

PLEASE RETURN TO COUNCIL CHAMBERS



# YUKON TERRITORIAL COUNCIL

SECOND SESSION 1967

## Votes and Proceedings

Volume 1

I N D E X - 1967 (2nd) Session

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Session Dates - Monday November 6th 1967 to Monday January 22nd 1968

<u>MOTIONS</u>	<u>Moved</u>	<u>Discussed</u>	<u>Results</u>
1. Leg. re Summary Convictions	45	45-46,78-90 324-25, 490-93	Carried S.P. 45
2. Critical Housing Situation	46	46-47,48, 62-78	Carried
3. Takeover Fisheries	93	93-97,102-111	Carried
4. Public Utilities Comm.	97	97	Carried
5. Financial Adv. Comm.	97	97	Carried
6. Admin. of Justice	176	176-180	Carried
7.			Withdrawn
8. Re Sess. Papers 15 & 16	141	141-173	Carried
9. Low Cost Housing Reg.	325	326-329	Carried as amended.
10. Sess. Papers 24-25-28-32-34	223	223	Carried
11. Sess. Paper 31	223	223	Carried
12. J.P. Court Facilities	223	224-26	Carried
13. Crash Helmets	226	226-29	Carried
14. Sess. Paper 23	229	229	Carried
15. Local Impr. District Ord.	264	370-85	Carried
16. Sess. Papers 36 & 37	265	265	Carried
17. Kindergarten	265	265	Carried
18. Carcross Cemetery	276	276-80	Carried
19. Sess. Papers 39-42-45	289	289	Carried
20. Recording System-Council	289	289-92	Carried
21. Public Housing Auth	293	329-46	Carried
22. Housing Improvement Ord.	293	346	Carried
23. Land Available-Terr. Subdiv.	293	346	S.P.66 Carried.
24. C.M.H. C. Mortgage Money	293	347-49	Carried
25. Low Cost Housing	293	350-51	Carried
26. Amend Low Cost Housing	293	351-54	Carried
27. Postal Service-Carcross	414	414-15	Carried
28. Sess. Papers 48 & 50	415	415	Carried
29.			Withdrawn
30. Airport - Old Crow	416	416-418	Carried
31. Frontier Package T.V.	418	418	Carried
32. Sess. Paper 35	474	474	Carried
33. Licence Fees	474	474,482-85	Carried
34. Yukon Govt. Contract Regs.	474	474,486-90	Carried
35. Telegram - Premier Robarts	475	475-76, 494-96	Carried
36. Sess. Paper 54	473	473	Carried
37. Tender - Clearing Line- Vangorda.	520	568-572	Carried
38. Interdepartmental Comm.- Fed.-Terr. Financial Relations	520	572-74	Carried
39. C.N.T. - Service at Dawson	520	575-78	Carried
40. Appt. Member of Council to Leg. Prog. Committee.	520	579-81, 647-49	Carried
41. Sess. Papers 53 & 57	619	619	Carried
42. Forms - Dept. of Educ.	619	661	Withdrawn
43. Official Discovery Day	619	619-20	Carried
44. Law Enforcement - Teslin	699	699-704	Defeated
45. Pre-Engineering - Dawson Br.	705	705-06	Carried
46. Occupational Training Courses	789	789-90	Carried
47. Sess. Papers 59-61 & 62	789	789	Carried
48. Paving A/Hwy Adj. Pop. Areas	790	790-94	Carried

<u>MOTIONS (Cont'd.)</u>	<u>Moved</u>	<u>Discussed</u>	<u>Results</u>
49. Committee - Takeover of Justice	803	803	Carried
50. Change Title- Low Cost Housing	803	803-04	Carried
51. Taxation Re Real Property Abutted by S&W Line	804	804-05	Carried
52. Sess. Paper 66	806	806	Carried
53. Salary Neg. Advisory Comm.	806	806	Carried
54. Sess. Papers 63-64-65-67 to 70.	806	806	Carried
55. Corr. City of Whse.	917	Withdrawn	Withdrawn
56. Sess. Paper 94(1967 1st)	935	935	Carried
57. Sess. Papers 73 to 76	936	936	Carried
58. Hospital Adv. Board	935	961	Carried
59. Sess. Paper 82	997	997	Carried
60. Council Sessions	1027		
<u>MOTIONS FOR PROD. OF PAPERS</u>	<u>Moved</u>	<u>Discussed</u>	<u>Answered</u>
No. 1. Engineering Service Agreement with City	24	45	S.P. 32
2. Fed-Terr. Fiscal Neg.	25	44	Agreed
3. Yukon Residents Claiming Unemployment Ins.	25	44, 93	S.P. 49
4. Cost of Operating W. C. Office in Yukon.	176	222-23	Agreed
5. Re: Refusal 24 Hr. Broadcasting	176	176	Agreed
6. Frontier Package T.V.	176	176	S.P. 51
7. Documents - Transer of Crown Lands	263	263	S.P. 69
8. Cairn- Pelly Crossing	414	414	S.P. 77
9. S.P. 54 re Cut-Backs in Finance	520	568	Agreed
10. Agreement-Anvil Mining Corp.	618	660	S.P. 68
11. Watson Lake & Mayo Sewer Systems	744	744	S.P. 67
<u>QUESTIONS</u>	<u>Asked</u>	<u>Discussed</u>	<u>Answered</u>
1. Payment- J.P.	25	98-101	S.P. 24.
2. Physical Fitness Grant - City of Whitehorse	25	25	S.P. 34
3. Electrical Protection Ord.	26	26	S.P. 25
4. Yukon Regional Library	175		S.P. 29
5. Yukon Act	175		S.P. 21
6. Yukon Act	175		S.P. 22
7. Pay Scale	51		S.P. 30
8. Candidates-Indemnity Payment	51	234-237	S.P. 23
9. Water Delivery-Mayo	52	175, 296	S.P. 31
10. Date-Takeover A/Hwy	52	175	S.P. 35
11. Parking Meters	131	131-32, 261, 321-24.	S.P. 42
12. Jones Act	180	180	S.P.
13. Beaver Creek School		365	S.P. 47
14. Physical Fitness Grant		261	S.P. 40
15. Policy re Purchasing	281	365, 428-29, 435-41	S.P. 50
16. J.P. Court-Watson Lake	418	568	S.P. 58
17. T.V. Watson Lake, Mayo & Dawson	418		Letter to Director.
18. Water Pollution	420		Mr. Hutton
19. Protect Customs Officers	447	744, 826-29	S.P. 63
20. Welfare Costs	744	911-916	S.P. 65
21. Front Ft. Tax S&W System	477	876	S.P. 72
22. Cost To User- Porter Crk. Water System	522		....3

QUESTIONS (Cont'd.)	Asked	Discussed	Answered
23. Eliminate Campground Facilities		803	S.P. 71
24. Snag & Aishihik Airports	744	829-31	S.P. 64
25. School Accomodation	917	977-80	S.P. 74
26. Liquor Tax Increase	808	997	S.P. 80
27. P.S. Ordinance-Collective Bargaining	808	997	S.P.78
28. Public Service Board	808	997	S.P. 79
29. Erosion -Yukon River	880		
30. Fed.-Provincial Conference on Constitution.	1030		

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No. 1. Amend Insane Persons	9	14-21;121-27		
2. Amend Municipal Ord.	27	29	233	233
3. Amend Fire Prevention	27	30-33;135-36	183	183
4. Amend Motor Vehicles	27	33-37,111-21,188-94,456-67		
	(707 As amend)	664.	707	707
5. Amend Taxation	53	53-61;137,		
	(as amended 965)	194-206;669-84;756-63;924-25	965	965
6. Amend Local Impr. District Ordinance	183	184-87;206-21;426-27	450	450
7. Flag Ordinance	282	354-57;421	697	697
8. Amend Liquor	295	357	421	849
9. Amend Evidence	370	399-412;422,684-87	707	707
10. Amend Legal Prof.	421	423-26;469,515-16.	523	523
11. Loan Agreement No.1 (1967)	447	448-56;467-68,516	1003	1003
12. Loan Agreement No.2 (1967)	448	448-49;623-27	--	--
13. Anvil Agreement	664	665-67	--	--
14. Labour Standards Ord.	481	516-17;538-66;585-615;712-17,749-54.		Set aside until Spring Session.
15. School Ord.	481			
	(as Amended 808)	516-17;525-37;765-72;798-99	809	809
16. Social Assistance	520,690	690-96	707	707
17. Adutl Occupational Training	718	718-31;	755	755
18. Brands Ord.	583	629-47;687-89;898-901;920.	920	920
19. Regulations Ord.	706	732-43;901-02.	(As amended)	
		921	921	921
20. Interpretation Ord.	749	755, 797	798	798
21. Amend Taxation Ord.	881	903-11	921	921
22. Fuel Oil Tax	958	943-49	958	Not Assented to
	(As amended)			
23. Motor Vehicles	997	998-1016	1016	1016
24. Amend Motor Vehicles	959	949-52	(As amended)	Not Assented to.
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25. Amend Liquor Ord.	959	953-56	959	Not Assented to.



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79. Public Ser. Ord. Board (Que.28)	997	
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85. Paving Alaska hwy.		
86. Council Member - Leg. Prog. Com. no. #40		
87. Visitor's Questionnaire Corr. Institute		
88. Pollution (Que.18)		
89. Erosion (Que.29)		
90. Uniforms- Corr.Inst.		
91. Jones Act (Que.12)		
92. Jones Act (Prod. of Papers #5)		
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I N D E X - 1968 (1st) Session

Volume 1 - Pages 1 to 29

Session Dates - Monday January 22nd, 1968 at 4:20 P.M.  
to Tuesday January 23, 1968.

<u>MOTIONS</u>	<u>Moved</u>	<u>Discussed</u>	<u>Result</u>
1. Responsible Govt.	16	17 - 26	Carried

<u>BILLS</u>	<u>1st.&amp; 2nd Reading</u>	<u>Discussed</u>	<u>3rd. Rd.</u>	<u>Assented to</u>
No. 1. Amend Fuel Oil Tax Ordinance	7	9	27	28
2. Amend Liquor Ord	7	10	27	28
3. Amend Motor Vehicles Ord.	7	12 - 16	27	28

<u>SESSIONAL PAPERS</u>	<u>Tabled</u>
No. 1. Closing Address - Councillor McKinnon	28
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5. Closing Address - Councillor Dumas	28
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VOTES AND PROCEEDINGS  
OF THE  
COUNCIL OF THE YUKON TERRITORY

Page 1.  
Monday, November 6, 1967.  
2:00 o'clock p.m.

The Second Session of the Council for the Year 1967, being the First Session of the Twenty-First Wholly Elective Council of the Yukon Territory, was convened in the Council Chambers at 2:00 o'clock p.m., on Monday, November 6, 1967.

The Members present were:

- Mr. John O. Livesey, Carmacks-Kluane
- Mr. George O. Shaw, Dawson
- Mr. Norman S. Chamberlist, Whitehorse East
- Mr. J. Kenneth McKinnon, Whitehorse North
- Mrs. G. Jean Gordon, Mayo
- Mr. Donald E. Taylor, Watson Lake
- Mr. John Dumas, Whitehorse West

YUKON  
TERRITORY  
COUNCIL  
CHAMBERS  
DAWSON  
NOV 6 1967

The Clerk read the Proclamation.

Moved by Councillor Shaw, seconded by Councillor Chamberlist, that John O. Livesey, Member from Carmacks-Kluane, be Speaker of the Yukon Legislative Council.

MOTION REPEALED  
SPEAKER  
MOTION CARRIED

MOTION CARRIED

The Speaker is escorted to the Speaker's Chair by Councillor Shaw and Councillor Chamberlist.

Mr. Speaker: The First Session of the Twenty-First Wholly Elective Council of the Yukon Territory will now come to order. The House now stands adjourned to hear the Commissioner's Opening Address.

Mr. J. Smith, Commissioner, is escorted into the Council Chambers.

Mr. Speaker: Mr. Commissioner, the Legislative Council of the Yukon Territory has elected me as their Speaker. I will try and fulfill these important duties to the best of my ability. If in the performance of these duties I should at any time fall into error, I pray that the fault will be imputed to me and not to the Council whose servant I am and prove through me the better to enable them to discharge their duty to their Queen and Country that they may have freedom of speech in their debates and access to your person at all reasonable times and that their proceedings may receive from you the most favourable consideration.

Mr. Commissioner: Thank you, Mr. Speaker. May I offer my personal congratulations to you upon having been chosen by the Members of this Council to hold this very high office of Speaker in this Chamber. (The Commissioner gave his Opening Address which is set out as Sessional Paper No. 2).

SESSIONAL  
PAPER #2

Mr. Speaker: I would like to thank the Commissioner for his Opening Address and I feel sure the House will give every consideration to all those things he has brought to our attention. I thank you Commissioner Smith.

The Commissioner is escorted from the Council Chambers.

Mr. Speaker: I will now call Council to order. Gentlemen, as your new Speaker I would like to thank you most sincerely for your confidence and I hope that I will be able to give you the service required and fulfill all your thoughts as to what should be required as a good and efficient Speaker of this House. I wonder now if you would care to proceed with perhaps the election of your Deputy Speaker before we proceed with any further business.

MOTION RE  
DEPUTY  
SPEAKER

Moved by Councillor Gordon, seconded by Councillor Dumas, that Donald E. Taylor, Member from Watson Lake, be Deputy Speaker of this Yukon Territorial Council.

MOTION  
CARRIED

MOTION CARRIED

Moved by Councillor Taylor, seconded by Councillor Dumas, that the Commissioner's Opening Address be considered on a day following.

MOTION  
CARRIED

MOTION CARRIED

BILL #1  
INTRO-  
DUCED

Moved by Councillor Chamberlist, seconded by Councillor Shaw, that Bill No. One, An Ordinance to Amend the Insane Persons Ordinance, be introduced at this time.

MOTION  
CARRIED

MOTION CARRIED

Moved by Councillor McKinnon that Council be adjourned until 10:00 o'clock tomorrow morning.

Mr. Speaker: The House now stands adjourned until 10:00 a.m. tomorrow morning.

JA

Page 3.  
Tuesday, November 7, 1967.  
10:00 o'clock a.m.

Mr. Speaker read the daily prayer. All Councillors and Commissioner Smith were present.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call this Council to order. Gentlemen, I will draw to your attention Sessional Paper No. 1 and it seems that it is a coincidence of thought between Mr. Speaker in this case and the Administration as I had this idea about Sessional Papers and have had it for quite some time. I believe most of the Sessional Papers, or all of the Sessional Papers, should be tabled with Mr. Clerk and any Member who may wish later to bring up a Sessional Paper may do so and have special discussion with the House by Motion so I have for your attention this morning Sessional Paper No. 1 addressed to Mr. Speaker, Members of Council, and entitled "Papers for Council", signed J. Smith, Commissioner.

SESSIONAL  
PAPER #1

Moved by Councillor Taylor, seconded by Councillor Shaw, that Sessional Paper No. 1 be tabled.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: There being no Reports of Committee, we next move to Introduction of Bills. As this is the day of our first Session, I wonder if I could bring another point to your attention and that is that, following strictly the House of Commons procedure with regard to Bills, no Bills are introduced into the House of Commons unless by Motion of Resolution. This gives the power of control to the House and I was wondering if you would like to discuss this at some time later or whether you would wish at this moment to proceed as all other Houses in the Yukon have proceeded with an automatic introduction of bills such as Nos. 2, 3, 4 and 5. May I have your direction gentlemen?

Mr. Shaw: Mr. Speaker, in relation to the method of processing Bills, myself, I feel that the way we have done them in the past has worked very satisfactorily. We do have a great deal of paper work from time to time. By the end of the Session it is almost all we can do to find space to put these various and sundry papers and I would feel, myself, that if we proceed as we have done in the past at this time that it would be quite satisfactory, however, at the present moment....I should say in the past we have always had the Bills in front of us before we did introduce them to know just what we are introducing and I would feel that that would be necessary. It appears that the Bills are here. I would feel, Mr. Speaker, that if we proceeded as we have in the past it would be quite satisfactory at this stage of the game.

Mr. Speaker: Have you any other comments gentlemen?



Mr. Taylor: Well, Mr. Speaker, you do raise in my mind an interesting point and that is that these Bills are not Member's Bills. These are Bills presented by the Crown and, of course, as the Honourable Member from Dawson has pointed out, we have had no opportunity to view these Bills to really know whether or not it is the wish of the Mover, or indeed the Secunder of any Bill, to introduce it - whether it would be, in his opinion, good legislation. In many ways I must concur with your suggestion that possibly these should be done by petition as normally done in other Legislative Assemblies across Canada, however, I would bow to the suggestion by the Honourable Member from Dawson that possibly until we have had a chance to review this matter more closely that we could possibly proceed in the normal fashion today and by the time new Bills arrive, we may have determined a more equitable and proper approach to the matter of processing Bills.

Mr. Speaker: Thank you Mr. Taylor. Any further comments?

Mr. Shaw: To explain myself, Mr. Speaker, I must apologize to yourself. I am so used to seeing them in a small form that I didn't notice them in this big book that I had put down in the drawer and I do see that we do have the Bills here and in order to get this going, I would move at this time that Bill No. 2, An Ordinance to Amend the Municipal Ordinance, be introduced at this time.

Mr. Speaker: Is there a seconder for the Motion of the Honourable Member from Dawson?

Mr. McKinnon: I will second that Motion, Mr. Speaker.

BILL #2 Moved by Councillor Shaw, seconded by Councillor McKinnon,  
INTRODUCED that Bill No. 2, An Ordinance to Amend the Municipal Ordinance, be introduced at this time.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: Can I have your further directions?

BILL #3 Moved by Councillor Shaw, seconded by Councillor Chamberlist,  
INTRODUCED that Bill No. 3, An Ordinance to Amend the Fire Prevention Ordinance, be introduced at this time.

MOTION  
CARRIED

MOTION CARRIED

BILL #4 Moved by Councillor Shaw, seconded by Councillor Dumas, that  
INTRODUCED Bill No. 4, An Ordinance to Amend the Motor Vehicles Ordinance, be introduced at this time.

MOTION  
CARRIED

MOTION CARRIED

BILL #5 Moved by Councillor Shaw, seconded by Councillor Gordon,  
INTRODUCED that Bill No. 5, An Ordinance to Amend the Taxation Ordinance, be introduced at this time.

MOTION  
CARRIED

MOTION CARRIED

AA

Mr. Speaker: May I have your further direction? Before we proceed to Notices of Motion and Resolution, may I bring to your attention that the Public Accounts have been tabled and the Commissioner's Opening Address has also been tabled. Are there any Notices of Motion and Resolution? I might say as we proceed through the Session, I would appreciate it very much if all Members of the House would provide me with a copy of all their Notices of Motion so that I may read the Motions to the House in accordance with the Rules. If there are no Notices of Motion or Resolution, may we proceed to Orders of the Day - Notices of Motion for the Production of Papers. We will pass Motions for Production of Papers, there being none our first day. Are there any Motions? There will be none. Are there any questions gentlemen?

PUBLIC  
ACCOUNTS &  
COMMISSIONER'S  
OPENING  
ADDRESS  
TABLED

Mr. Chamberlist: Mr. Speaker, I wish to have placed before the Administration the following questions relating to the Workmen's Compensation Ordinance. I want answers to these questions. Where in the Workmen's Compensation Ordinance or the Regulations made under the Ordinance has power been given to have the Yukon Territory Workmen's Compensation Office located in Edmonton? Question 2, What fees and expenses have been paid to Referee in the past year? Question 3, What amount of money has been paid out of the Yukon Consolidated Revenue Fund to maintain the administration office in Edmonton? Question 4, How much has been paid to Yukoners making compensation claims to go to Edmonton for interviews, etc., and this to include cost of transportation and living allowances?

QUESTION RE  
WORKMEN'S  
COMPENSA-  
TION

Mr. Speaker: I thank the Honourable Member from Whitehorse East for his submission. Any further questions?

Mr. McKinnon: Mr. Speaker, I would like to address a question to the Commissioner if I may. I would like to know, Mr. Speaker, if forms are now prescribed by the Commissioner's office so that citizens desiring to do their duty as public spirited citizens can now report accidents?

QUESTION  
RE ACCI-  
DENT  
FORMS

Mr. Speaker: I would thank the Member from Whitehorse North for his question. Mr. Commissioner.

Mr. Commissioner: Do I understand this, Mr. Speaker...the Councillor's question is do we have a pre-recorded form for reporting accidents?

