. MacKinnon: Yes Mr. Speaker. I have a question to ask the Commissioner. Is he planning a goodwill tour with the Council and the administration as he has done in the past?

Mr. Commissioner: You will have to bring me up to date on this one. This is something that I am not entirely aware of. It is my intent that just as promptly as possible to make a survey of the Territory. I didn't realize that this was something that was possibly laid on for members of Council and I am completely in the dark as to that one.

Mr. MacKinnon: Possibly Mr. Speaker could advise the new Commissioner of the things that have been carried out in the past and if we were considering a goodwill tour I would like to make the suggestion that we go to Clinton Creek.

Mr. Taylor: I had a question to direct to the member from Carmacks-Kluane. In view of the fact of the rush to get home, members thought that to do this legislation should be put off. Do we still feel that a tour of the Territory would hasten his return to his constituency?

GOODWILL  
TOUR

Mr. MacKinnon: Mr. Speaker I think this is merely beside the point. I was merely asking the Commissioner if he had planned our usual procedure of touring various areas and each Session we have made an effort to go to some certain district. I asked the Speaker to give an explanation to the Commissioner which he did not, but the last Session we went to Skagway and Haines on a goodwill tour. The session before we went to Mayo-Elsa-Keno, and visited part of my district. We visited Watson Lake before that and were going up to Cantung but due to weather conditions the trip had to be cancelled. So I was just wondering if we were going to make this goodwill tour as we have in the past.

Mr. Commissioner: Well Mr. Speaker I certainly have not given any thought to anything of this nature and if Council felt that this was something that they wished to do I would be very happy to take it into consideration, but I have not made any preparations of any kind. I suggest they bear in mind the pressures at the administrative level after Council after the session and view of the five year agreements.

Mr. Speaker: Councillor MacKinnon did ask me a question and in view of that I will give an explanation. To go to Clinton Creek at the moment would more or less require an invitation from the management of the corporation which they are quite anxious that Council should see. However, at this session it has been very difficult to lay out agendas because in the first instance and ofcourse in the first instance we were going to Ottawa and another fact would have been would we have been able to get across the river at Dawson and whether it froze up or not. The next thing is having the work involved on the five year agreement. There are so many things that it was not tangible to come to any conclusions before Council but I would be pleased to take this into consideration and see what I can find out to report to members of Council.

Mr. Speaker: Mr. Commissioner, I believe that you had some answers for Council.

Mr. Commissioner: I was asked about the over crowding of the Teslin School. I ask Mr. Thompson, the Superintendent of Schools and he informs me that the enrolment at this school at then end of September was 83, and at the end of October, 72. There are now three classrooms of which the first two are reaching the peak of capacity with about 30 students in each. He has also informed that he and his officials are now carrying out an investigation of the situation, particularly the number of pupuils to be anticipated at this school commencing September 1967. If it turns out that the present school will not provide sufficient space, appropriate recommendations will be made in the Main Estimates 1967-68 to be considered by the Council in the spring of 1967. I was further asked as to what agreements or contributions were being made on the Clinton Creek operation by Cassiar Asbestos. The things that we have knowledge of are: (1) Reconstruction of 60 Mile Road from Dawson to Mile 34, (2) Contribution of two thirds of the cost of the mine access road from Mile 34 on the 60 Mile Road to the mill site. (3) Contribution of two thirds of the cost of the bridge over the 40 Mile River. The Department, Northern Affairs, is also making available the land required by the Company. The Company has purchased outright the land required for their mill site. The land for the airstrip has been reserved by the Crown in the right of Canada and will be retained by the Crown under their policy of not releasing airstrip sites. The townsite has also been reserved and will be sold as surveyed land as soon as the survey has been completed. Supplementary to this a new ferry is being provided on the Yukon River at Dawson and the operation of the cable-way across the river at Dawson is part of our roads agreement which the federal government shares on a 85-15 basis. At the local level we are conducting conversations with these people to assist in what ways we can in the hospital doctor or medical problem and are endeavoring to determine the proper school requirements. I was asked on an item of \$10,000 concerning investigations of school sites under supplementary estimates and so far the architects are carrying on a site survey which Council asked about on discussions of Lot 19. They have carried out discussions with the Department of Education to the point where they are now in a position to prepare the design that this calls for. McCarter, Nairne and Partners have been engaged to do the work.

Mr. Speaker: May I enquire. Is this Lot 19?

Mr. Commissioner: This was the senior secondary school and the question was, what have we got for our \$10,000. This was when the initial discussions took place. I was asked to see if we could get an announcement soon on power rates in Dawson City and I would advise that the Minister expects to make an announcement late this week or early next week.

Mr. Speaker: At this time I will call a short recess.

RECESS



Wednesday, November 23, 1966.  
11:00 a.m.

Mr. Speaker: I will now call Council back to order. Mr. Commissioner was giving us answers to questions we had asked.

Mr. Commissioner: I was asked the status of the Klondike Defence Force as it applies to the \$20,000 which appears in our Supplementary Estimates and the most recent statement that I have is that \$12,817.13 has been either paid or we have knowledge of its commitment, of the \$20,000 total. A question that I was not here when it was asked but I feel that I should answer it at this time...Councillor Taylor asked about the need to replace the Fire Engine at Teslin. The Teslin Fire Truck is old and scheduled for replacement according to the provisions of the new Financial Agreement. This is the Agreement, gentlemen, that we are working on right now. It is possible that the purchase of fire fighting equipment during the period 1967-72 will have to be re-scheduled due to the reductions in the estimates which were recommended by Ottawa. In early 1966, the Teslin Fire Chief notified the Director of Municipal Affairs that the furnace in the Territorial Fire Hall was not operating properly. This report was passed on to the Engineer's office. On October 31, 1966, the Fire Chief notified Municipal Affairs that the furnace had ceased operating and the pump on the truck had frozen and cracked. He further reported that the furnace required a new relay switch. This report was passed to the Territorial Engineer's Office and a new relay switch was purchased and delivered to the Fire Chief on November 2 together with the old Porter Creek Water Truck which was to serve as a temporary fire truck in Teslin. The Teslin Fire Truck was brought to Whitehorse for repairs. On November 10, Municipal Affairs contacted the Fire Chief to ascertain whether or not he had been successful in repairing the furnace. He reply was negative and the Territorial Engineer's office was requested to immediately dispatch someone to Teslin to repair the furnace. This was done. The Pump on the Teslin Fire Truck can be repaired but to date Mr. E. Jacobs, of Jacobs' Machine Shop, has not given a price or estimated completion date for the work. The Pump will be repaired and the truck put back into service as soon as possible. In the meantime, the water truck, now in Teslin, will act as a temporary fire truck to provide protection to that Community. Funds are not available to purchase a replacement truck at this time nor do we have a spare fire truck which could be transferred to Teslin. One further thing, Mr. Speaker, and that is in discussion of the Labour Standards Legislation yesterday, I was not entirely clear as to whether Council felt that we could prepare a Labour Standards Bill for presentation at the Spring Session which would use this Labour Standards Bill in the back of the Pugh Inquiry Report as a basis or whether they wish us to use the Canada Labour Standards Act as a basis of this legislation for spring. I would appreciate Council's thinking or instructions in this regard, Mr. Speaker.

KLONDIKE  
DEFENCE  
FORCE

FIRE  
ENGINE AT  
TESLIN

QUESTION RE  
LABOUR STAND-  
ARDS BILL

Mr. Speaker: We could possibly put that on the Agenda for Committee to discuss, Mr. Commissioner.

Mr. Commissioner: It is quite important, Mr. Speaker, that we have Council's thoughts on this. This is all I have at the present time, Mr. Speaker.

Mr. Speaker: Thank you, Mr. Commissioner. Is it agreeable that we discuss this Labour Relations Code on the Agenda today at some time?

All: Agreed.

Mr. Speaker: Well, gentlemen, I think that pretty well completes the business for this morning. What is your pleasure at this time?

Mr. Taylor: I would suggest, Mr. Speaker, that we bypass first and second reading of these Bills this morning and that I would move that Mr. Speaker do now leave the Chair and Council resolve in Committee of the Whole for the purpose of discussing Bills, Memoranda, Sessional Papers and Motions as per the Agenda.

Mr. Boyd: I second the Motion, Mr. Speaker.

MOTION CARRIED

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

Mr. Taylor: Gentlemen, we will be discussing the Sessional Paper on the Economic Study, and I will call a short recess while we get our papers in order.

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Mr. Chairman: I will call Committee back to order. Gentlemen, we will be discussing Sessional Paper No. 47, the Economic Study. (Reads Sessional Paper No. 47).

Mr. Shaw: This is quite an extensive study and I think it could do a great deal of good for the Territory, however, before we can predict the future, we have to know what the situation is at the present. Now, a Group coming up to investigate something such as this...extremely far reaching.. they will need to be able to obtain data on any phase of the economy which they may feel necessary in order that they can compute the results of this. It would appear to me...this would be more or less in the form of a question to the Commissioner, Mr. Chairman, that they will need to have some authority to be able to get data from both companies and individuals in the Territory in relation to his business.. the amount of business transacted...that is not available from the Department of the Bureau of Statistics by any person...so these people will have to have a certain amount of authority...to use an extreme illustration...to put their nose into people's business, but unless they do that by some means, they will not be able to prognosticate too much in the future. These people will also be required...maybe I should say...it will be necessary for these people to know fairly closely and have data from the various and sundry Federal Government Departments as to the amount of Revenue or Expenditures by that Department in the Yukon Territory over a period of time which they deem necessary. I wonder if the Commissioner would give his thoughts on the matter in relation to people having to get this data...the means whereby this will be available to them.

Mr. Commissioner: Mr. Chairman, if you could just take these Terms of Reference here, I think you will see that in some instances a lot of very highly detailed data is going to be required from sources that are already available. On the other hand, a far greater amount of data is going to be compiled by these people from sources and from information



Mr. Commissioner continues: that is presently not either in existence or is not readily available and it is the correlating of these theories of known today data and unknown data that is going to be the basis of their final report. Item (a), if this Outline is considered to be adequate, "Development of several basic statistical series in areas such as investment". Now, this is investment in the Territory. In other words, how much capital have we in here right now?..the labour force..... what is our labour force?.....do we have an inherent labour force here or do we have to bring them in?...what happens? "The inter-regional movements of goods, services, and funds". In other words, the movement of goods into the Territory and the movement of goods out of the Territory, the services that are required in the Territory....how many of them are here.. what is available in the way of services....what do you have to bring in....what has to be imported? "Funds". What funds do we generate on our own? What funds are readily available on an investment basis? Where do you have to look? The international money market.....look to internal sources of creation? "Such series might afterward be maintained by the Federal and Territorial governments". What they are indicating there is that a whole new series of statistics is required which after it has been basically established, will be able to be maintained on a continuing basis. This is under this item (a). I think what Council is asking is what authority these people will have to go and get these things. I do not think that they will have the ability or the authority to go and demand access to company's books. This I am quite confident, Mr. Chairman. They will not be available to them but what...the people that they are going to be talking to.. whose very economic future depends to a large extent on the findings of this Study Group...would be asked to co-operate fully, and I think it is a pretty reasonable situation, Mr. Chairman, that this co-operation be forthcoming. There may be some segments that might not be too readily available but I am sure that if they approached the highest offices of any company doing business in the Territory, statistical data such as we are looking for would be made obtainable. The next thing here concerning External market forces...You have basically the same thing here only in reverse. In other words, who are our potential customers? The next item here, "the economic impact of expenditures and revenues". In other words, let's find out what happens..and what is the impact of the money that we pass here in this Council? What is the impact of Federal spending? "Some further attention should be given to matters such as Federal-Territorial fiscal relations and the ability of the Yukon to meet its own budgetary needs during the next fifteen years. Various aspects of these topics have already been given considerable attention in other forms. "Development of a mathematical model of the Yukon economy". It has told you here, in context, that the idea of this would be to permit us the use of computer calculations so that we may see what the end result of certain programs would have on the overall budget and economy. And, lastly, "Indication of the sectors of the Yukon economy which have the best growth potential and suggestions regarding policy alternatives for maximum economic growth". In other words, gentlemen, what this study is designed to do is (a) find out what we have got that we can get to the world market at a price that the world is prepared to pay. This is, basically speaking, what we are talking about here and the means of getting it to this point. It's an all encompassing Economic Study. We are not going to be able to tell individuals in the

SESSIONAL Mr. Commissioner continues:

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Mr. Shaw: Yes, I think it does. As you are aware, Mr. Chairman, we have difficulty finding out the revenues and expenditures of the Federal Government and unless this is available to these people, they might just as well sit on their chairs wherever they happen to be and don't spend this amount of money, but if they can get complete co-operation from the Federal Government on this, this is going to be a great thing to help them. Without it, you can't get anything.

Mr. Southam takes the Chair.

Mr. Taylor: Mr. Chairman, I can't necessarily agree with the make-up of this Report. I can and I can't. I have mixed emotions in respect of it. Firstly it states that no political consideration can be given in the compilation of this Report and yet it is stated that...in (c)... "Federal-Territorial fiscal relations and the ability of the Yukon to meet its own budgetary needs during the next fifteen year" is considered. In order to consider whether or not the Yukon Territory can meet its budgetary needs over the next fifteen years, it is largely going to be dependent on what state the Territory is in politically at that time. If the Federal Government decides that in the next fifteen years, or within the next fifteen years, that they will give us a greater measure of autonomy in the Yukon Territory, then this will have to be taken into account by this Study in order to come up with something that is reasonable and competent. They have recognized, as I note here...they have recognized the Yukon Territory as an entity of its own by...where do they say.... "The Federal Government authorized the Minister of Indian Affairs"...the Federal Government authorized him.... "and Northern Development to enter into negotiations with the Government of the Yukon Territory". Well, that's pretty nice because up to this date he has run this Territory. He is the Minister but here, now, he can negotiate with us. I find this somewhat odd and inconsistent. Now, we come down to the matter of the make-up of this Study. We have been told that the Yukon Research and Development Institute...that their views will be solicited...but we are paying \$150,000 of the shot. Now, this is taxpayer's money. We got around here talking about Expo last night and we talked about the taxpayer's dollar. All right. This is the Yukon's taxpayer's dollar....\$150,000 worth. It states here, "However, the Department is willing to act as the principal agent in choosing a consultant and supervising the Study, and discussion with consulting firms on any of the details concerning the proposed study will not be undertaken by the Territorial Government without Departmental concurrence", and I say...if the Federal Government have no more faith in the Yukon Territorial Government than they recognize in the Economic Study draft outline, then I don't feel we should pay \$150,000 towards this Study. If the Federal Government wish to control this Study to this degree, I think that they should pay to that degree. If the Federal Government, on the other hand...the Department of Indian Affairs and Northern Retardation, as I call it, or Development, is prepared to place a little more faith in the people...on the Government of the Yukon Territory, then I say, "Fine. We will pay accordingly", because I can see what is

Mr. Taylor continues:

going to happen here, I think...and I hope it doesn't, but too often these studies amount to nothing more than smoke screens and I can see where it can retard the development of the Yukon to this extent. I will give you an example. It states here that "The Federal Government still intends to give separate attention to specific transportation problems". It doesn't say anything here about the Yukon Territorial Government. It says "You pay the bills, fellow" or "Pay fifty percent of the bills, fellow, and we'll hold a study and when we get all finished, if it looks like something we like, we will let you see and we will let you in on it. I think this Study is sound. It is the management of this Study that I am concerned about right now. It also states, "Work which is being done now in connection with subjects such as the Alaska Highway and the Carcross-Skagway Road will not be upset by the economic study." Well, this is quite a broad statement and I can foresee where...when we get to Ottawa and we discuss the possible turnover of the Alaska Highway to the Yukon Territorial Government, I can see where they will say, "Well, fellows, we'll just hold off for now. We've got an economic study going and until this study is over, we just don't want to do anything", because this is what they told us when the Carruthers Report was going in respect of autonomy for the Yukon...a Report that had nothing, absolutely nothing, to do with the Yukon.. specific in its terms of reference...and yet we were told "Well, we'll hold everything up until we get that Carruthers Report before we can make any decisions". Well, here I can see the same little monster rearing its ugly head. I can see where the work on the Carcross-Skagway Road will not be upset by an economic study...it says here, however, when any decisions are to be made with respect to Engineering studies or construction, I'll bet you \$4.00 to a doughnut, and Votes and Proceedings be my witness, that this will be the first thing thrown at us...."Well, fellows, we have got to wait until this economic study is over" and if it takes ten years, or it takes five years, or it takes six months, this will be the answer. I understand now, by informal conversation, there is a possibility that the State of Alaska are considering the repeal of their Jones Act. This is a possibility for the future. We have a Canada Shipping Act problem in relation to this. The Federal Authorities who must ratify this would immediately run down the street and say "Oh, I am sorry, fellows. We can't do this because we've got a study on and until we have got this economic study completed, we don't feel that this would be the proper thing to do", and this is what I am worried about. I feel that properly this study affects the Yukon Territory. I think that in the first instance that the Report and the Administration of this Study, as far as Government is concerned, should be the business of the Commissioner-in-Council of the Yukon Territory and I say Commissioner-in-Council. I think that the people should play a part in this and I strongly feel that if we are to pay \$150,000, this is the way it should be. If not, then I feel that the Federal Government should undertake this Study at their own cost, with no participation by the Yukon Territorial Government...if they wish to run this study and get this information for their own editing or whatever it happens to be prior to our seeing it. For instance, I would like to know, for instance, who paid for the Carruthers Report. Did the Northwest Territories...the people of the Territory...pay for 50% of that or was that paid for by the Minister or whoever...the Department...what's this new Department again...Indian Affairs and Northern Retardation. As far as I am concerned, these are my feelings on the thing and I feel very strongly this way. I can see nothing but a mess coming out of this for the people of the Yukon.

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Mr. Shaw: Mr. Chairman, it states that "the Department is willing to act as the principal agent". It doesn't say they will. It says that they won't undertake anything without the concurrence of the Territory, and, in turn, it asks, which I think is quite reasonable, that the Territory doesn't undertake things which they are not aware of. Let's put it this way...myself, I don't know how you go about getting a consulting firm to do this...if you tell them just what to do and you make available to him all the Government Departments and statistical information that is required...I think that will necessarily have to come from Ottawa because they have that information. We do not have it. I think it's important that we go ahead with something like this. The Agreement is laid out. It is very open. I think that these things can be ironed out. I wouldn't just hold it back on account of lack of constitutional developments. I think that is another story although it could possibly have some bearing on the outcome of something like this so I wouldn't fee like holding this up for the fact that our pleas for government reform have fallen on deaf ears. I think we can still go ahead with our sensible request for a little more responsible government, with the responsibilities working both ways, but I don't think this should be thrown out on account of that. I think that constitutional reform is very, very necessary at this time...some steps, whatever they may be, but I wouldn't hold up this economic survey on account of that.

Mr. Taylor: Mr. Chairman, just to clarify the point. I am not saying that we hold it up on account of a constitutional question. I did mention...preface my remarks by saying that constitutional factors are going to be big factors in relation to the terms of reference in the study. I say hold it up because it is not a good business proposition...the Yukon Territory pay 50% of the costs of this thing insomuch as it does affect our Territory and I also can see where this will be used as a smoke screen. I think that we should have control of this study. This is my opinion. If we don't have control of the study, then I don't think we should pay to the degree that we are being asked to pay.

Mr. Chairman: I wonder if at this time, gentlemen, if we could recess for dinner. It will take considerable debate on this. I will declare a recess until two o'clock.

Wednesday, November 23, 1966.  
2:00 p.m.

Mr. Chairman: I will call the Committee back to order. We were discussing Sessional Paper No. 47. We will carry on. SESSIONAL  
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Mr. Boyd: Well, Mr. Chairman, I think Council asked for this survey to be made in the first place and we started off with a view that \$100,000 would take care of it nicely on the basis that we in the Yukon, with the aid of a Society, would conduct...with the aid of a Society and those we would consider hiring to do the job, we would conduct the affair from here, but it has got to Ottawa now and it has jumped to \$200,000.....\$250,000. I guess this is par for the course. They do things big. However, it states in here that the Society, Yukon Research and Development, will be contacted and I would think that they will be making recommendations and will have studied the contents of this I would think, and I wonder if their proposals or thinking would be brought before Council or would it just merely be submitted to Administration for their perusal. Regardless of which way it goes, I would like to see this Study gotten underway. I can't say that I am wholeheartedly enthused about some of the angles but, nevertheless, there is a chance here to get something done and possibly any angles can be dealt with by Administration and by the Society that I have just mentioned. After all, they are going to, I think, play some role in this particular Study.

Mr. MacKinnon: Yes, Mr. Chairman, before we get too deeply into this, I would like to ask a question to the Commissioner, and I would like for him to outline his viewpoints on this particular item and its values. I think he is very capable of giving us a rundown on this particular thing.

Mr. Commissioner: Well, Mr. Chairman, if I could take the opportunity of at least partially answering the question that Councillor Boyd asked...have the Yukon Research and Development Institute's views been made known to the Administration? I have not seen anything in writing from them, Mr. Chairman, but it is my understanding that they are basically in agreement with the five points as outlined here as the terms of reference for this Study. I would take it from Councillor MacKinnon's question that you were concerned as to how this Study will be implemented. Is that correct?

Mr. MacKinnon: Mr. Chairman, yes, and as to how valuable it would be to the Territory.

Mr. Commissioner: Gentlemen, I cannot assess entirely how valuable it will be to the Territory because a lot is going to depend on what the findings of this survey are, but I can tell you this that the ideas of having such a survey have been felt to be beneficial by practically every other Province in Canada, particularly the Province of Manitoba most recently spent a large sum of money in such a Study. They were particularly anxious about their own north part of their Province and it is my belief that they have been very satisfied with the end result and it has given them an opportunity to portray the best approaches to developing the resources that they have. Here in our Territory, economic research has been done pretty much on an ad hoc basis and has generally only been implemented where the necessity has arisen...if you have found a reasonable piece of mining ground, you find out what the economics are of operating that specific piece of mining ground...in other words, I would point out at the one right close at hand here in Whitehorse,

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Mr. Commissioner continues:

New Imperial...where studies were made by the people after they had the ore body to see whether it could be economically developed or not. This has practically been the limit of our economic studies here and it is the Department's, and particularly the Minister's desire, to assist and help in every possible way to get an inventory of the economic values that are available in the Territory and see what can be done to best put them to use. Now, on the basis of day-to-day operating, the thoughts are to try to secure the very best, most competent, most highly recommended organization that we can find who are available to do this job. Now, firms who specialize in this type of research, gentlemen, are not too common, particularly in Canada, and it is certainly, as pointed out here, the desire to get a Canadian firm to do the job as we feel that a Canadian Company is going to be oriented towards Canadian ways of doing things and Canadian customs and it would be highly beneficial to have a Canadian organization do it. The day-to-day guidance of these people we will require will be very minimal. In other words, if we have to direct these people on a day-to-day basis, we've got the wrong company, gentlemen...I mean we just hired the wrong people and if this happens, we've got to get rid of them. They are not the people to do the job and such guidance as these people may require...in other words, such questions as may come up that may need help with, this is to be under the direct guidance of Mr. Digby Hunt and myself and this guarantees, as I would see it, gentlemen, local participation on a day-to-day basis in what is going on with this thing. In other words, this is not going to be something that is going to be run from tremendous distances away where people have to be chasing back and forth in aeroplanes to find out what somebody's thinking is, and the fears that you may have of this possibly being only a smoke screen or something that was put up in order to stall off further development, this is the furthestest thing from the Minister's mind. He is interested in seeing action and seeing it as promptly as possible. All I can do, gentlemen, is give you my personal assurances that these are the Minister's thoughts, and give you the assurance that on behalf of the Yukon, that I will be part and parcel of such day-to-day questions and directions as may come up in the course of the Study should we proceed with it. I trust that this is a satisfactory answer to the Councillor's question. If there is anything further, I will do my best to answer it.

Mr. Thompson: Mr. Chairman, I think that the Commissioner's remarks preface anything that I would have said. I think, basically, that the proposed economic study is an excellent one. I am also of the same opinion as Councillor Taylor that we have been led down the garden path too many times to just bend over backwards and say "Fine. Let's go ahead with it". Councillor Taylor has intimated and given examples of where we have been hogtied on previous occasions with reference to various studies, various committees, and I think that the prime example that Mr. Taylor brought to mind was the Carruthers Report which had absolutely nothing to do with the Territory, our Territory, but yet the Federal Administration would take no action until this particular document had been tabled and studied. So, with our Commissioner's concurrence that he will give his personal assurance to the details of this proposed study, I feel that perhaps we are in a little better position than we have been previously, but I would like to again emphasize and I am quoting Mr. Taylor again...I think it should be adamantly clear on our part that we will not be required to await results of this study or any other study

Mr. Thompson continues:

before we ourselves can take action towards any decided goal that we may feel is necessary. I know in the past three years that 75% of our time has been taken in awaiting results of various studies, and I can only agree with Councillor Taylor...time and time and time again, we can't do this...we can't take any action on this because of a study, and if this is going to be the case, then I will not, even though I in the first instance voted for this Study...but if they are going to use this...and I say "they".. I refer to the Federal Government...if the Federal Government are going to use this as an excuse to sidetrack some of our own ideas, the implementation of some of our own ideas, then I will never be a part of it, but I think, as I say, that the Commissioner has prefaced my remarks by the fact that he will take personal interest in this thing and see..and I think, having made the point and knowing, and Administration knowing our feelings, that conceivably this economic study can go forth, give us the desired results that we require and we can conceivably come to an understanding and a better agreement between both the Federal and the Territorial Governments a lot sooner than we would normally do, but I want it adamantly understood that I am going along on this at the moment on the express sentiments of the Commissioner saying that he is going to ride herd on this and give it his personal attention, and I think that probably something concrete and firm will come out of it.

Mr. Chairman: Any further discussion, gentlemen?

Mr. Shaw: Mr. Chairman, strangely enough, I haven't any words right now except that I agree wholeheartedly with Councillor Thompson on the remarks that he has just made. My sentiments are exactly the same, which also might seem strange.

Mr. MacKinnon: Mr. Chairman, I would just like to add that I do feel Mr. Taylor had a point, but the Commissioner has clarified this point beyond any doubt, and I think it would only be reasonable for us to take the Commissioner at his word and go along with this particular Sessional Paper.

Mr. Watt: Mr. Chairman, I will add my two bits worth. The sum of money involved here seems to be quite large but, as in everything else, the success of this program depends on the individuals that are hired to do the work and you can't get somebody for nothing if he is any good these days. We see cases in the past where we have been what you might call reported to death. We have the Whitehorse Metropolitan Planning Report. We have had the Snow Conditions on the Haines Road Report and in a lot of these reports, I am doubtful if there was much serious thought given into it.. given to them...and some of these cost big money...the Metropolitan Planning Report...we had a \$60,000 Report there and then they go place the cemetery where there was a water table that you could see winter and summer. It must have been a warm spring because forty below, there was water showing there, and this is where they placed the cemetery, and when they come up with the odd recommendation like that, you are kind of in doubt about the rest of the recommendations they have given us. We had a Snow Survey Report about fifteen years ago on the Haines Road. For twelve years they told us that you couldn't keep the Haines Road open. They tried it for a year and it has been open ever since. What happened to those that reported that? But, we have to take a chance

SESSIONAL Mr. Watt continues:

PAPER #47 on something and we are gambling \$150,000 here that these individuals who make this report up will be fair and will be worth the money and if they are fair and worth the money and capable of the job that they were hired for, then they could do an awful lot of good for the Territory and they could open up the process of development with their recommendations that would not otherwise be opened up. I am not under any illusion that we are going to have any control over this \$150,000 after we vote for it. This will end any control that we had over it. The control will be by two Federal employees, by Mr. Hunt and Mr. Commissioner and, with all due respect, if I am paying somebody's wages, I want him to do a good job for me and I sometimes feel that there is a little bit of conflict of interest between the Territorial Council and the... what's good for the Territory...and what the Department of Northern Affairs thinks is good for the Territory...probably both aiming for the same thing, but I feel that we are just going to have to take a gamble on this and hope that it is more successful than quite a few of the other reports we have had. I can certainly understand Mr. Taylor's concern with this. I am concerned with it, but I think it is worth taking a gamble on it and I would vote for it.

Mr. Boyd: Mr. Chairman, I would just like to raise one point for the last time. To start with, when we requested this study to be made, it was because we wanted it to be an individual report and I think the reason we wanted it that way...when I say individual....free of Ottawa's influence...and the reason we wanted it that way was that we thought we could get what we term an honest report. Councillor Watt has brought this into being quite correctly. We were told, on the Haines Road, as he says, for twelve years...they couldn't keep the road open. Nobody believed this. Nobody, except Ottawa, and they didn't believe it either. This is what I mean by an honest report. So, this is the intent we had when we started this suggestion, I feel. Now, we have coming up, the Report we are talking about here, or the Study, and we have another study going on at the same time - transportation.. by the Federal Government...independent...solely independent of us. Will we...can we believe that the Report will be, as I call it, honest, or will it turn out to be something like a far fetched deal like the Haines Road turned out to be for many years until somebody got enough pressure behind them to loosen them up? This is one fear I have. This study we are going to do now is going to be one phase. Without the transportation phase, it is progressing...not just a study but progress...has got to coincide with whatever recommendations are made in the study we are going to have, otherwise...for instance, this transportation study could take four years. It could take five years. I don't doubt but that it will go on for five years. Some of it...certainly where the United States comes into the picture so we are going to do one study we hope in one year, but both of them have got to be done and completed and welded together and then something come out of it in an honest way.

Mr. Taylor: Mr. Chairman, it has been very interesting to hear all the views around this table. It still brings me back to this problem of the amount of cost. Now, when the Carruthers Commission made the study in the Northwest Territories, a recent study, this was borne by the Federal Government, I understand...so I was able to find out over the noon hour.. at no charge to the Northwest Territories. It included the



Mr. Taylor continues:

SESSIONAL  
PAPER #47

Mayor of Yellowknife and two outside people and they were supposed to make an impartial study of the situation and apparently they came up with a pretty fine report. This was paid for by the Federal Government with no charge to the Northwest Territories from what I have been able to determine. However, here we are being asked to pay 50% and in actuality, there is more money than \$150,000...it would indicate to me a \$300,000 survey....from what started to be a \$100,000 survey as Councillor Boyd has pointed out. Councillor Boyd is very correct in stating that when we foresaw the need for this study, we considered that this study would be instituted by the Yukon Territory with the Federal Government giving us assistance and funds with which to do this...to what degree had not been determined.. for instance, the Research and Development Institute to whom we have now paid grants to...we understood were to take a very active part in this study and now they are going to only be termed advisors. This, I think, is something that could be changed. I think they should take a more active part, or some representative of that group... if we are giving them grants, we may as well keep them working, and I am quite sure that they would wish to take a more active part in this economic study. In the matter of the economist, I agree with the Commissioner that we must find an economist that is familiar with the Canadian economy, and I would suggest that no effort be made to consult an economist from the United States because the economies are vastly different. If it does come to the point where no Canadian economist can be found, I would rather see the program shelved until one does become available than to see the thing kicked off to an American economist. This is something that has to be clearly understood and the only person who could understand it would be a Canadian economist.. one who lived with it and it was his career. The other matter that concerns me a great deal right now is that at this Session, or prior to its prorogation, it was my intention to bring before Council some matters respecting the Alaska Ferry System again as I understand some sympathies may be had in Alaska and I am very, very desparately afraid here that by accepting this study, this is going to be the Minister's out. It always has been...a Study, or a Crown Commission, or any of these things is just a back door emergency escape hatch when they get into trouble and have to do something that they really don't want to. I am afraid this will interfere with any title access negotiations and on negotiations in respect of the Jones Act, and I say it once again that I hope that this is not the case. This is all I would say. I know the study is going to be made. There is nothing I can do about it. Were I to have the decision, I would do it differently. I think that the make-up should be under the control of the Commissioner-in-Council because let us remember that the two people that head this thing up are going to be Mr. Digby Hunt, who is Director of our Northern Administration Branch, and one of his employees who is our Commissioner, and with all due respect, I still submit that the Commissioner's position in the Yukon Territory is one and being an employee of the Minister so it doesn't leave any room for the people really. However, if this is the way it shall be, I guess this is the way it shall be.

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Mr. Thompson: Mr. Chairman, I just have one final remark to make and I would like to make it in this respect that the Commissioner also happens to be a Member of the Yukon Territory and as a citizen of such, I think our interests will be well looked after.

Mr. Taylor resumes the Chair.

Mr. Southam: Seeing as you have all sounded off, I will throw in my ten cents worth. The only thing I see about this Economic Study is that it is just about ten years behind time...or maybe twenty. I could see nothing but good come out of it. To come into this Territory to invest and also prospect, it takes lots of money. We all know that. I believe that if a study of this nature had been done years ago, we wouldn't find ourselves in the same boat as we are today. Now, you are talking about spending a couple hundred thousand dollars on the study. At the same time, you are losing a fifteen million dollar a year industry in the Territory. If this study had been done years ago, you might have avoided this sort of a thing. I think this is something that we have to look at from a long range view. The country is hardly scratched and your transportation, which you need in the worst way...how in the world are you ever going to get the Crest Iron on the move unless somebody, somewheres along the line, studies the possible ways and means of getting it out of there? It will mean, as I see it, quite a lot of study, cheap transportation, and this is where these people are going to come and tell us how we can do these things. How we are going to be able to do it....where are we going to find the market...and so on and etc. At least this is the way I see it. Now \$200,000 on a study like this, if it will bring back an industry of the same size as the United Keno or your Crest which will be Lord knows how big if it ever opens up....I know what it has done in Quebec in the Iron Ore Company of Canada with which I had something to do...I know how that mushroomed and the same thing could happen up here providing we get the answers which I think this Economic Study will eventually give you.

SESSIONAL  
PAPER #47  
PASSED

Moved by Councillor Boyd, seconded by Councillor MacKinnon, that Committee concurs with Sessional Paper No. 47.

MOTION  
CARRIED

MOTION CARRIED

Mr. Chairman: I believe at this time, gentlemen, that the Commissioner has some information in reply to questions.

CENTENNIAL  
PLAQUES

Mr. Commissioner: I was asked a question concerning Centennial Plaques and the Centennial Torch and supplementary to this was a Resolution of Council passed concerning the use of English only on Centennial Plaques and I think the following should answer both these questions to Council's satisfaction. Plaques for the Centennial projects fall into two categories - those for the projects in the outlying constituencies for which the Federal Government will make a contribution up to \$30,000 out of an estimated total of \$86,000 and those for which there is an outright grant by the Federal Government without any Territorial participation. These are the two types of projects. For example, the Whitehorse City Hall and the Whitehorse Museum...these fall into the latter category. Plaques for projects in outlying constituencies will be in English only, but the plaques for the City Hall and the Whitehorse Museum must be in both French and English. This is a condition

Mr. Commissioner continues:  
laid down by the National Centennial Commission with which we must comply in order to qualify for the Federal Grant which amounts to \$250,000. So much for plaques. Now, concerning this Torch. The torch is part of a Nationwide ceremony which is to take place in each Provincial capitol and the capitol of the Yukon on two or three occasions during the Centennial Year. Miss Lillias Farley has designed a torch for the Yukon in the motif of the aurora borealis (northern lights) which can be mounted onto the cenotaph in front of the Federal Building. There are technical difficulties being encountered by Mr. Ed Jacobs who is manufacturing the torch with Mr. Ken Baker's technical assistance. It is proposed that the torch be fired by propane, but it is difficult to get the propane to burn in the right way. If the aurora borealis theme is impracticable, a simple propane-fired torch will be worked out by Mr. Baker and Mr. Jacobs. I trust, Mr. Chairman, that this satisfactorily takes care of the Centennial Torch and the wording on the Centennial Plaques in Federal participated projects and the 100% Federal grant projects.

Mr. Boyd: Do I take it that the Museum is a 100% Federal project?

Mr. Commissioner: To the extent of \$75,000, Mr. Chairman.

Mr. Boyd: That's not 100%.

Mr. Commissioner: I am sorry. Perhaps I shouldn't say 100%, but where the major grant outright from the Centennial Commission was involved, Mr. Chairman.

Mr. Chairman: Is there anything further here, gentlemen?

Mr. Thompson: What in fact you are saying, Mr. Commissioner, then, that there are only two Centennial Projects - the City Hall Complex and the Whitehorse Museum...the plaques will be in French and English?

Mr. Commissioner: This is correct.

Mr. Thompson: And the monies that the Territorial Councillors have donated to the hinterlands for their Centennial Projects.. this can be strictly in English?

Mr. Commissioner: This is the way it will be.

Mr. Chairman: Is there anything further, gentlemen?

Mr. Shaw: These plaques...are these plaques cast in bronze or something like that or will they be painted on something?

Mr. Commissioner: Mr. Chairman, I am afraid that a question has been posed that I can't rightfully answer. I will endeavour to find out.

Mr. Shaw: If it's too much bother, I am not that interested. I just wondered and I thought you might know.....

Mr. Commissioner: Mr. Chairman, to every question, there is an answer and I will endeavour to find out.

CENTENNIAL  
PROJECTS

Mr. MacKinnon: Mr. Chairman, I have a question for the Commissioner and this is in respect to unfinished Centennial Projects, and I would like to point out the value of these Centennial Projects that are incompleted. We have a lot of Government money involved in several of these particular things at the present time. I know in my own particular area, Carmacks-Kluane District, that we do require quite a bit more money to complete these projects so we won't end up with a waste of the overall thing. We have something like \$60,000 of the taxpayer's money involved in it already and there are various projects but there is not one of the communities that has quite enough to complete it, and it would sure be a wonderful thing if the Commissioner could see fit or have any ways or means of providing a few more dollars to these projects. It is really a request of several different Communities in my constituency. They really need the money, and I think I have approached Councillors before at a meeting at Haines Junction to dole out and loan some of the money they are not using, but there wasn't much results. This is a question to the Commissioner and I hope he gives it consideration.

Mr. Commissioner: Mr. Chairman, I think that this is a matter which may pose very serious questions...everywhere. I don't think it is confined to Mr. MacKinnon's constituency. I think it poses questions everywhere. I certainly am not here to undertake any commitment along these lines but I certainly do think that it behooves any Councillor to keep me advised as fully as possible of projects that are incapable of being completed due to lack of funds. Don't misunderstand me but...Mr. Chairman, I am not promising any financial alleviation, but certainly I think that we have a lot of public funds tied up in these projects and if they are incompleted, I think that it is only right that here, at the Administrative level, that we should be made aware of this and kept well up to date on just what is transpiring.

Mr. Chairman: Gentlemen, is there anything further now on the Centennial Plaques and Centennial Torches....I can have your concurrence that we don't digress too far.

Mr. Watt: This is right on the subject. This is with respect to the Museum and they have a financial problem there. Have you found a solution for that? It appears as if we are going to have to get some Territorial funds some place or some how to complete it because apparently it cannot be completed with the money they got from the Federal Government.

Mr. Commissioner: Well, Mr. Chairman, this simply falls into the category of what I have just asked. I think that every Councillor should...things that are in his constituency of this nature...that are not completed...I think he should get full details into the Administration's hands as soon as possible. What is going to be done about it, I am sorry, I can't tell you at the moment. The only way we can do anything is if we know what the problem is. We have to know in detail. This is very important.

Mr. Thompson: Mr. Chairman, further to this, I would just say that I think that Administration are aware of this problem and as the Commissioner has intimated, it is not local. It is Territorial, and I think that some consideration should be given in the preparation of the Budget to take these requirements into consideration and whatever can be done should be done.

Mr. Chairman: Gentlemen, have you anything further on Centennial Plaques and Torches?

All: Clear.

Mr. Chairman: Well, gentlemen, it was also brought to our attention that Mr. Commissioner wished to have some advice respecting a Labour Standards Ordinance. It was your wish that it be brought to your attention at this time. Do you wish to proceed?

LABOUR  
STANDARDS  
ORDINANCE

Mr. Watt: Mr. Chairman, would the Commissioner mind waiting until tomorrow morning? That would give us the night to give it a little more thought.

Mr. Chairman: I think that the matter involved here, if I recall correctly, is how do we wish to proceed with this.

Mr. Thompson: Mr. Chairman, I would just like to ask the Commissioner, and he probably knows better than I...to what extent, or if there is any difference between the Pugh Report, or the recommendations that are contained therein...are there any basic differences between this and the Canada Labour Standards Ordinance as such?

Mr. Commissioner: The Pugh Report, in its basic principles, and the Canada Labour Standards, in its basic principles, are very much the same, but in the Pugh Report, certain things that are peculiar to Northern areas have been singled out so that there is specific reference to them. Quite frankly, gentlemen, if I was asked for my recommendation, I would strongly suggest that you take the Canada Labour Standards Act and work into it things that have been brought to us from time to time by Council that require attention and also in the full knowledge of the peculiarities under which certain industries operate here and that we would include things that specifically refer to them. I don't want to find myself in a position, gentlemen, of telling Councillors what they should do but I feel that is about the only way that I could rightfully answer the question, Mr. Chairman.

Mr. Thompson: Mr. Chairman, this is my consensus of opinion for what it is worth. I think that we should try and stay within the confines of the Canada Labour Act because this is basically what we are trying to do...is to get uniformity across the country, but I gathered that there were some specific recommendations made by the Pugh Report that could conceivably increase or enhance the Labour Provisions for the Yukon and with this in mind, I would wholeheartedly concur that we take the Canada Labour Act as the basis, and as the Commissioner has said, with recommendations that have come from this Council, plus any that we have omitted that have been mentioned in the Pugh Report, and if it is necessary, gentlemen, I will make a Motion to that effect.

Mr. Shaw: Mr. Chairman, I would second that Motion.

Mr. Boyd: Well, Mr. Chairman, I haven't heard a Motion yet.

Mr. Shaw: Mr. Chairman, Councillor Thompson said that if necessary, he would make a Motion in this respect. I assumed it was necessary so I seconded the Motion.

LABOUR  
STANDARDS  
ORDINANCE

Mr. Thompson: Rather than belabour this and carry it on, if there is anyone who wants to talk to this Motion, you just go right ahead. You know what I said and I will try and put it in words.

Mr. Southam takes the Chair.

Mr. Taylor: Mr. Chairman, my opinion is the same. I concur. Just for the Commissioner's edification, we did do a great deal of work on this Labour Code in its relationship to the Yukon and its labour problems and labour legislative requirements. Oh, this has gone on Session after Session and more particularly in the Canada Labour Code during the last two or three Sessions. We have spent a great deal of time on it. I thought we had something pretty good and we tried it again last spring but the matter was deferred and only the Minimum Wage aspect of it accepted. I think this is good and I would wholeheartedly endorse this but please, oh please, oh please, have it here by next spring because this Territory desperately needs new Labour Legislation.

Mr. Commissioner: You have my assurance, Mr. Chairman, that we will do everything we possibly can to have this ready for you next spring.

Mr. Taylor resumes the Chair.

Mr. Chairman: Any further discussion?

Mr. Shaw: I have nothing to discuss. I would just like to know what Motion we are discussing. I seconded Mr. Thompson's Motion, not Mr. Taylor's.

Mr. Thompson: Mr. Chairman, I may stand corrected on some of the basics, but I would move that the Canada Labour Code be the basis of the Yukon Labour Code and that specific recommendations of the Pugh Report in respect to the North be implemented, together with suggestions and recommendations from the Yukon Territorial Council. Now, if this isn't all encompassing, we can make the necessary changes. In view of the time, Mr. Chairman, would it be permissible to call a short recess for tea and I will try and clarify this a little more specifically.

Mr. Chairman: All right, gentlemen, I will declare the Committee in recess.

3:30 p.m., Wednesday  
November 23, 1966

Mr. Chairman: Gentlemen at this time I will call the committee back to order. I have a motion that the Canada Labour Code be the basis for the Yukon Labour Code and specific recommendations relating to the North as introduced in the Pugh report together with suggestions and recommendations as proposed by the Territorial Council also be considered.

Mr. Thompson: Question.

Mr. MacKinnon: Mr. Chairman, I don't seem to be quite familiar with this Pugh report. I don't believe that I have ever seen it and maybe somewhere along the lines I have overlooked something.

Mr. Chairman: Question has been called. Are you agreed? Any contrary? I will declare the motion carried.

MOTION CARRIED

MOTION  
CARRIED

Mr. Thompson: Next case.

Mr. Chairman: Gentlemen, this seems to have completed our sessional papers. Sessional paper #48 is the Financial Advisory Committee Report and it has been dealt with to some extent in Council. We have Sessional paper #49 - Re - Motion for the Production of Papers No. 1. Are you clear gentlemen? Clear

SESSIONAL  
PAPER #49

Mr. Chairman: This brings us up to date on our sessional papers. Would you care to return to Bills?

Mr. Boyd: Well Mr. Chairman we have one or two sessional papers that are in abeyance and I am wondering how long we are going to leave them in abeyance. The sooner we finish them off the better for all concerned. For example, the one concerning the leasing of the Lynn Building for office space. We could finish that one up I think. I am amenable to going on to bills if you think it wiser.

Mr. Chairman: Gentlemen, do you wish to return to the matters on rental of office space?

Mr. Commissioner: Mr. Chairman I was to have more data available on this for you and I am getting it accumulated for you and I also have a paper here being prepared for you on Vote 13 on Justice. Neither of these do I have available this afternoon. I am sorry if I am holding Council up on these matters but there hasn't been sufficient time to get them ready for you.

Mr. Shaw: Could we go on to bills, we have a number of them to process at the present.

Mr. Watt: One question with respect to the production of papers. Did we get a copy of the Regulations tabled this morning?

Mr. Clerk: No, the sessional paper stated that they had been forwarded to Councillors. They were forwarded to Councillors the day that they were passed. This was a couple of weeks ago but if you want copies we have extra copies in my office. The Councillors are all on the mailing list in other words and the Regulation was amended, revised, brought up to date and mailed to the Council.

Mr. Watt: The revised one or section or a new set of the Regulations were mailed to us?

Mr. Clerk: No, the Councillors and some of our preferred people on our mailing list have the volumes which they are instructed to replace certain pages which amends and brings up to date the Regulations and this is what was mailed to the Councillors and you should have an amended up to date copy of that Regulation. If you don't have one you may come to my office and I will see that you get one.

Mr. Watt: Thank you, I thought that all the Councillors were in the same position that I was in that their book of Regulations was not up to date.

Mr. Clerk: Let me know if most Councillors are and I will cut them off the mailing list. Otherwise we are wasting our time.

Mr. Chairman: Order.

Mr. Shaw: I might state Mr. Chairman that we all took our turn on these matters when I referred to the subject of utilities.

BILL #2

Mr. Chairman: You have all received an amendment to Bill #2 and I will proceed to read.

Mr. Boyd: Mr. Chairman, before you start, I thought that we would be given a new bill. Is this a new bill or is this an amendment.

Mr. Chairman: This is an amendment. I will proceed with the reading of the amendment. Mr. Legal Advisor can you explain the changes.

Mr. Legal Advisor: The changes since you had the first form before you Mr. Chairman? The changes that have been introduced are designed to do away with the gross calculation you had you will note, 15 B before. Now there is no reference in the new approach to calculations or assessments based on the revenues of the companies concerned. That was scratched out. That is really the main change. We have introduced the word telephone company where in 15 A before it spoke of a telegraph company when I was also speaking of a telegraph company or a telephone company. We have also introduced the closed circuit television in 15A (1) instead of having it in 15 B (1)(a) which was in the other form you had the other day. There is one additional feature, you will see 15A (4) there is no specific provision for water pipes. It was felt that this should be added in it existed in 1958-59 and although I am not aware of any private water supply companies operating in the Yukon it would at least save the use of coming back to Council if one does come into existence. Those are the only broad changes to which I wanted to draw to your attention. I did have the assistance of the Assessor and he may have some other comments that I have overlooked.

Mr. Chairman: Thank you Mr. Legal Advisor. Any further discussion on this item here?

Mr. Boyd: Well Mr. Chairman I think we now have a line for water running from the river to New Imperial. I presume that this will become taxable., immediately. I would like to know if this is right or do these people enjoy three year exemption or anything like this?



Mr. Commissioner: This is a private water line?

Mr. Legal Advisor: I didn't hear the first part of the question but I think I heard enough of the rest of it. I understand, if a person is drawing water on a private pipeline, the question would be is he assessable? Anything that increases the value of property that is within the privilege of the property it is liable to be reflected in the increased assessment, just as a double garage would attract greater assessment. If the person has a water supply as opposed to a person who has to go down to the river with a bucket then obviously a purchaser coming to that building would pay more for that house that has the water supply. This is reflected in the enhanced valuation. How serious the assessment would be for an informal self-help water line, I don't know. I would be very much surprised if very much emphasis was placed on that part of the assessment. But certainly anything that contributes to the value of the property is logically assessed. BILL #2

Mr. Commissioner: Well Mr. Chairman, could I ask Mr. Legal Advisor a question. This mining company, in this instance, has a water line that starts at the Yukon River and goes from the Yukon River to their mining property, a distance of approximately 3 miles. Now, that line, itself, I realize that the availability of a good water supply on the New Imperial property would enhance the value of the property, but would that water line in itself as a private water line, would that be subject to assessment? And taxation under this Ordinance?

Mr. Legal Advisor: No, I was very careful to say within the curtilage of the premises. I don't think the wording, under the wording in our assessment ordinance that that would attract a separate assessment.

Mr. Boyd: I took it that a pipe line gasline or water line is property regardless of whether it is on Crown property or not is assessable and taxable. Am I right there?

Mr. Legal Advisor: Not only the wording, one has to look at the past practice and the practice that existed in 1958-59 is the practice that was applied now. If commercial use is being made, if it is water pipe or equipment of a water company then it wouldn't matter whether it was on a public highway or street. The pipe itself is deemed to the land. This is the point to bear in mind, not--- it is not treated as an improvement it is treated as realty. That is the essential difference and this is what you should be looking at here. These pole lines are realty, real property. So that your approach to the method of assessment is slightly different.

Mr. Boyd: I don't think that I have gotten my question answered yet. I wonder if I could direct my question to Mr. Clerk, the Territorial Tax Assessor and say to him, will you be sending the New Imperial Mines a tax notice for this pipeline?

Mr. Clerk: Mr. Chairman, as far as I am concerned I will be sending them a tax assessment notice for this line as soon as I find it, possibly next summer. But, if I have made a mistake it is up to them to prove it before a Court of Revision and then they may have it removed but I would consider it as any other improvement to Crown land which is taxable as if the people owned the land that owned the improvement on the land and I think I would put it on the assessment roll.

Mr. Shaw: Mr. Chairman, according to the ordinance then these people would be a water company and this is what it applies to.

BILL #2

Mr. Clerk: This section here applies to a water company but a private water line would be assessed as improvements normally owned by an individual not under that section, we may use that as a figure to go by but we will still be able to tax it as an improvement. But then the onus would be on them to prove that we couldn't.

Mr. Boyd: Mr. Chairman, I have another question then. I don't like this where the onus is upon them to prove something. I don't think we should be charging somebody something and have them have to go to court to say we don't owe you the money before you do it. But I have another question which is not answered yet, do these people enjoy a three year tax exemption property wise and so on?

Mr. Clerk: Mr. Chairman, they do not under our ordinance.

Mr. Watt: As a supplementary question to this, don't these, doesn't this particular pipe line that we are talking about and I think we are talking about \$65,000 to \$100,000 in assessed value. Do they enjoy an easement or right of way or something like this. They must have some protection to put in a pipe line like that.

Mr. Legal Advisor: I believe they have a licence and this may very well be assessable but the pipe line, there is no technique or yardstick provided in the assessment ordinance at the moment for the assessing of the pipeline which is an improvement. Now, within the body of the land which they occupy as owners or tenants the pipeline will be an improvement but my view, subject to correction or second thought, is that the pipe line as a pipe line will not be assessable and the Assessor will have the greatest difficulty in finding any yardstick to guide him. I would have to advise him that it would not be proper to look at the standards of 15A as a yardstick on which to calculate the value of the pipeline which is running across country for three miles and is on land for which they merely have a licence. There is an area of argument here which if I may suggest, a little profit would come of the discussion would come at this stage because obviously some thought has to be given to the interpretation of this particular question. It is not easy to come up with a complete answer on assessment questions, particularly one which has a measure of complication about it. I will say this that I will make particular note of this question and in the course of correspondence between now and the next session we will endeavor to clear up the Council's picture. I should add this though if I may, it is for the mining company themselves to satisfy their own advice as to what position they may be in. Anything that is said here is by way of preliminary discussion as far as I am concerned.

Mr. Shaw: Well, Councillor Boyd asked a question which I think is a very good question. If this will assist in resolving this, we will have to go back to the ordinances of 1961, First Session. I think the Commissioner is very aware of this particular ordinance in which are exempt, "all buildings, fixtures, machinery, and things erected upon or under land or fixed thereto and used solely for the purpose of obtaining minerals from the ground or for the concentrating or processing of the minerals." I think that pretty well answers the question.

Mr. Chairman: Gentlemen, have you anything further in relation to Bill #2?

Mr. Watt: With respect to this particular part, could I ask Mr. Tax Assessor of an example where this particular section would come into effect. Are there any examples in existence in the Yukon Territory right now?

Mr. Clerk: Do you mean this particular section, subsection 4 referring to a water company? No, as the Legal Advisor explained, it was picked up from the old ordinance and put in here just in case the day comes when a private water company does set up in the Yukon Territory.

Mr. Shaw: From a strictly legal point you might figure out how much is used for drinking and how much goes through the mill.

BILL #2

Mr. Chairman: Anything further gentlemen?

Mr. Boyd: I would move that Bill #2, an Ordinance to Amend the Taxation Ordinance be passed out of committee as amended.

Mr. Shaw: I second the motion.

Mr. Chairman: It has been moved by Councillor Boyd and seconded by Councillor Shaw that Bill #2 be reported out of committee as amended. Are you ready for the question? Are you agreed with the motion? Any contrary? I declare the motion carried.

MOTION CARRIED

MOTION  
CARRIED

Mr. Chairman: We will proceed to the next Bill which is Bill #3.

Mr. Shaw: I wonder while we are on this pole line business if we could go to the Municipal Ordinance.

BILL #3

Mr. Chairman: This is Bill #3 Councillor Shaw.

Mr. Chairman: I have one question from the chair, are these people taxed under the Municipal Ordinance on the line mile basis within the municipality. In other words is there a possibility of double taxation?

Mr. Clerk: Do you mean is there a possibility of the Yukon Electric, for instance, being taxed by both the Territorial Assessor and the City Assessor. There is no possibility. We go to the city limits.

Mr. Taylor: Within the city limits the tax revenue that would accrue would then go to the municipality. That would give rise to one more question. Would this then include now Improvement Districts for the purpose of assessment. Would this be a direct credit to them?

Mr. Clerk: I don't believe so.

Mr. Thompson: Could I say or ask one further question on this, and I refer now to the closed circuit television company who I understand under this ordinance will pay an assessment for their lines but where they are using other facilities such as C.N.T. and/or Yukon Electric Company poles, are they being assessed twice, once by Yukon Electric and C.N.T. for using their facilities and once by the government for stringing line?

Mr. Clerk: Well Mr. Chairman we haven't tackled that problem yet but this section allows us to assess them both for the pole line. The problem hasn't arisen yet.

Mr. MacKinnon: I would like to ask Mr. Clerk if the C.N.T. is paying land line tax to municipalities at the present time?

BILL #3

Mr. Clerk: C.N.T. is not paying any property taxes on their lines as such, they are paying grants in lieu of tax based on the number of their children of employees who are attending school and this is considerable. But, further answering to Mr. MacKinnon's question, I have a good deal of correspondence with the Department in Ottawa and they have done their little best to get the C.N.T. property on the tax roll because we figured that we would have more revenue that way but it was impossible because of the fact that they are a Crown Corporation and as such are tax exempt until the federal government passes another act which will make them liable to our taxes which they did in the case of motor vehicle licences and gasoline tax. It would take another Act by the federal government.

Mr. Chairman: Anything further on this?

Mr. Watt: I think that is a very unsatisfactory tax basis, considering the number of children going to school as a tax substitute. It would be a simple policy of C.N.T. or the R.C.A.F. to say that any further transfers, well we will transfer ones with no children or say only ones with two children. I think this is a pretty unsatisfactory tax base and I think in the next five year agreement that we should consider something else, more realistic and not so flexible. I have heard of policies like this being laid out like this for a company.

Mr. Commissioner: Mr. Chairman, I think this is a subject that the gentlemen should be keeping in mind and speak of yourselves when you are in Ottawa when you are talking about the revenue side of the picture. However, I would want you to understand this that there are certain things laid down as far as Crown Corporations are concerned that are laid down by the parliament of Canada and that have created the Crown Corporation. They must operate within the confines of that Act. In so far as the armed services are concerned, this is going to cease to be a problem in the very near future and quite frankly we are going to miss very greatly the contributions that these people are making on a per capita or on a per child basis towards our cost of education in the territory. I think the Councillors should be keeping in mind is not a different basis of getting taxation from these people but some understanding with the government, the federal government as to how the money is going to be secured to take the place of the funds that we are losing. Now, this may not sound like a very big thing in our total school budget but I think this is going to be missed. In so far as the Crown Corporations are concerned we have been told repeatedly and I am sure that Mr. Clerk can confirm this to you that getting a change in the formula in which they are prepared to contribute to our tax base is literally speaking just about an impossibility because what they do on that basis here is what they are doing in other places and it just isn't a simple matter. I am even surprised to hear from Mr. Clerk that he has had as much success as he has had in trying to deal with them. I would point this out to you gentlemen that the place to take this is when you are considering the revenue picture for the 1967-72 agreement and I am prepared to give you any information or help that I may be able to do.

Mr. Watt: With respect to that I agree partly with Mr. Smith that the money that we have received from particularly the R.C.A.F. has helped to build this country and to establish it. But what I am getting at is the inflexibility and the fluctuation which could be caused by a simple policy such as the Air Force or some departments of C.N.T. All they need to do is lay down

Mr. Watt continues.....

a policy that we are not going to send anybody up here with not more than two children and this reflects on our revenues. This, well we have the same values, we take and make the same contribution into roads into the areas and plowing roads in and out of the area. The upkeep that the Territory has in relation to these schools and everything is the same but we don't have anything constant that we can rely on every year. Personally the criteria we have been using, I wouldn't mind being on that same criteria myself. It sounds pretty good and I have got three children. If I was assessed on those going to school I would be money ahead. We have in the past, when we discussed education been confronted in the last five years, asked for \$250 to \$350 per child and at the same time we were given figures to point out that it cost more than that and this year and before the end of the year it will cost us more for each child that is going to school. We should have something more constant and less flexible. One house may not have to pay tax at all.

BILL #3

Mr. Shaw: Mr. Chairman, I believe in relation to the taxation of C.N.T. their pole lines, etc. I think that what we have to consider is what they are getting and what we are receiving and the costs that are involved. For example since they took the Alaska Highway the C.N.T. went through and serviced the area and the highway points. In the meantime, the C.N.T. have extended these facilities as far as Clinton Creek and to Mayo. Now that is something that is vitally important. The way the communications are required today some of these places couldn't have gone into operation or business without these communications which they have and are supplied by C.N.T. There is no question that they will be going up to Ross River and that means tremendous progress. So if we are looking at the advantages that are proved to the people of the Yukon by having this Crown Corporation even though we can't tax them as opposed to if it was a private corporation acting on a profit basis. I think that we would probably have no land lines going anyplace or what are necessary or economic. When we come up with this I agree with their licences and gasoline tax but I won't argue with them when it comes to their pole lines.

Mr. MacKinnon: Mr. Chairman, I just can't quite go along with Mr. Shaw. I believe that the original pole line was built by the U.S. Army and I think the U.S. is still standing a great deal of the cost of this existing line and it is serving Alaska. On the other hand we had a pole line extended as far as the U. S. Pump Station on the Haines Highway--you never had a phone line there. I am quite sure you will find the U. S. government paying for this and I wouldn't give C.N.T. credit for all these things and I am sure if they were prepared to move out of the Territory that some other company would gladly take their position and extend the lines where necessary.

Mr. Chairman: Mr. Southam would you take the chair.

Mr. Taylor: As a Crown Corporation do they file any corporation tax?

Mr. Clerk: Do you mean a Crown Corporation income tax? I haven't any knowledge about it but I strongly doubt it.

Mr. Taylor: I think we have the nucleus for a pretty good idea here. It seems to me that we talked this morning about the matter of a subsidy being affected in respect to power.

BILL #3

Mr. Taylor continues.....  
and whereby crown corporation taxes were returned to the Territory in respect of power utility companies and resulting in a reduction in tariffs. It seems to me that it may be worthy of note, that this may be worthy to bring up at the federal level when we are in Ottawa to see if these people could not be taxed accordingly and the revenue proved from this returned back in much the same manner, 5% retained and 95% returned in an effort to reduce the telephone and telegraph tariffs that the Yukoners are subjected to. I agree that the American and the Canadian governments both pay a pretty big piece of money to these crown corporations for the use of both microwave and land line facilities through to Alaska. That is the lifeline to the Yukon, communications wise. I might say that there is--well Clinton Creek couldn't have developed without these facilities. In my opinion I see mines operating without them and they get by with radio telephones. I think this might be a thought but I think that some effort should be made when we are in Ottawa to see about getting some revenue back from this crown corporation. Maybe they are neither fish nor fowl or maybe they are like untouchables, but something should be done.

Mr. Shaw: Mr. Chairman, before C.N.T. came into Dawson my phone bill was \$10 and now that they have come to Dawson my phone bill is \$4.50 and I can phone all over the world. I might add that they are providing pretty good service up there. Another thing, when it comes to telephone opposed to radio phone and I have seen when you can't get through on the radio. Right now we have 3 lines to Dawson and sometimes you can't get on those lines as they are used up by mainly Clinton Creek. It shows what use and advantage it has been.

Mr. Thompson: Mr. Chairman, I sympathize with Mr. Shaw's problem but this is an instance where the rest of the Territory are subsidizing Dawson.

Mr. Taylor: Has my good friend, the honorable member from Dawson not heard of the microwave lengths and the units which don't require pole lines anymore.

Mr. Shaw: According to Councillor's remarks and I would like to know how Dawson is subsidized?

Mr. Thompson: I didn't say the Territory Mr. Chairman, I said the people in the Territory.

Mr. Commissioner: May I be excused at this time?

Mr. Chairman: Thank you Mr. Commissioner.

Mr. Commissioner: Thank you gentlemen.

Mr. Thompson: It has been enlightening hasn't it?

Mr. Boyd: I move that Bill #3 be passed out of committee as amended.

Mr. Southam: I second the motion.

Mr. Chairman: It has been moved by Councillor Boyd and seconded by Councillor Southam that Bill #3, an Ordinance to Amend the Municipal Ordinance be reported out of committee without amendment. Are you ready for the question? Agreed? Any contrary. The motion is carried.

MOTION CARRIED

Mr. Chairman: We will proceed to Bill #4. We also have an amendment to this bill which I will read.

BILL #4

Mr. Thompson: I think Mr. Chairman that these changes are what Council asked for but I think that it should be quite adamantly understood that the administration should take it upon themselves to inform the various licensees that this particular paragraph dealing with operation on New Year's Day. That this doesn't come naturally, that the individual licensee has to apply and I think that this should be stated and made a specific request so that no one finds himself in the position of being open without the necessary permit.

Mr. Legal Advisor: It was hoped that by the amendment itself that this need for the conveyance of what this means would delete the necessary action. I imagine that the Superintendent of Liquor will make particular note of this and the remarks and I am sure that he would have the help of the press in getting the message across.

Mr. Chairman: Is there anything further gentlemen?

Mr. Shaw: I was having trouble trying to distinguish between licensed premises, would that include taverns?

Mr. Legal Advisor: No sir, perhaps I should deal with section 31 as it exists. I am not sure that I have a consolidation with me at the moment. This reads as follows, "a tavern may be opened once each week day 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." The changes here are in the case of cocktail lounges and the cabarets.

Mr. Chairman: Anything further on this gentlemen?

Mr. Southam: I would move that Bill #4 be moved out of committee as amended.

Mr. Boyd: I second it.

Mr. Chairman: It has been moved by Councillor Southam and seconded by Councillor Boyd that Bill #4 be reported out of committee as amended. Are you ready for the question. Are you agreed with the motion? Any contrary? The motion is carried.

MOTION CARRIED

MOTION  
CARRIED

Mr. Thompson: I would move that the Speaker do now resume the chair and hear the report of the chairman of committee.

Mr. Southam: I second that motion.

Mr. Chairman: It has been moved by Councillor Thompson and seconded by Councillor Southam that the Speaker do now resume the chair and hear the report of the chairman of committee. Are you ready for the question? Are you agreed with the motion? The motion is carried and Mr. Speaker will now resume the chair.

MOTION CARRIED

Mr. Speaker: I will call this Council to order and we will hear the report of the chairman of committee.

Mr. Taylor: Mr. Speaker, Committee convened at 11:20 a.m. to discuss bills, sessional papers and motions. Committee first discussed sessional papers with Mr. Commissioner in attendance. Committee recessed at 12:00 noon and reconvened at 2:00 p.m. It was moved by Councillor Boyd and seconded by Councillor MacKinnon that Committee concur with sessional paper #47. It was moved by Councillor Thompson and seconded by Councillor Shaw the Canada Labour Code be the basis of the Yukon Labour Code and that specific recommendations relating to the north as introduced in the Pugh report together with suggestions and recommendations as recommended by this Territorial Council be considered. This motion carried. It was moved by Councillor Boyd and seconded by Councillor Shaw that Bill #2 be reported out of committee as amended. This motion was carried. It was moved by Councillor Boyd and seconded by Councillor Southam that Bill #3 be reported out of committee as amended. This motion was carried. It was moved by Councillor Southam and seconded by Councillor Boyd that Bill #4 be moved out of committee as amended and this motion was carried. It was moved by Councillor Thompson and seconded by Councillor Southam that Mr. Speaker do now resume the chair and hear the report of the chairman of committees. This motion was carried.

Mr. Speaker: Thank you Mr. Chairman. Gentlemen you have heard the report of the chairman of committees. Are you agreed?

Mr. Taylor: Mr. Speaker we have our sessional papers fairly well to date and there are some in abeyance. I suggest we carry on with bills in the morning. So I suggest bills, memoranda and sessional papers.

Mr. Speaker: Is it agreed that we have bills, memoranda, and sessional papers on the agenda for tomorrow?

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

Mr. Thompson: I second it.

Mr. Speaker: It has been moved by Councillor Southam and seconded by Councillor Thompson that we call it five o'clock. This Council now stands adjourned until ten o'clock.



Thursday, November 24, 1966.  
10:00 a.m.

Mr. Speaker read the daily prayer and Council was called to order. All Councillors were present.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: Have we any correspondence this morning?

Mr. Clerk: Yes, Mr. Speaker, we have a number of Sessional Papers this morning. The first is Sessional Paper No. 41, dated November 22, entitled "Insurance". The next one is Sessional Paper No. 50, dated November 21, on Property Tax penalties, etc. Sessional Paper No. 51, dated November 17, is on the Dawson City flood of May 11, 1966. Next is Sessional Paper No. 52, dated November 23, which reads questions 2 and 3 but it should only read question No. 2 - not 3 so if you cross off the "and 3", it will be correct. The question was re Assitance to Parents and Students Attending University. There are several attachments to that. We have Sessional Paper No. 53, dated November 23, which is a reply to a question asked by Mr. H. E. Boyd re Brands Ordinance and Pounds Ordinance. Sessional Paper No. 54, dated November 23, is a reply to Motion for Production of Papers No. 2. We have Sessional Paper No. 55, dated November 23, on the proposed Mace for the Yukon Territory, and that is all for this morning, Mr. Speaker.

SESSIONAL PAPERS

#41

#50

#51

#52

#53

#54

#55

Mr. Speaker: Thank you, Mr. Clerk. Have we any Reports of Committees? We have two Bills to introduce at this time. What is your pleasure?

Moved by Councillor Watt, seconded by Councillor MacKinnon, that Bill No. 17, An Ordinance to Amend an Ordinance to Provide for the Orderly Development of Unorganized Areas, be introduced at this time.

INTRODUCTION BILL #17

MOTION CARRIED

MOTION CARRIED

Moved by Councillor Boyd, seconded by Councillor Southam, that Bill No. 18, An Ordinance Respecting Compensation to be Paid as a Result of Injuries or Death Caused to Workmen in the Course of Their Employment, be introduced at this time.

INTRODUCTION BILL #18

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: Have we any Notices of Motion and Resolution this morning?

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion this morning respecting a Yukon Centennial Tartan. I would also like to give Notice of Motion respecting the Alaska Ferry System.

NOTICE OF MOTIONS

#16

#17

Mr. Speaker: Thank you, Mr. Taylor. Have we any further Motions? If not, we will proceed to the Orders of the Day. Have we any Notices of Motion for the Production of Papers? If not, we will proceed to Motions and we have Motion No. 14, Mr. Boyd, Financial Advisory Committee.

MOTION #14

MOTION #14 Mr. Boyd: Motion No. 14, moved by myself, seconded by Mr. Southam. The Motion is "That the next Financial Advisory Committee shall be Councillors MacKinnon, Shaw and Taylor." I don't think this requires any explanation or words of wisdom from me, Mr. Speaker.

Mr. Speaker: Have we any further discussion on Motion No. 14?

Mr. MacKinnon: Yes, Mr. Speaker. I do appreciate the confidence of Mr. Boyd, but I would rather wait until such a time as we have had time to deal with the new Five Year Agreement and if I can, at that time, follow and be of any assistance to the Committee, then I will gladly take the appointment, but if I find this position too complicated for my experience, I would much rather back out at that time and have continuity extended on the Committee. I think after our sitting here in January, it would be much easier for me to form an opinion on this particular thing. I wouldn't want to be a Member of the Advisory Committee particularly with the experience I have had with figures and I think that.. in fact, I do hire one of our Members to take care of my books. This is my attitude, and I hope that other Councillors will give consideration to what I am saying.

Mr. Taylor: Mr. Speaker, possibly this could be easiest resolved, as it is usually the practice to deal with Financial Advisory Committee at the Fall Session, to carry this thing through, that if the Member so desires at any Session following, he may resign if he feels it is too cumbersome so I don't think this presents any real problem.

Mr. Speaker: Have we any further discussion on Motion No. 14?

Mr. Thompson: Mr. Speaker, it was my understanding that there would be some sort of continuity on the Financial Advisory Committee and it was because of this thought, whether it was in the form of a Motion or not I am not aware, but I know when the present Financial Advisory Committee was formed, it was felt that there should be some continuity and for that reason I was appointed for a second term. With this in mind, I think it was the understanding of Council that there would be some continuity in the Committee, and with the existing proposed coverage, this would not seem to be the case. These are my only comments.

Mr. Watt: Mr. Speaker, I would like to ask the maker of the Motion why he strayed from that policy, and who seconded the Motion?

Mr. Speaker: Mr. Boyd, would you care to answer that question? I am not aware of any policy.

Mr. Boyd: I am not just sure that there is anything concrete laid down. I did think of the situation, but I felt if Council wanted continuity...I certainly think there should be some continuity myself...but I did not want to name myself. I could have named Mr. Thompson but he has been there twice in a row and that wouldn't be quite right so I thought it was better to put it this way and if Council sees fit to change it, they may do so.

Mr. Southam: Mr. Speaker, as seconder of the Motion, it was my understanding that every Member of this Council Chamber would have a chance to serve on the Financial Advisory Board at sometime or another during the term of office. With this in mind, I thought that this was what was wanted so I seconded the Motion. If you want to have one of the Members of the Financial Advisory Committee on this new Committee, well, as far as I am concerned, that's strictly up to the Members here.

MOTION #14

MOTION CARRIED

MOTION #14  
CARRIED

Mr. Speaker: We next come to Motion No. 15, Mr. MacKinnon, Daylight Saving Time for Haines Junction.

MOTION #15

Mr. MacKinnon: Mr. Speaker, moved by myself, seconded by Mr. Watt, "It is respectfully requested that the Commissioner investigate fully the request of the Haines Junction area to be put on Yukon Southern Standard Time." May I proceed?

Mr. Speaker: Proceed, Mr. MacKinnon.

Mr. MacKinnon: Thank you, Mr. Speaker. I would like to expand on this request and I feel more fully prepared now than I did when I made the Motion. I have made several phone calls in the meantime to several other areas and, in fact, I talked with our prior Member that held my seat early this morning and asked for his opinion on the situation and even extending as far north as 1202, he is in favour of unity. He realizes that the Yukon must have one time - mind you, he suggests Yukon Standard. I also talked to Mrs. Liden, Carmacks, and she has reached the conclusion that we must be on one time and she is quite satisfied to go along with the capitol City and their time. I shouldn't say capitol City, I should say Southern Yukon I suppose. I also talked to Roxy's Trading Post and he is very much in favour of doing away with the time zone and being all on one time. The people of Haines Junction...they got together. They called a meeting and they had a vote in regard to this. They had 30 attendance at the meeting and the meeting went 25 in favour of going on Whitehorse time and 5 against, which is quite a majority. At this time, I feel that we have evidence enough from the actions of Mayo, Keno and Elsa in the way they handled the time situation in the past year. The plant was on one time, some of the people on the other time and it amounted to nothing but a bunch of confusion. I feel it is time we asked the Commissioner to take a firm stand and give the Yukon a definite time without zoning. This is of great importance. I would like to explain the difficulties that have existed along the Alaska Highway. For instance, at 1083, where we have the DPW crew. The school, liquor outlet and any Government office has been on time scheduled by the Order of the Commissioner and anybody who could do what they liked was on their regular time. This is very confusing, but the DPW did find it necessary to put their camps on the same time as they operated on here in their main buildings in Whitehorse. This particular thing still exists. Supposing if a man was to go to work at 8 o'clock in the morning, that would only be 7 o'clock in that particular area and the children, at the same time, are forced to go to school on the Standard time. This is nothing but confusion. I found it very, very difficult to come into Whitehorse and get my business done in one day due to the fact that we have an hours fluctuation in time.