Mr. McKinnon: Mr. Speaker, there was a recent case at the Magistrate's Court where it was proved that a person, to live under the terms of the Territorial Motor Vehicles Ordinance, had to report the accident on a form prescribed by the Commissioner. This form could not be found so the citizen could not report the accident on the form prescribed by the Commissioner because no form did exist and the case was dismissed in Court. I was wondering, as a result of this case, are forms now prescribed by the Commissioner's office because no one can do their duty under the law at this time under the Motor Vehicles Ordinance.

Mr. Commissioner: Could I have notice to answer this question?

Mr. Chamberlist: Mr. Speaker, further to the question that has been placed to the Commissioner by Councillor McKinnon, I wish, with your permission, to elaborate somewhat on the situation with regard to licences so that the Commissioner may be helped in obtaining an answer to this question. First, in dealing with the Motor Vehicles Ordinance, there was not just one case. There have been three cases - two just last week - and I have available transcripts of a portion of the Hearings and the remarks of the Court.

Mr. Speaker: Order please. I believe this is, with due respect, this is strictly a question period and I think we should adhere to this.

Mr. Chamberlist: Well, it's a preamble to a further question that I will be putting. I think perhaps if Mr. Speaker will allow me to preamble at some length to the question.....

Mr. Speaker: I am sorry, Sir. The rules forbid...as soon as you move into this area, there is a tendency to open debate in the question period and this, of course, is beyond the power of the period allowed for questions. The definitions should be exceedingly short.

Mr. Chamberlist: Very well, Mr. Speaker. Will the opportunity be given to debate the answer that the Commissioner will bring forward?

Mr. Speaker: This, of course, can properly be done by Motion on the Order Paper.

QUESTION  
WHY BILLS  
NOT PRE-  
SENTED  
PRIOR TO  
COUNCIL

Mr. Dumas: Mr. Speaker, we were advised...the Councillors Elect were advised several weeks ago that we would have in our possession two or three weeks before Council sat the Bills that would be presented at Council. This wasn't done. I would like to know why.

Mr. Commissioner: Mr. Speaker, it has been an endeavour and a request of Council for many years past to have this particular thing and there is no one any more anxious than I am to bring this happy day about if this is possible. It is no lack of effort on the part of the Administration that has made it impossible for us to give Councillors the Legislation prior to the Council sitting and any excuses that I may have to offer are of really no value to Council. They are interested in end results. They are not interested in stories of why they don't get things. All I can tell you is this - that we are hopeful that now that we have been successful in recruiting a Legal Adviser who will not be burdened with other administrative duties for other Governments that we will be able to improve considerably the time element as far as getting legislation into the Councillors' hands is concerned. I have only the very fragile excuse to offer that it has been impossible for us to do any better than what we have done at the present time.

Mr. Speaker: Thank you Mr. Commissioner.

QUESTION  
RE GAME  
ORDINANCE

Mr. Chamberlist: Mr. Speaker, a question relating to the Game Ordinance. I would like to address this to Mr. Commissioner. Can the Commissioner advise what prescribed forms are available for the application or Certificate of Registration of any of the number of licences required under the Game Ordinance?

Mr. Commissioner: Mr. Speaker, may I have the privilege of notice on this question?

Mr. Speaker: Agreed.

Mr. Chamberlist: Mr. Speaker, addressed to the Commissioner, relative to the Liquor Ordinance, can the Commissioner advise what prescribed forms are available for the issuing of cocktail and tavern licences, specifically because no licence shall be issued unless it is on the prescribed form?

QUESTION  
RE LIQUOR  
LICENCES

Mr. Commissioner: Mr. Speaker, may I have the privilege of notice on this question?

Mr. Speaker: Agreed. May I advise, gentlemen, that with regard to technical questions and questions in relation to the problems of management and things like that, that these are more properly a question for the Notice of Motion for the Production of Papers on the Order Paper. If they are something that will provide an easy access to answers directly from the Administration, I would suggest that direct questions be used. In matters of technical things, I feel that the technical questions are more in the nature of Motions for Production of Papers. The Chair recognizes the Honourable Member from Watson Lake.

Mr. Taylor: Mr. Speaker, I have two questions I would like to direct to Mr. Commissioner this morning in relation to finances of the Territory. My first question would be is it intended that the Administration will be presenting for re-negotiation to this Council now assembled the matter of a fiscal agreement with the Federal Government?

QUESTION RE  
FISCAL  
AGREEMENT

Mr. Commissioner: Mr. Speaker, I mentioned in my Address yesterday a statement, "Before closing, I would like to comment on the financial situation of the Territorial Government, even though this matter will be fully covered in other documents to be presented to you." The matter is of utmost importance, Mr. Speaker, and will be being brought forward in its complete form just as quickly as we possibly can to bring it before Council so that I can have Council's guidance as to what course of action to take.

Mr. Taylor: In relation to that, a supplementary question, Mr. Speaker. My question really isn't answered. Is it intended that we will be re-negotiating this or is it only intended that we receive information respecting possible future negotiations? In other words, will we be negotiating a Fiscal arrangement at this Session? This is what I want to know.

Mr. Commissioner: Mr. Speaker, this evolves itself into a technicality and I do not wish to give any wrong impressions at this time. The situation at the moment, as it stands, is that enabling legislation for the Commissioner to enter into an Agreement with the Federal Government was passed at the last Session of Council, however it was impossible for this to be proceeded with as certain terms of the Agreement called for further legislation, namely the imposition of further taxes. These matters will be part of a total financial paper that will be put before Council.



QUESTION  
RE  
FINANCIAL  
AGREEMENT

Mr. Taylor: Thank you, Mr. Speaker. My second question would be in view of the fact that there is no Fiscal Agreement with the Federal Government, between the Federal Government and the Yukon Territory, under what authority has the Territorial Administration financially operated since April of this year?

Mr. Commissioner: Mr. Speaker, I would respectfully request to take notice of this question.

Mr. Speaker: Are there any further questions?

Mr. Shaw: Just one question, Mr. Speaker. I wondered.... today, in order to carry on with our business, I just wondered what we would be able to discuss for the balance of the day unless we proceeded with introducing certain matters for discussion. In other words, what would the Agenda be for the balance of the day? We have no Sessional Papers to discuss. We have no Bills that have been processed. I would direct this question to yourself, Sir.

Mr. Speaker: I was about to bring that up under Public Bills and Orders and I believe that would be the proper place for that.

QUESTION  
RE ZONING  
APPEAL  
BOARD

Mr. Dumas: Mr. Speaker, I would like to know if a Zoning Appeal Board has been set up in the Whitehorse area.

Mr. Commissioner: Mr. Speaker, in answer to the Councillor's question, this matter has not been finalized but will be the subject of a paper I will bring before Council very shortly.

QUESTION  
RE SOUND  
SYSTEM

Mr. Shaw: One more question, Mr. Speaker. I wonder if your microphone is turned up. I can hardly hear you at this end of the table. I don't know if there are provisions that it can be turned up.

Mr. Speaker: I was thinking the same thing about yourselves, gentlemen. As far as I know, there are no communications set up between here and the Members but there is a communications set between here and the gallery and the same with the rest of your microphones. I understand that is the setup. I can't explain the theory but that is the situation.

PICTURE  
IN PUBLIC  
GALLERY

Mr. Commissioner: Mr. Speaker, may I take the liberty to draw Council's attention to a picture which is hanging in the public gallery that was the present to the citizens of the Territory from the Commanding Officer and the crew of the H.M.C.S. Yukon and this was presented to the Territory by their representatives when they came here during the summer to participate in the ceremonies that were involved with the Yukon River Flotilla and the hike of certain members of the public over the Chilkoot Pass. The necessary recognition of the receipt of this has gone forward to the Commanding Officer of the Ship and his Crew but I wish to bring it to Council's attention....the source of this particular picture.

Mr. Speaker: Thank you, Mr. Commissioner. I believe the Council fully appreciate the generosity of the Captain and the Ship. Also, if I may comment from the Chair, I believe the United States is also interested in the Yukon and they have one of their ships named "Klondike" and perhaps the House would like to think of this aspect as well. Are there any further questions, gentlemen?

11

Mr. Dumas: Mr. Speaker, further to this microphone setup, am I to be given to understand that all these microphones are designed merely for the two speakers in the public gallery and no allowance has been made for communication between yourself, the Administration and the Councillors? And if no allowance has been made, is there a plan to put speakers in this section of the room?

RE MICRO-  
PHONES

Mr. Speaker: Well, if I could answer that from the Chair, I haven't gone into the thorough aspects of this thing but this is the way it would appear to me. From a radio communications point of view, I feel that your microphones are connected with the recording apparatus for what you may say but amplification is missing in the House but amplification is transmitted to the public gallery. Does that answer your question Mr. Dumas?

Mr. Dumas: Well, Mr. Speaker, the problem of your not being able to hear the Councillor from Dawson or vice versa, will this be corrected?

Mr. Speaker: I believe that the proper area for the direction of that question would be to the Commissioner.

Mr. Commissioner: Mr. Speaker, I don't know what the technical difficulties are that are involved in this but I think that the request is based on a very factual situation. Could I have the opportunity to look into this along with the rest of the questions raised by the Councillors?

Mr. Speaker: Any further questions? If there are no further questions, may we proceed to Public Bills and Orders?

Mr. Taylor: Mr. Speaker, I would move that First Reading be now given to Bill No. 1, An Ordinance to Amend the Insane Persons Ordinance.

Mr. Shaw: I will second that Motion, Mr. Speaker.

Mr. Speaker: Before I proceed to record your wishes in this respect, am I to understand that it is the intention of the House that you may wish to proceed with one, two, or three readings of any of these Bills today?

Mr. Taylor: My intention was to give the Bill first and second reading today and make it available for Committee of the Whole.

Mr. Speaker: Is the House agreed?

All: Agreed.

Moved by Councillor Taylor, seconded by Councillor Shaw, that Bill No. 1, An Ordinance to Amend the Insane Persons Ordinance, be given First Reading at this time.

FIRST  
READING  
BILL #1  
MOTION  
CARRIED

MOTION CARRIED

Moved by Councillor Taylor, seconded by Councillor Shaw, that Bill No. 1, An Ordinance to Amend the Insane Persons Ordinance, be given Second Reading at this time.

SECOND  
READING  
BILL #1  
MOTION  
CARRIED

MOTION CARRIED

Mr. Shaw: Mr. Speaker, I would move that the Rules be waived to process Bills Nos. 2, 3, 4, and 5 in order that we may conduct the business today.

Mr. McKinnon: Mr. Speaker, I for one am unwilling to waive the Rules of the House at this time as these Bills were not placed before me until yesterday. I have not had a chance to look at them and could not discuss them intelligently in Committee at this time until I have time to examine them.

Mr. Chamberlist: Mr. Speaker, I concur with Councillor McKinnon in this regard.

Mr. Speaker: If I may bring to your attention then, in order that any Rule may be changed, the House must be in unanimous agreement and it is quite obvious that this will not be the case. May I have your further directions?

Mr. Taylor: Mr. Speaker, it seems as we have processed all the Bills that we can by our Rules process at this point in time....we do, however, have a matter before us in relation to Sessional Papers for Council and possibly....I would like to suggest that this could be discussed in Committee of the Whole today.

Mr. Speaker: May I draw to your attention gentlemen that we are still under Public Bills and Orders on the Order Paper and do I understand that it is not your intention to proceed in Committee with Bill No. 1?

Mr. Taylor: Mr. Speaker, when the appropriate time comes, I would be prepared to make a Motion in respect of this.

Mr. Shaw: Mr. Speaker, I brought up the matter that recently has not been accepted so that....as far as I could ascertain, we just had Bill No. 1 to discuss today, plus this Sessional Paper to discuss and that's all the business that we can handle today so it will probably be a very short day.

Mr. Chamberlist: Mr. Speaker, I wonder if Mr. Speaker would allow a discussion on the basis of the questions that have been put to the Commissioner which will be outside of the direct answer from the Commissioner. I asked specifically where a number of Ordinances cannot be legitimately followed by any person in the Territory and I would, if possible, ask that reference to the Ordinances generally be placed as an order for Committee of the Whole to deal with it and I will speak generally on that at that time if it can be referred to Committee.

Mr. Speaker: I think that the proper way to proceed with this is for the House, for any Member of the House, to introduce this under a Notice of Motion with the proper twenty-four hour notice and when it is properly before the House with the proper notice before it so that Members have been advised of it and have had the time to consider it, then, of course, all that is necessary then is for a procedural motion to move it into Committee and it can be discussed. I would suggest to you, gentlemen, that this is your right order of procedure.

Mr. Taylor: Mr. Speaker, at this time I would like to move that the Speaker do now leave the Chair and Council resolve itself into Committee of the Whole House for the purpose of discussing Bills and information tabled this morning from the Commissioner.

11

Mr. McKinnon: Mr. Speaker, I will second that Motion. I wonder if I could rise on a point of order before the question is put. I would like to publicly thank the Administration for the refurbishing of the Council Chambers. Listening to the Address by Mr. Commissioner yesterday, I felt a little bit guilty about accepting this lovely desk with the cut-backs that he was announcing in his speech. I don't feel quite as at home here as I did in the Magistrate's Court which I was quite familiar with, however, I do think that the Chambers are a real asset to the Legislative Branch of Government here in the Yukon Territory and I do thank the Administration for their furnishing of it.

Mr. Speaker: Well, I see no point of order. I certainly feel that your comments are well within those which would be accepted by the House, however, I may advise the House that I was preparing a note of commendation for the Administration to be introduced at a later time. The Honourable Member for Watson Lake did move and I heard no seconder for his Motion.

Mr. McKinnon: I did second the Motion when I rose originally, Mr. Speaker.

Moved by Councillor Taylor, seconded by Councillor McKinnon, that the House move into Committee of the Whole to discuss Bills and Sessional Paper information.

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: I will declare the Motion 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 our papers in order.



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Tuesday, November 7, 1967.  
11:00 o'clock a.m.  
Page 12

Mr. Chairman: At this time I will call the Committee to order. The first piece of business before us today is a document tabled this morning as a Sessional Paper for information addressed to Mr. Speaker and Members of Council. I will proceed with the reading of this document, which I believe revolves itself around the further handling of Sessional Papers. (Reads Sessional Paper #1, Papers for Council.) Would you proceed.

Sessional  
Paper #1

Mr. Livesey: I don't know whether you've ever seen a picture of a cat watching a boy building a mechano set, but this is what it reminds me of, because the title was two minds of a single thought. This is something that I have been thinking about for some quite considerable time, and after some review it would appear that practically all the Sessional Papers that have been discussed in the house on an automatic basis could strictly speaking be completely out of order because none have been introduced by a substantive motion and substantive motions bring all these things within the control of the elected people who attend this house. Now this is, of course, going to fit in with our ideas. I feel sure it will save a tremendous amount of time in the Council, and not only that, it will for any matter that is introduced on a substantive basis, this new method if we proceed with it will certainly delegate to the elected Members the responsibility for such discussion on any question and any paper that was brought to our attention. Thank you, Mr. Chairman.

Mr. Chairman: Have you anything further, gentlemen?

Mr. Shaw: All I can add is that I think this is a very sensible manner in dealing with these papers, these Sessional Papers. Some of them are quite long and quite detailed and mostly information, and those papers could certainly come under the latter category as they have here, and reference papers, of course, go under another section. I would certainly agree with the proposal. Now, I would ask you, sir, would this require a motion to this effect, that we accept this recommendation?

Mr. Chairman: I would suggest that a motion in respect of this paper would be quite in order.

Mr. Livesey: Well, Mr. Chairman, there's another point, and that is that they can be looked upon as correspondence of the house, and if they are they come within the purview of Mr. Speaker. This is another question of parliamentary procedure, and this is also in your Beauchesne, so that where it says in Beauchesne that the Speaker is not required to read any or all correspondence so brought to the attention of the house. Now, this comes within this form of purview, however, if these questions are, and answers are tabled with the clerk, they are available to all members of the house. So this is a good method that I feel saves a lot of time.

Mr. Chairman: Have any other members of committee any comments on the subject?

Mr. McKinnon: Well, Mr. Chairman, I think the motion of the Sessional Paper would probably serve no purpose because, as the Honourable Member from Carmacks-Kluane has stated, the information will always be before the House and any of the Members may make a motion to get it before Committee that they feel they want to discuss.

SESSIONAL  
PAPER #1

Mr. Shaw: Well, Mr. Chairman, I would feel that, generally speaking, let's put it this way, the Administration have asked for our view point on how we wish these papers to be submitted. At all times the Council and Speaker have the prerogative of bringing up matters or not bringing up matters, as the case may be, or introducing motions in relation to matters, but I think for orderly development of things that there should be division between these two types of papers, and I move, Mr. Chairman, that the recommendations as outlined in Sessional Paper #1 be followed, by the administration as they have stated.

Mr. Chairman: Would this be Information Paper or Sessional Paper, Councillor Shaw?

Mr. Shaw: Mr. Chairman, this would be to break the two between what we might call a Reference Paper and strictly Information Paper.

Mr. Chamberlist: Mr. Chairman, just one question I would like to make clear....

Mr. Chairman: Is there a seconder, well, unless there's a seconder there is no motion. Is there a seconder to this motion?

Mr. Shaw: I have made a motion and it hasn't been seconded. Until it's seconded, it's open for discussion.

Mr. Chairman: I hear no seconder at the moment.

Mr. Chamberlist: One question I want to have made clear to me. Would this procedure dispense with Sessional Papers, because reading this closely, it appears that the only type of papers that would then be forwarded to the House would be Information Papers or references for advice. If we dispense with Sessional Papers, are we not dispensing with the procedure of the House which should be maintained.

Mr. Livesay: Mr. Chairman, I feel as the Member for Kluane Lake, that the question of communication between the Administration and the Council certainly is not going to be impaired by this Council, the way I feel about it. I think it **probably may** be increased rather than decreased, and the Sessional Paper method now, actually, I think it could quite easily be ruled out of order in view of the fact that nothing should be before the House unless it is properly brought to the attention of the House through a motion, and so the proper way, the simple way to proceed with these questions, I would say, is that the Sessional Papers for information of Council should be tabled with Mr. Clerk, and the questions of where the Commissioner may wish a point from the House and where he asks for direction, this will certainly be brought to your attention, should be brought to your attention when the House is in session. And, I can assure you that as far as I'm concerned, it will certainly be **that way**.

Mr. Shaw: I think we have two types of Sessional Papers. We have a Sessional Paper such as this. This is the Administration asking our advice on a certain procedure which they should follow. Another Sessional Paper we shall get, no doubt, would be the report on Yukon schools or on the penal institutions or the report on any matter which is merely a report on what has happened, how much it has cost, statistics that sometimes take up four or five pages and it has been the custom in the past to read all of these Sessional Papers during Council. Now, that does take up a great deal of time and to me it seems to be absolutely unnecessary. To follow this procedure will not preclude any Member at any time from raising questions in relation to any Sessional Paper, any report. It's just a matter that by following this system we would have a very, very clear cut policy of not going through a whole bunch of statistics, and discussing them and reading them in Committee and would expedite

Mr. Shaw continued:

the business of the Council and at the same time not preclude any question that had to be asked, and I think it is a very business like way of going about this particular matter and that is why I introduced the motion - simply not with the objective of invoking any form of miniature closure or anything like that. That is something that can always be brought up, but it would make it, I think, more business like and we wouldn't be wasting a lot of time on various statistics and things.

Mr. Chairman: One observation from the Chair, gentlemen, would be in paragraph three or four, I would point out that the questions arising from Information Papers could simply be raised during the morning question period and answers would be forthcoming from the Administration on any point and this, of course, would not allow debate on any of these papers.

Mr. McKinnon: This is not correct, Mr. Chairman, because any Member of the Council can from the answer provided from the Administration make a motion to have the answer dealt with in Committee upon his request and upon Council agreement so it does not preclude debate on any point raised through the information on the different types of papers. It puts the onus, Mr. Chairman, on the individual Members to bring the matter before the Committee in Council on whose onus this responsibility should be. It should be on the shoulders of the individual Members to bring these questions to the House if he feels them important enough and this onus should not be on the shoulders of the Administration, which it now is.

Mr. Chairman: Gentlemen, is it your intention that I should report to the House that Committee are in agreement with the contents of this Sessional Paper?

All: Agreed

Mr. Chairman: Any contrary? I will so report. I wonder now if BILL #1 we may proceed to Bill #1. We will proceed with the reading of Bill #1, which is An Ordinance to Amend the Insane Persons Ordinance. (Reads Bill #1). You have an explanatory note, gentlemen, appending the Bill.

Mr. Shaw: Mr. Chairman, I wonder if all the Members of Council have copies of the Ordinance of the Yukon Territory that they may see which section they will delete or ~~propose~~ to delete.

Mr. Chairman: I wonder if you have any additional copies of Bill #1 Mr. Legal Adviser, I wonder if you'd care to comment on this bill at this time? It's not necessary to rise, Mr. Legal Adviser.

Mr. Legal Adviser: Mr. Chairman, this is largely a question of Administration rather than law, and as I am given to understand, as in the explanatory note, certain people are found insane and treated at great expense and commonly treated outside the Territory which gives rise to unusual expenses which do not occur in the normal provincial form of administration and the impetus of this amendment has come from the Public Administrator who finds in dealing with the estate of deceased persons, sometimes there's only a very small amount of money left in the estate and the insane person, if he's a man, has left a wife and family commonly in poor circumstances. Of those circumstances, commonly the Administration has got to make a decision as to whether to operate this Act or not to operate it. In other words, the Commissioner and his Administration have got to decide whether or not to take the last \$1,000 or the last \$500 from a tiny estate in order to operate this Ordinance and reimburse the Government for the expenses which have occurred. It has been

BILL #1 Mr. Legal Adviser continued:  
found that in some forms of illness no recovery is attempted, such as the illnesses which are referred to in the explanatory note, tuberculosis and cancer, and it is felt that this puts the Administration in a rather invidious position. It may attempt to make a collection from an estate because of certain factors and not make an attempt from another estate and there by give rise to certain inequities. The Administration prefer if all people were treated equally with justice and not have the onus thrown on the Administration for making these decisions. It is felt, that if this section were appealed then the whole situation would be more equitable on the unfortunate families of the insane persons.

Mr. Chairman: Thank you, Mr. Legal Adviser. Have you any questions, gentlemen?

Mr. Livesey: I think if we directed a question to Mr. Commissioner no doubt he will be able to give us quite some information on this as quite probably his office has experienced such considerations as they have found necessary to provide this amendment, Mr. Chairman.

Mr. Commissioner: Mr. Chairman, the explanation as given to you by the Legal Adviser contains in a nut shell exactly what we are proposing here. It seemed to me a most inequitable situation that exists where by one form of illness a person's estate is possibly liable for the payment of the expenses of this illness and another illness in similar financial circumstances are not attacked by the State at all. And also there was the matter of the Administration constantly being put in the very unfortunate position of making the decision as to whether or not the estate that is left by the insane person is in fact to be taxed for these costs or not. This is why we are asking your earnest consideration to remove this matter entirely so that the recoveries under Insanity will no longer be a question. If there is any further specific questions, Mr. Chairman, that any Councillor would like to direct to me, I will do my very best to answer them.

Mr. McKinnon: Mr. Chairman, I wonder if we could have some idea what expenditures would be involved with the change of this Ordinance?

Mr. Commissioner: Mr. Chairman, this is a very difficult question to answer because we do not have a large volume of experience to go on. All I could tell you is that we would be very happy to table for you such experience as we have, but it is not very much. In other words, the number of people who we are faced with and dealing with in this matter is very limited.

Mr. Chamberlist: Mr. Chairman, can I address my question to the Commissioner?

Mr. Chairman: Yes

Mr. Chamberlist: Commissioner Smith, would it not be, in cases of instances where the insane person might have a wealthy estate and the costs to the Territory has been in the amount of some thousands of dollars, would you not feel that those who have a wealthy estate should not pay for all the services that the Government is rendering as against the indigent.....

Mr. Commissioner: Mr. Chairman, the corollary to this is exactly what we have put here. We do require people who are suffering from, for example, tuberculosis or cancer to pay to the Crown whether they are wealthy or not. In other words, say a person is in the hospital undergoing a cancer treatment and the cancer brings about their death, we do not tax their estate whether their estate is capable of paying or not capable of paying. This is really where

H

Mr. Commissioner continued:

BILL #1

I find myself in a very bad situation in dealing with an insane person's estate - insanity vs. tuberculosis. In other words, if you have been committed to an insane institution, your estate is called upon to pay; if you have been committed to a cancer treatment institution, your estate is not called upon to pay.

Mr. Dumas: Mr. Commissioner, how has the Administration or previous legislation arrived at this dividing line? If you have TB, you're not required to pay or if you have cancer, you're not required to pay, but if you have some other chronic illness you are required to pay, and it seems to be that if we extend this now to cover the mentally ill we could in the future be asked to cover all types of illness which would bring us into socialism. I'm just wondering on what basis these people don't have to pay and why not.

Mr. Commissioner: I think this is really the nub of the question that is before you, Mr. Chairman, and with the various forms of hospitalization care, the advent of medicare, it appears to us from the Administration point of view, that insanity is about the one thing that is still kind of beyond scope of State prepayment.

Mr. Chamberlist: I am thinking in terms of, if a person is charged with murder and he is found to be criminally insane, it would mean then that the relatives of the person that has been murdered, as tax payers would be paying part of the bill to take care of the insane person. Now in a case of diseases like tuberculosis or cancer, I agree, and this is quite rightly so, that the Government should take care of the expenses, but I have a mixed feeling about the matter where there may be insanity declared by court order after the capital crime has been committed. I am thinking perhaps it may be better to have at least a separation as a clause in this section as an alternative to insanity brought on by mental illness. I wonder perhaps if the Legal Adviser, Mr. Chairman, might be able to define whether there is a difference in fact.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: I confess a reluctance to understand fully the question that has been put to me, but as I understand insanity, it bears no relation to crime as such. A person is either insane as a question of fact, or he is not insane. If in the course of his mental illness one of the symptoms is that he damaged a person or property, even to killing them, this is one of the factors doctors may find, having regard to their examination of his mental stability, to be a factor in their determination that in fact the particular man they are dealing with is insane. As the law stands, a person who commits a crime while they are legally insane, they are deemed not to be responsible for their acts. One further point that arises is that insanity is not something which a person as a rule wishes upon themselves, and when a person is insane he is commonly committed for treatment against his will so that when he is accepting treatment he has made no contract with anybody that if you treat him, he will pay. This is an involuntary section so far as the insane person is concerned, and against his will he is being committed by the Royal Canadian Mounted Police or some other person for forcible treatment so it just puts it in a slightly different category than the person who feels that he will personally extend his expectation of life by seeking a particular form of treatment. Now, one further factor is that there is a certain risk, I don't know how great this would be, that if the Administration would be strict in the administration of section and put in "shall" where this "may" exists, in other words to take away their own discretion and enforce the collection of costs every time they can, people would not send their relations for treatment and would conceal the fact that this insanity existed and a family would put up with an insane person who might get better with treatment as it commonly happens.

BILL #1. Mr. Legal Adviser continued:

This would be purely a matter for Administration policy from a medical point of view. As to whether or not the exists of this section would hold back better treatment for the people who are slightly insane, if I can use that word or slightly off the beam and who with certain treatment would improve and would not then be a burden to the community. There may be cases, one would want medical advise on this, where if a person delays treatment because of the fear of cost their illness may get worse and then it may come to the point, foreseen by one of the Councillors, that a murder may be done for lack of some small treatment at an earlier point of time.

Mr. McKinnon: Mr. Chairman, I would like to ask Mr. Legal Adviser a question. As I interpet Section 9 of the Ordinance as it now stands, the Commissioner, if he feels that the estate or those liable for the insane person have the money and are capable of paying for the treatment of this person, he may collect. If he does not feel so and in his discretion they cannot afford to do so, he may waive the collection of any fees against the insane person or those liable for them. Is this correct?

Mr. Legal Adviser: This appears to be a correct interpretation.

Mr. McKinnon: Mr. Chairman, then to me we get into a matter of principle and this is exactly the principle I stand for, and that is socialized medicine against universally and for those who cannot afford to pay for their medical problems. My philosophy on it is that the State definitely has an obligation to provide services in all the medical fields for those people who through no fault of their own cannot afford to pay for these services. However, people who can and do have the money available to have medical services I see no reason why the State should get into the field of paying for these services, and I am for the section of the Ordinance as it now stands.

Mr. Chairman: Any further discussions, gentlemen.

Mr. Shaw: Mr. Chairman, Philosophy of medicare and philosophy of mental patients, I think, are two different questions although they are both illnesses of a form. I was wondering as a matter of information, Mr. Chairman, just what the Territory does collect from these mentally ill patients. I note that we have an expenditure this year of roughly, or I should say, for the last year of roughly \$60,000 for the hospitalization of patients. This has been an estimate, or I think the estimates are totaling almost \$70,000 and I wondered what they did, what amount we were reimbursed on an average each year, what it amounted to. Have we any idea of that at all, if we are referring to the financial part of it?

Mr. Commissioner: I will supply that along with the information that was asked earlier by Councillor McKinnon as to just what kind of money we were talking about here. I will get this information promptly for you.

Mr. Shaw: Thank you, Mr. Chairman. To go further on the subject, it appears to me that as the Legal Adviser stated, you don't in the management of your affairs in the case of being mentally ill, you have no choice, the Crown says, "Buster, you come along, we're going to put you away, and we are going to charge you X number of dollars per day, per month, or whatever it may be." This person has no choice. We have a situation as the Honourable Member from Whitehorse East brought before the table, of where a person is accused of a crime and if he should be declared insane, then he has to pay out of his pocket, if he has anything in his pocket. If he's not declared insane then he gets free board and room at the expense of the tax payer. Now, the person has done whatever

Mr. Shaw continued:

he's done or is charged with and found guilty of, if he's sane and knows what he's doing, he doesn't have to pay anything, but if he doesn't know what he's doing, well then we'll soak him because he doesn't know what he's doing anyhow. So that is what it boils down to in a situation such as this. Personally I feel that the person that is mentally ill is in the same category as the person that has cancer or tuberculosis, and should be treated accordingly.

Mr. Livesey: Well, it seems to me that the principle involved in this repeal is to declare, or I feel that it is to declare, that an insane person comes under the same sections as do people who for instance as far as tuberculosis is concerned and other things like that. This is what it seems to me because the question for making the arrangements for payment seems to be taken up in Subsection A of Section three, so there shouldn't be any problem there where the Commissioner may make any arrangements he may think proper for the expenses referred to in this section. So the actual payment there seems to be, there is no problem. What we are discussing here by repealing this Subsection 1, we're talking about ethics. This is what it seems to me. Do we or do we not consider insanity something for which the state shall take all blame for expenses incurred the same as they do in other cases. This is what seems to be the crux of the whole thing, this is what we're working on. Do they accept it or don't they accept it. This is the essential part of the thing, Mr. Chairman.

Mr. Chamberlist: Mr. Chairman, we're losing sight of a very, very important point. Reference has been made to tuberculosis and cancer. Now, tuberculosis and cancer are both almost recognized as incurable diseases but in the case of insanity it is not recognized as such for the simple reason, Section 8 of the Ordinance itself. Commissioner may apply for somebody to be declared sane again. Now this is an entirely different situation. In Section 8 the Commissioner may order or any person may apply to a judge in the Territorial court for an order that an insane person shall be declared no longer insane and to be discharged by law representing such other matters, etc. This is where the difference lies. There is a difference and we must recognize that. I think there is an discretionary clause left in clause 9, the repealing of that Section 9 in fact removes the discretion entirely from the Commissioner. Now, I might suggest that it's quite a onus to be placed against the Commissioner to have decide whether in fact a person should or should not have paid. I think perhaps it might be a better idea for the Administration to have a small committee set up to examine by way of a means test if necessary whether an insane person can in fact pay for the services that have been rendered, especially in view of the fact that he might be declared no longer insane.

Mrs. Gordon: I would suggest to the Honourable Member from Whitehorse West that he's missing a point entirely when he made reference to the fact that tuberculosis and cancer are incurable diseases. This is not quite true. I think there have been any number of cases where people have suffered and the Territory has paid for the treatment of tuberculosis and cancer, they have died of other diseases. If you're insane, you don't die of insanity, you die of something else, whether you are insane or whether you have been declared sane afterward.

Mr. Shaw: One very important matter, too, Mr. Chairman, is the fact that mental illness can be cured. In many cases it has been arrested and cured. Take as an example, if a person has a few thousand dollars saved up but by some reason or another he is committed to an institution, well he's there for two years and all these doctors and psychiatrist and so forth are working very hard to cure him at great expense to the tax payer and they do effect a cure and the person comes out. In the meantime he has a few thousand dollars



Mr. Shaw continued:

or he had a few thousand dollars when he went in, and the Government says, "Well, now Buster, we're going to take that money because we have cured you." Well that in itself would be enough to send that man off his rocker again, to be recommitted and perhaps never come out. I think myself, that this is in the same category as persons with tuberculosis and cancer, in fact it may be possible that, as has been suggested that a person if they weren't faced with this tremendous charge of hospitalization that they may go into these institutions for a little bit of.....before they are too far gone as the Legal Adviser has mentioned. I really can't see that the overall picture.....there may be instances of course where there may be an estate that could afford it, but I think that in most instances the estate in all probability is very, very small and of no consequence and they do possibly more harm in collecting than actual good.

Mr. Dumas: Well, that is allowed for the way the Ordinance reads right now. The Commissioner doesn't have to charge it, but I have to go along with the statement that says if a person can afford to pay for their illness then it should be charged.

Mr. Shaw: Mr. Chairman, I'm afraid I can't agree with that philosophy. Cancer, one of the things that has been found out in very recent years is that if a person knows when he goes to these clinics, he's forced to go by his condition or her condition and when they have to worry about their family, when they have to worry about having to pay for all these various expensive services it's certainly not conducive to curing these people and I think the record of these things in the Yukon Territory, what the Yukon Territory has done in relation to the tuberculosis and cancer patients is something we can be very, very proud of. I have known various people who have gone out for these treatments and they are certainly gratified that they have been taken care of during their illness and it certainly helps to make them, to assist in their cures. I think the same would apply as far as mental, in fact more so for mental patients.

Mr. McKinnon: Mr. Chairman, I think we're losing sight of the principle here. Cancer is a medical illness, tuberculosis is a medical illness, insanity is a medical illness, alcoholism is now categorized by medical practitioners as a medical illness. The whole point of the matter is that you accept the concept of universal medicare that anybody, regardless of the medical illness, is treated by the Government at no cost to themselves no matter what their financial position or estate is. This is the whole principle we are arguing. The Government, former Legislative Bodies of the Yukon Territory have seen fit to make delineation in certain illnesses that medicare shall provide universal coverage for in the field of tuberculosis and cancer and not in other fields. I can't see how you can delineate on principle. Either you accept the principle of universal medicare for anybody no matter their financial position or you say, no we agree that the State and the Government has an obligation to provide the same type of medical treatment for those who cannot afford to pay it out of their own pockets, and I accept this principle but I do not and I will not and I cannot accept the principle that people who can afford and can pay for medical treatment should be provided that medical treatment by the State. This is socialism and nothing else, and I am not in agreement with it.

Mr. Chamberlist: Mr. Chairman, Councillor McKinnon has gone on at long length upon his personal philosophy and I don't intend to argue at this time, I'm sure that at some future date he and I will be on opposite sides of the table arguing his philosophy against mine. Right now, what I'm concerned about is that there must be on this particular matter a right to recover charges on behalf of the Territorial Government where there is sufficient means to pay

Mr. Chamberlist continued:

for those charges and what I mean by sufficient means, not means of a small nature where there would be considerable hardship to relatives and to indeed perhaps the insane person who may be found sane afterwards, he would perhaps have all his money taken from him for payment, then be found sane, then perhaps go insane again because all his money has been taken from him. I think, therefore, it should be left in the position that it is, that the discretion which now lies in Section 9 be **retained**. I feel myself, there is no point whatever in this amendment unless it is the intention of Council to remove completely discretionary powers from the Commissioner, I think the time will come along and I hope it's not too far distant when we will be able to do this. I don't think we're ready to do it in this instance. There are certainly other pieces of legislation where I would support a hundred per cent the removing of the powers from the Commissioner, but certainly not in this instance. I therefore would be apposed to the amendment at this point.

Mr. Chairman: Well gentlemen, I would like to draw your attention to the time and I think that this would be an appropriate time to stand Committee in recess until 2:00 o'clock this afternoon.

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Tuesday, November 7, 1967.  
2:00 o'clock p.m.  
Page 21.

Mr. Chairman: We will now call the Committee back to order and we will now discuss Bill No. 1, An Ordinance to Amend The Insane Persons Ordinance.

Mr. Chamberlist: During the lunch hour I had a chance to read completely The Insane Persons Ordinance and I have already declared myself opposed to the amendments, that is removing Section 9, repealing Section 9, and would also like to point out, Mr. Chairman, the explanatory notes are somewhat not really a parallel because the tuberculosis and cancer is purely a medical diagnosis and a person that is insane is a judicial decision. No person is declared insane until such time as a court declares a person insane so that there is no parallel in it. I think again, this is my final word in it - I feel that the amendment is superfluous to the needs in that it should be left as is. I feel there are other portions in the Ordinance itself that do require amending, but as for this portion now, I think it should be left as is.

BILL  
NO. 1

Mr. McKinnon: Mr. Chairman, the Commissioner has told Committee that he would be willing and able to produce some documentation as to the monies involved in the amendment of this Ordinance and I would like to see it not voted upon until such information is laid before this Committee.

Mr. Chairman: Is it Committee's wish then that I report progress on this Bill?

Mr. Dumas: I can't really see what bearing the amount of money that is expended or not expended would have on the discussion, whether its a hundred dollars or ten thousand dollars, if there is principles involved in the fact, which it was suggested earlier there was.

Mr. Chairman: What is your further pleasures, gentlemen?

Mr. McKinnon: Mr. Chairman, one of the members has indicated that he would like to see, and I am not particularly interested, but another member has stated that he would like to see some figures laid before this Committee, and I am just trying to bow to the wishes of the Committee.

Mr. Livesey: That is a very subtle way of settling this and I think it was very good. I would agree with that, Mr. Chairman.

Mr. Shaw: Mr. Chairman, I believe I was incorporate as to ask for information. I think it is good that we have every conceivable piece of information that we are dealing with and I thank the member from Whitehorse North in suggesting that we leave this in abeyance for the time being until we get further information.

Mr. Chairman: Would Committee concur then that I report progress on this Bill at this time?

All: Agree.

Mr. Chairman: Gentlemen, this concludes the business that we have available to us, Committee of the whole at this time, and I would entertain at this time a motion that Mr. Speaker do now resume the chair.

Mr. Shaw: Mr. Chairman, I would move that the Speaker do now take the chair and hear the report from the Chairman of the Committee.

Mr. Chairman: Do we have a seconder?

Mr. Dumas: I second that.

Mr. Chairman: It has been moved by Councillor Shaw and seconded by Councillor Dumas that Mr. Speaker do now resume the chair and hear the report of the Chairman of the Committees.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker resumes the chair.

Mr. Speaker: I will now call Council to order. May we have our report from the Chairman of Committees.

REPORT  
OF  
COMMITTEES

Mr. Chairman: Mr. Speaker, Committee convened at 10:50 a.m. this morning to discuss Bills and Sessional Papers. Committee agreed with proposals outlined in Sessional Paper No. 1, and proceeded with consideration of Bill No. 1, An Ordinance to Amend The Insane Persons Ordinance. Committee recessed at 12:00 noon and re-convened at 2:00 p.m. this afternoon, and I can report progress on Bill No. 1, An Ordinance to Amend the Insane Persons Ordinance. It was moved by Councillor Shaw and seconded by Councillor Dumas that Mr. Speaker do now resume the chair, and hear the report of the Chairman of Committees and this motion carried.

Mr. Speaker: Thank you, Mr. Taylor. Are we agreed with the report from the Chairman of Committees?

All: Agreed.

Mr. Speaker: May I have your further directions, gentlemen.

AGENDA

Mr. Taylor : In respect of the agenda, Mr. Speaker, we have for processing tomorrow morning four Bills, being Bills No. 2 to 5, and I believe that this is all that we have before us at this present moment.

Mr. Shaw: Mr. Speaker, in view of the fact that I was not able to get a seconder to proceed with further business, and as we have none before us, I move that Council adjourn until tomorrow morning.

All: Agreed.

Mr. Speaker: Gentlemen, I believe the Commissioner has a word for us about some question or other.

Mr. Commissioner: No, I'm sorry, Mr. Speaker, I didn't want to interfere with that. I just wanted to say that we will be having available for use certain information papers and Sessional Papers for reference purposes should be available for tabling here.

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Page 23.