MOTION #15 Mr. Boyd: Mr. Speaker, the Motion is specific inasmuch as it requests certain things be done in the Haines Junction area only. Nothing more. The Councillor is speaking of other areas as well. I would suggest he make his request to Administration according to the wishes of the people in the areas concerned and let Administration deal with it and that it be brought before us, possibly at the Spring Session, for finalization, if there is to be such.

Mr. Taylor: Mr. Speaker, just before the mover of the Motion rises and closes debate, I would like to say that as I recall, the Commissioner is empowered to do this without Council's...without legislation...let's put it this way. I feel that if the good people of 1016 do want their time changed to fit in with Yukon Southern Standard Time, that this is a logical request and I am sure that the Commissioner will see that this time is changed, but I don't think that legislation is required. The Commissioner has the right.

Mr. Watt: Mr. Speaker, as seconder of the Motion, I think that the Motion is sound and it is coming through Council in, I believe, the proper way, and it is simply a request of the Haines Junction area to be put on Yukon Southern Standard Time. As I understand, they had a vote there and decided to change. They are in an area where they have Yukon Southern Standard Time south of them in the Yukon and the other side over in Haines. I think that at the time this plebiscite was taken throughout the Territory, in many cases there was more emotion and sentiment generate than there was common sense at that time and I think the people are taking a second look at it in a more objective way now, but I don't think that this should be interpreted to eliminate all time zones in areas that have not requested going on to Yukon Southern Time. My interpretation...my vote for the Motion is that the area concerned, Haines Junction...and that is all the Motion asks for...be given consideration with respect to their request.

Mr. Taylor takes the Speaker's Chair.

Mr. Shaw: Mr. Speaker, here we have the ugly head of Daylight Saving Time coming up again before us. This has been, as Councillor Watt has very aptly described....a lot of emotions have been engendered in this and I think the Members of Council had a very difficult decision to endeavour to come to. There were quite large groups in various areas that wanted a change and there were large groups that didn't want a change. From time to time, Council comes here and has to make some type of a decision on certain matters that concern the people whom we represent. In this particular instance, it got to be such a debate and a debate that it was very hard to come to any conclusions on, that we decided the best thing to do was to hold a plebiscite. We held that plebiscite, Mr. Speaker, and the people of the Yukon, in a democratic manner, by majority vote, said they wanted to have...or retain...Yukon Standard Time. However, through the wisdom of the Administration, they found, in their estimation, certain loopholes that would go against that majority wish and decided that they would have two time zones in the Territory. Those are the facts that the plebiscite showed up, Mr. Speaker. Now, in having two time zones, there is bound to be a certain amount of confliction. There can't help but be and it would appear that this confliction has engendered this particular Motion that we have. Now, if at every Session we are going to change

MOTION #15

Mr. Shaw continues:

the Yukon Standard Time just like changing our shirt every year, or every month, or every week, it's going to create confusion and continually create confusion. I was very well aware of the fact, Mr. Speaker, that when this area went on a different time zone such as it has that it could do nothing but create confusion. The fact that the population is the largest...this is the capitol of the Yukon...would just make it that more difficult and that eventually the areas that are adjacent to Whitehorse, would almost be forced to change their time in order to carry on and conduct their business in a normal manner. That's what appears to have happened in Haines Junction. The first thing you know, if this is changed, they will decide it will be changed maybe up to 1202. Then Carmacks will want to change so that they fit in with the balance and so eventually it can be foreseen that perhaps the change will be forced all over the Territory. This change being forced by certain areas having it will have been done contrary to what was voted for a year or so ago, and to continually change the time around...it appears to me that it is going to create nothing but confusion. It amazes me that the Department of Public Works and other Departments of Government are going contrary to what the Law says, or to what the Commissioner says, or whatever you may call it. The Commissioner said that Haines Junction would be on Yukon Standard Time. The people in that area voted for Yukon Standard Time. Now, a Department of Government has decided, according to reports that Mr. MacKinnon has just stated, that they will have their own time. They will have the time which is in Whitehorse. It appears to me, Mr. Speaker, that this is a somewhat arbitrary way of attending to the manner. The Commissioner has ordered that that shall be the time...Yukon Standard Time, and the officials in that Department decide to change it on their own hook. I don't see that they should have the right to do that...or the Law should be changed...one thing or the other. I am opposed to keep changing the time around, Mr. Chairman. I am a person that...am most considerate, and I have always bent over backwards to assist any Member for anything that they may require in their particular community, but this extends a little further than just the community of Haines Junction. This is extending and gradually increasing all over the Territory and this is exactly what the people voted against, by majority, in the Territory about a year and a half ago.

Mr. Shaw resumes Speaker's Chair.

Mr. Speaker: Have we any more discussion on Motion No. 15?

Mr. MacKinnon: Yes, Mr. Speaker, I appreciate your remarks and, nevertheless, it would not surprise me that if a count was taken, possibly in your own district, that you would find that it would be in favour of joining the forces and having the time that is already established. We found this in Mayo, Elsa, Keno. It has become very necessary to give this a little further thought and give the Commissioner the chance to exercise his powers..or re-exercise his powers. We have a new Commissioner now. I would like for him to take a hard look at the situation and make a solid decision as to whether we go back on Yukon Standard Time or we all go to what they call Yukon Southern Standard Time. This is very, very, inconvenient to have one part on one time...Whitehorse on one time and the outer areas on another and you don't really know if you are coming or going. It's nothing but a mess of confusion and I

Mr. MacKinnon continues:

am quite certain that if there was a plebiscite called again that the people would request unity. I feel almost positive of that.

MOTION #15  
CARRIED

MOTION CARRIED

Mr. Speaker: Gentlemen, the next item on the Agenda is Questions. Have we any Questions this morning?

QUESTION  
#7

Mr. Taylor: Mr. Speaker, I have one question requiring a written reply respecting CBC, Swift River. (1) Has the request for L.P.R.T. Service for the Community of Swift River been favourably considered and approved by the Board of Broadcast Governors; and (2) If favourably approved, will the CBC Northern Service be installing a L.P.R.T. at Swift River at the earliest possible moment?

Mr. Speaker: Have we any more questions?

QUESTION  
#8

Mr. Thompson: Mr. Speaker, I have a written question with reference to the maintenance of the Haines Road. I would like to have the cost by year to the Canadian Government covering maintenance in keeping the Haines Cut Off Road open by American Forces since its inception.

Mr. Speaker: Have we any further questions this morning, gentlemen? If not, we will proceed to Public Bills and Orders. What is your pleasure in this regard?

THIRD  
READING  
BILL #2

Moved by Councillor Taylor, seconded by Councillor Boyd, that Bill No. 2, An Ordinance to Amend the Taxation Ordinance, be given Third Reading at this time.

MOTION  
CARRIED

MOTION CARRIED

BILL #2  
PASSED

Moved by Councillor Taylor, seconded by Councillor Boyd, that the title to Bill No. 2, An Ordinance to Amend the Taxation Ordinance, be adopted as written.

MOTION CARRIED

Mr. Speaker: The Motion is carried and Bill No. 2, An Ordinance to Amend the Taxation Ordinance, has passed this House.

THIRD  
READING  
BILL #3

Moved by Councillor Boyd, seconded by Councillor Southam, that Bill No. 3, An Ordinance to Amend the Municipal Ordinance, be given Third Reading at this time.

MOTION  
CARRIED

MOTION CARRIED

BILL #3  
PASSED

Moved by Councillor Boyd, seconded by Councillor Southam, that the title to Bill No. 3, An Ordinance to Amend the Municipal Ordinance, be adopted as written.

MOTION CARRIED

Mr. Speaker: The Motion is carried and Bill No. 3, An Ordinance to Amend the Municipal Ordinance, has passed this House.

Moved by Councillor Taylor, seconded by Councillor Southam, that Bill No. 4, An Ordinance to Amend the Liquor Ordinance, be given Third Reading at this time.

THIRD  
READING  
BILL #4  
MOTION  
CARRIED

MOTION CARRIED

Moved by Councillor Taylor, seconded by Councillor Southam, that the title to Bill No. 4, An Ordinance to Amend the Liquor Ordinance, be adopted as written.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: The Motion is carried and Bill No. 4, An Ordinance to Amend the Liquor Ordinance has passed this House. That completes the Bills for this morning. What is your pleasure at this time, gentlemen?

BILL #4  
PASSED

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

MOTION  
CARRIED

MOTION CARRIED

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

Mr. Taylor: Gentlemen, we will first be discussing Bills this morning. I will call a short recess.

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11:00 a.m., Thursday  
November 24, 1966

Mr. Chairman: I will call this committee back to order and we will proceed to Bill #13, an Ordinance Respecting Civil Measures to be Taken in the Yukon Territory to Deal with any Peacetime or War Emergency.

BILL #13

Mr. Thompson: I am wondering, are we in the process of setting up another department with many and varied people and if we are I am not too happy with the thought and I am wondering what is the present position with reference to this person. Do we have an emergency civil officer? Who is he and what are his functions at the moment.

Mr. Chairman: Possibly I can answer that from the chair, gentlemen that is Mr. Don Green as our civil emergency officer and I think this can be picked up in the explanatory notes which I will read at this time.

Mr. Thompson: Mr. Chairman, in other words the civil emergency officer isn't somebody in the Territory.

Mr. Chairman: Mr. Southam will you take the chair. I think to explain this a little better I met with Mr. Green and have worked with him in the community in my area. The matter of setting up civil defence in the Territory is the same as done that way and that is here the civil emergency officer sets up a plan for the community and these communities participate themselves. There is no staff as such and nothing really happens unless there is an emergency declared and at which time an emergency is declared the civil defence emergency men have their little slots and places to go, the fire department has one thing to do, communications another, and this is how it works. I know of no department which would operate this thing. This thing is operated strictly on the advice of the Commissioner and generally on the advice of the emergency planning officer. It is my understanding too in relation to the emergency planning officer that once this organization has been set up and all the necessary provisions provided to the Territory to make this effective that the planning officer would eventually fade out of the picture. I think we pay half his wages and I think so far this is working out well. This is a community participation thing.

Mr. Boyd: Well Mr. Chairman I appreciate all the enlightening words but we have a situation that exists now and it functions and I don't think it is functioning illegally in any way. I think the Commissioner has the right in the event of any of these things happening to take action. I see this as an out for another department. That is just what I see. And just as sure as you are a foot high we will have somebody in this particular category. I would like to ask Commissioner Smith if he agrees with me.

Mr. Commissioner: Mr. Chairman, if past performance is any criteria and I am afraid that I would have to agree with the Councillor. However I do have this to say, while there is no doubt that certain liberties or certain provisions have been made in other ordinances that would permit the Commissioner or federal authorities to take action in a war or peacetime emergency. I would state that there this does already exist. I think in the process of getting things detailed so that the Commissioner is not left in the position of having to do things where there is not specific authority laid down for him to do that this may be looked upon as a desirable tidying up piece of legislation. It is very clearly defined here that the Commissioner has the assent of this Council to go ahead and do the things that are enumerated here and on that basis Mr. Chairman, I would strongly recommend the acceptance of this legislation.

BILL #13

Mr. Taylor: Gentlemen, one other thing while dealing with this matter, I had an opportunity to deal with a most informative film with discussion on how this works. A person does not get the whole impact of something like this until it is brought home to you. In the case of Alaska at the time of their earthquake misfortune of a year and a half ago where Valdez, Seward, Anchorage and some communities were wiped out. The amount of authority and the work that had to be exercised in order to give relief to these people and to sort out the damage and so forth is staggering. I never realized it until I had seen this picture in respect to that one disaster just how all encompassing it is and it seems to me that you have to delegate authority all the way down the line in something like this and I think this is good legislation.

Mr. Commissioner: Mr. Chairman, to further assist on the fears that have been raised that this is the start of a department, etc. I think that the power to proliferate, to prevent this, rests with Council and the basic organization that has been set up and has been started by Mr. Green I would consider to be a very efficient basis. He has supplied me with a report of his activities and while I would not undertake to have this available for Council before they go home I would undertake to see that a copy is mailed to each Councillor for his own personal perusal so that he would be in a position to know what exactly has been accomplished so far in organizing those things which would be required to give effect to the ordinance you have before you.

Mr. Thompson: Mr. Chairman, what we are in fact doing is giving authority to something that has already taken place. Furthermore it doesn't say anything about Commissioner and Council, it just says Commissioner and in the case of the civil emergency officer it says the Commissioner shall appoint. It doesn't say he may or he will or he can but it says he shall appoint. It means that there is somebody new on the payroll. It doesn't say anything about the Commissioner and Council so I would from this think that there is room for discrepancy.

Mr. Taylor: Each member of the Council is a member at large of this emergency planning committee. You couldn't possibly call Council to order in the event of a disaster. The Dawson flood is a good example of this. These things happen so quickly that you can't get anybody in or get a Council session together and what we do is we provide the Commissioner in this piece of legislation with the ability to allow the municipalities to establish by-laws respecting the organization of their communities and this sort of thing. The Council can't be called to cope with these emergencies and in time except the communities themselves. In an emergency fan out it comes right back to the Commissioner. If you need food, blankets, or the Army, the only one authorized to obtain these things is the Commissioner.

Mr. Boyd: We appreciate all these reasons that have been laid before us. We already have the organization functioning and all these things are understood, where we are going to do, what we are doing and so on without the means of legislation and an extra department. This is just opening the gate. It is said that these appointments, management and so on will be undertaken by administration. Without any increase in staff I can see something like this because that is what it really boils down to right now. I am for the bill on the basis that we are not going to have another department and another empire. I can

Mr. Boyd continues.....  
go back and name things and it starts off with one. One...  
and everything is very simple and before you know it you have  
something in the budget a mile high.

BILL #13

Mr. Taylor: Mr. Chairman, I can't conceive of how a department would result because this is not built that way. This is community participation. In the case of Whitehorse which is the centre your people involved are Murphy, Pantry, Sprenger, Fire Department, C.N.T., Ken Baker, and so forth but there has to be some legislation provided which gives them the authority to function as such in the cases of emergency.

Mr. Watt: Mr. Chairman, the one part that has me concerned and I would like to know what we have in mind and that is in section 3 (2b). "It shall be the duty of the Civil Emergency Officer to formulate and recommend to the Commissioner plans for dealing with any peacetime disaster or war emergency; and (b) to undertake such other duties as the Commissioner may assign him." It should be all one and why is this section necessary. I visualize situations in the past where we had openings where an individual was assigned tasks and pretty soon you have more paperwork and regulations and you need more people regulate it. I would like to see that regulation taken out. I would like to see more specification in it. What are the duties now?

Mr. Commissioner: Mr. Chairman, mainly the organizing of the thing after he has made up his plans and that is basically what is going on at the present time. If Council would like to put aside discussion of this bill until I can get copies of the report that Mr. Green has given to me up until now, I will do my very best to get it for you. I want you to understand Mr. Chairman that my staff are very much occupied with getting stuff ready for you and getting completed the requests, one being the anomaly with regard to the collection of taxes effecting the City of Dawson. If we can possibly take this report and mimeograph this for Council it may assist you in formulating your ideas in this regard. If it would be of help to you Mr. Chairman I would do my utmost.

Mr. Boyd: It is not just what he is doing and so on, I think we all understand that and our fear is obvious and this is what I would like to have answered in some form or another. What are we doing here moneywise. I maintain that the Commissioner has the right to do anything in the case of emergency. There is an area in the function of government that takes care of that.

Mr. MacKinnon: Order Mr. Chairman.

Mr. Chairman: Mr. Boyd is quite in order Mr. MacKinnon. I was going to say that if anyone wants information on this I have my file on it. I think the Councillors have a report already.

Mr. Commissioner: Perhaps Mr. Legal Advisor would be the man to properly assess Mr. Boyd's question.

Mr. Legal Advisor: Well, Councillor Boyd is right in thinking and saying that the situation is a big enough emergency, the Commissioner would have powers at that time. He doesn't have the powers now to set up the series of plans that would settle on him. The planning stage is the important stage because in the middle of an emergency is no time to be playing by ear and

BILL #13

Mr. Legal Advisor continues.....  
and this is my understanding of what is here. If there is for instance a declaration of hostilities the situation would be taken care of by the government of Council and the federal powers would supervene. If the Minister directed the Commissioner to act under a section of the Yukon Act then the Commissioner would have certain powers that would flow from the Minister. So this is true that the Commissioner does have powers but those powers lies at the time of the emergency and that is the essential distinction between the legislation and the point made by Councillor Boyd. Of course in this bill will be found powers that are given to a municipality, section 6. Now if an emergency arose and this community was cut off the question of what they could do might give rise to trouble and in the middle of an emergency would be a poor time to have a debating society of who could do what. That, is really why section 2B is there, in case there is any dispute at all when at a time when there is no time for a dispute. Councillor Watt is quite right in general the purpose, the duties of the emergency officer are found in (a) and the draftsman has simply followed the usual practice of putting in a catch-all provision so there is no trouble at a later stage. The legislation wouldn't really suffer if this came out until a need arose and then you can't call Council together. That is protective provision.

Mr. Shaw: Mr. Chairman, I believe that one of the members stated that we had a copy of a report and I don't recall one.

Mr. Commissioner: Do all Councillors have a copy of this.

Mr. Taylor: This is a report on the operation of the civil emergency organization in the Yukon.

Mr. Commissioner: What I propose is a report concerning Mr. Green and what his activities are on our behalf. The estimated contribution to the emergency measures program as passed in your 1966-67 estimates is \$2,619, a decrease of \$900 over 1965-1966.

Mr. Thompson: In other words we are not paying his salary because I can't imagine he is working for \$5,000 a year.

Mr. Commissioner: There is a formula under which this is calculated. A certain portion of this man's salary is paid by the federal government and then a further--the balance that is left is distributed under a formula between the N.W.T. and the Yukon. His salary is in three parts.

Mr. Chairman: Gentlemen do you wish to defer or proceed?

Mr. Thompson: Mr. Chairman, what is the difference between a civil emergency officer and an emergency measures officer? I noticed here it is a civil emergency officer and I think the Commissioner was reading from the budget where it said emergency measures officer.

Mr. Legal Advisor: The change in title doesn't mean a thing in personality at all. It is to bring it into line to the name given to this function across Canada. If someone calls from Alberta and starts talking about the civil emergency officer then there is nothing lost in translation over the telephone and that is why the name is changed slightly.

Mr. Chairman: Is everyone clear on three?

Mr. Shaw: In this particular one it is giving a person a great deal of power. The commissioner will be careful to whom he has to appoint powers when something like this happens as it reads, "a person shall not be liable for any damage caused by or arising out of such actions." It is all encompassing. BILL #13

Mr. Chairman: Mr. Legal Advisor.

Mr. Legal Advisor: The effect of section 10 is intended to indemnify or to protect anybody who has to carry out an order. Any person who does any acting in carrying out his civil emergency plan. If they are acting outside the scope of the plan or the scope of the authority they will not be protected so you look really not at the person who has been selected but at the plan that has been selected that gives them the power to do what is indicated. Does that answer the Councillor's questions?

Mr. Shaw: Well, yes it does I was merely mentioning that this particular section was all powerful. It depends a great deal on what plan or orders he is operating under and he would of necessity be given some scope and unless the right person was chosen to carry out that plan it would be all embracing. I was merely commenting on the powers that this person might have.

Mr. Thompson: What Mr. Legal Advisor is saying then is that it would be probably ending up in a court to decide whether he had acted within the power invested in him or whether he had taken something on by himself.

Mr. Legal Advisor: That is correct, that is where a person would arrive if it was carried to an extreme, however the emergency itself would likely be over long before it could get to court and he would have enacted according to his understanding of the act. This could always happen. This type of provision is not unusual for persons who are given reason to carry out a plan. It is not an unusual power as it would be most undesirable if somebody confronted with an emergency had to slow down his actions because he was afraid of being sued because of injury to property and so on. It is one of those decisions he would have to meet. If he exceeded his authority it would end up in court unless some other suitable adjustment was made.

Mr. Chairman: Anything further on 11.

Mr. Watt: I would like Mr. Legal Advisor, if this situation occurs another ordinance has the same clause in it, which takes the precedence?

Mr. Legal Advisor: If the same clause--it wouldn't matter. But this is designed to meet licencing provisions. It says there a licensee may open his premises between such and such a time and if the Commissioner says no and they all close down. This happened in Dawson during the last flood, they were closed down for a day or two. Then his order would prevail and the licensee couldn't open under the Liquor Ordinance he is given the power to open. That is the area that this is designed for. Does that deal with all aspects of the question.

Mr. Watt: No, I interpret this under section 13, "In the event of any inconsistency between the provisions of this Ordinance or any civil emergency plan approved by the Commissioner and the operation of any other Ordinance, the provisions of this Ordinance shall prevail to the extent of the inconsistency." If this clause is in another ordinance which one would apply?

BILL 13

Mr. Legal Advisor: I am sorry, I missed the point before. We would then have two matching inconsistency clauses here. I would have to look at the particular one but the general principle is that in an emergency and this is later legislation and I would have to argue that this is the one that would be effective. However, I won't try and identify the other one that has that same clause but if necessary I will locate it and bring in an amendment to the Spring session.

Mr. Thompson: My only comment and I would like to harken back to section 3 where it says the Commissioner may appoint a civil emergency officer. I would just like to have it from the Commissioner that we already have a civil emergency officer although we may not be calling him that and if this is the case then there will be no additional monies required and we won't find a big fat increase in vote 8 in the spring budget?

Mr. Commissioner: I would say this Mr. Chairman, that the person referred to as the civil emergency officer is in fact Mr. Green for whom there are monies already in your budget to take care of his salary and travelling expenses for which we are liable. In so far as further monies are concerned, the only assurance that I can reasonably give is that there would be no further monies extended unless the necessity of them is required under an emergency. I don't think I would be prepared to go any further than that.

Mr. Thompson: This is what I had in mind Mr. Chairman.

Mr. Taylor: I think the 250-bed hospital and the Gormman pump available for our use in an emergency.

Mr. Commissioner: The part that we are being asked to play here is part of the overall total national plan for emergencies be they of a civil nature or be they of a wartime measure which in turn as I am led to understand are meshed in with the total continental emergency plan. We are not playing an isolated part here Mr. Chairman.

Mr. Watt: I am concerned with one thing the same as Mr. Boyd and Mr. Thompson----a department growing out of this. We have seen this happen before, we have seen something small grow into a department. Right now we have the Commissioner's word that it won't grow into a **department** unless it is necessary. I haven't been around this table too long but I am on my third Commissioner now and we come and we go and maybe a new Commissioner who may not be so conscious of causing these departments to grow or not. Is this legislation identical to that they have in the N.W.T.?

Mr. Legal Advisor: Mr. Chairman, I haven't seen the actual bill which was passed by the N.W.T. but I understand that it is identical and it is based upon the experience of Mr. Green and his recommendations. It is designed to tie in with much bigger plans although we have kept this ordinance very much similar than the one you will find in say Ontario. They really go into it in a big way. As far as I know without seeing the final text this is the same.

Mr. Shaw: I am also concerned with how far this might go in the producing of another department, however the Commissioner has assured us it won't go any further and in the matter of finances unless some emergency arises we would need money then. I think that when we have had emergencies in the past they have been carried out very well by the administration but there is no doubt that there were many times that they were taking actions that possibly could have been contrary to the powers that they may have had. Now we have a comprehensive sort of ordinance

Mr. Shaw continues.....  
that gives the powers out and designates that the Commissioner in turn can designate the powers to areas so I think this is BILL #13 quite good. I also feel that in the budgets that we will have full control of the expenditures that will be incurred with this with the exception of emergencies. I would therefore move Mr. Chairman, that this be reported out of committee without amendment.

Mr. Boyd: Before that motion is called I am wondering what is meant here when they ask for flexible time to make comparison with what has been worked out in the N.W.T. Should we move this out at this time or not.

Mr. Commissioner: As indicated here we would appreciate the opportunity of checking with our companion Territory to see if they have any changes, simply of an administrative point of view to see if we could have parallel legislation.

Mr. Chairman: I would suggest that it is just about noon and possibly during the noon recess we could find this out.

Mr. Watt: After the discussion here this morning I think that my questions have been answered and I am ready to vote on this right now.

Mr. Commissioner: No harm would be done if Council wishes to do this.

Mr. Southam: I will second the motion.

Mr. Chairman: I think at this time before putting the question we will recess until two o'clock.

RECESS





Thursday, November 24, 1966.  
2:00 p.m.

Mr. Chairman: I will now call Committee back to order. We are discussing Bill No. 13. The Legal Advisor has informed me that he is unable to attend at the moment because he is at another meeting, however, he did wish me to convey to Committee that he has contacted Mr. Frank Smith and that he has learned that the Bill that was passed in the Northwest Territories is exactly the same Bill as we have here with no Amendments. What is your further pleasure? I have a Motion before me. It has been moved by Councillor Shaw, seconded by Councillor Southam, that Bill No. 13 be reported out of Committee without Amendment. BILL #13

Mr. Boyd: I would have liked to have the Commissioner here. I have one question I would like to ask. I am going to vote for the Bill but I would like...just to make...I am voting for the Bill with a certain understanding. I may as well make my remark now and leave it at that. This three-way split we are talking about for this man's salary...now, I can visualize all kinds of people coming out of the army and so on who Ottawa would like to place in a nice soft cushy job. They can turn around and say to us tomorrow, if they elect to do so, "We need a full time man in this capacity for the Northwest Territories and we are going to have to utilize this man in this capacity". Where do we stand now? We need one too. It's as plain as the nose on your face. This will be the start of the thing and I'm agin it. There should be no added expense by way of a big department or a department. They should be able to handle it straight through Administration without added expense regardless of what does happen to this one man that is the employee now. That's the only way...I am voting on it with this understanding.

Mr. Commissioner enters the Council Chambers.

Mr. Chairman: Councillor Boyd did have something he wished to direct to you. Possibly Councillor Boyd could mention this to Mr. Commissioner.

Mr. Boyd: Yes, Mr. Commissioner. In connection with this Bill No. 13, I was merely pointing out that I foresee changes in the present system of this Peacetime-War Emergency man who is now employed, by the name of Mr. Green. I can see where one of these days Ottawa might say, "We need a full time employee in this job in the Northwest Territories", and they will have it. Then, where do we stand? We now are up against a full time man. This is an open book as far as I am concerned. The gate is wide open and it's fine to say...it winds up you are it and I have every confidence in your ability but you are not going to be here forever and Ottawa can also exercise their big hand and we could very easily find ourselves up against a separate department set up at the, you might say, request of Ottawa. I am saying that I am going to vote for this Bill but with the understanding that it should be handled by Administration, or through Administration, without any added cost over and above what are in existence now...at least until...should any changes be made, Council should be given the chance to decide, or have a say in it at least.

BILL #13 Mr. Commissioner: Mr. Chairman, may I be permitted a word in this regard. The point that the Councillor brings up here is a very good and a very valid point. I think I indicated my concurrence with what he has to say during the discussions this morning and I would like to point out that when we are getting down to the final details of the Five Year Interdepartmental Agreement, it is a reasonable assumption that the forecast of the expenditures in this Department, for at least the coming Five Years, are within the ability of this Council to reasonably control. I cannot assure Councillor Boyd that changes will not be made or are not anticipated to be made at some time in the future in regard to this Civil Defence Organization. I would be very stupid and I am sure that no one around this table would believe me because it is simply not a practical assurance to give, but I think you can agree with me, Mr. Chairman, when I say that the forecast of anticipated expenditures in the Five Year Agreement is coming up for discussion in the near future. It is well within the ability of this Council to not only make recommendations but to have considerable control. I think with this in view, I hope that this will be sufficient assurance to the Councillor's question in this regard.

MOTION  
CARRIED

MOTION CARRIED

BILL #14 Mr. Chairman: The next item, gentlemen, is Bill No. 14. I believe that this is a Supply Bill.

Mr. Commissioner: Mr. Chairman, could I ask a question of you in that regard? Is this the Supplementary Estimate that was required in connection with the fire at the School?

Mr. Clerk: Yes, it is.

Mr. Commissioner: Might I suggest, Mr. Chairman, that you might wish to consider your Sessional Paper either in conjunction with....

Mr. Chairman: Is everyone agreed, gentlemen, that we consider the Sessional Paper at this time?

All: Agreed.

Mr. Commissioner: Mr. Chairman, please don't misunderstand me. I simply put this forth that it may be of assistance to you.

SESSIONAL PAPER #41 Mr. Chairman: A very good idea. (Reads Sessional Paper No. 41).

Mr. Commissioner: May I add something further to this for Council's information. Since we completed this paper for Council's information, it has been confirmed to Mr. MacKenzie from Mr. Baker that the costs of rehabilitating the School are going to run in the neighborhood of \$350,000 to \$400,000 and of this amount, we will recover from the Insurance Company all except \$15,000 to \$20,000. That is the up-to-date picture on the rehabilitation of the Whitehorse Elementary School.

Mr. Chairman: Any discussion on this item, gentlemen?

SESSIONAL  
PAPER #41

Mr. Boyd: Well, this \$15,000 or \$20,000 we are adding to the repair job, I believe, precautions that were not there before, presumably at our own expense, naturally. Is this the \$15,000 or \$20,000 you are talking about.

Mr. Commissioner: Mr. Chairman, I think this hinges on the installation of a sprinkler system. Is this what you are referring to? No. This is not involved in this. This is another matter entirely, Mr. Chairman, and will be the subject of a contract. I mean this will be a bid proposition.

Mr. Boyd: Mr. Chairman, this may not be too bad, but we went into this insurance premium on several occasions at this table, and we were told in very certain manners, certain ways, that we were insured for the full replacement value, and it was a very nice arrangement was also added to the remarks. Now it seems we are not. It says that "we shall claim for the full cost of repairs and damages". Are you saying, Mr. Commissioner, that we can accept the fact that there will not be more than \$20,000 lost to this Territory by way of damage by the fire?

Mr. Commissioner: This is absolutely correct. This is my up-to-date information. Mr. Chairman, I would refer Council to the Brief given them on the 6th of April, 1965, from the then Commissioner, Mr. G.R. Cameron, in which he said here, "In discussion of Motion No. 3 with the Committee of the Whole, the statement that it was our policy to base property insurance on 100% of replacement value was corrected. The Committee was informed that it is our policy to insure buildings and contents for 100% of cost price". I have checked this very carefully, Mr. Chairman, to make certain that this was the statement that was given to Council. I have a copy of it here if you wish to see it.

Mr. Shaw: Mr. Chairman, am I correct, when we were discussing this Insurance....it seems to me in the back of my mind.. I may be wrong...that the Territory were only insuring buildings of a value of over \$100,000 per building? I was busy looking for my paper so I missed some of this. That seems to be what is in my noggin...that it came up some time...is that correct? Only those over \$100,000?

Mr. Commissioner: "As to policy, it is the aim of the Administration to cover major risks only and to carry minor risks with our own resources. An instance of the application of this policy was the recent decision of which you are aware, to limit fire insurance coverage to buildings and contents which, combined, exceed \$100,000 in value. By the word, value, original cost price".

Mr. Chairman: Are you clear on Sessional Paper No. 41?

All: Clear.

Mr. Chairman: We will return to Bill No. 14 and I will proceed with the reading of the Bill. (Reads Bill No. 14). BILL #14  
Gentlemen, you have the attached Schedule "A" and you have the breakdown in your work papers. The first item is Vote 3, found on page 10, Whitehorse Elementary School...an amount of \$30,000 as itemized.

All: Clear.

BILL #14 Mr. Chairman: The next item is found in Vote 6 on page 13 under Dawson City Flood Damage...the amount of \$4,741.

Mr. Commissioner: Mr. Chairman, you may want to question this in connection with the fact that you have already appropriated \$59,000. This represents the fees that were charged us by the firm of adjusters that were brought in here to assess the flood damage. An account of this was not available to us when the First Supplementary Estimates were calculated. In connection with this...you do not have the paper on the Dawson Flood Damage as yet. It is ready for you now.

Mr. Chairman: Are you all clear?

All: Clear.

Mr. Chairman: Next we go to Vote 20, Project and Loan. The item is under Education, Whitehorse Elementary School Fire Repairs, \$289,000.

Mr. Commissioner: Mr. Chairman, this is to enable us to spend the money and get the job done so that we can collect the Insurance. We have had, to assist us in the financing of these repairs...we have already had, or got initially from the Insurance Company, an advance of \$150,000, but we have to show the expenditure, Mr. Chairman. We cannot simply have the revenue. We have to show the expenditure.

Mr. Chairman: This gives us a total gross expenditure, gentlemen, of \$323,741.

BILL #14 PASSED OUT OF COMMIT-TEE Mr. Boyd: Mr. Chairman, I would move that Bill No. 14 be passed out of Committee without Amendment.

Mr. Southam: I will second that, Mr. Chairman.

Mr. Thompson: Could I ask Mr. Commissioner one question before the vote is taken. Inasmuch as we are showing the cost, or our cost of the repairs prior to the payment of Insurance, have we, by the same token, set up in Revenue the amount? I just didn't see that anywhere in this particular Bill.

Mr. Commissioner: This will be properly set up and has been already, Mr. Chairman. If Council wishes further information on this, I would be very happy to have Mr. MacKenzie supply it to you. Our initial advance from the Insurance Company, immediately upon the determination of the adjusters of the actual loss, was \$150,000. We will be making claims as the work progresses and the Revenue Account will be shown accordingly.

MOTION CARRIED

MOTION CARRIED

BILL #15 Mr. Chairman: Next, gentlemen, we have Bill No. 15, An Ordinance to Amend the Recording of Evidence by Sound Apparatus Ordinance. (Reads Bill No. 15 and Explanatory Notes).

Mr. Southam takes the Chair.

Mr. Taylor: Mr. Chairman, I am not convinced, for one, that recording apparatus...I wasn't when we first discussed this Bill, and I'm still not...that this is a good thing. We did provide the safeguards as much as possible in the former Bill of ensuring that everyone who goes before a Court gives his consent, either by himself or through his Counsel, to the use

Mr. Taylor continues:

BILL #15

of this and I would very much like to have someone here from the Justice Department to answer questions in relation to this. I still feel as I did before that when a man goes up before a Court on a criminal offence, or where he could be locked up or incarcerated depending on how the trial goes, and if he wishes an appeal, he will require an absolutely perfect transcript, then I feel he should be given the services of a recording service shall I say and that is the services of a stenographer, a verbatim steno, to take this down. If the Justice Department can't pay the money that other people can pay, then they are just going to have to hike their wages. I am opposed to this Bill and will remain as such. When we take out the safeguards and we say, "notwithstanding any other Ordinance, the evidence in any proceeding or any portion of such evidence may be recorded by sound recording apparatus"...that to me, gentlemen, is not good enough, and I would very much like to know, for instance, whether or not people going into this Court here, even as we sit, whether they are giving their consent to the use of that recorder. I don't feel this is fair - not certainly fair to the citizen that is charged and it is a mechanical device which is subject to failure and I am unalterably opposed to the use of this equipment. There is better equipment available.

Mr. Thompson: Mr. Chairman, I don't see where the Councillor from Watson Lake has any cause for alarm. It says in here that consent will be received from all parties before such a recording device is used so if he is not in agreement, it is a very simple matter to see that there is a stenographer there. I am wondering what type of expensive equipment is necessary because I am quite sure that Mr. Clerk can monitor any of the recordings that we make right here and from what I can gather, the only objection is going to be to the Counsel themselves. I don't mean us. I mean the Counsel for a Defendant or for the Crown...that they might have to stand still and do their talking into a microphone and this would detract from their Court procedures so I think that the only change here that would be required here would be one of these lapel type microphones with lots of wire and they could walk around anywhere they so desired. So, I don't see any problem here. I think that if they want to use a machine and all parties are agreeable as this so states, then I don't think there would be any problem whatsoever.

Mr. Taylor: Mr. Chairman, the very point is, in reply to the Honourable Member from Whitehorse North, that in the Ordinance today exists the safeguard. In this proposed Amendment, section 3 is repealed and the safeguards are taken away and it states, if we were to approve this Bill, "notwithstanding any other Ordinance, the evidence in any proceeding"....any proceeding...."or any portion of such evidence may be recorded by sound recording apparatus". The safeguards are gone and what is not expressed is not implied.

Mr. Thompson: Mr. Chairman, it says "may". It doesn't say "shall".

Mr. Taylor: It doesn't matter whether it says may or shall, Mr. Chairman. There is no safeguard provisions in this Ordinance and as was noted in the Explanatory Notes and I think any Members here, when we went through this, we didn't like this you will remember. We wrote those safeguards in begrudgingly and the thing was approved. As I say, I didn't approve it myself but the majority of Council did, only after those safeguards were written in. Now you are taking out the safeguards. You talk about stepping stones. I am vigorously opposed to this. I

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this is wrong and this could deny somebody a reasonable transcript and his right before the Law.

Mr. MacKinnon: Mr. Chairman, I can see that we can get into quite a bind here. I believe at this time I would request Judge Parker to come to the table and give us a clear explanation of the necessity of all this.

Mr. Shaw: Well, Mr. Chairman, we have certain advice in respect to this from two of the largest legal firms in the Yukon. These firms are, in most cases, opposing each other.. one for the Defendant and one for the Plaintiff and they feel that this is something that will work and will work fairly otherwise I feel sure that they would not recommend the use of this. We have, nonetheless, the Chief Justice of the Yukon Territory who also feels, after a thorough personal investigation, and I would assume that he is most concerned with justice...and I think that with Council's permission, I would appreciate having Mr. Justice Parker, who has made an offer that he would discuss it with Council, and I would move that he be invited to discuss this with Council.

Mr. Watt: I will second that Motion.

Mr. Chairman: I don't think that a Motion would be necessary.

Mr. Shaw: Mr. Chairman, talking on the Motion, I made the Motion to give Council an opportunity to agree or disagree rather than saying on my own hook...so and so and such and such. I think I did that out of courtesy.

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Mr. Chairman: Mr. Clerk, would you find out when Justice Parker could be available? I will call a short recess at the moment.

Mr. Chairman: I will call Committee back to order. At this time, we have Mr. Legal Advisor back with us and if anyone would like to ask him any questions regarding this Bill No. 15, he is entitled to do it.

Mr. Taylor: Mr. Chairman, just for the edification of Mr. Legal Advisor, with respect to this Bill, I note that the safeguards as specified in old section 3 (1) which were placed in as indicated to offer at least some form of protection towards the people, have been taken out in this section, of course, for the purpose of making this thing more workable for the Courts and the Department of Justice, but I cannot agree that this accords the citizen, the person charged, any safeguards whatsoever, and I would like to ask Mr. Legal Advisor if he does feel this is correct.

Mr. Legal Advisor: No, Sir, with respect, I think the safeguards lie in the vigilance of the Judge, the vigilance of the Counsel, and the integrity of the persons involved. They would not be left unprotected. You have read the Explanatory Notes and I indicated a part of the objections which I recalled the Councillor had raised the last time where it says "When the Ordinance was last before Council, objection was made that it reduced the mobility of Counsel" and "that this type of equipment could be tampered with by splicing sound-track". That would be equally true, of course, with a four track machine or a twenty track machine but shorthand notebooks could be tampered with. In fact, much more easily. So, you are always forced back to the possibility of fault. I can only suggest to you that the

Mr. Legal Advisor continues:  
protection available today in the case of the normal stenographic process, the shorthand and the typing down, transcribing, is no higher than the protection which the public would have under this Ordinance if it is passed. Fraud and collusion are possible in all these things. It's only vigilance and integrity that prevents this happening. It would have been possible, even with the safeguards written into section 3 last time, to have, by contriving and bribery, to have distorted the record. It only needs one bad apple and you could never have an absolute guarantee that your bushel basket hasn't got one bad apple. There is no...it was an attempt, but it would still fall short of perfection, and in the attempt, the unfortunate result was that the Bill became slightly unworkable in practice. I would much rather that you heard the witnesses such as the Territorial Judge because I am becoming drawn into, shall we say, a policy discussion, knowing the difficulties that have confronted the Court. They had real problems getting shorthand writers but that's not a matter on which you would want to hear from me. I am sorry...the protection aspect...we can never guarantee absolute protection no matter what words we use here. If people are going to come into fraud, they will.

Mr. Taylor: Mr. Chairman, up to this point, we have an Ordinance...we still at this time have an Ordinance in respect to the recording of sound in Court Rooms. Yet I have seen people traipsing in here, into this Court Room in this building and in other places throughout the Territory, where tape recorders are used and the section requiring people to agree to this...I don't think is ever respected. I don't recall even hearing anyone being asked if they would agree to have this thing recorded or not.

Mr. Legal Advisor: Well, the explanation there is that the machine there is a backup machine. They are making a verbatim record and in case their notes fail them, there is a backup machine they can play back and just make sure of whether they noted it correctly, but essentially, the number one actor in that scene is the person that is taking down the notes. For instance, you have at the table now the official record. This is simply a backup machine. This is why no Application for Consent is needed. If this Bill goes through...if this new equipment is taken on, you will not have a verbatim reporter sitting there. You will have somebody with some shorthand who is essentially hand maiden to the machine...to make sure that it is running and makes notes just to keep track of what is happening but it is the machine that is taking the notes. You are really in the role of a mechanic.

Mr. Taylor: Mr. Chairman, this is my point is that here there is nothing that even says you have to have a backup. If you infer here that this will only be used in a Court, it would...by accepting this, we would say that it would be quite legal for someone to walk into the superior court, the High Court of the Yukon Territory, no stenographer present, really, and have all evidence in those proceedings recorded on tape and transcribed at a later date by someone who is not present in the Court Room. This is quite possible. This is what I say. There are no safeguards here to ensure that this will not be done. What is not expressed is not implied. I recall when we last dealt with this, we went right across Canada. Mr. Clerk, I believe, was requested to contact as many of the Provinces as possible to find out how they coped with the situation. As I recall, a great majority of them did not

BILL #15 Mr. Taylor continues

agree that this should be done. In some cases, they used other types of equipment....I think one was a stenomast or something like this, but a straight type tape recorder system was not the accepted process in many of the Provinces, and I don't feel that this gives the person before the Law this chance...the rightful chance before the Law.

Mr. Legal Advisor: Mr. Chairman, could I comment on one thing...the feeling that the transcribing is done by someone who is not present in Court. Now, the practice when Miss Clark was here...she was a Court Room reporter of the highest calibre...was that she would sit in Court, the machine would be working. She would be making a full verbatim record and when Court finished for the day, she would go into her office and she would dictate from her notes onto a recording machine which she would then turn over to the typist. That was the practice and it's a perfectly permissible practice. Miss Clark, of course, remained completely responsible for the accuracy of that work. She certified them. She would read it against her own notes after but the typing, the transcriptions, was done by somebody who was not present in the Court. Now, the Court has to accept responsibility...the tape itself is under the control of the Court. In Alberta...I believe that they made a full recording record of evidence and they sat, more or less, in this mechanic capacity although they were quite capable of taking a full transcript themselves in full shorthand notes. We are unable to attract that calibre of person here for the money available.

Mr. Taylor: This is just the point. You have just stated that there is someone there to back up the notes. This is my point but by accepting this, you could just set up a tape recorder and you would need no one there to back up the notes...at least as in past practice as outlined by yourself. The steno did the typing from a tape recording, but it was first transcribed by a person who was there...the person who took the notes. There's quite a bit of difference.

Mr. Legal Advisor: Mr. Chairman, I must apologize....I am straying outside my jurisdiction of Council....Legal Advisor.. and straying more into my other capacity as representative of the Department of Justice. I would ask that you direct this comment to the Judge because I feel that he can do more to satisfy you regarding the control that he will impose in the Court. It is premature I suppose to indicate what disposition of staff one might make although it is obvious that we would not have the machine going without somebody in charge of it. Could that question be reserved for the Judge.

Mr. Chairman: At this time, gentlemen, I will call a short recess for tea.



3:30 p.m., Thursday  
November 24, 1966

Mr. Chairman: I will call the committee back to order and we will proceed to Bill #15, an Ordinance to Amend the Recording of Evidence by Sound Apparatus Ordinance, and with us we have Justice John Parker. Gentlemen do you have any questions? BILL #15

Mr. Shaw: Mr. Chairman, one of the matters it appears that Council is concerned in this sound apparatus is the fact that that the defendants in cases will not have the same amount of protection as they would have by using the normal stenographer taking down the notes. It seems to be the fear of the persons charged in court that it may prejudice their case in various manners and ways and means. In view of that and in view of the motion asking Judge Parker to attend as it was intimated in the explanatory notes that perhaps you could explain, I would like to know how this will or will not safeguard a convicted person.

Mr. Parker: Yes, I must say I fully appreciate and am fully sympathetic with the desire of Council to protect persons who are before the court. Now everything depends in this recording electronic method of recording the proceedings on the quality of the equipment and it being properly operated. But just leaving that aside for a moment, I can say this, if the equipment is of adequate quality and if the person using it knows what he is doing or knows what she is doing then it is very much superior in my opinion to an ordinary court reporter. It isn't a question of it's being merely as good, it is a very much superior method. Because, everything is there. Now, there are court reporters who can actually get everything down and it may be that Win Clark, whom we had formerly was one of these, and it may be that Tingley who is one in the N.W.T. is one of these. But they are a very very rare bird. For instance the reporter who was in here doing some services for you not so long ago and took a trial for me earlier, there was a transcript produced that wasn't anything like that. It is very hard to find a good reporter who can get it perfect. Win Clark can fill this bill and Tingley may fill it and there are certainly such people like this in the provinces. I don't think that you are going to get any such person here again for any sum of money you are going to be willing to pay. I went to Los Angeles and I saw the Director of Courts there, they are a very efficient organization, they have 106 judges whose activities this Director regulates. He provides all the services they need and I asked him what their reporters down there were making. He said up to \$40,000 a year. Now they pay them to start about \$9600 and they raise them in increments until they get up to \$13,000 but that is just for taking it down and then they get all the transcript fees as well. Now they are not making that sort of money in Canada but I can assure you that a competent court reporter of the quality we require, we have to have a court reporter that is just as good as any required in any other court in Canada, for the very reason you stated, for protection of the people. That sort of persons can't be getting \$12,000 to \$18,000 a year in Canada. We are not paying that sort of money and if we were we wouldn't get one for that price. I think we have to pay \$20,000 to get a first class court reporter. You might say, does Tingley get that in the N.W.T., well he doesn't because he has special reasons for wishing to be in the N.W.T. Miss

Mr. Parker continues.....

Clark enjoyed it here and she was always getting begged to go some place else and earn more money but she chose to remain. But I don't think we are going to find people like her. At the moment, if I want a court reporter I can get one, there is a department of Justice in a company in Toronto which provides these services and the rate is \$75.00 plus I think it is \$2.75 per page for transcribing. Now is that right and \$45.00 for their travelling time and that is fine. It's more money than what I am making, maybe it should be. This is what we are up against gentlemen and you are not up against a choice of whether you would like to have a first class reporter or you would like a first class machine. I don't know where I can find a first class court reporter. Mr. Hughes looked around England and made contact with the law societies over there and with a society of court reporters on the theory that salaries being much lower over there surely it would be possibly to attract one to Canada to come up here for what we were paying. So, now what about the machines, now add so much for getting a competent court reporter. Now how accurate are they and how reliable. Well, we have gone to a great deal of trouble here in my court with the machines. We have an adequate sort of tape recorder, very similar to what you have been using here today, but and it nearly always worked but it didn't quite always work and we had no way of telling whether it was working or not. You could tell the machine was on because the little red light was on, but you couldn't tell what was going onto the tape without actually playing the tape and you can't be stopping and playing back and so we got into a real mess. Then in 1964, Worsell and I went to Alaska because they are completely mechanized and have been for sometime, for some years and when I say some years I mean six to eight years and they were using equipment manufactured by people by the name of Soundscriber. They liked this equipment very much and they are still using it. It had two weaknesses as they saw it, one was that it had tubes instead of transistors and in other words it wasn't a solid state and the machines they used in the typist's rooms had a tendency to heat up and this was a bit of a nuisance. They had a large number of these machines, I don't remember, but twenty or forty, there was a firm there which became well acquainted with them and used to retain them for them. So they didn't have too much trouble. But, we wouldn't be in that situation so this was a difficult thing that these machines were not transistorized. The second difficulty and the one that really put Worsell and me off was that the girl sitting in court with the earphones on monitoring the proceedings was hearing what went into the microphone and she couldn't be certain that that was what was being recorded on the tape. So, after we got that from Alaska in 1964, we phoned these people who were in a place in North Haven, Connecticut and they said yes they were very aware of these improvements that it needed and they were doing engineering and they expected to have a machine to overcome these problems by July. This was about February. Well, they never did and they never have to this day called. Alright, now about a month or six weeks ago I got a letter from the Department of Justice saying that we realize you are having this court reporter problem, have you taken another look at the machines. So we wrote to these Alaskan people and said what about it, any changes, any improvements. They wrote back, and they were very friendly and helpful, and said that the Leach Corporation of San Merino, California had developed a new machine which struck them, the Alaskans, as being very hot. Alaska sent us a brochure of these machines and as a result I went down to Los Angeles to have a look at them and took part in a demonstration they did there for me. Now, this

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Mr. Parker continues.....  
machine did, it had been engineered so that the two things I disliked about Soundscriber had been corrected. The machine is a solid state machine with no tubes and the girl who is listening on earphones is listening to instant reproduction from the tape. So she hears only what is on the tape. If it isn't on the tape we know and if it is that is what we want. Now, supposing the machine was perfect but the tape was faulty, say it was made of paper or something, and she wasn't getting anything. So she holds her hand up and we stop. Supposing that one of the mikes isn't turned on, well then she likely wouldn't hear well and she would stop. So this is the real risk from the court reporter---what is being said is not being recorded and this seems to overcome this. In addition this machine, it is a rather remarkable thing really, we had six machines, excuse me mikes in this demonstration, one sitting in front of me as this one is and a couple at the other end and a couple of none directional ones, and a couple of ones without any wires shaped like a cigar that you shove in your pocket and are not connected in any way. We could all bleat away together, we did this and talked about different things like baseball, other things, etc., and then we played it back and this machine using ordinary tape--ordinary standard tape just like you have in your machine at the moment, takes it down on six separate channels so that if every one is talking at once in court or wherever you like and there is more than one voice the girl selects channel one or two or three or four or five or six and only what is on that mike will be produced. So you get very very clearly what is going into the mike that you are using and just a very light bit of background noises. Now, this is something that no court reporter can do. If everybody starts talking at once he drops his pencil on the table. He can't go back and separate the Commissioner's voice from the Chairman's voice from the Speaker's voice but this machine can as each one has a separate mike. This is something that no human ear can do that this machine can do. Then this remarkable, I was rather tickled with this, this cigar shaped transistor microphone, you could get up and if you wanted to go up to the wall and point out a river on a map or something. Well you don't just grab your mike and trail it along with a cord, you just are handed one of these portable mikes with no wires and you go over there and you do it. It is an FM transmitter which is broadcasting to the machine and the machine is picking it up and making it immediate and putting it on it's proper place on the tape. So you have two of those. These people make 85% of the recording equipment for the missiles and sputniks and satellites and they sell quite a few of those for aircraft in Canada, Britain and the U.S. itself. The reason they can make this pocket transmitter is because they are used to the problem of making things small because you can't have things huge in a satellite. There is a word for this....miniature. I was very taken with these people and the quality of the people I met and the whole appearance of their place. The relative simplicity of the machine----they would guarantee service for \$200.00 for a machine but I doubt if it would really be necessary to enter into this contract. These machines are made up of a series of cards that have little transistors on them and little wiring and if something wasn't working quite right on the machine you just throw out a card and throw it in the garbage and put another one in. Now I suppose that this costs you \$25.00 but it is very very simple and as for quality of reproduction it was perfect. My feelings were that we can have court records far superior to anybody in Canada if we put in this system and the Alaskans, their judges, their lawyers, all say we would never go back to

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Mr. Parker continues.....  
personal court reporting. The cost of these things---you would need five or six here. One for use in my court, one for use in Trainor's court, one for use in the transcribing office and one that would be portable to take travelling. I worked this out, the price of the in court machine which has these mikes and so on is \$3,095 U.S., but the one that you would have in the office of the typist is I think \$2,495 U.S. and again that is without duty and without converting it into Canadian funds. If you convert it into duty and U.S. funds and there is a 15% excise tax and 11% sales tax and all that, but it seems to be \$24,000 Canadian on the button, delivered, and I am not very far out on this. For five machines it is going to be with \$25,000 Canadian here to Whitehorse installed. Installation is nothing and it is not anymore difficult than installing the set you have here. Gentlemen, now I am ready to answer any of your questions.

Mr. Shaw: One question, is there any means of differentiating between the person talking and the, in other words, the person transcribing would have to know this reference to Council or whoever it might be to identify the person speaking.

Mr. Parker: Gentlemen, certainly that is a first class question Mr. Chairman. The answer is that the person who is monitoring these proceedings in court would have---they would make a note of the number of the tape being used and they would note the names of the counsel and the names of the witnesses and how they were spelled and that John Jones examined by Wylie and so on like that, and then cross-examination by Regehr. They could tell whether it was a question or an answer quite easily. They would know who the counsel was and so on and this is the way it would be done. In our system that person would be the same person that would go do the transcribing.

Mr. Shaw: In other words, the person doing the transcribing would have been the machine operator and wouldn't they have to have shorthand?

Mr. Parker: No they would certainly not require shorthand but we contemplate a typist who would simply scratch a note on who was in court, who was on the stand, and you would have lots of time to doodle around. There wouldn't be any problem there at all as I see it and then you would go out and file this one away and one out of twenty-five you would be asked to transcribe and so you go back to the notes and pull the right reel and there you go.

Mr. Chairman: Mr. Thompson.

Mr. Parker: These reels would have to be locked of course.

Mr. Thompson: Mr. Chairman, are we to presume Mr. Parker that you have looked at this ordinance and I am wondering with the changes here and by repeating section 3, isn't the present ordinance as it stands, wouldn't this be permission enough to use a machine of this nature without having to go to the extent of repealing the ordinance.

Mr. Parker: This is quite true up to a point. If you look at these explanatory notes which your Clerk has been kind enough to provide, you will notice that section 3 which is the only one we have sought to have amended. As it is set forth and the part that should be deleted is underlined. In subsection one of section 3 is "where the judge so directs!" deleted and

Mr. Parker continues.....

in other words I want to have things so that we can use either machines or if some judge comes in and brings his own reporter he can use his own reporter but there doesn't have to be a formal direction each time that it is going to be done by a tape. Number two, subsection two of the section says that tape can be used providing the parties consent---well I want to do away with this consent business. We should either go for this thing or we should leave it alone. If a chap doesn't want to go on trial and lawyers will use all kinds of gimmicks to stay off trial, this is a recognized part of the game, so you can see where they will say no I don't feel very happy about the use of the tape. Perhaps I will feel happier about it in two weeks. Something like that and it will be a real delaying factor. Now I don't want to have to be in the hands of the lawyers and I don't want to have to beg them to use the tape. That is the only thing, as things are now Mr. Chairman, your legislation permits the use of tape recorders as providing the judge agrees and providing the parties involved agree. I would like it to say well tape recorders can be used. BILL #15

Mr. Thompson: Well, Mr. Chairman you say that they may be used but it is not necessary that they be used.

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Mr. Parker: If this amendment were put through the effect would be that tape recorders could be used but this would certainly not rule out the using of a live court reporter. That would not be in any way here. I might say also gentlemen which you might not be aware of, you control completely the civil field of this regard. If you say this may be done that is it. If you say nothing it can't be done and then the criminal follows you in that in the criminal code it says, "on any province where the legislature has said that these devices can be used for civil proceedings they can be used for criminal." But at the moment although you have no direct control over the criminal side you have in a fact complete control because we can't use these machines in criminal until you approve them in civil.

Mr. Taylor: Mr. Chairman, I still cannot agree that this is a wise thing to do at this time. I didn't know this bill was coming up or I would have brought some information on this which would substantiate what I have to say. You know that the people in Canada in reporting business have expressed views. But, in any event I think this equipment sounds interesting and I think it is what they call integrated circuitry, so I don't think though this equipment would be used and you would gain certain benefits like scattering microphones around, I still don't think you can rule out the problem that exists with the existing reporting service where especially like this room it is very bad for street noise, people making noises in the hall and the microphone problem. You can't take the housewife out of the household and replace her with anything and I don't think here you can replace her, the court steno, or steno, or typist, whatever you prefer, out of the courtroom because in doing so you then deny or there is a possibility that you could unknowingly deny a man something in the proceedings. Something may be lost and he will be penalized for it. It is not saying he will or that it is intended to be but it could happen. I think that it is worthy of thought that if we have to pay for stenographers then let's pay for them. I think that we have got to keep that stenographer in the courtroom. It has been stated that one of the processes that Win Clark used was to take her notes, go back in her office and then transcribe the notes on a tape recorder and then they can be typed up

Mr. Taylor continues.....  
by another person. But even here there is a witness to the proceedings and it isn't the person left to transcribe it and this leaves room for doubt that the notes were sufficient of what was. I feel that subsection 2 of section 3 should remain and I think that anybody no matter who they are should give their consent to having the matter recorded. I think the person who transcribes the thing should be there. I am unalterable opposed to this and I know that it isn't intended but I don't want it intended that anybody's civil rights be breached here but I can see where it could happen and I am opposed as I was in the initial bill to the approval of this without the safeguards, that now exist.

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Mr. Boyd: Well Mr. Chairman, I have a different opinion as to that of Councillor Taylor. I am always for trying something that sounds sensible and practical. We are in the stage at the moment that \$25,000 will not get us what we need. We also have an alternative that \$25,000 by way of machines will get us something that we need and for an indefinite period. So at the very worst if we do go ahead with this we are out nothing and we stand to gain everything. A trial is worth while. If we don't try things we will never succeed in anything and I for one would like to see these machines brought in. I am getting rather tired of listening to the problems and so on that exist and I am not blaming anyone for their things, they are conditions that are forced upon us. Be that as it may we certainly should be able to cope with it and think far enough and fast enough to turn a corner when we need to. You can always back up if you have to. I would like to direct a question to the judge. On the assumption that this section of the bill was passed and you had somebody come before you whereby the defence said that I would like to have a court reporter rather than a machine. You would not--what would be your reaction to this, assuming that this bill were passed.

Mr. Parker: Well I would, it would depend on the circumstances. I would be rude to this character, I would say I have no doubt that you have been discussing this with someone and you have some apprehensions and would you like to discuss this with a solicitor. The legal advisor will discuss this with you and if it is agreeable to you, is there anybody particularly that you would like this discussed with. Now we are assuming that the fellow was not represented by counsel. So, then he would go for it and say I don;t want to discuss it and I don't want to be charged with one of these machines. I want a live court reporter here. Then I would say that it will be a while before we have one but we have one coming in January because we have to clear up a mess made by another court reporter. This can't be cleared up by a machine and so if you really feel strongly about this you can come up before me every eight days and I might even give the fellow bail. If it were rape or murder he would wait in jail as far as that goes. Right now I am not doing anything, there is no work done.

Mr. Boyd: If we are going to go for this as suggested here it would seem to me that this would be the law of the Yukon and you would not be put on the spot. I had in mind somebody who is represented by counsel who wanted to delay for six months and in that didn't want to come before you or something like this for the obvious reasons that you mentioned. Well if the man had counsel what?

Mr. Parker: I would say that this is ridiculous and this has gone on long enough but I wouldn't say it in those terms.

Mr. Watt: Would this if this passed, would there be anything stopping a lawyer from bringing in his own recorder?

Mr. Parker: I have no objection to him doing it right now. Anybody can bring it in. A lawyer is an officer of the court and he has certain rights, if he wants to use a tape recorder it is perfectly all right, let him bring it in.

Mr. Watt: If you did install this particular equipment would that affect the backlog of cases. Would that alleviate the problem? I read in the paper of someone being in jail for two or three months or a period of time. Is there a lack of court reporters so much that this is happening. BILL #15

Mr. Parker: I doubt really that people are being held in jail for months on end generally speaking if the matter cannot be heard then bail is set at a reasonable figure and the chap is at large until the case comes up. But there has been something of a backlog as there has been some delay in getting the transcripts of preliminary hearings in magistrate's court and for instance when the proceedings regarding mining claims, it was a considerable proceeding against three or four people regarding staking, now was that six months ago? SOUND APPARATUS

Mr. Legal Advisor: I think it was about three and I don't expect that to reach you until February or March and maybe later than that.

Mr. Parker: Now, that is six months but the complaint of mine is that the work that I have been getting isn't of a quality that I can use. I had to declare a mistrial because the transcript performed by an ordinary person, an ordinary stenographer in court reporter training was so inaccurate that the jury and I were so badly misled that obviously I had to wash the whole thing out and try again in January when we had secured a new transcript which will not be the best in the world but what will come off a back-up tape recorder. Don't ever question that a tape recorder---it is very much more accurate than a court reporter and I agree with Councillor Taylor that a court reporter will be very much against these things, indeed, the best labour lawyer in the southwest has been hired by the Los Angeles County court reporters who make their living--this fabulous money, to run a lobby against just what I am trying to get here. To get a court reporter in favour of a tape recorder is like getting a doctor to speak in favour of a chiropractor. I don't know where you can go for an opinion but you can't go to a court reporter.

Mr. Watt: It wouldn't be that final?

Mr. Parker: It would do them out of a job an they would disappear just like that fireman on the locomotive--he disappears. We won't need anyone who has ever seen a shorthand pencil.

Mr. Watt: I am not talking about the fireman, I am talking about the train, you have to have one to get there.

Mr. Parker: I can't see how it could be as slow as it is now. I think we are in a dreadful situation right now.

Mr. Thompson: There is talk earlier for new recording systems for the Territorial Council and I am wondering if what hasn't mentioned here for the magistrate's court and the territorial could conceivably be bought for us and we could try them out.

Mr. Thompson continues.....  
and if they proved satisfactory and received the blessings of the Councillors and then come next spring then the magistrate's could get one and then the territorial court could eventually get theirs. But I gathered from what Judge Parker has said that there are many cases that have been delayed and are pending because of the lack of competent court reporters. I would like to know if any figures could be produced to give us the number of cases in both courts that are pending because of the inability to get competent or any court reporters. The other thing is I am wondering if by having these machines would conceivably and I would use this term, would Justice be better served?

BILL #15

SOUND  
APPARATUS

Mr. Parker: I don't think that anything is being held up in the magistrate's court. He has two court reporters in training and neither of them in my opinion is competent to take the evidence but they are very hard-working conscientious girls and are putting forth their best effort but they are not qualified court reporters. They are no up to the mark and they can't do it. Those proceedings go ahead just as if these people knew what they were taking down and now I won't do this. It is a fact that I just won't do it. Not because I am stubborn but because the liberty of the subject is much more seriously involved in my court. In most of the things in magistrate's court 99 out of a 100 transcripts are never needed anyway. So in my court there are two or three cases pending and if counsel put it to me that there was a danger of injustice by delay I would pull someone in from Ontario at \$75.00 plus living expenses, plus travel allowances, plus transcripts because I have a duty. These matters are not of this urgency and counsel is not asking for this. We expect to dispose of this when Justice Morrow will be coming in here to hear a case I can't and will be bringing Tingley in here. Actually it isn't too bad except I don't know what the quality of the transcripts are going to be from magistrate's court. The last one they declared a mistrial. I am not making a great big fuss about anything but I am a bit alarmed about the situation. At the moment I am not seriously delayed.

Mr. Thompson: In actual fact your court is not permitted to use these recording devices?

Mr. Parker: My court is allowed to use these recording devices providing both parties agree but I can't buy a machine that will work until you people decide they can be used. I have got to get the law cleared first. There is no doubt about these machines being able to be used. I don't feel I should ask for this money unless they were certain and I can enforce the things. As far as Hudson and Company is concerned and as far as Wylie and Company are concerned it is fine with them. I don't know what Mr. Regehr says. These firms happened to be in the office when we were discussing it and they both said good.

Mr. Taylor: Well Mr. Chairman what is going to go on here as I see it is that we are going to put the machine on trial first and the defendant second or we put----I would hold the view that this is what we are doing here. Why don't we try out a machine first before we go and throw this thing wide open and give the defendant the same right before the law rather than throw the thing wide open and this is a backward way of approach as I see it. Very bad. By saying that you give us the legislation and then we will try out the machine I don't think this is the right approach at all and although



Mr. Taylor continues.....

there may be some delay or there may be some----maybe it doesn't work the very best. I think this should remain until we find out how these things work. To change the ordinance to set up a trial at the expense of the defendent to try a machine is not what I consider proper and reasonable legislation.

Mr. Southam: Gentlemen, at this time I will call a recess.

RECESS



Thursday, November 24, 1966.  
4:15 p.m.

Mr. Chairman: I will call the Committee back to order. We were discussing Bill No. 15. BILL #15

Mr. Taylor: My question was...should we put the machines on trial prior to putting the defendant on trial or should we put the defendant on trial before the machine?

Mr. Parker: My answer to that is that if I were advising an accused person and he had the choice of going with the machine or a first class reporter, I would say, "My boy, go with the machine", because if this machine gets fouled up, we will find out about it and then all we have to do is appeal as there is no adequate transcript. The Court of Appeal will send it back for a new trial so if you are convicted and we don't have a good record, you are going to get a second chance whereas with a first-class court reporter, this is impossible. If you were convicted, you would be complaining about the Court Reporter so as far as the accused part of it is concerned, it seems to me that he has a double safety card in the air. He wins either way. In other words, he is not in any jeopardy at all or any additional jeopardy. After all, gentlemen, you have a young woman sitting with a machine on her head and she is listening to the matter being recorded. Well, unless she dies and it isn't noticed that she is dead, or falls asleep or something like that, there doesn't seem to be a great deal of chance of error. I don't say that it is impossible to have an error, granted.

Mr. Taylor: Mr. Chairman, it has been stated in fact that this has led to an impasse because superior equipment entails a large investment. It would seem to me that you would be able, if I'm not mistaken, to be able to purchase one of these machines to use and one transcriber or whatever it is to use on an experimental basis under the existing Law which provides safeguards and the only impasse that would then be there would be the problem of having the inconvenience shall we say of having people sign that they approve the use of recording devices. Is this not correct?

Mr. Parker: I think it is correct, Mr. Chairman. As Councillor Taylor says...if we could persuade somebody to buy a machine for us, we could, under the existing Law go ahead and use it...perhaps not in every case...perhaps Counsel might resist it in some particular case and then we could come back to you later and say how we got along. This is quite possible. This brings us into the problem...it is the one problem that I see...the jockeying...the position where you don't want to come on in a particular case...you have been refused to have the machine...I don't care to have people put the Court in that position. Also...if the machine isn't working or if the machine isn't all right, I'm the last one to go ahead. I'd just as soon go fishing if the machine isn't working. I am on your side. I'm not on the side of the plaintiff or the defendant, or the accused or the Crown. I am on your side...the side that wants justice done no matter how it turns out. This is what you are concerned about. Obviously. I think I am supposed to satisfy myself that everything is going along as it should be and if it isn't, to stop. I don't think I should be at the mercy of the Bar.

BILL #15

Mr. Parker continues:

That's for sure. But if you decide to buy a machine...if you say, "Well, we'll leave the Law the way it is and we will get you a machine"...there you are....we'll make the best use of it in Court. I can assure you we wouldn't be stuffy or difficult about it. We'll try a machine on any basis...with the Law as it is or if it's changed. We'll make the best use of it.

Mr. Taylor: My last comment at this time would be that this would be my particular position at this time in respect to the Bill....either the Court experiment with the machine or some other facility....but I feel that the machine should be put on trial first and we should determine whether it works before we change the Ordinance and it seems to me that if this is done, then at another Session, possibly the Spring Session or next Fall, if it's shown that some latitude should be exercised over the existing legislation, then I would say that this would be the time, having experienced the use of this machine, to affect changes in this Ordinance. I really strongly feel this.

Mr. Parker: Shall I retire now? I am at your disposal, Mr. Chairman, but if Council has no further questions for me, I'll get out so that you can have a free discussion.

Mr. Boyd: Mr. Chairman, I did have a question but I think it has probably been answered. I was concerned what qualifications...it mentions qualifications of the operator...but I have just learned that as long as they are capable of putting on a set of earphones and their heart is beating, they don't need anything more so that settles my question.

Mr. Parker: Well the machine, Mr. Chairman, looks not unlike the machine which is operating next to the Clerk there. You have to push down a button and so on. I think it would take you ten to fifteen minutes to become familiar with the machine.

Mr. Chairman: Does anyone else wish to ask Judge Parker any questions?

Mr. Thompson: Mr. Parker, Sir. You say, or it says in here and you queried this first item in section 3..."notwithstanding any ordinance", etc., etc. "If the Judge so directs"....and you say this puts the Court on the defensive.

Mr. Parker: No, I don't mind that part, Mr. Chairman. I don't want that in really. I don't want to have to direct in every case. What happens if I forget to direct it? I am really not upset about that. I would just like to have that out so that routinely we do it by machine. What I am upset about is having to go on with two and three. I have to ask the parties if they are satisfied with the competence of the operator and so on and I don't think that is any of their business. I don't think I have to ask the lawyers whether they like this particular clerk or whether they would rather have some fellow with a nicer smile or something like that. They'll appear before the Court as it is. They may not even like the Judge. A lot of them don't. That's really not their business I don't think.

Mr. MacKinnon: Mr. Chairman, I didn't have a question but BILL #15  
I would just like to mention that I am quite satisfied to go along with the recommendations that Judge Parker has outlined and as far as testing these machines, I think that Mr. Parker has made a survey and found that they were very satisfactory. I am willing to go along with I will say his judgment.

Mr. Chairman: At this time, gentlemen, could Judge Parker be excused.

All: Agreed.

Mr. Parker leaves the Council Chambers.

Mr. Taylor: Before I resume the Chair, gentlemen, in this matter I just want to remind you of one thing and that is the fact that the learned Judge has told us today that there would not be any great impasse to make an experiment here by leaving the Ordinance the way it is and to test this thing out. He agreed that this could be done and I would urge that Council give consideration to this proposal and that this matter be shelved until some of this equipment can be tried. We are making laws in respect of the people and I think we should be shown that these things can work. This is a mechanical device. It may work in Los Angeles, under a different system I might say than is employed in Canada.. a different judicial system. It may not work here and it may. I think the proof of the pudding should be in the eating and I feel that we should vote this Bill down at this time and if this thing is proven to be useful, then it be considered a fair test having been made. I don't believe in putting the citizen to the test prior to the machine.

Mr. Shaw: Mr. Chairman, I am not a lawyer, neither am I a Judge. I have another business or profession that I make my living at...possibly be more conversant with that than court reporting. A Judge, Mr. Chairman, in my estimation, is just as concerned on the rights of an individual, a defendant, as anyone could be. A Judge is absolutely supposed to be impartial and in most cases they certainly are. We have a paper before us in which quite a number of lawyers, by far the majority in the Yukon, have indicated that they would support the installation of this equipment. The learned Judge himself has gone to considerable trouble and effort to investigate the various and sundry equipment that is available for this type of purpose. We have heard him today in which he pointed out that the defendants, rather than being prejudiced, would have a more favourable chance in the event that something did go wrong. Electronic machines can go wrong and human beings can make mistakes and also do wrong. All I can do, Mr. Chairman, is go along with this particular matter on the advice given by the persons that are best qualified to give their opinion on this matter. As I have stated, I am not an expert. I was sent up here by the people that I represent to use a certain amount of common sense in my judgment. It's impossible for me to go around to everybody that's in the area and say "Do you agree with this or do you not?" so it is left up to me to use a little common sense and in my estimation, to accept the recommendations from these people and I think all of them are concerned as to the rights a defendant might have in a trial...to accept their recommendations would indicate to me common sense, Mr. Chairman, and, therefore, I would be in favour of passing this Bill.

BILL #15 Mr. Taylor resumes the Chair.

BILL #15 Moved by Councillor Boyd, seconded by Councillor MacKinnon,  
PASSED OUT that Bill No. 15 be passed out of Committee, without Amendment.  
OF

COMMITTEE

Mr. Watt: Mr. Chairman, I feel completely satisfied that the rights of anybody that is accused would be completely safeguarded with the passing of this tape recording equipment as well as if you had to have a Court Stenographer. I am completely satisfied with the explanation that Judge Parker has given us and I am satisfied that he should have the right to decide whether it could be used in Court or not and it couldn't be thrown out because Council, one side or another, wished that it not be used.