Mr. Speaker: Thank you, Mr. Smith. Are we agreed with the motion for adjournment?

All: Agreed.

Mr. Speaker: The House now stands adjourned until 10:00 a.m. tomorrow morning.

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Page 24.  
Wednesday, November 8, 1967.  
10:00 o'clock a.m.

Mr. Speaker read the daily prayer. All Councillors and Commissioner Smith were present.

Mr. Speaker: Mr. Clerk, is there a quorum present?

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to order. Before proceeding this morning, gentlemen, with the usual correspondence, I have a pleasure which was denied me yesterday as Speaker of the House. The Honourable Legal Adviser escaped me and I was unable to give him an official welcome to this House. I would now like to do so and introduce Mr. Pdraig O'Donoghue, our new Legal Adviser. I have for your attention this morning a number of documents brought to us from the Administration, all addressed to Mr. Speaker, Members of Council and signed by the Commissioner:

SESSIONAL PAPER

- Sessional Paper No. 3, South Access Road Within City Boundaries; #3
- Sessional Paper No. 4 re question asked re Canada Assistance Plan; #4
- Sessional Paper No. 5, payments made under Welfare; #5
- Sessional Paper No. 6, re Sessional Paper No. 98, Legal Fees CMHC Loans; #6
- Sessional Paper No. 7, Marina Development - Ethel Lake and Kusawa (Arnell) Lake; #7
- Sessional Paper No. 8 re Motion No. 47, Recreational Road, Tatelman Lake; #8
- Sessional Paper No. 9, Travelling and Living Expenses for Territorial Councillors; #9
- Sessional Paper No. 10, Economic Study Group; #10
- Sessional Paper No. 11 re letter drop boxes in Crestview and Porter Creek; #11
- Sessional Paper No. 12 re Motion No. 42, Recovery of Indian Status; #12
- Sessional Paper No. 13, Tourist Development; #13
- Sessional Paper No. 14 re National Parks Kit. #14

We have no Reports of Committee. Introduction of Bills. Are there any Notices of Motion or Resolution?

Mr. Chamberlist: Mr. Speaker, I wish to give Notice of Motion to request the Administration to prepare legislation similar to the Summary Conviction Act of British Columbia. NOTICE OF MOTION #1

Mr. Speaker: Thank you, Mr. Chamberlist. Are there any further Notices of Motion or Resolution?

Mr. McKinnon: Mr. Speaker, I would like to give Notice of Motion concerning a meeting with the Administration concerning the critical housing situation in the Yukon Territory. NOTICE OF MOTION #2

Mr. Speaker: Are there any further Notices of Motion or Resolution? If not, may we proceed to Orders of the Day under Notices of Motion for the Production of Papers.

Mr. Chamberlist: Mr. Speaker, I wish to give Notice of Motion for the Production of Paper of a request that the Engineering Services Agreement with the City of Whitehorse be produced for examination by Council. NOTICE OF MOTION FOR PRODUCTION OF PAPER #1

NOTICES OF  
MOTION FOR  
PRODUCTION  
OF PAPER  
#2

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion for Production of Papers this morning respecting Federal-Territorial Fiscal Negotiations.

Mr. Speaker: Are there any further Notices of Motion for the Production of Papers? If not, would the Honourable Member for Watson Lake please take the Chair.

Councillor Taylor takes the Speaker's Chair.

#3

Mr. Livesey: Mr. Speaker, this morning I have for your attention Notice of Motion for the Production of Paper on Unemployment Insurance. Thank you, Mr. Speaker.

Mr. Livesey resumes the Speaker's Chair.

Mr. Speaker: We have no Motions as yet, gentlemen, for the Production of Papers and no Motions either I believe. May we now proceed to questions.

QUESTION  
#1

Mr. Chamberlist: Mr. Speaker, my question, addressed to the Commissioner, "Will the Commissioner given written reason why a Justice of the Peace receives payment from the costs awarded against an accused person if he convicts, and receives no payment for his services if he dismisses a charge."

Mr. Commissioner: Mr. Speaker, I am well aware that this situation exists. I believe the question is why this exists and I would ask for leave to supply the best answer that I can to this particular question.

Mr. Speaker: Agreed. Are there any further questions?

QUESTION RE  
CORRECTION-  
AL INSTI-  
TUTE  
UNIFORMS

Mr. Chamberlist: Mr. Speaker, an oral answer will be satisfactory to this question to the Commissioner. Uniforms for the staff at the Correctional Institute have been budgeted for. When is it proposed that these be obtained?

Mr. Commissioner: Mr. Speaker, the information that is given is accurate. These uniforms have been budgeted for. Right at the moment, we have...or should I say up to this moment we have not made any attempts to comply with this situation for two reasons: (1) the vast majority of the staff have been on a probationary period. I think that for most of them this probationary period is now over; and (2) I would want to be assured before we proceed with this that the monies are actually available. I realize the monies have been approved and they are in the Budget but the necessary funds to give effect to all our Budget have not been available and I would say that we will be proceeding with this uniform procurement or supply as soon as we are certain that the actual funds are available to give effect to the Budgetary requirements.

Mr. Speaker: Thank you, Mr. Commissioner. Are there any further questions?

QUESTION  
#2

Mr. Chamberlist: Mr. Speaker, "Will the Commissioner advise in writing why the application by the City of Whitehorse for money from the Physical Fitness Fund has been rejected when the application was made as far back as April of this year?"

Mr. Commissioner: Mr. Speaker, would I be permitted to answer this question at this time or do I understand that it is to be a request for a written answer?

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Mr. Speaker: The request was for a written reply, yes. Are there any further questions?

Mr. Chamberlist: Mr. Speaker, "Why has the Electrical Protection Ordinance not been brought into force it being assented to in the last Session of this Council?"

QUESTION #3

Mr. Commissioner: May I have the privilege of time on this question, please?

Mr. Speaker: Yes. The Honourable Member from Watson Lake.

Mr. Taylor: Mr. Speaker, I have a question I would like to direct to Commissioner Smith this morning. In view of the announcement last evening by Yukon Electric, as reported in the local news, that the Federal Government or Northern Canada Power Commission may be taking over the power in the Yukon Territory, I wonder if the Commissioner has any knowledge of this and whether steps are being taken for Northern Canada Power Commission to take over all power in the Yukon Territory.

QUESTION RE FEDERAL GOVERNMENT TAKING OVER POWER IN YUKON

Mr. Commissioner: Mr. Speaker, I can advise Council that I have no factual knowledge of this suggestion that Northern Canada Power Commission are about to take over the total power distribution in the Yukon Territory.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, I would like to address a question to the Commissioner. Is there any changes contemplated in the Low Cost Housing Ordinance by the Administration at this Session?

QUESTION RE ANY CHANGES IN LOW COST HOUSING ORDINANCE

Mr. Commissioner: Mr. Speaker, I think if you would refer to my Opening Address, I intimated that I hoped that Council would see fit to devote as much time as they felt necessary in the course of this Session to the total question of housing in the Yukon Territory and I could answer the Councillor's question by saying that the Administration at the moment does not have any specific changes in mind, but we are very hopeful that we can get the whole question of housing before Council and it is highly possible that Council will have some ideas and suggestions that may call for changes in this which we would be very happy to consider after we have dealt with the whole matter with Council.

Mr. Speaker: Thank you, Mr. Commissioner. Have we any further questions? If not, would the Honourable Member from Watson Lake please take the Chair.

Councillor Taylor takes the Speaker's Chair.

Mr. Livesey: Mr. Speaker, I have three questions on the Yukon Act. I would ask for a written reply to give the Administration sufficient time. (1) "Within the meaning of section 16 of the Yukon Act, what act of the Council or legislative authority provided funds for the building of the present Yukon Regional Library?" (2) "Reference section 15(2) of the Yukon Act, In an election year and the election of a new representative for any district, when does the indemnity of the previous incumbent cease and the new incumbent commence?" (3) "Reference section 15(3) of the Yukon Act, does this mean that a Member of Council confined to a hospital in the Territory because of illness elsewhere than in the City of Whitehorse could be fined \$150.00 per day in excess of three that he may be absent from any Session?" Thank you, Mr. Speaker.



Mr. Livesey resumes the Speaker's Chair.

Mr. Speaker: Are there any further questions, gentlemen? If not, may we proceed to Public Bills and Orders. May I have your directions?

FIRST  
READING  
BILL #2  
MOTION  
CARRIED

Moved by Councillor Taylor, seconded by Councillor Chamberlist, that First Reading be given to Bill No. 2, An Ordinance to Amend the Municipal Ordinance.

MOTION CARRIED

SECOND  
READING  
BILL #2  
MOTION  
CARRIED

Moved by Councillor Taylor, seconded by Councillor Chamberlist, that Second Reading be given to Bill No. 2, An Ordinance to Amend the Municipal Ordinance.

MOTION CARRIED

FIRST  
READING  
BILL #3  
MOTION  
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Shaw, that First Reading be given to Bill No. 3, An Ordinance to Amend the Fire Prevention Ordinance.

MOTION CARRIED

SECOND  
READING  
BILL #3  
MOTION  
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Shaw, that Second Reading be given to Bill No. 3, An Ordinance to Amend the Fire Prevention Ordinance.

MOTION CARRIED

FIRST  
READING  
BILL #4  
MOTION  
CARRIED

Moved by Councillor Shaw, seconded by Councillor Dumas, that First Reading be given to Bill No. 4, An Ordinance to Amend the Motor Vehicles Ordinance.

MOTION CARRIED

SECOND  
READING  
BILL #4

Moved by Councillor Shaw, seconded by Councillor Dumas, that Second Reading be given to Bill No. 4, An Ordinance to Amend the Motor Vehicles Ordinance.

Mr. McKinnon: Mr. Speaker, before the question is called, I wonder if I could speak on the principle of Bill No. 4, An Ordinance to Amend the Motor Vehicles Ordinance. If Honourable Members will examine the Bill in front of us, they will see that since the consolidation of the Motor Vehicles Ordinance in 1958, it has been amended in 1960, in '61 at two different Sessions, in '62 at two different Sessions, in '63 at one Session, in '64 at one Session, in '65 at a Session, and in '66 at a Session. Mr. Speaker, I am of the opinion that the Motor Vehicles Ordinance as it now stands in the Yukon Territory is a terribly outmoded and unwieldy piece of legislation and I cannot agree with this continuous piecemeal amendment to this very important Ordinance. I have been personally involved in situations in the Magistrate's Court of the Yukon Territory where because of the Ordinance being poor legislation that cases have been dismissed because the Ordinance is so difficult to be followed and I think if we are looking towards amending the Motor Vehicles Ordinance that there should be a study made of the complete picture that the Motor Vehicles Ordinance covers and that a sweeping change be made to the Motor Vehicles Ordinance. What I am suggesting is that a new Motor Vehicles Ordinance for the Yukon Territory be considered.

Mr. Speaker: Thank you, Mr. McKinnon. Is there any further discussion on the principle of this Bill.

Mr. Shaw: Mr. Speaker, in relation to the remarks just passed, I think that we could say that that applies to practically all the Ordinances of the Yukon Territory. We are way behind in all of them and with our limited facilities, all we can do is catch up as we go along. I think that just about every Ordinance we have needs a complete revision if we get down to it.

RE SECOND  
READING  
BILL #4

Mr. Chamberlist: Mr. Speaker, I feel that I cannot but agree with Councillor McKinnon as to the principle involved in these amendments that are being put forward as Bill No. 4. However, I feel that we should go ahead with these amendments and allow them to pass into Committee and I feel that at the time of debate during Committee the subject of the various what are outstanding errors in the Ordinance can then be brought forward for debate and a recommendation made to the Chairman of Committees as to reference for a complete new Ordinance, but I think, Mr. Speaker, that we should deal with the matter that is before us as to whether this Ordinance should have its second reading as usual.

Mr. Speaker: Thank you, Sir. Is there any further discussion?

Mr. Taylor: Mr. Speaker, my only comments would be that I concur also with the Honourable Member from Whitehorse North. I think that the Ordinance is archaic and it falls short in many many ways of what it was initially intended to do and I can cite...I certainly recall many instances where the Ordinance has worked an undue hardship on the people of the Territory so I would concur that this receive second reading. I will, of course, vote in favour of second reading but then I would like to see this matter discussed in its entirety in Committee of the Whole.

Mr. Speaker: Is the House prepared for the question on the Motion to give Second Reading to Bill No. 4, An Ordinance to Amend the Motor Vehicles Ordinance at this time?

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: May I have your further directions, gentlemen?

Moved by Councillor Shaw, seconded by Councillor Chamberlist, that Mr. Speaker do now leave the Chair to discuss questions in Committee of the Whole in accordance with the Agenda.

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: I will declare the Motion carried and the Honourable Member from Watson Lake will take the Chair in Committee.

Mr. Taylor: I will declare at this time a recess. I believe we will be discussing Bills. That's all we have in Committee.

Wednesday, November 8, 1967.

11:00 A.M.

Mr. Chairman: I will now call Committee back to order. We have BILL #2 before us Bill #2 titled An Ordinance to Amend the Municipal Ordinance. (Reads Bill #2.) You will take note of the explanatory note on the opposite page, gentlemen.

Mr. Chamberlist: Mr. Chairman, it appears that this is a piece of retroactive legislation. I wonder if the Commissioner could give us a background as to how the situation developed whereby this type of legislation had to be brought in.

Mr. Commissioner: Yes. Mr. Chairman, this was dealt with when Council was approving the use of these monies to install sewer and water in Lot 19. It was brought to our attention at that time by the Legal Adviser that when the collection of this frontage tax starts, or when it was to start, it would be necessary for enabling Legislation (a) to permit it to be collected, and (b) to permit it to be paid over on collection to the Territorial Government. This was the understanding that Council had and it was on this understanding that they passed upon us to permit this installation to be made. The time for this to come into effect, or the time the taxation will start, will be at a time when the contract has been properly completed and accepted by the Territorial Engineers. I am sorry that I haven't got that actual date along with me but I certainly can determine that actual time.

Mr. Chamberlist: Mr. Chairman, I wonder if the Legal Adviser could say whether there is any impropriety in making legislation of this nature, where the tax payers of the City of Whitehorse are not made aware of the costs at the time that the work is carried out, because it would appear that now that this amendment is passed it may appear to some of these people within the City of Whitehorse that they now don't have to make bylaws which should have been made under a section of the Municipal Ordinance before the actual work was carried out. Now the question is whether this is proper, Mr. Legal Adviser, or whether it is not proper.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: I am not sure that any of the people who have purchased property in Lot 19 have a deep knowledge of the bylaws and the law that Mr. Chamberlist himself has, and I think that there is no impropriety in charging for a service. If a man moves into a plot and services are provided either in advance or afterwards, it's up to him to find out what arrangement he is going to have. This is not in that sense retroactive administration. This is merely validating an understanding which had been come to. Government will provide certain services on prepayment. This merely provides the machinery whereby the Municipal Council will be able to collect the money which they are going to pay to the Government.

Mr. Chairman: What is your further pleasure, gentlemen?

Mr. McKinnon: Mr. Chairman, I wonder if I might ask the Commissioner the cost of the water and sewer placed in Lot 19. The frontage tax, is this going to be for the capital cost of the installation only? I mean, will the frontage tax apply to the operation and maintenance?

Mr. Commissioner: No, the capital cost, in other words the actual cost of the installment of the services of sewer and water, is to be recovered by the frontage tax. The operation and maintenance is a separate item and this is the City of Whitehorse's charge for that service. It's nine or ten dollars a month I believe for that, but

Mr. Commissioner continued:

that only comes into effect after a person becomes a user.

Mr. Chairman: Have you anything further, gentlemen, on this bill?

BILL #2 Moved by Councillor Shaw, seconded by Councillor Chamberlist, that  
MOVED OUT Bill #2, An Ordinance to Amend the Municipal Ordinance, be reported  
OF COMMIT- out of Committee without amendment.

TEE WITHOUT  
AMENDMENT  
MOTION  
CARRIED

MOTION CARRIED

Mr. Shaw: Mr. Chairman, might I have a copy of Bill #3? I have the explanatory note but I'm missing Bill #3.

BILL #3 Mr. Chairman: Mr. Clerk, would you be kind enough to obtain a spare copy of Bill #3? This is Bill #3, An Ordinance to Amend the Fire Prevention Ordinance. (Reads Bill #3.)

Mr. Shaw: Mr. Chairman, I wonder if Mr. Clerk might have right on hand what year this Fire Ordinance, the exact year it was passed?

Mr. McKinnon: 1962.

Mr. Chairman: 1966, Second Session, Chapter Twelve.

Mr. Shaw: Thank you.

Mr. McKinnon: That's just an amendment. It's 1962.....

Mr. Chairman: Mr. Legal Adviser, have you any comment on this bill at this time?

Mr. Legal Adviser: No legal comments, sir, except to say that a recent situation did in fact arise after two inquiries into fires, and it has become the custom to reimburse the cost of witnesses at such inquiries. When the Treasurer was about to disburse the money he found that he hadn't got the authority, so he required that authority to disburse the Government money in this matter.

Mr. Chairman: Thank you, Mr. Legal Adviser.

Mr. McKinnon: Mr. Chairman, in Section 9 of the Fire Prevention Ordinance, the Fire Marshal has the power to summon witnesses to appear before him. In the last year we have had two fire inquiries in the Yukon Territory, one concerned the Porter Creek school, the other the Whitehorse Elementary school. Is the reason that certain people weren't summoned by the Fire Marshal because they couldn't be paid the witness fees or were there other reasons they weren't summoned?

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

Mr. McKinnon: I direct that question to the Commissioner, Mr. Chairman.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, the question of summoning witnesses and requiring them to appear on these kinds of hearings apparently is involved in a legal question. I don't know whether the Legal Adviser is aware of this problem or whether he would care to discuss it with Council at this time, but I do think that the question that has been asked by Councillor McKinnon should definitely be answered so that Council would understand the problems that we encountered when it came to getting witnesses to appear at these fire inquiries. I wonder, Mr. Chairman, if Mr. Legal Adviser is prepared to speak on this matter at this time or if he would prefer to have time to prepare a proper answer to Mr. McKinnon's question.

Mr. Chairman: Mr. Legal Adviser.

BILL #3

Mr. Legal Adviser: I don't know sufficient about the individual cases to give an answer to what happened in an individual case. I can say that as a matter of principle, normal inquiries that summons witnesses and put them to expense are expected to pay for this service of witness attendance. Why the Fire Marshal in a particular case did not summon witnesses may be impossible to find out, because it appears in the Ordinance that this is a matter in the discretion of the Fire Marshal. I can attempt to obtain the information but if the information isn't forth coming from the officer concerned, I may not be able to inform the House as to the real reason.

Mr. McKinnon: Mr. Chairman, the reason I raised this point is that there was a particularly foul taste left in the mouth of the public and I included myself as a member of that public at that time. In the inquiry of the Porter Creek fire last year, the original inquiry from the Fire Marshal wasn't satisfactory, so under the terms of of the Fire Prevention Ordinance a further.....rather, the investigation wasn't satisfactory and an inquiry was set up. The person who was involved primarily or the prime witness, the one who you'd think naturally would be at this inquiry neither appeared, he just failed to show at this inquiry. All the inquiry succeeded in doing was just to further elaborate or bring again the same information that was brought out in the investigation. At public expenses, it proves nothing, and I don't think that it was a satisfactory type of inquiry, nor the type of inquiry that we envisioned when this Ordinance was originally passed. We gave the Fire Marshal the power to hold a decent public inquiry where some facts could be obtained.

Mr. Commissioner: Mr. Chairman, could I ask for leave to answer this question after the Legal Adviser has had an opportunity to review and I'm sure that the answer that Council will get at that time will explain in detail the problem that was encountered with regard to summoning witnesses at that time.

Mr. Chairman: Will the Committee agree?

All: Agreed.

Mr. Dumas: Further to what Mr. Legal Adviser has said about possibly not being able to find out why all these people weren't called, well you see, the Fire Marshal is approved by the Commissioner and apparently responsible to the Commissioner, and it seems to me that if he had a reason for withholding it from his superiors it wouldn't be quite right, and therefore I would suggest that we can get an answer from the Fire Marshal whatever it may be.

Mr. Chamberlist: Mr. Chairman, Mr. Legal Adviser, if you agree, and I'm sure you will, that an inquiry under the Fire Prevention Ordinance is referred to as a quasi-judicial inquiry because there are provisions in the Ordinance for the holding of an inquiry, would it not be so that in all inquiries, judicial or quasi-judicial, witnesses are entitled to be paid fees and allowances for their attendance, and if this is so isn't it correct that this should be included in the Ordinance because of it?