MOTION  
CARRIED

MOTION CARRIED

Mr. Chairman: What is your further pleasure?

Moved by Councillor Boyd, seconded by Councillor Southam, that the Speaker do now resume the Chair and hear the Report of Committee.

MOTION  
CARRIED

MOTION CARRIED

Mr. Commissioner leaves Council Chambers.

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

REPORT OF  
COMMITTEES

Mr. Taylor: Mr. Speaker, Committee convened at 10:45 a.m. this morning to discuss Bills, Memoranda, Sessional Papers and Motions. Committee first dealt with Bills with Mr. Commissioner in attendance. It was moved by Councillor Shaw, seconded by Councillor Southam, that Bill No. 13 be reported out of Committee without Amendment. The question was deferred over noon recess. Committee recessed at 12:00 noon and reconvened at 2:00 p.m. at which time this Motion was carried. It was moved by Councillor Boyd and seconded by Councillor Southam that Bill No. 14 be reported out of Committee without Amendment and this Motion carried. It was moved by Councillor Shaw and seconded by Councillor Watt that Justice Parker be invited to appear before Council to express his views re Bill No. 15 and this Motion carried. It was moved by Councillor Boyd, seconded by Councillor MacKinnon, that Bill No. 15 be reported out of Committee without Amendment. This Motion carried. It was moved by Councillor Boyd, seconded by Councillor Southam, that Mr. Speaker do now resume the Chair and hear the report of the Chairman of Committee and this Motion was carried.

Mr. Speaker: Thank you, Mr. Taylor. You have heard the Report of the Chairman of Committees. Are there any corrections or are you agreed with the Report?

Mr. Watt: Were there any votes recorded on that last Motion?

Mr. Speaker: I don't think so. There were no contrary.

Mr. Taylor: Mr. Speaker, on the last vote, being the one that you resume the Chair, there were no contrary votes. On the vote prior to that, having regard to Bill No. 15, there were no contrary votes indicated.

Mr. Watt: Did Mr. Taylor take the Chair back just before we voted? Is that what happened there?

Mr. Taylor: Mr. Speaker, as Chairman of Committees, I cannot vote except in the case of a tie.

Mr. Speaker: Mr. Taylor was in the Chair at the taking of the vote.

Mr. Watt: Oh, I am sorry, Mr. Speaker. I thought Mr. Southam was in the Chair. I didn't hear him return the Chair to Mr. Taylor.

Mr. Speaker: What is your pleasure now, gentlemen? We have the agenda for tomorrow.

Mr. Taylor: Mr. Speaker, we seem to have caught up to Bills to date, however tomorrow with second and third readings given to new Bills, we will be able to proceed with Bills. We do have a few Sessional Papers so I would suggest Bills, Memoranda, Sessional Papers and Motions.

Mr. Speaker: It has been suggested by the Chairman of Committees that tomorrow we study Bills, Memoranda, Sessional Papers and Motions. Is that agreed?

All: Agreed.

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

Moved by Councillor Thompson, seconded by Councillor MacKinnon, that we call it five o'clock.

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: The Motion is carried and this Council stands adjourned until tomorrow morning at ten o'clock.





10:00 a.m., Friday  
November 25, 1966

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

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

Mr. Clerk: There is Mr. Speaker.

Mr. Speaker: Have we any correspondence this morning?

Mr. Clerk: We have no correspondence this morning.

Mr. Speaker: Any notices of motion and resolution this morning?

NOTICE OF  
MOTION

Mr. Watt: Mr. Speaker I beg leave to give notice of motion respecting the co-operation with the City of Whitehorse when the City paves eighth avenue.

MOTION #18

Mr. Boyd: Mr. Speaker, I beg leave to give notice of motion concerning livestock.

MOTION #19

Mr. Southam: Mr. Speaker, I beg leave to give notice of motion regarding and ordinance to licence hairdressing in the Yukon.

MOTION #20

Mr. Speaker: Any further notices of motion?

Mr. Watt: I would like to further give notice of motion respecting a filtering system or siphoning system for MacIntyre Creek and Fish Lake to supply Whitehorse and area water systems.

MOTION #21

Mr. Speaker: Any further notices of motion?

Mr. Taylor: Mr. Speaker, I would like to give notice of motion respecting copies of the criminal code.

MOTION #22

Mr. Speaker: Any further notices of motion? If not we will proceed to orders of the day. Have we any notices of motion and resolution for the production of papers? We will proceed to motions.

Mr. Taylor: Motion #16, moved by myself and seconded by Mr. Shaw. "It is the request of Council, that the Administration forward a sample of the attached tartan, designed by Mrs. R. Couture of Watson Lake, to the Minister for recognition as the official Tartan of the Yukon." May I proceed? Mr. Speaker, I have known for sometime that the good ladies of Watson Lake have been busily preparing designing and having woven this tartan which they thought would make a good centennial project for themselves and offer the Yukon a symbolical tartan. I would like to, for the edification of all members, explain this tartan. Most members have a piece of it and I will read a letter from Mrs. Couture, she states that, "over the period of the past five years, I have been working on a project whereby I have endeavored to combine the rich colours of nature found everywhere throughout our Territory in a tartan which will symbolize the Yukon in a most significant way. I have blended the white of our snow, the blue of our rivers, the unique magenta hue of our Fireweed, the green of our forests,

MOTION #16

MOTION #16

Mr. Taylor continues.....  
the purple of our mountains, the yellow of the Midnight Sun and the gold found in our Klondike creeks and hills, into what I deem a pleasing design which I seek to have formally adopted as the Yukon Tartan. Some months ago I submitted several color graph designs to the Industrial division of the Department of Northern Affairs in Ottawa. From these they have selected the tartan which I now present for your consideration, having been advised from Ottawa that the next step must be the sanction of our Territorial Council. I submit that this is a worthy project and, at considerable personal expense and effort, I have brought it thus far. May I ask your support in having the tartan as per sample submitted, adopted as our official Yukon Tartan! This is from Mrs. Couture. Well, gentlemen, as has been stated this is the tartan and I think that it is really beautiful. I think it would receive fairly wide use in the Territory and I would ask of course for your support in this matter.

Mr. Speaker: Have we further discussions on Motion #16.

YUKON  
TARTAN

Mr. MacKinnon: Yes Mr. Speaker, having a little Scotch ancestry, I am familiar with tartans and I have a Book of Tartans. When you start meddling with tartans and making new ones I would wonder if this is really a new one or a copy of an old one. Is this a good idea--one particular person has apparently come up with an idea and they are asking us to buy the idea that this one particular person has presented. I am just not quite willing to go along with this. If this had been the wish of say, the Board of Trade, or the wish of several organizations, and then I would say it was the wish of the people and I would say go ahead with it but for Council to go ahead and give their approval just because Mr. Taylor waves a piece of boughten cloth in front of them and tells them that this is the future tartan of the Yukon. I think it is very very ridiculous and I just wonder how well acquainted Mr. Taylor is with tartans.

Mr. Taylor: If that is a question, I might say that this isn't boughten cloth, this is woven as a very select and special item and apparently the only people I know of that have been consulted with in this matter is Lord Lion, King of Arms, and Sir Thomas Innes of Learney, Her Majesty's Register House, Edinburgh, Scotland. I would think they would know what they are talking about.

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

Mr. MacKinnon: I have a supplementary question Mr. Speaker. I am just wondering if this would carry any weight as to whether this would be satisfactory to the people of the Yukon on account of these worldwide people having given sanction to it. I believe it would be more important Mr. Taylor if the people of the Yukon give theirs.

Mr. Taylor: That is why we are here.

Mr. Speaker: Have we any further discussions on Motion #16?

Mr. Southam: Well Mr. Speaker not being exactly a Scotsman although I have worn the kilts, I think that before these<sup>th</sup> things come into being they have to go through quite a process and Mrs. Couture, I don't know who the lady is, must have went to considerable expense and a lot of time. As far as I know you can't have a coat of arms or anything else unless it goes through the Heraldry College in Edinburgh and therefore

Mr. Southam continues.....

I don't think that she would be throwing something on the table here unless it is new and personally I, as I say I am not too familiar with the different tartans, think it is a step in the right direction and I think we should go along and find out whether or not it can be called the Yukon tartan or it can be called whatever you want. Let's give it our blessing and see if we can get something that does belong to the Yukon on the market. MOTION #16

Mr. Watt: This is a small item and I don't want to waste much time on it. It doesn't look much like the Cameron tartan or the MacKinnon tartan but it looks alot like the Watt tartan and I kind of agree with this. But I think it would have helped a lot if the maker of this had of made a kilt for each of the Councillors, we would've sent her our size, and we could have sat around here in our kilts for a day in our Yukon tartan. I agree that there are some people who would like a tartan and this is kind of an attractive one. Since they used the Watt tartan as a base I must go along with it. YUKON TARTAN

Mr. Speaker: Any further discussions on Motion #16?

Mr. Boyd: I am just quite alarmed with those who are all of a sudden starting to be Scotchmen.

Mr. Speaker: Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried.

MOTION CARRIED

Mr. Speaker: We will proceed to Motion #17.

Mr. Taylor: Motion #17, moved by myself and seconded by Mr. Boyd. "The Administration is respectfully requested to convey to the Minister, the desire of the Yukon Legislative Council, to have negotiations instituted at the earliest possible moment, which would result in changes to both the Jones Act & Canada Shipping Act permitting full use of the Alaska Ferry System by Canadians." May I proceed? This matter was given some discussion and arose as a result of a question at the last Spring Session of Council. It really didn't get off the ground however a reply was received from the Minister in respect to this question, which really didn't say a great deal. But it has come to my knowledge, or my attention I should say, that apparently the thinking in the State of Alaska may be changing in regards to the Jones Act. The new Governor has indicated his desire to take the Jones Act which is of course and American Federal Act, and look into it. The problem here is a two-fold one because we have the same restrictions in reverse in our Canada Shipping Act which only the parliament of Canada can change. Now as the Minister in a letter to Council in January, 1966, says that under subsection 1 of section 671, "no goods shall be transported by water or by land or by land and water, from one place in Canada to another place in Canada either directly or by way of a foreign port or for any part of the transportation in any ship other than a British ship unless this is a British ship." In other words, it is illegal for us to use the ferry system. It also applies to passengers that "no ship other than a British ship shall transport passengers from one place in Canada to another place in Canada either directly or by way of a foreign port". In other words it is quite illegal for any Canadians to use the ferry by right. Now we have had the incident of where a MOTION #17 ALASKA FERRY SYSTEM

Mr. Taylor continues.....

MOTION #17

ALASKA  
FERRY  
SYSTEM

gentlemen from the 1016 area had gone to Prince Rupert and attempted to come home with his truck and was refused. I think we will all recall the discussions on this. He was refused because it was quite illegal for him to board this American ship and go to the port of Haines and then drive into 1016. This type of thing is bad and if it is--if we are, we have all seen the ferry system, and if we are to strengthen our bond and tie with Alaska and if we are to get access to the sea and if we are going to enjoy the benefits of the Alaskan coast as the Alaskan people enjoy the benefits of our Alaska Highway coming through our Territory, I think these things are negotiable and I think we should ask the Minister as this motion does to take a look at the situation and enter into negotiations with respect of the Alaska Ferry System. That is to attempt to remove this barrier of the Jones Act and the Canada Shipping Act and declare the system as an extended highway where we can take our goods and ourselves through as we would normally do on the road. That is what a ferry system is I believe. I think, from what I have heard, the attitude is changing in the State of Alaska and the adoption of this motion would do two things. It would get the Minister thinking about it and it would also let the people of Alaska let them know that we are very concerned about this and that we are quite willing to do something.

Mr. MacKinnon: Mr. Speaker, the tails that Mr. Taylor comes out with intrigue me. I am wondering just how this particular person from Haines Junction got home or is he still there in Prince Rupert and we did have discussion some time ago about the existing Jones Act with the Minister of Northern Affairs and he explained that this is a very touchy subject and a very difficult one to deal with and I personally am not acquainted with the Jones Act and I don't feel that Mr. Taylor is acquainted with the Jones Act any better than I am with Davy Jones' Locker. I think it is a very dangerous motion and it doesn't really have a meaning. I believe that if it were possible to change this type of act that the Minister would have given it his attention and it would have been changed long ago. This act controls a lot of the Canadian waters, like the St. Lawrence Seaway and such things as that. If it is changed for one particular area then it is going to change the whole system of Canada and I think it is far beyond our capacity to make this special request.

Mr. Watt: I am not too familiar with the Jones Act, the Smith Act, or the Boyd Act, and this is the result from what I understand, the maker of the motion gave an incident of a case that Mr. MacKinnon also mentioned and he said it hadn't existed. The maker of the motion discussed the case with somebody who couldn't use the ferry system from Prince Rupert. Mr. MacKinnon told me; that this individual did use the case and he got home that way. This is what caused the motion and the situation possibly didn't exist and I would like to have the point clarified. This is a little bit out of our field and I have mixed feelings about it because I am unfamiliar with the Jones Act and how it affects us. If there is a problem I am certainly willing to hear it and vote on it. But until it is clarified I plead ignorance and couldn't vote on it.

Mr. Speaker: Do you raise any particular question and whom would you like to clarify this?

Mr. Watt: Mr. Speaker we have a motion before us asking us to vote on something and I am asking the maker or the seconder what we are voting on. To clarify the Jones Act or clarify why this motion is before us.

Mr. Taylor: Mr. Speaker, this is something that has been discussed in Council at some length as I have stated earlier. The matter is of extreme importance to both the State of Alaska and the Yukon Territory and in respect of the circumstance that I describe with the gentlemen from 1016 he did make one successful trip on the ferry system after much telephoning to Ottawa was done but on his second occasion he was refused to board the ferry at Prince Rupert and he was told he had to drive the Alaska Highway which he did and he is not in Prince Rupert now and he made it home about a year ago.

MOTION #17

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

Mr. Thompson: Well Mr. Speaker I quite concur with the motion and my concern is that asking for changes in the Act that concerns Canada we have to remember that any changes respecting this Act have far reaching effect on not only the people on the west coast but all across Canada and primarily on the east coast and if my memory serves me correctly I think it is probably the people on the east coast who are the ones that are very adamant in their feelings about any changes but I respectfully submit that anything we can do to make travel more readily available between our southern neighbours and ourselves that we should make every endeavor to further this cause and I would like to say that I don't know whether anything will come of this. In so many instances it is tabled and forgotten but I think that if the people in the ivory tower in Ottawa are aware of our feelings that conceivably some thought could be given to this motion and as Mr. Taylor has intimated the new Governor of Alaska, and I say this in reservation because I don't know whether he is the new Governor or not as there seems to be some question, but if he has been thinking along these lines and if he is thinking about our benefits then by all means we should concur with this motion and give it our blessing.

Mr. Southam: Mr. Speaker, I am not too familiar with this Act but I do know that on the C.B.C. two nights ago, if I remember the Governor's name right, Governor Hickel of Alaska stated that one of the first things he was going to do was to see if he could get this act repealed. Now, of course this act will have to come through the U.S. Senate but he is going to do his utmost to get this act straightened out so that we can go back and forth and so on. I believe it is on December 5 that he is going to be inaugurated in Juneau, Alaska.

Mr. Speaker: Any further discussion on Motion #17? Are you ready for the question? Are you agreed? Any contrary? The motion is carried.

Mr. MacKinnon: I would like to have my vote recorded as contrary.

Mr. Speaker: That completes the motions for this morning. Did you wish to have your vote recorded on the tartan Mr. MacKinnon?

Mr. MacKinnon: No. I wasn't opppsed to Motion #16.

QUESTIONS

Mr. Taylor: I had hoped to direct this question to Mr. Commissioner but I will direct it to Mr. Clerk. Could I have the assurance of the administration that the motion respecting the 24-hour service for Whitehorse was to be forwarded, I wonder if this has been done and forwarded to the Prime Minister's office.

Mr. Speaker: Mr. Clerk, can you answer that question?

Mr. Clerk: I have the assurance of the Commissioner that the motion has been forwarded through the Deputy Minister of the Department of Indian Affairs and Northern Development to the party concerned. Does that answer your question?

Mr. Thompson: Thank you.

Mr. Speaker: We will now proceed to the next item on the agenda, public bills and orders.

Mr. Taylor: I would beg leave to move that first reading be given to Bill #17, and Ordinance to amend an Ordinance to Provide for the development of unorganized areas. Maybe I possibly was out of order as I note that this is a private members bill.

BILL #17 Mr. Watt: I would propose first reading be given to Bill #17.

Mr. Thompson: I second the motion.

FIRST READING Mr. Speaker: It has been moved by Councillor Watt and seconded by Councillor Thompson that first reading be given to Bill #17. Are you ready for the question? Are you agreed with the motion? The motion is carried?

Mr. Watt: I beg leave to give second reading to Bill #17.

Mr. Thompson: I second the motion.

SECOND READING Mr. Speaker: It has been moved by Councillor Watt and seconded by Councillor Thompson that Bill #17 be given second reading. Are you ready for the question? Are you agreed? Any contrary? The motion is carried.

Mr. Taylor: I would move that first reading be given to Bill #16.

Mr. Boyd: I second the motion.

BILL # 16 Mr. Speaker: It has been moved by Councillor Taylor and seconded by Councillor Boyd that first reading be given to Bill #16. Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried.

FIRST READING Mr. Taylor: I would beg leave to give second reading to Bill #16.

Mr. Boyd: I second it.

SECOND READING Mr. Speaker: Moved by Councillor Taylor and seconded by Councillor Boyd that second reading be given to Bill #16. Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried.

BILL #18 Mr. Southam: I would move that first reading be given to Bill #18.

Mr. Taylor: I second the motion.

FIRST READING Mr. Speaker: Moved by Councillor Southam and seconded by Councillor Taylor that Bill #18 be given first reading. Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried.

Mr. Southam: I would move that Bill #18 be given second reading. BILL #18

Mr. Taylor: I second the motion. SECOND READING

Mr. Speaker: It has been moved by Councillor Southam and seconded by Councillor Taylor that Bill #18 be given second reading. Are you ready for the question? Are you agreed with the motion? The motion is carried.

Mr. Taylor: I would beg leave to move that third reading be given to Bill #13. BILL #13

Mr. Southam: I second the motion.

Mr. Speaker: It has been moved by Councillor Taylor and seconded by Councillor Southam that Bill #13 be given third reading. Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried. THIRD READING

Mr. Taylor: I would beg leave to move that the title to Bill #13 be adopted as written.

Mr. Southam: I second the motion.

Mr. Speaker: It has been moved by Councillor Taylor and seconded by Councillor Southam that the title to Bill #13 be adopted as written. Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried and Bill #13 has passed this house. BILL #13

Mr. Boyd: I would move that third reading be given to Bill #14. PASSED

BILL #14

Mr. MacKinnon: I second the motion.

Mr. Speaker: It has been moved by Councillor Boyd and seconded by Councillor MacKinnon that Bill #14 be given third reading. Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried. THIRD READING

Mr. Boyd: I would move that the title to Bill #14 be adopted as written.

Mr. MacKinnon: I second the motion.

Mr. Speaker: It has been moved by Councillor Boyd and seconded by Councillor MacKinnon that the title to Bill #14 be adopted as written. Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried. The Bill #14 has passed this house. BILL #14

Mr. Southam: I would move that Bill #15 be given third reading. PASSED

Mr. MacKinnon: I second the motion. BILL #15

Mr. Speaker: It has been moved by Councillor Southam and seconded by Councillor MacKinnon that Bill #15 be given third reading. Are you ready for the question? Any contrary? THIRD READING

Mr. Taylor: I would like my vote recorded as contrary.

Mr. Speaker: The motion is carried.

Mr. Southam: I would move that the title to Bill #15 be adopted as written.

BILL #15 Mr. MacKinnon: I second the motion.

Mr. Speaker: It has been moved by Councillor Southam and seconded by Councillor MacKinnon that the title to Bill #15 be adopted as written. Are you ready for the question? Are you agreed with the motion? Any contrary?

Mr. Taylor: I would like my vote recorded as contrary.

PASSED Mr. Speaker: The motion is carried and Bill #15 has passed this house.

Mr. Speaker: Well gentlemen that appears to have taken care of the orders of the day. What is your pleasure at this time?

Mr. Boyd: I would move that Mr. Speaker do now leave the chair and Council resolve itself into committee of a whole for the discussion of bills, memoranda, and sessional papers.

Mr. Southam: I would second the motion.

Mr. Speaker: It has been moved that Mr. Speaker do now leave the chair and Council resolve into the committee of a whole for the discussion of bills, memoranda, and sessional papers. Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried. Mr. Taylor will take the chair in committee.

Mr. Chairman: Gentlemen, at this time I will call a short recess.

RECESS



Friday, November 25, 1966.  
11:00 a.m.

Mr. Chairman: I will now call Committee back to order. We BILL #16 will turn to Bill No. 16, An Ordinance respecting Territorial Gaols. (Reads Bill No. 16 and Explanatory Notes).

Mr. Shaw: Might I ask a question, Mr. Chairman, of the Legal Advisor. Is all this Bill....the purpose of this Bill is to change the word "Governor" and to designate the exact confines of the gaol.

Mr. Legal Advisor: The Committee Chairman is quite right. The reference should be to paragraph (a). Section 43 of the Yukon Act says....I will summarize it as far as I can.... "The following places in the Territory are prisons, gaols, or lockups for the confinement of persons charged with the commission of any offence under a statute", etc.....or sentenced to a term of imprisonment not exceeding two years, namely, (a) every guardhouse, guardroom which is looked after by the R.C.M.P. and (b) every building or part referred to or part thereof, or other enclosure, other than those referred to in paragraph (a), that is designated as a prison, gaol or lockup for the purposes of this section by the Commissioner in Council. No trouble occurred until we had the change in the Yukon Act and the construction of the prison or the Correctional Institute at Takhini, but if the Commissioner is now to be in a position to make rules for the conduct of those premises, there must be some designation of the prison which could be done by an Order of the Commissioner, which is supported by the approval of Council, but it seems convenient to bring it in as an Ordinance so that the Commissioner will have designated this in Council so you will bear in mind that section 44 of the Yukon Act allows the formulation of the rules and regulations for the conduct of the prisoners by the Commissioner. Until the Yukon Act was changed this year, those rules were made by the Governor in Council but now the Commissioner has power to make rules and regulations. First you have to designate the prison and then the Commissioner to make rules.

Mr. Chairman: Councillor Thompson is excused, gentlemen.

Mr. Shaw: Mr. Chairman, I was just wondering...it's an academic question I suppose....that this is the Governor in Council and now we are apparently transferring this to the Commissioner. Does it require changes by Parliament to change this "Governor" to "Commissioner"? I was just wondering how that might work.

Mr. Legal Advisor: Mr. Chairman....judging by where the Councillor was pointing....he was pointing at section 44. Section 44 was also amended this year. You have the text of the old form before you and it is now in two parts.... Section 44 of the Act is repealed and the following substituted therefor. The first part gives the Governor in Council power to make rules for the management, discipline and policy of guardhouses, guardrooms or other places of confinement referred to in paragraph (a) of subsection (1) of section 43...that is the guardhouse that is maintained by the R.C.M.P. and for the duties and conduct of persons employed therein or otherwise charged with the custody of prisoners and for all matters pertaining to the maintenance, discipline or conduct of prisoners including their employment without as well as within any such guardhouse, guardroom, or other places of confinement. That's the first part. The second part....the Commissioner may make rules and regulations

BILL #16 Mr. Legal Advisor continues:  
for the management, discipline and policy of prisons, gaols or lockups designated as such by the Commissioner in Council under paragraph (b) of subsection (1) of section 43, for the duties and conduct of persons employed therein or otherwise charged with the custody of prisoners and for all matters pertaining to the maintenance, discipline or conduct of prisoners including their employment without as well as within any such prison, gaol or lockup. So, the Commissioner has this power now in relation to our Correctional Institute. You will see the effect of the words "without as well as within any such prison", so it is unnecessary to specify the location of the mobile camp. The camp is simply an extension of the jail for which the Commissioner has made the regulations. Does that answer the Councillor's question?

Mr. Shaw: I can see...we are transferring the power from the Council to the Commissioner in Council. I was just trying to decipher this Bill 147 and I think I quite get the point. I thank the Legal Advisor, Mr. Chairman.

Mr. Chairman: What is your pleasure with this Bill, gentlemen?

BILL #16 Moved by Councillor Boyd, seconded by Councillor Watt,  
PASSED OUT that Bill No. 16 be passed out of Committee without Amend-  
OF ment.  
COMMITTEE MOTION CARRIED  
MOTION CARRIED  
CARRIED

BILL #17 Mr. Chairman: We will proceed to Bill No. 17 which is a Private Member's Bill, An Ordinance to Amend an Ordinance to provide for the Orderly Development of Unorganized Areas".

Mr. Watt: Mr. Chairman, could I suggest that we leave this until the seconder of the Bill comes back if Committee will agree to carry on with something else. This is something that could be important to these other areas.

Mr. Chairman: It is everyone's duty to be in Council. Councillor Thompson requested permission to leave but possibly Mr. MacKinnon will be back shortly. Possibly we could proceed with the reading of the Bill.

Mr. Watt: Mr. Chairman, I made a request and if Council agrees, I think the request should be respected. I would like your indulgence.

Mr. Chairman: Committee agreed?

All: Agreed.

Mr. Chairman: We will proceed to Bill No. 18.

Mr. Shaw: I wonder, Mr. Chairman, before we proceed to Bill No. 18, if we could wrap up...if we haven't done already... all other matters that are before the Committee so that we would be able to...we would have a clean slate. In other words, when we got down to discussing this particular Bill No. 18, which is a very large document, that we could more or less concentrate on that particular subject rather than go back and forth on various other matters. It will take quite some concentration, I think. I wonder that if we did have anything else that we could complete that before we started on that No. 18.

Mr. Chairman: Gentlemen, we could proceed to Sessional Papers. I think we do have a few more there and possibly start on Bill No. 18 this afternoon if you agree.

Mr. Shaw: Well, I merely mention that Mr. Chairman because there are possibly some smaller matters to be dealt with and once we get that all finished....Bill 18 will take a lot of work and possibly once we got on that, unless there was matters of importance, we could continue.

Mr. Chairman: Would you agree to work with Sessional Papers til noon? I believe Mr. Commissioner also has some answers. I was going to say that we could work on Sessional Papers until noon and possibly this afternoon we could deal with Bill No. 18 or complete Mr. Watt's Bill.

All: Agreed.

Mr. Commissioner: Mr. Chairman, Council asked me on Wednesday if I was prepared to put in the paper information I have volunteered in connection with Bill No. 13, the Justice Vote and the Budget. I have that available and I will have it here right after lunchtime today. I am quite prepared to give any information that I have given Council. I was asked about the Centennial Plaques that will be appearing on the various projects that are going on throughout the Territory to commemorate Centennial Year and to determine the material that they will be made of. They will be made from bronze. Further, Mr. Chairman, I was asked what was being done in the matter of upgrading the Dawson Air Strip and I can report that the following work has been done. First...on site survey for the air strip extension to the West. Secondly...soil testing in this area has been completed, and the following work is in progress: First, the computation of the survey information. In other words, the gathering together of this information and the plotting of this. It is expected that in about two weeks that preliminary work will have been completed and the report in full will be on my desk at that time and I will be very happy to see that Councillors are kept up to date by mail. That is everything that I have here at the moment, Mr. Chairman.

CENTENNIAL  
PLAQUES

DAWSON  
AIR STRIP

Mr. Chairman: Gentlemen, the next Sessional Paper we have is No. 50, Property Tax. (Reads Sessional Paper No. 50).

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Mr. Commissioner: What we are basically asking for here, Mr. Chairman, is your concurrence or otherwise to this and if Council did concur, we would endeavour to have the necessary Amendment to the Municipal Ordinance prepared and available for you at your next Session of Council. If Council does not concur, naturally we will not be presenting any change.

Mr. Southam takes the Chair.

Mr. Taylor: Mr. Chairman, I think that this is a reasonable request of Administration. I guess if there is anything... the two things that are most inevitable in life are death and taxes and it is something that we all share and share alike with, and if we are going to collect taxes from people who for one reason or another won't pay them, then we are going to have to have a penalty. I know that in private enterprise business, if an account is outstanding...certain interest rates are charged upon them and I think this is a good business practice and I will wholeheartedly endorse this.

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Mr. Shaw: Mr. Chairman, I was just wondering if the Municipalities are aware of this particular matter. the Municipalities of Whitehorse and Dawson.

Mr. Commissioner: Would the question be, Mr. Chairman, have we communicated with these Municipalities in this regard? That I cannot answer positively, Mr. Chairman, but I can certainly determine if we have been in direct contact with them. I can assure you, Mr. Chairman, that this is something that we have dreamt up to make life difficult or miserable at all for anyone. This is a very apparent requirement as far as the Administration is concerned and I will determine immediately if we have been in contact with the Municipalities on this, Mr. Chairman.

Mr. Thompson: Mr. Chairman, could I ask one question. We are talking about 6% here...not doing as our friends in the Northwest Territories state...12%. This is the intent?

Mr. Commissioner: We are suggesting here...if you take a look at the second paragraph.."It is suggested that in addition to the present penalty of  $\frac{1}{2}$  of 1% per month or 6% per annum a lump sum penalty of 6% be applied". Now, this is what you are asking about. You see further down here...it says here, "This section may be applied by the municipality in any convenient way". In other words, he is referring here to the manner in which it is written up in our companion Territory's Municipal Ordinance. It may be applied as a lump sum of 12% penalty or in the manner suggested in this paper. Now, here we are..."As a guide in considering this matter, it may be mentioned that prior to the Municipal and Taxation Ordinances being amended in 1959 provision was therein made for a lump sum penalty of 6% and a penalty of  $\frac{1}{2}$  of 1% per month or 6% per annum thereafter". In other words, what we are asking you for is this, gentlemen. May we present to you legislation in the near future that will in effect permit the Municipality, in the case of municipalities, and the Territory, in the case of Territorial taxation, a 6% lump sum penalty, plus  $\frac{1}{2}$  of 1% per month thereafter? This is basically what we are asking. Mr. Chairman, the Legal Advisor has asked me to clarify too that in the manner of application, this is permissive legislation. It is not mandatory legislation. Mr. Chairman, in answer to Councillor Shaw's question, I confirm that we have been in communication with the City of Whitehorse Municipality in this and they wish to have this put back in. We cannot confirm one way or the other that we have been in touch with Dawson Municipality in this matter, but in any event, Mr. Chairman, this would be permissive. It would not be mandatory.

Mr. Boyd: I recall an electrical company...when they told you your bill was \$10, and on the day it was due it was not paid, it was...to use a figure...it was \$12.00. You didn't really owe that \$12.00. You hadn't used it and so somebody made a test case and that, now, is no longer in effect and I am wondering why. Was it not legal in the first place? And, this is what you are suggesting right here. The same thing, and I would hate, for the sake of embarrassment, for the sake of 15, or 25 or 30 days, even 60 days, be charged a full 6% on my taxes for the sake of a penalty. I know that there is need for something...some change.....

Mr. Boyd continues:

inasmuch as merchants can afford to not pay their taxes and use their tax monies for a period of time to great advantage. It's a means of financing...using our money to finance with, but what I have in mind and what I am concerned with is the people themselves...they are not in this particular boat by 'n large. Could I get an answer to my question concerning this penalty as I pointed out. We don't owe the money. It's not taxes. Could the same thing happen that happened in the case of the electric light company and why did it happen if it was legal?

Mr. Legal Advisor: I can give you a possible answer.... without knowing the particular case and reading it and considering the Judgement which I would be happy to do if you give me the reference....you must bear in mind that the relationship between an electric light company and a consumer is a contractual one and the terms of this penalty clause would be part of the contract. Now, penalty clauses in contracts are not viewed with favour by the Courts. They have been rejected so what people try and do is calculate a pre-estimate of the damages that would be caused. They don't call it a penalty clause. They call it an estimate of the damages, you see. Well, if it was viewed by the Court as an out and out penalty clause, I can readily understand why they would rule it was a nullity. That may be the explanation here. If I can have a reference, I will try and turn up the case and possibly amplify what I have been saying.

Mr. Watt: Mr. Chairman, I think that Mr. Boyd does have a point in that if a penalty is...a lump sum penalty...if you pay before a certain date, you get a reduction of 6% plus the penalty on top of that and this particular case that he is talking about, I looked into it fairly closely at the time and the best explanation I've got on it...to use your figure...if your light bill was \$12.00 and if you paid before the fifteenth of the month, you had a reduction of say \$2.00 so you got a reduction of \$2.00. The company changed hands and they changed all that. If your light bill was \$12.00... then if you paid before the fifteenth of the month, you just paid \$12.00, but if you paid after the fifteenth of the month, you paid \$14.00. It was just a switching of the penalty. It appears to me that this is the same type of suggestion. The penalty plus the percentage that we are allowed here...that would be allowed here and I wonder if the same type of thing could possibly happen.

Mr. Legal Advisor: Well, Mr. Chairman, no. The position here would be protected by legislation and if legislation is enacted which inflicts a penalty, even though it's an automatic 6% on the first day, there's no relation to the damage sustained by the Municipality in slow payment of taxes, then it will be good legislation, but in contracts, that penalty sum has got to have relation to the damage sustained by slow payment. The electric company would have great difficulty in arguing that it had sustained \$2.00 damage the day immediately default occurred because thirty days later, they would still be saying they had sustained \$2.00 worth of damage. The damage wouldn't remain constant, and therefore the Court would almost certainly view this as a penalty but if it's passed in legislation, it wouldn't be invalid.

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Mr. Commissioner: Mr. Chairman, may I say a word in connection with this. Gentlemen, I think it is only right that Council should be concerned about the effect of this type of legislation and the questions that are raised by the Councillors, I deem them very proper and I am in full accord with the Members who have raised these questions. However, Mr. Chairman, I want to bring to your attention that in the process of the cost of money or the cost of financing Municipal and Territorial services, there has been continued increases in the cost of getting this money to do these things with but there has been no attendant increase in the penalties for those people who deem it to their advantage not to pay such things as property taxes because the penalties that are now listed and the manner in which we permit them to be applied are ten years old in the standards of the cost of money and we wish to see that the municipalities have the opportunity to bring their penalty clause in line with their actual costs. For example, Mr. Chairman, we will say that the taxes on a piece of property are \$1,000 and this tax period...this tax notice is required by our Law to be delivered to the taxpayer by October 30. The normal routine is that there is a bonus or a discount for payment within the following thirty days. In other words, there will be a discount period on this \$1,000 up to and including the 30th of November. In other words, the taxpayer can save himself \$50.00 if he is in the position that he is able to pay it at this point. There will be a par period, possibly November 30 through to January 31. In other words, payment during that period will be at par, \$1,000. Payment after January 31, if this is gone forward with...the Municipality would be able to, should they so desire, to charge a 6% penalty plus  $\frac{1}{2}$  of 1% per month thereafter. In other words, payment that was not made until the 1st of February on this \$1,000 would be \$1,060 during the month of February, then during March it would be  $\frac{1}{2}$  of 1% on top of this and so on down the line. I trust, Mr. Chairman, that this will give a reasonable explanation as to what conceivably could be the pattern at this point. But, remember, gentlemen, this is, in the eyes of the municipalities, permissive legislation.

Mr. Watt: Mr. Chairman, I understand what Mr. Commissioner is getting at and I think the City of Whitehorse do have a problem. I myself let my taxes go because it's cheaper to let that go than to borrow money to pay off something else but this 12%, I believe is quite a blast. If this were limited to not exceeding 9% and then people can borrow money...wouldn't that produce the required effect. There are many people that can borrow money at 9% or less and they would borrow money and pay their taxes and the City...their collections would be that much faster, but 12% seems like an awful rate of interest to be nailed with. I would like to hear Mr. Commissioner's comments on this and if he thought that limiting this to 9% would produce the required effect?

Mr. Commissioner: Actually, Mr. Chairman, it is not a specific total of interest that is permitted. It is simply, if Council so desires or feel that they could give consideration to it, it would allow a 6% penalty at a certain date on the total amount of taxes owing and thereafter  $\frac{1}{2}$  of 1% per month. In other words, it could be...a person might find themselves in the position of paying 6 $\frac{1}{2}$ % or 7%...it is not...but in the course of any twelve month period or in the course of the initial twelve month period, it would not exceed 12%. You keep on adding by a  $\frac{1}{2}$  of 1%.

Mr. Watt: Mr. Chairman, in that respect, take for example that you owe \$1,000 in taxes and you get a penalty of 6% for not paying it on a certain date. That \$60...that's \$1,060 so then you are paying  $\frac{1}{2}$  of 1% on that unpaid balance so you are paying  $\frac{1}{2}$  of 1% on the \$60 that you owe too so this is coming to actually...in simple interest it is more than 12% because you are paying on the interest so in simple interest...what you are doing in effect is paying, oh, 13% or 14%...in actual simple interest.

Mr. Commissioner: Mr. Chairman, at this point I would ask to pass the question on to our accounting friend on my right, the Councillor from Whitehorse North.

Mr. Thompson: As I intimated, Mr. Commissioner, pay your taxes. There is no problem.

Mr. Chairman: Anything further on this Paper, gentlemen?

Mr. Shaw: Mr. Chairman, I've been looking through this and I think we are reverting back to exactly what was in effect nine or ten years ago....I can't quite find it in here. As far as I can see, the total.....all this amounts to is that you get...and I would like this clarified, Mr. Chairman because if I have it wrong, I would like to get it right...that we pay the normal amount,  $\frac{1}{2}$  of 1%, plus a penalty of 6% which is for the first year...that's where you get it from...immediately and thereafter it does not add up to 6% each year. It's a 6% penalty clause which...you might say that if it went for a year, it would be 12% but after that, it's 6%. That's the way I have it and it appears to be about the same as what it was about ten years ago or so. Maybe I could have that question answered...if I have it correct...Mr. Chairman.

Mr. Commissioner: Mr. Chairman, this is absolutely correct.

Mr. Watt: That wasn't my understanding, Mr. Chairman. My understanding was that if your taxes are due on April 1... you are given thirty days to pay it so that is May 1...and if you don't pay it then, you get nailed 6%. There's two heads, three heads, four heads going up and down and one's going the other way.

Mr. Shaw: Mr. Chairman, I thought that there was...the first month you get paid interest. In other words, you get a reduction of 5%. Then, the next month, you don't get anything. The first month you get something. The next one nobody gets something. The next month somebody pays something. That's the way I have it figured out now. I may be wrong on that.

Mr. Commissioner: Mr. Chairman, both Councillors are absolutely correct. There is an immediate penalty of 6% at a given date if the Territory or the Municipality wish to apply it. From that point on, they add  $\frac{1}{2}$  of 1% per month. In other words, in the course....if taxes were not paid for twelve months after the initial penalty date, there would be in that first twelve months effectively 12%, as the Councillor has stated, and thereafter it would be at 6% per annum. It is that first initial penalty that we are asking to insert to allow the Municipality to do this if they so wish. Item 50 in Chapter 103. Mr. Chairman, Councillor Shaw's memory is very good. The Council that he and I sat on saw fit to remove this and apparently our wisdom wasn't particularly well received.

Mr. Shaw: I might say, Mr. Chairman, that we did get away with it for about eight or nine years anyhow.

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Mr. Boyd: Well, Mr. Chairman, this is what comes with inflation and high cost of money and so on. It's going to be an unpopular situation, but I think it's a necessary one. I would hate to have to be responsible for voting for it but there is a duty and I would suggest that. I would move that Council concur with Sessional Paper No. 50.

Mr. Watt: Mr. Chairman, I was going to propose an Amendment to see if the Amendment would pass.

Mr. Chairman: If there is no seconder....

Mr. Shaw: I'll second that, Mr. Chairman.

Mr. Chairman: Now, what is your amendment, Councillor Watt?

Mr. Watt: Does this cut off...I was going to ask that an Amendment be made to the suggestion here and that is 9%.. to an amount not exceeding 9% because I think, as Mr. Commissioner stated, that you have a penalty of 6% to begin with and on that you have  $\frac{1}{2}$  of 1% per month and, as stated, over the year that would be 12% plus the interest on the interest. I think that with a ceiling of 9%, with the system laid out the way it is now...that in effect they would be paying 9% to 10% if they waited the full year which I think would be sufficient to produce the required effect and that is that it is cheaper to borrow money or not leave it in the bank account or leave it in Government Bonds...sell your Government Bond or not buy a new Bond and pay your taxes and I think this is what the City wants and the Territory wants to have....the money coming in so they don't have to go and borrow the money. I would like to make that Motion and if there is a seconder, fine. If not, I will go along with the Sessional Paper so that when the time does come and it is passed, I'll suggest an Amendment at that time.

Mr. Chairman: Gentlemen, I have a Motion before me. It has been moved by Councillor Boyd and seconded by Councillor Shaw, that Committee concurs with Sessional Paper No. 50. How do you wish to proceed at this time?

Mr. Watt: There's no seconder to my Motion. I made a Motion that this be changed to 9%.

Mr. Chairman: I believe the Motion would be out of order. The Motion that we have to Amend here...or could be Amended, is that it has been moved by Councillor Boyd and seconded by Councillor Shaw that Committee concur with Sessional Paper No. 50.

Mr. Watt: I thought you said that you would allow an Amendment on this. I thought both Mr. Shaw and Mr. Boyd agreed that we could allow an...before they made a hasty Motion and cut off debate on this.

Mr. Chairman: The Chair knows no Motion requiring or enabling an Amendment other than this Motion. This is the only one before the Chair at this particular time.



Mr. Shaw: Mr. Chairman, I can assure you that it was not my intention to cut off Councillor Watt when I seconded the concurrence...perhaps you could put it this way....this is.. if Councillor Watt, for example, does not agree with this at this stage of the game, his objections can be registered and when it comes before Council as a Paper...as an Ordinance.. we can always make the Amendments there. I am sorry if I mislead Councillor Watt. It was certainly not intentional.

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Mr. Watt: Well, speaking on the Motion then, Mr. Chairman, I would like to say that I disagree with the paper the way it is in that I think 9%..an amount not exceeding 9%.. would be sufficient to carry out the desired effect of this increase in the ceiling and, therefore, I would have to vote against this particular Motion.

Mr. Shaw: Just one thing, Mr. Chairman. The Commissioner stated that this would be a permissive Ordinance. The Clerk was kind enough to point me out the exact Section which I was referring to in the Ordinances way back. It does state this is not permissive. This is in the Ordinance...the old Ordinance....266...."Upon all taxes remaining due and unpaid on the thirty-first day of December of the year in which such taxes were levied there shall be added an additional sum in the amount of a penalty of six per cent on such unpaid taxes". That is not permissive. That is mandatory in this instance.

MOTION CARRIED

MOTION  
CARRIED

The Motion was carried. Councillor Watt contrary.

Mr. Chairman: Gentlemen, we have a rather lengthy Sessional Paper here on the Dawson City Flood. It's going to take some time to read this through. I will begin reading. (Reads Sessional Paper No. 51, Dawson City Flood, May 11, 1966).

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Mr. Thompson: Mr. Chairman, I would suggest that before Mr. Shaw gets up and starts a long dissertation on this problem that we recess for lunch.

Mr. Chairman: I now declare Committee in recess until two o'clock.



2:00 p.m., Friday  
November 25, 1966

Mr. Chairman: At this time gentlemen, I will call the committee back to order and we are dealing with sessional paper #51. What is your pleasure gentlemen? I have completed the reading of the paper.

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Mr. Shaw: All I can say Mr. Chairman at this time that I think that I have expounded on this at some length in the past and I will not entertain you any further. I will let it go at this but if there happen to be any questions that any members would care to ask me I will do my utmost to give them a satisfactory answer.

Mr. Chairman: Any questions.

DAWSON  
FLOOD

Mr. Watt: Mr. Chairman I have a question in respect to this flood. I notice that they are settling for the damage to motor vehicles at the rate of 100% per claim. Could I ask the member from the area why they couldn't have moved those vehicles out of the way of the flood? They wouldn't have had to move them very far would they and now they are settling for 100% of the claims?

Mr. Shaw: I don't know Mr. Chairman the exact claims for the exact motor vehicles, but in my particular area it was all my family could do to get out of there without taking their automobiles. I had a truck sitting there and it just couldn't be moved. The water got pretty high there but there was no damage to it that would amount to anything but some people did not have the opportunity to move them as it just came in over the dike and that was it. You barely had time to get out yourself. In fact, perhaps I could give you an illustration, I think most of you gentlemen are familiar with my residence I know that some of you are and my wife couldn't get out the back door and to get out the front door somebody had to come along and smash the door in because the sidewalk had floated up and they couldn't open the door. So it was very quick when this happened. I would imagine the reason for this is that they just couldn't move their cars fast enough although I don't know the individual circumstances.

Mr. Chairman: Anything further gentlemen.

Mr. Shaw: I don't know for sure but I would assume Mr. Chairman that this was for repairs rather than new cars or something. Possibly the Commissioner could get that information from Mr. Fleming or Mr. Fingland. I haven't the data.

Mr. Watt: Mr. Chairman, it seems to me that this has happened before in Dawson and you would think that the people living there would know. It happened in the spring of the year when the temperature is quite a bit above freezing. You think that these people could have moved some of these vehicles out of there or at least towed them out and got them away from the way of the flood instead of now claiming for 100% damages. What does concern me is paragraph 3, "It was the impression of the Supervisor of Lands that the Dawson flat had sunk over the years and is probably much lower than it was in the early days. He considered that this could be caused by the thawing of ice lenses in the permafrost as a result of street build up, which had caused almost all of the vacant lots to be covered with water well past normal spring runoff. He went on to say that

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FLOOD

Mr. Watt continues.....

although there is a "glacier" problem on some sidehill view lots which are well above flood level, it seems to him that future building lots in Dawson should be restricted to the higher ground." I don't know how widespread this settling is but it appears to be over most of the town. I think the Territorial government should take this into consideration before they build any more new schools or any amount of capital expenditure right in Dawson. I would like to hear Mr. Shaw's comments on this.

Mr. Shaw: Well Mr. Chairman, I think my comments were exemplified in a question I put to the administration in relation to the new R.C.M.P. building which was just built in this area. As far as---it would appear that the whole area might be settling but I don't know as there is any scientific proof of this. It just seems to be getting lower and the permanent ground is subject to extreme changes of elevation. My view is that we should not build, certainly not government buildings but as to private buildings if somebody wants to build on a lot in the middle of the Yukon River you can't do very much about it but in respect to floods I am not sure whether the honorable member from Whitehorse West has been in one of these floods that are created by blockages of ice. Everything is going fine and then all of a sudden the ice stops and then millions and millions of water pour over every which way. In the years that I have spent in that area, in 30 years there have been three floods I think. Two of them have happened in the last couple of years, there was one in 1949. It is the way nature happens to work as far as the ice is concerned and the jamming. It is not something that could go on for ten years now but when it does occur Mr. Chairman, you don't have any time to start fooling around. You just get out of the way from that water. It is just one of these things that cannot be controlled.

Mr. Watt: I think the Territorial government should do something about it particularly if we have territorial lots. They should condemn them, that's what they did with an area in Whitehorse here and some of these lots were privately owned. If we are keep issuing building permits in an area that is easily flooded and then we get applications for reimbursement after a flood for 100% of vehicles and 60% of other things and 75% of other things and it comes to \$60,000 in one year. I think we should seriously consider, particularly if the ground is still settling. I think we should consider condemning some of this area or doing something with it or at least any additional building permits that are issued are issued with a saving clause so that the Territorial government is not responsible for any flooding that incurs.

Mr. Shaw: Well Mr. Chairman, we could say that we could do the same thing with the City of Winnipeg, or the Delta in the Fraser valley. These things are happening all the time and I think you will find that this is the first time in the history of the area that any compensation has been made. That is 70 years and you divide that money by 70 years--it isn't something that happens every year but when it does happen it is something that is unavoidable. The river will raise 25 to 30 feet from it's normal flow. In 1944 I am sure that it must have been 15 to 20 feet higher than what it normally is and the jam was 16 miles long. They tried to help by dropping bombs on it but that still didn't help. When nature goes on a rampage like that man is very insignificant.

Mr. Thompson: Mr. Chairman, coming closer to home, we have a particular problem in the Marwell area here in Whitehorse and this has been subject to flooding for quite some considerable time but I don't recollect any taxpayer coming to the administration and asking for relief in the form of remuneration from flooding. So, as Mr. Shaw has pointed out this is the first time in 70 years that we have asked for something like this. Maybe Mr. Shaw can tell me why, after 70 years the people of Dawson City feel that the Territory finally are responsible for the upsurge of the Yukon or the Klondike or whichever river that is giving you the trouble.

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Mr. Shaw: Mr. Chairman, it might be because of the fact that I represent that particular area and I thought that the people of the Yukon are entitled to as much remuneration as the people in Winnipeg and other areas of Canada that do receive flood disaster control. If you will go further in this document you will see to the effect that the Territorial government can make applications for assistance under this flood disaster control. Does that answer your question Mr. Thompson?

DAWSON  
FLOOD

Mr. Thompson: Am I to understand that the result of these claims are directly attributable to the member?

Mr. Shaw: Is that a question?

Mr. Thompson: These claims that are being submitted from Dawson, are they directly attributable to the member's instigation?

Mr. Shaw: I don't know that I would say---I made the request to the administration and they felt that this was justifiable and we went on from there.

Mr. Taylor: Gentlemen, I don't know if we are really getting anywhere here. I think that it is agreed that anywhere in the Territory where any of our citizens get involved in a disaster at one stage or another, the whys and where's aren't that important but this has happened. Mother nature has gone on the rampage and it would be like saying that a forest fire had virtually surrounded and wiped out a third of the city of Whitehorse and virtually it would be Mother Nature on the loose. When our citizens get into trouble naturally the administration backed up by this Council should go to their assistance and I think it is as simple as this. It has been stated in the sessional paper that the administration now look to the future, that certain processes are being, I shouldn't say processes, but certain things are being done, in order to reduce costs in future floods and I think the matter is well in hand and I think I would like to commend the Territorial government in the manner in which they handles this. They did it quickly and they did it efficiently and they did it to the general satisfaction of the people in that area and I would certainly hate to think that anyone would take anyone to task, a member or the administration or the people of Dawson for the manner and the way this is conducted and the amount of revenue that they are going to receive in order to get their property back into order.

Mr. Thompson: I would just like to make one point at this time. I can assure you that the various taxpayers of the Marwell area in Whitehorse are going to be making immediate representation to the government for remuneration covering

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Mr. Thompson continues.....  
flood damage that has occurred there, not today but over the last several years and this is an admirable footing to start negotiations. It is as simple as that. You are opening up the door and you are going to have---anytime that something comes along you are going to have claims from anybody and everybody whether it be flood, excessive snowfall or what. You are going to have a large amount of claims, that are going to be attributable to the territory that you are going to have to pay if you go along with this.

DAWSON  
FLOOD

Mr. Watt: Mr. Chairman, I would like to add to that. A few years ago there was a couple of slides in the escarpment area and a group of individuals inttown got together and the mayor of the town at the time, a city alderman, the C.O. of the Air Base, the C.O. of the Army, and they had a meeting and they said we will just condemn the area right down to sixth avenue. There was no by-law passed and there were no regulations passed. There was no ordinance passed, and this group of individuals that had no particular authority except they were influential in the community got together and said we will condemn that area. Ever since it has been condemned. It has had damage in that area and not just damage from an act of God, from damage with the help of man and the claims that these people got was absolutely nothing. We have run-offs and slough-offs in the spring on eighth avenue and we are taxing these areas a lot heavier than we are taxing the Dawson City areas and there is no assistance there. Now, if we are going to pay these claims to Dawson City we should seriously consider paying claims to these other areas too. I can't see paying 100% of a claim for a motor vehicle. If they could see a flood rising and the same thing had happened two years earlier, then surely they would've had their vehicles moved out or towed out if they couldn't drive them out. It was in the spring of the year and they should've been able to start them and we are talking about \$60,000 here and I would like to ask Mr. Shaw some of these houses that claims are being made for are houses of Indian Affairs, new houses, relatively new, and how many more houses have they built in that particular area this summer. What responsibility do we have in those? Could I ask either Mr. Shaw or Mr. Commissioner this?

Mr. Shaw: Mr. Chairman, there were three or four questions all in the one. I remember the last one saying about Indian Affairs. Now, in my estimation those houses may belong to Indian Affairs but the people that live in them are citizens of the Yukon, furniture that was in there, floor covering and all belongs to the people that live there and in my estimation the Indian people are entitled to the same recompense or what have you as what we are. As far as the automobiles are concerned, I have read the paper on the 100% payment and what that involves, I don't know whether it involves \$50.00 or \$5,000 so that I cannot give a definite answer to that without more information. The information I have is just what has been put before you. Are there any other questions in relation to that? I might just add before sitting down that these claims were adjudicated, if that is the word, by an independent firm in Vancouver of adjusters whose business is adjusting claims and they have adjusted claims similar to this in other areas of Canada.

Mr. Watt: Mr. Chairman, possibly Mr. Commissioner can answer my questions. Would the administration be prepared to consider damage claims from flooded areas in Whitehorse such as the Marwell area? Or the escarpment area? Is the government still issuing building permits in this low lying area and do you know of any investigations going on to see the rate that this inundated area is sinking?

Mr. Commissioner: Well the first question or if I start at the bottom of your questions, I am not aware of any investigation at all concerning the extent to which possibly the general level of the land at Dawson is sinking. Now, there was something about building permits. Gentlemen the Territorial government doesn't issue permits in the City of Dawson, this is a matter for the municipality of Dawson. We have no control over this at all. Now, the first question concerning whether or not the Territorial government would entertain claims made in other areas--I think this is one of the big questions gentlemen that is going to be confronting the administration and Council in connection with dealing with this Dawson City flood. I don't think that it is possible for any of us to say that there is not going to be any other claims entertained at any time. This is an all encompassing statement that no-one can make. Likewise, the manner in which claims may arise I think would be the basis of which they conceivably could be adjudicated. Claims that could conceivably arise from fire, flood, natural disaster. I think it behooves us as the government of the Yukon Territory and when I say that it behooves us as the government I speak of the Territorial Council and the portion of the government that I represent, I think it behooves us to assist in any way that we can within the resources that are available to us to alleviate the burden upon the individual from a natural disaster. Now I speak simply, now I don't say that as a matter of policy and I want you to understand that, Mr. Chairman I say that in the matter of an individual. This is my personal attitude towards this type of thing. Now in particular answer to the Councillor's question, "will the government entertain requests for compensation in the Marwell area or will they entertain compensation in other areas," I think that the whole thing would depend on the manner in which claims arose and likewise as to the manner in which the Territorial Council felt as to whether or not the government was right in helping to alleviate it. I want you to understand that the Territorial government has not paid out any monies here up until now except for \$4700 that has been paid to the Vancouver adjustment bureau for their services in this connection. If any of you gentlemen feel that we have paid out this \$59,000 this is totally incorrect. We have not paid out anything and it is up to Council to instruct the administration as to what to do with this. This is what we are here for.

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Mr. Taylor: One question from the chair, is this not going to be controlled by the ordinance that we approved the other day. The civil defence plan of where a disaster is declared?

Mr. Commissioner: To a degree it may but I also think that the size of the disaster has a lot of bearing on it and I would feel that we would be called upon that wherever our resources are sufficient to take care of reasonable compensation that we would be called upon to do this. Now, where are resources are very visibly not competent to deal with a thing the prime example of what you spoke on yourself would be, for example the Alaskan earthquake and certainly there we would have to go to the national level to look for assistance. But I hope that the Councillors understand and clearly understand that the administration has simply conducted this investigation and has done this and have provided Councillors with every bit of information that we have awaiting your guidance at this point as to what to do.

Mr. Watt: I realize that we are approving or disapproving of this memorandum and by this we are establishing principle one way or another. One question I would like to ask the Commissioner, I don't know whether he has an answer to it or not, that is it seems that this is in the city limits of Dawson but they pass responsibility on to us yet we have no control over building permits and so on.

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Mr. Commissioner: Mr. Chairman, I cannot say that in one way or another but I am quite prepared to find out. The actual resources of the city of Dawson were very obviously of sufficient stature to take care of the problem that is involved. The government goes by steps gentlemen and the resources are according to the size of the step. I have just told you gentlemen that if we have a national disaster we will have to look for national help. It is just the same as the municipal disaster. They didn't have the resources and so they look to the next senior government to assist them in this matter. It is very obvious gentlemen to you gentlemen that the resources of the municipality of Dawson aren't even sufficient to meet their operating expenses let alone take care of a disaster of this nature. In answer to the question as to whether they are issuing building permits in this general area of this flood, I will find an answer for the Council.

DAWSON  
FLOOD

Mr. Shaw: Mr. Chairman, this flood covered, I couldn't give it to you exactly, but I would say this flood covered 60% of the City of Dawson, all the complete business section.

Mr. Watt: Mr. Chairman, before I am willing to vote for this I would like to have some assurance that the city of Dawson isn't going to keep issuing building permits for new buildings in the same area. It seems to be more than an act of God. This could become an annual event and from the knowledge I have it appears that this is the same area that the member from Dawson is asking a bridge be put across and one side of the bridge would be in this area, is that right?

Mr. Shaw: Mr. Chairman, this covers about 60% of the city of Dawson, this flood area. If you move 60% of the area or you prohibit any buildings you are not going to have enough room where you are going to be up on the sidehill. I am sure that I can't control the floods. I couldn't say that we had better all build up on the hill because if we all built up on the hill the city would just disappear including the Palace Grand, the Keno, and a few other things. You are going to move 50% of the populace someplace else and you couldn't do that and the city as far as issuing building permits, how can they say, move the business district up on the hill because you might be flooded. If anymore than if you had an earthquake here and you talk about this escarpment. Well, if you had an earthquake here I am afraid that this dam would go and half of the city of Whitehorse would go so in the event couldn't you say move up on the hill. You can say that but is it practical?

Mr. Thompson: Good idea.

Mr. Watt: Mr. Chairman, I am not trying to control the flood but I think we should try and control the building in the area. This is more than an earthquake and the dam is breaking and flooding out Whitehorse, this has happened twice in three years and it has happened before that. It appears that there is a very good chance of it happening every four or five years. I ask Mr. Shaw is this where one side of the proposed bridge is going to be and I don't know--his answer was vague. I would like to ask in addition to that is this where you are requesting that we build this new hospital?

Mr. Shaw: Mr. Chairman, the new hospital, the possible site, has been picked out quite away from there so that there is no danger of that occurring. The bridge on account of having an approach will be way up above the flood level because where it hits the city it will be 16 to 18 feet up in the air. From where the road that leads to the bridge is, that will possibly get flooded.



Mr. Boyd: Mr. Chairman, we have had submitted here since twelve o'clock a supplementary report to the Dawson flood. I think that it is one and the same and I would like to ask a question on this supplementary but I feel that before I do this that it should be read.

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Mr. Chairman: I will read it gentlemen.

Mr. Boyd: Well Mr. Chairman, I see that we are going to be or are being warned here to expect a claim in the amount of \$5,000 for a library, now I know of one such library that was destroyed in the Whitehorse area and not in the municipality of course, in a like amount and he had it insured and he collected. He put a value on it to that extent that he put insurance on a loss in whatever the case might be. I am wondering if this particular library was insured in the first place.

DAWSON  
FLOOD

Mr. Commissioner: Mr. Chairman, I was going to hold up my hand and say I was here. This appendix that has been given to you here is to bring you entirely into the picture completely as to the most current things that had transpired here in this regard. First of all you will see that the Public Administrator has a possible claim and we do not for sure whether this will transpire or whether it won't but we feel that it is only right that it is there. Secondly, concerning the library situation, we have not seen any detailed claim in connection with this so we don't know whether in fact a claim is going to transpire or what is going to happen here but we feel that we should tell Council that this is what is going on in this particular regard. The same applies to (c) which has been received in this amount and this had been received after the figures had been compiled here. I want you to understand that this \$45.55 claim has not been adjudicated at all. This is what we are telling you in this supplementary paper. I would say for Council's thought on this matter, that if they are going to see fit to instruct the administration to proceed with all or part of the recommended settlements here that they should either by legislation or resolution of Council indicate to the administration a date beyond which no further claims attributable to this flood would be considered. This is not for the administration to set, this is something for Council to do.

Mr. Boyd: Well I understand this and I am fully aware that this is a warning. This is reiterated by Mr. Smith, but where there is smoke there is usually fire and I look forward to seeing a claim made for this particular library. I will be surprised, happily surprised, if I don't see it in here when we go to adjust. The thought strikes me, now I know that anyone who suffers from a flood is financially embarrassed and they should be taken care of, but I wouldn't want to think that we are going to place ourselves in the position that we are the insurance agents as in the case it would appear to be in this library. It is quite different to losing your furniture, your home, your bed and your blankets and so on. It is not in the same category and I am merely bringing this out for the attention of Council.

Mr. MacKinnon: Mr. Chairman, I would just like to mention one particular item. I can see possibly where the library should be reimbursed and things like this but when we get down to a claim of \$45.55 from Klondike Helicopters. I think they should be ashamed of themselves, to come to our government for \$45.55 and want this type of reimbursement. I can lose more than that in the Rainbow Room.

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Mr. Shaw: Mr. Chairman, in respect to this matter I foresaw that unless this was-----I would suggest possibly that Councillor MacKinnon gets his values worth in Whitehorse. In this matter of time I foresaw there might be some such thing occurring as has occurred right now. At that time I spoke to Mr. Fleming and Mr. MacIntyre when they were up there and tried to assure that this continuation wouldn't go on and to advise the people that these gentlemen were coming up and I had a notice over the radio that they should be at a certain place and a certain time and so on. The end of that, as you will note at the end of the paper, I stated that, "if you have suffered damage from the flood be sure to report it at the time stated as claims submitted after these dates may not be eligible for consideration."

Mr. Boyd: I notice Mr. Shaw that you said the word may and not will. This leaves it wide open.

Mr. Shaw: Mr. Chairman, I didn't have the authority to state that anything would be done. All I had, the authority I could say was that it may or it may not be done. I am sorry that I couldn't be more definite. But I couldn't be more definite.

Mr. Watt: Mr. Chairman, I sympathize with the people that have suffered damage or have had personal hardship through a flood or a slide or anything and I think the government should help. But if someone hadn't suffered damage I don't think they should take this as an opportunity to see where they can gouge the government. Now, as Mr. MacKinnon suggested, a multimillion dollar outfit like Klondike Helicopters could not have suffered too much with \$45.55. Now this is beyond reason and how many more claims are there like that. Somebody's private library, now couldn't he at least have moved these or put these books in boxes so he could haul them out in a hurry. Before I am prepared to vote for this I would like to have more complete assurance that the people have suffered damage and not the way of seeing where they could get a few thousand dollars out of the government. I would like to see before this is voted on have it deferred and have more information given to us in effect to this. I can't see where Klondike Helicopters have suffered at all for \$45 damage to a welder. It must have had a flat tire or something--that is all that could be involved in that. I would like to have this deferred until we get more information and I have a motion written out here and seconded by Mr. Thompson and it is, "I move that the administration immediately investigate the ground conditions in the city of Dawson in the flood area so we can decide." In the meantime, if the territorial government does settle this claim do not settle it until we have assurance from Dawson City that they will not keep issuing building permits in the same area so that improvements will not be made so that they can't be damaged and then more claims made. If they do they should be conditional and that we are not responsible. This is done on quite a few lots in the Yukon right now where a title is issued that these are conditional.

Mr. Taylor: Mr. Chairman, I don't know how or why we are carrying on this particular discussion. Discussion is good to a point but I think that we have gotten down to picayune items and some of us at least have lost sight of the objective here. Certainly there are claims made in respect to this flood at Dawson. Regardless of what these claims are, if they can be substantiated and settlement can be arranged through competent adjusters then I am sure that we can do no better. I am

Mr. Taylor continues.....

confidant that we could do no better. It maybe that we are establishing a precedence--it may be the first time and it might not be the last but this building permit business is absolute utter nonsense. This is like saying don't live near the river and don't build near the river because we won't let you anyway because there is a flood danger there but at the same time don't build on the hill because the hill might fall down and whatever you do don't build in the trees because a forest fire will burn you out. Now, this is the logic in this argument and it is ridiculous. As a matter of fact in Italy where  $\frac{1}{2}$  to  $\frac{2}{3}$  of the country was under water do you suppose they would shut down building permits in Italy just because the-----where would all the Italians go. It is this type of thing. There is no logic to it at all. It is going to cost us X number of dollars to settle this flood problem and the claims in respect to this flood and it seems to me that we have set up a disaster plan now to cope with these things. If a disaster is reported there is a cost sharing formula whereby the federal government will in the future give us assistance in areas that are dubbed a disaster. You have that information, it was circulated to all members of Council. I think that the matter is clear cut and concise and I think the matter is, as I said before, that we have had experts in here to assess these claims and to see whether or not in fact that they were legitimate. I see no useful purpose in deferring this, let's face it squarely if we must and as we must. To defer it is not going to assist us in any shape or form. The information is here before us and whether the city of Dawson is rising or sinking that is another question. That is a question for another day. As a matter of fact I think that is a question that is going to take sometime to determine because this would take a great deal of costly study--the study of the rise and fall of land masses. Now I would suggest that we approve of this sessional paper and we suggest to the administration that they proceed to process these outstanding and overdue claims.

Mr. Thompson: Mr. Chairman, we have a motion before the committee.

Mr. Taylor: While I was in the chair a member did indicate that he had written one out.

Mr. Watt: Mr. Chairman there is a motion and it is seconded and it is written out. The motion reads, "I move that the administration immediately investigate the ground conditions in the flood area of Dawson City." I would like to say too for the members from the hinterland that there are areas in Whitehorse here and because of slide conditions and flood conditions that no new building permits will be issued. So it is not as ghastly and so unreasonable or out of reason as there are areas like this that exist right now. I know the most popular thing for me to do is go and vote this money, just because it is nice to be in a position where you are handing out money. I am prepared to do this if somebody is suffering damage and some individual is suffering from a personal loss, and then I think they should be helped. But, if we are getting claims like this \$45 and I don't know how many more there are like it, but claims like that I wouldn't not define as suffering damage. I would like to have this motion voted on and I think we could possibly have another motion afterwards that this paper be deferred until we get more information. To vote for this is to vote for a principle that we are giving an open condition that we are accepting responsibility for flood

Mr. Watt continues.....

damage and yet on the other hand we have no control over the building permits for the government, the Indian Affairs, etc. buildings that are being built in this area. This is more like an annual flood.

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DAWSON  
FLOOD

Mr. Shaw: I just can't understand the attitude of the members on this Council. Had you been in the area and seen some of those conditions you would not be talking the way you are talking at this time. You take a look in a house and you see the furniture covered up in a jumble with four or five feet of water--you see that happening to your neighbours or your own house and you don't say look after yourself. In 1944 the people of Dawson had a flood that lasted a week and during that time these people---all the industries were closed, the bars were closed, and everything was closed, and these people fought that flood for a week solid. These people built up 100,000 sandbags. You figure out how many sandbags that is to fill up by hand and I assure you that it is quite a lot and then laid them to create a dike to ease the flood situation. All they got out of it was they protected their homes. They did the same thing two years ago. This year it came so fast they didn't have a chance as you had no way of knowing. It is one of those acts of Nature that is inexplicable and that it occurs. The way the discussion is going in this chamber Mr. Chairman, you would think that those people had done a terrible thing by having a flood and that maybe something is going to be spent up there to alleviate the distress and financial loss and that they shouldn't get that unless we get it down here. Well if you need it down here Mr. Chairman I will be just as pleased to approve the assistance to the unfortunate occurrences that might happen in this area as I was to approve \$100,000 to move your squatters from one section of the city to another because it was an eyesore. I never quibbled that and I have never quibbled on any expenditure that is required in this area or intimated that this shouldn't have happened and that shouldn't have happened. I feel that that is necessary, it is put forth by the administration and the members from Whitehorse approve it and I think you can go back on the records and you will find nothing that at anytime I stopped payment on unless the Whitehorse members wanted it stopped. So, I wouldn't look on this as a gudge out of the government. In the archives of the administration some place they have pictures of some of the results of this. It is quite a volume that indicates the damage and hardship that was created to the people of that area. As far as the motion is concerned I cannot see where it will have any useful effect whatsoever because pretty near all of the town got flooded and how are you going to move a whole city--that would take a great deal more than \$59,000. There are things that are practical and there are things that aren't practical Mr. Chairman and the Territorial government, I have thanked them before and I will thank them again for the assistance that they have given in putting up the dike and various matters such as this that they have done to protect the people. But, there are certain things that you can do and there are certain things that are not possible to do and that motion with all due respects will serve no useful purpose at all except to delay matters. Why delay matters? Did we object when the federal government and the provincial government comes to the aid of the people in the Red River devastation. No, we feel sorry for those people and it is quite fair that we dig in our pockets and help them. Now we have something in the Territory and because it comes close at hand it becomes suspect.

Mr. Shaw continues.....

I don't know why and I can't see why. An independent assessor has gone over it and he has said that it is this and it is that and I don't know why he should be suspect or why we should be delaying. We must admit that there was a disaster occurred. It won't serve any useful purpose. We can't forget what has happened and say that on account of something that might happen again that we can't take action on this. This is history and something like this is something in the future so there is no connection to hold up something in the past because we might have something in the future is--it doesn't fit in at all Mr. Chairman.

SESSIONAL  
PAPER 51

Mr. Chairman: I have a motion before me, moved by Councillor Watt and seconded by Councillor Thompson, that the administration immediately investigate the ground conditions in the flood area of Dawson City. Any further discussion gentlemen?

Mr. Watt: I would like to answer Mr. Shaw. I think he misinterprets the intent of the motion. The intent of the motion is to see if we can do something to help them in the future. If we investigate the land there may be some way or something or some section that can be stabilized or maybe a dike could be built as in the Red River. They had a flood and they did something constructive afterwards. What are we doing. We are just asking to pay \$60,000 to alleviate those that are in difficulty right now. What about those that are being encouraged to go there and are being offered building permits? This is the type that go there and you drew a pretty sad picture of the flood damage in a house and I believe you and I feel sorry for these people but I do not want to encourage other people to go there. If the situation is that this is going to happen again and it appears that it might then we should take steps to make sure that here is other land in the third of Dawson that isn't subject to this damage and make sure that land is available there where people can obtain it and build. This is what I am trying to get at---I am trying to prevent this in the future to help people. The help that the member from Dawson City has given Whitehorse here. He knows we have a shortage of land and he has made a motion that Canyon Crescent be deleted. This is the assistance that we have gotten from the member from Dawson City. He made things worse. The simplest thing for me to do would be to scratch George's back and he scratch mine, and we would all get along fine but this isn't helping the people in the city of Dawson that are going to be moving there. It doesn't help those in the future. This is why I am asking to have this held up so to let the government know that we would like to have something more permanent, either have better ground developed by fill or something that we aren't encouraging those that are coming along and building to go into an area and have this thing happen. I wouldn't want to see it happen to myself and I wouldn't want it to happen to anyone else in my constituency. I don't like to see this happen to Dawson and I think that we should help them where claims are legitimate and I don't think a \$45 claim by a multimillion dollar outfit is legitimate is a legitimate claim for relief from hardship.

Mr. Taylor: Mr. Chairman, I think the member is wandering. He started out earlier today and brought this motion by saying that possibly the land is sinking in Dawson and we should make a study and we shouldn't issue any building permits and therefore we have to have a study. Now, in his last remarks he

Mr. Taylor continues.....

says that I am really working for the people. I don't know where the member is going in regards to this motion. In regards to this I would rather see us to take the money that would be needed to affect this motion that was made in haste and spend it on paying some of these claims in the city of Dawson. Now this would be doing something honorable and something reasonable. The cost to determine the land survey as is duly intended by the mover of the motion, I would say that an engineering study would be very costly indeed and I can't agree with the motion at this time. If the motion was considered, if cost estimates had been considered, if the Territorial Engineer had been so consulted, if the Commissioner had been consulted and the people of Dawson consulted, and then I would have said yes having been assured that some intelligent thinking had gone into this. I would certainly go along with it, but to sit at the table and say I know more than the Territorial Engineer, I know that I know more than the people of Dawson and after all I am from Whitehorse here I should know anything, and that I know more than all these other members of Council and I think a land study should be done or else I won't vote any money because I know all of this--this is absolutely ridiculous. To talk about a \$45 claim in the face of this, the importance of this document is picayune and childish, I may say. Gentlemen it is getting to the point where we can't see the forest for the trees and I suggest some tolerance. I suggest that we go back to the main issue and say some of the people of the Yukon are in trouble. We are sent here to the table to represent those people to the best of our ability and we may make mistakes, we likely do make mistakes but we do them with good sincere honest intent to do right and in the belief that we are doing the work of the people. Anyone that can stand up here at this table and say not only to me but to himself that the people of Dawson are not entitled to some relief in their misfortune certainly has neither my respect and I don't think that he is doing the job for the people that he was sent here to represent.

Mr. Boyd: We are dealing with one specific subject and that of claims of those who have had a disaster. I concur that the motion is not about what we are dealing with at all and I would certainly think it is out of order and we should not be discussing it at this time and it should be declared as out of order and then let's recess for tea.

Mr. Chairman: At this time gentlemen I will call a recess for tea.

RECESS

SESSIONAL  
PAPER 51

DAWSON  
FLOOD

Friday, November 25, 1966.  
3:30 p.m.

Mr. Chairman: I will call the Committee back to order and Mr. Taylor, will you take the Chair?

SESSIONAL  
PAPER #51

Mr. Taylor resumes the Chair.

Mr. Chairman: Gentlemen, we have before us a Motion. Moved by Councillor Watt, seconded by Councillor Thompson, that the Administration immediately investigate the ground conditions in the flood area of Dawson City.

Mr. Watt: Mr. Chairman, I would just like to say one thing and that is with respect to the last ten minutes of Council.. I did not at any time say that we should not pay legitimate claims where hardships have been caused in the Dawson City area. I did not say that. This Motion is designed to help in the future, in the same situation, and if it is accepted or defeated, I think that another Motion could be entertained with respect to the actual payment of these claims.

MOTION CARRIED

MOTION  
CARRIED

Councillors Boyd and Shaw were contrary. Councillor Southam abstained.

Mr. Chairman: Might I ask a question from the Chair. What is this going to cost, Mr. Commissioner?

Mr. Commissioner: The maximum amount.....I have no idea.

Mr. Thompson: Mr. Chairman, I would suggest that probably these figures are available either through the Department of Public Works or Federal Agencies in one way or another so... I don't think that there is going to be any large outlay at all.

Mr. Chairman: What is your further pleasure, gentlemen?

Mr. Shaw: Mr. Chairman, I would like to propose a Motion that the Administration pay the legitimate claims where hardship and loss was incurred in the Dawson flood of the spring of 1966.

Mr. Watt: I'll second that, Mr. Chairman.

Mr. Boyd: Mr. Chairman, there was a remark made here.... whether it was correct or not, I don't know, but I would like to know.....that some of these losses were homes that were built, provided, by the Department of Indian Affairs and, therefore, it would seem that they are the property of the Department of Indian Affairs and all its contents. Are we accepting claims from people who are charges of the Department of Indian Affairs?

Mr. Commissioner: Mr. Chairman, these claims have been analyzed and presented to you without regard as to whether the people who were affected were anything other than citizens of the Dawson area. These have not been analyzed as to whether the individual was a particular charge of a Government Department and it would be part of our dispersement program and I think has been quite clearly indicated in our Paper here that we would not be dispersing money where either insurance or other resources covered the loss that was sustained.

SESSIONAL  
PAPER #51

Mr. Commissioner continues:  
This does not preclude, Mr. Chairman, people who may have been a charge of another Government Department because who knows...perhaps this Government Department of whom they are in charge possibly did nothing in connection with this. We will certainly not duplicate payments. In other words, if someone has been compensated by an Insurance Company or the Department of Indian Affairs for losses that they suffered, we certainly are not going to be paying the second time around. This is the surest thing you know, Mr. Chairman, but I couldn't go any further than that.

Mr. Boyd: The point is that the Government, in the first place, owns the building and surely we...the Federal Government, in the first place, owns the building. Surely we, the Territorial Government, are not going to reimburse the Federal Government.

Mr. Commissioner: I would hope not, Mr. Chairman.

Mr. Watt: Mr. Chairman, to answer Mr. Boyd...they also own the water that ran over the building so it's their building, they own the water that ran over their own building and they want us to pay for it. However, speaking to the Motion, I think this turns it over to the capable hands of the Commissioner and I am sure that we won't pay anything but legitimate expenses. Personally, I don't think that claim of Klondike Helicopters would come within the sphere of this Motion but if the Commissioner decides that it does, that's fine. The decision is up to him. That's out of my hands if this Motion is passed. This is one case where we can see where Ottawa is holding all the control over water resources in the Yukon Territory. It's an asset to Ottawa. When it becomes a liability for five minutes, then all of a sudden it's our responsibility. I think Ottawa should take note of this in the future that if they want to maintain this Resource and hang on to it and not let us deal with it or negotiate with it or anything else or use it, then they should take the responsibility for it too.

MOTION RE  
DAWSON  
FLOOD  
CLAIMS

Mr. Chairman: Gentlemen, we have a Motion before us. It has been moved by Councillor Shaw, seconded by Councillor Watt, that the Administration pay the legitimate claims where hardship and loss was incurred in the Dawson flood in the spring of 1966.

MOTION  
CARRIED

MOTION CARRIED

Mr. Commissioner: Mr. Chairman, may I ask Council's guidance as to what they would consider to be a proper cut off date beyond which, or past which, we are not prepared to entertain any claims except under the most extenuating circumstances?

Mr. Thompson: Mr. Chairman, I would say November 15.

All: Agreed.

Mr. Commissioner: Thank you very much, gentlemen.

SESSIONAL  
PAPER #52

Mr. Chairman: Mr. Chairman, your next Sessional Paper is Sessional Paper No. 52, Assistance to Parents and Students Attending University. (Reads Sessional Paper No. 52). Speaking from the Chair, gentlemen, this is in reply to a question that I had raised on behalf of one of my constituents. I personally have no further comment. Do you gentlemen have anything on this matter?



All: Clear.

Mr. Chairman: The next Sessional Paper, gentlemen, is **SESSIONAL PAPER #53** Sessional Paper No. 53, Question from Councillor H.E. Boyd re Brands Ordinance and Pounds Ordinance. (Reads Sessional Paper No. 53).

Mr. Boyd: It says here, "The policy implications of a Stock Brand Ordinance for the Yukon are still under study by the Department in Ottawa. If possible, legislation will be prepared in time for the next session" and so on. I think something serious has to be taken into consideration. We have horses...well, most anywhere...and if they are in trouble with a vehicle or anything else, nobody knows who owns them under certain circumstances, but under other circumstances, if the owner of the horse feels he can collect for it without any trouble, then he's Johnny on the spot to claim the horse. I understand that we buried...the Territorial Government buried four horses in one particular area this spring. I assume we pay for the burying of them...the moving of a cat or something to dig a hole and so on. I don't think the owner was ever located and these are the things that concern me in this regard and as long as it remains the way it is, it will continue to be this way...nothing but trouble.

Mr. Chairman: Anything further, gentlemen, on this Paper?

Mr. Shaw: Just one thing, Mr. Chairman, it appears that the Department is looking into this particular matter and could we expect to get something definite in this line in the form of legislation from Ottawa by the Spring Session? I wonder if the Commissioner or the Legal Advisor could answer that, Mr. Chairman.

Mr. Commissioner: I would certainly hope so, Mr. Chairman. Perhaps Mr. Legal Advisor may have some comment on this.

Mr. Legal Advisor: I can't make any more comment on prophecy than the Commissioner. All I can say is that I will keep up the pressure.

All: Clear.

Mr. Chairman: Next is Sessional Paper No. 54 re Motion for **SESSIONAL PAPER #54** the Production of Papers No. 2. (Reads Sessional Paper No. 54). If it may be permitted from the Chair, this was also a request that I had in relation to Corrections, however, it seems that the matter I had under consideration has now been decided so it no longer serves any useful purpose to me. However, it does rise one question that I would like to know about and that is on the meeting of June 24th at 2:00 PM. It is stated in item 12 that "Inspector Pantry asked if the necessary legislation was being prepared to cover off the legal aspects of the correction program. Mr. Smith replied drafts are being prepared and the Ordinance would be submitted to the fall session of Council." Will this be ready for the Spring Session? I would direct that to Mr. Legal Advisor.

Mr. Legal Advisor: Looking into this rather dark crystal ball I have here, Sir, I don't feel as optimistic about that one as about the Brands one.

SESSIONAL  
PAPER #54

Mr. Shaw: Mr. Chairman, this question....I am as guilty as anyone...but it seems that it takes me back to a cartoon that used to be in the newspapers years ago and they titled it "Always Belittling". This continual prodding seems to be vitally essential in these matters. It runs over not weeks or days or months but years.

Mr. Chairman: Anything further on this Paper, gentlemen?

All: Clear.

SESSIONAL  
PAPER #55

Mr. Chairman: Gentlemen, next we have Sessional Paper No. 55, Proposed Mace for the Yukon Territory. (Reads Sessional Paper No. 55). Would it be possible to see this design, Mr. Commissioner?

Mr. Commissioner: Mr. Chairman, I will do my best. This was apparently put to sleep.....nothing would ever be heard of again.

Mr. Chairman: Gentlemen, have you anything further on this Paper?

Mr. Shaw: Just that I would like to see this design, Mr. Chairman.

Mr. Thompson: Better not.

All: Clear.

BILL #17

Mr. Chairman: Gentlemen, the only remaining item I have at this particular moment is a Private Member's Bill, Bill No. 17, Mr. Watt., would you be prepared to discuss this at this time?

Mr. Watt: Yes, Mr. Chairman.

Mr. Chairman reads Bill No. 17, An Ordinance to Amend an Ordinance to Provide for the Orderly Development of Unorganized Areas.

Mr. Watt: This is a suggestion...proposed Amendment to the Orderly Development of Unorganized Areas Ordinance which is the result of what I think is an excessive large amount of Regulations that is being passed in Council. The Ordinance itself is just a little over a page and a half of our Ordinances which is pretty small pages. The Regulations themselves are thirty-three pages of legal size paper and if you break that down and count the pages and the lines you will find that approximately 360 words are Regulations. It would take me two or three minutes to read it and we have possibly in the neighborhood of 9500 words of Regulations and it would take me roughly two hours to read it at the same speed. I think that the Regulations have become so excessive..so completely controlling so that the Ordinance itself has become secondary to the Regulations which I think is beyond what...the intention of the Yukon Act. I know that in 1963 there was an Amendment to this particular Ordinance and it was asked that a section be added....(g)...with respect to the disposal of firearms in organized areas and (g) was added...the Regulation or the prohibition of the discharge of guns or other arms...firearms within a development area. The

Mr. Watt continues:

Government saw fit to change the Ordinance for this specific purpose but they didn't see fit to bring before Council, either in the form of a Sessional Paper or in the form of an Amendment of the Ordinance...thirty-three pages of Regulations originally, plus Amendments afterwards...that completely control these organized areas, particularly the area around Whitehorse where I would say you have 80% of the commercial property under Territorial control. This virtually puts one man, the Commissioner, in a position where he can break a business or make a business or restrict a business, prevent the growth of a business and it gives too much control to one man. I am not...this is nothing personal. These were passed before our present Commissioner had been selected. I must say possibly six months before so it is not his fault. I have...just before these Regulations were passed, we were given a draft and later we were sent a letter. In this letter, it was suggested that a meeting be held on May 27 to consider proposed amendments to the draft. Well, that meeting was held and the Commissioner that signed these Regulations, his term was up the end of May. We had an Administrator from the first of June. There appeared to be an awful rush to shove this through before the old Commissioner left so I guess he would be a thousand miles away and wouldn't have to answer to us for these Orders or something like that. These have been approved by a Committee that was appointed by the Commissioner of the day. I think this Committee has taken over the duties of the Territorial Council in this respect and an appeal to any ruling here is again in the hands of three business men in Whitehorse. We are completely out of the picture in 80% of the land in the Yukon Territory and to accept these without any objections would, I think, would.. is a step towards losing any control of Government that we have so I would urge the Council to support this Motion and that these Regulations come before Council. Some of these Regulations are good but some of them are not so good and I would like to add that in our present Ordinance...section 4 sub (2)... "The Commissioner shall cause to be tabled any Regulations made by him pursuant to subsection (1) at the session of Council next following the making of such regulation." I specifically asked in a Motion for the Production of Papers that these Regulations be tabled at this Session which is the next Session after those Regulations came into effect and I was told that I could possibly pick up an up to date copy if I went down to the Clerk's office but I don't know, as far as I am concerned, this particular section hasn't been rescinded. The only Amendment I can find is the Amendment to add section (g) of sub 4...4 sub (1)(g). I think that the Territorial Council should have some say and some of these Regulations are good but some of them are not so good. I want to see the orderly development of the Whitehorse area as much as anybody else. Chances are that I will be living in this country as long as anybody that was on that Committee...but help to pass and recommend these Orders. Chances are that I will be living here and be a taxpayer within this area as long as anybody else...possibly longer... unless somebody takes a shot at me. I think that these could be presented to Council in the form of a Sessional Paper and ask for our approval of them and those, particularly in the Whitehorse area,...you could say that such and such a section, I do not agree with and then the Commissioner or some Member of the Administration could possibly say "This is necessary because of such and such" and the argument may be good and overcome the objection to the particular section. It could be done this way or it could be done in the form of an Ordinance. I think a Sessional Paper would do and we could start

BILL #17 Mr. Watt continues:

out by honoring what we already have in the Area Development Ordinance and have the Regulations put before us and then approved for Council. Possibly there could be some argument why the Administration does not want to put this before Council. There probably is but I think that we should be tuned in. I'll answer any questions that anybody would like to ask if I can.

Mr. Southam takes the Chair.

Mr. Taylor: Just before we get off on a great big long battle here, I would like to ask a question of Mr. Legal Advisor at this point just to find out if I'm right or wrong at the outset. By accepting this Bill, this would mean that the Commissioner would have to bring before Council all Regulations before implementing them respecting the zoning of any areas in the Yukon, including the allocation of land in the area for agricultural, residential, business, industrial, educational, public, or other purposes. I assume now..excepting this...all this comes over this table and also that we regulate the prohibition of erection, maintenance, alteration, repair or removal of any buildings in the Yukon Territory who are in Area Development areas....all streets, roads, lanes, sidewalks, parks, street lighting and street transit. We must also approve all Regulations for this if my understanding is correct....public health, including the supply, treatment and purification of water, the collection and disposal of garbage and other sewage. I assume that Regulations of this nature all come across this table. ....hospitals, the burial of destitute persons, fire protection and animals. Now, am I correct in assuming that if we pass the Bill that all these Regulations will first have to be decided by Council?

Mr. Legal Advisor: That's correct.

Mr. Taylor: Well, Mr. Chairman, may I say that this is completely out of the question. I don't think this is an abdication of any control because I don't know where we ever had any control. The only place we might have exercised any control at all is in relation to the Budget and the making of Ordinances and I cannot see where practically, although I am a great proponent of holding down Regulations, in the matter of Area Development, I cannot agree at this time that we have either the time to do this or whether this would be a good thing for the people of the Yukon. Under the Area Development Ordinance, you have townsites scattered all over the Yukon Territory. I don't know...maybe even Old Crow is under the Area Development Ordinance and to suggest to me, as a Councillor, that every time you wanted to put a culvert in somewhere or have a Regulation to have a culvert installed or to take a cat out of a tree or to dump some sewage to have to bring it across this table is completely out of the question. I do understand, however....I could be wrong here but there is a problem...I don't know whether this is a Member's individual personal problem or whether this is another problem that is prevalent in this area and I think it involves the Mining Industry and I think they have got a legitimate beef here with a Regulation which has something to do with the Metropolitan Plan, copy of which I still have not been given, but I think that this is the wrong approach. Certainly we cannot drag this stuff over the table. This is a problem for the Administration and it's got to be left that way. Mr. Chairman, I would move that this Bill No. 17 be left to die in Committee.

Mr. Watt: Mr. Chairman, there is no seconder for that Motion and I think that it was made so that nobody else could get a chance to talk on this and I think that everybody should get a chance to talk on this and if the Member from Watson Lake feels as if having recommendations coming over this table is too burdensome, then we could amend this so that it could further read "Make Regulations concerning the Whitehorse Metropolitan Area". Now, you don't have to have a Regulation every time you put a culvert in but you do have to have a Regulation concerning culverts in areas which has already come over this table. We have passed Motions in here concerning the establishment of a policy for culverts in Porter Creek and Crestview and areas like that. We have had these policies laid out and it just took a Regulation concerning culverts in the Porter Creek-Crestview area. That's all it took...three lines. It was discussed here and we have already done this. This particular Regulation has already gone before Council and they were as a result of Council. This doesn't mean that it's coming every time you put a culvert in...that it's coming before Council but it did mean that a policy for setting up culverts.. that it would come before Council, and it already has...and "the regulation or prohibition of the erection, maintenance, alteration, repair or removal of buildings".....part of this has come before Council in that a couple of areas requested that no cemestros be put in their area...a couple of districts.. which was fine. This was a request of Council and it was granted. Streets, lanes, sidewalks and street lighting and things like that. We have had a request through Council here for street lighting programs and policy and Regulations have been set out as a result of these but they haven't had to come and ask us for every street light. We just laid down the policy and this has been done. The same for fire protection and we have talked about animals...concerning horses, for example. We talked about it this morning. This isn't a matter of putting every single thing through Council. I think the Member from Watson Lake is intentionally misleading you and if he says it is a personal problem...well, it is no more a personal problem than it is everybody else's problem who is living in these outlying areas, but if the Member from Watson Lake would sooner not have the outlying areas included in this, we could add a further...somebody could add an Amendment to this and add it so that it is concerning the Whitehorse Metropolitan Area and if the Council does not want to spend any time on this, I think they could appoint a Committee of the Whitehorse Members if they so wished...if they wanted to trust our judgement in this...to go through these and make a recommendation to Council and they could accept the Committee's recommendations or reject them and this would put in effect quite a bit of control in the hands of the Territorial Council but for the Member from Watson Lake with possibly 125 votes under his belt to come up and control an area that is roughly 80% of the commercial property in the Yukon Territory is, I think...I think it is out of line. It makes the Territorial Council look foolish...the whole elective set up that we have here, the size of constituencies and everything. I strongly urge that the Councillors support this Motion so that these controls cannot be arbitrarily be enforced without some control by Council. This is a request to put a little jurisdiction into the hands of the Council over something which we should have control over. They have control over this in all the Provinces and the Provinces return it to the City and, in this case, we would be returning jurisdiction within the Municipalities to the City. This would not be our responsibility. I'm not going to get worked up about this. The Member from Watson Lake can call this a harangue or anything else but

BILL #17

Mr. Watt continues:

in all the theatricals that he wants to perform here...will have no effect on me. It's just a simple request that Council can either accept or reject. If it's too cumbersome in its present form, then I would like to suggest that some Member here could make an Amendment to this and add the words "concerning the Whitehorse Metropolitan Area". I didn't include that originally because I thought it may interfere with the jurisdiction that the Councillors wish to have over their own areas in the outlying areas but apparently the Member from Watson Lake wishes to have very little jurisdiction over Ross River, Watson Lake and Teslin, but there are some areas...I can't speak for the Member from Kluane-Carmacks or Mayo or any place else but Mr. Thompson seconded this Motion...this Bill and he would like to have some say in the development of the area from which he comes and the area around the area from which he comes which is the Whitehorse Metropolitan Area.

Mr. Taylor: Mr. Chairman, if the Honorable Member, after that dissertation, feels that I am going to engage in a bunch of slander and suppositions as were thrown my way, I may assure him that I won't throw back. I would like to assure him that I am not misleading, that I do have...I have three areas in my constituency under this Area Development Ordinance and I have one that is an organized area under the Municipal Ordinance and I am, of course, concerned as all my people are in these areas about this and I offer him my sincere sympathy in his attitude in relation to the Member from Watson Lake. Now, to get back to the Ordinance, I cite only that it is ridiculous to assume that the Council will be, as I say...for instance...well let's pick something here...let's just say a sewage...we had a sewage problem in Ross River. Either the sewage problem must exist until the next session of Council until a Regulation can be approved by Council in order to cope with this or else we call the Council together to solve the sewage problem in Ross River. I mean this is just how ridiculous the situation is. As I said before, I don't think any Member here honestly thinks that this thing can work. If they do, take another look fella. As I said before, there is apparently a specific problem here in the Whitehorse area. It has to do with this Metropolitan Plan and I think the proper and reasonable approach to this problem is not this type of thing but it is to pick out that specific Regulation that is creating the problem and bring it before the table and say "In the opinion of the Member or Members involved, we don't feel this is good. It is impractical and it should be changed". Now, this is the way that I think you should deal with this problem rather than going on a blanket basis and attempting to force all Regulations across the Council table because...I don't know.. I think Mr. Clerk could probably inform the Committee how many Amendments are made annually to this Ordinance. I know from the amount that I receive in the mail that there are very, very many of them. If Council had to do this, we would never go home. We would still be here at Christmas time and bickering over Regulations, but I would think that we do have the right...we certainly do....though the Commissioner has the right to make a Regulation under an Ordinance without changing the intent of the Ordinance, Council still has the right to order that that particular Regulation be done away with, or changed, or altered. I honestly say this with no...I am opposed to this on the face value of what it is because it just obviously can't work but I suggest, as an alternative, that whatever the Regulation is in the Metropolitan Plan or under this Ordinance, whichever it might be,

Mr. Taylor continues:

and I'm not aware of it because nobody has ever shown me this...I know it's a bad one and there should be something done with it...that is the specific Regulation to bring to the table and say, by Motion, "Gentlemen, I would move that this be changed. It is imposing a hardship. It is impractical.", or for whatever reason and then change it. Nobody can possibly agree to this...I wouldn't think. Of course, I don't know.

Mr. Shaw: May I ask a question, Mr. Chairman. This Whitehorse Metropolitan Plan...I imagine there must be some Committee set up in respect of this. My question would be, Mr. Chairman, are the Whitehorse Members, and I think this is their concern, directly represented on this Committee to report their views?

Mr. Chairman: Would you answer that, Mr. Watt?

Mr. Watt: Yes, Mr. Chairman. I would be glad to answer that. Yes, we have three Whitehorse Members that are invited as Members of this Committee. We have some City Council Members also but we are three out of twelve. We are three out of twelve. If you will take the amount of property and land that is included in the Whitehorse Metropolitan Area, 90% of it is outside the City Limits of Whitehorse so it is the Territorial's jurisdiction over which we are talking in 90% of the cases. If it's a problem that comes up within the City, even if there is a meeting, if it's solely a City problem and it's not a joint road or something like that, I suggest that it's a City problem and I abstain from voting.. such as the street closure. Now they may wish to close one street...one block of one street in Seventh Avenue. I think that is for the City to fight out...decide what they want but when it comes to whether they want to do something...to prohibit cutting down any tree more than two inches in diameter within a ten mile radius of Whitehorse...I would hesitate about that a little bit. I want a little clarification on that before I vote for that and this is what the Regulations say. This Committee...this Council has some say on it but we have very little say on it but we are the people that have to answer the questions. We are the people that somebody grabs the phone and says, "Why? Why do you have a Regulation like this? Don't you fellows have any say?", and this is happening a lot. That's why this Bill is before us. I wouldn't bring a Bill like this before you unless it was important to the Government of this area and I as much as anybody else..probably more so...would like to see this area developed in an orderly fashion. I want to see schools built where they can be used with the least transportation for the greatest number of people. I want to see the sewer and water used. I want to see everything used to the greatest capacity because if we don't use them to greatest efficiency, then our taxes will go up and I will probably be paying taxes here for the next thirty years and lots of them so I have got a lot of interest in this but if the Members from the outlying areas don't feel that it is necessary for their areas, I suggest that one of them make an Amendment so that this just includes the Whitehorse Metropolitan Area and then the Council could appoint a Committee to make recommendations to Council and they could approve the Regulations as passed by the Committee. This would make something less cumbersome of it if a Member from an outlying area didn't want to delve into it too far. If somebody is being regulated out of business, then he can appeal to an Appeal Board that was appointed by this Committee and I forget who

BILL #17 Mr. Watt continues:  
is on the Appeal Board. Who is on the Appeal Board, Mr. Commissioner?

Mr. Commissioner: I'm afraid I don't know the names of the men but possibly Mr. Clerk or Mr. Legal Advisor would know the names of the men on this Appeal Board.

Mr. Legal Advisor: I believe Mr. William Taylor was and he was replaced a short while ago. That's the nearest I can come.

Mr. Watt: Dr. Pugh was and still is a Member. Mr. Taylor was and an appeal came to him and another appeal was made back to the original Committee and it was overruled and Mr. Taylor quit. Anyway, you have an Appeal Board that is made up of three Whitehorse businessmen but you don't have any... there's no appeal...before you can even appeal, you have to pay \$25.....before you can even appeal a decision of a Committee that was set up by the Commissioner. There was no vote on this. There was no say. As far as democracy is concerned, we have absolutely no control or no say or no nothing to do with this. I think that we should at least have our...a lot of these regulations are good...a lot of them are good but when a decision is made respecting an area or somebody's business or something like that, they don't grab the phone and phone up twelve people. They grab the phone and phone the Territorial Councillor. If they don't get him, they phone another Territorial Councillor and they phone all three of us and then every time they see us on the street, they say, "What the heck are you guys doing up there? Why don't you do something? Why can't you do something about this?" and we tell them that we can't. It's all passed by Regulation. This is why I would like to have these Regulations put through Council. I don't think it is going to be any more cumbersome than having a request for a simple little air strip at Watson Lake or L.P.R.T. at Swift River. I know that the Member from Watson Lake has his mind made up and he will never change but I hope he doesn't take too many others with him but either vote for this and accept it or amend it or reject it. If you have any consideration at all for those who represent this Whitehorse area and we represent roughly 75% to 80% of the population of the Yukon Territory, I would suggest that you support this Motion.

Mr. Taylor: Mr. Chairman, I can't agree that the population is that great in this area. In any event, as I say, the supposition is wrong that I am trying to do anything against the People of Whitehorse. I am always working there...in their interests because, as a Councillor, each Member should work for all districts...for the Yukon as a whole. However, we find before us a situation which cannot be handled by Council. It is a matter for Administration to determine. To suggest that a Councillor can do nothing about these Regulations, I just repeat so that all Members will understand and I think they mostly do....any Member can bring before the table any Regulation which he feels is unjust or unworkable at any time...any specific Regulation or group of them for discussion at the table, and it is within the power of the Council to instruct the Commissioner of the Territory to have that removed, altered or changed. This is why, under this Ordinance, that the Commissioner has this authority and this is so that from day to day the duties and requirements under this Ordinance can be dealt with by the Administration and I don't think I need to dwell on that any longer. This is why I moved that Bill No. 17 be left to die in Committee and this is the only answer to it that I can see unless a specific Resolution can be brought forward and discussed on its own merit.



Mr. Boyd: I would like to direct a question to Mr. Watt. BILL #17  
I think I will change my mind and direct it to the Legal  
Advisor. If this Bill were passed as it is written and we  
come up against the proposition of a man having a complaint..  
I don't care where it is in the Yukon....he would be required  
to wait for action until his Councillor could bring it up at  
the next Session. Would this be true?

Mr. Legal Advisor: If the problem involved the passing of  
a Regulation, then nothing could be done officially under  
this Ordinance or the Regulations until there was another  
Session.

Mr. Chairman: Does that answer your question, Mr. Boyd?

Mr. Boyd: Yes...but I have another one now. I would address  
this to Mr. Watt. He pointed out that there is a twelve man  
Committee and there is a Board to deal with appeals and the  
Board itself were to...if they didn't...couldn't...feel they  
couldn't make a decision and they were within their rights  
in taking it to the Committee...the big Committee...this  
would do away with this kind of settling of affairs? This  
would simply have to be left and settled at this table?  
There would be nothing left to the Commissioner nor any other  
group except this group here?

Mr. Watt: No, Mr. Boyd, you are wrong. It would be up to  
the Commissioner in Council. It wouldn't just be up to this  
group of people. It would be up to the Commissioner in  
Council to approve these or reject these. As far as the  
time element is concerned, there is nothing in these Regula-  
tions that I know of or ever have known of that could not  
wait until the Spring Session of Council. Most of these  
Regulations...not these Regulations...but most Regulations  
concerning Area Development have been as a result of a Motion  
in Council....most of them have been, and the Regulations,  
if they are passed now...they call a Committee together every  
two or three months. Now, this is just the Regulations. This  
isn't the day to day administration of the Regulations. This  
isn't every application for some little thing. If there is  
a change from the norm...right now it is cumbersome to change  
a Regulation in the Whitehorse Metropolitan Area. If the  
Administration respects the Committee that they have set up  
and the Appeal Board that they have set up, and I believe that  
they do, I think that the cumbersomeness of it...I think it  
would be neater than it is now. Not only that, but those  
who are in the outlying areas would have more say and more  
control. There would be more liasion between the Administra-  
tion and the Member of the area and surely if a Regulation  
concerning the Watson Lake area....I am not going to horn in  
and say I know everything about Watson Lake...I'm certainly  
going to listen to the Member from the area...or Dawson City  
likewise...and the Commissioner or some Member of the Admini-  
stration would be familiar with the situation and between the  
two of them, they could decide what is a good regulation and  
they could come before Council if they so wished but if those  
in the outlying areas do not wish to have any of this come  
before Council as far as their constituencies are concerned,  
then I suggest that they amend it so that those around White-  
horse...there was a suggestion that if we wanted a Regulation  
changed, all we would have to do was come before Council and  
pass that it be changed. Well, by that time, it's been in  
effect...it's been Law from maybe six months sometimes...like  
these Regulations here...right after Council terminated,  
they came into effect and they have been in effect for a long  
time but they still haven't been passed through Council.

BILL #17 Mr. Boyd: Mr. Chairman, but did Council not review these thirty pages of proposed Regulations and give it their blessing? I am sure we did.

Mr. Watt: No, Mr. Chairman. I had a Motion in when these were first presented to Council....I had a Motion requesting that these Regulations be approved by Council. Mr. Boyd voted against it. This was a Motion that I made and Mr. Boyd voted against it. It could have been because we were getting fairly late in the Session but we never got the Regulations until fairly late in that particular Session. If that had been the case, I wouldn't be making this suggested Amendment right now but there was a specific request by myself that these Regulations be approved by Council before they come into effect and they were not in effect at that time. They were just drafted and this is the actual copy and it was given to me on May 4, 1966. That's when I received this first draft. Council sat during that month...about the middle of the month and it terminated just before the last Commissioner left and they were approved as Regulations.

Mr. Chairman: Any further discussion, gentlemen?

Mr. Shaw: Mr. Chairman, I can sympathize very much with Councillor Watt. He has a problem here....the Council, representing all of the people in certain areas...referring to Members in Whitehorse...that we will say that the Committee.. twelve people that may not represent as many people...they might represent more individual interest...I don't know about that part of it. I wondered if it is not possible to resolve this in some other manner than what we have here. As a Member of Council, I must make it very clear that I am not able to attend to all...or have the knowledge...of all these small local problems that arise from time to time...and neither do I have the time to dedicate myself to something like this which would require a full time job. To accept the Bill as it is, I am afraid that, although I am in great sympathy with Councillor Watt in this matter, I could not accept this because it would just...we will say...upset the applecart and it wouldn't be a practical solution because it is impossible to work something unless you have a manager. In other words, if you have a business, you may be president of the business but you have a manager for a department and you say to this fellow, "Go and do the job." and when you leave, he does the job and if he doesn't do the job then, of course, you haul him over the coals and say "Why?" and you make the necessary alterations. Now, on this Whitehorse Metropolitan area, it is quite a complicated formula that is instigated. It takes in a large area adjacent to the City and it must have a multitude of problems that arise from day to day. As I have pointed out, Mr. Chairman, I couldn't go along with this particular Bill the way it is here because I feel that the Administration must have some latitude in matters such as this but perhaps there is some other answer. It is possible that Council, particularly the Members concerned, can come up with some...if I might say.. more practical solution to this. It may be necessary that perhaps an Ordinance can be made in respect to the Whitehorse Metropolitan Area if there isn't one now. In other words, though I cannot go for this Bill, I still sympathize with Councillor Watt's proposal and perhaps if the thinking caps were put on by all people concerned that we could come up with something that would solve the problem and would not disorganize the unorganized areas.

Mr. Thompson: Mr. Chairman, I would move that we accept BILL #17 Bill No. 17 and that it be moved out of Committee without Amendment.

Mr. MacKinnon: I will second that Motion.

Mr. Taylor: Mr. Chairman, in speaking on the Motion, I hope that everybody understands what they are doing here because I am kind of a little afraid that some Members do not understand, by accepting this Bill, what they are putting themselves in for. I have been going through these Whitehorse Metropolitan Plan Regulations.....by accepting this Bill, you take in the whole Yukon Territory. God, I hope you understand because I am voting contrary to this...absolutely, more so than any other Bill I have ever dealt with.

Mr. Watt: Mr. Chairman, I expected that. I don't think the Member from Watson Lake understands how important this is to the Whitehorse area and I would like...anybody who is doubtful that it is going to become cumbersome....I would like to remind you that there was an Amendment before Council.. Private Members...and it concerned the Teslin Franchise. It was longer than the Whitehorse Metropolitan Plan and the suggested amendment was that this be amended to include Commissioner in Council. This, to me, is more in the field of Administration than all these Regulations concerning the development of the Whitehorse Metropolitan Area and if that is the reason that any Member is voting against it, I don't think the reasoning is very well founded. There had been a suggestion a short while ago that if those in the outlying areas did not want this included, then this could be amended to read just for the Whitehorse Metropolitan Area. They did not want to do this. I think that no matter what is said here that those who have got their mind made up and going to vote against it, are going to vote against it anyway, irregardless. I know that it is almost impossible to get control of any jurisdiction over any land in the Whitehorse Metropolitan Area out of the hands of the local established businesses. It is a problem that we have...all over North America....all the large Cities have the same problem. You have conflict of interest between those in the outlying areas and those who are established and those who are not established, but in the Yukon Territory, there is one difference and that is the part that the Government has played. The Government has played one part and it has taken one side. This is something that is different to what we have in Edmonton, Calgary or any other outlying area. As Territorial Councillor from Whitehorse West, I represent more individuals that you could classify as established businessmen as far as business is concerned as I do represent those who are not established so I represent both sides of the fence and I am as much concerned about those established in business and those that have large investments in the Yukon and in Whitehorse....I have as much concern for them as for anybody else but I think it is too one sided right now and there should be a little bit more give and take and this is why I am asking this be brought before Council.

Mr. Shaw: Well, Mr. Chairman, I haven't the affluence or the population. I represent the poor. I would like to state, Mr. Chairman, that this is an extremely serious step. We are tying up the Administration's hands on the business management of the Territory. We are doing it because it affects a certain area which I will admit may have some problems but which I will also submit, Mr. Chairman, can be resolved in some other fashion than this and I would prognosticate that inside of a very short time, the encumbrances that this will place in the

BILL #17

Mr. Shaw continues:

hands of the Administration will be very far reaching and of quite serious consequences from time to time of areas of the Territory. I think, gentlemen, that you have to remember that the Whitehorse Metropolitan Area is fairly well established in certain ways. However, in other areas of the Territory, things are just closing down or blossoming out. In other words, they are in a continual state of fluidity.. I think that would be the word...and they require decisions very fast...Regulations very fast...the taking away of Regulations...even if it may be having a curfew at Mayo or something else in Watson Lake. It needs immediate action but Regulations cannot be made until the next sitting of Council. Well, Mr. Chairman, this is going to tie up things for the Territory that are going to be quite harmful to the Territory. Though it may not seem to be harmful to the area that seems to be having the problem at the time, it is going to be quite disastrous in other areas, and I feel certain, Mr. Chairman, that if this is accepted and this goes into effect, that it will have to be changed by the impractical aspect of it inside of a short time. That's all I have to say on that.

MOTION  
DEFEATED

MOTION DEFEATED

Councillors Thompson, Watt and MacKinnon voted for the Motion. Councillors Boyd, Shaw and Taylor were contrary. Councillor Southam, Chairman, voted contrary.

Mr. Taylor resumes the Chair.

Mr. Chairman: May Mr. Commissioner be excused at this time?

Mr. Commissioner: May I ask a question before I go? I feel that it would be very fitting some day close to the end of Council that possibly the Administrative Heads of the Departments and Council might get together for a social evening, Mr. Chairman. I was wondering if Council could give me some direction as to what night I could anticipate...possibly some evening next week...which would be convenient. If you care to give me any thoughts along these lines so that I.....

Mr. Chairman: Possibly, Mr. Commissioner, you could take this up with Mr. Speaker at your pleasure and he could so advise Council.

Mr. Commissioner: Thank you very much, gentlemen. Don't forget the Grey Cup tomorrow. I will see you all on Monday. (Mr. Commissioner leaves the Council Chambers).

Mr. Thompson: Bless you.

Moved by Councillor Thompson, seconded by Councillor Southam, that Mr. Speaker do now resume the Chair and hear the Report of the Chairman of Committees.

MOTION  
CARRIED

MOTION CARRIED

Mr. Watt: Would you excuse me, Mr. Chairman. I feel like throwing up.

Mr. Taylor: I'm afraid you will have to take that matter up with Mr. Speaker.

Mr. Watt leaves the Council Chambers.

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

Mr. Taylor: Mr. Speaker, Committee convened at 10:40 A.M. this morning to discuss Bills, Memoranda, Sessional Papers and Motions. Committee continued discussion of Bills with Mr. Commissioner in attendance. It was moved by Councillor Boyd and seconded by Councillor Watt that Bill No. 16 be reported out of Committee without Amendment. This Motion Carried. It was moved by Councillor Boyd and seconded by Councillor Shaw that Committee concurs with Sessional Paper No. 50. This Motion carried. Committee recessed at 12:00 Noon and reconvened at 2:00 P.M. this afternoon. It was moved by Councillor Watt and seconded by Councillor Thompson that the Administration immediately investigate the ground conditions in the flood area at Dawson City. This Motion carried. It was moved by Councillor Shaw and seconded by Councillor Watt that the Administration pay the legitimate claims where hardship and loss was incurred in the Dawson Flood of the Spring of 1966. This Motion carried. It was moved by Councillor Thompson, seconded by Councillor MacKinnon, that Bill No. 17 be reported out of Committee without Amendment. This Motion was defeated. It was moved by Councillor Thompson, seconded by Councillor Southam, that Mr. Speaker do now resume the Chair and hear the Report of the Chairman of Committees and this Motion carried.

REPORT OF  
COMMITTEES

Mr. Speaker: Thank you, Mr. Chairman. Gentlemen, you have heard the reading of the Report of the Chairman of Committees. Are there any corrections and are you agreed with the Report?

All: Agreed.

Mr. Speaker: We have now the agenda for the future.

Mr. Taylor: Mr. Speaker, before us we have Bills, Sessional Papers, Memoranda and Motions. However, we could possibly embark on Bill 18 on Monday morning at 10:00 o'clock...or 10:30...pardon me. If this is agreeable, I would like to move that this Council do not sit tomorrow, but sit on Monday, November 28.

Mr. Thompson: Mr. Speaker, I would suggest that we take under advisement the Commissioner's suggestion with reference to a gathering sometime next week and for lack of a better date, I would suggest next Wednesday if this is agreeable with Council.

Mr. Taylor: Mr. Speaker is going to look after that.

Mr. Southam: I would second that Motion, Mr. Speaker.

Moved by Councillor Taylor, seconded by Councillor Southam, that Council do not sit on Saturday morning but reconvene at 10 o'clock Monday morning and discuss Bills, Memoranda, Sessional Papers and Motions with particular attention being given at 10:30 to Bill No. 18.

MOTION CARRIED

MOTION  
CARRIED

Moved by Councillor Boyd, seconded by Councillor Thompson, that we call it five o'clock.

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: The Motion is carried and this Council will stand adjourned until Monday, November 28, at ten o'clock.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations. The text also highlights the need for regular audits and reviews to identify any discrepancies or areas for improvement.

2. The second part of the document focuses on the role of the management team in setting the strategic direction of the organization. It outlines the key responsibilities of the management team, including defining the organization's vision, mission, and values, and developing a comprehensive business plan. The text also discusses the importance of effective communication and collaboration among team members to ensure the successful implementation of the organization's strategy.

3. The third part of the document addresses the issue of financial management and budgeting. It provides a detailed overview of the organization's financial performance, including a breakdown of revenues, expenses, and profits. The text also discusses the importance of maintaining a healthy cash flow and managing the organization's debt and equity. The document concludes with a summary of the key findings and recommendations for the future.



Monday, November 28, 1966.  
10:00 a.m.

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

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

Mr. Clerk: There is, Mr. Speaker.

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

Mr. Clerk: Yes, Mr. Speaker. We have two Sessional Papers this morning. The first one is numbered 56, dated the 24th of November, concerning Question No. 3, Mr. Taylor, J.P. Court. Next is Sessional Paper No. 57, dated November 25, headed Vote 13, Justice Vote. That's all there is this morning, Mr. Speaker. SESSIONAL PAPERS #56  
#57

Mr. Speaker: Have we any Reports of Committee this morning? Have we any Notice of Motion or Resolution? If not, we will proceed to Orders of the Day. Have we any Notices of Motion for the Production of Papers. If not, we will proceed to the next item which is Motions. We first have Motion No. 18, Mr. Watt, Paving Eighth Avenue. MOTION #18

Mr. Watt: Yes, Mr. Speaker, Motion No. 18, moved by myself, seconded by Mr. Southam, re Paving 8th Avenue. It is the opinion of Council that the Territorial Government accept some of the City's responsibility with respect to the paving of 8th Avenue as this would be adjacent to and serving Territorial paying tax payers. May I proceed, Mr. Speaker?

Mr. Speaker: Proceed, Mr. Watt.

Mr. Watt: The situation with respect to this area is this. We have an area...Sixth Avenue is paved. It is entirely within the City Limits. Seventh Avenue is an Avenue which is designed as an avenue that will possibly be closed. On this Whitehorse Metropolitan Plan, there are two Avenues... Fifth and Seventh...which some day could be closed off at different parts, and just because this could happen some day.. whether it does or not...it's not within my jurisdiction to decide and I don't want to comment on that right now except that...just the fact that this recommendation had been made so that the City will very unlikely never pave Seventh Avenue until such time as this is either rescinded or accepted. If it is accepted, there will no longer be a Seventh Avenue but Eighth Avenue is a street that runs from one end of town to the other pretty well...half way across town. The traffic there is fairly heavy. It is within the City Limits and I am not trying to interfere with City jurisdiction but there are approximately forty lots...or forty-two lots...adjacent to that and these lots are Territorial jurisdiction and we collect the taxes from them. Because we collect the taxes from this area, it leaves both those Territorial Taxpayers and those City Taxpayers in the area in a position where the City is unlikely to pave it as soon as if they were all City Taxpayers. Personally, I would like to see these areas within the City. The Administration here would like to see this area within the City. I had a call from some members of the area.. some residents of the area...about a week and a half ago asking to see if it would be possible to put this area on a

MOTION #18 Mr. Watt continues:

plebiscite. So, I saw Doug Spray and he co-operated a hundred percent. To go within the City you have to have three-fifths of the resident taxpayers in the area petition the City and then two-thirds of the City approve but you have to have three-fifths to petition the City to begin with and then the City must put it on a plebiscite, but when I went down there, after talking to some of the residents there, the first few wanted to go within the City but the majority would sooner be out of the City Limits at least for the time being unless some further agreement of some kind was established and the City itself said we've got enough problems of our own right now so we don't want to take any other area within the City Limits right now. As a consequence, this looks like this area is going to be outside the City Limits for a little while yet. So, if the people of the area are being denied the opportunity of having paving, then I think that the Territory should accept some more of the responsibility for the lots. We've got roughly forty-two lots there. They are all taxpayers to the City and the maintenance that the City does there is nil. The City graders go up part way and, depending on the operator, sometimes they feel like going a little bit further and sometimes they don't. I tried to get the Territorial Administration to make an agreement with the City to have the City carry on up to the ends of these streets...the Administration here were very co-operative and they phoned up and offered to pay for the extra cost and the City turned around and said, "Well, we have enough taxpayers of our own to look after and we don't want to take on any more responsibility and we haven't got enough equipment of our own". It would possibly take them an extra five minutes for each street everytime they did their own street which is part of the same block. The percentage that we would contribute to the paving, in addition to what we already contribute in general, I would leave up to the Administration. They could either put it on the amount of taxes that are paid in the area, or the number of lots, or any kind of a criteria that they want to use, but this is definitely our responsibility...part of it is...and the Administration here recognizes it and they appreciate it and they are willing to co-operate in every way possible. The holdback right now is the City, but if the time comes that the City does want to add pavement to that...and it could be this coming summer, or the summer after, or the summer after that, then we are giving approval in principle to accept our responsibility when the time comes so that we are not...because the boundaries have not been defined sufficiently to cover this area...when the plebiscite for West of Eighth Avenue was first called and approved but most of the people in the area...City taxpayer...and I think we should accept part of the responsibility for this.

Mr. Taylor: Mr. Speaker, I can only say that I am contrary to giving approval in principle to anything no matter how bad or how good it may appear. We gave approval in principle to the Lot 19 principle on several different occasions and look what happened to that. We found out that it was entirely different than anything we had conceived. We gave approval in principle to a Corrections Program which we found out was different to what we had conceived. I think that the problem here is that the City.....these people in the City must get together with the Territorial Administration and once they have got together and they decide that this is a good thing to pave Eighth Avenue, then funds should be solicited...or cost sharing. I think this is a good thing but I am not going to give approval in principle to something that may or may not happen. I would like to see what the City has to say about this first and see a little leg



Mr. Taylor continues:

MOTION #18

work done on this before I give approval to anything with respect to the expenditure of funds in this area....on a businesslike basis.

Mr. Boyd: Mr. Speaker, I happen to live not too far from that area. It is virtually the district I live in and I realize the situation. However, I feel that for the Territorial Government to start getting into the paving business in what is, in reality, the Municipality of Whitehorse would be not correct. I think that the residents of that area should exert pressure on the City and this is where the City's responsibilities lie. Accordingly, I have expressed my thoughts and I do so with the utmost respect but I just can't see the Territorial Government going into the paving business in what is really the City of Whitehorse. Whether they admit it or not...if they don't admit it, then somebody had better get busy and make them admit it.

Mr. Speaker: Have we any further discussion on Motion No. 18?

Mr. Southam: Mr. Speaker, in seconding the Motion, it appears to me that the Territory does have a little obligation here and while I understand that it's on the outskirts of Whitehorse, more or less, Eighth Avenue, there are a bunch of lots there that the Territory is drawing the taxes from and I think that if the paving business should ever come into being, which I don't expect it will be the way things move around here, for the next five or six years...that when the time comes, they probably will be in the City; but, in the meantime, if anything should happen, if paving is to be done, I think we should accept a little bit of responsibility. I would hate to think that any street that's on the outskirts would only go so far because the people on the other end couldn't get pavement because they belong to the Territory instead of town. Things move slowly and I do think we have a bit of an obligation here myself.

Mr. Watt: Mr. Speaker, with respect to the comments made by the Councillors who have indicated their opposition, I expected this from one and the other one is basing his argument on that they should go to the City and petition the City. I know one resident from the area who went to the City office some time ago and in the City office, he was told that he had no right in that office. He is not within the City's jurisdiction. He is in the Territorial jurisdiction. What we are doing by... we are collecting taxes from people in this area and what we are doing is co-operating with the City and the people in the area and giving them the same opportunities of having pavement as other areas of Whitehorse. They are handicapped right now and they are at a disadvantage for the simple reason that we collect part of the taxes there. One Member said that a lot of leg work should be done in a businesslike manner. I can guarantee him that I spent quite a bit of time on this and the Administration...the Area Development office, has co-operated a hundred percent in a business like manner. They contacted some people in the area and they contacted City Hall and the co-operation of the Administration here has been one hundred percent. I would like to have the support of Council on this and then it takes the objections that the City would have to paving lots that are adjacent to...that the Territory is collecting the taxes on.

MOTION CARRIED

MOTION #18  
CARRIED

Mr. Taylor voted contrary to Motion No. 18.

Commissioner Smith enters the Council Chambers.

MOTION #19 Mr. Speaker: The next item will be Motion No. 19, Mr. Boyd, re Livestock.

Mr. Boyd: Mr. Speaker, Motion moved by myself, seconded by Mr. Thompson, that the Administration be requested to review the legislation governing the responsibilities of motorists and owners of livestock and to prepare such legislation as it may be advised to ensure that identification of an owner of livestock involved in a highway accident is facilitated and the owner fixed with responsibility for injuries and damages caused by the presence of his livestock on any highway. May I proceed?

Mr. Speaker: Proceed, Mr. Boyd.

Mr. Boyd: Gentlemen, I think it is time that this Council took another serious look at the hazards...the hazards created by horses on the Highway...with a view to considering what is best for the majority of the people. Throughout the summer, we have had several accidents with horses be there road highway signs or not. It seems to make little difference. This winter we have already had several accidents and they're understandable. A man driving a motor vehicle, he cannot dodge under certain conditions. He cannot stop within...sometimes it takes very considerable distance and when it is all added up, who is actually responsible for the hazard? This Council and a very few people...very, very few. You can count them on your two hands and what gets me is why should thousands of people be subjected to this type of hazard? We are putting it there or allowing it to be put there. We read in the paper here a matter of nights ago where every hundred minutes somebody dies through the highway accident set up. I am sure we don't want to add to it unnecessarily. If a man goes to hospital from one of these accidents, he is fairly sick as a rule otherwise he wouldn't be in hospital. He could be maimed for life. What would the result be...because of a horse? If he has a family of three or four children and he's either killed or maimed for life, what happens to the family? What chance have they got? Who is going to look after them? There is only one answer if we are thinking sensibly and in the interest of most of the people. These horses will have to be kept off the Highway. I would hate to be one responsible for saying, "Leave those horses there" and find out that the next day somebody had got killed. You can't see horses in a snowstorm, especially if they are grey or white. You can't see them at dusk. They are not costing the owners of these horses any money at all in order to maintain them through the winter. They are running at large at the expense of the people. So, gentlemen, if you consider this Motion on the basis of what is best for the people...for most of the people.. then there is only one way to vote and that is for it.

Mr. Taylor: There is also some of the people who have to be protected as well. We just can't go and...we've got to be fair in this regard, Mr. Speaker, it seems to me. If we then say that anybody who hits a horse will be responsible for the whole affair, I don't think this will work. Then, immediately anyone hits a moose should have the Territorial Government being responsible for all game in the Territory and they would legitimately be able to file a claim against the Government of the Yukon Territory. This is the same thing. There is no difference and this, of course, wouldn't be good. I think we certainly can't put flashing amber lights on our moose and on our horses. This is out. It is entirely possible on a straight

Mr. Taylor continues:

MOTION #19

stretch of road for a person who is racing a motor vehicle, travelling at excessive speed or in a drunken condition, having in full view a horse, to be able to scare this horse and to get up close to it and, in fact, at the last moment, hit this horse, creating an accident of his own making, and yet the poor outfitter is still going to have to pay the bill. This is not correct. This is not the right way to approach this. I know this has been in Council before. I think that each incident should be based on its own merit. We have provided legislation, where an area is signed, the horses are at large, that caution should be exercised and if within these areas someone hits a horse, that's tough beans. That's his own problem. There are cases where these things are an accident and I think each accident is just going to have to be based on its own merits, but I would certainly never approve of this Motion for these reasons.

Mr. MacKinnon: Yes, I am very surprised to see a Motion like this. I am surprised at both Mr. Boyd and Mr. Thompson to try and damage the outfitter. Here we are trying to put the onus directly on the outfitter...the owner of a horse...and I don't think that's quite fair. I will admit the horse is quite a problem on the highway, but surely there is some other way around it instead of trying to bring up legislation like this. This would be the same thing as enforcing herd law and I don't think we're quite ready for that. I would suggest possibly that..to take care of some of these things that are pointed out in the Motion...that possibly the Territorial Government could set up some type of insurance policy. I have another suggestion that I was going to make to the outfitters and that was possibly to put a neon paint on the horses so that they could be seen. This wouldn't cost very much.

Mr. Thompson: Well, Mr. Chairman, as seconder of the Motion, I naturally feel that this legislation should be reviewed with the possibility of making necessary amendments and this is all that we are asking for is a review of the existing legislation. It has been intimated that there are various areas designated and signed to watch for horses. I might say that west of here on the Highway towards 1016, I think practically the entire area is thus marked and, therefore, the onus immediately falls on the driver. I don't think it is the movers or myself's intention to damage any outfitter. What you are, in fact, saying at the moment is that the onus will be on the drivers at all times. As far as Mr. Taylor's remarks about flashing lights on moose and things like this, we haven't made any mention of this. We have merely said...we are talking about owners of livestock and I don't think that the Territory can be held responsible for wild animals. So, I would suggest, gentlemen, that Administration review this legislation with a view to updating it.

Mr. Watt: Mr. Speaker, I think part of the Motion is good but the part that bothers me is the last part which says, "the owner fixed with responsibility for injuries and damages caused by the presence of his livestock on any highway". I think that this is the job of the Court to decide where responsibility lies in motor accidents and I think we would be writing unfair litigation against horse owners by passing legislation. What we would be doing if we passed this is approving in principle this theory that horse owners are automatically responsible. You can get somebody that wants to sell his car to an Insurance Company and he will step on his

MOTION #19 Mr. Watt continues:

peddle when he sees a horse and then write his car or his truck off. If the maker of the Motion would amend it, or somebody would amend it, to eliminate that particular part of it, I would vote for the rest of the Motion. I think that a Branding Ordinance would be good. I think that the Territorial Council has already requested that a Branding Ordinance be drafted. Possibly the Legal Advisor could clarify that. I thought we had asked for that before and I don't know what stage it is in. There's just one other point I would like to make before I sit down and possibly the Legal Advisor could answer that question and that is we have had a discussion here about horses and it was decided that Administration would assist in properly signing designated areas and a rough rule of thumb would be that possibly a major part of the responsibility would be on the horse owner if the horse is outside these signed areas. The motorist should be more cautious in an area that is signed. I think this is done outside. I still don't know how I could vote for the Motion and still eliminate this part about the responsibility for the damages. Could Mr. Legal Advisor help me on that?

Mr. Legal Advisor: With regard to the first part of the question or at least the first question, the Brands Ordinance position...I think Council had a reply on that earlier in the present Session...a question asked by Councillor Boyd was answered and reference was made to a Motion by Councillor MacKinnon at the Spring Session. To refresh your memory a little further, it was noted that policy considerations were under study in Ottawa and it might well be by spring that some legislation would be available. I can't remember which question it was off hand. So, combining that answer with the Motion that you now have before you, it could be said that the Administration is aware of the need to keep this matter under review, and in 1964, in the First Session, Chapter 9, an Amendment was introduced to the Motor Vehicles Ordinance which said that the Commissioner might make regulations designating a portion of a highway as an area where domestic livestock might be allowed to run at large. A driver of a vehicle approaching domestic livestock on a road in an area so designated, should slow down to a speed reasonable to the existing conditions or stop, if necessary, in order to avoid collision with domestic livestock and yield the right of way to domestic livestock and having yielded, he might proceed with caution. That Amendment arose as a result of one or two cases which had been heard in the Territorial Court and is based in part on the uniform Traffic Act and on the B.C. Range Legislation. Now, that's the present state, but it does depend on sign posting. How far sign posting has progressed, I have no information on that. That question would have to be dealt with by the Administration...the Engineering Department. That is the situation on the basis of the present law.

Mr. Speaker: Does that answer your question, Councillor Watt?

Mr. Watt: Yes, Mr. Speaker.

Mr. Taylor takes the Speaker's Chair.

Mr. Shaw: Mr. Speaker, talking on this particular subject, I recollect a few Sessions ago when this was quite a controversial subject before Council, and at that time I believe we did have representations from the owners of livestock here,

Mr. Shaw continues:

MOTION #19

and at that time, I think that I was the one that...I might be wrong...but I think I was the one that suggested that a designated area of so many miles, possibly ten miles, be set out and well signed, that these livestock could forage around. I was looking at it, Mr. Speaker, with a viewpoint of the fact that we do have a hazard on the road. These horses are definitely a hazard but we have an Industry at the same time, so let us get together as sensible people and see if we can evolve something in which we can all live within. It may be a little inconvenient at times to have to slow up the motorists, but at the same time, it will also be inconvenient for the outfitters, or the owners of livestock, to police their stock in this designated area. The gentlemen that were here assured Members of Council that that was a solution to this problem and that we would all try and do something along these lines so that we could all live with it. Well, I am very sorry to say that, as far as I can see, and now, Mr. Speaker, I am just travelling mainly on the road from Dawson to here so I don't know what goes along on the Highway...I am entirely ignorant as to that...but on this road between Dawson and Whitehorse, as far as I can establish, you almost have to watch the livestock when you get two miles out of Dawson and I think that continues until you get pretty near into Whitehorse. In other words, the people that have the livestock, from what I can see, have not kept their end of the bargain and put up these signs. In fact, Mr. Speaker, on the road between here and Mayo, in the wintertime or towards spring, there are some people that go along with a truck load of hay and throw the hay on the side of the road so the livestock can come and eat it. In other words, it is attracting them to the Highway rather than trying to keep them off. It's probably too much trouble to go into the woods where they are. It's easier to throw it off the highway. Some motorists are just terrified when they meet horses because they don't know what they are going to do. They are definitely a menace. Somewhere along the line, these signs haven't been put up....large enough signs or signs that you are absolutely aware of and whose fault is that? I don't know. It might be possibly that the people don't put it up that have the horses and possibly the Administration. It might be a matter of enforcement. I agree very much with the Motion to the extent that something has to be done about it. We have to protect all people if possible. Not just one group of people. The part of the Motion that I don't agree with is the latter part where the blame is always fixed on the person that has the livestock. I think that that is just a little bit severe for myself. I am very much in agreement with Councillor Watt that if that part were cut out, then the legislation that came up before Council could be discussed on its merit and passed or otherwise. I would feel that that would be more in line because unless we make laws governing this, Mr. Speaker, it does appear to me that we won't get any place. That's all I have to say, Mr. Speaker.

Mr. Shaw resumes the Speaker's Chair.

Mr. Boyd: Mr. Speaker, if I arise to speak again, do I close debate?

Mr. Speaker: You do.

Mr. Boyd: I realize I do but can an Amendment be made after I have spoken the second time?

MOTION #19 Mr. Speaker: In asking me this question, Mr. Boyd, I would say that once you have spoken on the matter that closes the subject...that closes the debate..and I can only proceed with taking a vote on the matter on hand.

Mr. Watt: Mr. Speaker, I would like to propose an Amendment to this Motion and that is that the section after the word "facilitated"....."and the owner fixed with responsibility for injuries and damages caused by the presence of his livestock on any highway.".....I would like to make an Amendment that this part of the Motion be deleted.

Mr. MacKinnon: I would just like to suggest, Mr. Speaker, the rest of the Motion would be out of order. We already have correspondence on a Brands Ordinance.

Mr. Boyd: Well, Mr. Speaker, I can see certain reasoning which, in a sense, is excuses. One Honorable Member mentioned that if the horses were branded, it would help stop an accident. I assure you...it isn't going to give the horse any more intelligence than he had before he was branded. He is going to be on the highways just the same. Now, when the owners of these horses have trouble amongst themselves...when one man's horses invades another man's horses...what does the owner expect from we, the Territorial Government? He wants the Law. He wants a pound and he wants somebody to find the other man. He wants to charge the other man with the trouble his horses has made. So, he expects some help. Now, the way it is written now, virtually for fifty mile stretches, the motorist, if he touches one of those horses so much as wounds it or picks a piece of skin off it, the owner has the right to charge him up for the damages, whether it be a horse complete, or the hind quarter. Put it anyway you like but he must pay...the motorist must pay. He can lay in that hospital dying but he is going to pay for that horse. Why should it be so one sided? He didn't put the horse there. He's got a right to travel on the highway. He's got a licence to travel the highway and we allow somebody else to put a menace on the highway. Talk about insurance...an insurance policy for consideration. That's a poor consolation for a dead man after he's dead and left a family of three or four people. That don't help any. The answer is to get the horses off the road. I know you are going to vote this Motion down...at least I think you are...but I assure you that I hope you don't regret it....believe me. There has to be somebody take some consideration and these owners are not living up to what was expected of them...otherwise there wouldn't be the accidents we have had....every month. I would like to direct a question...who paid for the horses that the Territorial Government vehicle hit? Was it a signed area? Did we pay for it? I would direct that question to the Commissioner.

Mr. Commissioner: Mr. Chairman, could I ask the Legal Advisor if he has an answer off hand to Mr. Boyd's question?

Mr. Legal Advisor: I have no idea. The file has never been referred to.

Mr. Commissioner: Could we ask Mr. Clerk to contact the Administrative Assistant, Mr. Speaker, to see if he can secure an answer to Mr. Boyd's question. I would just ask one thing.. could Mr. Boyd give me a direction as to approximately what accident he is referring to to assist the Clerk to secure the right answer?

Mr. Boyd: I know it was a news item to the extent that the Territorial Government vehicle had hit a horse. I never heard whose horse it was, who was responsible for it or anything else. Nobody knew. The same thing here happened not long ago. The owner of the horse hadn't been identified. It goes on and on and on. MOTION #19

Mr. Speaker: Mr. Boyd, do you wish to have this question answered at this time?

Mr. Boyd: Oh, it won't accomplish anything. It's not worth putting Administration to the trouble.

MOTION #19

MOTION DEFEATED

Councillors Watt, Taylor and MacKinnon voted contrary.

Mr. Speaker: Gentlemen, this is left to me to decide and in this instance, I will decide against the Motion. I feel that the Administration...we have legislation in relation to that and perhaps it's time that the Administration enforced the existing legislation and if that's not effective, then possibly we will have to take more severe measures.

Mr. Speaker: We next have Motion....before we proceed to Motion No. 20, I think we will have a short recess.





11:00 a.m., Monday  
November 28, 1966

Mr. Speaker: I will call this Council back to order and the point of discussion will be Motion #20.

MOTION #20

Mr. Southam: Motion #20, moved by myself and seconded by Mr. Watt. "That the Administration be requested to look into the feasibility of preparing an ordinance and regulations to licence the hairdressing parlours in the Yukon." May I proceed? Well, Mr. Speaker, I have been approached by different ones of the hairdressing association of the Yukon as to the feasibility of preparing an ordinance whereby the operator's of the hairdressing parlours would be licensed. There have been several reasons for this, first that the people that are now operating in the Yukon and that are trained here should be licensed the same as in Alberta, B.C., Ontario, Nova Scotia, and several other places. To stop any fly-by-night operator from setting up a shop who has not got the necessary qualifications, and also to protect our women when they go to get their hair done in case of damage to heads of hair or whatever the case might be and also this would help for cleanliness in the shop. They would have to come under certain regulations and I think myself that they have a very good reason for this and I hope the Council will support me on this request.

Mr. MacKinnon: Is Mr. Southam sure that they don't have licences?

Mr. Southam: As far as I know Mr. Speaker I don't think they have a licence to operate in the shops as far as I know. May you could direct that to Mr. Clerk.

Mr. Speaker: Could you answer that Mr. Clerk?

Mr. Clerk: Yes, Mr. Speaker, they all have licences. They are licensed either by the city or by myself to run a hairdressing parlour, under the Business Licence Ordinance that is.

Mr. Taylor: Mr. Speaker, I think possibly that the honorable member is looking for here is some protection as he has indicated and some control to insure that these establishments are run in a proper manner. I think his request is reasonably sound as long as it doesn't place too much restriction on these people. This fair regulation could be effected to the general benefit of the people utilizing these services.

Mr. Boyd: Could I ask Mr. Southam that in view of the answer given by the Clerk that what is asked for in the motion is already in existence?

Mr. Southam: Mr. Speaker as far as I have been led to believe there is no rules and regulations on this if the rules and regulations that they wish are enforced. Now, unless I have been misinformed and this request came from the president of the hairdresser's association and the secretary. I don't know how I could be misinformed.

Mr. Clerk: There are licences but there is no specific ordinance dealing with the profession of hairdressing. This has been discussed at our Legislation Programming Committee and we are at the present time merely waiting for the hairdresser's association to present to us a draft or the ordinance they want and the regulations they want and the end result that the hairdresser's are certificated by the Vocational Training School. We are in the stage right now of just waiting for the ordinance so that it will be presented to Council. I think that is what Mr. Southam really wants.

Mr. Speaker: That is the objective of your motion is is Mr. Southam?

MOTION #20

Mr. Southam: Yes.

Mr. Speaker: Any further discussions on motion #20?

Mr. Watt: Mr. Speaker, as seconder of the motion, Mr. Southam has explained to me what he thought was necessary for the protection of the general public in this need for regulations and I think that he does have a point there and the motion is simple that the administration look into the feasibility of preparing an ordinance and regulations in regards to hairdressing in the Yukon. Mr. Southam has a rough draft of suggestions for regulations or ordinance and I think he does have a point there. A lot of the material used on women's hair nowadays, acids and stuff like that, I have heard of instances where they have lost half of their hair through the use of this stuff and I think he does have a good point there and I will support it.

Mr. Speaker: Gentlemen are you ready for the question? Are you agreed with the motion? Any contrary? Mr. MacKinnon contrary. The motion is carried.

MOTION CARRIED

Mr. Speaker: We will have Motion #21, Mr. Watt.

Mr. Watt: Motion #21. Moved by myself and seconded by Mr. MacKinnon. "It is respectfully requested that the Administration thoroughly consider using a gravity feed water system to supply Whitehorse and if possible Porter Creek from lakes or creeks above Whitehorse. This investigation is necessary because: (1) Request for sanitation purposes the removal of expensive marina development projects at Schwatka Lake would not have to be carried out, (2) Cheaper operation costs, (3) Supply a larger area." May I proceed? What has prompted this is lately----there is a water system up the hill right now that is being used by people up in upper Whitehorse, the Airbase, Camp Takhini, C.N.T., are using a system from MacIntyre Creek and it is a very inexpensive system to operate. The cost per gallon to operate is just a small fraction of what it costs down here in Whitehorse. First of all the piping to begin with because the gravity feed and the drawback with this is that in the Spring and a little in the Fall that you do have a silting up of the system, the spring run-off carries with it fibers from the top-soil and the moss as it comes down from Fish Lake. I don't think that the possibility of filtering this stuff out for this has been properly investigated. A water survey has been conducted to try and eliminate the top of the hill system and hook these in to the Whitehorse system here and in other words they are going to have to pump this water up hill and then distribute it whereas you already have water up there. Now as we were informed the other day the Schwatka Lake area is going to be cleaned off, they want to take off the airplanes, the seadock, and the Schwatka dock and the small dock and they want to set that up the river further. From what I understand of the project they want to send a pipeline from Schwatka to Whitehorse to increase the capacity of the system here. This is a matter of 3 or 4, 2 or 3, mile of pipeline anyway. This system I believe could be installed up on top of the hill and a feed could be drawn from one of the several lakes above Whitehorse--there are several lakes and creeks and so this water could be gravitated down and the area of Porter Creek could possibly be fed from this system and the Camp Takhini, Hillcrest, Valleyview, Camp Takhini,

Mr. Watt continues.....

C.N.T. and the lower Whitehorse area could all be fed from this system. With the gravitation the operating costs for such a MOTION #21 system would be a lot less and the area could be supplied, this would be a lot larger and cheaper. I really don't--I heard the engineering brief on it and the engineering brief was based on the availability of good clean water right down here in Whitehorse. From the existing facilities. Now, the existing facilities I think are no longer sufficient and I think the capacity by going to Schwatka Lake would increase the cost, so I would like to see the administration look further into the possibility of filtering MacIntyre Creek or siphoning direct from one of the lakes above Whitehorse, Fish Lake, Louise Lake, or one of the several lakes up there. I would like to have the support of Council on this and to bring to the attention of the Engineering Department the possibility of this and look into it further. And we have also the possibility of no seepage from the New Imperial area. If we do install this new system down here and we do find a little seepage from New Imperial then we are going to install something above anyway. Lake Schwatka is a lovely little lake and it is used by small boats and small aircraft in Whitehorse and around Whitehorse and I think that the people should be able to use it. This appears to be the only objection to this lake and so I would like the support of Council to look into it more thoroughly and give us some action at the Spring Session.

Mr. Speaker: Any further discussions on motion #21.

Mr. Taylor: I have one question that I would like to ask the Councillor. Has MacIntyre Creek sufficient volume. What are the volumes involved here. Would it service the whole of Whitehorse and more particularly the demands of the fire department which used huge capacities of water. Is this volume sufficient?

Mr. Watt: Mr. Speaker; to answer that to the best of my knowledge it would handle four Whitehorses. The amount of water taken off there is  $\frac{1}{2}$  or  $\frac{1}{4}$  of 1%. That is a very small percentage.

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

Mr. Taylor: Yes Mr. Speaker. I don't know how much thought has been given to this but I will go along with this as it only asks for a study.

Mr. Speaker: Are you ready for the question on the motion. Are you agreed with the motion? Are there any contrary? Mr. Thompson opposes the motion. The motion is carried.

MOTION CARRIED

Mr. Speaker: We will proceed to motion #22.

Mr. Taylor: Motion #22. Moved by myself and seconded by Mr. Thompson. "The Administration is respectfully requested to provide all members of Council with copies of the revised Criminal Code of Canada." May I proceed. Well Mr. Speaker I will be very brief in this matter. This arose over the requirement and I am sure that other members have had this problem of the need for a criminal code. As members we are legislators and we make law. Every now and then up crops problems arising around the criminal code of Canada and none

Mr. Taylor continues.....

MOTION #22 of us I don't believe have a copy of the criminal code of Canada and from time to time, not during Council, but back in our constituencies. People come to me from time to time with all manner of things involved around the criminal code for advice and I feel that all members, being legislators and law makers should be in possession of a copy. This is what I am asking.

Mr. Boyd: I would just like to ask the member a question. Does he not think that if he gets one of these criminal codes in his possession that he might find himself trying to advise some of these constituents and possibly do more harm than good by giving them advice that might be poor? The same would apply to the rest of us.

Mr. Taylor: Mr. Speaker, I couldn't say, I couldn't presume that to be, well it would depend on the member but I feel that where problems do arise that members as working in the interest of the public when they come and ask you these questions we should be at least able to show them a copy of the code. And certainly ourselves as we deal with many of these ordinances and occasionally some of these do come into conflict with the criminal code as has happened at this table and I would like to have a copy.

Mr. Speaker: I might from the chair ask the Legal Advisor what does this involve? Is it one small book?

Mr. Legal Advisor: The criminal code as such as found in the Statutes of Canada, copies could probably be obtained from the Queen's Printer and I don't know what the cost of that would be but I could only recommend that code for general use would have to be in the form of a book of annotations and comments by the author. Otherwise you are just looking at a mass of words without any precedence to guide you or without any interpretations. So, shortly you can buy a copy of the code or you can buy a book drafted up of commentary. As I say, I don't know the cost from the Queen's Printer but it would be about eight to ten dollars for the code copy of the Martin's and the Crankshaw would be a lot more expensive, very much more expensive, in the thirty or forty dollar direction.

Mr. Speaker: Thank you. Do you have any further discussions on motion #22? Are you ready for the question?

Mr. Boyd: I asked a question. I think with all respects, I don't think this would be of any value to any Councillor and personally I would rather be without one. I have never had a call to use it and I wouldn't know how to use it if I had it and I don't think any of the rest of it would be able to use it anymore intelligent than one or another, than any one of us including the man making the motion. I am very dubious about this and I am not going to vote for the motion.

Mr. Watt: I think that the motion has a lot of merit and I think that anybody that reads the news could use it. I interpret from the motion it was not a copy of the code but the book that Mr. Legal Advisor described and I have a copy of Snow as the author and it is outdated but I use it once in awhile. I look up something that has come up in a conference, what somebody has been charged under, and so on. I think that it would help Mr. Boyd along a lot and to have a look at some of these points and he might watch his step closer.

Mr. Speaker: Any further discussion on Motion #22? Are you ready for the question? Agreed with the motion? Contrary? The motion is carried.

MOTION CARRIED

Mr. Speaker: The next item on the agenda is questions. Have you any questions this morning?

QUESTIONS

Mr. Taylor: Mr. Speaker, I have a question that I would like to direct to Mr. Commissioner, a couple of questions. On Friday last on the news and I believe that this was across Canada it was reported that the Standing Committee on Northern Affairs after some deliberation had given recommendations and directions to the federal government stating that a good measure of executive power and control of the Yukon Territory should be turned over to its elected members or its legislative Council. In light of this I wonder if Mr. Commissioner could inform me if the Minister has conveyed to the Commissioner his views on this matter and if he has in effect heard of anything of this from Ottawa?

Mr. Commissioner: Mr. Speaker, I have no difficulty in answering this. My total knowledge is what I heard over the news myself.

Mr. Taylor: My second question then would be is the Commissioner, having been made aware of this, is he going to pursue this in an attempt to find out what these recommendations are in respect to the Yukon Territory.

Mr. Commissioner: Mr. Speaker, it is a matter of personal interest and as a citizen of the Territory who is vitally interested in what the thinking of the federal government is, I can certainly assure you sir that I am going to pursue it and find out just what exactly is meant and what is involved. I am certainly in no position in my official capacity as Commissioner to give you any indication of what the policies of my Minister in this regard may be and I am quite confident that when the Council is in Ottawa that they will have ample opportunity to sound out the Minister in this particular regard. I would further assure that the minute that I have any policy directive that I may make public along these or any other lines that I will see that the Council have it first of all.

Mr. Speaker: Any further questions?

Mr. Watt: I have a question to ask Mr. Commissioner and that is, if you have regulations in respect to the Whitehorse Metropolitan areas and you also have a federal department to respect to land in the same area and the regulations are in conflict with a directive from the lands department and which one would take precedence and which one would you go by. What is a fellow living there supposed to do?

Mr. Commissioner: May I ask Mr. Legal Advisor to answer that.