Mr. Legal Adviser: I'm not sure exactly what the question is. I think it means, is there.....do I approve of the purpose of the bill which is to prescribe fees, to allow fees to be paid to witnesses at inquiries, and I think I've already conveyed to Council that I feel that if the Government summons a witness to appear before an official Government inquiry, then in normal circumstances, I won't go so far as to say in every circumstance, but in normal circumstances the Government should be prepared to pay the costs of bringing that witness before tribunal concerned. Now, if the Treasurer is not satisfied of his authority in this particular

Mr. Legal Adviser continued:

Ordinance to make those payments, then of course it would require an amendment to allow this to take place. In a particular instance I don't think the fees were very high but the time may come when an expert may have to be summoned from outside the Territory, in which case the fees would be very high.

Mr. Livesey: Mr. Chairman, to me this is a straight forward question which doesn't really involve a lot of other questions in relation to what may possibly come up in connection with fire and fire prevention. I think all this is a straight forward question to the Committee to ascertain whether they feel that witnesses should be paid when they appear before any organization. This is just a simple question of whether they should or should not be paid and I see no difficulty in this at all. I think it's just a straight forward question and that's the way we should look at it, and if there are any extraneous issues which do come up with regard to the fire in Porter Creek or any other fire in the Yukon, I believe that they are more or less beyond the scope of this present amendment to the bill. As I see it, Mr. Chairman, it's just a straight forward matter.

Mr. Chairman: Have you anything further on this bill, gentlemen?

Mr. Shaw: I just have one question, Mr. Chairman, that I'd like to direct to the Legal Adviser in respect to the Fire Marshal of the Yukon Territory and the Ordinances of the Yukon Territory. Now, if a person that the Fire Marshal requires to attend a fire inquiry in the Yukon Territory, and I'm assuming there's no criminal action involved or something, and this person is living in British Columbia or Alberta, would the laws of the Yukon Territory be such that you could get this person to come from Alberta or British Columbia or some other place or.....it appears to me that our laws are active within our Territory but not when they go elsewhere. Perhaps I could get the question answered?

Mr. Legal Adviser: I can say to the Honourable Member that if we were trying to get a witness up from Vancouver, unless he comes willingly, we can not bring him in chains.

Mr. Shaw: Thank you, Mr. Chairman.

Mr. Chairman: This is why I directed my question to Mr. Legal Adviser in regard to whether it was a judicial or quasi-judicial inquiry, because if it was a quasi-judicial inquiry certainly a court order could be obtained to compel a witness to attend. Now, I was leading up to another question and this is why I asked you to answer me this question as to whether the.....what is the status of the type of inquiry that would be entered into according to the Ordinance? Is it or is it not of judicial or quasi-judicial nature.

Mr. Legal Adviser: This is a question I was attempting to head off, but now he asks for a straight answer. I'm not sure that the Fire Marshal has the authority to enforce an order to bring a witness to court at all.

Mr. Commissioner: Mr. Chairman, if you would be good enough to allow Mr. McKinnon's question to be answered fully at a later time by the Legal Adviser, all these questions really hinge on the answer to Mr. McKinnon's question, Council will then see the problem in its proper light that we faced when the Fire Marshal had his inquiry on these fires.

All: Agreed.

Mr. Shaw: Mr. Chairman, as I'm not as knowledgeable as the Honourable Member from Whitehorse East, could I have explained to me the difference between quasi-judicial and judicial. We're getting a little non compos mentis.....In relation to these technical terms, just being man you may say, perhaps I could have it explained.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: I'm not the Legal Adviser to the Council, Mr. Chairman, perhaps Councillor Shaw should address it in the proper direction.

Mr. Shaw: As the Member who uses the phrase, I feel the Member who uses the phrase would be well qualified to explain it.

Mr. Chamberlist: Certainly. I have no objections. I appreciate Councillor Shaw's confidence in the fact that he has to ask me to explain it to him. A judicial inquiry, as I see it and I understand it, probably the Legal Adviser will say that I'm wrong although he might agree with me, is a type of inquiry whereby those who are heading the inquiry are in fact members of the judiciary and the quasi-judicial inquiry is an inquiry not necessarily headed by members of the judiciary but certainly carried out in accordance with a law prescribed for the inquiry. I hope I am right.

Mr. Legal Adviser: I think in general terms, Mr. Chamberlist has given a very fair definition.

Mr. Chamberlist: Thank you, Mr. Chairman.

Mr. Chairman: Gentlemen, what is your further pleasure in relation to Bill #3?

Mr. McKinnon: That progress be reported on Bill #3, Mr. Chairman, until we have received answers from the Administration.

Mr. Chairman: Is this agreed by Committee?

All: Agreed.

Mr. Chairman: I will so note progress. Gentlemen, we will proceed to Bill #4. I think in the reading of this bill with your concurrence, we'll take this bill and deal with it section by section in the reading. (Reads Bill #4, An Ordinance to Amend the Motor Vehicles Ordinance, "1. (1) All that portion of.....judge or magistrate.'")

Mr. Chamberlist: Mr. Chairman, although we have read one section, I feel we should discuss the matters relating to the Motor Vehicles Ordinance generally. I cannot see how this section can be placed into force when reference is made to the endorsement of a licence. How can you endorse an invalid licence? Now this is a question of that I think should be considered immediately. So serious is the situation now with the Motor Vehicles Ordinance that in my opinion there isn't a person who holds a chauffeur's or operator's licence that has a legally obtained licence. The only, as we have already heard that certain forms need to be prescribed, now, the only forms that are prescribed in the whole of the Motor Vehicles Ordinance are those forms which are available for Public Service Vehicles. That is in Section 6, Subsection 2 and Subsection 3. Now these forms are supplied under the Commissioner's Order, 1966, Number 126. The only other one form that exists in the Motor Vehicles Ordinance is a form of this pendant. For the benefit of Councillor Shaw and the other Councillors of course, I will try to explain what that form is. This is a form where an action is pending for damages that may be claimed by a person who has been injured, he may claim against the vehicle itself, it's a matter of trade with this

BILL #4

Mr. Chamberlist continued:  
 I am going to make a claim against it. These are the only forms. Now as an interpretation of the word licence, in the interpretation section of the Motor Vehicles Ordinance which is quite interesting. The interpretation of licence means invalid and subsisting licence is used under this Ordinance. Now the only way that a licence could be valid and subsisting under this Ordinance, if the licence is applied for on approved forms. Now this brings into position that the licence not having been applied for on an approved form, it follows therefore, that the licence is not valid. Now if the licence is not valid, how then can a judge or a magistrate endorse a nonvalid licence. It becomes in itself so ludicrous that the situation is, right the way through, and this applies to the case of where a permit is issued for, a temporary permit for a vehicle also applied on a prescribed form, the permit is given out by the Registrar's Office yet it hasn't been applied for on a proper form. We can go on now, that there is an interpretation section, the word prescribed, this is also clear, and the word prescribed means, this is reading from the Ordinance, "Prescribed by this Ordinance or by regulations made by the Commissioner under this Ordinance." So we find ourself again the situation that the regulations haven't prescribed the forms under which a licence can be issued. Again.... Now, we go on again to Section 5 of Part 1, Sub-section 2. This deals with registration, "The application shall be made on a form approved by the Commissioner and shall be accompanied by the registration fee." There is no form approved by the Commissioner. Now in Section 10, this is where another typically arises. "When the Registrar is satisfied that an applicant for the registration of a motor vehicle has complied with Sections 5 and 8," now that is a section where you, those are sections where you have to have the form, now then and only then, "or an applicant for the registration of a trailer has complied with Section 5, he shall register the motor vehicle or trailer in the register referred to in Section 4," etc. Now, he cannot comply. Now we go on to Section 11, Sub-section 3, "The Registrar may renew a certificate of registration that has expired if the owner of the motor vehicle applies for its renewal on the prescribed form." Now, how can you get a licence for the following year when there is no prescribed form, so that you're driving a vehicle without a licence. Now, Section 15, Sub-section 2, this deals with a dealer's licence. You'll be very happy to hear this one. "A dealer shall make application for the licence under Sub-section 1 to the Registrar in the prescribed form", etc. Sub-section 3 of that one makes it all the more difficult because it says, "Upon the receipt of an application under Sub-section 1 and upon proof satisfactory to the Commissioner that the applicant has complied with the provisions of Sub-section 1 of Section 8, the Registrar may issue to the applicant a dealer's licence in the prescribed form." Now, here he supposed to have an application in the prescribed form and he can't get a dealer's licence unless he has the application, and he can't get the licence because he hasn't got a prescribed form. You know, this is really interesting.....Okay, now we go on to Section 17B. "Any dealer who drives or permits to be driven upon a highway for any purpose other than for demonstration or sale or for conditioning or testing as the case may be, and not in compliance with the requirements of this Ordinance and the regulations, having attached thereto or exposed thereon dealer's number plates is guilty of an offence." Now that is written in there, so we are in the unfortunate position of finding that everyone of the dealers in the Yukon Territory is guilty of an offence. We go on now to Section 22, (2). This deals again with a vehicle that is from the outside, where a motor vehicle or trailer is registered or licenced in a place outside the Territory and is brought into the Territory. Sub-section 2 of Section 22, "The application shall be made in a form approved by the Commissioner," etc. Section 28, now we come to the chauffeur's licence and the operator's licence. "Every application for a chauffeur's licence or an operator's licence shall be made to the Registrar and shall be on a form approved by the Commissioner." Section 22, Sub. 8A,



Mr. Chamberlist continued:

here it says, "upon application as in Sub-section 1," and in Sub-section 1 it applies again, prescribed forms. And we come now to where one of our brother Councillors is involved, Section 72, Sub-section 1, "Subject to Sub-section 2, where an accident results in injury or death to a person or in property damage to an apparent extent of one hundred dollars or more, the driver shall forthwith make a written report, in the form prescribed by the Commissioner to the nearest detachment of the Royal Canadian Mounted Police." Now how can you make that report if there is no form that is prescribed on which he is to make the report. Now we go on then to Section 73, Sub-section 1. I find it difficult to understand how the R.C.M.P. can advise the Commissioner of what's going on in relation to motor vehicle offences because "A member of the Royal Canadian Mounted Police or a traffic officer who has witnessed or investigated an accident shall forthwith forward to the Commissioner a written report in the form prescribed", etc. The difficulties that are arising, and we must recognize this, we must help our law enforcement officers in carrying out the Motor Vehicles Ordinance or any Ordinance for that matter, and I think it is a matter of disgrace that this matter hasn't been looked into more closely. I have two parts of transcripts of cases quite recent where the comments of the court are made on the Motor Vehicles Ordinance. In one case, Regina versus Graham, is a matter of where the father had allowed his daughter to drive the vehicle, and the court asked, "Do you have anything to say on her behalf about what happened?" The father, "No sir, except that she was not in no way in the fault in the accident." The court, "I am not concerned about the accident. The only question is not having a driver's licence." The father, "Actually I should have had her down and had her driver's licence. She is of age." The court, "If you go down you might be very interested, as I would be, to find out how you make application for a driver's licence because I don't think there is any way that this can be done. I am simply suggesting this to you because of the wording of the Ordinance, I don't think it is possible to apply for a driver's licence in accordance with the provisions in the Ordinance. Certainly it is true that no one should drive a vehicle without a driver's licence, and it is an offence to drive a vehicle without having a driver's licence, but how do you get one? I don't know. I don't think anyone can roughly in accordance with the provisions described, get a driver's licence." The father, "How about a learner's licence?" The court, "There is not any form." The constable, "Another case of no form prescribed, Your Worship." The father, "They do provide a form at the R.C.M.P. Office." The court, "The Ordinance does not prescribe it, at least, on a quick look through the Ordinance I have been unable to find it." The second case was Regina versus John Stanley Good. The constable gave the evidence. The court, "Mr. Good, was there anything you would like to say about this?" Mr. Good, "No, Your Honour." The court, "This is another instance. I don't know how anybody can register a vehicle in the Yukon Territory. I think there is a provision for the transfer of a vehicle. Another instance of no form being prescribed. As far as registering a vehicle is concerned, I don't know how it can be done properly in accordance with the terms of the Ordinance." From this Mr. Chairman, from what I have said you will see that the Motor Vehicle Ordinance of the Yukon Territory is in one total mess. There are other items I have not broached on and I feel perhaps these may be brought out, these other items may be brought out by another Member of Council but I feel, coming back to the section we have read on Bill #4, that I can see no possible way where this Committee of a Whole can accept this section because we cannot put into law what cannot be done. In other words, how can a magistrate endorse, a judge or magistrate endorse an invalid licence. Thank you, Mr. Chairman.

BILL #4 Mr. Dumas: Further to what Mr. Chamberlist has said I might add that the insurance on all the vehicles, if Mr. Chamberlist is correct and it would probably take a judge to make the final decision, the insurance on all the vehicles in the Territory would be invalid.

Mr. Chamberlist: One point I omitted, there is reference to an insurance card being in a prescribed form.

Mr. Shaw: Mr. Chairman, this is a matter of inquiry. The prescribed form could mean a number of things. Would the normal licence that we get, would that be the prescribed form? Can I ask that question of the Legal Adviser, Mr. Chairman?

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: I couldn't say at this point until I've studied the question. Prescribing a form is an official method whereby regulations are made or some similar statutory rule or order and if you describe it as a prescribed form, it must be prescribed by somebody authorized to do so. That's all I can say.

Mr. Dumas: In two cases that I know of the judge threw the case out of court because there was no prescribed form, so obviously, at least in these cases, I feel there was.

Mr. Shaw: This is a supplementary question, Mr. Chairman. If this is the case, in the case of the prescribed form, would it not mean it would be necessary then for the Commissioner who will, say, to crank up a bunch of these various prescribed forms and fill in this void that exists at the present moment. Would that clarify the situation? And, as a further question, could that not be done very rapidly?

Mr. Dumas: Yes, and especially in view of the icy condition of these roads. (all laugh)

Mr. Chairman: Order, gentlemen.

Mr. Commissioner: Mr. Chairman, it seems to me it's a very peculiar situation referred to here. We have heard the Legal Advisor intimate that they are prescribed forms and they require some form of definition or delineation. It seems very peculiar to me that this Ordinance which, I believe, the main heart of was passed when I personally was a Member of Council. It seems to me it was about 1960, and it's peculiar that six or seven years have passed by and these things have not been brought to a head. Further to the question that was raised yesterday in Council, I have asked the Clerk and the Legal Adviser to let me know very promptly just what the situation is. If there are corrective actions that can be done that I can or have the power to do, I'm certainly more than interested in doing them. But, I simply point out to Council that this looks to me like a very, very grave oversight here on the surface of it, as to whether when we get down to the bottom of it this situation still exists, I am not prepared to say, but I want to assure Council that I have asked this matter to be fully vented and to let me know immediately as to just what is going on.

Mr. Chairman: Mr. Legal Adviser, did you have something to say?

Mr. Legal Adviser: It sometimes takes a servant's lance to deal with a boil that has come to a head, and I think that is the position to regard these two court cases. This is a situation which has existed for a number of years now, but the Administration is always willing to learn and act fast, and these forms are now ready to be prescribed.

Mr. Chamberlist: In view of what the Legal Adviser has said on this, I would suggest we don't go any further with this Bill #4 until such time as the regulations prescribing the forms have been tabled, and the Council is assured that all the forms have been prescribed. I think that once this is done, then we can proceed with Bill #4.

Mr. Livesey: If I could ask a question of the Legal Adviser through the Chair, is it not common practise for the Administration to take cognizance of all court cases that are finalized in order that the general effect of decisions are not going to be considered as a variance with existing legislation?

Mr. Legal Adviser: If I may answer that question asked, it's not easy to take cognizance of every court case as it happens. When a case like this happens, you hear about it about ten times the following morning and you don't have to have any official method of being informed. Everybody informs you.

Mr. Livesey: Mr. Chairman, if I may ask another question. It would seem to me that surely the results of any court cases over the years, when these results are known to the Administration, surely the results of court cases stand as substantial matters certainly for, shall we say, established positions with regard to the final decision covering any particular subject. I do feel that the court are the arbiters of the decisions of legislation and, therefore, when they do make a decision, surely their decisions stand as proper and if they are in variance, then I would think that it would be absolutely necessary, almost imperative to take into consideration all their decisions with regard to any of the legislation that exists.

Mr. McKinnon: Mr. Chairman, while I have sat on Territorial Council previously there were at least two amendments that I brought to the Motor Vehicles Ordinance as a result of court decisions. I think it is an area where a Territorial Councillor can change law were he aware of what is happening in the courts. I am sure that as long as Mr. Chamberlist is following my career as closely as he is, that we will be well aware of any changes that need to be made in the Motor Vehicles Ordinance.

Mr. Chairman: What is your further pleasure in relation to this bill?

Mr. McKinnon: I am in complete agreement with Mr. Chamberlist's suggestion that until this area is resolved, we should not consider Bill #4 any further.

Mr. Chairman: Committee agreed?

All: Agreed.

Mr. Chairman: Gentlemen, this now concludes all the business we are able to do in the Committee of the Whole. I would entertain a motion at this time that Mr. Speaker do resume the Chair.

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

Mr. Chamberlist: I second the motion, Mr. Chairman.

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? Is there any contrary? I will declare the motion carried.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: Thank you, Mr. Chairman. I will now call Council to order. May we have a report from the Chairman of Committees?

Mr. Chairman: Mr. Speaker, Committee convened at 10:35 a.m. to discuss Public Bills. It was moved by Councillor Shaw and seconded by Councillor Chamberlist that Bill #2 be reported out of Committee without amendment and this motion carried. I can report progress also on Bill #3. It was moved by Councillor Shaw, seconded by Councillor Chamberlist that Mr. Speaker do now resume the Chair and hear the report of the Chairman of Committees and this motion also carried.

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

All: Agreed.

Mr. Speaker: Gentlemen, may I.....Mr. Taylor.

Mr. Taylor: In respect of the agenda, Mr. Speaker, it appears to be nothing in Committee with which we can presently deal, there are no Sessional Papers or Motions and the Bills to date are awaiting information from the Administration. So we have completed all the work before the Committee other than the Bills.

Mr. Speaker: Thank you, Mr. Taylor. May I have your further direction?

Mr. Shaw: Well, Mr. Speaker, all I can say at this time is that we have completed, as has been stated, all the work on the agenda, and if we wish to continue for the balance of the day we have only one alternative and that is that the rules be waived and that further business be introduced to the Council. Failing that, we have completed our labours for November 8<sup>th</sup> and it seems a waste of time that we can't do something this afternoon. I did propose this as a motion yesterday and it was not accepted, there was no seconder for the motion, but unless we have a move such as this we are finished for the day.

Mr. Chamberlist: Mr. Speaker, what I suggest is that we rise now, reconvene at 2:00, and by that time we may be able to ask that certain Sessional Papers be forwarded to Committee for discussion. Then we could go back into Committee. It may need, again, the waiving of rules, but it will be to deal specifically with what Sessional Papers we may wish to discuss.

Mr. Taylor: Mr. Speaker, I can only say that I am extremely amazed at the fact that there is not, after a complete summer's operation, there is not sufficient material here to get the Council started, so to speak, and I'm wondering if indeed there is going to be little for us to do at this Session. I'm just absolutely amazed. I thought there was as much in the line of legislation and other matters coming before Council this Session from the Administration.

Mr. Shaw: Mr. Speaker, I would move that we call it 12:00.

Mr. Speaker: Are we agreed that it should be called 12:00?

All: Agreed.

Mr. Speaker: The House now stands adjourned until 2:00 this afternoon.

Wednesday, November 8, 1967.

2:00 o'clock p.m.

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PUBLIC  
ACCOUNTS

Mr. Speaker: I now call Council to order. Gentlemen, we had a problem here this morning. We were running out of work and I was wondering if during the noon hour that you had any suggestions so that we can carry on and get as much work done as we can during this Session where it is possible and I have one item here for your attention and that is the question of the Public Accounts which you will now have a copy and I might draw to your attention these matters are, as you know, already concluded. However, by law under Section 26 of the Yukon Act, Sub-section 1, it is the duty of the Council apparently, according to federal law, to consider Public Accounts and I will just read this to you just for the sake of information. 26. (1) A report for each fiscal year of the Territory, called the Territorial Accounts, shall be laid before the Council by the Commissioner on or before the thirtieth day of June next following the termination of the fiscal year, or if the Council is not then in session, on the opening day of the next ensuing session and the Council shall consider the same. I just bring this item to your attention, gentlemen, for your information. May I have your direction?