Mr. Legal Advisor: Well Mr. Speaker if there is a specific case then the person concerned should take independent advice. This is not an attempt to be evasive but there is nothing that I can say or anything of use to me to determine the answer. On a conflict between two sets of legislation that is, it only indicates a general principle. The federal legislation and the federal regulation would have greater force than the Territorial or municipal but it would be a question that the person involved would have to seek his own directive. I am sorry that I can't get more involved in that. If, however, from an administrative point of view, the question could be referred to me in more detail so that I can examine the position and advise the departmental heads involved if I am of the opinion that this is in the contrary but I cannot assume the manner of a court and give a decision in Council, this is something that I cannot do.

Mr. Watt: I will make the question clear and then possibly leave it with the administration and see if they could give us a written answer. This is not referring to a specific case, well it is a general case, which would establish a point in principle. It is the case that happened a while ago in respect to jurisdiction over property when staking these placer mines in the Whitehorse area. Who has jurisdiction over a case like that. I believe that this same type of situation is continuing more now--that the same type of situation is arising again, not quite but the same jurisdiction involved unless the administration has passed new regulations in the last three or four days. I think that they are in conflict.

Mr. Speaker: Mr. Watt could we have a specific question. Do you understand the question Mr. Legal Advisor?

Mr. Legal Advisor: I think I know, I think I heard something of staking under the Placer Mining Act but any recent developments I know nothing about.

Mr. Speaker: Have you a specific question Mr. Watt?

Mr. Watt: In the particular case that you are familiar with. Who has jurisdiction, I mean this would establish a principle as to who takes jurisdiction in a case like that. If we could find out who takes precedence then we could sometime or by next session make a motion with respect to it in one way or another. I think that the Territory should have more precedence or jurisdiction. If they haven't and I don't know whether they have then this is the question that I would like to leave with Mr. Legal Advisor and he can find a precedence to see what does take a precedence.

Mr. Legal Advisor: Within the limits of what I am advised I can do I will look into the general background.

Mr. Taylor: Mr. Speaker, I would just like to draw to your attention that Question #4 on the order paper respecting minimum wage asked by myself can be withdrawn in view of the fact that we have dealt with this problem already.

Mr. Speaker: Are you agreed that this question be withdrawn? Any contrary? Would you take this off the order paper Mr. Clerk. Any further questions? If not finished with the question period and we come to public bills.

Mr. Taylor: I would move that third reading be now given to Bill #16, an Ordinance Respecting Territorial Gaols.

Mr. Southam: I second the motion.

Mr. Speaker: It has been moved by Councillor Taylor seconded by Councillor Southam that third reading be given to Bill #16, an Ordinance Respecting Territorial Gaols. Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried.

BILL #16

THIRD  
READING

Mr. Taylor: I would move that the title to Bill #16 be adopted as written.

Mr. Southam: I second the motion.

PASSED

Mr. Speaker: It has been moved by Councillor Taylor and seconded by Councillor Southam that the title to Bill #16, an Ordinance Respecting Territorial Gaols be adopted as written. Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried and Bill #16 has passed this house.

Mr. Speaker: What is your pleasure now gentlemen?

Mr. Taylor: We have on our agenda bills, memoranda, and sessional papers. I would move that Mr. Speaker do now leave the chair and Council resolve itself into a committee of a whole for the purpose of discussing bills, memoranda, and sessional papers.

Mr. Southam: I second the motion.

Mr. Speaker: It has been moved by Councillor Taylor and seconded by Councillor Southam that the Speaker do now leave the chair and Council resolve itself into the committee of a whole for the discussion of bills, memoranda, and sessional papers. Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried and Mr. Taylor will you take the chair as chairman.

Mr. Chairman: Gentlmen, we will proceed to the next and to sessional papers. I will declare a short recess.

RECESS

Mr. Chairman: I will call committee back to order and we will proceed to sessional paper #56, Question #3 - J.P. Court.

SESSIONAL  
PAPER #56

Mr. Taylor: Mr. Southam will you take the chair. Mr. Chairman, in respect to this I am glad to hear that we are going to continue trying to get these courts out of the police barracks. I note that some communities have already managed to do so and here is another case of where I think that we had tighter control over Justice in the Territory that we may be able to in effect order that this not be held in a police barracks. I think we have discussed this at great length in Council for the past several years. It is not a good deal for the person who is charged to be dragged upstairs out of a cell and have court and you might virtually hold court right in his cell. He should be in a place where the public may be invited to view the court in action and he is being tried for one reason or another by his peer as the law provides and people are a little reluctant to go to a police barracks. Who knows what goes on in a police barracks between policeman, the Justice of the Peace, and the person involved. So I sincerely hope that the administration will continue this as apparently they have been doing and I very much look forward to the day when no longer that the J.P. court or any type of police court whatsoever be held in the police barracks. Thank you.

Mr. Chairman: Is there anything further on this paper gentlemen? Clear? The next is sessional paper #57 - Vote 13.

SESSIONAL  
PAPER #57

Mr. Commissioner: Mr. Chairman, this was the paper I promised Council as further help for them in determining the adoption or otherwise of Vote 13.

Mr. Thompson: Mr. Chairman, I have one comment to make at this time and I note here in the first paragraph or item (1) it says, "To consider whether there should be a second lawyer on the legal staff of the Administration and whether such a second lawyer should be a member of the staff of the Department of Justice or the Territorial Government..." but futher on page 2 it says, "A detailed study was made of the duties of the Legal Advisor and it was found that at least 50% were essentially of an administrative nature and could be provided by a qualified

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PAPER 57

Mr. Thompson continues.....  
lay person." Now this was our only comment on the time was that conceivably that it wouldn't be necessary to have a second lawyer. Yes, if we could find a competent lawyer let us have one but this seems to be a stumbling block on the part of Northern Affairs to wither come up with somebody or just to continue to put this particular request on the shelf. I think that this should be given some consideration because if in fact a lay person with conceivably legal background could assist our new department then I think serious consideration should be given somebody of this stature.

Mr. Watt: As far as I can see this hasn't offered us anything new. The situation as far as I am concerned is the same as it was at the beginning of the last session and at the beginning of this session and I think that the Territorial government should have a legal advisor responsible to itself and it was recognized as part of the five year agreement four years ago that an individual was to be appointed to act as a go between between ourselves and the Justice Department, to assist us in the administration of Justice in the Territory. I am not at all satisfied with Justice in the Territory. I am not at all satisfied with Justice here and it is the criminal cases, the civil cases and the apparent conflict of opinion of the judge and the magistrate over a native where he gets picked up and he not gets picked up, and I think most of the people that I represent feel the same as I do. These people should settle these things themselves---we had a man ~~in charge~~ such as a senior legal advisor that was given the actual authority, not just to give him a name, but to give him authority, to look into these things, make decisions and explain to the Territorial Council why they have this difference of opinion between the magistrate's and the judge, etc. It appears that the crime the native commits isn't--and the penalty that is involved isn't what he has done but who he happens to be before and what he is charged under, the Indian Act, an Ordinance, or the criminal code. It is not what you happen to do it is just who happens to be there when the charge is laid and how it is laid and to me I am not at all satisfied with Justice. I think that any legal advisor that we do have or a senior legal advisor should be paid by the Territorial government and the man who pays the fiddler calls the tune. We in Council here, the Legal Advisor is in a position right now---it is an unfortunate position and I am trying to--that is one reason why I am withholding my vote on Justice. He is hired by the Commissioner and he is supposed to be representing the Territorial Council and if there is a point in which there is a difference of opinion then he has very little choice but to support the administration's point of view and as has often been said here, we have as many points of view as we have lawyers. Anybody that drafts the legislation normally likes to draft it so it passes Council we have often had where the Legal Advisor has had to argue or debate to Council and we have had other lawyers here who have called him and given different opinions. This is only human, but it puts the Legal Advisor in a bad spot half way between and it puts us in a bad spot. This was recognized five years ago, that we needed a senior legal advisor or someone to help the present Legal Advisor so that his position is as a Legal Advisor. At that time it wasn't considered that a lay man could take 50% of the responsibility of our legal advisor and consequently this investigation was carried out by Mr. Delaute and Mr. Bentley. I don't know, I know Mr. Delaute but I don't know Mr. Bentley and I don't know his qualifications to carry out an investigation but I am still not prepared to vote for Vote 13 unless something concrete is offered. Five years ago we refused to sign the police agreement because this individual



Mr. Watt continues.....  
hadn't been appointed. Every year they have had some excuse.  
"We are calling for applications now!" or there is one thing or  
another all the time. We have finally withheld our vote on  
Vote 13 and I think this is a result of the Bentley-Delaute SESSIONAL  
investigation here. I don't think that this would have been PAPER 57  
done if we hadn't withheld our vote. If we withhold our vote  
again I think they will be doing even more. I think the Justice  
Department will start looking into this apparent conflict be-  
tween the magistrate and the judge. It looks pretty silly and  
people are asking me what the score is and I don't know what  
the score is. If we are to accept responsibility then we are  
going to have to have somebody here to give us more information.

Mr. Chairman: Gentlemen, at this time I will declare the  
committee in recess until two o'clock.

RECESS

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Monday, November 28, 1966.  
2:00 p.m.

Mr. Chairman: I will now call Committee to order. We are discussing Sessional Paper No. 57, Justice. SESSIONAL  
PAPER #57

Mr. Shaw: Someone has to discuss this I suppose, Mr. Chairman. I listened to Councillor Watt. He had quite some discourse on this. I agree with some of his points. The matter of this...lawyers not agreeing. I'll agree that lawyers don't agree. That's part and parcel of their function and that is to argue. I suppose something like Territorial Councillors. This particular Bill, in the past we have had quite some trouble as far as Justice is concerned in getting this Justice more under the control of the administration of it in the Yukon than has been in the past. In other words, anything that had to be done had to be done through Ottawa. Sometime ago, in the Five Year Agreement, there was....I can't think of the exact phrasing but there was an item which indicated that the Department of Justice were going to appoint a legal man who would have a direct connection with the Department of Justice over the Attorney General in the Department of Justice and through having that direct pipeline, we would have some representation from the Territory in a more direct manner than has been in the past. The phrasing of this particular thing was somewhat indirect if I could use that word, Mr. Chairman. It didn't state that this would be exactly as it would be but it was the intention to have something such as this. Following that, we had agreed to signing an agreement with the R.C.M.P. on a contract basis for policing the Yukon Territory. That was passed and later on, as events have proven, this did not come into being having this direct legal contact. There was a change in the matter of the Legal Advisor of the Territory. They gave him another name and put a few more hats on his head and he had to do more work. He was called the Senior Legal Counsel, I believe, instead of the Legal Advisor. This has gone on and on and on and this Council has asked for to have more local control on the administration of Justice in the area and this is the first time, I think, that it has been put before us that there is a possibility as to how we should get more control over this Department. In other words, bring it into the Department of the Territorial Government instead of having it so far away in Ottawa....four thousand miles away....trying to make decisions on these matters. This particular paper we have here has pointed out...as a result of an inquiry that the Government has agreed that they will turn this over to the Territorial Government. That, I think, Mr. Chairman, is what we have been asking for. I will agree that some Members have been asking for certain things that this doesn't comply with. I don't know whether that's all Members. That's not myself. I think first off let's get started on the thing. Let's get it underway. This has...we are in the process of turning it over if we accept this particular Vote 13. As far as I can see, it is only reasonable to assume that before we can take....before we can get anyone to work for the Government of the Yukon, we must have an amount of money in the budget which will pay for the salaries of those people. We could pass any Department...concur with any Department being created but nothing could possibly be done unless there were funds in the Bank to pay the salaries of these particular people. Now, I think that this paper, myself, is written in good faith. It fairly well outlines that they are prepared to concur with the findings of the Bentley-Delaute

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PAPER #57

Mr. Shaw continues:

Committee and they are asking, in order to implement this particular program, that we provide the money for to pay these employees. They have, and it sounds reasonable to me.. they have stated that they hope that these problems can be resolved by April 1. Now, it's fairly obvious, Mr. Chairman, that when we take a man from the Federal Department and wish to transfer him to a Territorial Department that he might decide, for no personal reasons, that he doesn't want to be transferred. It means then that competitions have to be advertised and also, on top of that, this person that is working in that Department...some place has got to be made available for him somewhere else in the country. So you do have the problems that the Administration is faced with by this paper of getting the personnel transferred and acquired for this new Department. It is necessary, it appears, that the Financial Advisory Committee, they certainly...when I discussed this before, I didn't have the information that is available here...maybe the Financial Advisory Committee had it because they certainly did recommend to bring this up for possible approval. So at this point, Mr. Chairman, I feel that there is an effort being made by the Government to comply with if not all of Council's wishes, a great deal of it, in implementing this Department. That is the big step.. accepting the fact that we take over this Department. From there I think, as is usual, a certain amount of problems will come up that will be ironed out from time to time but, in the meantime, this is giving Council pretty well, from my information, from my knowledge, what they asked for in the first instance. There is only one part, it appears to me, to be subject to dissention is the fact that we have been told this before and it didn't amount to anything. Well, I feel, myself, that this does amount to something...that something will be done about it. I will, therefore, concur with this Paper in relation to that and if that is broken later on, this promise, well then that would be the time to act but right now it seems to be that the Government has put this forth in good faith and I will accept it as such.

Mr. Southam takes the Chair.

Mr. Taylor: Mr. Chairman, I can't agree. I don't think, in my opinion, that we have gained any ground here...any more than we had gained five years ago. When we...and I think we have always griped about the way Justice was handled in the Yukon in one form or another and when we negotiated the last Fiscal Agreement...that is the current Agreement...we noted that they state wherein they say that "The Committee has also reviewed the development of self Government in the Territory and the desirability of extending responsibility to the Territorial Government in those fields of jurisdiction normally assumed by the Province". They go on to say, "It considers that the financial responsibility for these functions can now be properly assumed by the Territorial Government.", but they gave us no administrative responsibility even though we felt at the time that we should be given further consideration. They went on to say, part of these recommendations, "that a Senior Legal Officer of the Crown be appointed to supervise the administration of Justice in the Territory with close association with the Territorial Government. This Officer would be responsible to the Attorney General and he would exercise as far as possible the duties of the Attorney General in the administration of Justice, including police services and the administration of jails." This, gentlemen, was the

Mr. Taylor continues: SESSIONAL PAPER #57  
 Agreement made five long years ago. This has not been done. We have certainly gone along with them up to a short while ago on the matter of paying for Justice until last spring. We balked on the Police Agreement but we were assured, "Fellows, you go along with that Police Agreement and we will see that many of these gripes are rectified." These have not been rectified. We went along with the Police Agreement all right but we gained nothing. There has been appointed a Senior Advisory Counsel as advertised for in the year 1964...two years after this Agreement was drafted to perform this function, however, in the Terms of Reference for the Senior Advisory Counsel, there was no mention of the supervision of Justice in the Yukon Territory. He was to draft...act as legal advisor to the Commissioner in Council of either of the Territories, as required...to draft Territorial documents...to prepare documents of legal or other formal character...to undertake responsibility in respect to certain branches of Territorial Government such as those relating to land titles and so forth. They didn't indicate, even in placing forth this application or this whatever you call it...competition...that they were going to live up to this Agreement. They still haven't lived up to it. Then we asked, at the same time, that we have an Assistant to the Senior Advisory Counsel and apparently they feel that an Assistant to a Senior Advisory Counsel in the Yukon Territory is only worth \$10,700, plus Isolation Allowance. Consequently, for some reason or another...I imagine it was just the small sum being paid...there was no successful candidate to my knowledge...or no suitable candidate. In other words, the Department of Justice have still not fulfilled their Agreement. Now, in this paper, what they are saying to us, as I interpret it, is that we will finally agree now to tuern over some Members of the Administration...Justice Department Administration...from Territorial employee... from Federal employee to Territorial employee, with the exception of some who would still remain Federal employees but for some reason work for the Territorial Government. It says nothing in here that some jurisdiction over these employees and what they do is going to be transferred to the Yukon Territory. It just says that they will be working for us as far as the payroll basis goes and they will still take their orders from the Department of Justice in Ottawa and be answerable to them. That's the way I read it. When we went into this business of Corrections, we sat down at this table and we decided on a Corrections Program. This falls within the bearing of the Department of Justice, or it should...certainly it did in its initial stages...and we spent days and days and days programming a Corrections Program. As far as I am concerned, when it left this table and went back to the Department of Justice and back to Ottawa, it was still a good program but from that point on, the Department of Justice and the Department of, at that time, Northern Affairs did not feel, or somebody didn't feel, that we were competent to carry on with this Program, took it out of our hands and we never saw it again. We saw a couple of representatives who came up and told us about the wonderful things that were going to be done, but in any event, the Federal Government have kept us right out of the picture until now. Now, sitting reclining on the hill or out at Wolf Creek and here, there and everywhere, are these beautiful, fine but very, very expensive buildings which we are going to be permitted to look after some day. The Yukon was not consulted here by the Department of Justice. In other words, we were told what we were going to have and this, as far as I am concerned, is another breach

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PAPER #57

Mr. Taylor continues:

of the Agreement raised in the current Five Year Fiscal Agreement. I am saying only this that it was suggested somewhere back along the line that some facilities should be turned over to the Territory and I agree that the Territorial Judge should have remained a Federal employee as I believe the High Court Judge is always appointed by the Federal Government, but if we are going to take over the administration of Justice in the Territory, the Police Magistrate comes with that. Apparently there is a Police Magistrate, a Clerk of the Territorial Court, a Deputy Sheriff and a Deputy Clerk, another Deputy Sheriff, two Court Reporters, a Clerk of the Police Magistrate's Court, a Solicitor 4 which I assume was to have been the Assistant to the Senior Advisory Counsel, who, after five years, is still not forthcoming, and four other clerks. Now, if we take on the administration costs and accept them here in this Bill No. 11, I feel that we should have some jurisdiction over Justice in the Territory and the Quasi Attorney General or whatever you want to call him be appointed and that the Territorial Government go into the Justice business as was suggested and until they do that, I am not prepared to vote any money. I mean this is the only lever that we have. The only thing that I am prepared to do when we do get back to Bill No. 11, Vote 13, is to suggest that the whole amount to be found in that Vote, be decreased to the amount required for payment to some of the small communities in the Yukon for their Community Hall services for Courts and as far as I am concerned, Ottawa can pay the bill themselves.

Mr. Shaw: Mr. Chairman, I would like to ask the Honourable Member from Watson Lake a question. I would first, to get to this question, I will read a section here in this Paper... "and it seemed logical that both legal officers should be part of the staff which is under the supervision of the Commissioner of the Yukon." In other words, they are under the supervision of the Territorial Government, whether it be the Council or whether it be the Commissioner...being as the Commissioner an Executive Head, that would also place him in the category of Commissioner in Council. Now, it seems to me also logical that the only other two offices in the Courts that would not come under this category would be the Judge and the Magistrate. In other words, we have the say over the whole kit and kaboodle with the exception of the Judge and the Magistrate. Now that, Mr. Chairman, appears to me as if we are taking over the administration of Justice by the fact that all those employees come under the jurisdiction of the Territorial Government. That appears to me to satisfy...or would appear to me to satisfy Council's wish in the nature of how much responsibility was undertaken by the Territorial Government. I would ask the question, apart from that, would Mr. Taylor feel that we should take over the Magistrate or the Judge as well because that is all that is left?

Mr. Taylor: Mr. Chairman, I already answered that question in my initial remarks. I stated that the Judge, I understand, is an appointee of the Federal Government through the Provinces but the Magistrate is an appointee of the Attorney General of the Provinces and, in this respect, this is my feeling.

Mr. Boyd: Mr. Chairman, Crown Prosecutor...Crown Attorney.. I assume that's the same thing. I'm not sure but I notice that in the Northwest Territories they have a Crown Prosecutor who is a yearly salaried man and it would seem that with the monies that we pay for the same job that we could afford to hire one of these gentlemen and pay him a reasonable sum of

Mr. Boyd continues:

money...attractive...to the extent that we would find a man and he would, I think, have time to perform other duties as well and I would like to ask a question. In the event that this legal office of ours is transferred to the control of the Territorial Government, would we be within our rights and would it be accepted or have to be accepted by asking for such a man to be employed by the Territorial Government?

Mr. Legal Advisor: It could be asked but the recommendation in the Report seems to have been that the Crown Attorney... page 3...."it would probably become necessary in the future to appoint a full-time Crown Attorney as an employee of the Department of Justice.", and they then go on to justify that by recent experience in Toronto and Montreal...so, while you could ask, you have some indication of the way the minds of those people preparing the Report are turning. You would be free to ask but the result of your asking is a matter of conjecture.

Mr. Taylor: Mr. Chairman, there is something else I meant to mention earlier and I think if you peruse this document a little more closely, you will find that there is no wills and shalls embodied here. It's all may's, could's and should's. It seems to me that there is more expression of opinion. There is nothing in here that says this is going to be this or that's going to be that or what's going to be done. It is very, very loose and as I say, I can see possibly we have to pay for police services because we can't provide them ourselves, but until this thing starts smacking of a little autonomy, I say let it be. Let the Federal Government pay their own bill.

Mr. MacKinnon: Mr. Chairman, I would like to ask the Commissioner a question. Can Council expect to get a copy of the Bentley-Delaute Report?

Mr. Commissioner: This is a document, gentlemen, that comes in the category of a confidential document. It is made by Civil Servants and I have inquired of my Departmental Senior people in Ottawa and this inquiry is the end result of a memorandum prepared for the respective Deputy Ministers of Justice and Northern Affairs and in parliament, it would be regarded as a confidential document and it cannot be released for the Territorial Council. This Paper that I have presented to you is the basic findings and the manner of instituting this particular document...this is a strict parliamentary procedure situation as far as this type of a document is concerned. This is not being withheld for some personal reason. It's a matter of normal parliamentary procedure...these documents are considered confidential.

Mr. MacKinnon: I would suggest that we have got to the point.

Mr. Shaw: Mr. Chairman, I would like to ask a question of the Commissioner, too. In the event that this Vote was approved, do we have the Commissioner's assurance that these recommendations as put forth in this Paper will be put into effect just as soon as he can possibly do so?

Mr. Commissioner: Mr. Chairman, I would pass on the Deputy Minister's assurances...even superior to mine.

SESSIONAL PAPER #57 Mr. Taylor: Mr. Chairman, I am just wondering how the Commissioner can assure us. This is what puzzles me because the only person that can assure us that this will happen would be the Minister himself or the Minister of Justice.

Mr. Commissioner: Mr. Chairman, these gentlemen have concurred in this assurance and this assurance was passed on initially to your Financial Advisory Committee and it was on the basis of this assurance that Vote 13 was put back into the Supplementary Estimates.

Mr. Taylor: Has this assurance not changed? What we were talking about to the Financial Advisory Committee about and what we find here, these are two different things.

Mr. Commissioner: Not to my knowledge, Mr. Chairman. Do you have a specific point? These things, Mr. Chairman, are only tabled for Council's perusal on the authority of the Minister. I wish to assure Council that this Vote 13 and the Paper that I have tabled...these things are not something which were dreamt up in my Office. These are tabled here with the complete and full concurrence of the Senior Members of the Departments involved.

Mr. Boyd: Mr. Chairman, we have kicked this vote in and kicked it out and we may as well have done nothing because everything went on the same way. Nothing happened. So, what does it all mean? Before us, we have an undertaking that something will be done and it stated what will be done and they are asking us to pass Bill 11 in order that certain monies can be spent in accordance...with our blessing, and this is the first time there has been a hard and fast promise. I take it as a promise...the contents of this. Now, some Councillors think that this is not going far enough. I am prepared to take this promise as given, pass the money and it's only a matter of three months until you are here again and there will be more money in front of you. At least we can show a sense of co-operation and, as I said, if we don't show that sense of co-operation, what difference is it going to make...by 'n large? You will have accomplished nothing. That is for certain. If we pass it, we have at least shown some consideration for Ottawa's attitude and I think we will be in a much better position to talk on an even keel with them and have them listen to us a little bit and agree with us and probably do something. We just can't sit and be belligerent so I am going to vote for passing this money this time and if I am not satisfied three months from now if the case may be, I will say so.

Mr. Watt: Mr. Chairman, the step that Mr. Boyd would like to take is the step that the Territorial Council had taken five years ago. We voted this thing once on the definite promise that we would have an individual appointed to be the go between between the Justice Department and the Territorial Government. We went along with it and the promise didn't materialize and this promise has been made at least six times since then. Mr. Boyd says we have got a firm promise. Well, it's nor firmer than any other promises I have heard and I still think there's an awful lot lacking in the Justice Department. How long did it take us to get the R.C.M.P. to drive the prisoners over here instead of making a public spectacle of everybody that happened to be arrested the day before? How long did it take us? It took us a year and a half. Now they are asking us to vote \$400,000...\$500,000 every year and for us to do a simple thing like that...we have absolutely no control at all. This Bentley-Delaute Report...we are asked to vote again another \$400,000 or \$500,000 for Justice. Now



Mr. Watt continues:

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you can't tell me that the House of Commons votes money for a Report of any kind and that no Member of the House of Commons sees that Report. If it's in Defence or anything else. If it's in Defence, for example, Helliier would have a look at this and he would report back to Council, but here we have a Report....Bentley-Delaute Report...that is a Report that is supposed to give us reasons I understand why we should vote for this Justice Department. They made the Report and either it must have been such a colossal flop or....I don't see what could be so highly secretive about it...but those that they are asking to vote this \$400,000 or \$500,000 for it and for Justice, should at least get a look at it. I don't know this Bentley. I don't know if he's ever been in this Territory before but Mr. Delaute has spent a good many years here and he knew the Justice Department here as well as anybody else in the Administration. He was here when we signed the Police Agreement. He did nothing then and he was here when we refused to...well, we voted money every year except this year for Justice and only one year did we refuse to sign a Police Agreement and then we were given a firm promise and we signed it afterwards and we were stuck again. Mr. Boyd says we'll pass it now and then three months from now, we will have another look at it. I think we have made the first step right now and any ground that we have gained right now, we are going to lose. I'm not at all satisfied with Justice. There's a lot of things in Justice that I'm not satisfied with which I feel should be justified and they should have an individual here to justify it. I can't see myself voting possibly \$30,000 or \$40,000 or \$50,000 a year for a R.C.M.P. aeroplane. It could be useful. Maybe we need it but I'm not convinced that we need it. I don't think this Council is convinced that we need it. I don't think that there are ten people out on the street that are convinced that we need it. Maybe we are justified in this but nobody has been able to justify it to me and about 50% or 60% of the personnel here could be justified but I don't know. Now, this is what is part of the job of this individual...the drafting of legislation. This is part of his job. The breakdown of figures...justification of expenditures. Until we get a little bit of co-operation on this, I am not prepared to vote for Justice. Mr. Taylor suggested that we just vote for this one item... payment of rentals. I think this is just a bit of a lever that the Government is holding over our heads...a bit of a hammer and I object to the method. It's the same as if the Commissioner's job...to collect his pay cheque, it depended on us voting for his wages and if he didn't assent to something, we would cut his wages off. This is the same type of thing only the tables are turned. I don't agree with this...this method of doing things. I think that if the Justice Department can pay \$40,000 or \$50,000 for a plane, keep a staff on and pay their wages, pay their houses, pay their cars, pay everything else, they could certainly pay a bit of rent to the Communities for the building they are using. There is no reason why they shouldn't. If they can use \$400,000 or \$500,000 without our Vote, then they can use another few thousand dollars. I think it's time we held the line here a little bit and just pass the ball to the Justice Department and to the Administration and to the Federal Government to just carry that ball a little bit farther than they have so far. They've taken the first step in this Bentley-Delaute Report. I don't know what it means but at least it's a movement of some kind and I think that they should be able to move a little bit further and give us a little bit more co-operation with

SESSIONAL PAPER #57: Mr. Watt continues:  
 respect to this. I think of all the major Votes...Engineering, Education, Welfare, anything else in the Territory...I think the most violent reaction that you get out of anything around here is out of Justice. This is what has caused more dissatisfaction than anything else. Even your Crown Prosecutor.. I don't know what his Terms of Reference are...but as I understand it, as Crown Prosecutor, he's supposed to try and see that a little bit of justice is done and not just to press the case no matter what the circumstances are...no matter if there is an obvious reason where the fellow might not be guilty or...well, for example, the R.C.M.P. moved the sign up on top of the Hill....it was knocked down a couple of years ago. It was a 30 m.p.h. speed sign, so they went and packed it up again away back in the bush...for 40 m.p.h. and they started picking people up and it finally took a little discussion through Council to get them to put the sign back on the road again so people could see it. This was a trap. Where was the Crown Prosecutor? He was out....justifying convictions until we brought it to their attention here and then they cooled down a little bit. Why should we have to do this? The Crown Prosecutor should have a little respect for people's rights and not just to start pressing for a conviction regardless of what the circumstances are. I am very dissatisfied with this Justice. As far as the Paper is concerned, to me, right now it means very little. The vote will come on Justice and we will vote either for it or against it. Unless I get a little more co-operation and justification than I have right now, I'm going to vote against it.

Mr. Shaw: Mr. Chairman, possibly I will agree that some things in the past have happened that are not quite to my liking and to the liking of Members of this Council and I think perfectly justified. I don't believe in....there's not much point in rehashing the past or to state small incidents that occurred because small incidents...you can always pick them out of anything...if you go to British Columbia, Alberta, Saskatchewan, Manitoba or any place else, but I think, Mr. Chairman, that our function right now is to try and look to the future. We have attained a point of where the Federal Government is prepared to relinquish certain rights in the Courts or in the administration of Justice I should say to this Council. Here they are laid down. That's what we have been asking for. We have been asking for more say. Now, possibly some Members figure that there should be more than what is here and this is only half a cake but I say if you get a half a cake, you're still better off than digging your heels in and saying, "Well, you fellows didn't do it last year the way I wanted it so I won't play ball with you." I don't think that is being sensible about it at all. Here is a proposition that the Commissioner has assured Council that he will do his utmost to put into effect and as soon as possible and I just accept that in the spirit that it is given. If it's not given in that way, in the next few months I shall probably get up and state my displeasure on this matter. There are certain facts that we have to accept, Mr. Chairman, and that is that if we do not provide money for to pay Territorial employees in the Budget...if we do not approve of that money, regardless of what happens, that can't be put into effect because there is no money. This is only an interim period of how much? Four months or something like that. Well, in four months, if these things or reasonable effort hasn't been made to put this into effect, that would be our time to complain. I don't believe in taking a dogmatic stand in a matter such as this because this could

Mr. Shaw continues:

be very easily rectified in just a few months time. If these things aren't put into effect, fine. We won't approve the Justice Vote in the next Spring Session, but if they are put into effect, it shows that co-operation is being attempted with the ultimate objection of getting complete jurisdiction over the Justice Department as we requested, or as Provinces have, in the future, but we have to make the first step and the first step is to approve money to pay the Servants who are going to implement this and I think that's about what we are asked to do right now.

Mr. Thompson: Mr. Chairman, I have two questions I would like to direct to the Legal Advisor. On page 1 of this Sessional Paper in the last paragraph it says "the Inter-Departmental Committee on Federal Territorial Financial Regulations, 1962, it was recommended that a Senior Legal Officer of the Crown be appointed to supervise the administration of justice in the Yukon. This recommendation was implemented". Can the Legal Advisor tell me when this was implemented? And, a second question, it says "Provision has also been made for a second legal position on the staff of the Department of Justice, but the Department has not been able to fill this position?" Can you tell me when the provision was also made for a second legal position on this staff?

Mr. Legal Advisor: With regard to the first question, this is the Commissioner's Sessional Paper to the Councillors and the question as to when the recommendation was implemented, that is the recommendation that the Senior Legal Officer supervise the administration of Justice...as I understand it, that's the Councillor's question...that would be a question, if I may say with respect, not to be answered by myself because it is not in my port. With regard to the second question..."Provision has also been made for a second legal position on the staff of the Department of Justice"...I cannot tell you when that provision was made. I am aware that they did advertise so I presume that provisions had been made. The Councillor from Watson Lake referred to an advertisement for a posting on the Solicitor 4 level and I cannot see where the Department of Justice would advertise that post unless there was an establishment. To deal with the questions in summary, I feel that the first question is not one that falls within my province, Sir. The second, I can only argue on assumptions that they wouldn't have advertised it unless they had provided for it. I am sorry I can't carry it any farther.

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

Mr. Thompson: No, it sure doesn't but maybe...the Legal Advisor picked out one word in here..."supervise"...to supervise the administration of justice in the Yukon", and I understood that our Legal Advisor is the Senior Legal Officer of the Crown in the Yukon and is he not at present supervising administration of justice in the Yukon?

Mr. Legal Advisor: Not wishing to be evasive, it depends on what you mean by "supervise". I have no direct area of interference in the conduct of the Courts when they are sitting and if the Magistrate decides to hold Court in Old Crow, I would not be able to say to him that this might be an unjustifiable expense. I have no authority along these

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Mr. Legal Advisor continues:  
lines. I have certain fringe authorities. If I find that somebody is leaving, then I am expected to do something about telling Ottawa a replacement is needed. If someone's pay cheque doesn't arrive, I generally receive an urgent message on that subject. Whether you call it supervision is a matter of semantics. I think you might find it difficult to accept that that's supervision but that's the sort of area that I am working in at the moment.

Mr. Taylor: Mr. Chairman, in short, the Government...Department of Justice...the Federal Government have not lived up to their bargain. They have stated that the Senior Legal Officer of the Crown be appointed to supervise the administration of justice in the Territory...but this is of the Crown. They also state here that "the Committee also note that the responsibilities of the administration of justice, including staff, Counsel, Court cost fees and other related fees of the Territory will remain with the Department of Justice". In other words, they are talking in two areas here. It has been stated to the Financial Advisory Committee on the Government's submission, "The Administrator informed the meeting of action that had been taken to deal with the Justice problem and of the recommendations of the Bentley-Delaute Report on the matter. The meeting was informed that the Department of Justice and the Department of Northern Affairs had approved the idea that the Justice function should be taken over by the Territorial Government". The Justice function...that applies to me that all those matters which are normally assumed by the Provinces in the field of Justice...now that's clear cut. Someone asked me earlier...I just forget who.. where I got some idea on this thing. They say to coerce...as a matter of fact, I just looked the word up in the dictionary.. to coerce someone is to forceably constrain or impel into quiet obedience and, gentlemen, this is exactly what the Department of Justice are doing with you...or attempting to do. It's like the old proverbial horse and the carrot on a pole out in front except that the only problem is that the carrot is wilted with age and this is one horse that doesn't see the carrot as appealing any more. I'm just getting tired of dragging this cart down through the garden path because it must be an endless circular shaped path so with a wilted carrot and a tired old cart and a tired old horse, I am just not prepared to follow this path any more because, as even a donkey would, someday the donkey gets the idea that "Well, I really am going around in circles and I shouldn't be doing this" and even a donkey gets off that course of action and that is exactly what I am going to do..

Mr. Boyd: Start to bray then.

Mr. Taylor: That's right. The donkeys that bray together, stay together too, fellows. If there is ever a time for unity in respect of the Justice Vote, it should be now and in respect of this, if we are going to accept any responsibility, somebody from the Justice Department should be able to come to this table and present something that says, "Gentlemen, we are definitely going to do this." Just like you do in business. Sure, I know Governments don't run like private enterprise...but if they can come up here and say, "Gentlemen, you as representatives of the Yukon Territory's people, have our absolute assurance that we will negotiate with you or you will be offered the full Justice responsibility as normally assumed by the Provinces...that is you are paying your

Mr. Taylor continues:

money so you can administrate in respect of this and we will live up to all those obligations as we have failed to live up to in the last five years and we will negotiate in respect of further obligations in the next five years."... I would say, "Fellows, let's pass the Vote.", but they haven't done that. They have said, "We should do this and we could do that and it might be possible that this might be done", but there's nothing says there's anybody who is going to do anything. If we are going to have to...we represent the people. We are being asked...I just forget what the figure is here now...but we are being asked to approve a goodly chunk of Territorial revenue...the people's money and if we are being asked to expend that money as in other fields, we (a) if we ask a question in respect of it, we should have an answer...not at the next Session or sometime. There should be somebody who can come to this table such as the Senior Legal Counsel, for instance, were he given the authority that he was supposed to have been given...would be able to come and say, "Well, I think in a matter of five or ten minutes I can pull the file or I can get the information" and it's all done. This is one of these secret Departments as is the Department of Treasury in Ottawa. They just run the thing themselves and we pay the Bill...and if we find something going wrong in Justice in the Territory, we should be as the Provinces are, we should be in the position to take remedial action where it must be done. We are not in that position. This Paper does not provide that we should ever be in that position and, consequently, gentlemen, I say the smartest thing to do is to refuse the Vote. Refuse the funds and possibly after we have been to Ottawa in January, we may hold a different view because by this time maybe Ottawa will realize that we mean business but if you accept this measure that the Justice Department is forcing on this table..."Fellows, we're going to buffalo you into signing this", and they have buffaloes this Council into signing Police Agreements and everything else and if they buffalo this one, fellows, you have lost. You've lost period because if they...they buffaloes you last time and if they buffalo you this time, then they'll try and buffalo you again the next time.

Mr. Boyd: Mr. Chairman, we are talking to ourselves, that's all, when we are talking about people who are four thousand miles away. We are going to Ottawa very soon. There's nothing to stop us from passing this money now and when we get to Ottawa, throw your weight around if you feel like it and do your braying too at the same time and they'll know where we stand when we come back here in the spring. I think it's quite simple. We're only wasting our time here. There's no need to say any more about this. As far as I am concerned, you can take one attitude or the other. You can go along with them and tell them that you have done this out of confidence...when you get to Ottawa, you can tell them this and tell them that they had better move, or else, for once and for all. We'll never depend on them...never trust them...or you can just simply turn it down now and not bother talking about it in Ottawa either because that's all you've done. You've wiped it out until...you're sticking a gun at them and saying, "All right, you move or we won't vote on it", so it's up to them to make the next move. This is the way I would look at it.

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Mr. Shaw: Mr. Chairman, at this table a short six months ago, I remember Councillor Taylor bemoaning the fact on a certain Resolution we had, namely No. 40, about people being dogmatic about something and they wanted to take over everything whereas we should take it over a little bit at a time. Now, one has to be consistent on these things. You've got a different tune now that the fiddle is playing or the donkey is braying. The Commissioner has given his word to us that this will be implemented just as soon as possible. Now, do we have to have the Chief Justice of the Supreme Court come down here and give us that assurance? I doubt if he would. I think, gentlemen, let us go along with it. By the time we go to Ottawa, there will be certain actions that have been taken and when we come down here in January, we can ask the Commissioner, "What have you done in respect of this? How are we getting along in this program?", and if at that time nothing has been done and we are not advancing, we can go to Ottawa and we can say, "Gentlemen, we have done the best we can. We have given you the money to make this changeover. You have done nothing. It seems like a breach of faith." Then we would be justified in doing something about it. I don't think we will be justified, with all due respect, Mr. Chairman, to take the dogmatic attitude and say, "No. You move first". The first move is to pay the salaries and this is the move to implement the payment of that. From there on, then we will have Justice on our side. That's the way I feel and it will be very fresh in their minds two months from now, or less and we can go down there and we will have a very justifiable complaint, but at this time, I don't think we have. I think we should be prepared to try and work along in this case and we can very soon rectify that next spring. That's no problem.

Mr. Taylor: Mr. Chairman, just in reply to this. I think the Honourable Member speaks a little with tongue in cheek. I said at the Spring Session, sure we'd accept a little authority a little at a time. This isn't even a chunk of authority of any nature. This is "Pay the bills". Ottawa tells them what to do. This is what is going on and the deeper and the more you discuss it, the more you find out that this is true. If this be dogmatic, then possibly I may be accused to being dogmatic. As Councillor Boyd has pointed out, we will know in the spring. Yeah, you'll know in the spring how badly you have been took if you consent at this time to approve these funds. If you don't approve these funds at this time, then Ottawa knows that they are going to have to do something to get you to approve and that, gentlemen, could be discussed in January and if it's agreed in January that something be done, then we can approve the funds in another Supplementary Estimate, but I say don't approve them now. You will give it away.

Mr. Chairman: At this time, gentlemen, with the consensus of Council, I will call a coffee or a tea break.

3:30 p.m., Monday  
November 28, 1966

Mr. Chairman: I will call this committee back to order and we were discussing sessional paper #57. Mr. Taylor will you take the chair.

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Mr. Chairman: Anything further gentlemen?

Mr. Southam: Well gentlemen I wish that I was an orator right now that I could hold out for a couple of hours. But I will say what I think and say it and be close to the point. I think the paper is pretty well to the point. We have asked for something and the government says they'll agree or go along up to certain points. I think it is a case where we have to give and take and we have to give and take a certain amount. I know a lot of you think that we have been doing all the giving and haven't been getting anything in return. This maybe so but I think at this time that it is laid down here that they are ready to give us a certain amount and I think this is what we should accept but with certain reservations. The vote as I see it and as I understood it should be passed and when we go down to Ottawa in January you will have plenty of time to think over what you are going to see and who you are going to approach and I think that these are the people that you are going to see and to talk to, got to talk to. I know, personally myself, that I expect to say a few words on the subject when I get down there especially if not in January then when we get back and sit on this thing again. This is my sentiment gentlemen. I have given it quite a bit of thought, not only here but I have sat and read it over quite a few times and I think that we at least should compromise to a certain amount.

Mr. Thompson: Next sessional paper.

Mr. Chairman: Gentlemen, we have concluded with this paper? This then is the sum and total of our sessional papers. what is your pleasure? If it is your pleasure we will proceed to the Workmen's Compensation Bill or do you wish to go to Bill #11 and the matter of Justice and Vote 13?

BILL #11

Mr. Boyd: Let's go to Bill #11 and follow through.

Mr. Chairman: Gentlemen, you have Bill #11, vote 13, page 137 of your budget. Justice.

Mr. Watt: Mr. Chairman, speaking on this vote as I have said before that we have been told and we have been told even in this last sessional paper that it is recommended that a senior legal advisor of the Crown to supervise Justice in the Yukon. This recommendation was implemented with the appointment of a Senior Advisory Counsel by the Department of Justice. Gentlemen, I would say that this man may be appointed but in name only and this is an important part of this vote. We had a legal advisor and his name was changed to senior legal advisor but there is no change in duties or very little. Under the provisions of the last Five Year Agreement and the Police Agreement the senior legal advisor was to be appointed and be given quite a bit of authority over the spending and an authority over the guidance of this Justice vote. The name was given but the job hasn't been given. It is just like myself going to one of you and saying, here, I will give you a Cadillac and you are expecting a great big shiny black Cadillac and it turns out to be a little toy wagon with "Cadillac" written on the side. I have given you something in name only and this is

Mr. Watt continues.....

what we have been given here. I am not trying to embarrass anybody.....I think we should have more of a go between between this \$500,000 and the Territorial government. It has been said here that we might as well go along with it right now because it is only three months until we meet again and we vote against it then. It has taken us five years to get into the position that we are in right now....it took us us five years and we voted it down and it was put in the supplementary estimates and it was indicated that it was going to be turned down so time was offered and a so it is before us again. I would like to say that if we turn it down it is going to come to the administration and in one way or another it is going to be put before us again. They will convert one or two of us one way or another somehow. So if we pass this we come back next Spring and if we are not satisfied with the Justice Department then we can turn it down but then there is a new Council coming up then and a new Council if there was a few new members for the first couple of sessions or the first couple of years it takes them a little while to get to the position where they understand what is going on to the extent of being justified in turning down the Justice vote. So, I would say that we have lost any grounds that we have gained, if we vote for this bill. It was five years ago when as first asked that a senior legal advisor be appointed and appointed more than in name only....appointed to act as a go between between the administration and the justice department and the Council to justify this vote. When we go to Ottawa to talk about the five year agreement the first thing that they are going to say to us, we pour so many million dollars into the Yukon Territory and part of this many dollars is this half a million in Justice....and we don't know how many planes have been allocated there against us, if more than one and I think that at least 50¢ out of these dollars is not even coming here and if it is coming here it is not being charged against us quite properly. I think that this was....if it was a Territorial department and we had a head over it and somebody with jurisdiction over the expenditures here then we could cut that figure in half and we would be winding up with a dollars worth of work for every dollar that is spend. Right now we are lucky to get 50¢ worth of our every dollar right now. Therefore I couldn't see how I could possibly vote for this now. If I turn this down it is not going to stop the police from policing the Territory, I think they will carry on. But, I think that Ottawa is going to be a little bit hesitant about this and look into it a little bit further. I think by turning this down last time has encouraged this Bentley-Delaute report to be drafted somehow. If we turn it down again then I think that another step will be taken by Ottawa to justify this sessional paper and this expenditure. The situation as far as I am concerned hasn't changed much now as it was the last session or a couple of weeks ago, so I would like to encourage the Council to turn this down once more and find out what Ottawa will do to ease our or justify this for us. We can go back to Ottawa and say that this expenditure was justified. So, I think that any grounds that we have done or any talking that we have done will be done for nothing if we give in now.

Mr. Chairman: Gentlemen, what is your pleasure in respect to vote 13.

Mr. Shaw: Unless we can get this money into Territorial jurisdiction we cannot pay for Territorial employees to administer it. So, to bring it into Territorial jurisdiction we must approve the expenditure. I would move that this bill be accepted and moved out of committee without amendment.

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BILL #11



Mr. Southam: I will second the motion.

Mr. Chairman: I wish to draw to your attention that we are discussing vote 13 of the Bill #11. We have not reviewed the budget as yet.

Mr. Shaw: That is quite correct Mr. Chairman, and I would approve this expenditure.

Mr. Chairman: Do you agree as seconder Mr. Southam, to withdraw?

Mr. Southam: I agree.

Mr. Shaw: I move that establishment 1351 be approved at this time.

Mr. Southam: I second it.

BILL #11

Mr. Chairman: Any discussion on the motion?

Mr. Thompson: Doesn't the motion such as this have to have the unanimous agreement of all members?

VOICE 13

Mr. Chairman: I believe that the majority is sufficient.

Mr. Shaw: Mr. Chairman, I think that my first motion is out of order. I put it as a bill and I didn't intend to do that and I think the Chairman is quite right in telling me I was out of order.

Mr. Thompson: If it was out of order then why did the seconder have to withdraw.

Mr. Chairman: Gentlemen I have a motion that the...moved by Councillor Shaw and seconded by Councillor Southam that establishment 1351, Justice, of vote 13 be approved. Are you ready for the question? Those in agreement please signify. Those contrary please signify. Gentlemen I will declare the motion MOTION defeated. This concludes all the items in Bill #11 and it DEFEATED remains only for final review. Do you wish to do this at this time or do you wish to wait following the Workmen's Compensation Bill?

Mr. Shaw: What do you mean by the final review?

Mr. Chairman: Generally as towards the end of the session there is--well some of the members like to go through all the votes and clear it out in case some of the members had something he wishes to raise. However, I am at your pleasure.

Mr. Shaw: It appears to me that we have gone through this item by item and that should be good enough.

Mr. Watt: I think in the past we have gone through it like we have and the chairman of committees has read it vote by vote and any question that comes up can be discussed. I think we might as well do it as we have a few minutes.

Mr. Chairman: Gentlemen would you like to give final review at this time?

Mr. Boyd: Well we might have final review to start that other bill at this time wouldn't be any good.

Mr. Southam: Mr. Chairman I think it is about time we got on to this compensation thing. People in the Territory are waiting to see what they are going to do about it and I think we should get on with the compensation Bill.

Mr. Chairman: Have you anything further on Vote 1?

Mr. Taylor: Mr. Southam will you take the chair. I just have a question to direct to Mr. Commissioner. Would we have the assurance of Mr. Commissioner that no further move to moving the Territorial Council to the Metropolitan Municipal Council Chambers as suggested earlier, will be made without the consent of Council?

Mr. Commissioner: Well Mr. Chairman, I have a paper coming down to you that concerns several things along these lines. One is the date of Council wishing to go to Ottawa and secondly the date for which Council wishes to call the Spring session and the problem facing me in regard to the problem of the provision of space for Council. Not in this paper but certainly related to it is my understanding that Council wishes further discussion and questions answered in connection with this general move of offices to rejected office space. I think I would be very much order Mr. Chairman to give you any assurances concerning Council's move or Council's non-move until such time as we have those things down here and I will be guided by what Council has to say at that time.

Mr. Taylor: Then my question cannot be answered as to whether we have your assurance that we will not be moved to another location as a Yukon Council unless we agree to it?

Mr. Commissioner: I think that I have told you I am asking Council by way of these papers...I am trying to point out what alternatives are available to me in this regard and I would be guided by Council's words. In other words, I have a major problem in this regard and I want some help and direction of Council as to what their thinking is.

Mr. Thompson: Could I ask Mr. Commissioner when do you propose to have these before us.

Mr. Commissioner: I am hoping to have them available down here tomorrow morning. I am surprised that they are not here today because I took this up with my senior staff here on Thursday morning.

Mr. Chairman: Anything further on vote 1 at this time? We will go on to Vote 2.

Mr. Thompson: There is one comment I would like to make on this and this is that I feel that the institution of the new Commissioner should take a long hard look be taken at this department for several reasons. One is the expanding number of people that the government seems to be able to justify without too much problem but I think in the past that their function has been one of policy making as opposed to accounting and I would very strongly suggest that steps be taken to make this department an accounting function of government and the policy making be left at the level of the chief administrator of the Territory and his immediate staff.

Mr. Chairman: Clear gentlemen. The next is Education. Clear. Next is Territorial Secretary and Tax Assessor.

Mr. Chairman: The next is Health. Next is Municipal and Area Development. Next is Game. The next is General. The next is Roads, Bridges, and Public Works.

Mr. Thompson: Mr. Chairman just one comment on vote 8. We have an amount in there for Expo '67 and I am just wondering if this should be allowed to stay or just to what extent the administration have expended some of this sum or if we have no further commitments I imagine that part of this will be taken up with the fees of Levitan & Associates.

Mr. Commissioner: Mr. Chairman, the amount for the item should be allowed to stand but the administration is being guided by Council's action on the sessional paper in connection with the Expo exhibition.

Mr. Chairman: One question from the chair in relation to vote 8. Is it the intention of the administration to have Mr. Cy Porter, the new Centennial co-ordinator here to discuss matters concerning the Centennial projects.

Mr. Commissioner: If you have particular things you would like to discuss with this man, if you would let me know what they are I would be very happy to see that they are made available to you. I tabled a paper for you gentlemen that outlines the various things. If Council wishes this man to attend I will see to it.

Mr. Chairman: My other question would be, will the centennial itineraries be made available to Council?

Mr. Commissioner: Yes.

Mr. Chairman: Are we clear gentlemen? The next is Vocational Training. Next is Yukon Hospital Insurance Service. Next is Travel & Publicity.

Mr. Watt: Just one thing that I would like to say in general and that is for the Spring session I am going to look at the budget very closely for any overlapping of services. It appears to me that I could be wrong but we have two or three departments set up and I think some of their services are overlapping. I agree with a lot of work that this department is doing and there is a lot of criticism of this department and some of this is unfair in that we have encouraged other departments to grow and overlap the work that this department is doing and I think we should have one completely efficient organization to take over travel and publicity and the Klondike defence force and they would have to be satisfied with it rather than coming to us and asking for a separate vote. I think that when something comes up like fighting the Klondike rather than setting up a new department that travel and publicity should carry it through. We have a travel & publicity department with high priced help and offices and they are just as able to take on a task like that as any other department so when the budget comes up in the Spring I am going to object to overlapping this type of work.

Mr. Thompson: I would just like to make one remark in this respect too. I too feel that this department was unjustly maligned in previous comments and I feel that the actual work that they are doing is excellent and I think where the fault lies in is in lack of direction in terms of reference. I think that the Commissioner has intimated that these will be looked into and set up on a more detailed and explicit basis so these various overlappings that have been mentioned will not in future exist.

Mr. Chairman: Clear gentlemen? Justice? Next is the Yukon Regional Library. Next is welfare. Next is Public Administrator.

Mr. Watt: On Welfare, I enquired about this Canada Assistance Plan and was told that Mr. Murphy was going to prepare a paper. Do you think that this will be here before Council is over?

BILL #11

Mr. Commissioner: Mr. Chairman, I enquired of Mr. Murphy and he advised me that the details of this of necessity have to be subject to further legislation and without going into the details of this completely.... out participation in the Canada Assistance Plan will require legislation to be placed before you and the widow's pension and other types of pension will be contained in this legislation and how we will participate. I cannot promise it for you sir at this Spring session but if there is not going to be legislation presented to you I will certainly see that the Councillor's question is answered as to how these features will be implemented under the Canada Assistance Plan. You must remember gentlemen that we have a fantastic program ahead of us and when I say ahead of us I say the administration because during the time that you are in recess we have to be prepared in January with regard to the five year agreement and we have to get a budget set up for you for the Spring session of Council and we are also committed for many pieces of legislation that have been promised to you in the course of this session right now. I think it very unwise for me to make any firm or further commitments concerning further legislation unless I see that we are making progress on that which we are already committed to. Remember gentlemen, assuming that Council finishes their present course of duties this week, we have only working time of effectively three weeks in December and possibly two weeks in January before elements of my administration will have to be absent from their duties and then they come back and start the whole new set of revision on the budget for 1966-68 for operation. So I just bring this to your attention because this is going to be part of what I present to you for study in regard to your future trip to Ottawa and further sessions and the place where you are going to be. I don't want to build up your hopes that everything is going to be just arrive here on greased skids until such a time as we see what is going to get accomplished.

Mr. Chairman: Next is Capital Project & Loan. This gives us a total gross expenditure of \$1,700, 373.00. Clear?

Mr. Boyd: Mr. Chairman, as a matter of curiosity there is something here pertaining to the hospital in Dawson. Is this pertaining to is and is it still under negotiation or has it been clarified as to what is taking place or wherever it may be.

Mr. Commissioner: Mr. Chairman, I think I intimated to Council that the provision of medical services in general in the Dawson area is presently the subject of negotiations between the administration and Cassiar Asbestos people of the Clinton Creek operation. Just as soon as the situation is clarified completely then the terms that we can operated..Council will be fully advised of it but there has been...nothing has been nailed firmly or irrevocably up to this point. This is a very complex and complicated situation and we do not feel that we want to commit ourselves to a plan of action that doesn't reasonably try to foresee the future with regard to these things. None of us are soothsayers and we cannot tell exactly what is going to happen. Whatever course of action that I recommend that Council take, I hope it is going to be the result of filing all the information, compiling it and coming up with the most intelligent answers.

Mr. Chairman: Gentlemen are you clear on this Bill #11 at this time?

Mr. Watt: Do you anticipate making a decision as to the location etc. as to this hospital before Council meets again?

Mr. Commissioner: Mr. Chairman. I don't think that a final decision will be possible before Council meets again. As I say, I cannot foresee the future but I can honestly say that at the moment I do not think the decision will be possible before Council meets again, however I can assure you that you will be kept well advised of the administration's recommendations. If a decision has to be made it will have to be made and you will be advised as to what is going on.

Mr. Watt: That can be made without any decision or discussion with the Territorial Council? The administration can go ahead and make decisions?

Mr. Commissioner: Well we will have to do this Mr. Chairman. If we haven't got the authority we might as well lock it up. We are certainly not going to be offering you anything that we don't think will have Council's approbation. If it looks like something that is going to be completely beyond the scope of anything that we have either suggested or talked to Council has talked about it will either be held up or we will call a special Council session. It is within the normal realms of Health & Welfare provisions that we are operating on.

Mr. Watt: The reason I asked that question is that I think a decision like this, if it is made, normally something like that can be planned ahead of time and discussed when Council is in session. I notice that not too long ago, July 22, 1966, Mr. MacKinnon got a telegram, "with reference to my letter of June 29th regarding proposed Territorial hospital at Dawson, would appreciate a telegram indicating your agreement or otherwise to this project. The matter is urgent and I would be grateful for an immediate reply collect. Mr. Fingland, Administrator". I don't know how many other Councillors got one like this, I know I didn't. Nobody asked me and it appears that they request Mr. MacKinnon for an immediate reply and it doesn't look right. Surely for something like a hospital or a gymnasium surely there should be some indication ahead of time. We have needed a hospital at Dawson for some time now, or in the area and we should have some indication rather than this telegram asking for your approval or disapproval right now. That is what we are here for. We are going to have to go back to our taxpayers and justify something like this. What are we here for...we are here to do something.

Mr. Boyd: There was a letter circulated to all Councillors and it simply boils down to the fact that Mr. MacKinnon didn't take the time to acknowledge the letter and this was a reminder at the very last minute. I think we must give the department credit for it, for using some tactic and reasoning. This is what happened in my case and I answered it and so I didn't get a telegram.

Mr. Commissioner: I would just have one thing to say and that is that there will be no effort spared by my administration at any time to in any way shape or form bypass Council and not co-operate with you. We will give you ample opportunity to deal with any matters. You have passed certain legislation over the past several years in this Territory and in effect says that certain things can be done. This is why legislation is passed so it can be done. You have my assurances that I have done everything I can during the session and if I haven't exhibited an effort on my own part and an effort on behalf of my administration to co-operate with Council and keep you aware of things going on I don't know what more I can do.

Mr. Chairman: Mr. Clerk would you so have Bill #11 amended. Gentlemen this leaves us with Bill #18, the Workmen's Compensation Ordinance.

Mr. Shaw: Mr. Chairman, I wonder if I could ask a question of Mr. Commissioner. When in the chair as Speaker I just don't get much opportunity. I understand that there is some sort of a government grant made towards what they call the Winter Games, am I incorrect in this assumption Mr. Commissioner?

Mr. Commissioner: Mr. Chairman I cannot give you complete and whole detail as to how this works but it comes under the Physical Fitness & Amateur Sport Grant and there has been a citizen's committee apparently formed of their own volition who are undertaking to see that the Yukon is well represented in the various activities at the winter games. There has been a request concerning these people that has been made or being made to the applicable federal government for to look after in training expenses of the various athletes involved and also for transportation of these people from the Yukon to the site of the Winter Games. I called a meeting of this committee in my office approximately a week or ten days ago and Mr. Don Fraser in my office upstairs is the liason man who is dealing with these requests and forwarding them to the proper federal authorities. The group that is involved in this had the opportunity of sending a representative to a meeting in Ottawa concerning the details of the Winter Games and arrangements were made for them to send one of their number. I don't know who they chose but I think that a name was submitted to Mr. Fraser, I don't know whether this has transpired or not because I heard that the meeting itself was cancelled because of the Air Canada strike.

Mr. Shaw: To follow it up, I wondered when I left the area I represent, two weeks ago, many people didn't know what it was all about. They didn't have a clue what it was all about and they asked me what it was all about and I could tell them as much as nothing. I didn't know anything except what I read in the papers. It would appear that it would be a very good thing if some of these members or somebody along the line went to these outlying communities and explained just what this entails. They have their own little badminton clubs, hockey clubs, skiing clubs, dog-racing clubs, and a lot of these people just don't know what is going on. I don't have a clue when they come to me and ask for information. I am supposed to know everything and there are some things that I don't know. If there was some means of assuring that the outlying areas are assured of what this does entail and how they would need to go about these particular things....I think it would be most helpful. These organizations are usually quite small and they haven't got the members to get all the data necessary and these people should be informed by some means or another and give them an opportunity to participate. At the moment they feel that Whitehorse are the only ones due to their great organization will be the only ones to participate in this and I don't think that this is correct. By not having any knowledge of it I can't say one thing one way or another. If they are advised then they will have the opportunity to participate.

Mr. Commissioner: My parting words to the committee when I met with them here ten days ago was to this exact same thing. The Yukon does not consist of Whitehorse and there should be the participation of all communities in the Territory. For the benefit of the Dawson member I will pass along this and see what steps have been taken along this line.

Mr. Thompson: I would appreciate it if the Commissioner would call on Porter Creek too.

Mr. Chairman: Gentlemen if you have nothing else we will proceed to Bill #18, Workmen's Compensation.

BILL #18

Mr. Commissioner: Mr. Chairman, unless Council thought that I could be of some value I would like to be excused.

Mr. Chairman: Thank you Mr. Commissioner. Bill #18.

Mr. Legal Advisor: Loco parentis means in place of a parent.

Mr. Shaw: I have a question on paragraph x sub (2). I would ask the Legal Advisor if he would inform me if I am correct when I assume that it would be dual responsibility of the contractor and the person who lets out the contract?

Mr. Legal Advisor: Could I have that question again. Before the Councillor asks it I should draw you to the bottom of page 2. Could the Councillor please give me that question again.

Mr. Shaw: Does this mean that the contractor and the person whom he has received the contract from are liable for any accidents or damages or what not.

Mr. Legal Advisor: No, it includes the persons who are working for the contractor. Yes, I see your point now and the ..... having been included there. In this particular industry you must relate it to that, then shall we say take Keno had a driller in there and the driller was employing men and that would fit the situation then exactly. The workmen working for the driller on a contract would come under the provision of this paragraph.

Mr. Shaw: That's not quite the answer. If something happens if I was building mine and someone got hurt. According to the way I interpret this that I would have to be liable for half of the damage.

Mr. Legal Advisor: We are dealing now with only the definitions. The effect of that definition can only be usefully discussed as one goes through the ordinance.

Mr. Southam: Maybe I can answer that question. Let's take a contractor, say Cameron-McMynn or Boyles Brothers, they take a contract at Keno and they pay the compensation. They pay the rate and yet they work under our safety rules but we don't pay the compensation.

Mr. Watt: Correct me if I am wrong but my interpretation is that if I am the owner of a job it is my responsibility as well as the contractor. If I say get Thompson to build a house for me is it my obligation to make sure that these men are insured? Normally I just take it for granted that they are covered by the contractor.

Mr. Legal Advisor: Only with mining does this occur. With respect to the illustration you would turn to the wording of the old section and there a workman works under contract of service or including a person engaged in mine work with the consent of the owner. Now, then have another look at this and look at the old one. The contractor and his men are workmen of the mine company and while it may be a matter of arrangement for the contractor

Mr. Legal Advisor continues.....  
to pay the premium and if he didn't do so the mine company would have to. Does that cover it?

Mr. Shaw: I think I have it straight now.

BILL #18

Mr. Watt: In a case like this then if I wanted to drill on a piece of property and I hired Arsenault to drill it could I be held responsible. Usually a contract like that is so much a foot. Would I be held responsible for compensation in a case like that?

Mr. Legal Advisor: If you are talking about drilling in connection with mining. If Arsenault didn't insure his men my understanding is that you as employer have to cover those men as your workmen and that is what the law has said for years.

Mr. Taylor: Really and truly Councillor Watt has a question. A diamond driller who is not in a pit and air blasting but doing exploratory work and not in an actual mine then he is not considered in a mine. This can only be taken in relation to the extraction of order. He would have to be covered under some other section.

Mr. Legal Advisor: Possibly the Clerk can assist but the thinking might originally mean that it would be possible to engage a contractor and then he could sit back and.....the older form included a driver doing work for another whether the former supplied the vehicle or not. If the relationship is one of master and servant existed between the driver and the other person--if he responded to the orders or it even applied to the owner of a fishing boat even if the one supplied the fishing boat. It also included a learner. You may like to come back to the consideration of this term but I would ask you to look at the ordinance of a whole and see how things have been put around.

Mr. Boyd: Mr. Chairman it is pretty long and dreary, especially this little episode. I would like to start off in the morning with a clear mind on it. I would like to move that Mr. Speaker do now resume the chair.

Mr. MacKinnon: I second it.

Mr. Chairman: It has been regularly moved and seconded that Mr. Speaker do now resume the chair and hear the report of the chairman of committees. Are you prepared for the question? Are you agreed? Are you contrary? The motion is carried and Mr. Speaker will take the chair.

Mr. Speaker: Thank you Mr. Chairman. I will call this Council to order and hear the report of the chairman of committees.

Mr. Taylor: Mr. Speaker, Committee convened at 11:30 a.m. to discuss bills, memorandas, sessional papers, and motions. The committee first dealt with sessional papers with Mr. Commissioner in attendance and committee recessed at twelve noon and reconvened at two p.m. It was moved by Councillor Shaw and seconded by Councillor Southam that establishment 1351, vote 13 be approved and this motion was defeated. I can report progress on Bill #11 and #18. It was moved by Councillor Boyd and seconded by Councillor MacKinnon that Mr. Speaker do now resume the chair and the motion was carried.

Mr. Speaker: You have heard the report of the chairman of committees. Are there any corrections or are you agreed? What is your pleasure now gentlemen?



Mr. Taylor: It would appear that we have dealt with about everything but Bill #18. I would suggest bills, memoranda and sessional paper for tomorrow's agenda.

Mr. Speaker: Are you agreed?

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

Mr. MacKinnon: I second it.

Mr. Speaker: It has been moved by Councillor Boyd and seconded by Councillor MacKinnon that we call it five o'clock. Are you ready for the question? Are you agreed? Any contrary? The motion is carried and this Council stands adjourned until tomorrow morning at ten o'clock.



Tuesday, November 29, 1966.  
10:00 a.m.

Mr. Speaker read the daily prayer and Council was called to order. All Members were present.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: Have we any correspondence this morning?

Mr. Clerk: I have no correspondence this morning, Mr. Speaker.

Mr. Speaker: Have we any Reports of Committees?

Mr. Boyd: Mr. Speaker, I am on the salary...Teachers' Salary Negotiating Committee and we had hoped to present some recommendations to Council at this sitting. We have been delayed and things have not progressed as fast as we thought and we are not going to have a report or recommendation for this sitting, but I would ask if Council would consider giving this Committee say an hour, or maybe two, when we meet in January. It's quite important that we do have this kind of a discussion if possible.

REPORT OF  
TEACHERS'  
SALARY  
NEGOTIATIONS

Mr. Watt: Could you excuse me for a few minutes, Mr. Speaker?

Mr. Speaker: Certainly. Would this be agreeable, Mr. Boyd, to discuss this in Committee sometime later on today?

Mr. Boyd: Quite agreeable.

Mr. Speaker: Mr. Clerk, this Bill that I have here...is this the Amendments to Bill No. 11?

Mr. Clerk: Yes, Mr. Speaker.

Mr. Speaker: Have we any Notices of Motion and Resolution this morning?

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion this morning respecting Bill of Rights and Notice of Motion respecting Yukon Mace.

NOTICES OF  
MOTION  
#23  
#24

Mr. Speaker: Thank you, Mr. Taylor. Have we any further Notices of Motion and Resolution?

Mr. MacKinnon: Mr. Speaker, I beg leave to give Notice of Motion re Fire Protection.

#25

Mr. Boyd: Mr. Speaker, I would move that as of say tomorrow morning we cease to deal with...that there be no more Motions after tomorrow morning in Council.

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

Mr. Speaker: Have we any discussions on the Motion?

Mr. Taylor: Mr. Speaker, if we can foresee that we will have concluded our work in the next couple of days, I would agree to this...if we can see the end of this thing, but if we can't, I would suggest that we be given a little more latitude.

Mr. Speaker: Have we any further discussions on the Motion that tomorrow will be the closing date for Notices of Motion and Resolution?

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: Under Motions and Resolutions, have we any further Notices? If not, we will proceed to the Orders of the Day. Have we any Notices of Motion for the Production of Papers?

Mr. Commissioner enters the Council Chambers.

Mr. Speaker: Have we any Notices of Motion for the Production of Papers? We have no Motions this morning. Have we any questions this morning?

Mr. MacKinnon: Yes, Mr. Speaker. I have a question to the Commissioner, a written question. I would like a written answer.

Mr. Speaker: Would you please read the question, Mr. MacKinnon?

QUESTION  
#9

Mr. MacKinnon: Yes. Mr. Commissioner, please notify Council as to who prepared the economic study in the Carmacks Coal Mine.

Mr. Speaker: You have notice of that, Mr. Clerk. Are there any further questions?

Mr. Taylor: I would like to direct a question to Mr. Commissioner or to Mr. Clerk, whoever can answer it. Has the context of Motion No. 3 respecting the submission to the Prime Minister of Canada in conjunction with the operation on a twenty-four hour basis of Radio Station CFWH...has this been received now by the Prime Minister's Office?

Mr. Commissioner: Mr. Speaker, I cannot confirm or otherwise that it has been received by the Prime Minister's Office in answer to the Councillor's question. I do not remember the day that I was able to verify that it had gone forward through the proper channels...through our own Deputy Minister and Mr. Cote and was directed to the Prime Minister through this channel. I could inquire, Mr. Speaker, if we have any information back in connection with it. I would be very happy to do that.

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

Mr. Taylor: Yes, Mr. Speaker.

Mr. Speaker: Are there any further questions?

Mr. Commissioner: May I ask to be excused for just a few minutes? I have a long distance call.

Mr. Speaker: By all means. Well, gentlemen, that will of necessity cut the question period shorter in relation to the Commissioner not being here, but you may have other questions you would like to direct to the Administration. We are still in the question period.

Mr. Taylor: One item that concerned me when we were discussing the cutting off of Motions this morning was that it would be appreciated, I think, Mr. Speaker, if the Administration could get answers to the questions remaining on the Order Paper prior to tomorrow morning...if they could get them to us in time so that we may study them as a final Motion might result out of the information received from these questions. I might say that some of them have been on for quite a considerable length of time.

Mr. Speaker: That is quite correct. Have we any further questions? Gentlemen, the next item on the Agenda will be the First and Second Reading to the Amendment to Bill No. 11, Main Supply Bill. What is your pleasure in this respect?

Mr. Taylor: Mr. Speaker, this has yet to be moved out of Committee. It is still in Committee.

Mr. Speaker: Oh, it's still in Committee is it? I thought this had been reported out of Committee. Had it not?

Mr. Taylor: No, Mr. Speaker.

Mr. Speaker: Very well. What is your pleasure at this time, gentlemen?

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

MOTION CARRIED

MOTION  
CARRIED

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

Mr. Taylor: Gentlemen, I will declare a short recess while we get organized.

Mr. Chairman: Gentlemen, I will now call Committee back to order and I believe we have an item that was raised this morning in Council respecting the Committee on Salaries and Wages. Mr. Boyd.

Mr. Boyd: Yes, Mr. Speaker, as far as dealing with the School Teachers...negotiating their salaries...things are progressing rather slow and it is imperative that we get our recommendations before Council before the Spring Session and inasmuch as we are not going to make it for this Session, I would ask that Council consider allowing us an hour or two, depending on how things go, in the January Session to allow us to present our proposals.

Mr. Southam: Will an hour or two be long enough Councillor Boyd, do you think? I would say that it would probably take a little more.

Mr. Boyd: Well, I said depending...if we...I don't think it will. It shouldn't. The Committee is going to spend an awful lot of time on it and anything beyond that...well, it's either yes or no. That's the way I see it. The point is that what we will recommend becomes effective next August and in order for the Department of Education to hire teachers, they have to have some basis on which to hire them and they have to be assured that that basis will be substantiated by Council.

Mr. Commissioner: Mr. Chairman, could I ask a question that I think Councillor Boyd is probably better equipped to answer than anyone and that is this. While I realize that there is urgency with this thing, our date in our present teachers' contracts for...what would you say...resigning up or resigning, when does this date occur? Is this not a date sometime early in May?

Mr. Boyd: No, Mr. Chairman. The teachers are hired and they are on contract until the end of the school term and the hiring for the next term is a new deal entirely. This is so, I believe, clear across most of the Provinces with the exception of British Columbia who use January 1 as the starting period whereas the schools use the first of the new term as the starting period.

Mr. Commissioner: Excuse me just a minute, Mr. Chairman. I have just confirmed with Mr. Clerk what Councillor Boyd says is, in essence, correct insofar as the date of the contract is concerned. It runs September through August but the contract insofar as the teachers who are on staff now are concerned, May is the time when they are to indicate whether they are to continue teaching the coming term or whether they will be leaving. This is the point that I wanted to make. It would appear to me that as long as there was some reasonable time element involved prior to May, possibly this would be satisfactory to the Councillor's Committee. Now, I merely offer this as a suggestion, Mr. Chairman, because I am not up to the minute details of this the way the Salary Negotiating Committee are.

Mr. Boyd: This appears not to be the case. Teachers are planning even now. There are applications for next year and they are not answered. They are sitting there. I don't know whether there are one, two, or five, but they are there. The same with our own teachers that are here. They are already looking around and trying to make up their mind and they have ideas that they might want to move unless there is something better that they can count on and they start making these plans pretty early but, with all respect, when we do present our situation, I assure you that there should not be any great long discussion on it because the end result will be yes or no and it's going to be awfully clear cut. It shouldn't take very long.

Mr. Commissioner: Mr. Chairman, in view of the related question that I will be tabling for Council's consideration...it will be here this afternoon and available for discussion first thing tomorrow morning. Would it be reasonable that possibly the question posed by Mr. Boyd and the question I will be proposing concerning the January assembly of the Council Members.. might be considered together? I merely offer this as a suggestion, Mr. Chairman.

All: Agreed.

BILL #11 Mr. Chairman: Gentlemen, just to get the House tidied up here, what is your pleasure in respect of Bill No. 11 at this time. I will read the new Bill...the Amended Bill. (Reads Bill #11).

Moved by Councillor Boyd, seconded by Councillor Shaw, that Bill No. 11, An Ordinance for Granting to the Commissioner certain sums of Money to Defray the Expenses of the Public Service of the Territory, be passed out of Committee as Amended.

MOTION  
CARRIED

MOTION CARRIED

Mr. Chairman: Gentlemen, I wonder if we might proceed to BILL #18 Bill No. 18, the Workmen's Compensation Ordinance.

Mr. Commissioner: Mr. Chairman, as I question my value in your deliberations in this Workmen's Compensation Ordinance, may I ask to be excused?

All: Agreed.

Mr. Commissioner: Mr. Chairman, if Council did require me, I would be immediately available.

Mr. Commissioner leaves the Council Chambers.

Mr. Chairman: Last evening we were discussing section 2 of Bill No. 18 and I believe you all have, this morning, been given the missing link in section 2 which I will proceed to read. We start with (s). (Reads section 2..... (s) to (x)). We have already dealt with (x). Have we anything further on section 2?

All: Clear.

Mr. Chairman: I will then proceed to section 3. (Reads section 3). Are you clear on section 3, gentlemen?

Mr. Shaw: Mr. Chairman, it states, "shall, in addition to any penalty to which he may be liable, pay to the Commissioner an amount", etc. It would appear to me and I would ask the Legal Advisor, Mr. Chairman...this would have to be taken to Court and the Magistrate would dispose of the matter. Is that correct?

Mr. Legal Advisor: No, it isn't essential to take him to Court in order to compel him to pay the amount to the Commissioner. It wouldn't necessarily be part of a Court Order. This is independent. He is still under an obligation to do so even if the Court doesn't order.

Mr. Shaw: This does mean that the penalty will be whatever the Court will prescribe or is that included as a penalty in some appendix?

Mr. Legal Advisor: There is a penalty provision, a general provision later on...around the end of the Ordinance. I think, off hand, it is section 58 but here and there you will find special penalties throughout the Ordinance.

All: Clear.

Mr. Chairman: (Reads section 4 to ".....apply to him in respect of such employment").

Mr. Shaw: Mr. Chairman, might I inquire as to why a person who works on a farm...it's a business like everything else and if he gets injured...crippled or something...why he would not be given the same treatment as somebody who worked in a mine or worked in a store. I am sure that a store isn't any more hazardous than working on a farm. Is there any particular reason for this?

a. BILL #18 Mr. Legal Advisor: I'm afraid I can't help with the philosophy of that. That was in before. Farming was not included as an industry, but there is one important change in the approach to insurability which you might note at this time. In the previous Ordinance, they had a schedule of this and at the end of the green book you will find a long list of industries. We don't have that any more. It applies to all industries except the ones that are left out. The Leg Committee did comment on that different approach. I furnished the Chairman with what I hope is a working concordance and breakdown of the Leg Report. I think it might be page 29 of the Leg Report that they are discussing the new approach but they don't deal, as I remember, they don't deal with farming and they don't offer any explanation as to why farming isn't in. Possibly the Clerk who does administer the Workmen's Compensation in the Yukon, may have some comments which might be more helpful.

Mr. Clerk: I can't add anything to what Mr. Hughes has said. It is something that we've inherited.

Mr. Shaw: It would appear to me that all people should be covered. I do not see why farm...I can't see any reason. I possibly haven't gone into it too far but I can't see any reason why farming should be any more exempt than any other industry. It is...to some extent it has its hazards and why a person that works for a farmer should be exempt or why a farmer should be exempt any more than any other person is something that I do not quite understand. We are creating legislation to protect people that are working and by virtue of the fact that a person works on a farm that puts him apart from somebody else and takes away privileges or rights whichever you call them...that doesn't seem to be too consistent with the...make a Law as consistent which I think it should be. We have excluded one group. Personally, I cannot see the reason for it, Mr. Chairman.

Mr. Legal Advisor: Could I pass a comment. The old Section 5.. "The Ordinance does not apply to persons whose employment is of a casual nature and who are employed otherwise than for the purposes of the employer's trade or business", for instance, a job in gardening might fall in that category. "Outworkers, persons employed in an industry of an itinerant nature and persons employed in the industry of farming or ranching". That was the provision in section 5. If I may suggest that the problems relating to the insurance of farm workers could be investigated and reported back rather than disturb the main fabric of the Bill at this time. If you are going to get this Bill through this Session, we could not promise to give you any useful advice regarding farm workers in the balance of this Session. So, we would report to Council on the question raised by Councillor Shaw and, if necessary, bring an Amendment before you in the spring on that point. In other words, get your opinions and views and then prepare legislation but it is the same as the old one on that point.

Mr. Thompson: How many farmers do we have in the Territory that this would affect?

Mr. Clerk: It might be helpful to Mr. Shaw to realize that this section merely removes farmers from the compulsion of having employees covered by workmen's compensation but they may be covered by election. The one farm that I can remember in the Territory that was exempt under the old Ordinance did request that they be covered under the Ordinance and this was arranged as allowed in subsection (2) of section 4. So, they are not exactly limiting.. they are just not compelled to be covered. They still have the privilege of electing coverage if they wish.



Mr. Shaw: To go on this further, Mr. Chairman, unless the Commissioner makes a Regulation...if you employ somebody in Whitehorse, for example, to cut your lawn or your lawn and he cuts himself, or he doesn't cut himself, or you get him to dig up a certain area, being on a temporary basis, then that person doesn't have to be covered if a Regulation were made to that effect, otherwise they would have to be covered. If you hire a man to dig up a little bit of garden, the legislation states that this person will have to be covered unless a Regulation is made. I wondered why that would not be...if there is a reason for it...Mr. Legal Advisor.. why the exemption wouldn't be in respect to a person employed in a temporary nature. BILL #18

Mr. Legal Advisor: Well, I suppose the choice..the decision.. was made a long time ago regarding the approach on itinerant and temporary workers and looking at Nova Scotia, for instance, I find similar provisions for the worker of this nature. I will make a note to the question. I am afraid I can't go beyond the answer I am offering now because I don't know the history of the legislation in the Yukon except for the last five years. We will do a study on this question and bring an answer before you before the next Session. I am sorry I can't enlarge on it at this time.

Mr. Shaw: Thank you, Mr. Chairman. I am quite satisfied with the answer. I wondered why and apparently there is a reason for it. It seems that in other Provinces this is worked out by Regulations. In other words, we do make it obligatory in one instance and then modify it in another section, namely section 6.

Mr. Chairman: Just before recess, I will finish the reading of this section. "and after he mails the written statement to the Commissioner.....in respect of such employment." Anything further on section 4?

All: Clear.

Mr. Chairman: Gentlemen, I will declare a short recess.



11:00 a.m., Tuesday  
November 29, 1966

Mr. Chairman: I will call this committee back to order and we were discussing Bill #18.

BILL #18

Mr. Shaw: Mr. Chairman, that would mean then that if a person had a truck and hired his truck to go to work for somebody for a certain job. Whoever he worked for would have to make provisions to have this workman covered for workmen's compensation. I would direct this question to the legal advisor.

Mr. Legal Advisor: Yes, my understanding is that it is designed to give some recourse to the work man so he is never left unprotected.

Mr. Boyd: Mr. Chairman, it depends on what arrangement was made with the man and the truck. For instance if he is drawing a salary this is one thing, I can see where he probably should be insured, but if he is doing a contract job where he simply says "I will haul this for you for \$75", he has set a figure and is not drawing a daily wage. Would this have a bearing on whether he is insured or not or who insures him?

Mr. Legal Advisor: No, for instance if one takes subsection (3) where a person enters into the arrangement for work for another person, the person performing or a person assisting with the actual work shall be deemed to be a workman of the principal unless the person, that is the contractor, who undertook to perform the work is himself insured. So, if your contractor hasn't taken out workmen's compensation insurance a workman employed by him will be looking to you. This intends to erode protection that a person engaging the contract had. There is . . . Possibly the committee would want to examine this at some detail and in the old ordinance so far as I can work out a cross reference we didn't have a direct equivalent to this. Possibly Mr. Clerk could give some useful comments at this stage. The Legge Report doesn't deal too generously with this aspect. I would like to make that any of the points that the Councillors raise and I might not be able to give them an immediate answer but by this afternoon I could study each question and maybe give a satisfactory answer.

Mr. Boyd: Mr. Chairman, I would like to know if the clerk could give me any further confirmation.

Mr. Clerk: No I haven't anything further to offer except this particular point wasn't covered in this particular manner in the old ordinance.

Mr. Shaw: Mr. Chairman, this particular section has somewhat far reaching effects. For example it appears to me that if I went to Joe Blow that had a truck and hauled gravel or anything else and I said "Mr. So and So, would you haul me a load of gravel". He may be an independent man and he comes and hauls me a load of gravel, two or three loads. During the course of this the truck upsets and he is wounded and it appears to me under this ordinance that I would be faced with various and sundry injunctions and everything else. I can quite understand it for a big firm but it doesn't say big or small. It says that if you hire somebody.....wish.....that to me sounds unreasonable. I think something could be spelled out in the Ordinance that could more clearly cover something like this.

Mr. Legal Advisor: Could I just have a moment to check something.

BILL #18

Mr. Thompson: Mr. Chairman, this is the way it has always been, the onus has always been on the employer, the contractor, and it is merely a matter of getting a release from the sub-contractor that he has workmen's compensation and then the contractor is off the hook.

Mr. Shaw: Mr. Chairman, at times I have hired people that had their own trucks and said you do the work for me and I don't think that I have been liable for that person in the past anymore than you hire someone to carry the groceries. It is up to the employer. I don't think this was ever covered in the past. Mr. Watt should know something about this as he is in the business.

Mr. Watt: In answer to Mr. Shaw's question I was of the opinion that I had to pay the compensation for anybody that worked for me and in the past when I did have anybody working for me I didn't carry compensation and I expected to have to pay for my own injuries. But, from the information received from the Legal Advisor it appears that I could have if I was driving my own truck and got injured gone to the person I was hauling for. From what it says here if I call up General Quick Delivery or whatever it is and have some furniture hauled up to the house and they charge me \$10, would I be responsible for them. This would make doing business almost impossible. This is carrying it to extremes to have to carry insurance in this case.

Mr. Legal Advisor: Could I ask that the committee proceed to something else. It is possible that there is a typing error in the copy before you and I want to recheck it because one speaks of shall be and in the other part it is shall not be. We have four drafts from Ottawa on this thing and I would like to be given time to find out which is the correct version.

Mr. Taylor: I have a question from the chair. I would like to direct it so the Legal Advisor in respect to subsection (3) where a workman is found dead at the place where he has a right to be in the place of his employment...what if he has a heart attack.

Mr. Legal Advisor: It is only a presumption that in the absence of evidence to indicate some other cause. For instance if a workman pulled out a pistol and shot him, this would be evidence rebutting this. But if he is found there and there is no evidence...there can never be a situation where an adequate explanation actual or legal is there.

Mr. Southam: This means then that the waiting period is changed from three days to one?

Mr. Legal Advisor: That is right, it follows the Alberta practice and it was dealt with in the Legge Report at some length on pages 51 to 57.

Mr. Shaw: I was wondering about one section here and I have noticed it before, it is in the old ordinance. "A workman who is injured or disabled as a result of an accident is not entitled to compensation if (a) the accident is attributable solely to the serious and wilful misconduct of the workman, and death or serious disability does not result from it;" In other words it does indicate that if this is serious and wilful on his part and he does get killed and then somebody else will have to pay for it. I was just wondering about the reasoning.

Mr. Legal Advisor: Well, I don't know.....it existed before. I can only feel that they are trying to protect the dependants of the workman. They would be the ones that would suffer the most if he killed himself through some foolishness or misconduct. I can only assume that it is part of a humane philosophy that underlies all of this legislation. BILL #18

Mr. Shaw: It is a pretty hard job to prove that it is wilful.

Mr. Clerk: Didn't Mr. Shaw's question state that if he killed himself that somebody else would have to pay. This section is exactly the opposite. If he seriously disables himself or kills himself he is covered by workmen's compensation.

Mr. Legal Advisor: I think Mr. Shaw recognizes that. He said if he kills himself as a result of serious misconduct that somebody else has to pay, the insurance or workmen's compensation would apply. If he only cuts off a couple of fingers then it would not apply. That is my understanding of it and that is how I believe that Councillor Shaw understood it.

Mr. Shaw: That is correct. We have something in law that says if you do such and such if it is not serious forget about it.

Mr. Boyd: It is no wonder that the Indians do not understand the white man's law. If I kill myself to make it serious then I am crazy.

Mr. Shaw: I just don't understand the reasoning is all.

Mr. Legal Advisor: Certiorari is a special writ to apply to a high court to compel a certain course of action. For instance I have authority to issue a licence to use my discretion and if you could establish that I haven't used my discretion to issue you a licence and refused you may get an order under writ of certiorari compelling me to issue an order in your favour.

Mr. Taylor: Just one question from the chair about the use of the word "things".

Mr. Legal Advisor: Things, this is part of the old section 10 and that particular thing is a direct take-off, well to be sure that you have included everything....you might use an exhibit of machinery...it needn't necessarily be a paper or document, it might be a jack or a crane hoist or something like that.

Mr. Shaw: Under this section 13 it says, subsection 13, it appears to me the same as old section 10 except that they are in different places. Are they the same thing?

Mr. Legal Advisor: In trying to do a comparison I couldn't find any substantial difference at all and most of it seems to be exactly where it was in the old section 10.

Mr. Chairman: I will continue.

Mr. Legal Advisor: Could I offer a comment there on section 15. That was under the old section 14 and was subsection 3. The Legge draft has it discussed on page 32, if you want to make a review. It isn't making a new draft.

Mr. Chairman: I will continue to section 16.

BILL #18

Mr. Legal Advisor: Could I just refer to section 57 in connection with 17 (2) and that provides for the notice of disposition of claims and right of review. I mention that now so that it will be noted in the Votes & Proceedings for anybody that is trying to connect those two and they will have this as a point of reference.

Mr. Chairman: Are you clear on 17 gentlemen. I will declare a recess until two o'clock this afternoon.

RECESS

Tuesday, November 29, 1966.  
2:00 p.m.

Councillors Watt and MacKinnon are not present.

Mr. Chairman: I will call Committee to order at this time. I think I will proceed until possibly the other Members are here before we go on to the other two points that were raised this morning. BILL #18

Mr. Legal Advisor: Right. I was only indicating that I hope to be able to deal with the questions raised sometime this afternoon.

Mr. Chairman: Gentlemen, Section 18. (Reads Section 18, subsections (1) to end of (4).)

Mr. Shaw: Might I ask a question of the Legal Advisor in relation to subsection (b) of section 18 (2)... "if the workman dies as a result of the accident, the day on which he dies,"... make a claim... does that mean that if a person dies that the claim has to be made that way or nothing can be done about it?

Mr. Legal Advisor: No. "Shall not later than four months after the day on which he dies". It could be four months after the day of the accident, or if it is an accident which kills him... the day on which he dies. For instance, the accident might happen today and he might linger in the hospital for nine months and then four months from the date of death... so that there would be ample opportunity to file notice of claim in the case of a death situation.

Mr. Chairman: (Reads subsections (5) and (6) of section 18.)

Mr. Shaw: Mr. Chairman, does this take care of when a person is given a certain amount of compensation that later on some other disability or some other thing occurs which puts him in a different category... does this mean that this can be reviewed? This was the one that was covered by the five year term previously.

Mr. Legal Advisor: That is dealt with in another part of the Ordinance, Mr. Councillor. This simply means that if an employer avails himself of the right to which he has become subrogated, he is now paying the workman compensation and he then decides to sue the other person. For instance, you are employing a driver. He's involved in an accident. He goes on workmen's compensation then you have his right against the driver of the other vehicle involved to sue the other driver to recover maybe \$10,000... in fact, the compensation is only worth \$2,000. You would handle the \$8,000.

Mr. Shaw: Thank you, Mr. Chairman. I appreciate hearing that. I was somewhat puzzled on that.

All: Clear.

Mr. Chairman reads sections 19 and 20.

BILL #18 Mr. Shaw: Mr. Chairman, that means that the persons...the dependents....are able to claim for this within twelve months of when it occurred. Do I have that correct, Mr. Chairman?

Mr. Legal Advisor: Could I have that question again. I just wanted to be quite sure that I caught something.

Mr. Shaw: The question was that subsection (c) of section 20...in the case of disability...that the workman or the dependents must file claims, on silicosis, within twelve months of when this was supposed to have happened.

Mr. Legal Advisor: Well, there are two tests. It's twelve months in the case of a workman filing the claim....it's within twelve months of him having discovered that he has silicosis, but if the claim is going to be put in by the dependent, the period is twelve months from the time of the death....so that they are not always the same period. It is conceivable that the dependent has more time in which to file a claim.

Mr. Shaw: This is substantially the same as the old Ordinance then, Mr. Chairman?

Mr. Legal Advisor: Section 16 (4) was the old Ordinance at this point I think and I don't want to read it in full except...I will read the....."No compensation is payable in respect of any claim unless notice of the claim is given to the employer or the Commissioner by the claimant within twelve months from the happening of the accident or where death results from such accident, by a dependant, within twelve months from the date of death; but the referee may notwithstanding subsection (2) of section 15, on proof of the accident and injury being filed with the employer or the Commissioner within three years of the date of its happening, award compensation where the workman gave notice of the accident to his employer as soon as practicable after its occurrence, and in the opinion of the Commissioner the claim is a just one and ought to be allowed." It's not quite the same but it's so broadly similar that you can't really see a significant difference.

Mr. Southam: Mr. Chairman, have you ever heard them admit that a man died from silicosis? It's pretty hard to prove. I have never heard of any one admitting it unless he was pensioned before so I can't see how they could possibly say... claim that he died of silicosis....twelve months after.

Mr. Legal Advisor: I didn't hear the first part of the question that the Councillor addressed to you, Mr. Chairman. He had his head turned away. Could I have that again.

Mr. Southam: What I said, Mr. Legal Advisor...have you ever heard of them admitting a man has died of silicosis unless it was proved before he was dead? I can't understand why that you could claim he died from silicosis twelve months after unless they held an autopsy at the time he died because to prove this they have to cut his lungs out and have a good look at them and mostly if he's got silicosis, there's no doubt about it. There's either no lung or else it's a solid mass of dust. However, it may be a good thing to have in there. It don't hurt anything.

Mr. Legal Advisor: I see the point, but I don't think it weakens the position of the defendants.



All: Clear.

BILL #18

Mr. Chairman reads Section 21.

Mr. Southam: All this means is that you have to file your form 6, I believe it is....might I ask a question of the Clerk. Does this form come in to you?

Mr. Clerk: No, it doesn't come to me, Mr. Chairman. When they say the Commissioner, they mean his authorized representative and that is the office in Edmonton...Post's Office.

Mr. Legal Advisor: Could I just deal with one point in 21 (2)...it has been made separate offences for repeated failures to give notice. We had an experience some time ago of an employer who failed to give notice and who has still failed to give the Administration information that is required concerning an accident. He's been prosecuted. He's been fined and when thought was given to a further prosecution, the Crown Attorney advised that he had been prosecuted once and there was no prospect of a successful prosecution so we have now amended the old form at this point to allow for continuing or repeated offences. That is a slight point of difference. It does not occur in the Northwest Territories' draft either. It is something we thought worthwhile providing.

All: Clear.

Mr. Chairman reads sections 22, 23 and 24.

Mr. Legal Advisor: Mr. Chairman....24 (1)(d)....there is a typing error there. It should obviously be "is erroneous" and not "in erroneous".

All: Clear.

Mr. Chairman reads sections 25, 26, 27 and 28.

Mr. MacKinnon enters the Council Chambers.

Mr. Shaw: Just one question, Mr. Chairman. The referee is determining what retraining should be taken by the workman. What say does the workman have in what kind of retraining he requires?

Mr. Legal Advisor: Well, the workman, of course, would have the opportunity of indicating what he wanted to go in for, but if it came down to the question of whether he was going to be retrained or whether he was going to throw himself away on the industrial rubbish heap, the referee would be in a position to put pressure on him. He couldn't just decide to stay at home and draw compensation. The object of workman's compensation legislation is to protect the person who is injured and get them back to a useful life so if it comes right down to the wire, there has to be a degree of control which would not be used arbitrarily. I doubt whether any example could be brought before this Committee of arbitrary compulsion occurring in the case of any Yukon workman, but I believe there have been cases of retraining. Perhaps Mr. Clerk could tell you about that.

BILL #18

Mr. Clerk: Yes, Mr. Chairman, the section is the same in the old Ordinance. It's section 22. We have a case right now. One of our own employees who requires retraining... the referee hasn't forced him into anything yet. We are waiting for him to elect the type of retraining he would like to receive and the Territorial Government has gone on record as being quite willing to pay his expenses up to the \$5,000 specified in this Ordinance. So, in this case, the referee has proven that they don't dictate to the employee exactly what type of retraining he wants, but you could well imagine cases where an employee might want a type of retraining that he wasn't remotely qualified for and could never hope to accomplish anything in and then the referee would have the power to make the decision.

Mr. Shaw: Thank you, Mr. Chairman. I'll accept the fact. It seems to have worked very well in the past. We hope it continues.

Mr. Southam: Mr. Chairman, I know a little bit about this retraining business too. In Ontario, before you take retraining, you are generally up in front of a bunch of doctors...four or five...and the referee of the Board and also in front of a Councillor and you go through a series of them until they come up with something that you might be fit for. Now, it may be something that you don't want to do at all or you think you couldn't do but I have known, in the past, of several men who have been retrained and it always seems to have turned out all right. So, I think it's a very good thing.

Mr. Chairman reads section 29.

Mr. Legal Advisor: Mr. Chairman, could I just comment on one point. You will recollect that this morning Councillor Shaw raised the question of the five year limit on review. This section 29 corresponds to the old section 23 and it was in section 23 subsection (1) that we used to have the five year review limitation which said that "Any payment to a workman may be reviewed at the request of the workman, employer or insurer within five years from the date of the accident, and on the review the referee may put an end to or diminish the payment or may increase it to a sum not beyond the maximum hereinafter prescribed; the referee shall forthwith notify the Commissioner and the Commissioner shall forthwith notify the employer of any such appeal." In 29 (1) and (2), as it now lies before you, you have what was the old subsection (1) but the five year limitation has now been swept aside. That is in accordance with the views of Council expressed on an earlier occasion. Those views were noted by the Leg Commission and they accepted the principle of doing away with the five years.

All: Clear.

Mr. Chairman reads section 30.

Mr. Legal Advisor: For those Members who are doing a cross reference, the roughly comparable provisions...in the case of 13 subsection (1)...that used to be 23 (5). 13 subsection (2) used to be 23 (2) and section 13 subsection (3) used to be 23 (4). Those are the best I can do to provide a cross reference. They are not quite the same but I think you will find that they are close enough. The Clerk reminds me that the amount of disability is now 10%. It used to be 5%.

Mr. Chairman reads section 31.

BILL #18

All: Clear.

Mr. Chairman: I will now call a recess for tea.

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3:30 p.m., Tuesday  
November 29, 1966

Mr. Chairman: I will call this committee back to order and we were discussing Bill #18, section 18. I have excused Mr. MacKinnon.

Mr. Legal Advisor: Under 32 (1) (a) has been increased from \$250 to \$300. There has been a certain amount of rearranging of these sections in this area. I don't think that any significant change has occurred in the provisions. Possibly the clerk may have some point in mind. It corresponds to the old section 25.

Mr. Clerk: There are two other changes in that section in 32 (1) where it states where the accident occurs on or after the coming into force of this ordinance. You will see that in (f) and (g) where the payments go up to \$45 where they only went up to \$35 before.

Mr. Shaw: I am presuming that these dates correspond with the dates?

Mr. Legal Advsiior: These are undisturbed.

Mr. Chairman: Before it slips my mind gentlemen, I was to draw your attention to section 8. Mr. Legal Advisor had something he wanted to say.

Mr. Legal Advisor: The point that has to be borne in mind in section 8 is the use of the expression in 8 (2) "Where a person enters into an arrangement for the supplying of equipment". Now this is the significant part. To an employer who enters is subject to this ordinance. If an employer is subject to this ordinance that you are for instance the employer of casual labour and he is not part of your business then you would not be an employer within the meaning of that section. That is the take out and the same applies in section 8 (3). It again uses the expression, "Where, in any case not coming within subsection (2), a person enters into an arrangement for the performance of work for another person, and, notwithstanding that...I lost myself. May I have a little further time on 3. I had the line a few hours ago but we have covered so much since then that I have lost it. However, my point on the first part is that you are dealing with an employer who is subject to the ordinance and so the cases you were discusssin would be casual labour situations. I would like to regroup my thought on three but I would like to deal with the other matter. There is the question of farmers. I put a call through to Ottawa to see if I could find out why farmers were excluded and the position seems to be that traditionally that farm workers have been a very difficult group to put together for insurance purposes. Their hours are uncertain and if they are living on the farm they may or may not be working at the particular time and may be off duty and an accident happens and the insurance companies or the government have never been able to practice the thing properly. Ontario this year is trying to work out the problem of farmers and is providing coverage. For the other jurisdictions it is largely a case of wait and see if it works out. Let Ontario find out what the problems are. In the N.W.T. they have no farmers and they have substituted the word trappers as they are dealing with a vague form of employment. That is the background for the exclusion of this but it would be possible with out legislation for farmers to be included on an application basis. I would like to discuss that sometime with the clerk. I thought you would be interested in the history of the exclusion and may I again spend some time on 8 (3). I will put them on paper and not lose them.

Mr. Shaw: While we are on the subject of section 4. Would a person, a domestic under steady employment be required to be covered by insurance or not under the ordinance.

Mr. Legal Advisor: Section 9 (1) would deal with that question. It corresponds to section 8.

Mr. Shaw: Mr. Chairman, it is not quite clear....9 (1) (e), (f), (g), (h), and so on....now if a clerk in a store has to be covered by workmen's compensation insurance why doesn't the employer of a financial brokerage insurance house require to cover. I don't see where they start and where they finish. I understood that everyone was covered except farmers. Why we should exclude employees of professional people is beyond me..they should be covered the same as a clerk and they are entitled to compensation. I don't think that an insurance agent or a medical man or a lawyer are any less unscrupulous than others. I wonder if the Legal Advisor could study this up and give us some advice.

Mr. Legal Advisor: If I am given time.

Mr. Chairman: I will continue.

Mr. Taylor: I have a question I would like to direct to Mr. Legal Advisor. Would all the members of the Territorial fire departments be included under this section?

Mr. Legal Advsiotr: Well this section really deals on a basis of calculation and not eligibility. It is a calculation reference method with which these figures are to be ascertained. It doesn't say that a volunteer fireman is covered by this...it says if he is injured then the obvious question would be....I will have to clarify that as it might vary from one situation to another.

Mr. Boyd: Do we not pay the so-called volunteer firemen a dollar or two to make ourselves legal.

Mr. Taylor: Some money is paid to a volunteer fireman when he goes to a fire practice or attends a fire and apparently there is a compensation involvement here. I am wondering what section he would be covered under.

Mr. Legal Advisor: It is a question of where he is employed.

Mr. Taylor: He would be employed by the Territorial Government.

Mr. Shaw: I believe that the municipalities do carry workmen's compensation for their firemen and I am not sure but I do believe they do carry a policy covering the volunteers. Whether the Territory covers theirs or not I don't know.

Mr. Chairman: I will call a short recess.

RECESS

Mr. Chairman: I will call the committee back to order.

Mr. Legal Advisor: I am not satisfied that on section 44 we should take all the drafting for granted. It corresponds to the old section 37 and I am not sure what is achieved by the redrafting at the moment. I the old 37 it says in case of a workman receiving injury arising out of and in the course of employment while doing rescue work after an explosion, or in

Mr. Legal Advisor continues..... BILL #18  
any other industry." If you look at what you have had before you you would say where is this covered as it occurs while he is doing rescue for the purpose of saving human life. If you notice they have taken out the word during. You might have to show that life was in danger if you were taking people away to the hospital. If they didn't have the provision of 100% it would be calculated on 75%. I think the old section 37 stated it more clearly but this is being settled by those better qualified than I and I can only advise that it stand. Possibly there might be a slight amendment brought to you in the Spring. I don't like it at the present moment but I might grow to like it.

Mr. Chairman: Next is section 45.

Mr. Legal Advisor: You realize Mr. Chairman that you are looking at \$5,600. It is on page 73 where it shows the maximum across Canada, British Columbia - \$6,600, Manitoba - \$6,000, Alberta - \$5,600. The N.W.T. was \$3,500 and the Yukon was \$4,000 and now it is \$5,600.

Mr. Shaw: I don't know too much about this silicosis a bone of contention. Could Councillor Southam answer.

Mr. Southam: I think this is pretty well in line with what the people expected. I think it is changed from the other report and I don't see anything against this myself. I think it was in the Legge Report where the compensation was payable in the different provinces and in the Territory you were only paid for the time you worked in the Territory and here it doesn't say that. I think it is good.

Mr. Legal Advisor: This is dealt with on page 101 of the Legge Report.

Mr. Boyd: I would like to ask one question. Is this subject you are talking about in this particular area the same as it is in Alberta or have we taken it upon ourselves to do something different?

Mr. Legal Advisor: I do know that this provision was the result of changes made by the N.W.T. Council but it does not follow the report in Alberta---I don't know what the decision is in Alberta.

Mr. Southam: Mr. Chairman, it says here in the Legge Report page 34 of the draft ordinance that where you can be shown that the workman was exposed to dust containing silica elsewhere in the Territory the amount of compensation payable shall be reduced with the proportion worked elsewhere and so exposed.....this is what the unions were kicking about but this has been taken out of here. It is fine with me.

Mr. Boyd: I take it then that a man could considerably be at work with silicosis and at the time he was hired on and we here in the Territory on the man employing him would be responsible for the whole insurance indemnities. Where he contracted the disease would be scot-free?

Mr. Legal Advisor: No, isn't so. Before they are engaged to work in the Territory the employer has the opportunity of conducting a very thorough medical examination and that is where the employer has the opportunity of protecting himself.

BILL #18

Mr. Boyd: May I ask in comparison.....let's say I employed a man on my planer or sawmill and some such place where there is nothing but dust. Is it necessary before this man is hired that he go through a rigid examination, is this a part of the requirements or is he hired will-nilly and then we find that he had silicosis and we didn't know it. You get your lungs full of dust or whatever have you...it is dust and it has happened. I know of one man in this town whose lungs have been blown out twice to get rid of the dust from the sawdust then he is still alive.

Mr. Southam: The men that we hire, if they come from Vancouver or Edmonton they go through a clinic and have an X-ray and so on and if they are a local hire and they come up to the mine they also have an X-ray and a medical there. These are all sent to Dr. Brennan who is the chief silicotic doctor for the Yukon and Ontario and he reads these X-ray plates. But there is one thing that has happened on one or two occasions and it happens yet. If a man knows he has dust he can and has gotten somebody to take his examination. In Vancouver X-rays we now get the picture along with it but in Edmonton they haven't done that. This is the reason that this came into being. A few years ago there was a man who put in a claim for silicosis and he made it stick. He worked at United Keno for something less than two years and he had worked outside but he made it stick and United Keno had to pay.

Mr. Boyd: A complete settlement or just for the two years.

Mr. Southam: I understand it was a complete settlement.

Mr. Legal Advisor: Someone asked about Alberta and that is governed by section 53 of their act but it does say nothing in this act that that entitles a workman or his dependents for compensation or burial expenses or disability unless in the opinion of the board that the workman has been exposed while working in Alberta to dust for a period of at least 450 workshifts preceding his disablement. That is a government and not a direct insurance set-up there. That is discussed at the beginning of the Legge Report. It comes out of a government pool.

Mr. Chairman: Gentlemen there may be something else you may wish to raise in relation to silicosis and you may do this tomorrow.

Mr. Boyd: I move that Mr. Speaker do now resume the chair and hear the report of the chairman of committees.

Mr. Southam: I will second that.

Mr. Chairman: It has been moved by Councillor Boyd and seconded by Councillor Southam that Mr. Speaker do now resume the chair and hear the report of the chairman of committees. Are you ready for the question? Agreed with the motion? Any contrary? The motion is carried.

Mr. Speaker: I will call this Council to order and hear the report of the chairman of committees.

Mr. Chairman: Mr. Speaker, committee convened at 10:30 a.m. to discuss bills, memorandas, sessional papers, and motions. The committee first dealt with Bill #11. It was moved by Councillor Boyd and seconded by Councillor Shaw that Bill #11



Mr. Chairman continues.....  
be reported out of committee as amended. The motion was carried. Committee next dealt with Bill #18. Committee recessed at twelve noon and reconvened at two o'clock. The member from Whitehorse West was absent from committee this afternoon and the member from Carmacks-Kluane was excused from committee on request at 3:30 p.m. I can report progress on Bill #18. It was moved by Councillor Boyd and seconded by Councillor Southam that Mr. Speaker do now resume the chair and hear the report of the chairman of committees. The motion carried.

Mr. Speaker: Thank you Mr. Chairman, are there any corrections? Are you agreed? Agreed. Gentlemen we now have the agenda for tomorrow. Is it agreed that we carry on with bills, memorandas, motions, and sessional papers.

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

Mr. Boyd: I second it.

Mr. Speaker: It has been moved by Councillor Thompson and seconded by Councillor Boyd that we do now call it five o'clock. Are you ready for the question? Are you agreed? The motion is carried and this Council stands adjourned until tomorrow morning at ten o'clock.

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10:00 a.m., Wednesday  
November 30, 1966

Mr. Speaker said the daily prayer and Council was called to order. Councillor Watt was absent.

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

Mr. Clerk: There is Mr. Speaker.

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

CORRESPONDENCE

Mr. Clerk: Yes Mr. Speaker, we have Sessional Paper #46, #58 and #59.

SESSIONAL  
PAPERS 46, 58

Mr. Speaker: Thank you Mr. Clerk. Do we have any reports of committee? We have no introduction of bills. Have we any notices of motion and resolution?

NOTICES OF  
MOTION

Mr. MacKinnon: Mr. Speaker I beg leave to give notice of motion re a Feasibility Study.

MOTION #26

Mr. Speaker: Thank you Mr. MacKinnon. Any further notices of motion?

Mr. Taylor: Mr. Speaker, I beg leave to give notice of motion on fiscal agreements.

MOTION #27

Mr. Southam: Mr. Speaker. I beg leave to give notice of motion re compensation costs.

MOTION #28

Mr. Taylor: I would like to give notice of motion respecting autonomy.

MOTION #29

Mr. Speaker: We will now proceed to motions and the first is Motion #23. Mr. Taylor.

Mr. Taylor: Motion #23, moved by myself and seconded by Mr. Shaw. Re: Bill of Rights. "WHEREAS - the Yukon Legislative Council is concerned and agreed that the basic right of all citizens should be equal before the law.....and.....WHEREAS Section 94 of the Indian Act appears to offend the right of Yukon native citizens to equality before the law as outlined in the Canadian Bill of Rights Act. THEREFORE be it resolved that the Minister of Indian Affairs and Northern Development confer with his colleague the Minister of Justice, in an effort to remove Section 94 and any other section of the Indian Act which would similarly prejudice the basic right of the Native citizens of the Yukon before the law." May I proceed? For sometime now the question of the Indian Act has been kicked around, mostly in relation to the fact that in view of modern concepts and freedoms that the Indian Act is a most discriminating piece of law on Canadian lawbooks. The matter of Section 94 of the Indian Act has from time to time caused concern in the Territory. When we look at the Canadian Bill of Rights, Section 1 (1) it states as follows: "It is hereby recognized and declared that in Canada there have been existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely, (a) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law; (b) the right of the individual to equality before the law and the protection of the law;". This is the basis of the interpretation of the British North America Act and was written into the Bill of Rights. Now, Chapter 94 of the Indian Act states as follows: "An Indian who (a) has intoxicants in his possession, (b) is intoxicated, or (c) makes or manufactures intoxicants off a reserve, is guilty of an offence and is liable on summary conviction to a fine of not less than ten dollars and not

MOTION #23

MOTION #23

Mr. Taylor continues.....  
 more than fifty dollars or to imprisonment for a term not exceeding three months or to both fine and imprisonment." Mr. Speaker, what occurs here is that we, of course, have no reserves in the Yukon Territory so categorically speaking all Indians are considered to be off the reserve no matter what they do. To my knowledge there has never been a treaty signed with a Yukon native. I would say that our natives here in the Yukon are the most forgotten of any natives in Canada in this respect. We at this table have within our constituencies many native people as citizens. It is extremely unfortunate that the federal government has not seen fit to give us this power to legislate in respect to these people. The Indian Act proclaims that these people are in effect separate citizens from the normal and this gives rise to the discrimination factor in the Indian Act. We have on the lawbooks the statutes which makes these people....which offends their right before the law and this is something that should be changed. We are powerless as a Council to change this on behalf of these people. However, it is not only our duty I feel or the duty of any citizen anywhere in Canada but fortunately as a legislative body it is our right on behalf of the Yukon to point out this inequality and direct our Minister to take some remedial action in this regard. I will also say that it has been pointed out that the minimum penalty established under the Indian Act who are wrongfully charged I feel, is ten dollars as you have possibly noted from my former remark. This is a more severe penalty than that contained in the Territorial ordinance where there is no minimum penalty whatsoever. This is effecting not only a hardship on the native people but I think it goes right down the line, it effects a hardship judicially on the judges and the people involved. This is something that has come up everyday and has come up everyday for sometime. I think that all are agreed that it should be removed and this, Mr. Speaker, is why I raise it at the table today and I hope that we, as a Yukon Legislative Council, will give wholehearted support to this motion and remove the stigma of our Canadian law.

Mr. Speaker: Any further discussion.

Mr. Boyd: Mr. Speaker, I don't think that the motion goes nearly far enough. We can have a native, an Indian, who has taken the white man's status and he is not classed as being off the reserve but he has not changed his skin nor his originality, his origin....he is an Indian, but he is home-free and another thing that gets me is that we have right in our midst a near Indian but because there is one little colour stain of white man's blood he is not an Indian. We handle those people and look after them well as far as the Territory is concerned and the Indian Department don't stick their nose in there and thank goodness they don't. I don't see why they have to have a separate law for these at all. They were here first and they should be making the laws for us when you get down to it. It is only because of the white man's greediness that they are where they are. I think that the Indian Act should be abolished and turn it over to the provinces and to the Territory because if we can handle something that is almost Indian and do handle it then surely we can handle something that is all Indian. I am all for this motion and I wish it had gone a lot further.

Mr. Thompson: Mr. Speaker I would concur with the motion but this is not my immediate concern. My concern is I am hopeful that the member has consulted our Legal Advisor and is aware

Mr. Thompson continues.....  
of any implications for any decided changes that this motion might infer. I am wondering if I could Mr. Speaker, I would like to direct a question to the Legal Advisor and in words of 3,000 or less if he could tell me exactly what would be the implications of the removal of section 94 and as it stated in the motion any other section that would prejudice the rights of the people we are referring to.

MOTION #23

Mr. Legal Advisor: Well other than the effect adumbrated by the Councillor from Watson Lake I am not sure of the consequences flowing from the change. The question perhaps seems form part of a broader canvas. I will undertake to ascertain what it is believed the implications might be and forward such material as I have on it to the Councillors between sessions or at the next session. The study of the full implications would take up a great deal of time and I would have to have a number of discussions with people who are much more conversant with the Indian Act than I am. I am sorry that I can't indicate the width of the perspective involved.

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

Mr. Thompson: No, Mr. Speaker but that is par for the course and I don't expect too many answers. I should qualify that Mr. Speaker. I don't think that it is the Legal Advisor's fault that I didn't get an answer to my question. I think something of this magnitude should have conceivably been<sup>th</sup> indicated or given to the members prior to this. I am like Mr. Boyd, I am totally in accord but I would like to know the ramifications of the outcome. We can hope and naturally we do for the best but I am a little concerned. The "Whereas" is tremendous, the "Therefore" leave a little doubt in my mind. This is my only.....I would.....and I think the mover of the motion in his sincerity is quite right. I am just wondering in my own mind, what the final outcome would be of something of this magnitude.

Mr. Speaker: Have we any further discussion?

Mr. MacKinnon: I am of the same concern as Mr. Thompson and I believe....I had prepared a question to ask but I don't think I need to ask it, it is pretty well the same point. I would be frightened that it might interfere with the benefits now received. It is bad in one way but by taking out section 94 it could possibly do harm so I would hate to see this passed and I think it should be withdrawn.

Mr. Boyd: Question on the motion.

Mr. Speaker: Any further discussion on Motion #23?

Mr. Taylor: Mr. Speaker, just in answer I hope to allay any fears that the honorable members have in respect of this. I have taken this matter up with most all agencies involved with the exception of the federal agency in Ottawa and I know of no department or agency which is opposed to this particular move. The matter arose as a matter of communication from the Department of Justice, all members have a copy, of a court decision and it was forwarded to all members of Council on the 12th of October, 1966. That is from whence this particular motion and the work towards it's culmination was instituted. Since then I have talked to the individuals

MOTION #23

Mr. Taylor continues.....  
involved in this in respect to this and have talked to Indian Affairs and other people. I understand in addition to this also that all the Indian Chiefs throughout the Yukon had a meeting..their last meeting and they all felt the same thing, that it should be removed. Apparently what it is going to take to remove it is some pretty high pressure, high level recommendations and Council being the highest level of recommendation in the Territory this is what we are aiming at.

Mr. Speaker: Are you ready for the question?

Mr. MacKinnon: I have a question, I would like to ask the Legal Advisor to assure me that there is no danger in removing this section of the Act.

Mr. Speaker: I am afraid that question would be out of order because that would be a matter of the Legal Advisor giving a decision on the Act of matters of policy...to assure you of anything like that.

Mr. Watt entered the Council Chamber at this time.

Mr. MacKinnon: What is he here for then?

Mr. Speaker: He is here to advise. Mr. MacKinnon it is impossible for any man to assure something like that. As he has already stated it is very complicated and he would have to study this matter for quite some time before he could give a decision and therefore I feel that he has already answered that question.

Mr. MacKinnon: Do you mind if we hear from the Legal Advisor?

Mr. Speaker: The question is out of order Mr. MacKinnon. Are you ready for the question? Are you agreed with the motion? Any contrary? Mr. MacKinnon contrary. The motion is carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: The next item is motion #24.

MOTION #24

Mr. Taylor: Motion #24. Moved by myself and seconded by Mr. Southam. Re: Yukon Mace. "That the Administration endeavor to determine the costs of production of the Mace design submitted by Mr. J. Ballentine and provide Council with such estimates and details at the Spring Session 1967." May I proceed? Mr. Speaker I think this is what has been dubbed a "sleeper". Sometime ago as most members are aware going back to the Council even prior to this one there was a request made for a mace design made with the thought in mind that all other legislatures in Canada do have a symbol and the Yukon Territory it was felt should have a mace. The N.W.T. even has a mace and I might say that it is a very beautiful piece of work, I have had the opportunity of seeing it. It was made in the Territory by Eskimo, Indians, and so forth. There were little bits and pieces gathered from all over the N.W.T. to make this mace. I think if I remember correctly that the Department of Indian Affairs undertook to spearhead the thing and carry it along. The mace design that we have all viewed, which I now display, may not be the fully accepted design but I think in basics that it is good. The only part that I find wrong with it it the difficulty and unnecessary of having the whales or the Alaskan coastal type Indian sketches or carving. I think

Mr. Taylor continues.....

that this could be replaced with something more Yukon. But, in basic design I think that it looks good and I think that Indian Affairs could well look at this thing and give us some sort of estimate of it's cost and if at the Spring session we see that this is worthwhile and we can afford to have this made in the Yukon Territory by the people of the Territory and then I feel that we may in our wisdom decide to have it constructed. So what this motion asks for is the production cost of this thing be determined and this information given at the Spring session. MOTION #24

Mr. Speaker: Any further discussions on the Motion #24.

Mr. Boyd: Mr. Speaker I don't think the one submission is sufficient. I would like to see at least four or five and Council use it's discretion as to which one it should choose. Then talk about the cost of the mace. We want to find out the cost on this and we don't even know if it is acceptable to Council. If it is not acceptable then we have to start all over again on something we approve. I would much rather take that motion and that it would be that we attempt once more to get a better coverage on this for Council's consideration. I think we are just wasting money getting costs on that at the moment.

Mr. Speaker: Have we any further discussion?

Mr. Thompson: Mr. Speaker I concur with Mr. Boyd to a point. I feel that it would be very desirable to have a larger representation but by the same token we have held the contest and we had one submission. I feel that this was the outcome. All we are asking for is to determine costs and regardless of the design, I don't think that this is going to make too great a difference and so therefore I am quite in accord with the motion.

Mr. Speaker: Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: We now have Motion #25, Mr. MacKinnon.

Mr. MacKinnon: Motion #25. Moved by myself and seconded by Mr. Watt. Re: Fire Protection. "It is respectfully requested that the Administration investigate the necessity of establishing a fire protection service for Burwash Landing." May I proceed? Mr. Speaker, I doubt that any of you are aware that we have nothing in the line of fire protection at Burwash Landing and I have got a request from there asking that we consider some type of fire protection in that area. It has got to be quite a little place now with the airport being established there and more houses having been built by individuals. So, it is asking the administration to investigate the necessity. So, I hope everybody sees fit to give their approval. MOTION #25

Mr. Speaker: Any further discussion on Motion #25? Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: At this time gentlemen we will call a short recess.

QUESTIONS

Mr. Speaker: I will call the Council back to order. We have completed the motions. Order please. Have we any questions this morning?

Mr. Taylor: Mr. Speaker, I have a question I would ask, I have waited for days and days and days for two sessional papers on two particular subjects maybe. It seems that they are going from office to office and being edited down and I am wondering when the administration will have the revised, approved edition for these two sessional papers, one respecting the Lynn Building which is long overdue and the one respecting courtroom rentals in the courtrooms in the outlying districts.

Mr. Commissioner: Mr. Speaker Mr. Clerk inquired of me this morning concerning a paper on the Lynn Building and it was my understanding gentlemen, and I stand to be corrected on this if I am wrong, that it was that Council had seen fit to give me an opportunity to compile more information for them but not necessarily in the form of a paper. I have not prepared a further paper on the Lynn Building but I have looked up further information to assist Councillors to assist me to help on this. If the Councillor's wish a paper on this I will certainly have one prepared but I was not under the impression that it was more than answers to assist them to assist me in this matter. Now, secondly on the matter of the J.P court rentals. Now, this paper is on my desk for signature now and will be forthcoming immediately and I think this will explain why this answer has been held up Mr. Speaker. The monies to deal with this were literally speaking in no-one's particular spear of things. In other words, they were neither in the federal hands nor were they in the Territorial hands until Council had made their decision as to what they wished done with the vote in the supplementary estimates. Immediately that Council had indicated their wishes in regard to that vote I asked that the department that had been involved with the Department of Justice, I asked the people to forward these accounts for prompt as possible payment. This is basically what this paper has to say and this is why this answer has been held up and I just wish Council to know that there is no attempt in shuffling things from office to office to avoid it coming to Council. This is the last thing I will tolerate and if there is any evidence of it or if anybody knows of any evidence of it, if they will bring it to my attention I will see that it is promptly dealt with. It was not possible to give a proper answer to the question until Council had indicated as to what they were going to do.

Mr. Speaker: I would like to ask a question at this time. Mr. Taylor, this matter of the Lynn Building was this a question?

Mr. Taylor: Mr. Speaker, no, it was my understanding that it was raised in committee and that Mr. Commissioner was going to have a paper prepared. I had heard some rumbles of a paper from both around the chambers and throughout the administration and I can't put my finger on it. I would have another question in relation to this.

Mr. Speaker: I would bring to your attention gentlemen that when a written reply is requested it is necessary to put this in the form of a starred question and then we have the answer accordingly. Did you have any further questions?

Mr. Taylor: I have a question with respect to the government's or administration's decision to lease space in this proposed Lynn Building. Has that agreement been signed?



Mr. Commissioner: Mr. Speaker I wish to assure Council that no agreement has been signed and I am hopeful that Council will be kind enough to take time along with me before they prorogue at this session so that we can discuss this matter of providing space for the Territorial administration. I would like to air this matter fully so that Council can assist me to lay out some kind of a program that will give us the required space and the kind that we could fit in and also have matters that effect this immediate Council in as much as speace for the Council meetings is needed. I am certainly hopeful that Council will see fit to give this ample opportunity to have this fully aired and give me the help and guidance that I need at this time to see that this is taken care of. Anytime that it is convenient to Council I am prepared to be available.

Mr. Taylor: Mr. Speaker, I would direct a question to yourself. I am wondering following public bills this morning if you would determine of Council as to whether they would discuss this following orders of the day.

Mr. Speaker: Any further questions? If not we will proceed to public bills. We have one Bill to deal with, Bill #11. What is your pleasure in this regard?

BILL #11

Mr. Taylor: I would move that first reading be given to Bill #11, the amendment, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory.

FIRST  
READING

Mr. Thompson: I will second that.

Mr. Speaker: Moved by Councillor Taylor and seconded by Councillor Thompson that the amendment to Bill #11 be given first reading. Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried.

SECOND  
READING

Mr. Taylor: I would move that second reading be given to the amendment to Bill #11.

Mr. MacKinnon: I second it.

Mr. Speaker: It has been moved by Councillor Taylor and seconded by Councillor MacKinnon that second reading be given to the amendment to Bill #11. Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried.

Mr. Taylor: I would move that third reading be given to the amendment to Bill #11.

THIRD  
READING

Mr. Watt: I second it.

Mr. Speaker: It has been moved that the third reading be given to Bill #11. Moved by Councillor Taylor and seconded by Councillor Watt. Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried.

BILL #11

Mr. Taylor: Mr. Speaker I would move that the title to Bill #11 be adopted as written.

Mr. Watt: I second it.

Mr. Speaker: It has been moved by Councillor Taylor and seconded by Councillor Watt that the title to Bill #11 be adopted as written. Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried and Bill #11 has passed this House.

PASSED

Mr. Speaker: Now gentlemen that completes the order of the day and the daily routine and the agenda which we have is for bills, sessional papers, motions and memoranda. It has also been requested that we discuss the matter of rental of buildings for the government. Would you make that motion accordingly?

Mr. Taylor: This is a subject of a sessional paper and could be included in that paper if the Council will agree to discuss this item first.

Mr. Speaker: Is that agreed? Agreed.

Mr. Boyd: I would move that Mr. Speaker do now leave the chair and the Council convene into committee of a whole for the discussion of bills, memoranda, and sessional papers.

Mr. Southam: I second it.

Mr. Speaker: It has been moved by Councillor Boyd and seconded by Councillor Southam that the Speaker do now leave the chair and Council resolve into committee of a whole for the discussion of bills, memoranda and sessional papers. Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried and Mr. Taylor will take the chair.

Mr. Taylor: I will declare a short recess.

RECESS

Wednesday, November 30, 1966.  
11:00 a.m.

Mr. Chairman: I will now call Committee back to order. We are dealing with Sessional Paper No. 30 with respect to Office Accommodation for the Yukon Territorial Government and more particularly the leasing of the Lynn building. Proceed.

SESSIONAL  
PAPER #30

Mr. Commissioner: Mr. Chairman, could I just open the discussions on this situation. The subject of space requirements for the Administration and the course of action that has been laid on to take care of this, I think, is reasonably outlined to you in the Sessional Paper. It is not always too apparent as to why these things are done and why other things are not done but what I want to get clear to Council, and this is why I have asked Mr. Fingland and Mr. Fleming to come here, is that (a) there is a very urgent necessity of providing space other than what we presently occupy for the Territorial Administration and the Territorial Council and, secondly, to outline to you the position that these men found themselves in and why and the course of action that has been taken to take care of these particular problems. The urgency of dealing with this matter is already very old. In other words, action should have been taken on this a couple of years ago and the panic that has resulted would not have actually arisen. However, I think that Council's main concern or their main thought is that whatever is going to transpire now is not going to have any long range detrimental effects in securing proper Legislative and Administrative headquarters for the capitol of the Territory. Another question that I think is uppermost in Councillors' minds is the proliferation of Government offices away from a centralized area and I think either Mr. Fingland or Mr. Fleming can explain to Council that proliferation is here now. This is a move to try and remove some of this proliferation. Perhaps, Mr. Chairman, you may wish to ask Mr. Fleming or Mr. Fingland to expound on the points that I have raised here and possibly answer any further questions that Council may have. I wish to make it very clear, Mr. Chairman, that I am most anxious to secure Council's help at this time to find an answer to this particular pressing problem that is facing us...not only the short range problem but the long range problem.

Mr. Southam takes the Chair.

Mr. Taylor: Mr. Chairman, just to kick this thing off. I think it has always been agreed by Legislatures around the world that effective control of finances is always controlled by the people in one form or another. Here in the Yukon Territory, we are not as autonomous as other areas of the world or of Canada...the Dominion of Canada more in particular, but we have always been given the right to approve where the taxpayers' dollars are spent. This has been through the Budget. We cannot initiate an expenditure but we can disapprove of one or we can recommend that one be made. We certainly can stop expenditures in the Budget so it has always been the practice of Administration to bring before Council, as a matter of advice, a certain proposal. Some time ago...and I say this more for the edification of our witnesses this morning to bring them up to date as to what we are really speaking of here...some time ago the Hospital or Department of National Health or the Territory...I don't know who it is...there is such an involvement of Departments...across the River at the Hospital, the Administrator of the Medical Health Program in the Territory saw fit during one winter to build himself a garage at a very...at a cost of I believe it was \$20,000 without first asking the permission of the Legislative Council. When the matter arose and we found out about it, somebody just happened to ask the question "Well, has this been built yet?". Yes, it had been built in which case Council, very rightly so, asserted its right on behalf of the people by refusing to approve the funds for this particular expenditure. The funds, I believe, were provided by the Federal

SESSIONAL  
PAPER #30

Mr. Taylor continues:

Government. Now, we come to a situation here where we have this Lynn building proposal, involving the scattering of the Territorial Administration and their office space, and it seems very odd to me first of all that the Council were not consulted about this matter at its Spring Session. It seems very odd to me in face of the fact that when we did go to office space for...the Liquor Store was the first one in the Casca Building I believe they call it...when that proposal arose, the opinion of Council was duly sought, and advice, and the Council said, "Well, look into and find out what it is going to cost." Administration found out what it was going to cost. We kicked the idea around and we eventually approved the expenditure of these funds. Now, for some reason or another, it seemed to give licence to the Administration to go then and lease space all over without coming to Council which is wrong. When this thing arose... I note in Sessional Paper No. 30... "specifications were prepared on August 31, 1966. Bids were opened fifteen days after that date". Now, if you prepared these bids on August 31, or the Administration prepared them, by the time you try and advertise this throughout the Territory and in various places where these things are normally advertised, I think that that leaves a very, very short period of time which leads me to think that all is not right here. Now, during the summer, the same Administration, when faced with a problem with respect to the Dawson cottage hospital, saw fit, as was the proper thing to do, to convey the information to all Councillors.. that may be a little bit unusual.... "We would like your individual approval of this before we proceed." which indicated to me that the Administration still lived up to this particular democratic right on behalf of the people, but when this Lynn Building thing came up, apparently the same action was not forthcoming and Members of Council...I don't believe any Member of Council that I know of or no one has got up and expressed so...knew anything about this. The Financial Advisory Committee of Council was sitting around that time. They were not informed of this particular matter and so we arrive today with the situation whereby the Administration, by some means or another or some reason or another, have entered into or are preparing to enter into an agreement with Lynn Holding Company Limited for the rental of office space in an office which has not yet been constructed. I don't feel that this is right and I must, as a Legislator, stand at the table and say that I am opposed not only to the expenditure of these funds but I am also opposed to the manner in which the tenders were called. There was not sufficient time given as far as I am concerned to the matter...fifteen days from the date of preparation to the day of opening bids is far too short. I think that there have been changes both in the agreement and in the general make-up of the thing since the tender was called, so I am informed, and as far as I am concerned, I am unalterably opposed to spending any funds. Another thing that kind of bugged me, I might say, is the fact that the lease term was for ten years for this building even in the face of the knowledge that the Council were attempting a move towards more autonomy, a move up the Hill, a move....I mean I think everybody knew that eventually we had to get out of here. The Council had to get out and find a Council Chambers somewhere but Council did not want to see the Administration scattered all over Whitehorse and I might say, under this proposal, you might say that the Administration is going underground because it will be extremely difficult to find an office in town without a travel guide because some will be across the River, some will be down the street in one building and another will be in another building and some will be up the Hill and this is not right. Further to this, it has been suggested at this Session, by this Council, that we do need a Legislative Building and it certainly, I am sure, is going to be the intent of all Members of Council when in Ottawa to pursue this with great vigour, but as far as I am concerned, there must be another solution to this problem because this is, to my way of thinking, a very improper thing to do and it is for this reason that I am opposed to this. Lastly, I might say that the Commissioner...though possibly letters of intent have been drawn up...the

Mr. Taylor continues:

Commissioner has not yet signed this Agreement and, speaking as an individual Councillor sent here by Watson Lake, but also as other Members represent the Yukon, I try to do so with the best of my ability, I would say that the Commissioner should not, under any circumstances, sign this Agreement, unless first having received the consent of the majority of the Members of Council.

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Mr. Thompson: Mr. Chairman, I am sure the Commissioner didn't bring his able right and left hand men here to listen to us. I think it might be appropriate if we heard a few words from them on the ramifications of this problem and I think probably starting on the right and working to the left we can hear from both Mr. Fingland and Mr. Fleming. I think that they are probably more aware of the overall situation. I think...like ourselves...I think the Commissioner fell into this situation and I think it would probably be very apt if we heard a few words from these gentlemen.

Mr. Fingland: Mr. Chairman and gentlemen, I think perhaps to present the problem as we saw it, I might go back and recapitulate what the situation was very early in the year. When I arrived in the Yukon in March, late March, there had already been extensive discussions with the Department of Public Works about the possibility of the Territorial Government vacating this building and at that time the alternative offered to us was to move up the Hill and occupy Building 200, which is the Headquarters Building, and Building 204, which is the building immediately to the east of it. This was accepted in principle by the Administration and I believe that Council was aware of this proposed move. We did so, I understand...we did this with considerable reluctance and with quite a large number of reservations, mainly because it tended to take the Departments away from the people they were here to serve. At that time, there was never any discussion on cost or any of the actual details although I might say that DPW were fairly sweeping in a general way in what they would do. At that time they were prepared to actually handle the cost of the move, make the renovations, and do just about everything that we wanted them to do. Then, we started to get down to brass tacks and discuss just exactly what was involved and we found out that some of the things we had hoped we could rely upon weren't actually fact. One thing that we had been led to believe was that it would be \$3.50 a square foot which is what we are paying in the Federal Building...we could occupy the buildings up there and there would be no additional expense. There was some waffling began as to who was going to pay for the renovations and I think that if you are familiar with that Headquarters Building at all, you will know that these are plaster type of partitions. They are not like the partitions here. It would be a major renovation job to get that building up there into the kind of shape that we feel that it should be. There was also a question as to who was going to handle the maintenance responsibilities. They would no longer have any force there and it became apparent that we were going to have to pay for the cost of maintaining...winter maintenance as well as summer maintenance around the grounds. The thing that really started to snowball with us was their statement that they would regard the building as theirs for only one year after which time we would take it over as a Territorial Building. We have never been able to get from them what the costs would be that would be involved in heating it and lighting it and operating expenses. In many ways, the building is unsuitable. I have seen Government Departments do this before where they move into a building which has been built for a particular purpose...in this case it was for military accommodation...it was taken over by another Department and there are extensive and costly renovations made to the building and you still really don't have a building that is suitable for your purposes so all these factors, combined with the fact that once we were up there this would become pretty well the Territorial Headquarters and be right out of the center of town...we thought that we had better

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Mr. Fingland continues:

start taking another look. The thing that really reinforced in my mind the advisability of taking another look was some of the representations that were being made to us. We outlined, in a memorandum on May 26, to the various Departments how we saw, at that time, the actual distribution of the various Departments up on the Hill and immediately there were several Departments who said that they just couldn't function under these circumstances. The Welfare Department was one. They said that they have a clientele that to a very large extent was without transportation and they just wouldn't be able to have access to them in the same way. The Territorial Secretary is in very much the same type of boat when it comes to licencing. He would still require space downtown. The Registrar of Land Titles would be up there. It would mean that every time somebody wanted to register a land title, they would have to go up the Hill. There were quite a number of people who came and spoke to me personally about the inadvisability of re-locating the center of the Territorial operation out of town. In addition, there were representations made to us by the Employees' Association who said that if they were going to be required to work up the Hill that, in the case of a number of girls, they said that they were not going to be able to drive up there in the cold weather and they would simply have to have transportation. The real clincher though was that when we actually got down to working on the drawings as to just how much space would be available, the first thing that became apparent was that we were not going to be able to get all the Departments under one roof. There wasn't space up the Hill for the Department of Education. That was the first one. The second one that became apparent was the Department of Travel and Publicity. There wasn't space for the Department of Travel and Publicity so they were going to have to be left downtown. Then, when the Employees' Association made representations to us, they said that if they were going to have to work up there, they wouldn't be able to go home for lunch and they had to have a staff room and we had made no provisions for this, a staff room or anything of the sort. In fact, I believe it was actually a staff room and cafeteria. So, what we were faced with was really a continuation of very much the same type of situation that we are faced with right now with Departments still being scattered, Travel and Publicity being where they are, Education remaining over here in the Polaris Building and the much greater inconvenience of having the center of the thing up the Hill. So, at that time, we decided, well, we should look to some other alternative and we told DPW that we just couldn't go ahead under these circumstances. DPW then said, "We've got to know, quickly, what you are going to do.. **we have funds now to make the renovations in the Federal Building.**" The Federal Departments for whom they have a first priority responsibility are pressing them and they are going to be hiring staff. They have got to start occupying the space we are supposed to be vacating in this building. As a matter of fact, I understand that their timetable is such that they should now be completing renovations in order to be able to start expanding these Departments into the space so we are really past due as it were and the only alternative that we could see open to us was to call tenders. Now, it has been suggested by Mr. Taylor that this really pre-empted the right of the Council to make a decision on money matters. The one thing that I would like to say personally is that there was never any time, in my part and I think I am also speaking for Mr. Fleming, that there was any intention whatever of trying to pre-empt the right of Council to make the final decision, nor was there ever any intention to deceive.

Mr. Fingland continues:

This also applies to the Financial Advisory Committee. If there had been any intention to deceive anybody, it seems to me that it was the last thing we should have done to put it in the newspaper because the tender call was several weeks before the Financial Advisory Committee met and it was entirely open to the Financial Advisory Committee to raise it. There would be no additional monies required in the current fiscal year other than those already voted and available to us for the rest of the year. There was no change in policy as far as we could see because the principle of hiring from a private supplier as opposed to a public supplier seemed to us to have been already established and here was every right as far as we could see in the Financial Advisory Ordinance for the Council to...as must apply in every agreement. It must apply to every contract that we ever enter into. So, this is what led up to calling tenders. The question of the timing has been raised. Normally what we do when we call tenders is we put it in the newspapers for two issues. In this case, we put it in one but this is by no means an exception because there are any number of cases where we advertise in only one issue but we advertise an equal number of times in both papers...whether it is once or twice and sometimes we even go to three times but it is always published the same number of times in each newspaper. The length of time until the closing of tenders...two weeks is not out of the ordinary. We often call tenders with a closing date of two weeks. As far as the change is concerned...it has been said that a change has been made...there was never...I should make this quite clear...there was never at any time any change in the specifications or any negotiated change. Our tender call and the acceptance of the bid was strictly in accordance with the specifications of space contracted for. We were contracting for space and space only and if the supplier chose to build a three storey building, or a four storey, or a ten storey building, this was entirely up to him. Mr. Fleming may have further facts to elaborate on this. You may have some further questions. I am quite satisfied that we took the only course open to us at the time and I think I might say that if we are not to follow this course, I would be most appreciative of any guidance or suggestions that you could give to us. We are face to face with a real problem.

Mr. Shaw: Mr. Chairman, I appreciate what Mr. Fingland has just said. In the first instance, as we all know, this Government has been operating without a Head for about six months. I am not saying that with disrespect to anybody concerned but we had no Commissioner and there is no disrespect to the Administration that was here. Nonetheless, they were in an exceedingly difficult position. In other words, they in fact didn't have the authority but yet they were supposed to produce the answers and resolve the problems. There are various...I think we might call them inconsistencies in this. In the first instance, the Administration is actually the management of the Yukon Territory. The people have put the management in their hands and the Council are in a position of watchdog, advisors, or whatever you may call it. We have a situation such as this that somebody, some place along the line, must have known about this critical situation for quite a number of years. Mr. Fingland and Mr. Fleming were not here. They are relatively recent arrivals. So, when they get here, they find that they have a problem on their hands which is something which has been evolving for years but, in the meantime, it's their duty...at least they were given the task of trying to resolve the problem. In this particular aspect, they certainly have my sympathy. You can't take and change all the Government facilities. It's not like putting up a tent. It's something that takes years to figure out and here we are... we are in a situation, unbeknownst to anyone concerned, where the Federal Government said, "Well, boys, we are evicting you out of that building. We will help you along a little bit but you've got to get out of there." So, the gentleman on my right...somehow or

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Mr. Shaw continues:

other, they had to come up with an answer to some of these things and they took what, in their wisdom, they thought was the best agreement. I personally....maybe because I am not sufficiently advised...but I am very much opposed to renting Government buildings and scattering them all over the country. Years ago, the plan was presented to Council whereby a section known as Whiskey Hollow down there...some place in that area...and this was the plan we were going to work for. That should have been started nine years ago, or eight years ago. That plan should have been put in effect...but we can go harping on this for hours so it's no use going any farther. It is something that is done and when something is done, we just have to make the best of it and that's what we are going to have to do at this time. I feel that I do not want to enter into any agreement or the present agreement of rental. At the same time, I must look at it...what the heck are you going to do? We can't very well work...go out on the street and conduct business and, at the same time, we still have this unknown factor...this Federal Government...where they say, "You get out of the building." Well, I think they have got a lot of crust too to kick us out of a building when we haven't a house to go to. If that happened to a citizen, there would be a great howl all over the country about how you were treating this poor person. Well, this is pretty well the same sort of thing. We are told to get out and we have not adequate provisions to get out or no place to go except by having a contract with these people who put up buildings and that is what I am very much opposed to. In relation to this, I should say that my feelings are, Mr. Chairman, that we should immediately start negotiations with the Federal Government to see what we can do about putting up a building for the Territorial Government in accordance with the Metropolitan Plan...That is something that is worked out by the National Mortgage and Housing people.. I don't know if that's the proper title but anyway by these people that understand this kind of thing...and it was accepted and has been accepted as a very good plan and I speak of this in a general sense. We will finish up, very likely, in this rental business, by having to pay possibly \$300,000 or \$400,000 a year in rental and we will never own anything. It would appear to me that the best answer to this would be to go to the Federal Government and say, "Look, for goodness sake, we must have a building to house our employees in the Territorial Government." That is absolutely a reasonable request I think and we ask for a loan to go ahead with this project and start the building...a twenty or thirty year loan...and I think that if we are going to have to pay \$300,000 or \$400,000 each year, which I think it will enter into in a very short time, an amount like that, we would be able to pay the interest and amortize our own building. We have to face up to it some time or other. Surely the Yukon isn't going to go on at this rate for another hundred years or seventy years so that is what I feel is Council's and Administration's duty...to get behind something similar to this. This existing Agreement.. had this Agreement been for three or four years as a temporary measure, I wouldn't have hesitated a moment in agreeing to it but for ten years, in my estimation, Mr. Chairman...we get two or three of these buildings for ten years and they say "Well, we can't do anything about anything because you have already signed up for ten years. In another five years, you come to us and we will see what we can do." In other words, that is one way of delaying what we should have...all of us...should have been pressing for... quite some years. I wonder, Mr. Chairman, if I could submit a question to the Legal Advisor. I have two questions, more or less in the form of one. My first question would be... are we in his opinion, his legal opinion, are we committed at this time, by the various correspondence that has gone back and forth, of having to take over this, I think you call it the Lynn Building? The supplementary question to this is...if we are committed, can we enter into negotiations for a shorter termed lease?



Mr. Legal Advisor: Mr. Chairman, dealing with the second question first, it is always possible to enter into negotiations but there is always a price that has to be paid and if a building is erected which is going to be leased for a shorter term, your rental factors will probably go up. It's common place today that mortgage financing requires production of at least one triple A tenant with a ten year lease before they can interest investors, however, I cannot say whether negotiations would be possible because I have never been party to discussions. The discussions have been conducted elsewhere. Are we committed at this time? The intent, as I understand it, in the exchange of material between Mr. Fingland and Mr. Lynn, was to establish a binding undertaking. I have not seen the correspondence so I cannot give you a significant opinion. You would realize that the question if answered at this table might be embarrassing. Let us assume that we decided to contest the effect of these agreements and we were sued by Mr. Lynn. I would undoubtedly be subpoenaed as a witness for Mr. Lynn if I said at this table, "Yes, in my view it's a completely binding agreement. Then, when we tried to defend ourselves in that position, you would have this most damning admission made by your legal advisor. I would have blocked the last opportunity of defeating the contract. I do not know what loopholes there may be. There may...though we have heard today that there have been no variations in specifications...except that I did note when the drawings were down before...this is something I would have to look into...some of them were dated in October and could not possibly, therefore, been part of the original specifications unless they had been redrawn for clarity. I do not know what specifications were presented with the original bid. All that has not been laid before me. I am sorry, Sir, but for reasons given, I can and will not give you a firm answer to whether we are committed.

Mr. Shaw: Mr. Chairman, it's very hard sometimes....I can appreciate the Legal Advisor's position in this matter. At the same time, it's not a very satisfactory answer. I don't know just what I expected, Mr. Chairman, but I don't know just where to go from here. I think I'd better sit down and think it over.

Mr. Thompson: Mr. Chairman, I would like to make one observation. I don't think we are concerned too much about specifications because we weren't asking for a building. I understand that we were asking for office space and we asked for "X" number of feet, or square feet, and this was the extent of it. I would just like to comment on one of Mr. Legal Advisor's comments. He said that the specifications weren't laid out. I would say that if you are putting in a tender for a proposition, fine. You are quoting a price for a commodity and this, in effect, is the extent of the contract between the two people so I don't think that specifications needed to be gone into in detail. I think that the submission was made at the proper time so I, in all due respect, I think the Legal Advisor is getting like other lawyers and looking for loopholes or something to argue about. So, I don't think this is the approach to it. I think with the information we have heard to date or this morning with regard to this, I think that it might be well to ask the Chairman to prorogue our meeting until probably this afternoon and digest some of this while we eat lunch and conceivably come back and look at it with a less jaundiced eye.

Mr. Chairman: Gentlemen, in view of the time, if it is agreeable with the Council, I will declare a recess until two o'clock this afternoon.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

2. The second section covers the process of reconciling accounts. It explains how to compare the company's internal records with the bank statements to identify any discrepancies. Regular reconciliation helps in catching errors early and prevents them from escalating.

3. The third part of the document addresses the issue of budgeting. It provides guidelines on how to set realistic financial goals and allocate resources effectively. A well-defined budget is essential for the long-term success of any organization.

4. The final section discusses the role of technology in financial management. It highlights the benefits of using accounting software to streamline processes, reduce manual errors, and provide real-time insights into the company's financial health.



2:00 p.m., Wednesday  
November 30, 1966

Mr. Chairman: Gentlemen, I will call the committee back to order and we were discussing Sessional Paper #30. At this time I wonder if Mr. Fleming could give us some data.

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Mr. Fleming: Mr. Chairman, I don't want to cover ground that has already been covered by Mr. Fingland this morning and so I will avoid as much as I can repeating anything that he has already said, except to agree with the remarks that he has said that we were faced with and with the actions that we took. There are one or two major items though that maybe we should think of. One of them is that if we had taken over Bldgs. 200 and 204 which are the two big ones in Takhini, we would have been the major users of the steam that is produced by the steam plant and I think that the next move although it was never explored would have been the takeover of the plant by the Yukon Territory and the running of it. I mention this because these costs were never explored at all. The D.P.W. were quite vague about who was responsible in this. Another point that was never fully covered was the fact that the Building 200, in particular is very well supplied with corridors and large entrance halls and everything else and this \$3.50 a square foot wouldn't have been buying us a lot but useless space. Space that we could never use because the corridors themselves are barren walls and couldn't be compressed or changed. The walls between the various rooms and these rooms were pointed out to be too big for one person and not big enough for four, so extensive alternations would have been necessary and these walls are not just plain stucco they are masonry. Here again the expense of removal and replacement would have made quite a representation. There is one point that didn't come up until quite later on and D.P.W. raised the fact that they would have to remove the P.A.B.X. board from Building 200. This is the telephone system and they insisted that it was to go with them and they would bring it down to this building. So we made enquiries as to how we could replace this particular machine and if I could just for a moment find this.....I know the length of time involved but I want to quote you the exact words of Mr. Kenward who is the Superintendent of Canadian National Telegraphs and he said, "under the present conditions of supply in the industry (this is for this particular telephone board) which has to come from Holland, we have quoted a minimum of 40 weeks which would be required for delivery." He didn't say what the maximum would be but we were faced with a possibility of taking over a building from which the central exchange had been removed and it would take us a minimum of 40 weeks to replace it. This is another thing that should be taken into consideration. There was a remark made this morning that our staff were not too fully aware of the correspondence which has taken place between Lynn Holdings and the Administrator. There is only one piece of correspondence which passed between Mr. Fingland and Lynn Holdings and that is on page 3 of Sessional Paper #30. That is the only piece of correspondence which emanated from the Administrator. I would also like to say that the full files are here. They are general files and which are not secret in any shape or form. They are open to anybody and any member of our administration and I am sure that the Commissioner would agree that they are available at any time to this Council. There are no secret agreements or secret clauses of any kind whatsoever. Everything is here and there have been no secret meetings that I am aware of. There wouldn't have been any point in anyone else holding a secret meeting because the decision was up to Mr. Fingland and myself so I doubt.....regardless of who else had a secret meeting it

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Mr. Fleming.....

obviously couldn't influence either of us two because we were not in on it. The meeting that was held with Lynn Holdings or Lynn Investments or whatever they call themselves was an open meeting and it was the only one in which I was present and at which Mr. Lynn and his legal advisor attended. At that time our own Legal Advisor was present and for a part of a time so was our Treasurer and our Engineer. If there were secret meetings, no one in the administration is aware of them and they are certainly not aware of their purpose.