Mr. Chamberlist: If Mr. Speaker will look up, there is a member trying to attract your attention, Sir.

Mr. Speaker: Thank you, Sir. Mr. Taylor. Sorry.

Mr. Taylor: Mr. Speaker, in relation to the Public Accounts, it does occur to me that with the Council being a new Council that this might more properly be a matter we should discuss around or following the discussion on the Supplementary Estimates, at which time we might be a little more acquainted, all members might be a little more acquainted with what is going on financially in the Territory and in order that we might relate it back to the Public Accounts.

Mr. Speaker: Commissioner.

Mr. Commissioner: Mr. Speaker, might I suggest that when we're able to bring the whole matter of Territory finances, fiscal agreements with the federal government, etc., this might be the ideal opportunity to comply with this statutory requirement and at the same time all other matters of finance with regard to the Territory. This might be a satisfactory solution to this because one is really part of the other.

Mr. Speaker: Thank you, Sir. May I have your further directions.

All: Agreed.

Mr. Shaw: Mr. Speaker, I wonder if this matter would be settled as suggested that we discuss the matter of the Public Accounts during the discussions with the budget and fiscal matters.

Mr. Speaker: Yes, I believe, Mr. Shaw, this was the indication coming before the Commissioner to that effect and also from the member from Watson Lake.

Mr. Shaw: Well, Mr. Speaker, if this matter is closed, I would like to proceed to the next matter on hand which is, of course, what are we going to do this afternoon, and it appears to me that

all we have to discuss would be Bill No. 5, I believe, and also the Sessional Papers which we have on hand, and in relation to these matters I would like to move that the rules be waived and that we discuss or process the Sessional Papers on hand and the Bills on hand.

Mr. Dumas: I'll second that, Mr. Speaker.

Mr. Taylor: Speaking to the motion, Mr. Speaker, I believe its intended that unless a member has a Sessional Paper, or Information Paper as they are now known, it was not our intention to, as a course, take and read these Sessional Papers through unless some member had some particular paper that he wished to deal with.

Mr. Shaw: Mr. Speaker, the object of my motion was the fact that it is somewhat general and when we came to the Sessional Papers in the Committee as a whole, it could be moved that we discuss this paper and either accept it or reject it as we go along and then we could process all the necessary portions to keep us occupied this afternoon. I didn't want to be too rigid in my motion.

Mr. McKinnon: Mr. Speaker, there are no Sessional Papers before me that I personally want to refer to either Council or Committee for discussion. If any other member has any other Sessional Papers which we have received so far that they want to discuss in Committee or Council, I would be more than willing to bow to their demand and so discuss this afternoon, if they would make it known to the Council.

Mr. Shaw: Mr. Speaker, I think first we must ascertain whether we will waive the rules and discuss anything.

Mr. McKinnon: This is the whole point, Mr. Speaker, I have nothing to waive the rules for to discuss because there is nothing that I personally know of that I want to discuss that the rule has to be waived for. If any other member has a matter that he wants to discuss and fulfill the time of the Council, then I would be willing to listen to his suggestion and and so waive the rule.

Mr. Taylor: Mr. Speaker, I also concur. I find nothing in Sessional Papers which it should be at the moment.

Mr. Shaw: Well, discussing this motion, Mr. Speaker, we have a marina development at Ethel Lake and Kusawa that may bring rise to some discussions on marina developments in lakes. We have Legal Fees CMHC Loans. That is very important to people who have had to borrow money to build a home and there might be some discussion entered into over that, and we also have a matter of welfare, how much we pay out from the public funds. Welfare - that should create quite a lot of discussion. In fact, I hear in my travels a lot of discussion on welfare, but I surely should not say these things. There is a wealth of information and education, I would say, in the Sessional Papers that we have on hand.

Mr. Chamberlist: Mr. Speaker, if Councillor Shaw will add to this motion to discuss those Sessional Papers that he refers to, then I am sure it will get billeted.

Mr. Shaw: Well, Mr. Speaker, I am merely trying to get something for Council to work on. I don't want to get into the minute details of what we should do. I would like to occupy my time here this afternoon to the best possible advantage and I am not going to pick out any particular Sessional Paper. It is business for the Council. We can discuss it or we can leave it alone.

Mr. Chamberlist: I would like to know which Sessional Papers Councillor Shaw wishes to discuss and I will support his motion if I know which ones he wishes to discuss.

Mr. Speaker: Gentlemen, before anyone again rises, I must advise you that we are bending the rules a bit here.

Mr. Shaw: I will answer the question, Mr. Speaker. From 1 to 14.

Mr. McKinnon: Mr. Speaker, I will rise on a point of order then because as far as I understand from the discussion of the Sessional Paper No. 1, this is exactly what this Council is trying to get away from, discussing every piece of information in committee that is put before us by the administration and it was to this end that I supported the idea of Sessional Paper No. 1 so we would get away exactly from what the Honourable Member from Dawson is now suggesting.

Mr. Shaw: Might I ask a question, Mr. Speaker? Direct this to all members of Council. Are they interested in discussing any particular Sessional Paper? I have just taken the matter of the lake marina development. That is something that is quite important in the Territory to a lot of sports-minded people or recreational-minded people. That is No. 7. We have travelling and living expenses for Territorial Council as one. Another one, recovery of Indian status - that has been taken up a dozen times, and so on. I haven't really gotten down to all the details but perhaps some other members are interested in discussing it.

Mr. Taylor: Mr. Speaker, just in answer to Councillor Shaw, I believe, for instance, in the paper on Kusawa Lake, as a matter of information, and Ethel Lake, say that the beaches are sufficient and they didn't put in a marina. Now, I can't see what we are going to discuss in this line. I would suggest, as I say, that I certainly have no query on any Sessional Papers at this time. These are matters of information which I have not completely digested, but some of them I have, and I find nothing of interest in them.

Mr. Speaker: Gentlemen, before anyone again rises, I believe if you take the motion as it stands now before the House and put it to a vote, there would not seem to me to be any further discussion because if you are going to waive a ruling of the House, you must have a unanimous decision and the end result would be the same in any event.

Mr. Dumas: Mr. Speaker, just a question for information. What happens to Bill No. 5? Can we not get that in today or do we do that later, or what? If the rules are not waived, can we discuss Bill No. 5 today?

Mr. Chamberlist: There is a motion on the floor dealing with Sessional Papers.

Mr. Dumas: Okey.

Mr. Speaker: Gentlemen, before there is any further discussion on this, I don't feel that those members who have now already risen should again rise on this question and it seems to me that all the decision that needs to be taken on this is whether work on Sessional Papers is to be done or not, and I believe that your motion will be self-explanatory when it is put to vote.

Mr. Commissioner: Mr. Speaker, may I be excused at this moment, and would you convey the invitation to Councillors for this meeting at 3:00 o'clock?

Mr. Speaker: It has already been done, Sir. Proceed.

Mr. Commissioner leaves the Council Chambers.

Mr. Dumas: Question.

Mr. Speaker: A question has been called on motion. Is the House prepared for the question? Are we agreed?

Mr. Taylor: Contrary.

Mr. Speaker: Will the members please rise on the question of the vote on the motion. Whitehorse North.

Mr. Chamberlist: With respect to the...

Mr. McKinnon: Disagreed.

Mr. Speaker: Order.

Mr. McKinnon: Mr. Speaker, that's the end of it.

Mr. Dumas: That's the end of it.

MOTION  
DEFEATED

Mr. Speaker: The motion is defeated. May I have your further directions.

Mr. Shaw: Might I refer, Mr. Speaker, that will mean the only business we can do now is to move adjournment of the Council.

Mr. Speaker: May I ask for your directions.

Mr. Taylor: Mr. Speaker, as I stated this morning, it seems to me that rather than trying to create something out of nothing, it seems to me that we just have no work to do. This is the sum total of it. Bill No. 5 was included in the motion, which was just defeated. Bill No. 5 and Sessional Papers, and consequently we can't do anything with that today, and it is just a case of the administration has not got sufficient work for us to do, and we came here to do the business of the Territory and that material is not available to us, so all we can do is adjourn until the administration provides it. That's as I see it.

Mr. Dumas: I would like to move that we waive the rules so that we may discuss Bill No. 5.

Mr. Taylor: That was defeated.

Mr. Speaker: Order, please. The question of waiving the rules has been defeated, gentlemen. If there is nothing further in that direction, I now await your approval to adjourn.

Mr. Chamberlist: Mr. Speaker, I would ask that Mr. Speaker conveys to the administration that members of this Council have already shown that they are more than unhappy with the situation where we cannot conduct the business of the Territorial Council because of the apparent lack of work that should have been made available by this time for Territorial Council. I think Councillor Taylor has



made it quite clear, Mr. Speaker, that we are here to conduct the work of the Territorial Council and I feel that there has been some negligence, and I use the word negligence because I feel that is exactly what it has been - that there has not been prepared for us the work to continue.

Mr. Taylor: Hear, hear.

Mr. Dumas: Mr. Speaker, I concur with the Honourable Member from Whitehorse East. We can't stress this too much. I know I'm certainly very, very disappointed from the seemingly lack of organization, or what have you, on the presentations made from the administration and I do, along with the member from Whitehorse East, ask that you follow this up and see if something can't be done about it so that we don't find ourselves in the same position we're in now every day this week and next week.

Mr. Speaker: Thank you. Is the House agreed with the suggestion made by the Honourable Member from Whitehorse East and assisted by the member for Whitehorse West?

Mr. Shaw: Well, Mr. Speaker, I don't agree with it.

Mr. Taylor: Mr. Speaker, in my six years, going on seven years, as a Councillor in this Chamber I have never moved a motion of adjournment and at this time I so move that we now adjourn till 10:00 o'clock tomorrow morning.

Mr. Chamberlist: Second that motion.

Mr. Speaker: Does the House agree?

All: Agreed.

Mr. Speaker: The House now stands adjourned until 10:00 a.m. tomorrow morning.

A

Page 44.  
Thursday, November 9, 1967.  
10:00 o'clock a.m.

Mr. Speaker read the daily prayer. All Councillors, Commissioner Smith and the Legal Adviser were present.

Mr. Speaker: Mr. Clerk, is there a quorum present?

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to order. The only item I have for your first attention is a Sessional Paper dated the 2nd of May, 1967, re Fresh Water Fisheries, for your attention. There are no Reports of Committees. Are there any introduction of Bills? Notices of Motion or Resolution.

Mr. Taylor: Mr. Speaker, this morning I would like to give Notice of Motion respecting Territorial Take Over of Fisheries and I would also like to give Notice of Motion this morning, Mr. Speaker, respecting a Public Utilities Commission.

NOTICES OF  
MOTIONS  
#3  
#4

Mr. Speaker: Thank you, Mr. Taylor. Are there any further Notices of Motion?

Mr. Shaw: Yes, Mr. Speaker. I would like to give Notice of Motion in relation to the Financial Advisory Committee.

#5

Mr. Speaker: Are there any further Notices of Motion or Resolution? If not, may we pass on to Orders of the Day under Notices of Motion for the Production of Papers. I have No. 1, moved by Mr. Chamberlist, seconded by Mr. Dumas, "That the Engineering Services Agreement entered into with the City of Whitehorse be produced for examination by Council." Would the Member be prepared at this time to place this before the House?

MOTION FOR  
PRODUCTION  
OF PAPERS  
#1

Mr. Chamberlist: Yes, Mr. Speaker. I move that the Engineering Services Agreement entered into with the City of Whitehorse be produced for examination by Council.

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: No. 2, moved by Mr. D. Taylor, seconded by Mr. J. O. Livesey, re Federal-Territorial Fiscal Negotiations. "It is respectfully requested that the Administration provide for all members of Council copies in complete form of all minutes of all meetings involving members of the former Council relating to Federal-Territorial fiscal negotiations covering the period from January through March 1967 both in Ottawa and the Yukon." Is the Member prepared to present this to the House this morning?

MOTION FOR  
PRODUCTION  
OF PAPERS  
#2

Mr. Taylor: Yes, Mr. Speaker. Is it necessary now that we now re-read the Motion again for the second time. I believe normally the Member does present his Motion, however I am quite prepared to have the question called.

Mr. Speaker: It has been read from the Chair, Mr. Taylor.

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: I will pass No. 3 as my copy appears to contain an error this morning - No. 3, under Orders of the Day. Motions for the Production of Papers have been completed. Under Motions, No. 1, Mr. Chamberlist. Would you be prepared to proceed?

MOTION #1 Mr. Chamberlist: Thank you, Mr. Speaker. "I move that the Administration prepare legislation similar to the Summary Convictions Act of British Columbia." - seconded by Mr. Taylor.

Mr. Speaker: You may proceed.

Mr. Chamberlist: Mr. Speaker, one of the most important factors I think showing the necessity for a Summary Conviction Act, especially in view of the situation that exists insofar as Justices of the Peace in the Yukon Territory..... A Justice of the Peace in the Yukon Territory, as it now is, only receives payment upon conviction of an accused person. If he dismissed an action...dismisses a case that he is hearing...he receives no payment. I do not suggest that our Justices of the Peace are dishonourable gentlemen, but I do say that it tends to appear to the public that those that are in the unfortunate position of having to be placed on trial before a Justice of the Peace has a number of strikes against him because the Justice of the Peace may be thinking in terms of how he is to receive payment for the time he is spending on the Bench. Generally matters that deal with charges that can be dealt summarily are not sufficient and I am, therefore, in making this Motion...consider that we must now start growing up even in the stage of judicial legislation and this is my reason for moving this Motion.

Mr. Taylor: Mr. Speaker, as seconder of this Motion, I naturally wholeheartedly concur with Councillor Chamberlist in this matter. This has been a very great sore spot throughout the Territory for many years and note has been made in former Councils of this, however the Department of Justice have apparently not yet felt that they wish to do anything about this. We hope that possibly through the development of a Summary Convictions Act that indeed we may find some relief from this problem. This has placed a hardship on the Justices of the Peace who you know are not lawyers. They are laymen and though they be given short courses in law and dealing with the Ordinances and Criminal Code and so forth, they have a pretty difficult time and it is unfair to the citizen as well. We have a great need in some parts of the Territory...I know certainly in the Watson Lake area... for a permanent Magistrate. In British Columbia we have stipendiary magistrates and therefore our J.P. down there is also a stipendiary magistrate for British Columbia but however is only a Justice of the Peace here in the Yukon. The J.P.'s have other problems which I had intended on raising later - having to hold their Courts in Police Barracks where the prisoner is taken out of cells up to the office and Court is held almost in-camera and then justice, or so-called justice, is meted out and the prisoner is either returned to the cells or booted out the door sort of a thing. The J.P.'s must contend with all of this. I have talked to J.P.'s throughout the Territory, mostly in my area, and they express great dissatisfaction all around with the manner in which justice is conducted in the Territory. Consequently I wholeheartedly, of course, as seconder, support this Motion and I encourage all Members to give it the same measure of support.

CH

Mr. McKinnon: Mr. Speaker, I am completely unfamiliar with the Summary Convictions Act of British Columbia and, for my information, I wonder if the mover of the Motion would agree to move this into Committee so that I may ask questions of both the Administration and the Legal Adviser to clarify my mind on this Motion.

MOTION #1

Mr. Chamberlist: Mr. Speaker, I have no objection to this being moved into Committee.

Mr. Shaw: Mr. Speaker, if I may direct a question to the mover of the Motion. It appears to me that Justice, including the Justice of the Peace, is a function of the Federal Government and that to make any change, although we might make an Act, to make any change in the present status quo, would we require an Act of Parliament?

Mr. Chamberlist: Mr. Speaker, it has been requested that the Motion be moved into Committee for discussion. I would be prepared to answer that question that Councillor Shaw has put forward now when it is discussed in Committee.

Mr. Speaker: Thank you but no direction to the Chair to that effect has taken place as yet.

Moved by Mr. Chamberlist, seconded by Mr. Shaw, that Motion No. 1, legislation similar to the Summary Convictions Act of British Columbia, be moved into Committee.

MOTION #1  
MOVED INTO  
COMMITTEE  
MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: Would the Honourable Member for Whitehorse North be prepared to proceed with Motion No. 2, moved by Mr. McKinnon, seconded by Mr. Chamberlist, "That a day certain be set aside for a meeting with the Commissioner, the Legal Adviser, Mr. Spray and Mr. Woodason concerning the critical housing situation in the Yukon Territory."?

MOTION #2

Mr. McKinnon: Yes, Mr. Speaker.

Mr. Speaker: You may proceed.

Mr. McKinnon: Mr. Speaker, I would like a day certain a week from today set aside to discuss this question in Council. This will give the Administration time to prepare any information that could be brought before Council and will also give Councillors time to prepare any questions that they may have. I think that, as the Motion states, it is a critical situation and the faster we can deal with it the better.

Mr. Chamberlist: As seconder to the Motion, I must concur fully with the situation as it has been put by Councillor McKinnon and that the day asked for be set aside accordingly.

Mr. Speaker: Does the Commissioner have anything to say on this?

Mr. Commissioner: Mr. Speaker, I can assure you that the Administration is just as anxious as Council is to deal with this matter. May I say a further word at this time, Mr. Speaker?

Mr. Speaker: Proceed.

MOTION #2

Mr. Commissioner: As Councillors are no doubt aware, at the last Session of Council a Housing Development Ordinance was passed and this was brought about as a consequence of certain actions that had been taken by the Administration in securing the resident services of a C.M.H.C. officer here and was also the result of multitudinous meetings and committees that have been set up over a period of time. At this particular point in time, it is absolutely vital that the Administration have some policy guidance from Council as to just what direction that they wish to see the Administration's efforts channelled into as far as this housing problem is concerned. I realize that this is not the time at the moment, Mr. Speaker, for getting into discussion on this. It is the day certain that is for this matter, but as the whole question is one that really has tremendous bearing on the economics of the whole Territory, I am wondering in the possible light of Council feeling that just at the moment they did not have too much work in front of them and as this is one subject upon which the Administration...such material we have is available... I was wondering if Council might give any consideration to allowing for at least a preliminary discussion on this matter, possibly this afternoon. I do not wish to intrude my wishes, Mr. Speaker, but I would also not like to interfere with the day certain, but possibly if we could have at least a preliminary discussion on it in the course of the day today, what came from those discussions may make it possible to finalize a course of action, or at least come close to finalizing a course of action, at the day certain that the Councillor has asked for. This is merely a suggestion, Mr. Speaker.

Mr. McKinnon: I have no objection at all to an exploratory meeting with the people involved if this could be arranged for this afternoon.

Mr. Dumas: I feel, Mr. Speaker, that the matter is so urgent that it is a desirable thing to have.

Mr. Speaker: Is there any further discussion?

Mr. Commissioner: Mr. Speaker, could I have Council's permission to have Mr. Fleming accompany me at this discussion time this afternoon as well as these other people as he has been the officer that has been looking after the co-ordinating of the Administration's activities in this field. Also, I would like to suggest that Mr. Gross, the resident representative of Central Mortgage and Housing, would be a very valuable addition to the discussions.

Mr. Speaker: Would the House agree to the suggestions of the additional gentlemen to be presented as addressed to you by the Commissioner?

All: Agreed.

Mr. Speaker: Mr. Clerk, will you please take note.

Mr. McKinnon: Mr. Speaker, I think there are indications that there could be a bit of a procedural wrangle here because we suggested a day certain for next Thursday which, of course, the question has not been called on. As the mover of Motion No. 2, I think that probably if I were to withdraw the day certain for next Thursday and the seconder were to withdraw the day certain for next Thursday and if I were to then move that Motion No. 2 be moved into Committee this afternoon, that we have a nice neat way of getting around this and I so would withdraw the original Motion.

Mr. Chamberlist: Likewise I would withdraw the seconding of the original Motion and second the Motion as it has now been placed before Council by Councillor McKinnon.

MOTION #2

Mr. Speaker: Yes, this is perfectly within the Rules of the House. Does the House agree?

All: Agreed.

Moved by Councillor McKinnon, seconded by Councillor Chamberlist, that the question concerned with Motion No. 2, reference meeting with the Commissioner, Legal Adviser, Mr. Spray and Mr. Woodason concerning the critical housing situation, with additional gentlement to be presented, be moved into Committee and discussed this afternoon.

MOTION #2  
MOVED INTO  
COMMITTEE

MOTION CARRIED

MOTION  
CARRIED

Mr. Commissioner: Two o'clock, Mr. Speaker?

All: Agreed.