Mr. Taylor: Mr. Chairman, at this point I would like to ask a question of Mr. Fingland, or possibly Mr. Fleming. When this thought arose did the Minister give his agreement to this being done in the first instance and if not who did give the sanction in Ottawa to proceed.

Mr. Fingland: No one Mr. Chairman, we didn't consult Ottawa at all. This was a Yukon matter and there was sufficient authority in the legislation. We don't practice consulting Ottawa on everything we do. This is Ottawa's view and our view.

Mr. Taylor: Mr. Chairman, I find this remarkably surprising when such smaller things have to be given approval from Ottawa to do. We are speaking of a ten year program and investing a million dollars or upwards of a million dollars of Yukon taxpayer's money. Somebody has got to approve these things. Just to comment at this particular moment on things that have been said here and one point made by Mr. Fingland mentioned was the problem of getting up the hill and down the hill or whatever have you. We discussed this or talked about it last Fall. I don't ever recall being told incidentally that we were being kicked out of this building. The only thing that I knew was that Justice wanted more space in the building. It was interesting to learn that during the Spring that the Administration were aware that this was going to happen. At that time, to get on with this, they suggested a transit system and I believe that we had a sessional paper last Spring that we were to loan the City of Whitehorse \$100,000 a year to try and subsidize a transit system. As far as the point about not wanting to circumvent the Council or not wanting to knowing on the part of Council, possibly this was an oversight. It was a very very bad mistake I might say. Now, I was going to ask why didn't this then appear in supplementary estimates but it suddenly occurred that no money would be required until this building was constructed and I am still unaware as to when this building was to be ready or as to when this facility was to be made ready. It was said by one of the Councillors and I think it was Councillor Shaw that said well "what is done is done and it can't be undone," but I maintain that it can be undone. It can be undone by not signing the agreement. If there is a lawsuit or if there isn't a law suit and there is grounds for one it is a problem that administration is going to have to bear alone and Ottawa it seems to me is going to have to put up the money, if in any case there is grounds and I don't think that there is. We have, what is done, we have committed the taxpayer to or attempted to committ the taxpayers of the Yukon Territory to an expenditure of upwards of a million dollars over ten years. This is pretty darned serious without going to either Ottawa or to the Council. To accept this I say that we establish a precedent which as far as I am concerned would be a detriment to the Yukon Territory because someone can always point back and say, "you had the opportunity a number of years ago to turn that down and you just let it go," and then the Council would then lose control of the expenditure of the tax dollars in the Territory and as

Mr. Taylor continues.....  
 I say, no one can speak for the next Commissioner or the next Administrator or the people who follow successively so these SESSIONAL things have to be spelled out pretty clear. If it was possible PAPER #30 to renegotiate as Councillor Shaw suggested then it would seem to me that there would have to be new tenders called and the whole thing retendered on a short-term basis for rental space. There maybe space available and if somebody wants to build a building and provide us for two years or three if Council will still agree.....I think that two or three years of rental would be a more realistic figure in view of the fact that we are contemplating building a Territorial legislative building or buildings if Ottawa agrees. So, as far as I am concerned or until I have heard more or something which would lead me to change my mind I would say under no circumstances should we proceed with this arrangement.

Mr. Boyd: Mr. Chairman, I have some thoughts concerning this which so far haven't been wafted away by explanations and so on...in the form of inconsistencies and the administration's reasoning. I could start off by first of all wondering why you called for 13,000 feet of office space. All you needed, and at the same time used the reasoning that up the hill was not suitable. When you, at the same time leased 7,000 up the hill and put a department up there. Why didn't you call for an extra 7,000 in your tender and keep it down here as you say you would like to do? Why was some allowance not made for Council space? Did you forget that they were going to be around? That is another thing that is a problem. Another thing that worries me is that D.P.W.....first of all there was dilly dalliance....there had to be....somebody didn't make up their minds and if dilly dalliance isn't the word then indecision is another word. We can't accept it. Somebody didn't make up their minds for quite some time and D.P.W. have a sum of money voted to do certain things with and being the people that they are, government employees, if it is not spent it is too bad and they won't have the fun or privilege or whatever you want of spending it. So, they serve an ultimatum and say we must know by a certain time so that we can spend that money. They don't take the attitude well maybe we will leave things for a year until we get these things ironed out, we are not suffering and nobody else is suffering.....no, we must spend it, the people's money as they don't get it out of their pocket.....they dig it out of out pocket and this is the fallacy or fault of this budgeting system. I know that you can't get around it but it is a pretty poor attitude, that it must be spent and I have heard this time and time again and I have seen it time and time again too. The changing of partitions, I don't accept this as wholeheartedly as the administration does and I think it would be just as cheap to change the partitions in that building regardless of what they are made of as it would be to buy the partitions that you are going to put in this building over here and never get them back. You can take them back if you want, they are worth a dollar. It is costing more to get them out of there than they are worth, but you are going to buy them in the first place. We could have owned this building in one year according to the remarks made, the building up the hill on the basis of \$2.00 a foot and more less in rent than what we are thinking about renting and we could have said well we will do this and take this building and arrange to do something better within the next one, two and three years rather than tie up the people's money for ten years on the basis if I am right in my calculations that we will not only pay for this building once in ten years but we will pay for it twice in ten years and not own it.

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Mr. Boyd continues.....

Another thing that I am wondering if it was taken into consideration.....where is the center of Whitehorse going to be for the metropolitan area.....where is it going to be, ten years from now is it going to be over in Riverdale or Porter Creek or is it going to be up the center of the hill. We fill the town up down here with government buildings when we could well fill them up with free enterprise and let the City collect the taxes and so on and have our set-up in what would appear to be a must that this center of this metropolitan area be up the hill. Now, there was a remark concerning the staff and they didn't like to travel up the hill. I ask you how many of this staff that is in the building alone and how many of elsewhere, Hougens, Taylor & Drury's and all around town have been coming from that hill for the last six or seven years. They have no trouble, none whatever and as it stands now, D.P.W. intends to move down here if I may guess that my judging is right and they are living up there. They are all going to drive down here and this is possible but it is not possible for our people who live here to get up there. They could've for the time being at least tried something. Another thing that I.....well a lot of things were said, for instance the heat and so on. We didn't have to take a jump, we could've waited and gotten the facts. Ottawa doesn't move that fast and this seems to be a case of where they wanted to spend that money in the budget above all at the expense of anybody's reasoning and I don't think that nearly enough thought was put into this whole thing. We turned down 19,000 square feet to lease 13,000 square feet and another thing that is a little bit frightening to me is that we say that we are going to rent 13,000 square feet, square feet of office space in a building three storeys high and I don't really know what is office space. According to me if we would say we are going to rent the building, fine, but when you say that you are going to rent office space but according to my calculations you cannot get 13,200 square feet of office space in that building, more or less a 1,000' less and add that up for ten years and see what you come up with. Toilets, washrooms, halls, stairways, and so on are not office space by any stretch of your imagination. The rent for the office space could be included in the rent.....or the services could be included in the rent for office space, but it is not office space. Let's say that in this particular building we elect to go for another three storey's adjoining it and I for instance rent it. I would be quite entitled to use those facilities that you are paying for without any cost to me because you are paying for them. You have rented them at so much a square foot. I don't want to be mean, it is not my nature to be mean, believe it or not but the reason was on one plain of thought, administration's train of thought and I am not belittling their judgement but it didn't go far enough and it didn't take into consideration enough angles and enough things and men of different status and different walk of life would've taken a shot at this and come up with different angles as well. So until some way can be found to show me why you would only call for 13,000' knowing full well that you hadn't taken care of everything in the first place. This is an inconsistency. Why did you do it and why did you turn down the 19,000 square feet and you have given us your answers but they are pretty hard to take. I feel full well that you could have gone up there for three years at least and let's get busy and get something finalized as to where we are going. But, no, it is tax work, tax work and jump, jump, jump, and next year there could be quite an explanation.....and there could be an explosion and where are you going to go then. We are going to go then.....you didn't look far enough, I am sure.

Mr. Chairman: Any further discussion gentlemen?

Mr. Shaw: Mr. Chairman, I believe that Mr. Fleming was discussing some matters when he was interrupted by Councillor Taylor when he got up to ask a question and then gave a speech and then Councillor Boyd did the same thing and I don't know whether Mr. Fleming concluded his remarks or not.

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Mr. Fleming: Mr. Chairman, I think I have given the initial information, if you want to ask a specific question.....I think we have given the general picture. We could read all these items into the record and I think if it were you would start to see it where we saw it at the time. No doubt, a year from now we will all be a lot wiser than we are now at the moment, but dealing with specifics and that is what we have to deal with we made a decision which I think was made in all honesty and purpose and in a desire to achieve a certain result and there were one or two things that came up but I don't know whether it is my place to answer them or not.

Mr. Thompson: Well if it isn't Mr. Fleming you will be down the highway. I would like to hear the answers.

Mr. Boyd: Well Mr. Chairman, I believe that Mr. Fleming is of mind to answer some questions and I would like to ask him to answer one question if I may interject, first, that might help me a lot. That is why did you only call for 13,000 when you needed so much more space? Why did you only call for that number of feet?

Mr. Fingland: I think I can answer that. The total number of feet or space that we would have had up the hill is 22, 615 square feet, that includes Building 200 as well as 204. It would have made provisions for Council space and all the requirements except what I mentioned this morning. It would not have taken care of Travel & Publicity, it would not have handled Education and we would still require some space in this building to enable the Territorial Secretary to come down here during the licence time or such each year and we would also have required space for the Probation Service. We have called for an amount of space by a public tender which we have anticipated that will be required to meet all our necessary office requirements. One of the things that isn't apparent is the fact that we had been able to negotiate with the City for the provision of their Council chambers and basement and in the case of the Council chambers they were prepared to let us have it without charge. This relieved us of quite an amount of space which we would have had to provide if we went up the hill. We were also able to eliminate an amount of storage space. I think perhaps that the only possible way of seeing this is seeing these buildings and seeing what our present space is and what we would have had. One thing which I think is not clear is the cost that would have been borne by the Territory had we taken over the Headquarters Building. What we are paying for the Lynn Building is only usable office space and it doesn't include washrooms, stairways or anything. However, the \$3.50 if we had moved into the headquarters building would have been for everything. We would have been paying for an awful lot of space that in your mind and in my mind is unusable space. So I think that should be made clear, that the \$3.50 per square foot in the headquarters building does not include services and with all the extra services on top of that I could see us paying \$7.50 per square foot by the time we were through.

Mr. Boyd: What are we paying here, are we paying \$3.50 plus the cost?

Mr. Fingland: No, we are not paying it here but it was never clear on the deal up the hill. This is the sticker and in a year's time we would possibly be paying extra for services, that is, the maintenance of the grounds, the maintenance of the steam plant and everything. To alter the building as you suggested Mr. Boyd would be such a major reconstruction job to alter both the walls and all that the cost of partitions in the Lynn Building would be peanuts. Incidentally on the partitions on the Lynn Building, these would be ours permanently and could be adapted for use any time they wouldn't by rights have to stay there for ten years. We can move these partitions out and put them wherever we want them. If we move into a new Territorial or provincial headquarters building then these would be ours....they would be our property and they would be removable property and could be adapted. I think gentlemen that you are belabouring the facts that just don't have any subsequence according to the record.

Mr. Taylor: Mr. Chairman, I would like to direct a question to Mr. Fingland. Don't you feel in your opinion that the Territorial Government could build a duplicate of the Lynn Building that would cost a million dollars and that the thing would eventually pay for itself?

Mr. Fingland: You are face to face with the same question that we faced up to when we went into the Liquor Store when we come up to it....it is a question of do we buy or do we build. This is what we have to decide. In ten years we would have to start again as the life of these buildings is approximately just that.

Mr. Taylor: Mr. Chairman this isn't answering my question. I will put it in a statement-----it seems to me that if private enterprise can build a building for a cost upwards to a million dollars and rent it to the Territorial government for ten years then they are going to make money on it. Consequently if they can make money on it I can't see why the government can't and save money for the taxpayer. This way the taxpayer will spend a million dollars and in ten years from now will have no part of it, whereas if they invested this money and built it, it would seem to me that they would at least have a building to show for it.

Mr. Fingland: This is what you are going to have to decide. Are you going to build a building and then find yourself with a building that is obsolete in ten years or less time. This is the trend in building, they have a shorter and shorter lifetime.

Mr. Taylor: Yes, Mr. Chairman, this is the object of the exercise. We are sitting here trying to decide this and it seems that the decision is being made for us.

Mr. Commissioner: Mr. Chairman, there is something here that I think that we are all aware of and I think that it takes predominance over what we wish and what we can have. That is, in the Five Year Agreement that you gentlemen are going to have the opportunity of discussing at quite some length in Whitehorse and again in Ottawa.....the federal people are prepared to make provision for the rental of office space, but no-one has volunteered for the provision of capital funds to provide this and these are two different animals. When you call for a tender to build a building and the person who says they are going to build it, when he completes the building eight or ten months later he wants the million dollars and we have to have it to pay. There is only one place where we can get that gentlemen and that is from the authorities and as the federal authorities



Mr. Commissioner continues.....  
 have made no effort to my knowledge and I stand to be corrected, Mr. Fingland, but I have seen no provisions in the capital account that would take care of such an expenditure but they are willing to provide on a continuing basis, monies for office space and they are doing this gentlemen. When you were talking about paying out a million dollars over the course of ten years in rental space.....gentlemen, you are already paying out \$650,000 of this.....you are paying it right today. \$3.50 a square foot in this building plus the rental that is required for the other departments that will be moved into this building is already being paid out. This is not new money. SESSIONAL PAPER #30

Mr. Taylor: Mr. Chairman, no matter where it is paid we are paying. If we were paying this toward our own building then by the time this was over we would have something to show for it. This way we have nothing. I don't think...I mean to say, certainly there is going to be money in operation and maintenance in our Five Year Agreement for the rental of buildings. I agree and I also agree that this is different from the capital side of the fence. Remember that there was no money for sewer and water systems in that agreement and we got the money from the government for capital construction from the capital side of the fence. I believe that there were other projects that weren't considered in the Five Year Agreement. These were negotiable and so is the building.

Mr. Commissioner: Mr. Chairman, I am not intimating that this is not negotiable. All I am trying to intimate is that there is the matter of paying out a million dollars over ten years and the matter of paying out a million dollars in ten months time on the completion of the building. This is another matter entirely. With regard to rental monies I think that everyone feels that if we go out and rent a building and we move a lot of offices from this building into another building, that somehow or other this is a new charge and we are presently paying it out. Now, I don't know what vote it is in, but you are presently paying out rental charges of considerable magnitude on the federal building for the Department of Welfare, Corrections, Education, Travel & Publicity....you are already paying out rental on all these locations. This is not entirely a new figure or a new item. You are already paying out this money gentlemen and while I could not agree more Mr. Chairman, with what Council has to say concerning this, I do think that we must bear in mind that we are paying rental now and paying rent for ten years or ten months...these are two different situations. Also, with regard to sewer and water installations and capital things of this nature, I think that in most instances where the requirement for these things has come up in the course of a Five Year Agreement and where they have not been specifically noted for a project of this nature.....I think that what has actually happened Mr. Chairman, and I am subject to correction, is that a capital requirement in some other category that had already been provided for was found to be unnecessary and the funds were then permitted to be used for specific projects that were necessary. I think Mr. MacKenzie made it very clear in his statement to you concerning the status of our funds as to recent date and his anticipation of what they would be at the 31st of March. The capital funds that were permitted to you for your five year project were in effect in balance with the expenditures that had been incurred.

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Mr. Thompson: Mr. Chairman, I had a long winded speech here to get into the record but the Commissioner has sort of pulled the rug out from under me. He has pretty well said what I had intended. I think that we have a situation here....I don't think any of us like the particular predicament that we are in but we are in it and I think the most sensible approach to this is we need the space and we are going to have to go along with it. Let's make sure that the administration makes the best possible deal there is. They are the people most concerned, naturally....we are the ones that are going to have to answer but I think that regardless we have a commitment and I think that we are in a position that we have to carry it out and I don't think that it behooves us to bring in many and varied aspects of it, I think basically that we need the space, should have it, and we are going to have to get it one way or the other. I think let's let administration carry this and have them as been suggested, we will be back in January and I imagine by this time that we will have a lot of answers to a lot of questions. I think probably in the over all aspect of this that things will work out satisfactorily.

Mr. Taylor: Mr. Chairman, I couldn't help but comment on this business, we aren't into this mess, administration are. So far the taxpayer isn't and won't be until we permit the expensiture of these funds...to this extent we are not really in it. The last time we refused on the same grounds the administration made some arrangement and built the building and the federal government paid for it and the federal government can pay for this one. As far as I am concerned if it were left to me I would say call new tenders for office rental space for a three year period or whatever period it is going to take for us to build a building and this would make sense. But not for ten years.

Mr. Thompson: Mr. Chairman, I can't agree more with Mr. Taylor as to the time element but I think that this is something that administration can take up. I don't feel that this is our problem. But I think by the same token that if we let the administration do this.....you Mr. Taylor have intimated that it isn't our concern or it isn't our problem or we haven't committed the taxpayer. The Commissioner has intimated that we are paying for space at the present time. All we are doing is enlargening our facilities and this gentlemen is what we are talking about. So it doesn't matter whether we are paying the rent to the Department of Public Works here or whether we are paying it to George Magillicuddy across the street.

Mr. Taylor: I say it does matter....where do we stand...are we getting value for it?

Mr. Shaw: Well Mr. Chairman, somebody has stated that his is a function of administration and not our problem and not our baby, I am afraid that we must accept it as our problem whether we like it or not. A corporation practice is to have a manager and what he does they are responsible for whether they like it or they don't like it. I myself feel that as I have stated, ten years is too long a period of time. If we need space I think it is the administration's function to get space, however, I am not very much on the principle of renting space although we do rent space. I did not like it when the liquor store affair came up however the Glasgow commission recommended that the government use rental space. Possibly that is fine down in Ottawa but I don't think it is best here. So if Council is not agreed in the Spring to vote the money for to rent this space there will be two alternatives, build a building or the Northern Affairs Department would have to furnish the money.

Mr. Shaw continues.....

So it all boils down to the same thing.....the taxpayer has to pay for it whether it is a new building or what....it has to come out of the pocket of the taxpayer. So, I have endeavored to ascertain if we can or whether we are committed to this agreement and if it is possible to negotiate. So, this building will have to be paid for and the taxpayers will have to pay for it. That is a fact that you can't escape. We can speak for hours on this thing and we must accept the facts as they are whether we like them or not. I, myself would like to see this negotiated for a shorter period of time and I would like to see this Council and the administration approach the Northern Affairs people who have the cash and let us formulate plans wherever it is going to be, on top of Grey Mountain or in the middle of the Yukon River, we start to make plans or take action to start constructing our own building. Now as has been done in the past.....it has been done and it can be done in the future. We are going to Ottawa in January and I think that this would be a very important subject to bring up....a very important subject and I would certainly like to enter into discussions to see if we can figure out ways and means and possibly borrowing a couple of million dollars to put up this center of government where we can have everything inclusive and where we can have grounds for expansion for the future. That, I think is what should be done. Certainly I am critical of certain aspects, however, if I had the problem to resolve I might have done the same thing and I might not. I don't know. I felt that Council should've been informed on this matter before definite action was taken, however I won't carry this on. I don't understand the federal government's attitude in saying, "get out of there we are going to move in," and I think that is wrong. So, we have this situation and as I have said I don't like certain aspects but I am quite willing to sit down and see what we can work out. I agree with Councillor Thompson in the matter of the administration and seeing what can be done.....there must be a sensible approach to it but at the same time I would like to face the fact of constructing our own building. This should be considered for the future and when I talk about the future Mr. Chairman I talk about the immediate future. You can't rent buildings in my estimation where the mortgager has to pay  $7\frac{1}{2}\%$  plus his expenses plus his profit. Surely we can do better than that.....I know darned well that I could.

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Mr. Boyd: I would just like to suggest to Mr. Shaw that if he had a Director who went out and bought the Occidental Hotel and wrote a cheque for it and came and told him he had done it I think that probably the owner of the business wouldn't appreciate the fact and he would have the right to do something about it. He would do something about it....he would fire him. The thing that we were were doing to start with or intended to do was to take one shoe on the right foot and one on the left and vice versa by going up there and everything was fine. Sure we are paying rent but we are paying rent to ourselves as we own the building. It is going back into the coffers as dollars from the taxpayer and this way it is not going back into our own coffers at all. We are not paying the rent to ourselves, we are paying it to an outsider who is going to do very well by himself and if he can do so we can do the same thing. We should have taken this building for one, two or three years even if the walls were not in the right place. That is not so important for a short period until we get something ironed out until we get something satisfactory. This money is going into the hands of a private individual...we could have kept it in the people's pockets.

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Mr. Shaw: I have an answer to a question, if someone bought the Occidental....well we are talking about renting and not buying. I think if he bought it I would fire him but if he rented it I don't think I'd fire him.

Mr. Boyd: He isn't sure whether he would fire him or not.

Mr. Taylor: In concluding this debate I hope the administration doesn't take these discussions and walk away as if they had the approbation of Council in respect to the continuance of this. There is no motion or nothing to indicate the majority direction of Council in this regard. I wish it could be stated for the record that I am unalterably opposed to any funds being spent on this and there are no funds for our approval at this time and I feel that this thing should not be proceeded with any farther.

Mr. MacKinnon: Well, Mr. Chairman, I don't say that I am very well pleased with Lynn Holdings pending agreement, the way it has been handled because apparently it is in a bit of a mess but I would like to suggest that this is a golden opportunity, seeing that we have a new Commissioner, for him to show his administrative abilities and drop the baby in his hands.

Mr. Southam: I must get this 10¢ worth in as I am always being misquoted. The only mistake I see is that they didn't come to us for our blessing. The amount of rent to me doesn't seem out of reason. The period of time may be a little bit long but you are talking about building a provincial complex down here...a ten year job, a twenty-five million dollar cost or maybe thirty. This is what you are talking about. It will take you five years to get plans so therefore you have got to have a place to set your fanny down for the next ten years. So, I say let's give the Commissioner the go ahead and let him settle the hash.

Mr. Watt: I would like to say that when the Commissioner started with his address here he stated that there was a long term and short term project. The long term solution and I think we are all agreed that we are going to have to build a legislative building somewhere in the not too distant future. I think that we are going to have to start negotiating on this right away and I think we are all agreed that something has to be built. The other problem is a short term lease and I think that part of the problem is....we have an option on the building up the hill and we have conference rooms there that are available. I think this is nearer and better...the building is there and this stuff about transportation of personnel is hogwash. This is normal procedure in any city...Vancouver, Toronto, Montreal....you have to travel in cars now anyway. This is something that everybody is doing and it is accepted as a fact of life. Anything that has been said in respect to the inconvenience....I don't in my mind as far as going to work....well the problem is we have buildings up the hill that are available and usable but we have a group of Whitehorse business men that don't want anything moved up on top of the hill. This is their attitude and it has rubbed off on the government. I think it is time that a change of thought was made....we have got to make use of what is available. As far as this one building is concerned...I think we are going to be looking for space before the first typewriter goes in there. Where are we going to look next. I think we should start looking up the hill and start looking right now even if it is temporary. This stuff about using this building and moving a few walls...I don't think this is any problem....it is already set up for what we need and before we again start leasing we should start looking up the hill. Forget about some of this myopic attitude of some of the businesses down here and let's start going up the hill. For the sake of satisfying a few hundred you are reaching

Mr. Chairman: Gentlemen may Mr. Fingland and Mr. Fleming be excused at this time? Thank you. At this time I will call a short recess.

RECESS



Wednesday, November 30, 1966.  
3:30 p.m.

Mr. Chairman: At this time, I will call Committee back to SESSIONAL order. Have you anything further on Sessional Paper No. 30? PAPER #30

Mr. Thompson: Mr. Chairman, I would like to introduce a Motion at this time that: Moved by myself, seconded by Mr. Southam, that the Administration be directed to proceed with the Lease Agreement with the Lynn Building Company to the most advantageous terms within the confines of the tender called.

Mr. Boyd: Well, Mr. Chairman, I have expressed my feelings. I feel that there is still room to think again and there is still time to see if something more satisfactory cannot be accomplished. As far as I am concerned, whether I vote yes for this Motion, or no, I don't think it really means anything. I think what Administration does between now and the Spring Session and how they conclude is the time when we will know what we are up against. Right now, we don't know what we are up against yet. I am not going to vote for that Motion because I haven't had a chance...it reminds me one hundred percent of foxy. We have been called around this table and it's been said, "Well, boys, we have done it and it's too bad if you don't like it". Well, that's what happened. We didn't like it and here we are. Now, this doesn't hurt quite as much...there may be necessities but I haven't had it proven to me conclusively that Administration has gone far enough in their reasoning or thinking and their studying so I will not vote for the Motion.

Mr. MacKinnon: Mr. Chairman, I would like to hear a word from the Commissioner as to whether he is prepared to handle this to the best of his ability and to the best of the taxpayers' benefit I will say.

Mr. Commissioner: Mr. Chairman, before these discussions started today, I think I made it very clear that I am here looking for direction and assistance from Council with regard to this particular situation and I feel that this is a matter that I am perfectly entitled to come to Council and ask for their help and direction on. If this is the direction that I am to have, I will proceed to the very best of my ability to give effect to that direction. If I am directed in other lines, I likewise will conduct myself to the very best of my ability along any lines that I am so directed by the Council, Mr. Chairman.

Mr. Southam takes the Chair.

Mr. Taylor: Mr. Chairman, just before a vote is called on this, I feel as Mr. Boyd does that there is another way of handling this. I do not feel as some Members of Council do that we should just endorse this. If we do, we establish a precedent...a bad one...a very, very bad one. As far as I am concerned, I feel that this matter can be tossed out. We can look for a recall of tenders for office space, a review of requirements to see that everything goes well and that before such tender is called that the Council be first consulted as has always been the case and I am not prepared to vote on this favourably and if it does, for some reason or another, come to a tie vote in Council, I will vote the Motion down on those grounds.

Mr. Taylor resumes the Chair.

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Mr. Shaw: Mr. Chairman, I note that Councillor Boyd likes to take a whack at foxy every once in a while. In other words, we've got to keep flogging this dead horse. For Mr. Boyd's edification, to broaden his horizon in matters such as this, I would refer him back to 1963 and 1964 when the Government approved six million dollars to repair the Montreal Airport and when they finished the job, they found out that they had spent twenty-four and a half million dollars which was unauthorized money so perhaps Councillor Boyd might remember that when he discusses matters as he was discussing. I would like to ask a question, Mr. Chairman, of the movers of the Motion. I feel that we have left this matter in the hands of the Commissioner to negotiate as best as possible and I will agree with that Motion, but at the same time, I also have the bug in my ear if you might call it that we should have our own buildings and, therefore, instead of endeavouring to negotiate for a ten year term...a five year term..so we can get our own buildings going. I wonder if the Movers of the Motion did feel, with all the discussion going on, or that has gone on these past few hours and days, that we still have that main objective in mind to have another building. I know that's another question, Mr. Chairman, but the shorter term we have right now does fit in with that type of thinking.

Mr. Thompson: Mr. Chairman, could I just clarify this for Mr. Shaw. The Motion does say that the Administration will proceed with an agreement to the most advantageous terms on our behalf and I think that this would clarify the situation and I think, from Mr. Commissioner's remarks that we can be assured of this, gentlemen.

Mr. MacKinnon: Mr. Chairman, I would like to clarify one point. What I was more or less getting at ...my intentions were to put it in the Commissioner's hands for him to work out to the best of his ability and the only wrong part I can see with the Motion at the present time is that it states Lynn Holdings. I think that we should leave that up to the Commissioner and if he reaches a point as to where he would rather break the pending agreement, then he can do so and if he so wishes to recall tenders when he investigates the entire situation, I think we should leave him free to do so.

Mr. Thompson: Mr. Chairman, can I just say one thing...that we, at the moment, have an agreement with Lynn Holdings in this respect and this is why I say that I feel that Administration will make every effort to adhere to our wishes to come up with the most economical and advantageous solution to our problem. For this reason, Mr. Chairman, I would leave the Motion stand.

Mr. MacKinnon: Mr. Chairman, I just wish that Mr. Thompson would reconsider that because I am not so sure there is a concrete agreement. The Legal Advisor couldn't advise us that there was a definite agreement that couldn't be broken and I would hate to see Council go that far and I would much rather put it in the hands of the Commissioner as I said before, let it be his baby and let him exercise his administrative ability and if he wants to change it, then he can go ahead and change it. If he likes it the way it is, he can keep it.

Mr. Watt: Mr. Chairman, like Mr. Boyd, I think this smells a little foxy...where the Federal Government spends money or some government spends money and then they come to the Territorial Council afterwards and say "Well, we want your approval for money we have already spent".

Mr. Thompson: We haven't spent any money.



Mr. Watt: We are spending roughly a million dollars over the next ten years with this agreement and I think that the Administration could have asked, if not Council, then the Financial Advisory Committee, for their approval if the situation was urgent. I would like to say that I don't think that the possibilities of using the buildings that the Government already owns has been fully explored and I think that before this building is set up and used, we will be looking for new space and before we enter into any other agreement and if...in voting for this Motion, I am not opening the book for the Administration to enter into more agreements like this without coming to Council again first. I don't think that the possibilities and the usefulness of the buildings on top of the Hill have been fully explored. I think there are a lot of Departments that could be using these buildings right now that are being put in the Lynn Building...like Travel and Publicity. You can mail a letter to Chicago or to California from Camp Takhini as well as you can from Whitehorse here. It will get there just as fast. I think that the usefulness of these buildings up on top of the hill have not been fully explored and before any further contracts have been entered into, the usefulness of these buildings should be fully explored and alterations made and utilized....at least on a temporary basis....use these buildings and in the long term, we should start negotiating now and planning now for a large legislature down here in lower Whitehorse where the public can get in it and from it and we can transfer a lot of the offices we have here in the Federal Building right now into it. Mr. Chairman, I would just like to say that I am really distressed at the effort that was put into the usefulness of these buildings up the hill. We have something there that is an asset and the possibilities of using it have not been fully explored and we are going to need these in the very near future. In voting for this Motion, and I will vote for the Motion, I am not opening the book to enter into any new agreements. I want to be convinced first of all that the buildings that are already available will be used to the best...as efficiently.. as good as we can.

Mr. Shaw: Mr. Chairman, I would direct a question to the Administration...the Commissioner. I hope it's not a question that can't be answered. In relation to this Motion, where it states that...it does state a definite building or project...would this tie the Commissioner's hands in negotiations by following the content of the Motion?

Mr. Commissioner: I would put it to you this way, Mr. Chairman, and that is this. I have come to Council and I have asked for some help in this particular situation. If this is to be Council's guidance to me on this thing, I would feel that this would give me a direction to explore this situation fully from start to finish and if I feel that the end result, namely the agreement that I would be called upon to sign, is one that is advantageous or is the most advantageous that can be procured, taking into account the things that have been said around this table, I would feel that this is my instruction to go ahead and do it. If, on the other hand, I feel, when I have gone into this thing fully, that the disadvantages outweigh the advantages and remember what I am saying....disadvantages outweigh advantages...I think that I would be duty bound to come back to the Council and report to them on my findings and ask for further direction.

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Mr. Chairman: I just have one question that I might ask of the Legal Advisor in relation to this Motion. My question would be...is this in effect, in the opinion of the Legal Advisor, and will this in effect in future mean that Council have agreed in principle to this whole leasing business?

Mr. Legal Advisor: It makes a direct reference to the Lynn Building and consequently this is only an approval in relation to that. It would not be an approval of the principle of leasing instead of building. It would not be an approval of that principle but only in connection with the Lynn Building and even there it asks for some terms to be negotiated if possible. No, Sir.

Mr. Shaw: I would ask the mover of the Motion that if this Motion stated acquisition rather than...building rather than specific building, whether it would not have a tendency to tie the hands of the Administration in a matter such as this?

Mr. Thompson: Mr. Chairman, I realize your concern and I understand that a mover of a motion can't amend his own Motion but if it would help Council...I think those three words could be deleted without any problem. What it means is that Administration will proceed with a lease agreement in the most advantageous terms within the confines of the contract called. The only reason that I named this was that they were the low bidder and they have the contract, but if somebody wants to amend it, I have no objections because the removal of those three words aren't going to change the intent of the Motion.

Council discussed deleting the words "with Lynn Building Company" from the Motion.

Mr. Boyd: Mr. Chairman, by doing that, the substance has been changed and the question asked by Councillor Taylor of the Legal Advisor would not have been answered in the same way it was had he known what the change would be.

Mr. Thompson: Well, Mr. Chairman, to clarify the situation and to put Mr. Boyd's mind at rest, I think we should ask the Legal Advisor to reconsider the Motion in the present light and give us his opinion now.

Mr. Legal Advisor: As long as there was a direct reference to Lynn Building Company, I was of the view that this would be merely a specific approval. Once you take out Lynn Building Company, you move much closer to the area of an approval in principle. It still speaks of "within the confines of the tender called". There is no reference anywhere to what tender has been called...no date...no point of reference...while for the present purpose, there is probably no illusion, no confusion in anyone's mind as to what is intended. Anybody looking at this in ten years time might be unfamiliar with the history and might give it a much broader interpretation.

Mr. Southam takes the Chair.

Mr. Taylor: Mr. Chairman, in light of Mr. Legal Advisor's remarks...as I see it then...by agreeing to the Motion without the amendment, you agree in principle to the principle of the Administration instituting a project worth about a million dollars of taxpayers' money or expenditure of about a million dollars worth of taxpayers' money in the manner of which they have done...in the manner which we have discussed here...and you give them...that's my interpretation...the direction to proceed with this. And, when you give them the direction to proceed, you obviously go along with it. If you accept removing the words "With Lynn Building Company", then you almost

Mr. Taylor continues: SESSIONAL PAPER #30  
 give them complete licence to go and carry this practice on in future and the reason I asked the question is that in the future...some future Administration...long after we have left this table possibly...will come along and say "Here. You did it here. You did it there. Why are you squawking?" I suggest to you gentlemen, that the best thing you can do is turn down the amendment and then turn down the Motion.

Council further discussed the proper wording of the Motion and it was decided that it would read: That Administration be directed to proceed with a Lease Agreement, dated September 15, 1966, to the most advantageous terms within the confines of the tender called at that date. MOTION RE SESSIONAL PAPER #30

Mr. Southam: I'll second that Motion. MOTION CARRIED

The Motion was carried with Councillors Boyd contrary.

Mr. Chairman: What is your further pleasure?

Moved by Councillor Boyd, seconded by Councillor Thompson, that the Speaker do now resume the Chair and hear the Report of the Chairman of Committees. MOTION CARRIED

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

Mr. Taylor: Mr. Speaker, Committee convened at 11:00 a.m. to discuss Bills, Memoranda, Sessional Papers and Motions. Committee first dealt with Sessional Paper No. 30 with Mr. Commissioner, Mr. Fingland and Mr. Fleming in attendance. Committee recessed at 12:00 Noon and reconvened at 2:00 p.m. Moved by Councillor Thompson and seconded by Councillor Southam, that Administration be directed to proceed with the lease agreement dated September 15, 1966, to the most advantageous terms within the confines of the tender called that date. That Motion was carried. It was moved by Councillor Boyd and seconded by Councillor Thompson, that the Mr. Speaker do now resume the Chair and hear the Report of the Chairman of Committees. REPORT OF COMMITTEES

All: Agreed.

Mr. Speaker: We have the agenda for tomorrow. Is it your pleasure that we proceed with Bills, Memoranda, Sessional Papers and Motions?

All: Agreed.

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

Moved by Councillor Thompson, seconded by Councillor Southam, that we call it five o'clock. MOTION CARRIED

Mr. Speaker: The Motion is carried and this Council now stands adjourned until tomorrow morning at ten o'clock.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support informed decision-making.

3. The third part of the document focuses on the role of technology in modern data management. It discusses how advanced software solutions can streamline data collection, storage, and analysis, leading to more efficient and effective operations.

4. The fourth part of the document addresses the challenges associated with data security and privacy. It provides guidance on implementing robust security measures to protect sensitive information and ensure compliance with relevant regulations.

5. The fifth part of the document concludes by summarizing the key findings and recommendations. It stresses the importance of ongoing monitoring and evaluation to ensure that the data management processes remain effective and up-to-date.



Thursday, December 1, 1966.  
10:00 a.m.

Mr. Speaker read the daily prayer and Council was called to order. All Members were present.

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

Mr. Clerk: There is, Mr. Speaker.

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

Mr. Clerk: Yes, Mr. Speaker. I have Sessional Paper No. 60, on Question No. 1, Court Rent - Mayo Community Hall. That's all this morning, Mr. Speaker. SESSIONAL PAPER #60

Mr. Speaker: Thank you, Mr. Clerk. Gentlemen, I have a communication here. I should have read it to yesterday morning but it got behind some papers here. It's a communication from Robert McCoombe as follows: "Yukon Territorial Council, Whitehorse, Yukon Territory, November 28. Dear Mr. Speaker: As you know, I have always had a strong interest in providing access to the sea. It is my strong impression that the forthcoming Alaska State Administration will be glad to meet with the Council. I understand that Council Session will be ending shortly and I believe this will be an opportune time for the Council to arrange a meeting with the forthcoming Administration to explore the mutual advantages which can accrue from a vigorous investigation of the sea access problem. Sincerely yours, Robert McCoombe, Representative 16th District, Chicken, Alaska." COMMUNICATION FROM MR. R. McCOOMBE

Mr. Thompson: Mr. Speaker, I am very pleased to hear this. I read in Monday's paper where a letter had been sent to Territorial Council and I was just beginning to wonder whether this was a fact or not. I am pleased that you have communicated this to us and I am also very happy to know that we have some allies on the other side of the border.

Mr. Speaker: As I stated before, I should have read this out yesterday morning but it got behind a bunch of papers and I inadvertently forgot to read it. Have we any Reports of Committees this morning? Have we any Notices of Motion and Resolution? I believe that is now finished...the Notices of Motion and Resolution. Yesterday was the deadline for the notices. Have we any Notices of Motion for the Production of Papers? If not, we will proceed to Motions. The first item will be Motion No. 26, Mr. MacKinnon, Feasibility Study. MOTION #26

Mr. MacKinnon: Mr. Speaker, moved by myself, seconded by Mr. Thompson, re a Feasibility Study. That the Administration be asked to study and report to Council as soon as possible on the desirability and feasibility of increasing the salaries and indemnities payable to Mayors and Councillors and to prepare any necessary legislation changes for approval by Council. May I proceed, Mr. Speaker?

Mr. Speaker: Proceed, Mr. MacKinnon.

Mr. MacKinnon: Well, Mr. Speaker, I think everybody is quite well aware of the situation that everything is costing a little more day by day and wages continually increasing. We introduce a Labour Bill which sets a minimum wage scale. We are all happy with that. We are glad to go along with it and all the Territorial Government employees get a raise. Now they get another raise. The only people

MOTION #26 Mr. MacKinnon continues:  
that are forgotten about apparently...even Territorial Council has gotten a raise....but the only people that have been forgotten about is the Council of the Municipality or our capitol city here. They don't get very much. They haven't got a raise for quite some time....I think 1958, possibly later but not much. Anyway, they are not getting enough money. I advocated this at the time the Municipal Ordinance was in front of us and Councillors around the table voted it down for some reason or other. I felt at that time that it was very unfair. Mr. Watt thought it was very unfair and now I ask Council to be a little broader minded and take into consideration that everybody else is getting a raise day by day...all but the Administrators of the City of Whitehorse and other Municipalities where it is necessary to have a mayor and council. I think it is very important that we have this feasibility study and determine...it's not asking for much. It is just asking Administration to make a study and report to Council so I don't know how any Member can go against that.

Mr. Taylor: Mr. Speaker, I would like to ask a question of the mover of the Motion. Just what does a Mayor and Alderman make at the present time?

Mr. MacKinnon: Mr. Speaker, it depends on the municipality that they are in. If Mr. Taylor would look in the Ordinance passed by the Yukon Council in the year 1966, First Session, he will find the answer.

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

Mr. Taylor: No, it really doesn't. I thought the maker of the Motion would know these facts...how much is being paid at the present time.

Mr. MacKinnon: Mr. Speaker, is it necessary for me to go through this rigamarole in detail or should I just hand Mr. Taylor the book and let him read the section that outlines the salaries here?

Mr. Speaker: To answer your question, Mr. MacKinnon. You can say you don't know, you won't tell or you will tell.....

Mr. MacKinnon: The Mayor gets \$2,500 and \$1,000 for an alderman. Does that answer your question, Mr. Taylor?

Mr. Taylor: Yes, Mr. Speaker, that answers my question. I don't think I could approve of any increases or decreases. I might comment that any salary adjustment such as the Council received would be one in reverse and I don't think that the Mayor and the City Councillors would like that. I would certainly like to see more information on this, however, as the Councillor points out, the Motion asks that a study be made and I would be agreeable to that.

MOTION #26  
CARRIED

MOTION CARRIED

Mr. Commissioner enters the Council Chambers.

MOTION #27 Mr. Speaker: Gentlemen, the next item is Motion No. 27, Mr. Taylor, Fiscal Agreements.

Mr. Taylor: Mr. Speaker, moved by myself, seconded by Mr. MacKinnon, re fiscal agreements. That a special committee on Federal-Territorial Fiscal Agreements consisting of members of the whole house be now constituted for the purpose of negotiating with both the Federal and Territorial Governments

Mr. Taylor continues:  
in respect of the new Five Year Fiscal Agreement. In view of the fact this Motion is in relation to a Sessional Paper not already yet dealt with, I am wondering if a Member would move this Motion into Committee so that it may be dealt with at that time.

MOTION #27

Moved by Councillor Thompson, seconded by Councillor Boyd, that Motion No. 27 be referred to Committee.

MOTION #27  
REFERRED TO  
COMMITTEE

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: The next item will be Motion No. 28, Mr. Southam, Compensation Costs.

MOTION #28

Mr. Southam: Mr. Speaker, this is Motion No. 28, moved by Mr. Southam, seconded by Mr. Thompson, re Compensation Costs. That Administration keep statistics for a period of time, relating to premiums paid for compensation, and claims paid in respect of same. May I proceed.

Mr. Speaker: Proceed, Mr. Southam.

Mr. Southam: Mr. Speaker, I was kind of hoping that we would be all finished with the Compensation Bill before I got this in but having the Motions cut off, I had to get it in. It is my opinion, Mr. Speaker, that the Administration should be asked to keep up-to-date information on premiums collected and benefits paid so that when the time comes that the Territory has a fully funded workmen's compensation scheme, it will be recognized promptly from these statistics. Every effort should be put forth to establish such a program and Council should be notified in respect of this. This, I think, Mr. Speaker, is particularly necessary to protect the small employer. A bad accident could cripple him in his business, especially a very small employer as the present premiums are based on a man's experience. In other words, these private firms charge you what premium they figure you can carry or words to that effect. In other words, if you have a real bad accident and you've only got one or two men working for you, it could pretty near put you out of business. As I say, it is calculated on each employer in private funded programs. This would be amended if we had our own funded program because it would be on an established industry wide basis. Therefore, gentlemen, I don't need to point out to you how essential the small businessman is to the economy of the Yukon and this proposed program that I am talking about now could be as far away as five years, but I think we should have something when we're ready to be able to point out and say that this is the case over a period of years and now we should take it over or whatever the case may be. I would like to ask the Councillors to support this because I certainly think that the small businessman needs to be protected.. a big business as we all know...the more employees you've got and the less accidents you have, your rate comes down, but the small employer with just a few, if he gets a small accident, it could maybe crush him.

Mr. Thompson: Mr. Speaker, as seconder of the Motion, I couldn't concur more fully. I think that this is an excellent suggestion and I think it behooves Council as a whole to support Mr. Southam's feelings on this matter and I think this is something that we have to face up to and realize so I would suggest...I don't think that there need be any further discussion with reference to this. I wholeheartedly ask for Council's support on this matter.

MOTION #28

Mr. Watt: I certainly agree with the Motion, Mr. Speaker, but there should have been one more thing added and that is how long it takes to settle these claims...how long it has taken in the past to settle these claims. I think the object of Mr. Southam's Motion is real good.

Mr. Clerk: I might just make one remark relating to that Motion, Mr. Speaker, and that is that a statement is available now to every Councillor from the Commissioner's Office at the end of every year, showing the number of employers in the Territory, the number of claims made, the number of claims paid, the amounts paid out..... giving all this information, except the amount of premiums. This is the big point. We cannot get the amount of the premiums unless we go to each individual employer and ask him what he pays. We made a study for this very purpose two or three years ago. We got everything we could from our office in Edmonton but the one thing that we could not get was the premium so we wrote to the insurance companies concerned and asked them for the premiums paid by the various types of employers and the various types of industries in the Territory and it was not forthcoming so that if we want that, we have to go to every individual employer and ask him exactly how much he pays and ask him how much he has paid each year. This was our experience in the past.

Mr. Speaker: I might say from the Chair that that amazes me because the Government charges 1/10th of 1% of the premiums that are paid.

MOTION #28  
CARRIED

MOTION CARRIED

Mr. Speaker: The next item will be Motion No. 29, Mr. Taylor, Autonomy.

MOTION #29

Mr. Taylor: Mr. Speaker, this is moved by myself, seconded by Mr. Shaw, re Autonomy. That the Administration convey to the Minister of Indian Affairs and Northern Development the desire of the Yukon Legislative Council to experience some progressive form of autonomy for the Yukon Territory in conjunction with the signing of the forthcoming Five Year Agreement. May I proceed?

Mr. Speaker: Proceed, Mr. Taylor.

Mr. Taylor: Mr. Speaker, this Motion falls in line with the continual request of Council for more autonomy for the Territory. Each Session, we have made submissions in some form or another respecting this and since our last Session, our Spring Session, we have found that the Carruthers Commission report has been brought down and this, of course, was the smoke screen that was being used in Ottawa to hold off things somewhat like this new economic study will be a smoke screen to hold us back for another few years. However, the Carruthers Commission did upgrade and make recommendations with respect to autonomy in the Northwest Territories and the Minister, as reported in Time magazine, has stated he feels that this is a very wise move and this he says of the Carruthers Report is wisdom so he is obviously quite interested in the Northwest Territories...he says he is...and the Yukon Territory being sixty years ahead of the Northwest Territories in self government, government by the people, should, therefore, receive very favourable consideration. More recently, the Parliamentary Committee on Northern Affairs has handed down a recommendation to the Government of Canada to the effect that the Yukon should at this time receive more autonomy. This has been reported in newspapers but we have not yet received a copy of this. In view of all these affairs and in view, of course, of Council's desire for more autonomy, I would suggest that this Motion and this direction to the Minister would materially assist him, knowing our views, when it comes down to the next Five Year Agreement and negotiating in respect of it, and it might be possible to achieve a little autonomy at that time.



Mr. Speaker: Have we any further discussion on Motion No. 29? MOTION #29

Mr. MacKinnon: Yes, Mr. Speaker, I would like to ask Mr. Taylor if he feels that the forthcoming Five Year Agreement will not be signed? Is there something that leads him to believe that it won't be signed?

Mr. Taylor: I don't even know what the Member is talking about, Mr. Speaker, as to the signing of the agreement. I wonder if he could rephrase the question. I can't make head nor tail of that.

Mr. Speaker: Mr. MacKinnon, the Member from Watson Lake does not quite understand your question. Could you be more specific?

Mr. MacKinnon: Mr. Speaker, it's vice versa. I can't quite understand the Member's Motion and I am quite certain he doesn't understand it himself.

Mr. Speaker: Are there any further discussions on Motion #29?

MOTION CARRIED

MOTION #29  
CARRIED

Mr. Speaker: Gentlemen, have we any questions which is the next item?

Mr. Boyd: Mr. Speaker, I have a question. I would like a written answer. It is concerning our Liquor Inspector. On what basis is our present Liquor Inspector employed, namely, by the month, by the year, and is there a contract? If so, what are the terms of the contract and when was it negotiated? QUESTION #10

Mr. Watt: Mr. Speaker, I would like to ask a question of the Commissioner with respect to dogs. We were distressed about something that happened. Could you enlighten us on the Dog Ordinance? DOG ORDINANCE

Mr. Speaker: Do you understand the question, Mr. Commissioner?

Mr. Commissioner: Mr. Speaker, I certainly understand the background of why the question has been asked and on that basis I will undertake to try and answer. The particular disaster that I think has prompted the Councillor's question was reported to me yesterday afternoon a few minutes after I left the Council Chambers when Inspector Pantry of the R.C.M.P. phoned and asked if I would extend the effects of certain Commissioner's Orders as they related to the Dog Ordinance to permit the R.C.M.P. to use these powers in certain areas that he designated to me. I contacted the Legal Advisor and we checked what these Commissioner's Orders were and immediately issued a new one which in effect rescinded those which had been in effect before that applied to only specific areas such as Valleyview, Camp Takhini, Hillcrest and the present one now encompasses the total Metropolitan area as described in Commissioner's Order 1965-66 which is....

Mr. Legal Advisor: roughly ten miles north, ten miles south by east and west, less the municipality that is within those lines.

Mr. Commissioner: So that, in effect, what we did was by Regulation extended the content of the Dog Ordinance to the metropolitan area outside the borders of the municipality and this was the authority that the R.C.M.P. wish to have to deal effectively with this matter. If there is anything further that the Commissioner would like to have on this, Mr. Speaker, I will either do my best to answer it here or I will secure the answers for him.

DOG  
ORDINANCE

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

Mr. Watt: Yes, that answers my question, Mr. Speaker. I would like to ask the Commissioner if there is any other co-operation that he needs with this respect and let us know and I am sure that we will go along with him in anything along this line that you need.

Mr. MacKinnon: Mr. Speaker, I would like to ask the Commissioner if there is anything pertaining to the Dog Ordinance we will say in a townsite like, for instance, Haines Junction? Has there been any orders extended along this line?

Mr. Legal Advisor: Orders were made for Watson Lake Airbase, Calumet and Elsa, Hillcrest Residential, Whitehorse vicinity, Mayo, Marsh Lake and McClintock subdivisions, Porter Creek, Camp Takhini, Keno City and Carmacks. There isn't one in Haines Junction. A request hasn't been received.

Mr. MacKinnon: Mr. Speaker, I would like to cite a little problem that we had at Haines Junction. I remember about two years ago when the then Commissioner was presented with a petition from around twenty people to get rid of a certain dog at a Government Building. The reply was that they had no jurisdiction. I also talked to the R.C.M.P., and if the dog didn't bite somebody, they couldn't do anything about it. So, the dog remained on the premises for quite some time and nobody would do anything and this dog has even jumped at me.

Mr. Speaker: Mr. MacKinnon, I am very much in sympathy with your problem but this is a question period and I would ask that you pose your question.

Mr. MacKinnon: This is leading up to the question. The question is...is there any special request that could be made to take care of such a situation?

Mr. Commissioner: The situation, as the Legal Advisor tells me, is that the normal procedure has been that a request from the Community Association for the establishment of a Commissioner's Order to give effect to this Dog Ordinance or if there has been a wide spread problem and the R.C.M.P. make a request, this has been the method of implementing this. In other words, it has not been implemented on simply a carte blanche basis throughout the Territory. It has been done on the basis of local request and the normal two authorities that we have used as a basis for action has been from either the Community Association or from the R.C.M.P. Also, the Legal Advisor points out to me that it is very difficult to deal with just one isolated dog. It is generally looked upon that there has to be some community request or something greater than just a one person request in order to give effect to it. I can assure the Councillor, Mr. Speaker, that if we have a request from the Community Association or from the R.C.M.P. in the particular area, I will be very happy to see that a Commissioner's Order is made to give effect.

Mr. MacKinnon: Mr. Speaker, I would just like to ask the Legal Advisor just what seemed to be the complications. I feel sure that he was aware of the problem at the time and there was a petition signed by about twenty people.

Mr. Legal Advisor: Yes, I remember the particular case, I think with enough clarity to be able to discuss it although it is about two years old. The dog in question was owned by the person at the Liquor Store at the time and it had earned a reputation for being bad tempered but it was one dog and the evidence showed that it was not running loose. Now, even if you have a Dog Order, if the dog is on a chain, it can be as bad tempered as a bear in the spring and it doesn't give you any authority to walk up and shoot it or dispose of it. So, that by itself wouldn't have answered the problem in connection with that particular dog. There was no request for a dog order by these people. They were complaining about a specific dog and certain administrative suggestions were made to the owner of the dog and I understood that the particular problem had been cleared up...at least we never heard anymore about it. If there is a request from a substantial body of people for a dog order.....it can affect your dog if it gets off the chain. That's the position under the Dog Ordinance and I don't think I can add anything else to the particular facts of that dog at Haines Junction. I would mention this...the reason why the policy of waiting for a request has been evolved is because a dog catcher is not the most popular person in any neighborhood. He soon runs out of public favour and if he doesn't have the assurance of public support when he goes about his duty...well, you can simply tie a tin can to his tail instead of to the dogs. You have got to let him know that he is going to have some support before he starts his duties. That is why we have always waited for a substantial request.

DOG  
ORDINANCE

Mr. Speaker: Thank you, Mr. Legal Advisor. Does that answer your question, Mr. MacKinnon?

Mr. MacKinnon: Yes, Mr. Speaker, very well. The dog is not there any longer I will assure you.

Mr. Speaker: Have we any further questions?

Mr. Taylor: Mr. Speaker, I am just wondering if possibly Mr. Clerk could inform me why it is taking so long to get answers to these two CBC questions...or the one CBC question in particular...the L.P.R.T. for Swift River. It seems to me that a person should be able to pick up a telephone and get this information if necessary in order to expedite this before the end of the Session.

Mr. Clerk: Well, I can't say why the CBC are so slow in replying, Mr. Speaker. I can only say that the question was forwarded to the CBC a day or two days after it was forwarded to us.

Mr. Speaker: Perhaps you could check it along....

Mr. Clerk: We could send a follow-up, yes.

Mr. Speaker: Have we any further questions? If not, what is your pleasure, gentlemen? This completes the daily routine and Orders of the Day.

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

MOTION CARRIED

MOTION  
CARRIED

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

Mr. Taylor: We will be going on to the Workmen's Compensation Bill and I will declare a short recess.

11:00 a.m., Thursday  
December 1, 1966

Mr. Chairman: I will call the committee back to order and we will be dealing with the Workmen's Compensation Bill, Bill #18, page 25, Section 52.

BILL #18

Mr. Commissioner: I wonder if I may be excused if it is your intention to carry on with sessional papers and things of this nature, after the lunchtime recess.

Mr. Chairman: Thank you Mr. Commissioner.

Mr. Commissioner: Do you have any time set as far as proroguing?

Mr. Chairman: This will depend on the progress made Mr. Commissioner.

Mr. Chairman: Now that we have gone through this there are several sections to deal with and I wonder if Mr. Legal Advisor would like to proceed with some of these sections at this time.

Mr. Legal Advisor: Could we deal with Section 8, subsection (c) which was under review. I have been in touch with Ottawa twice about this section. You will remember that Section 8 (2) I drew your attention to the expression, "Where a person enters into an arrangement for the supplying of equipment to an employer who is subject to this Ordinance...", so that we are only dealing with employers that are subject to this Ordinance in that particular case. And, in (3) those words were missing and I found myself the other day unable to rationalize an answer and it is now agreed that there was an omission there and we should introduce an amendment to introduce in (3) so it would read...."Where, in any case not coming within subsection (2), a person enters into an arrangement for the performance of work for an employer who is subject to this Ordinance..". So we would again have the same escape hatch for a casual employee not the person who is conducting a business. So, if you do have a load of soil delivered you are not responsible for the compensation of the man driving the truck. Section 9 there was a small change. It reads, (1) "Every employer to whom this Ordinance applies shall pay compensation when and in the amount required by this Ordinance... (a) to a workman of the employer in respect..and etc., and (b)....". Then it goes on to list the exceptions. Now, the word "and" should be replaced by the word "or". You will remember the other day you were having some trouble with this and Ottawa agrees that it should be "or" and not "and".

Mr. Shaw: I just don't quite get that. This is section 9?

Mr. Legal Advisor: Section 9 (1) (a). One further point if you would turn to Sections 56 and 57 of the Bill that you have before you. In the present Yukon Ordinance we have a section which is Section 47 which I will read. It's heading comes under Offence..."In any prosecution of a person for failing to comply with the requirements of subsection (1) of section 3, a certificate purporting to be signed by the Commissioner alleging that such person has failed to enter into and maintain in force a contract of insurance as required by subsection (1) of section 3 shall be received in evidence as prima facie proof of the facts alleged therein." Now we are still by coincidence speaking of subsection (1) of section 3 even in the new Bill. The numbering on that one is the same so that we can take the

BILL #18

Mr. Legal Advisor continues.....  
old section 47 and put it in next to the Offence section in 58 with your permission. It is just a matter of convenience as it saves us from calling the insurance people from Edmonton or wherever they are to come and prove the employer hasn't maintained his insurance as required. We do the same thing in the case of car insurance, we do use a certificate to establish there is no current insurance at a particular time. There is only one other point and that is the Regulations.

Mr. Shaw: Mr. Chairman, this 58. It is presumed to put the old 47 into section 58? Is this correct?

Mr. Legal Advisor: What we will do is give you a new page 28 with this new section inserted. The old 47 will be inserted just ahead of the Offence section so there will be that amendment. With regard to the Regulations, we do have a number of Regulations from the old present Ordinance and they will be re-examined. They consist really of administrative regulations, assessments, appointment of an agent for collection, remittance of assessment, minimum insurance coverage requirements, terms and conditions, and so on, and it is also set out the industries to which they apply. We are now dropping scheduled industries and going away from that. So those Regulations will have to be looked at again. The other Regulations are Regulations made in the Ordinance partly Accident Prevention Regulations and are quite extensive and from what I can see without discussing them at this time with Mr. Oliver and those who are expert in the field, I don't think there will be any changes.

Mr. Chairman: Any further questions or comments on this Bill prior to the preparation of the amendment?

Mr. Shaw: Yes Mr. Chairman, I have some. One of the important parts of a Bill like this are closely related to dollars and cents, both in what the workman receives and what the employer is supposed to pay. There are sections of this I don't quite understand at this moment. In relation to the exemption of certain people or certain individuals of certain industries or professions, whatever you may call them. When we have unemployment insurance it covers everybody because it is an insurance scheme so that everybody has to pay for it so that everybody has to derive of the benefits. Now, under Section 9, we have subsection (d) which refers to "an outworker". I am not too clear what an outworker is, I would know what the outbacks would mean if I was living in Australia but that is not an outworker, that is somebody that works outside that is obvious and that covers a very wide field. A domestic servant can be in a position where somebody hires them to look after their house for a couple of weeks and therefore it would be very difficult to administer to get these people to carry workmen's compensation, a policy, and I can understand that but when we come to a member of the legal, medical, accounting or engineering professions or an office employee of a member of any such profession--this is something that I just don't understand why it is there. Myself, I have a jewellery store, Mr. Chairman, and I have employees there, on a temporary basis during the summertime and I carry insurance to cover these people and I think that it is right that I cover these people. I don't complain of that fact at all but you would hardly call my business a hazardous business but in order to have comprehensive coverage all around I think it is quite fine that I should pay that. Now, the fact that you are working in an office which is absolutely no more hazardous than it is in the occupation that I am concerned with, it doesn't seem to me that there should be an exemption for something like that. These

Mr. Shaw continues.....

people could quite conceivably slip on the polished floors of some of these places, such as coming into this building, and it is just as hazardous as many other occupations that are forced to carry this insurance. If this person did get hurt, the employer could say, "I am very sorry, it is tough luck but you go home and get better and if you get better I will keep your job open for a couple of weeks and if you don't get better I will have to get somebody to take your place." Now, that might be a little bit exaggerated and it might not be Mr. Chairman. So, I feel that there is no reason whatsoever in this of section (f) that will exempt the professional people. They can well afford to pay for it I assume by some of the bills that I receive. Subsection (g), in my estimation Mr. Chairman, in the same category, if we are going to have an insurance deal it should be all encompassing where it is possible to administrate them within reasonable bounds and this is. Now, these very people that are selling insurance on this deal don't have to carry insurance. This just doesn't seem to be quite right. Therefore Mr. Chairman I think that subsection (f) and subsection (g) should be taken out of this Ordinance. I would like to have the feelings of other members of this Council as to how they feel about it.

Mr. Boyd: I appreciate the point but in the first place this is not as Mr. Shaw points out where all contribute to the cause it is based on individual operations and so on and for us to sit here and say, no matter what you are doing, just sitting in that chair, "you are going to have to insure me." I can't get hurt as long as I am sitting here, I appreciate this fact and I can't get hurt very much with a diamond ring as long as I am somewhere or something like that. This is all very well. If everybody is contributing to this the same as they do with unemployment insurance and so on...but we have a private enterprise in the insurer...the people taking our premiums and if Mr. Shaw's suggestions succeed then we are just feeding that insurance company and their shareholders another piece of change unnecessarily. I think the whole thing is off basis and as was pointed out here a little while ago we have people doing business in the area and they contribute nothing to the costs because they carry their own or file it somewhere in New York, who knows. If it were on a basis where everybody was on the same boat and shall be treated the same then I agree with you but I certainly wouldn't agree....I found it hard to pay some of these premiums and I thought they were unfair but I realized that I needed the protection. I sat at home and used the phone and they tried to make me insure myself because I was drawing a salary from this company. I don't know whether I did insure or whether I didn't, I don't remember. But, this is my point.

Mr. Shaw: Mr. Chairman, I don't think that Mr. Boyd has got the point. We are forcing, to use Mr. Boyd's words, a person to carry insurance for themselves to sell a diamond ring. We are forcing this person to do that but at the same time we are not forcing someone that works in another endeavor that is no less hazardous. So, one can hardly justify the other. I don't quite look at it in the same manner as Councillor Boyd that these people will have to pay this where otherwise they wouldn't. I would put it this way, the more people that pay into this the likelihoods are that the premiums would be lower in general on the more hazardous occupations. In other words, we are basing this out on an average. Insurance is....the whole business or profession of insurance is based on probable figures, actuarial calculations so therefore the more people that pay into something the less will be the charge for the individual. If these people were taken in and that was 45% of the labour force for example,

BILL #18

Mr. Shaw continues.....  
 then the amounts that the storekeeper down the street paid or the roadhouse operator paid would be less necessarily because it would be covered from the greater spectrum of the industrial employment in the area. So, therefore that is why I feel that there should be no exemptions on carrying insurance except those that are difficult to administrate as I have pointed out and that are almost impossible to administrate, then of course you would have a time having them uphold the law. But there is no reason why an employee in a store, now you get an employee in a store and that person could be working in a hardware store packing crates around and could rupture themselves or there are so many other things.....but there are so many occupations right now that people must carry insurance where the hazards are no greater than they are in an insurance office, brokerage office, legal profession, etc. and I don't see why the professional men cannot contribute their share towards a form of relief to the employers and employees of the Territory. It should be all the same. You can't make fish of one and fowl of the other. That is exactly what this is doing Mr. Chairman.

Mr. Boyd: Well just one point, Mr. Shaw is bringing out a point that he should not make, fish of one and fowl of another, but yet he admits that because we find it difficult to manage something we should make fish of one and fowl of another and this I disagree. There is a way of handling it if it was based all on the same way of unemployment insurance or something of this nature and this is the fault of the whole issue. The farmers of all people have equipment galore, all kinds of accidents could happen there. If there is a mules on the place he could happen to kick you and something like this while you are feeding him. All kinds of things yet you are quite satisfied to accept the fact that it can't be handled. That is what you said. I don't think that anybody should be exempt and I think it should be on the same basis of the same way as unemployment insurance or something, if one is going to pay it then let's all pay it and let's make it even so that we all pay the .....or we all benefit by one another's contribution.

Mr. Shaw: Mr. Chairman, one thing, Mr. Boyd is getting a little ahead of himself. I didn't say anything about a farmer, I said I thought a farmer should be included. I think if you go back on the record you will find it....a domestic servant, that is impractical, and an outworker, I didn't know what an outworker was so I couldn't exact on it but I do know what (f) and (g) is and that is what I am referring to.

Mr. Southam: Under the present system the premiums that are paid are based on each individual, not industry, on their experience and the experience that they have. In other words you could have every little storekeeper insured and yet there would be no great reduction in your premiums..that is uner this scheme. But, if you had a compensation board similar to the provinces, the way that works is you have a certain area in the mining industry for instance and you are rated from 0 to 50 and from 50 to 100 and so on and that is the way that your rate is set. So, the man that has 0 accidents and this is what cuts them down. But, under our present system regardless you could have the whole Territory paying it and yet your rate would either stay there or go up. I know this from my own experience. The whole gang paying in doesn't help your premiums, this is what I am trying to say.

Mr. Boyd: That is according to your operation. Take a company, any company and you go along and you have no accidents and everything goes nicely, but when you do have an accident in there and you will be assessed on the next year on your premium until that accident has been paid for in premiums but it doesn't affect the other mining companies next door to you at all.



Mr. Shaw: Mr. Chairman, I think we are digressing from the subject. Now, the subject of premiums....whether they are BILL #18 too high or too low and whether these figures should be divulged and whether the government should investigate...this is another matter. All I am saying is that why are professional people left out of it. I don't think they should be. I think there are many that are not professional people that are forced to carry insurance and why should fish be made of one and fowl of another. That is my question?

Mr. Boyd: To whom did you direct this question to and maybe we could get this straightened out.

Mr. Shaw: I would direct that to Councillor Boyd.

Mr. Boyd: I am no legal man and I don't pretend to be but if I were a professional and somebody asked me to take out insurance against an accident in my office I would say why and that is about as far as I would go to answer your question because I can't see why I should have it....there is no danger.

Mr. Shaw: Could Mr. Boyd explain to me why I have to pay when I employ someone to sell a diamond ring over the counter?

Mr. Boyd: No I didn't and I can't understand why Mr. Shaw is taking the attitude that I am giving him a bad time. I am not running this show....I don't like this set-up. I don't like a lot of things in there and I am sure I am going to say so but what Mr. Shaw did start out is that he is really complaining why he has to carry it and the professionals don't. He has to pay and he wants the professional to pay some insurance in there so that it will help his premium out and I say that it doesn't work this way.

Mr. Shaw: Mr. Chairman, please don't....I hope this committee doesn't construe that fact that I am here complaining about myself. I am not...I have carried insurance before they even had an insurance policy so I think it is sensible as far as I am concerned but I had to bring some illustration that had some bearing with this and that is why I brought it up. As I stated I carried or have carried insurance since 1941 and that is a long time, because it is a sensible thing to carry. So, I will continue to carry it. Now, I would like to hear the Clerk of the Council who does have a lot to do with the administration of this, perhaps...I would like to hear his views on this as to why this is in and any related matter.

Mr. Clerk: Well Mr. Chairman, I can only say that this section is based on our old Ordinance and our old Ordinance enumerated a number of industries. These industries that are being exempted here were not enumerated under the old Ordinance, the old Ordinance was based on the experience of years and years and years of experience of workmen's compensation boards throughout the provinces, who, no doubt, had very good reasons for not exempting people in Mr. Shaw's business exemptions for professional people. Now, I can think of several myself, but we mustn't lose sight of the fact that this is not something that somebody who knows nothing about workmen's compensation has dreamed up. This is something that is based on years of experience throughout the provinces and I might even say that in Mr. Shaw's particular business or any business like his which is a retail business there is a lot more manual labour goes into the effort of this business, lifting cartons and so on, various and sundry methods in which you may injure yourself which there is not in these primarily office employees. I don't think I can say on anymore of that.

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Mr. Shaw: Mr. Chairman, okay.....a member of an engineering profession, this gentlemen might go and inspect a bridge and the bridge could fall down and that is the end of him so he is not covered because he is a professional man. An employee of a real estate firm, insurance firm, agency, or otherwise, maybe a person that goes out to adjudicate an accident in a building and he may go into the, for example 4th Avenue school to see where the fire had damaged and the beam might drop on his head. This is quite conceivable and it just might happen. It is just everybit as dangerous as many of these retail outfits in which we are forcing them to accept this insurance. So, we get all these people that are working for these different professional firms and offices that are not sitting at a desk doing their work and they get scattered around the country in various aspects of their vocation and there are occasions that accidents can happen. By passing this we will say you are not covered and it is just too bad if you get hurt. You just be careful. I think that....I just don't see it the way it is put here. If no-one agrees with me, well of course that is fine and dandy and I have given my views on it but why this should be I don't know.

Mr. Chairman: Gentlemen, what is your further pleasure. Is there anything further in respect to the Bill that is before us before the amendments are prepared.

Mr. Legal Advisor: Well, I did have a question which nobody has raised and which I would like to have some sense of direction. Before I come to that I should mention that I think you will find it practised that the professional offices do carry liability insurance and some of that gap that troubles the Councillor is probably covered. I have to disagree with the proposition that handling diamonds is not dangerous. Some of us have received lifelong injuries from fooling around with diamond rings. The question that I have or that has crossed my mind for discussion, since United Keno is a self-insurer, I am not too clear or sure what the position will be if United Keno closes down, locks up, packs up and goes out of business. What provision will be made for their liability compensation to workmen. It is a question with some rather long term implications and I wonder whether the Clerk can help us.

Mr. Clerk: No, I haven't Mr. Chairman.

Mr. Southam: If there are any injured workmen who are on compensation these men will be looked after, treated until they get well. This is the compensation law and therefore they have to look after them. I don't think that there is any way of getting out of it that I know of. You have to look after them.

Mr. Legal Advisor: Yes, Mr. Chairman, I appreciate that but suppose the company no longer has an assets. To what source will the men turn. It is possible for a company to delude itself of assets, to disappear virtually into financial bankruptcy. I am not saying that United Keno will do this but one has to examine the possibility that twenty years from now these men might still be entitled to compensation but owing to the vicissitudes of the mining industry that company is no longer in business. This is one of the important differences between the direct premium and self insurance and the governmental because governments don't go out of business. I don't know what the position will be if United Keno just evaporated as a coporate insitute. This is the thing that struck me.

Mr. Chairman: Is there anything further on this Bill?

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Mr. Shaw: I think that the Legal Advisor has brought a very pertinent matter to our attention and it would be a possibility of this happening. It would appear to me that while these companies are operating that by some means or other they should be able to insure the Commissioner to his satisfaction that they have sufficient reserves or co-insurance or something that they will be able to continue to carry on and make the required payments. This is a very important matter Mr. Chairman, and I think that it has been omitted in this legislation.

Mr. Southam: Well Mr. Chairman, when we have an accident or a death whatever the case might be which requires long term payment--like Mr. Legal Advisor said, be it 10 years or 20 years, this man would be pensioned at a certain rate or whatever the case might be. Now, when that pension is set, for instance take the case of the deaths that we had, the Keno Hill had to set aside a certain sum of money that this is covered. This is how this is set-up. The pension money has to be set aside. Now I don't say that the whole sum would be used at.....say in case of a widow's pension....in case of death the pension would naturally be cut off. But, they base it on the lifetime of the injured. In the case of a widow I think it is 72 years and in the case of a man I think it is somewhere around 75. These pensions have to be set aside, this is the way I understand it from the insurance people and from the general accountant at the mine site.

Mr. Shaw: Mr. Chairman, I appreciate that this company that Mr. Southam has referred to is a very reputable company and will, no doubt, do that but I feel certain that in the course of time there will be companies that won't be quite as sincere as far as the law and so on and unless we have the legislation in the books that says this must be done. As Councillor Taylor has so often said, "what is not written is not implied."

Mr. Legal Advisor: Mr. Chairman there are only two self-insuring groups and any application to be so is certainly scrutinized very carefully.

Mr. Southam: Mr. Chairman I can only say that you could have a very small company with two or three employees and have no assets but I think that a company of United Keno's size which is backed by Falconbridge and this sort of thing. I don't think there is too much to worry about there. They have a reputation and they have to keep it up.

Mr. Chairman: Gentlemen, have you anything further on Bill #18?

Mr. Watt: Mr. Chairman, I am concerned with one thing with this Bill and that is the cost of compensation. I have been associated with a little outfit and we have had equal coverage in both the Yukon and in B.C. and the cost here is 3 times as much as in B.C. It is the same type of coverage we get as we have in B.C. and yet it is three times as much. I think that all the way up and down the line the Yukon employer is being overcharged and he is for everything he does going to have to pass this on. Otherwise he won't be in business whether he is running a business store or anything else and my expenses are so much and I am just going to pass it on to a customer. We are unreasonably high and I think we should start on the lines the Commissioner suggested a while ago in that we should try and get some sort of a group insurance

Mr. Watt continues.....  
or something for everybody in the Territory. Anything we do here isn't worth too much unless we make a real good effort to try and cut down the costs of compensation. They are out of this world, they are unnecessarily high.....beyond reason.

BILL #18

Mr. Chairman: Gentlemen have you anything further?

Mr. Boyd: I have one more point, Mr. Watt points out that whoever is paying the insurance must pass it on but I am thinking of the people who are small fry and who are for example, in the exploration end of it. They have nothing to pass on to anybody.....they have to find the money somewhere and they can't pass it on. This is in lots of cases and this would create a real hardship, this high premium, because in the mining end of it, it is higher than anything else and you really pay through the nose if you are talking about mining or even climbing hills in hunting for rock. That's another case of hardship.

Mr. Chairman: Is there anything else in respect to the amendment?

Mr. Shaw: I have a question for the Legal Advisor. If an employee is receiving full amount of pension and after a certain while the Canada Pension Plan coming into effect pays him an amount, whatever it may be, \$105 a month or whatever it is, will that make any difference to the pension he would be receiving from the insurance company or would that be in addition to the amount that he receives.

Mr. Legal Advisor: I think that the law is unchanged on that. I think that probably section 50 which is the section that refers to indicating the position and if it is not something to which the employer has contributed I don't think that it effects the compensation. Perhaps the Clerk can tell how it has been working so far.

Mr. Clerk: Well there hasn't been any of this experience in the Yukon because there hasn't been anyone drawing a pension under the pension plan yet. That is a controversial point.

Mr. Shaw: A supplementary question, it would be conceivable then that an employee that was receiving a full disability pension plus the Canada Pension Plan would be receiving more than his actual wages.

Mr. Legal Advisor: Yes when he gets up to the pensionable age. This is possible, but you know then that the question rises in how many cases would this arise....there is a latin phrase.....which means that the law doesn't stoop to trifles. We have no law for each individual case and there may be these cases if they become more widespread then another look will be taken. But, after all, if you have a 100% disability from silicosis your prospects of reaching a pensionable age is not very good. Almost all injuries have an affect on reducing life or life expectancy.

Mr. Shaw: Mr. Chairman, I think that this is possibly.....under this pension plan if you are incapacitated for a period of so many months you don't have to be 65.....you could be 25 and receive the \$105 a month so you don't have to wait until you are an old man when you receive that. I think that comes into effect within a relatively few months from when this unfortunate occurrence does happen.

Mr. Legal Advisor: Well the Legge Commission didn't deal with this question at all and I can only assume that their implied recommendation to you is that the matter be left as it is. It is their report that was presented to you and it is subject to examination and debate by you and this question has not been raised now but it will likely have that effect. It is quite possible that a man might find he is earning more money by the payment of compensation and the Canada Pension but it is highly likely to encourage people to.....but it is the Legge Report that has given rise to this legislation and I have read it very closely and I don't think that they discuss this question at all. I wouldn't try to supply the answers to this. I could telephone and see what the reaction is but I can't give a conclusive opinion. BILL #18

Mr. Shaw: I was brining this matter up and I think that we will debate it some time. It maybe that the Legge Report was done prior to these other factors coming known. It may be that they didn't do enough leg work. This is certainly that should be considered and I would like to get this on the record Mr. Chairman along with my other objections to some things and if Council feels that these are wrong thoughts, that is entirely up to them. I have given my feelings on this.

Mr. Chairman: I think it now being noon that we will adjourn until two o'clock this afternoon.

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Thursday, December 1, 1966.  
2:00 p.m.

Mr. Chairman: I will now call Committee back to order. We will proceed with Sessional Paper No. 46, Council Visit to Ottawa - Five Year Agreement. (Reads Sessional Paper #46). SESSIONAL  
PAPER #46

Mr. Boyd: Mr. Speaker, we have a Motion before us in Committee. I think that if we discussed that and got rid of it, it would clarify most of this Paper.

Mr. Southam takes the Chair.

Mr. Taylor: Mr. Speaker, this problem does arise that in discussing this Five Year Agreement, of course, the matters are kept from the public, and according to the rules of the House, until second reading is given to a Bill, it is not lawful to publicly make disclosure. In order to get by this and in order to offer a suggestion as to how we can deal with this matter, I proposed a Motion that a special committee on Federal-Territorial Fiscal Agreements consisting of members of the whole house be now constituted for the purpose of negotiating with both the Federal and Territorial Governments in respect of the new Five Year Fiscal Agreement. MOTION #27

Mr. Shaw: Mr. Speaker, it appears to me that what we have here will be the same as a Financial Advisory Committee except that it will be accordingly named a special committee in which all members of Council will be present and it will be in the same category as the Financial Advisory Committee insofar as that it is not public until it is presented to Council.

Mr. MacKinnon: Mr. Chairman, I would like to ask the Commissioner if he feels it is necessary to make two trips. Council the other day appointed the Financial Advisory Committee and I understand that after going to Ottawa in the latter part of January that the Advisory Committee will have to return again in February. Can't this be handled all in one operation? Is it necessary to go to Ottawa, come back and send three delegates back to Ottawa? Just what would be the purpose?

Mr. Shaw: It would appear to me that what the Financial Advisory Committee will be dealing with closely concerns all of the Council and I think that many of the things the Council will be discussing there will be the same as what the Financial Advisory Committee does. Personally, I would feel that it would be unnecessary for the Financial Advisory Committee to make another trip. It would seem that it could all be included in one. That's the way I would like to have it. I would like to ask the Commissioner if he thinks this is possible and perhaps some other views of Members of Council. I would think that one trip would be enough.

Mr. Commissioner: Mr. Chairman, I can only speak on opinion in this matter. I would hope that this one trip would take care of the requirements of the study of the Five Year Fiscal Agreement and the normal duties that are performed at the same time in Ottawa by the Financial Advisory Committee. I can only speak from the point of view of the Administration, gentlemen. I do not want to tell Councillors what they should or should not do but we are simply running out of time. This is the problem that we have got. Mr. MacKenzie this morning has on my desk the projected figures for the next five years as revised as per his last discussions with the Committee in

MOTION #27 Mr. Commissioner continues:

Ottawa. I have made inquiries of the Deputy this morning if now, instead of us sending some of our Administrative people to Ottawa to discuss these things further, if Ottawa could not send a Committee here because Mr. MacKenzie so far this year has spent forty one working days away from his office in connection with this Five Year Fiscal Agreement or related duties and on top of that, he has on most times had to have one of his from the Department along with him and during all the time, there are one or two other people as well who do not do any normal routine work. They are continually working on this Five Year Agreement and it is just adding into such fantastic time that we are just running out of it, gentlemen. I would hope that one trip to Ottawa would suffice to deal with this whole thing. I express this as a hope and if I had Council's support that they felt that this is what they wish to do, I would be in a very strong position to deal with the Deputy Minister when I say there will be just one trip. However, if Council feels to the contrary, Mr. Chairman, I want you to know that I am willing to do my utmost to give effect to Council's wishes.

Mr. Thompson: Mr. Chairman, I think this is a most sensible approach to the problem and I think that the only reason that it couldn't be fulfilled would be Administration's lack of having the 1967 Budget prepared before we go. This, again, is an Administrative problem and if Administration can have these figures prepared before we go to Ottawa, then I think that there is no earthly reason why we shouldn't consider both at the same time.

Mr. Taylor: Mr. Chairman, I think this is a good idea. I'm glad somebody brought it up. I think that, as I see it, once we have concluded the Five Year Agreement, which is one subject in itself, then the three Members of the Financial Advisory Committee could remain behind to deal with the Budget at that time and then come home. If this is what is intended here, I am all with it.

Mr. Commissioner: Mr. Chairman, I am in no position to advise you as to exactly how this situation will evolve itself. I am sorry but I can't be more definite about that but it is certainly a very desirable thing from the Administration's point of view that one trip be made and I will do everything in my power, and I am sure that the people who are involved will do everything they can, to give effect to this.

Mr. Taylor resumes the Chair.

Mr. Thompson: Mr. Chairman, I would suggest that the question be asked on the Motion and I don't want to be presumptuous but I still think there are some comments to be made on Sessional Paper No. 46 but I think that the Motion would clarify some of this.

MOTION CARRIED

MOTION #27  
CARRIED

Mr. Shaw: I was just wondering, Mr. Chairman, if it would be necessary to make a Motion in relation to the Financial Committee that the Administration endeavour to have all the business on hand so that it will not be necessary for the Financial Advisory Committee to go to Ottawa over and above this other trip, or would the Commissioner feel that the discussions are sufficient to give him direction in this matter?

Mr. Commissioner: Mr. Chairman, unless Council wish to have a specific Motion, the contents of the Votes and Proceedings are quite sufficient guidance as far as I am concerned.

Mr. Chairman: Have you anything further in respect of this Paper, gentlemen?



Mr. Watt: There is just one point, Mr. Chairman, that I would like to try and make with respect to this Paper and that is that if something is brought to our attention in the Five Year Agreement, are we bound by the privilege of having...if something in the Five Year Agreement has got quite a bit to do with people in our constituency, we can talk to them about it? It's not a... something that we consider tabled because there are things in this Five Year Agreement that will relate to people in our areas and businesses in our areas...find out how the Five Year Agreement is going to affect these businesses.

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PAPER #46

Mr. Commissioner: Mr. Chairman, there are certain privileges as legislators that you automatically inherit and I think that the manner of answering this question is very straight forward and that is such things as you see are coming up...the vast majority which, no doubt, are the products of resolutions, sessional papers, departmental advice...things of this nature...when you see them coming up, I think that any inquiries that you make in connection with people who may conceivably be affected by such programs... should certainly be made in a most judicial manner that is not going to place either yourself or the Federal Government in an irretrievable position...I don't think, Mr. Chairman, that I should go any further than this. I think that it has to be dealt with by the individual himself and at that point, he has to use the best discretion that he knows how.

Mr. Chairman: I have one question, gentlemen. In the first paragraph of the Sessional Paper No. 46...the Commissioner asks for your concurrence on the suggestion that we commence discussions in Whitehorse in joint committee on January 23, programming to arrive in Ottawa on January 30. Do you concur in this respect?

Mr. Boyd: I would suggest, Mr. Chairman, that we take as much leeway as possible and use the Monday inasmuch as we might have things that crop up that we would appreciate an extra day rather than start on Tuesday.

Mr. Shaw: I would presume, Mr. Chairman, that we will probably leave here Saturday. Would that be correct?

All: Agreed.

Mr. Thompson: Mr. Chairman, before you get off this Sessional Paper, there are a couple of comments that I would like to make. No. 1 in this Sessional Paper says, "It will not be possible for us"...meaning the Territorial Council...to obtain the Magistrate's Court for use as a Council Chamber". I was under the impression at the last Session that this was the Territorial Council Chambers and that the Magistrate used it when we weren't in Session. Now this seems to be a direct contradiction. It also says in the last part of it also says, "the current session is the last occasion on which the Council can meet in the Magistrate's Court". I was wondering maybe if Mr. Commissioner could enlighten me as to what he has in mind for us, whether it is the basement of the Church, or the Federal Law Office or just what.

Mr. Commissioner: Mr. Chairman, this is apparently one of the unsolved problems that has to be dealt with and I would appreciate the opportunity of delaying a reply to this question until I have talked the matter over both informally and formally with Council after I have further alternatives to offer.

Mr. Thompson: Mr. Chairman, could I just make one observation. This seems rather final. This is it. We are not going to be meeting here again or we can't meet here again. Is this in fact.. as I say Mr. Commissioner, I don't mean to put you on the spot but

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Mr. Thompson continues:

I have but if this is the inference, then informally or formally, could you indicate what you have in mind?

Mr. Commissioner: This is one of the other problems that the Minister didn't tell me about. There has to be a solution found that is satisfactory to all concerned and this is no matter to be treated lightly. This is a very serious situation and it is my intention to be lining up all possible solutions to this problem and seeing that Council is informed of it and at that time giving me their views so that I can be guided by what the majority feeling of Council is. I would ask, Mr. Chairman, that you forego any further questions unless you had some constructive ideas to offer because right at the moment, I am backed off into that corner in this matter and I am looking for a way out.

Mr. Southam takes the Chair.

Mr. Taylor: In this matter of Council Chambers and where we next sit, I also feel that this is a very serious matter and I am very concerned about it. It has been suggested in another Sessional Paper that the City Council Chambers of the Municipality of Whitehorse would be made available and we would split the deal with them and I absolutely turned down that proposal individually. That is their Chamber and that is the place where the elected representatives of the Municipality sit and they should be the only ones that use that Chamber and, also, were it absolutely required that we do so, the space in that thing is too small. I would say that if we have to get kicked from pillar to post.. I guess everybody is these days...that I would sooner see us take over one of the school gymnasiums or something like that until such a time as we can get proper quarters but whenever we do find another spot, I feel that we should stay there. I actually feel very strongly that as cramped as this place is, we should stay here and throw the Magistrate out if necessary until somebody does find us a permanent home. I think we are just as important as law makers as those who interpret and deal out justice with respect of the law. Any suggestion that we move over to that Municipal Council Chambers is going to be met with a storm of protest from me.

Mr. Commissioner: Mr. Chairman, I am very sorry that I can't be more definite on this question because I don't want anybody to get the idea that I am underestimating the importance of this. It is just as important to me as it is to you. We're all together on this thing, Mr. Chairman. This isn't something that simply concerns me or concerns you. It concerns all of us and a reasonable solution has got to be found to this problem and there are many ways, no doubt, in which the problem can be dealt with and with your help, I am sure we can find a solution that will be satisfactory to everyone. The final and proper solution, gentlemen, is our own Legislative and Administrative building. This we know but, gentlemen, we haven't got it right now and the chances of obtaining such by the date it is suggested we meet in the spring here...we all realize...it just can't happen and that's all there is to it so we have got to get together and do the very best we can to see that proper and equitable quarters are provided for the conducting of Council's business in a place and location that is going to suit us as best as possible until we can get our own proper building. I don't want Councillors, either individually or collectively, under any circumstances, to feel that I will permit any solution other than what we all deem to be the best solution under the circumstances. I can give you no further assurances, Mr. Chairman.

Mr. MacKinnon: Mr. Chairman, I would like to say...first of all I would like to mention...I had something to say before but I didn't have the chance. Mr. Taylor was in the Chair and he asked Mr. Commissioner to speak and then, when it came my turn to speak,

Mr. MacKinnon continues:

Mr. Taylor was on the floor. I don't know what he did with the Chair but this seems to be the way things are handled here continually, but I would suggest if I am permitted to have this easy chair, I don't really care where we sit.

SESSIONAL  
PAPER #46

Mr. Shaw: Mr. Chairman, I do not think that the Territorial Council should be treated as a poor relation. I do not look at it, personally...but it is the Government of the Yukon Territory that we are considering. All I will say, for the Commissioner's knowledge, although he is probably aware of this, it was a very good point that Mr. Thompson brought up and that was the point that in this haggling about who has the right to this Chamber, I believe we found out through an investigation, or informed by the Administration, that it is the Yukon Territory that is paying for the rent of this particular Chamber and, therefore, I would consider that we had prior right notwithstanding.

Mr. Boyd: Mr. Chairman, I was under the impression that it was just the reverse to this...to what Mr. Shaw said. I'm only saying I was under the impression...you've got one and I've got another. I do feel that we are just as important as DPW and so on and we are here. We are here first so to speak and I don't think we should be pushed out. These are not that serious. I cannot accept that they are that serious. DPW have lots of room up the hill whether they tell you they are short or not. There is room and it's a case of how they look at things. I don't think there is any doubt about this.

Mr. Taylor: Mr. Chairman, possibly this matter could be pursued by having the Administration pursue this on behalf of Council... this matter of this room in order to attempt at least to stay here until such a time as we would have proper quarters.

Mr. Commissioner: Mr. Chairman, if there's any avenue that doesn't get explored, just let me know about it and we'll explore it.

All: Clear

Mr. Taylor resumes the Chair.

Mr. Chairman: Gentlemen, your next Sessional Paper is No. 58, Opening Date of Next Session. (Reads Sessional Paper No. 58).

SESSIONAL  
PAPER # 58

Mr. Boyd: It sounds like a very good date to me, Mr. Chairman. I have nothing more to say on it.

All: Clear.

Mr. Chairman: The next Sessional Paper is No. 59, re Question No. 6 - R.C.M.P. Residence - Dawson. (Reads Sessional Paper No. 59).

SESSIONAL  
PAPER #59

Mr. Shaw: Well, Mr. Chairman, that's an answer that doesn't tell very much. In the first place, I have maintained that any of these department should clear these things through the Commissioner's office. This is the Yukon Territory that these departments are operating under and if the Commissioner isn't consulted to fit in with the general plan of things, I think this is wrong. As far as costs, I have a little more information on this, Mr. Chairman. As you note, these are mobile homes. They don't mean anything. They aren't heavy... not a big construction. At the same time, I am informed by a fairly reliable source that the gravel for the concrete that is in these basements was hauled from Whitehorse to Dawson. I can understand that if you are constructing something with a heavy piece of machinery such as they did in the N.C.P.C. Plant at Dawson, they hauled the gravel from Whitehorse from...from Mayo because they

SESSIONAL  
PAPER #59

Mr. Shaw continues:  
felt that the gravel there would not be sufficiently strong enough to withstand the vibrations and stress encountered by a large piece of machinery that is subject to a lot of vibration but to haul it from Whitehorse for a basement for a mobile home that you could pretty well pick up one end seems to me just ridiculous. At the present time, I think there are about four Herman Nelsons going on the operation to keep it so it won't freeze up so that is the situation. As far as I am concerned, Mr. Chairman, you might just as well knock the taxpayer on the head and take the money out of his pocket because that is just about what is happening. It is utterly ridiculous. I would be very interested in knowing just how much this basement cost. It must run into a fabulous amount. On top of that, if there are any flood conditions, that's going to be the first building that will get it and if it doesn't go over the top of the bridge, it will certainly lift it up so I am not at all satisfied. This is taxpayers money and whether it's paid by Canada or paid for by the people of the Yukon Territory, in my estimation it's gross inefficiency.

Mr. Southam takes the Chair.

Mr. Taylor: Mr. Chairman, in respect of this Paper, I can sympathize with Councillor Shaw in some respects here. One thing that I note is, of course, that projects are also being done at Watson Lake, Carmacks and Teslin and last spring, and you may be aware of the fact, we were going to have a new Police building. I approached the R.C.M.P. and I asked if they would consider placing that building on a Territorial subdivision where people like you and I build our homes and get away from this business of congregating Government operations in separate areas of town. I tried this also with Canadian National Telegraphs and they agreed and there was two very nice homes went up in our new subdivision in Watson Lake this year. The R.C.M.P. flatly refused to do this. It seems to me that we should have some say in this respect. The R.C.M.P. are working in the public interest and I don't think, when you already have two or three homes around the Police Barracks, that their argument is very strong to put the whole Force all around the Police Barracks. I know in Whitehorse that some live over in Riverdale and that works pretty good. The matter of the gravel...informally I heard something on this the other day and apparently the gravel that went to Dawson was just ballast to the trucks....to gravel a bridge or a bridge approach or something of this nature, but they did take some gravel from Whitehorse to use as ballast and I think that's how the gravel story got going. I know these buildings, once you get the basements for them...they are a mobile type home you slide in and set down....I really think we could have done this in the summer time, however, we have our answer.

Mr. Shaw: Mr. Chairman, what bridge would be in that area, or bridge approach that DPW would have any interest in? It's all Territorial bridges as far as I am aware....Territorial road.

Mr. Taylor: I don't know. This was a Dawsonite that told me.

Mr. Taylor resumes the Chair.

SESSIONAL  
PAPER #60

Mr. Chairman: Next is Sessional Paper No. 60 re Court Rent, Mayo Community Hall. (Reads Sessional Paper No. 60).

Mr. Southam: That answers what I wanted to know and all I am looking for now is the cheque to arrive any day.

All: Clear.

Mr. Chairman: Well, gentlemen, that concludes the Sessional Papers. The only matters now before you are the final review of Sessional Papers and the matter of Bill No. 18. If you wish, after a break for tea, we can do the final review of Sessional Papers.

Mr. Boyd: I'll agree to anything reasonable. There is no need as far as I am concerned to go through Sessional Papers again. As far as I am concerned, they are finished and written off.

Mr. Shaw: I would like to ask a question, Mr. Chairman, of the Commissioner in relation to one of the oldest employees of the Territory that resigned a year or so ago...Mr. Hulland, one of the teachers. He was the Superintendent of Education when I first came to the country and I think he pretty well continuously worked for the Territory for a very long time...about thirty years. His health suffered and he had to discontinue the job as Superintendent. He went to teaching and counselling and so on. I wondered if this gentleman was in receipt of a pension. I was told that he did not get any pension whatsoever. This maybe incorrect. I just wondered as due to the many years of service he has given to the Territory, whether he is in receipt for some recompense for his years of faithful service.

Mr. Commissioner: Mr. Chairman, I will undertake, during the tea break, to get the answer that is required.

Mr. Chairman: I will now declare a recess for tea.

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3:30 p.m., Thursday  
December 1, 1966

Mr. Chairman: I will call committee back to order and I believe that Mr. Commissioner had an item or two that he wished to bring to the attention of the committee.

Mr. Commissioner: The first thing that I would like to talk over with you is a suggestion to the effect of the Workmen's Compensation Ordinance.....you know the last line on the Ordinance where it states as to the date when it will come into effect. I would like to suggest the 31st of March of 1967 could quite conceivably be a date that would be realistic and give the lawyers and all concerned ample time. I merely suggest this and my main interest is that I would like to talk this over with you when we are all here.

Mr. Thompson: Could I direct a question to the Commissioner? I am sure that Council will give it's approval to this Bill but in view of what the Commissioner has said that he is quite surprised that we haven't been inundated by businessmen, Chambers of Commerce, and interested groups in this Ordinance, would this give us the opportunity if there were any serious flaws or any changes that should be made. This would conceivably give us the opportunity to make any necessary changes.....would this be possible.

Mr. Commissioner: If the date as suggested, the 31st of March, 1967, was agreed upon you have set your opening date of Council several days prior to that, the 28th, and this would be the Council's opportunity to amend or do what they saw fit.

Mr. Chairman: Agreed? Do you have anything further?

Mr. Commissioner: No, but Mr. Chairman would it be reasonable for me to ask for a motion of Council on that particular thing.

Mr. Shaw: Mr. Chairman, I think that on the Bill it states on a certain date so the Bill would have to be amended. I would ask the Legal Advisor about this. The Bill states, "this shall come into effect.....on a date....by the Commissioner," and if we say it should come into effect on a certain date it would be an amendment.

Mr. Commissioner: Mr. Chairman, I would be quite prepared to be guided by the contents of the Votes & Proceedings.

Mr. Chairman: Mr. Commissioner, do you have anything further?

Mr. Commissioner: Just before recess I was asked concerning the pension rights or similar for Mr. Jack Hulland. Mr. Hulland was a very long time employee of the Territory in the Education Department and without looking up the files on this, in conversations with Mr. Thompson and to the best of his knowledge the following information is correct. On June the 30th, 1955, Mr. Hulland was officially retired from the Department of Education. At that time severance pay equal to six months salary was given to him. During the course of his employment for whatever number of years prior to this that the privilege had been in effect it was known that he was contributing to a Canadian Government Annuity. It is also Mr. Thompson's understanding that a portion of this contribution was made on his behalf by the Territorial Government. For the

Mr. Commissioner continues.....  
next three years Mr. Hulland was a Territorial Councillor, in 1959 he was rehired by the Department of Education as teacher, counsellor and was finally terminated from this work in 1964. None of the time that Mr. Hulland was in the employ of the Territorial Government was a pension plan of a contributory nature as such in effect outside of the Dominion Government Annuity contributory fund and there is no pensionable rights through a Territorial sponsored plan that is available to Mr. Hulland at the present time. The only thing that he is getting that is any contribution on the part of the government is the Dominion Government Annuity.

Mr. Shaw: Mr. Chairman, would Mr. Commissioner know when Mr. Hulland started his employment with the Territorial Government.

Mr. Commissioner: I would have to look this up and I am reasonably certain that it was around about 1937 or 1938 and I want you to realize this may be subject to correction.

Mr. Shaw: It would mean that he was an employee for the Territorial Government for 23 years and the Territorial Council for three of these?

Mr. Chairman: Are you clear on this gentlemen? Is there anything further Mr. Commissioner?

Mr. Commissioner: No I haven't at this time.

Mr. Chairman: Gentlemen we have sessional papers for final review and in the usual manner I will just call the paper and if you have any questions we will deal with them. Sessional paper #1, #2, #3.

SESSIONAL  
PAPER  
REVIEW

Mr. Thompson: With reference to #3 I would just like to state that there is reference here to Dr. Needler, Deputy Minister of the Department of Fisheries, and because of the contents and because of the date I would suggest that I don't think that the Dr. is acting hastily in this matter but I think that probably administration should needle Dr. Needler because he said he hopes soon to be in a position to reply on this matter. Soon now has extended to four months.

Mr. Commissioner: Mr. Chairman, could I say just a word in mention of this. One of the things that Council can help me considerably on would be possibly to supply things that they would like to see taken up when Council goes to Ottawa. We cannot take these things up after getting there but if I had dome prior knowledge to some of the things you might like to deal with I could likely get the Director's assistance to make it possible for some one or two Councillors to go and see some of these people or something along these lines that will assist Council to get the information they are looking for. If this is impractical this is okay but I think it has got a lot of practical application.

Mr. Thompson: I think this is an excellent suggestion and I think now that between now and the time that we do go to Ottawa that most of us will be in contact with the Commissioner with suggestions and recommendations but I think for the edification of the Commissioner at the moment that this is one of the matters that should be dealt with when we are in Ottawa.



Mr. Commissioner: I think Mr. Chairman this is a matter of using this opportunity to utilize things...make prior arrangements to see the people we are looking for and get the thing half organized.

SESSIONAL  
PAPER  
REVIEW

Mr. Boyd: Mr. Chairman, this is quite correct but is it suggested that the Councillors should be sure to let the Commissioner know what subject you have on your mind because when you get there you are going to be told you have a schedule that goes by the clock.....each day will be just like clockwork, when the day comes that they have set for you to go home this will be it and you will be going home. So everything you have to deal with should be in the Commissioner's hands so they will not set that clock at five days when it should take ten days.

Mr. Chairman: Are you clear on sessional paper #3, #4, #5, #6, #7, #8, #9.

Mr. Thompson: Mr. Chairman, we still haven't had a reply to your question whether the Prime Minister did receive the contents of a motion made and I think that this should be again further looked into and I would also like to say to the Commissioner that this is something that I think we should very definitely take up, while we are in Ottawa.

Mr. Commissioner: I am having the Clerk contact my office right now. I have a further telex message.

Mr. Chairman: Would the Prime Minister's office have a telex?

Mr. Commissioner: Mr. Chairman, our access to the Prime Minister's office is through our Deputy Minister's office and the best I can do in a situation like this is to press for an answer.

Mr. Clerk: We will have something on this in the morning.

Mr. Chairman: Sessional paper #10.

Mr. Thompson: Mr. Chairman, I think we did bring to the attention of the Commissioner the fact that on the original motion that three conservation officer's had been left off of this and I think this should be duly noted and I hope we can look forward to seeing it in the Five Year Agreement.

Mr. Chairman: Sessional paper #11, #12, #13, #14, #15, #16, #17.

Mr. Thompson: This is something I again would like to bring to the attention of the administration, that the last communication we had on this it says, "You will recall that it was the recommendation of the Stanford Report to take a second look at the possible economic benefits that could be derived from this type of limited reconstruction." This was in respect to the upgrading of the Alaska Highway and I would like to suggest that I make a motion to the effect that a letter be forwarded to the Minister of Public Works and a copy to the Minister of Indian Affairs and Northern Development, "that further consideration be given to the paving of the Alaska Highway, and particularly in those areas designated as high traffic density areas as designated by the Stanford Report and substantiated by the Alaska Highway Engineering Report as prepared by the Department of Public Works." This has been seconded by Mr. Boyd.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud. The text also notes that clear and concise reporting is crucial for management decision-making.

2. The second part of the document focuses on the role of internal controls in ensuring the reliability of financial information. It describes how a well-designed internal control system can help to minimize the risk of errors and misstatements. The text also discusses the importance of regular audits and the role of the audit committee in overseeing the internal control process.

3. The third part of the document addresses the challenges of managing financial risk. It identifies the various sources of risk, including market risk, credit risk, and operational risk. The text also discusses the importance of developing a risk management strategy and the role of the risk management committee in implementing and monitoring the strategy.

4. The fourth part of the document discusses the importance of transparency and disclosure in financial reporting. It emphasizes that providing timely and accurate information to investors and other stakeholders is essential for maintaining confidence in the company. The text also discusses the role of the board of directors in ensuring that the company's financial reporting is transparent and reliable.

5. The fifth part of the document discusses the importance of ethical behavior in financial reporting. It emphasizes that the integrity of the financial system depends on the honesty and ethical conduct of all participants. The text also discusses the role of the board of directors in promoting a culture of ethical behavior and the importance of regular training and education for all employees.

6. The sixth part of the document discusses the importance of staying up-to-date on the latest developments in financial reporting. It emphasizes that the financial reporting environment is constantly evolving, and it is essential for companies to stay abreast of the latest trends and best practices. The text also discusses the role of professional organizations and industry associations in providing ongoing education and support for companies.



Mr. Commissioner: Mr. Hughes could give you the name of the man who would be.....what was the man's name that chaired the meeting.....Mr. Ted Wilson.

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PAPER  
REVIEW

Mr. Boyd: Where does Mr. Cy Porter come in?

Mr. Commissioner: Mr. Cy Porter is the Centennial Co-ordinator. He is co-ordinating the activities for all the local Centennial activities that are going on and I must say that he is doing a first rate job. All the things that you saw on that program plus the things that there is federal participation in are the things that Mr. Porter is working at. He is working very diligently and I look forward to an end result that will be beneficial to the Yukon.

Mr. Chairman: Sessional paper #23, #24, #25, #26, #27.

Mr. Thompson: Mr. Chairman, could I make a comment, it says, this was dated the seventh of November and it said that the Department would be delving into the possibility of access to the sea and this was a motion moved by Mr. Watt and seconded by Mr. MacKinnon.

Mr. Commissioner: Mr. Chairman, I think I answered that question and I think I read the name of the consultants.

Mr. Chairman: This is in a sessional paper. Travecon Ltd. Next, sessional paper #28, #29.

Mr. Thompson: This has respect to the upgrading of the Public Service Ordinance. I would just like to comment that I hope that the upgrading of this Public Service Ordinance isn't carried to the point of ridiculousness.

Mr. Chairman: Next is #30, #31, #32, #33, #34, #35, #36, #37, #38, #39.

Mr. MacKinnon: Mr. Chairman, Could we go back to Dalton Post. I would just like to mention that there is an excess of land handicapped by the Territorial government and I think it is very unnecessary to have...there is over 4,000 acres and I think very poor. We are taking land that other people might want to use and this should be given reconsideration.

Mr. Chairman: Next is sessional paper #40, #41, #42.

Mr. Thompson: I think that administration are aware of this from our comments but it does say on the sessional paper, the second last paragraph, "it is suggested that roads with a name not be given a number as well." I think the administration should take into consideration the fact that it was Council's intent that roads with names be given as well. In this matter I would like to commend the administration, I am not sure whether it is Territorial or Federal but the new campground signs in the form of a Yukon "Y" designating camping grounds as opposed to the old signs. These are very attractive and I think administration should be commended on this excellent approach to this matter.

Mr. Commissioner: Mr. Chairman, it must be getting close to the end of the session.

SESSIONAL  
PAPER  
REVIEW

Mr. Chairman: Sessional paper #43, #44, #45, #46, #47, #48, #49, #50, #51, #52, #53, #54, #55, #56, #57, #58, #59, #60. Gentlemen that includes all the sessional papers to date. What is your further pleasure. We have only the sessional papers for tomorrow morning and the amended Bill #18. I would suggest that tomorrow morning we will be dealing with prorogation.

Mr. Shaw: It would appear to me that with the business on hand that we will be proroguing Council sometime tomorrow morning. If it isn't in the morning, it will be in the afternoon.

Mr. Commissioner: Mr. Chairman, there is only one thing that I would have to ask. I realize there are a few items on the questions to which there will be answers available for you or some reason why there is not an answer but is there anything that does not appear on the order paper as questions which I could deal with that any Councillor has asked. If there is I would appreciate being advised of it.

Mr. Chairman: Gentlemen at this time what is your pleasure?

Mr. Thompson: Mr. Chairman at this time I would move that the Speaker do now resume the chair and hear the report of the chairman of committees.

Mr. Southam: I will second the motion.

Mr. Chairman: It has been moved by Councillor Thompson and seconded by Councillor Southam that the Speaker do now resume the chair and hear the report of the chairman of committees. Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried and Mr. Speaker will resume the chair.

Mr. Speaker: I will now call this Council to order and we will hear the report of the chairman of committees.

Mr. Chairman: Mr. Speaker, committee convened at 10:40 a.m. to discuss bills, memoranda, sessional papers, and motions. Committee first dealt with Bill #18. Committee recessed at twelve noon and re-convened at two o'clock. Committee discussed sessional papers. Motion #27 carried in committee. It was moved by Councillor Thompson and seconded by Councillor Boyd that, "a letter be forwarded to the Minister of Public Works with a copy to the Minister of Indian Affairs and Northern Development, that further consideration be given to the paving of the Alaska Highway and particularly in those areas designated as high-traffic density areas as recommended by the Stanford Report and substantiated by the Alaska Highway Engineering Report as prepared by the Department of Public Works. This motion was carried unanimously. It was moved by Councillor Thompson and seconded by Councillor Southam that Mr. Speaker do now resume the chair and hear the report of the chairman of committees. The motion was carried.

Mr. Speaker: Thank you Mr. Chairman, gentlemen you have heard the report of the chairman of committees. Are you agreed with the report? What is your pleasure at this time.

Mr. Taylor: With respect to the agenda I believe tomorrow we will have some further information on Bill #18 and possibly sessional papers and I would suggest that we prorogue around two o'clock.

Mr. Speaker: It has been suggested tomorrow that on the agenda we consider bills, motions and sessional papers and also we will undertake to have this Council prorogue at two o'clock. Is that agreed? Agreed. What is your pleasure at this time.

Mr. Boyd: May I remind you that we have an appointment tomorrow at one o'clock.

Mr. Speaker: Yes, to visit Building 200 at Takhini.

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

Mr. Southam: I will second it.

Mr. Speaker: It has been moved by Councillor Thompson and seconded by Councillor Southam that we call it five o'clock. Are you ready for the question? Are you agreed with the motion? Any contrary? The motion is carried and this Council stands adjourned until tomorrow morning at ten o'clock.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in the context of public administration and government operations. This section also highlights the role of technology in streamlining record management processes and reducing the risk of data loss or corruption.

2. The second part of the document addresses the challenges associated with data security and privacy. It outlines the need for robust security protocols and regular updates to software and hardware to protect sensitive information from unauthorized access and cyber threats. Additionally, it discusses the importance of employee training and awareness in maintaining a secure environment.

3. The third part of the document focuses on the integration of data across different departments and systems. It argues that siloed data can lead to inefficiencies and a lack of comprehensive insights. By implementing data integration strategies, organizations can achieve a more unified view of their operations, enabling better decision-making and improved service delivery.

4. The fourth part of the document discusses the importance of data governance and compliance. It outlines the need for clear policies and procedures that define roles and responsibilities for data management. This section also addresses the requirements of various regulatory frameworks, such as the General Data Protection Regulation (GDPR), and provides guidance on how to ensure ongoing compliance.

5. The fifth and final part of the document concludes by emphasizing the long-term benefits of a well-managed data strategy. It states that consistent investment in data management practices can lead to increased operational efficiency, enhanced customer satisfaction, and a competitive advantage in the marketplace. The document ends with a call to action for organizations to reassess their current data management practices and implement necessary improvements.

Friday, December 2, 1966.

10:00 a.m.

Mr. Speaker read the daily prayer and Council was called to order. All Members were present.

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

Mr. Clerk: There is, Mr. Speaker.

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

Mr. Clerk: Yes, Mr. Speaker. I have several Sessional PERS  
PAPERS  
No. 61 on the CBC Swift River, L.P.R.T., Question No. 7. #61  
The next one is Sessional Paper No. 62 on Question No. 5, #62  
Co-Op at Old Crow. Sessional Paper No. 63 is on Question #63  
No. 9, Carmacks Coal Mine. Next is Sessional Paper No. 64, #64  
Question No. 8, re Haines Cut-Off Road Maintenance. There  
will be one more, Mr. Speaker, which I will table when it  
comes down on the only remaining question on the Order  
Paper which is No. 10, a question asked by Mr. Boyd con-  
cerning the Liquor Inspector. The answer is quite simple  
and it is being prepared right now. I will pass it around  
so that it will clean all the items off the Order Paper.

Mr. Speaker: Thank you, Mr. Clerk. Have we any Reports of  
Committee. We have no Bills to introduce and no Notices of  
Motion. Have we any Notices of Motion for the Production  
of Papers? We will proceed to Motions. The Motions are  
cleaned up. Have we any questions this morning?

Mr. Taylor: Mr. Speaker, I have a question I would like to QUESTION  
raise this morning that is of some importance and I would RE U.I.C.  
direct this to Mr. Commissioner. It would be is the Admini-  
stration aware of the acute situation with regard to the  
National Employment Service in the Yukon Territory in the  
fact that the Unemployment Insurance Commission has withdrawn  
their office from the Yukon and moved it to Prince George,  
placing quite a hardship on people in the Yukon to know  
both where to get their forms and how to realize the benefits  
of a program that they are forced by law to contribute to?  
I would ask the Commissioner if he is aware of this and I  
would also ask him if it would be his intention to look  
deeper into this matter and try and get the Unemployment  
Insurance people back in the Yukon?

Mr. Commissioner: Mr. Speaker, to say that I am aware of  
it is absolutely correct. To say that I am aware of the  
actual hardships that it is creating, I am not aware of  
these and if possibly the Councillor who has raised this  
question would be good enough to give me a few minutes of  
his time in the course of the day today and outline to me  
exactly what is transpiring on this, I will certainly be  
happy to follow the situation up, Mr. Speaker.

Mr. Speaker: Thank you Mr. Commissioner. Are there any  
further questions? Mr. Taylor would you please take the  
Chair.

Mr. Taylor takes the Speaker's Chair.

Mr. Shaw: Mr. Speaker, I did raise this question before and for explanatory purposes on the question, the people of Dawson City have now had electrical power and water service for two months and they don't even know what the charges are. This is fairly difficult when you possibly end up with a three month bill if this continues...I wonder if Mr. Commissioner could inform the Council, Mr. Speaker, if they are going to establish a price setting on this...the urgency of setting a price range so people will know what the score is. They are faced with two months charges now.

Mr. Commissioner: Mr. Speaker, I have asked Mr. Clerk to have my Administrative Assistant to put through a call to Ottawa on another subject here just a few minutes ago and I will see if we can get this same matter dealt with in the same telephone conversation. My present knowledge of this is what I have conveyed to Council, Mr. Speaker, namely the information relative to the construction of these rates was only made available to the Northern Canada Power Commission people in Ottawa approximately ten days ago and it was my understanding at that time that the Minister hoped to be in a position to make an announcement before the end of this last week. There has been nothing forthcoming that I am aware of and I would ask Mr. Clerk if he would be good enough to pass this information along upstairs to see if there is any possibility of an early announcement of these rates because I am sure they are of the utmost importance to the people who are directly affected. Mr. Speaker, I will do everything in my power to see that this information is made available.

Mr. Shaw resumes the Speaker's Chair.

Mr. Speaker: Have we any further questions this morning? If not, gentlemen, what is your pleasure at this time?

Moved by Councillor Boyd, 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, Sessional Papers and Motions.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: I would remind you that we do have an appointment at one o'clock to go over to Building 200. Mr. Taylor will take the Chair in Committee of the Whole.

BILL #18

Mr. Chairman: Gentlemen, we have the amended Bill No. 18. Possibly we can deal with that and then we will conclude with the Sessional Papers. I will declare a short recess.

Mr. Chairman: I will now call Committee back to order. We have before us Bill No. 18 as amended.

Mr. Boyd: Mr. Chairman, I move that Bill No. 18, An Ordinance Respecting Compensation to be paid as a Result of Injuries or Death caused to Workmen in the Course of their Employment, be passed out of Committee as Amended.

Mr. Shaw: I would move that we read it, Mr. Chairman.

Mr. Chairman: Gentlemen, there being no seconder to either of these Motions, I would suggest that we first read the Amendments. Mr. Legal Advisor, I wonder if you would assist me in bringing these Amendments up one by one.

Mr. Legal Advisor: Section 8, subsection (3) has been amended. That is found on page 5. The pertinent part is the reference



Mr. Legal Advisor continues:  
to the "Who is subject to this Ordinance" in line three of subsection (3). That has been added in. It formerly read "Where, in any case not coming within subsection (2) a person enters into an arrangement for the performance of work for another person (hereinafter in this subsection and in subsection (4) referred to as "the principal")". You are looking at the new version which reads "for the performance of work for an employer who is subject to this Ordinance". That is the only change there.

BILL #18

All: Clear.

Mr. Legal Advisor: Section 9 has been altered...9(1)(a). You will now see between the (a) and the (b) the word "or". That previously read as "and". It now reads "(1) Every employer to whom this Ordinance applies shall pay compensation when and in the amount required by this Ordinance (a) to a workman of the employer in respect of injury or disability of such workman caused by an accident, or". That's the only change there.

Mr. Shaw: Mr. Chairman, I am not clear on Section 9. I went to some extent expounding why I felt that (f) a member of the legal, medical, accounting or engineering professions or an office employee of a member of any such profession, and (g) an employee of a financial, insurance, real estate, brokerage or agency firm....I still feel, Mr. Chairman, that if you are going to have compensation insurance that all people should be included where it is practicable to...let us say administer...if you can't administer something, you can't have it....so there doesn't seem to be too much agreement to my thought...at least there has been very little discussion on the matter except what I have expressed myself. Nonetheless, I feel that (f) and (g) should be taken away from this Ordinance. If we are requiring people to have this insurance, it should be all people and we have many people, particularly in retail stores, that their occupation is absolutely no more hazardous than these other people...not a bit...that we include that and as I pointed out, you can't make fish of one and fowl of another. I will thereby move, Mr. Chairman...I don't know whether I'll get a seconder or not...I will move that subsections (f) and (g) of subsection (1) of section 9 be deleted.

Mr. MacKinnon: I'll second the Motion, Mr. Chairman.

MOTION DEFEATED

MOTION  
DEFEATED

Councillors Southam, Thompson and Boyd contrary.

Mr. Legal Advisor: The Committee will recall that the word "accident" had been typed up as "accitent". That's been changed. That was just a typographical error. The next change is found on page 28 where we now have a section which is marked as No. 58. That 58 is a new section. It's based on the old section 47. It is in fact word for word section 47 of the present Workmen's Compensation Ordinance and after that we simply go on with section 59. That's the only change there...the new section. (Reads section 58).

Mr. Chairman: What is your further pleasure in respect of this, gentlemen?

Moved by Councillor Boyd, seconded by Councillor Southam, that Bill No. 18, An Ordinance Respecting Compensation to be paid as a result of injuries or death caused to workmen in the Course of their Employment, be reported out of Committee as amended.

BILL #18  
REPORTED OUT  
OF COMMITTEE

MOTION CARRIED

MOTION  
CARRIED

Mr. Chairman: We next have three Sessional Papers which we received this morning.

Mr. Commissioner: Mr. Chairman, may I say a word in connection with the Workmen's Compensation just before you pass away from it completely. We discussed yesterday the suggested date as to give effect to this Ordinance. I would just like to add, Mr. Chairman, that if for any reason, Administrative or otherwise, it is found that a change would be desirable in this suggested date, it would be my intention to communicate with all Councillors in this regard.

SESSIONAL  
PAPER #61

Mr. Chairman: Gentlemen, we will proceed to Sessional Papers. We have Sessional Paper No. 61, re CBC Swift River, Question No. 7. (Reads Sessional Paper No. 61).

All: Clear.

SESSIONAL  
PAPER #62

Mr. Chairman: Next is Sessional Paper No. 62, Question No. 5, Co-Op at Old Crow. (Reads Sessional Paper No. 62).

Mr. Commissioner: I wonder if I could refresh Mr. Shaw's memory on this, Mr. Chairman. I believe that this was when I was sitting in Council with Councillor Shaw that this matter first came up. This is just to give some idea as to how quickly time passes.

Mr. Shaw: Mr. Chairman, you may be quite correct but I seem to recollect...and Mr. Southam also recollects seconding the Motion...so it must have been quite a transfer of something. They must have had a time machine, I think, in here.

Mr. Chairman: Everything clear?

Mr. Commissioner: Mr. Chairman, please don't pass this over. We want to look into this.

Mr. Shaw: Mr. Chairman, I feel that it's an honest mistake and just wasn't itemized on Votes and Proceedings. These things will happen. It unfortunate that all my files on all this stuff are 350 miles away and I just can't transport myself over there in two minutes to get it, but I do appreciate the fact that the Clerk has made every effort to try and find it but we do say a lot in the course of a Session and to have to go through the whole works about four years back is quite a job. I understand that it's an honest mistake and I am quite content to let it go at that. I will provide the information.

Mr. Southam: Mr. Chairman, I think it would be a good thing if the Department of Indian Affairs got a little bit of a move on to and let us get something going. There is no reason why we shouldn't have a co-op at Old Crow just as well as this joint up in the Northwest Territories. They make garments there. Why can't we do the same? This is what I can't understand. What's the matter with this outfit down here at the end? I've been there. You can't get answers out of them. You might just as well chuck them out.

Mr. Shaw: Mr. Chairman, they would have a record up there because they answered it but it was a very extremely negative answer but it was that I hadn't proposed the Motion in the right way. We will go another way about it. We are investigating it and a year ago, there was a group up here of these really professional experts that were going to set up all these things in the Yukon...see the advisability...and I met some of them right in the Jury Room at that time and they have

Mr. Shaw continues:

gone back and possibly the whole thing has gone into File Thirteen. I feel very strongly, Mr. Chairman, that the attitude of the Indian Department...one of the important things they do...is education which they do, I think, very well as far as the normal education is concerned but then you have these villages that are more or less self contained that the people are finding it harder to make a living all the time due to the depressed price of fur. These are older people that must make a livelihood so if we can possibly get them started on a little business of their own in artifacts it will provide them a living which to me is much better than this handout business just when they have to have it. I don't agree with that. If a person can work, try and produce some work for them and that is all I am asking in this thing. So far I have had negative results and unless I keep pressing it, and even then, it is doubtful that this will materialize. I'll keep trying anyway. I'm a stubborn critter.

SESSIONAL  
PAPER #62

Mr. Commissioner: I think, Mr. Chairman, that if we could just get people to exert as much effort into doing things as what they are apparently prepared to exert and tell us why they can't do them, we might get something done. Mr. Chairman, I just want you to know that I couldn't agree more with what the Councillors have stated in this regard and for my part I would be most happy to press this subject, or any other subject, that calls for action in something instead of answers that tell us why things can't be done. You're going to be wrong fifty percent of the time anyway so you might as well try something and be wrong trying as try to protect yourself as to why you didn't do it and wind up with nothing. I am in full agreement with what has been said Mr. Chairman. Anything that my Administration can do to get action on these subjects, you have my assurances that we are happy to do so.

All: Clear.

Mr. Chairman: The next is Sessional Paper No. 63, Question No. 9, Carmacks Coal Mine. (Reads the Sessional Paper).

SESSIONAL  
PAPER #63

All: Clear.

Mr. Chairman: Next is Sessional Paper No. 64, Question No. 8, Mr. Thompson. (Reads Sessional Paper No. 64).

SESSIONAL  
PAPER #64

Mr. Boyd: Mr. Chairman, I would just like to remark that being as this has been in effect for something like three years that in view of the increased cost of maintaining equipment, wages and so on, we are probably getting a pretty good deal out of this.

Mr. Thompson: Well, Mr. Chairman, I can't agree. I think the situation is deplorable and I think that Administration, although I think that this in on the Federal level, that steps should be taken to see that contracts are called from Canadian firms to maintain this Highway, and I would strongly recommend that Administration pursue this question of giving an outright contribution to our allies to the South funds for which I feel we could do much better ourselves and I would respectfully submit that Mr. Commissioner make inquiries and this I think is another subject that we should take up in Ottawa when we are there.

SESSIONAL  
PAPER #64

Mr. Commissioner: I would just like to say, Mr. Chairman, that the last few words of the Councillor I think are the things to do...and particularly to speak to the Minister on this subject. I know that the Minister has quite strong feelings on this subject and I think it would be a very good opportunity for him to express to the Council the reasons for the continuation of this program in the present form and he can explain to Councillors themselves just exactly what the reasons are.

Mr. Watt: I would just like to add my voice to what Councillor Thompson has already said. I think that the \$127,000 or \$125,000 that has been used in this is hypothetical. There is an awful lot more spent on that in the form of equipment...DPW equipment...that is put on this road. I think bids could be called and you would get a better job done cheaper and we would save the taxpayer a few bucks. I think that the Government should call these tenders and see what happens.

Mr. Shaw: I would like to say, Mr. Chairman, that if it's anything like the RCMP basement up at Dawson City, there isn't enough money in the Territorial Budget to handle it.

All: Clear.

Mr. Chairman: You have now completed all the Sessional Papers, Bills, Memoranda and Motions. What is your further pleasure?

Moved by Councillor Boyd, seconded by Councillor Southam, that the Speaker do now resume the Chair and hear the Report of the Chairman of Committees.

MOTION  
CARRIED

MOTION CARRIED.

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

REPORT OF  
COMMITTEES

Mr. Taylor: Mr. Speaker, Committee convened at 10:20 a.m. to discuss Bills, Memoranda, Sessional Papers and Motions. Committee first dealt with Bill No. 18 with Mr. Commissioner in attendance. It was moved by Councillor Shaw and seconded by Councillor MacKinnon that subsections (f) and (g) of subsection (1) of section 9 be deleted. This Motion was defeated. It was moved by Councillor Boyd, seconded by Councillor Southam, that Bill No. 18 be reported out of Committee as amended. This Motion carried. It was moved by Councillor Boyd and seconded by Councillor Southam that Mr. Speaker do now resume the Chair and hear the Report of Committees and this Motion also carried.

All: Agreed.

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

Mr. Taylor: Mr. Speaker, I wonder if we could have the concurrence of Council to revert to Orders of the Day in order to process Bill No. 18.

All: Agreed.

FIRST  
READING  
AMENDMENT  
TO BILL #18

Moved by Councillor Taylor, seconded by Councillor Southam, that the Amendment to Bill No. 18, An Ordinance Respecting Compensation to be paid as a result of injuries or death caused to Workmen in the Course of their Employment, be given first reading.

MOTION CARRIED

Moved by Councillor Taylor, seconded by Councillor Southam, that the Amendment to Bill No. 18, An Ordinance Respecting Compensation to be paid as a result of Injuries or Death caused to Workmen in the Course of their Employment, be given second reading at this time.

SECOND  
READING  
AMENDMENT  
BILL #18

MOTION CARRIED

MOTION  
CARRIED

Moved by Councillor Taylor, seconded by Councillor Southam, that Bill No. 18, An Ordinance Respecting Compensation to be paid as a result of injuries or death caused to Workmen in the course of their Employment, be given third reading at this time.

THIRD  
READING  
BILL #18

MOTION CARRIED

MOTION  
CARRIED

Moved by Councillor Taylor, seconded by Councillor Southam, that the title to Bill No. 18, An Ordinance Respecting Compensation to be paid as a result of Injuries or Death Caused to Workmen in the Course of their Employment, be adopted as written.

TITLE  
BILL #18  
ADOPTED AS  
WRITTEN

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: The Motion is carried and Bill No. 18 has passed this House. What is your pleasure at this time?

Mr. Taylor: Mr. Speaker, I can report that this concludes all the Bills. One Bill, Bill No. 17, has been left to die in Committee and all other Bills have come out of Committee. It would appear that we need now only give our replies to the Commissioner's Opening Address.

Mr. Speaker: Would you suggest that this be accomplished at 2:00 o'clock or as soon as we can complete the proposed tour of Building 200 at Camp Takhini and the new Municipal Building.

Mr. Thompson: Mr. Speaker, I am in accord with Mr. MacKinnon. I think there is no reason to prolong this any longer. Let's get it over with. We can go to see the Camp Takhini setup at one o'clock as arranged. Do we have to sit around here for the rest of the afternoon?

Mr. Speaker: To answer that question if that is a question, we don't have to, no. Usually the CBC sets up microphones around this Chamber and the closing of Council is usually heard by the public so there is that particular matter to be resolved. I don't know how long that would take to get it set up. I am completely at your pleasure gentlemen. It really makes no difference to me.

Mr. Watt: I would like to see if Mr. Commissioner has something...do you need any help with respect to the Dog Ordinance.. recent tragedy that we experienced in the Territory. I think that our Ordinance is lacking.

Mr. Commissioner: I have made further inquiries of the RCMP and I am assured by them that such legislation, supplemented with Commissioner's Orders that we are presently able to give effect to, are adequate for them to take care of any problem that they anticipate in this regard. I have passed on the word to them that if they find anything that is of an inadequate nature that they can count on my own and my Administrative people's assistance to help them in any way, shape or form. We are still lacking this legislative authority but we will be getting this authority in front of Council as promptly as possible and seeking further amendment to give

Mr. Commissioner continues:

effect to it but at the moment, I assure Council that there is no lack that we are aware of at the moment.

Mr. Watt: I represent an area that is partly outside of Whitehorse and partly inside of Whitehorse and a couple of years ago we endeavoured to try and work an agreement with the City Dog Pound Catcher to go beyond the City Limits and there was nothing that we could do at that time. The dogs would go beyond the City Limits and he was powerless to do anything. Not only that, he was threatened to be sued if he touched a dog outside of the City Limits. I was up at the Air Base and I personally tried to find out what this guy was up against. We tried to personally try to catch a couple of dogs. We were told what they are up against. We just couldn't cope with it. Unless there has been some changes in the Ordinance in the last few years, then there is something lacking. We just don't have the authority.

Mr. Commissioner: Mr. Speaker, I feel quite confident when I assure the Council that a complaint lodged with the RCMP, as long as the area described is within the area known as the Whitehorse Metropolitan Plan, will be dealt with very effectively.

Mr. Watt: In this respect, in the past..unless it's been changed, any calls to the RCMP were not dealt with. They were just referred to...they wouldn't handle it. CNT have called. They have called me and they have called the RCMP and the Air Base has done the same thing and when they phoned the RCMP, they didn't want to bother with it. They didn't consider it their duty.

Mr. Commissioner: The responsibility for giving effect to such laws as this in areas beyond the Municipality are definitely the responsibility of the RCMP and if there is any qualification of this, I would like to ask the Legal Advisor to correct me entirely.

Mr. Legal Advisor: No qualification. The Police Agreement provides that they do. They are instructed by you, subject to any overriding counter instruction by the Attorney General, and they will carry out your instructions.

Mr. Commissioner: This, Mr. Speaker, simply verifies what I have said.

Mr. Watt: Yes, Mr. Speaker. I hope it's in Votes and Proceedings and I will use it to quote the Commissioner. I have been told myself that it is not their responsibility.

Mr. Speaker: I believe this was so, Mr. Watt, prior to the Commissioner's Order yesterday or the day before.

Mr. MacKinnon: Mr. Speaker, I just wanted to feel sure that the outside areas were covered as well and that we weren't leaving any loopholes in enforcing it in the Municipalities but I think it should be enforced all over the Yukon...every Community.

Mr. Speaker: I believe Mr. Commissioner explained the ramifications of that yesterday.

Mr. Taylor: Mr. Speaker, if the debating period is concluded, I would suggest that, to get back to the original matter we were discussing, possibly two o'clock would be a good time for the replies.

Mr. Speaker: There would appear that there are some Members that would prefer another time. I would ask Mr. Clerk about how long would it take to get the Chambers set up. There are a certain amount of changes to be made. How long would it take the Chamber to be ready for this proroguing if it was started at this time?

Mr. Clerk: It wouldn't take us any longer than about fifteen minutes, Mr. Speaker. I don't know how long it would take the CBC to gather up their necessary microphones and what not and set up their tape recorder, etc. We have already advised them that we could let them set up between one and two this afternoon.

Mr. Taylor: I would again suggest two o'clock, Mr. Speaker.

All: Agreed.

Moved by Councillor Boyd, seconded by Councillor Southam, that Council recess until two o'clock this afternoon.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: This Council stands adjourned until two o'clock this afternoon.

1948

1949

1950

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2:00 p.m., Friday  
December 2, 1966

Mr. Speaker: I will call this Council back to order and this is the time gentlemen according to the custom of the past couple of years in which members reply to the Commissioner's opening address. Are you prepared to proceed at this time Mr. Boyd?

Mr. Boyd: Mr. Speaker, again we have concluded our deliberations on this particular Council Session, of the many things discussed, debated, the livestock menace on the highway, the Justice vote, the Corrections Institute, and the leasing of office space received some particular attention and rightfully so. I don't think the Councillor's are at all happy with the present arrangement concerning the leasing of office space. I for one think there is a lot to be desired. Also, the more I have to do with Council work the more convinced I am that there should be a committee of three Councillors who would meet with the administration once a month or possibly for one day or two days in order that they may know what is going on from time to time. Had this arrangement been in effect now I am sure some things would not have gotten into the position they are in at the moment. After all, millions of dollars are being spent and the Councillors really know nothing about what is going on until they come and sit around this table once every six months. This proposal was suggested by the Finance Committee but was turned down by Council on the grounds that the distance was too great. The time and the cost were also factors. However, I disagree with this and I still think it would pay dividends. I would like to commend the Commissioner, his staff and particularly his stenographers for the excellent service and the mass production of paper work that they produced during this session. Thank you Mr. Speaker.

Mr. Speaker: Thank you Councillor Boyd. Councillor Thompson.

Mr. Thompson: Mr. Speaker and honorable members, we have had, in my estimation, one of the most efficient sessions of Council. We have welcomed the new Commissioner, Mr. J. Smith, who has taken the time to sit with us constantly and in so doing has expedited our deliberations considerably. We are presently to embark on a new Five Year Agreement on behalf of the Territory and I don't need to remind any of you gentlemen the extreme importance of this undertaking. I would like to take this opportunity of wishing one and all compliments of the Season and I sincerely hope that the New Year brings continued prosperity to the Yukon.

Mr. Speaker: Thank you Councillor Thompson. Councillor Southam.

Mr. Southam: Mr. Speaker, in reviewing what in my opinion, were the highlights of the session just concluded, I would say first, the Workmen's Compensation Ordinance as this affects many people in the Territory. The raising of the rate to \$5,600.00 from \$4,000.00 brings our compensation in line with other provinces. This should have some effect on workmen seeking employment here. If we want workers here we must strive to keep our standard on par with the rest of Canada. My motion asking for legislation for further improvement in mine supervision qualifications was based on 40 years of mining experience and in my humble opinion, sorely needed. While we have had disappointments in the mining field I am still of the opinion that given time more ore will be found

Mr. Southam continues.....  
in the Keno area and this area will come back bigger and better. What this country needs is a custom mill which would enable small properties to open, which could be worked with very small crews and whose tonnage would not warrant vast expenditures. This is something to think of in the future. The economic study is another worthwhile project, something which should have far reaching effects on all industries of the Territory. Naming of the roads and also numbering them will give added interest to tourist and resident alike. The co-operation of the Commissioner and his staff is noted and appreciated and I am sure that a closer spirit of unity was affected. We are seeking more autonomy for the Yukon, hopeful of being more self governing soon. In future Councils we should raise our sights higher and aim to be Canadians first, Yukoners second so that the Yukon's identity within Canada may be recognized. To one and all throughout the Yukon may I wish one and all a Merry Christmas and a prosperous New Year.

Mr. Speaker: Thank you Councillor Southam. Councillor Watt.

Mr. Watt: Thank you Mr. Speaker, I would simply like to say that this session has been the most enjoyable that I have ever spent in Council. I believe this is because of the fine co-operation and consideration that the administration, particularly Commissioner Smith, have given us, and the promptness in which Department heads have assisted us. As in the past, this session has had it's ups and downs and we have had our differences of opinion. It is like the story of the gentleman that was laying down with his head in the oven and his feet on a block of ice and on the average he was pretty comfortable. On the average this has been a good session and a constructive one. If we are able to get the same co-operation from Ottawa in January then our March session should go just as well. I would like to wish all, and particularly the taxpayers of Whitehorse West, a very very Merry Christmas and a prosperous New Year.

Mr. Speaker: Thank you Councillor Watt. Councillor MacKinnon.

Mr. MacKinnon: Mr. Speaker and members of Council, I would like to express my feelings towards the sincere co-operation from our new Commissioner. The functions of government seem to be closer than ever before. We have dealt with many Bills and other problems and I hope the end result will be pleasing to the most of the people. We will be returning late in January to deal with the new Five Year Agreement and we will be dealing with the Department of Northern Affairs at that time in Ottawa. I would like to wish everybody a Merry Christmas and a Happy New Year.

Mr. Speaker: Thank you Councillor MacKinnon. Councillor Taylor.

Mr. Taylor: Mr. Speaker, honorable members. Once again we have concluded a session of Council, and in the usual manner, we reply to the Commissioner's opening address. This is the one time in Council when members may deal with any subject or topic he so desires, and accordingly I would like to make a few observations arising out of this session. Firstly, I would note that once again the Yukon has requested through this legislature, an end to full colonial rule by the Federal government in Ottawa. I wonder if our cries are now to be heard and recognized. When I first came to this Council, five years ago, the attitude at the senior civil service level was that the federal Department of Northern Affairs should exist only

Mr. Taylor continues.....  
to administrate itself out of business by gradually providing the Territories with self government. Today, however, I have the impression that this attitude has been replaced with one which would favour full control of the Territories to the general benefit of all Canada.....a bread-basket for the Dominion. And even though we in the Yukon have no candle on the forthcoming Centennial birthday cake, what better time presents itself, than in the Centennial year for the Federal government to show it's faith to the people of the Yukon. The Carrothers Report has advanced this recommendation for the N.W.T. More recently, the Parliamentary Committee on Northern Affairs has specifically recommended self rule for the Yukon, and now on the verge of signing a new Five Year Agreement, the time is ripe for a change to more responsible government. I wonder if at last we will be on our way down the long trail toward Confederation. I hope so. During this session you approved a motion which if acted upon by the Minister, will attempt to wipe out the legal discrimination against our Yukon native citizens. I speak of course of the sections of the Indian Act under which an Indian may be charged with committing an offence.....off a reserve. As there is no reserve for these citizens of our Territory, this amounts to a flagrant denial of civil rights before the law as defined in the Bill of Rights Act and I trust that the Minister in conjunction with his colleague, the Minister of Justice, will erase forever this deplorable legislation. It has been agreed that one of the most important considerations of future economic growth in the Territory will be largely based on our ability to reach the sea, therefore it follows that we, as elected representatives of the people, should take the initiative by opening discussions with our Alaskan neighbours in this respect. If we wait for our respective federal governments to achieve this we will wait forever. There is absolutely no reason why, for instance, we cannot proceed with the Skagway road and meet our Alaskan friends as they push their road even closer to the boundary. A road from Atlin to Juneau is a good possibility which would link our two capital cities together and offer sophisticated port facilities to boot. A lifting of the detrimental restrictions on travel contained in both the Canada Shipping Act and the American Jones Act, would allow Canadians the full beneficial use of the Alaska Ferry System and completion of the Cassiar Stewart road would give the southern Yukon a northernmost seaport facility. It seems to me Mr. Speaker that these things are negotiable. Let us get off this corridor idea once and for all. Any suggestions which would ask the Americans to alienate any of their soil is to my way of thinking a downright insult to their intelligence. Rather why not negotiate with our neighbours to procure on a renewable lease basis for one or two coastal sights, say Haines and Skagway, where we can lease acreage upon which we can build our port facilities. Why wait for Spring, do it now. During this session and for the umpteenth time in many years we have asked by direct appeal to the Prime Minister of Canada, that the C.B.C. be allotted the ten thousand dollars necessary to provide the people in the Whitehorse listening area with 24 hour radio similar to that enjoyed in all other areas of the Territory. With millions being spent annually by this corporation, it seems quite ridiculous to state that such a paltry sum of money cannot be found to provide this service in an area such as this. I trust that this matter will finally be resolved to the satisfaction of all concerned. I might also say that I was very pleased to hear this morning that the Board of broadcast governors have looked favourably upon the application for the low powered relay station for Swift River, and although

Mr. Taylor continues.....  
 the Northern service of the C.B.C. feel it will not install this unit until Spring, I would hope that they would re-consider this matter so as to provide this service to Swift River during the long winter months ahead. I had intended on dealing at some length with the matter of the lease arrangement respecting the acquisition of Territorial office space, but I realize that nothing said at this time will change the situation. I will say however that by accepting in principal the philosophy that government can enter into agreements involving upwards of a million dollars of the people's money without having first obtained the sanction of the people this elected Council have abdicated their legislative right to control of the public purse and further it should be recognized that in accepting this principal this Council has established a precedent which if exercised again will effectively destroy any remaining democratic rights that the people of the Yukon may at this time enjoy. Last but not least, I would like to say a few words regarding our Watson Lake Electoral District. This summer the community of Brooks Brook ceased to exist, and the residents of that community are now resident in Teslin. The consolidation of these two communities has provided the Yukon Territory with a stable new and important communications center, and I trust that the administration will continue to look with favour upon the requests for service for this developing community. Watson Lake, which I term to be the second largest community in the Territory has enjoyed a good active economy during the past summer season and with the continued year round maintenance of the Ross River road, I hope that Watson will expand even further as the central supply point for the Ross River and other developing northern areas. Of all of the Yukon communities now under development, however, none hold better promise for the future than Ross River. Major developments in mining and related resource field in this area hold forth exciting promise for industrial development and expansion beyond our comprehension and it is my hope Mr. Speaker that Ross River will soon become the major industrial center of the Yukon in the space of a few years to come. In closing Mr. Speaker, I would like to take this opportunity to thank all members of Council and administration alike for the courtesys extended to me in the performance of my duties as deputy Speaker and chairman of committees. On behalf of all of the people of the Watson Lake electoral district I extend to you and all people of the Yukon our sincerest best wishes for the festive season and for the coming year. Thank you Mr. Speaker.

Mr. Speaker: Thank you Mr. Taylor. Will you please take the chair.

Mr. Shaw: Thank you Mr. Speaker. I myself would also like this morning to state that this is one of the shortest sessions that we have had for quite some time. It is for various reasons, the chief of which is that Council has been provided with continuous support by the Commissioner who supplied full and frank answers to most of the questions asked, and with the greatest dispatch. In the past, questions have taken sometimes weeks and months to secure an answer and I must say that I appreciate this new kind of service. This support has been a great help in making this Session shorter and at the same time most effective but even with this great co-operation the fact still remains that the Yukon people through this Council have very limited control over the administrative arm of government. The recent rental agreement which the Council became aware of after the negotiations were

Mr. Shaw continues.....

almost completed and signed could be cited as an example as well as the New Correctional Institution program and others that I will not rehash at this time. This Council, last Spring, forwarded to Ottawa a blueprint as to what the people of the Yukon desire. This was a blueprint of a start in self government and a start, I am confident, the people of this Territory are qualified to fulfill. To date this plea has been ignored, certainly no action has been taken that I am aware of. I am sure that we can do the job if Ottawa would loosen up on the reins and start to free us from her apron strings, after all, we are almost seventy years old. Tied in with this basic concept of better managing our own affairs, and of great concern to me and I think of most of the Yukon's people, are the proliferations of the various Federal Government departments in the Yukon. The more dependent we become on this economic crutch engendered by this type of government spending, the further we drift away from operating our own affairs. It has now got to a stage where some of these government departments are almost a law unto themselves and could almost be referred to as the great untouchables as far as this Territory is concerned. This cancerous growth is now literally pushing the Territorial Government right out of the Federal Building. I would agree that this is the rightful property of the Federal Government, I would also ask, what is this additional space required for. Is this normal growth, I would say abnormal would be more correct. Are there more people in the Yukon. This does not appear so, in fact, what little knowledge I have been able to obtain indicates that our population is lower than the last census. Whatever the reason might be I have had no answer. I do know that this type of expansion alarms me and it would appear to me that if we do not get some political reform in the Yukon very soon, this type of Federal Government paternalism though perhaps well intended, will soon envelope us so completely, that we never will be in a position to run our own affairs, the Canadian taxpayers would refuse to pay the bill with which we would be charged with. During this session I was subjected to quite a cross examination by Council in relation to the Dawson City flood of last Spring. On behalf of the flood victims of this area I wish to convey to you Mr. Speaker and Members of this Council my appreciation for your final approval of the funds to assist them. May I also thank the Administration for making these funds available. I would conclude Mr. Speaker by wishing yourself, all Members of Council and the Members of the Administration a joyous festive season which is fast approaching. I also would like to thank you collectively for your courtesy and assistance. Thank you Mr. Speaker.

Mr. Speaker: Gentlemen, this will conclude the addresses in answer to the Commissioner's opening address. At this time I would request Mr. Clerk that you please escort the Commissioner to the Council chambers for his closing address. I will call a short recess.

RECESS

Mr. Speaker: I will call this Council back to order. Mr. Commissioner, the Council of the Yukon Territory has, at it's present sittings thereof, passed a number of bills to which, in the name and on behalf of the said Council, I respectfully request your assent.

Mr. Clerk: Mr. Commissioner, the Bills requiring assent are: Bill #1, An Ordinance to Amend the Companies Ordinance; Bill #2, An Ordinance to Amend the Taxation Ordinance; Bill #3, An Ordinance to Amend the Municipal Ordinance; Bill #4, An Ordinance to Amend the Liquor Ordinance; Bill #5, An Ordinance to Amend the School Ordinance; Bill #6, An Ordinance to Amend the Coroner's Ordinance; Bill #7, An Ordinance to Amend the Low Cost Housing Ordinance; Bill #8, An Ordinance to Amend the Fire Prevention Ordinance; Bill #11, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory; Bill #12, An Ordinance to Amend the Vital Statistics Ordinance; Bill #13, An Ordinance Respecting Civil Measures to be Taken in the Yukon Territory to Deal with any Peacetime or War Emergency; Bill #14, An Ordinance for Granting to the Commissioner Certain Sums of Money to Defray the Expenses of the Public Service of the Territory; Bill #15, An Ordinance to Amend the Recording of Evidence by Sound Apparatus Ordinance; Bill #16, An Ordinance Respecting Territorial Goals; Bill #18, An Ordinance Respecting Compensation to be Paid as a Result of Injuries or Death Caused to Workmen in the Course of Their Employment.

Mr. Commissioner: Mr. Speaker, you have now completed your deliberations and I believe this has been a most fruitful Session. The subjects dealt with cover a wide range of Territorial problems and I feel that much good will have resulted as a consequence of the discussions conducted between ourselves here. The opportunity of working with you this past month has been much appreciated and I feel mutually beneficial. You are now on your way home and as the dates for our next meetings both formal and informal have been settled, they should allow you to make your personal plans accordingly. To give effect to your wishes expressed in this Session and to complete the necessary work for the coming Five Year Fiscal Agreement as well as prepare next year's budget is going to tax the time and energies of my staff to the limit. We will do the best possible job on behalf of the Yukon and it's citizens. Progressive and imaginative plans to make the most use out of programs now in operation is uppermost in your administration's thoughts. In this regard I am hopeful in the next few months to visit all populated centers in the Territory and see personally how we might improve the effectiveness of the programs. The courtesy and consideration extended by you to me during this Council Session has been very much appreciated. I look forward to seeing you all here in January, 1967, when we will study the proposed Five Year Fiscal Agreement that will shape the financial dealings between the Territory and the Federal Government during the period 1967 to 1972. On behalf of my Minister, my staff and myself, I extend to you all the warmest season's greetings. Mr. Speaker, the Bills as enumerated by the Clerk I am pleased to assent to.

Mr. Speaker: Thank you Mr. Commissioner for your closing address. I agree with you that this has been a short session and a heavy agenda has been completed on behalf of the people. A great measure of this has been due to the co-operation received by Council from yourself and members of your administration. For this and on behalf of this Council, thank you sir. On behalf of this Council I would like to wish you and your staff the most joyous festive season that it is possible to have. Thank you.

Mr. Clerk: It is the Commissioner's will and pleasure that this Council be now prorogued and this Council is accordingly prorogued.