Mr. Speaker: May we now proceed to the question period. Before I ask for further questions from the floor, I wonder if I could address a question to Mr. Clerk and ask him if answers to the questions already on the Order Paper are in the progress of receiving reports.

Mr. Clerk: Mr. Speaker, I believe the Commissioner has some answers to questions this morning.

Mr. Commissioner: Mr. Speaker, the situation I have before me concerns questions that were asked on Tuesday and at that time there was no particular indication about them requiring answers in writing and I would ask your permission at this time, Sir, to give verbal answers on the understanding that these will be tabled as written answers, but we will have to in fact prepare them in written form. May I proceed on that basis?

Mr. Speaker: You may proceed.

Mr. Commissioner: The first question concerned the prescribed forms under the Motor Vehicles Ordinance and I would advise that the Commissioner's Order prescribing all forms required under the Motor Vehicles Ordinance is now ready for my signature and should be getting printed and put into the mail today. The next question that was asked, the next several questions, were in connection with the Workmen's Compensation Office and the authority under which it exists in Edmonton. Our research into this indicates that during the July Session 1952 in the Northwest Territories and the September Session 1952 of the Yukon Territorial Council, new and similar Workmen's Compensation Ordinances were passed by each Council. It was agreed at each of these meetings by each Council that for the administration of the Workmen's Compensation Ordinance a joint office would be set up in Edmonton with the co-operation of the Deputy Minister's office in Ottawa. This office was in fact put into operation on October 15, 1952, and Mr. Clare Bolger was the first workmen's compensation officer for the two Territories. This is the extent to which our research has been able to answer this particular question, Mr. Speaker. The next point raised was "What was the expenditure made by the Government of the Yukon Territory to the Referee under the Workmen's Compensation Ordinance last year?" In answer to this, the Yukon's total expenditure to the Referee was \$4,750.00. The next question, "What is

REPLY TO  
QUESTIONS  
RE MOTOR  
VEHICLES  
ORDINANCE  
PRESCRIBED  
FORMS AND  
WORKMEN'S  
COMPENSATION  
OFFICE

REPLY TO  
QUESTIONS  
RE WORK-  
MEN'S COM-  
PENSATION  
OFFICE

Mr. Commissioner continues:  
the cost to the Government of the Yukon Territory to send a workman to Edmonton for interviews or for treatment?"  
The answer - As far as we can ascertain, there has never been anyone sent out of the Territory for an interview only by the Workmen's Compensation Office in Edmonton. The only time a person is sent to Edmonton is upon the recommendation of a doctor here for further treatment. The costs of transportation or costs in any respect as regards compensation does not involve the Government of the Yukon Territory in any way. These costs are borne by the employer or his insurance company. In connection with this same question, "What was the Government of the Yukon Territory's share of the expenses of operation of the Edmonton office the last year?" The answer - Costs are split on the basis of 30% Yukon Territory, 30% Northwest Territories, and 40% Federal. Materials and supplies, postage and office equipment costs are split 50% Yukon Territory and 50% Northwest Territories. All items that can be charged directly to the Territory involved, such as long distance calls, travelling expenses, etc., are charged direct to that Territory. The Yukon's share of operating the Edmonton office last year was \$29,538.74. The Northwest Territories' share was \$26,654.85. We do not have available here the cost to the Federal Government. Further questions that were asked on Tuesday, November the 7th, are being dealt with. The Liquor Superintendent has been instructed to see that the necessary prescribed forms under the Liquor Ordinance are brought up to date. We have asked the Territorial Treasurer to prepare an answer "Under what legal authority has the Territory been dealing with the Federal Government" and also the total costs and recoveries re Insane Persons as it applied to an Amendment to the Ordinance that was asked is also being prepared by the Treasurer's office. The Game Department has been called upon to get the necessary prescribed forms under the Game Ordinance brought up to date. Mr. Speaker, this is what I have available. These will be made available in written form and tabled.

Mr. Speaker: Thank you, Mr. Commissioner. Are there any further questions?

Mr. Chamberlist: Mr. Speaker, may I make a remark with reference to the answers given by Mr. Commissioner?

Mr. Speaker: Proceed. Is it a question?

Mr. Chamberlist: Yes. Mr. Speaker, I would like the Commissioner to say when is this information in writing going to be placed before us as I intend to have some of your answers passed into Committee for discussion. May I have a date as to when this can be arranged?

Mr. Commissioner: Mr. Clerk?

Mr. Clerk: Today.

Mr. Speaker: Thank you, Sir. Mr. Taylor.

Mr. Taylor: I have a question I would like to direct to Mr. Commissioner arising out of these oral answers to questions asked earlier. Might I understand then that Mr. Bolger who is now the Workmen's Compensation Officer in Edmonton is resident in Edmonton and is no longer Director of Northern Affairs?

CM

Mr. Commissioner: Mr. Speaker, Mr. Bolger was the first officer conducting this work in Edmonton in this office which opened on October 15, 1952, but he is presently... I can't tell you what positions he has held in the meantime...but at the present time he is Director of the Northern Administration Branch of Indian Affairs and Northern Development and Mr. Lee Post is the man who holds the position referred to here at the present time.

QUESTION RE  
WORKMEN'S  
COMPENSATION  
OFFICE

Mr. Chamberlist: Mr. Speaker, further to the question of Councillor Taylor to the Commissioner, Mr. Commissioner, would you agree then that the arrangements made for the opening of the workmen's administration office at Edmonton was not a legislative authority? Would you agree to that point?

Mr. Commissioner: Mr. Speaker, the information that is before me intimates that it was agreed at each of these meetings by each Council - it doesn't say whether there was any legislation passed which I think is the question that the Councillor is asking and perhaps I could ask the Legal Adviser to pass comment on this aspect.

Mr. Legal Adviser: I think that it may be assumed that if each of three people agreed to have the same Board, legislation would be called upon by each to appoint that particular board...their particular board. I don't want to deceive Council but I think the position is, without going into research on it, but all these things are being done by legislation for the purpose.

Mr. Chamberlist: I want to find out, Mr. Speaker, whether it is in the enactment which is legislation that there is provision for the opening of a workmen's compensation office in Edmonton. This is the answer I want. Is there legislation... is there written legislation in our enactment providing for the Commissioner to open an office or having an Office maintained in Edmonton? I think there can only be one answer - yes or no, and if Mr. Legal Adviser wants time to look into it and give me an answer to that, Mr. Speaker, I think he should be given that time.

Mr. Legal Adviser: I will look into the matter.

Mr. Taylor: Mr. Speaker, I have another question this morning. I was informed that the Minister some very short while ago in Ottawa had mentioned that he was going to send one of the old Expo pavilions to the Yukon to be used as a Legislative Building. I would like to ask Mr. Commissioner if this is correct or not.

Mr. Commissioner: Mr. Speaker, my knowledge of this is what I have read in the newspapers.

Mr. Taylor: Would the Commissioner be agreeable to endeavour to find out whether or not this in fact is correct?

Mr. Commissioner: Mr. Speaker, I am quite agreeable.

Mr. Speaker: Are there any further questions?



QUESTIONS  
RE PUBLIC  
SERVICE

Mr. Chamberlist: Mr. Speaker, these are questions addressed to the Commissioner re the Public Services. Oral answers will be satisfactory to questions 1, 2 and 4 but a written reply is requested for question 3. (1) When does the Commissioner propose to table the report on position classification and pay plans which was submitted to the Administration by the Public Administration Service of Chicago in July of 1967? (2) Have the new pay scales become effective? (3) for which a written answer is requested - Is it the intention of the Administration to maintain the old pay scale where a contractual relationship exists as between employer and employee if an employee so desires? (4) Will the Commissioner be tabling the Regulations made under the provision of the Public Service Ordinance? I haven't written it but I will ask this further question. It is noted that the Regulations were made before the Ordinance was brought into force. Would the Commissioner please advise why this was done.

QUESTION  
#7

Mr. Commissioner: May I have notice on these questions, Mr. Speaker?

Mr. Chamberlist: Mr. Speaker, with respect, I may be in error for not bringing these questions up one at a time but because they refer to the same subject matter, I put them together. I hope that is satisfactory.

QUESTION  
#8

Mr. Dumas: Mr. Speaker, I would like to ask the Commissioner if the Administration plans a consolidation of Ordinances of the Yukon Territory. Also, I would like to ask the Legal Adviser if he could advise as to whether indemnity payments were made by the Territory to several candidates during the last election and if so, did this contravene the Elections Act?

Mr. Speaker: I wonder if I could ask the Member if he wants oral answers at the moment or are these written answers?

Mr. Dumas: An oral answer will suffice for the first question and I would prefer a written answer for the second.

Mr. Speaker: I wonder if we could proceed on one question at a time, gentlemen.

Mr. Commissioner: Mr. Speaker, with respect, could I ask that the first question be asked again please?

QUESTION  
RE CON-  
SOLIDA-  
TION OF  
YUKON  
ORDINANCES

Mr. Dumas: Mr. Speaker, does the Administration plan the consolidation of Ordinances of the Yukon Territory?

Mr. Commissioner: This, Mr. Speaker, is a matter of considerable urgency, however we seem to have many multitudinous matters of considerable urgency and there have been several suggestions from our Legislative Programming Committee as to how this matter might be brought about. It would also appear to me, just before I ask the Legal Adviser to offer a word on this, that maybe it isn't a consolidation of our Ordinances that we need half as bad as the abetting of the present Ordinances to see whether or not we have them all in order or not.

Mr. Speaker: Thank you, Mr. Commissioner. Are there any further questions?

Mr. Commissioner: Might I ask that Mr. Legal Adviser might have a word to say concerning consolidation.

QUESTION RE  
CONSOLIDA-  
TION OF  
YUKON  
ORDINANCES

Mr. Legal Adviser: This matter had been initiated by the Commissioner just before my arrival and the question that arose was how best to arrive at it. I think the short answer to your question would be that the Commissioner intends to have the Ordinances consolidated as quickly as possible but certain considerations of cost arise and I and Mr. Taylor are presently putting our heads together to see what is the quickest and cheapest method whereby we can arrive at this.

Mr. Speaker: Thank you, Sir. Are there any further questions?

Mrs. Gordon: I would direct a question to Commissioner Smith and I would like a written answer please. In view of the discontinuation of the water delivery service in the townsite of Mayo by a private individual who had the use of government facilities which were withdrawn, what is proposed by the Administration to alleviate the situation where water delivery service is essential and is not presently available from any other source?

QUESTION  
#9

Mr. Speaker: Mr. Commissioner.

Mr. Commissioner: I would appreciate notice to give a written answer.

Mr. Taylor: I have a question I would like to direct to the Legal Adviser this morning, Mr. Speaker. The question would be that in view of the recent developments respecting the Motor Vehicle Ordinance and the prescribed form in many cases not being provided as described in the Ordinance, may we then assume that many convictions registered under these sections of the Ordinance would then be invalid?

QUESTION RE  
MOTOR  
VEHICLES  
ORDINANCE

Mr. Legal Adviser: The short answer to that is "No, Sir".

Mr. Chamberlist: Mr. Speaker, arising from that question, can the Legal Adviser say whether instructions can be given to the licence office to withdraw the endorsements on the back of invalid licences?

Mr. Legal Adviser: Again, the answer to that is "No, Sir". I would draw the Council's attention to the fact that legislation is presently before the Council to deal with the length of time an endorsement shall remain on the back of a licence.

Mr. Speaker: Thank you, Mr. O'Donoghue. Are there any further questions?

Mr. McKinnon: Mr. Speaker, I have a question addressed to the Commissioner. Either an oral or a written answer will suffice. "What is now the target date for the take over of the Alaska Highway by the Territorial Government?"

QUESTION  
#10

Mr. Commissioner: Mr. Speaker, it all depends what you call a target date and as there are considerable factors involved in this, not the least of which is finance, I wonder if I could have the permission of Council to give a written answer on this question. I think that there is just more to it, Mr. Speaker, than I would care to attempt to give in an oral answer.

Mr. Speaker: Yes, very much more to it. I was about to question the matter. I thought perhaps it would be better as a question of Notice of Motion for the Production of Papers.

Mr. McKinnon: If Mr. Commissioner will handle this with background material, I think this will suffice.

Mr. Speaker: Is the House agreed?

All: Agreed.

QUESTION RE CENTENNIAL CO-ORDINATOR Mr. Chamberlist: Mr. Speaker, I have a question to the Commissioner. Has the terms of employment of the Centennial Co-Ordinator been completed? If so, what is he doing on the payroll still of the Territorial Government?

Mr. Commissioner: Endeavouring to bring to a successful conclusion many of the projects that were foisted upon us during the year of fun and games of Canada 1967 and known as the One Hundredth birthday of Confederation. I would assure Council that anyone - it doesn't matter whether they are a Centennial Co-Ordinator or any other contractual employee that we have on the Territorial payroll - they are encouraged to finish their contractual obligations as soon as possible so that we can bring their contract to an end. I am no more interested in spending one dollar more of the Territory's funds than I have to and I wish to give you my unqualified assurance that there is ample for this man to do at the present time or he would not still be with us.

Mr. Speaker: Thank you. Have you any further questions? If not, what may be your desire at this time?

FIRST READING BILL #5 MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor McKinnon, that First Reading be given to Bill No. 5, An Ordinance to Amend the Taxation Ordinance.

MOTION CARRIED

Councillor Taylor voted contrary.

SECOND READING BILL #5 MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor McKinnon, that Second Reading be given to Bill No. 5, An Ordinance to Amend the Taxation Ordinance.

MOTION CARRIED

Councillor Taylor voted contrary.

Mr. Speaker: May I have your further directions at this time?

MOTION TO GO INTO COMMITTEE MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Shaw, that the Speaker do now leave the Chair for the purpose of convening into Committee of the Whole to discuss Bills, Memoranda and Motions.

MOTION CARRIED

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

Mr. Taylor: Gentlemen, I will declare a recess for a coffee break.

Thursday, November 9, 1967.  
11:00 o'clock a.m.

Mr. Chairman: I will now call Committee to order. The first matter we have before us is Bill #5. I will proceed with the reading of the bill. (Reads Bill #5, An Ordinance to Amend the Taxation Ordinance.) You will note the explanatory note on the opposite page.

BILL #5

Mr. Chairman: Mr. Shaw, would you care to take the Chair for a moment?

Mr. Shaw: Yes. Mr. Taylor.

Mr. Taylor: Mr. Chairman, I think I know the meaning behind this bill, and I believe this bill was created in order to, in an attempt to correct an error made this summer by the Administration in the distribution of tax assessment in relation to the Watson Lake and Mayo sewer and water systems. I think purely and solely, this is what it's all about. I'm naturally opposed to the bill because it seems to me that all we are really attempting to do here is to legislate a cover up for what might be termed Administrative incompetence. Some time ago, in order to enlighten Members of Committee with what went on, Council agreed that we should go to, in the case of Watson Lake, go to Watson Lake and put in a sewer and water system. So the Council, or the Council of that day, said, "Now just hold on here. We want to know something about this. If it looks good to us, then we want you to go to the people of Watson Lake and we want you to show them what it's going to cost them and find out from them what this system is going to cost." That's fine. The house to house survey by what is now the Department of Municipal Affairs and each owner, lot owner, home owner, or whatever was shown a piece of paper stating his capital costs over an amortized period of I believe fifteen years and what his operation and maintenance costs would be per month. He was also, well, apparently on this basis nobody ever did see the ballot. Apparently on this basis, we were informed by the Municipal Affairs Department, the people in Watson Lake were willing to go along with the sewer system but of course we could not afford the water system. It was far beyond our means. Alright, this water system then, or sewer system was created and there was to be a charge levied on a unit basis at 37¢ per month per unit and the total number, they're all listed here in the budget of 1965-66, showing how many units in a hotel, for instance one hotel would have 205 units, a church would have 9, the bank would have 1, and so forth. This is the way it was sold. This spring the Territory ran out of money, or we're told that they ran out of money. There's a cut here and a cut there. So, much to the surprise and shock of the people of Watson Lake, out came a tax notice in relation to the sewer and water system in Watson Lake, pardon me, for the sewer system in Watson Lake, one in which everybody on this system whether they were hooked on to the system or not were charged 52¢ per front foot for a period of five months of operation. That was up to March 31, 1967. This was of course to be 52¢ per front foot for a twelve month period however. Then on top of this, all users whether they were hooked on or not were charged an additional 76¢ per front foot for operation and maintenance, of this system, whether they were hooked on to this system or not. Naturally this is unheard of and this is something I will be raising a little later on in this session, but it relates to the bill and this is why I bring it up. So, immediately everyone appeals. And then, to add insult to injury, along came another notice charging the people on a unit basis as outlined in the Recoveries Section of the Operation and Maintenance in our Budget. Along came that on top of the whole works. So at this point and time I communicated with the Administration and they said, "Oh, we have made an error. This isn't

BILL #5

Mr. Taylor continued: for five months. It should have read March 31, 1968, and it should be seventeen months." However, if this was intended or not intended I am not prepared to say. It seems to me that the Administration has apparently made an error. I question the right to issue these tax notices. There's another error in the tax notice, well, it wasn't really an error I guess, in the Fall Session of Council last in the last fleeting moments of the Session, an Ordinance to amend the Taxation Ordinance was placed before us and something slipped by us. In Section 50A, Subsection 1, "Where a water or sewerage system is installed in an area in the Territory, the Commissioner, for the purpose of defraying the operating and capital costs", I draw your attention to the word operating, "and capital costs of the system, shall on or before the first day of February of each year levy at a uniform rate per front foot of frontage of all real property that abuts in this system." Well, I communicated with the Commissioner and the Administration at this point and time. I said, "There are many errors, this is one error, and what about this?" I was informed that we had passed legislation that said this is the way it had to be. Well, I differed. I said, "It doesn't have to be that way." But I was told, "Oh no, it's got to be." So, in any event, a form letter was received by many people in Watson Lake, the users of this system, in which it was stated that indeed an error had been made and that this tax levy was for a period of seventeen months rather than five months. But still no change was made in the levy itself, and I will deal with that at another time. Now, we have before us a bill which would, in effect, allow the Administration to make any errors they so wish in the presentation of tax levies to the people of the Yukon in relation to the sewer and water systems. And if they make a mistake, well, that's quite all right. I don't like it. As I say, it is an attempt, as I see it and unless I can be shown any different, to legislate against, or in concert with the Administrative incompetence. And gentlemen, it is my recommendation that we turn this bill down flat.

Mr. Chamberlist: Mr. Chairman, there's one thing I never enjoy, and that is any piece of legislation that attempts to remove from the individual the right of seeking redress from our costs. In actual effect, it appears to me that if we pass this as it is we would be agreeing that those who administer the Ordinance are beyond reproach. We should remember that Ordinances are made primarily to regulate and to protect, specifically to protect the public who must abide by the terms and conditions of the law placed before them. Now, for us to agree that if there has been error, informality, irregularity on the part of the assessor, the court of revision, the collector, or any officer of the Territorial Government, it's just like saying to them, "Friend, you can do no wrong. My God, that's who you are." And to suggest further as in (B), that any error in notice or omission in giving this notice required in the Ordinance, if that particular subsection was placed in every Ordinance in this Territory, because if we allow this to go through, I think that it can be placed in every Ordinance and then you will find that no person would have any redress under any of our laws because any error made is excusable and that should not be so. And also in a case of where an individual assessment or tax rate is found to be invalid, irregular, or illegal, now, the only way it can be found to be illegal is through when a court of proper jurisdiction can say it is illegal, and then such finding shall not effect any other assessment. Well, this is ridiculous. If a court holds that it is illegal, anything similar to it must also be illegal. Gentlemen, madame, I think that there is no doubt that we have a responsibility, and I use this word again, to see that there is redress to the courts where it might be desired, and I think it should be so in every piece of our legislation, that an individual has the right so to do. I would vote against the amendment to the Taxation Ordinance.

Mr. Dumas: Mr. Chairman, I thought when I first read this that there was something more to it, than what appears, but there isn't. It's a ludicrous suggestion that we should allow carte blanche errors or omissions to be made by the Administration or any people who are dealing with this Taxation Ordinance. Therefore, I have to concur with the Honourable Member from Watson Lake and the Honourable Member from Whitehorse East. BILL #5

Mr. Livesey: Mr. Chairman, so far I don't think we've heard a legal opinion on this, and I can see two points of view here, and the possibility of two points of view perhaps in the Council Chambers. I do, I think, feel that I can see the position of the Administration to the extent that they may feel that if the proper assessment we'll say is a hundred dollars but through an error, a typographical error, the assessment has been reduced to, say, ten dollars because of the typographical error, that this error need not necessarily mean that the taxes on that particular property is reduced to ten dollars, if the taxes are still a hundred. This is what it seems to me, that what we are aiming at here, or at least what the Administration is aiming at when they present this bill to the Council for coverage. However, on the other side of the picture, I do see the picture presented to us by other Members of Council speaking in Committee here this morning, that if this can be construed as blanket validation for any error of any nature or kind, then if this can be construed to that effect, then of course we are putting ourselves in a rather peculiar position. So, I see both sides of this picture. I wonder, Mr. Chairman, if the Legal Adviser would comment on this bill at this point?

Mr. Chairman: Mr. Legal Adviser, would you comment on this question?

Mr. Legal Adviser: I can understand and sympathize with the concern of the Honourable Members to see that the Administration does not escape the results of its errors, and I concede freely that the Honourable Member from Watson Lake has a point when he says that Watson Lake is responsible for the introduction of this section. My research into the history of it is, at the time the assessments were issued in Watson Lake the typist typed the wrong year on the particular tax notice. Legal advice was sought at the time, not from the Government source as I understand the Legal Adviser wasn't available at that time, but independent legal advice was sought and the result of this advice was that the tax notice was in fact valid although the particular year was typed on the notice. Now, the Legal Adviser who advised noted the fact that during amendments of the Taxation Ordinance, Section 67 of the Taxation Ordinance which can be found at page 1184 of the green book, the 1958 Revised Statutes. It's at the top of the right hand side of page 1185. This section had inadvertently not been carried into the new Ordinance. But, prior to the new Ordinance coming in, this same section which is now produced to the House as 98A, Subsection 1, and Subsection 2, was in the form of Section 61, 1 and 2, was in existence and had been in existence since the original Taxation Ordinance had been introduced. The legal advice was to the effect that the tax demand notices were in order. But, to remove doubts that arise, an Ordinance should be introduced bringing back into force the former Section 67 which had been inadvertently omitted. So far as the matter of principle is concerned on this particular bill, I would not be of the opinion that there is any change in principle from the practise of the Administration to the present practise of the Administration. Now, one of the Honourable Members raised the point that it might be an attempt to exclude the jurisdiction of the courts from dealing with tax notices. Now, Subsection 2 of the proposed amendment reads, "Where an individual assessment, tax or rate is found to be invalid, irregular or illegal, such finding shall not affect any other assessment, tax or rate." The purpose of this is that where somebody



BILL #5 Mr. Legal Adviser continued:

in fact does go to the court in a dispute about his own assessment or his own rate or something like that, that all the other tax payers do not get the benefit of a period of suspension until that is decided. They must pay their taxes. If they want to go to court and dispute it, then go ahead with the suspension, but if they don't propose to go to court about it, they pay their taxes, and that then, as a result of what may be a legal technicality or a quibble, possibly the period of residence of the first in the house or whether they were the occupier or not or other things that might come before the court, a person is found not to be liable for a particular tax. This does not affect the general validity of the tax as affecting all the rate payers or tax payers under the particular assessment. This is the purpose of this subsection. But it is certainly not any attempt, it was never intended to try to prevent anyone from going to court in the normal way. If any other points arise, I would be happy to answer them if it is within my power for the Honourable Members.

Mr. Taylor: Mr. Chairman, I think in terms of tax notices, there is nothing more important to the general public than the taxes that are demanded of them. When you consider the importance or taxation you also consider the fact that the Administration, the Government, has the right to take away for nonpayment of a tax, just or unjust, take away all their real property and hold it up to public auction or sale and sell it for failure to pay a tax either, say, just or unjust. We assume that most taxes are supposedly just. But, here we have a case where through a typographical error or otherwise, I say or otherwise because this was done at a time when there was budget slashing, everybody was digging for money, and whether that was a coincidence or not, I can't honestly say, but it entirely possible that it may not have been a typing error. It might have been an attempt to see how far we could go. I don't know. I would like to assume it was a typing error. However, I just offered the other possibility to show you that it is possible that these things can be done. I feel that when you go to the public with a document and you say, "Now, this is your assessment, this is your assessment period," that it is up to the Administration to make sure that that assessment period on the document is correct. How else can a person appeal. And as a matter of fact, how many people know how to appeal. There are very few in my area, as a matter of fact, some of them paid it. They thought, well, we've got to go to a court to do something like this and that would cost us a lot of money so we'll pay it. Others of course came to myself and asked me what to do, and I suggested they appeal, and others of course on their own appealed. There was no Court of Revision that I know of held in Watson Lake. I don't know if there has ever been one in Watson Lake. There might have been. I believe there was one once a long time ago and in relation to real property. I think that in stating that this was in the old Ordinance which indeed it was in Section 67, 1, was removed, I don't think it was overlooked, I think it was removed for a purpose but what that purpose might be I don't know, I would say that that doesn't necessarily mean that the old Ordinance that was written so many years ago would apply today when we have more sophisticated administrative procedures and methods, and possibly this is the product of an archaic era. I don't know. In any event, I still maintain the stand that I took before that I think the onus should be upon the Administration to ensure that there are no irregularities. It is up to the assessor to ensure that there are no irregularities. It is up to the Court of Revision, the collector or the employee of the Territorial Government to ensure that there are no irregularities, and if there are irregularities, I would say that they must be dealt with by the person who created the irregularity. But, to write this back into the Taxation Ordinance, I think it would be undemocratic and unconstitutional, and not in the best interest of the general public, the people who have to pay the tax bill. So, I still say I will vote against this bill.

Mr. Chamberlist: Mr. Chairman, first I can perhaps correct for the records, Mr. Legal Adviser. I think inadvertently you refer to Section 61, 1 and 2, it's 67, 1 and 2 I'm sure you meant, and perhaps the stenographer could correct that. I'm sure that Mr. Legal Adviser will agree with me when I say that because there has been bad legislation, this doesn't mean that it follows that new legislation must also be bad legislation. I refer specifically to those sections that now are being asked to be placed back into the Taxation Ordinance. I have said earlier and went to some length to say why I feel these sections are bad and I repeat again and I ask that the Members here take notice of the fact that it's out duty to change legislation for the good when necessary and not maintain legislation where it is bad or support bad legislation that is set in for the convenience of the Administration who want to cover up, that has been in this instance, errors that have been made.

Mr. McKinnon: Mr. Chairman, I wonder if I am correct in interpreting Mr. Legal Adviser's remarks that even though this section is not in the new Ordinance, that the Territory's legal advice says that tax notices, even though there were typographical errors, still could be collected. Is this correct?

Mr. Legal Adviser: As I understand it, the error, I have two examples of the tax demand that we're talking about, and the House will see that printed up here is February 15, 1960, and a space. As I am informed, the typist ran off these with 68 on them instead of 67, or 67 instead of 68, I've forgotten which, but this was a typographical error done by the typist and was not seen until all the notices were issued. Independent legal advice outside the Government was sought, not necessarily in relation to this, I'm not saying in this specific case, but to a particular Legal Adviser, but it arose during the dealings with Watson Lake. Attention was drawn to it and the omission of this Section 67 was found for the first time since the new legislation had been drafted. It was then recommended it be put back.

Mr. McKinnon: But still those tax notices were valid.

Mr. Legal Adviser: They were valid.

Mr. McKinnon: Well, this legislation really isn't needed to collect taxes.

Mr. Legal Adviser: Those particular taxes, no, but we are trying to cover against an accident of number, a person's address may be wrong, a misplaced decimal point might occur and a person may be assessed for a thousand dollar tax instead of a hundred dollar tax, and such things may occur because more and more machinery is being used to compile notices and printing machines of various sorts are in force. The Council has probably read of somebody cashing a cheque of a million dollars in America that was issued by a machine. This sort of thing can occur. It may be beyond human error or it's possible it's human error, but errors do occur, and it would be a harsh thing if a person or a machine issued all the notices to the City of Whitehorse residents for some purpose and misplaced a decimal point and every notice was bad and everything had to be done again because, it will be done again.

Mr. McKinnon: But this wasn't beyond the court's confidence, the cashing of the cheque for a million dollars even though it wasn't under such a section of law as this. It was still a fraud section under whatever code he was prosecuted under in the United States where the case was. The logical question flowing out of the remarks I have been making would be, do you agree with the legal advice that was tendered the Territory at the time that the tax notices were still valid even though there was a typographical error on the tax assessor's notice.



**BILL #5** Mr. Legal Adviser: I'm not prepared to say without considering the reasons that were given by the other legal adviser who was not my predecessor. But, this type of legislation and sections of this type are common in every Ordinance or Statute in every province dealing with this type of legislation. I don't say it's absolutely essential but it's very advisable that when an error goes out, that you can correct it by just sending out fresh notices. It's not intended to work any injustice, it's not intended in any way to prevent anyone from going to court, it's just to ensure that the effect of a typographical error or some such similiar error, misplacing the occupant of a house, there's hundreds of errors that could occur in the distribution of tax notices, and if the effect were to be that a doubt were to be raised in the minds of the tax payer that merely because his name was spelled wrong on a tax notice, he could excape his taxes for the year, it would be a matter of concern to the Administration.

Mr. McKinnon: Mr. Chairman, what it does look like when you're placed with it before the Table, the immediate reaction is that it's an attempt to set up the Government as a law under itself and beyond the recourse of the court. Now for a matter of information and to set my mind at ease, I would certainly appreciate if Mr. Legal Adviser could bring to the Committee excerpts from the statutes from other provinces which do in effect the same thing that we are required to do at this Table here. I would very much appreciate it.

Mr. Legal Adviser: If I may be permitted time to search and go through the books I could produce sections of the statutes. I presume we have them in our office.

Mr. Chairman: Is there any further discussion in relation to Bill #5? Mr. Taylor, will you take the Chair back?

Mr. Taylor: Yes, I will resume the Chair at this point. Councilor Shaw.

Mr. Shaw: Mr. Chairman, we have a rather difficult decision to make at this time. From the face of it it would seem that it may be a situation in passing it that would create, could create great hardships on people. On the other hand, if a law such as this or similiar to this is not enacted the misplacing of a decimal point or the leaving out of an "l" in the name Willson or if there's two "l"s and there should only be one, might make it almost impossible for the Administration to conduct the normal business of collecting taxes as is outlined by the Representatives of the people. This law has been in effect in the Territory, it would seem to me, for quite a number of years, could have been 50 or 60 years for all I know, and I'm wondering what the results will be if we take that out. Would it be a continual procession of court cases merely by reason of the fact that a typist put 1967 or misplaced a decimal point or misspelled a name or had the wrong address. It is not the easiest thing to make up a tax roll, in fact, it is an extremely difficult and exacting task, and I would say that it would be impossible that some error wouldn't creep into the compilation of such a big job, and when I say impossible, I would say impossible, because there are so many ways in which you can go wrong. We have that to consider. Now, I do note that it states in this particular bill, "shall not be invalid solely because of". Now is that texted enough? It does appear to me that without something like that, it would be extremely difficult and in fact it might even be impossible to administer over a period of time. I don't know what the statutes are in relation to the provinces, if they all have the problems collecting taxes. Perhaps it may be advisable at this time to leave this is in abeyance until we can ascertain what their common practise is, and if the provinces can get by without such a section in their statutes, it would appear to me that it would be quite feasible that we can do likewise.

Mr. Commissioner: Mr. Chairman, I would like to draw the Council's BILL #5 attention to the Municipal Ordinance, which is the Ordinance under which direction is given to the municipalities by the Territorial Council as to how they are to conduct their affairs. Section 145 states that, "no assessment shall be invalid by reason of any defect in form, the omission of assessable property from the assessment roll, an error in any notice, and on return of the assessment roll at the time specified", etc. In other words, any defect in form is not to create invalidity on the part of the municipal assessment.

Mr. Chairman: Just one comment from the Chair, that is also a Yukon Territorial Ordinance.

Mr. Chamberlist: Mr. Chairman, I beg to differ with the Commissioner. The Municipal Ordinance spells out what defects will not be interferred with. If the Commissioner will take note of what he has read out, it is certainly different, because in a case two years ago in a Territorial court here I acted as my own counsel. I found that the assessment of the City of Whitehorse, the assessment certificate said, "in accordance with the Province of Alberta" because there were Albert assessors making the assessment, and because it said that Mr. Justice Parker wiped the assessment out completely. I draw your attention to that. So that in the Municipal Ordinance it is spelled out. It differs with from that of this particular section that we are asked to put into the Territorial Tax Ordinance.

Mr. McKinnon: Mr. Chairman, I wonder if there would be any merit in considering another subclause stating that nothing in this section precludes the right of those assessed, their rights before the courts, or something to this effect. It's just that when you read it, it hits you, my goodness, it just looks like the Government is trying to take away the rights of the individual before the courts for errors that they can make, and if there was some type of a clause that spelled out that there was nothing in the section that did this it might get around the difficulty. Is there any merit in this?

Mr. Legal Adviser: With respect, I wouldn't think there's any necessity for it. As I read this, there's nothing which says you can't go to court. If you're wrongly taxed, that's a question of fact. If you are wrongly taxed, it is also a matter of law..... and the court will always give you relief. This is to cover the person who is correctly taxed but some informality occurs, or omission in the notice he gets or the dealings with it.

Mr. Livesey: Further to what I said before, Mr. Chairman, there is another point we have to look at and that is of course that when it comes to power, the arbitrary power is always with Government and not with the individual, so that you may be right but it's going to cost you money. This sometimes comes up in a situation where a person, although he may feel that he is not in the wrong, may not take action because of the money involved which is rather unfortunate. If we are not careful with arbitrary power, although it is definitely established and always has been that the Government is more powerful than the individual, and despite the fact that all Governments make every attempt to come within the meaning of justice towards the individual, never the less when it a question of who has the power and who has not, it looks to me as though it's always the Government and never the individual. I can cite several cases over the past few years where it seems to me that where people have felt they have been unjustly dealt with, they come to Whitehorse and it costs them several hundreds of dollars to prove that they were right in the first place. This is an injustice to the individual. However, as I said before, I still see the initial point that the Administration is bringing forward. What they are obviously trying to do is make sure typographical errors don't mean either a reduction or an addition to formal taxation. Thank you, Mr. Chairman.

Mr. Shaw: Mr. Chairman, I wonder if it would be possible to leave this matter in abeyance until we get further information to the laws governing this in the various and sundry provinces which are available, say the western provinces, and get an idea of how this is laid out in their statutes. I think that would be most helpful and at the present moment, speaking personally Mr. Chairman, I'm not in a position to say yea or nay until I get a little more information on this which I haven't available myself.

Mr. Chairman: Does Committee agree?

All: Agreed

Mr. Chairman: Gentlemen, it being five to twelve, I would entertain a motion to call it twelve o'clock.

Mr. Shaw: I move, Mr. Chairman, that we call it twelve o'clock.

Mr. Chairman: Are you agreed, gentlemen?

All: Agreed.

COMMITTEE RECESSED Mr. Chairman: I will declare Committee in recess until two o'clock this afternoon.

Thursday, November 9, 1967.  
2:00 o'clock p.m.

The Witnesses present were: Mr. G.K. Fleming, Administrative Assistant; Mr. D. Spray, Director of Municipal Affairs; Mr. B. Woodason, Director of Housing; Mr. Gross, Central Mortgage and Housing Corporation; and Mr. K.J. Baker, Territorial Engineer.

Mr. Chairman: It now being 2:00 o'clock we will call Committee back to order and we are discussing matters related to a motion made in Council this morning respecting housing. This is Motion No. 2 - that a day certain be set aside for a meeting with the Commissioner, the Legal Adviser, Mr. Spray and Mr. Woodason concerning the critical housing situation in the Yukon Territory. I believe, gentlemen, that this is an exploratory meeting in relation to Motion No. 2. We have with us several witnesses and I believe Mr. Commissioner indicated that he would like to introduce the witnesses. Mr. Commissioner, would you proceed.

Mr. Commissioner: Mr. Chairman, the gentlemen that you have here today - I would appreciate the opportunity of introducing them so that Council will know what their capacities or their particular functions are. Starting on the window end of the table - Mr. Gross is the local representative of Central Mortgage and Housing Corporation and has no direct affiliation with the Territorial administration, but has an office in our Takhini headquarters building and operates in very close liaison with our Housing and Municipal Affairs people. Mr. Spray, who works under Mr. Baker's direction in Municipal Affairs in the Department of Engineering and Municipal Affairs. Mr. Baker, and Mr. Fleming, my Administrative Assistant who, under the Department of Administration Affairs, administers the housing projects, rentals, etc. of the Territorial Government, and Mr. Woodason, who does the leg work in that particular Department under Mr. Fleming's direction. Mr. Chairman, while I am on my feet, may I have the opportunity of opening this session?

WITNESSES  
INTRODUCED

Mr. Chairman: Yes. Proceed, Mr. Commissioner.

Mr. Commissioner: The question of housing in the Territory has come particularly to governmental attention in the course of the last 12-month period and, as a consequence of certain discussions that took place at the fall session of the Council in 1966, a meeting was held on the 11th of January 1967 and I believe that Minutes of this meeting had been distributed to members of Council. The end results of this meeting was that certain recommendations were made which are attached to the - I think you will find as Appendix A and also towards the back of these Minutes you will see on some other pages some other recommendations as well, all of which have been gone over very carefully at the administrative level and have either been acted upon, have been found inoperative or, for one reason or another, have been completely disregarded as being either unsuitable or impossible to implement. One of the very important things that came as a recommendation from these meetings that we held resulted in an ordinance being placed before the Territorial Council at the first session in 1967 and which was Chapter 6 of the Ordinances of the Yukon Territory entitled An Ordinance to Promote the Improvement of Housing and Living Conditions in the Yukon Territory. In this Ordinance there are certain permissive things that can be done by the Commissioner or a municipality, etc., all of which are effectively means of governmental participation in the provision of housing either within the municipality in the Territory or beyond a municipality. Now, during this last year it has been as a consequence of a policy understanding with the last Territorial Council that the administration should not directly involve itself in housing such as is described here under the Public Housing Aspects of this Ordinance but should do everything in their power to encourage private enterprise to be the purveyors of housing in

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the Territory. In other words, the feeling of the Councillors who acted on a special committee in this regard was that they did not wish to see any further involvement by the government in the provision of housing in the Territory except where it was absolutely essential to provide housing for Territorial government employees. In other words, the attitude being that all other housing should be, or the provision of all other housing should be something that private enterprise should be encouraged to do. Now, since that time, we have come under considerable questioning and considerable pressures to involve the government in aspects of housing that could be given effect to under this Ordinance and also to expand and develop other in housing encouragements that are presently legislated and are presently active. Now, at this point in time, the administration's request of Council is that we wish to have further policy guidance. Now, it would appear to us that there are roughly speaking three courses open - maybe they are not three very clearly defined courses, but they are courses of action that Council may wish to see us involve ourselves in or they may wish to see us stay away from. Does Council feel that they wish to see us, as a government, take a more active and participating interest in the development of housing throughout the Territory? Do they wish to see us sit completely on the sidelines as we are now and encourage private enterprise to do this or do they feel that maybe a combination of both these things is the proper course for us to follow and it is policy guidance along these lines that is very vital as far as the administration is concerned at the present time, and in this exploratory meeting today I want to assure you at the outset of the administration's open mindedness in this matter. We have no preconceived ideas as to what course of action should be taken. We can tell you with a reasonable amount of certainty as to what the problem is, but we are looking for policy guidance as to how our participation, if any, is to be conducted. Thank you, Mr. Chairman.

*Commissioner*

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*Request for Policy*

Mr. Chairman: Thank you, Mr. Commissioner. Just before we proceed, I would like to notify the witnesses that it is not necessary to rise in discussion. Well, gentlemen, what is your pleasure at this point in time.

Mr. McKinnon: Mr. Chairman, I would like to go into an area which I am quite familiar with and I think could be maximized to an evener greater extent than it is now, and this is the low cost housing project, or low cost housing loan as it is now in effect in the Yukon Territory, and one, I wonder if - I know that other recommendations of the meeting you had, Mr. Commissioner, there was two recommendations that I think were acted upon - one that a housing co-ordinator be appointed by the Commissioner to study and advise the Territorial Government in all problems relating to housing. Is this not correct, that such a man was appointed and that there was, and that this man was to undertake a housing survey? Now, if I understand correctly, this appointment and the survey was to be undertaken by Mr. Woodason of Mr. Spray's office, and I wonder whether he could enlighten the Committee as to the problem ~~as~~ he sees it and if he has in fact undertaken to commence such a survey at this time.

Mr. Woodason: Commissioner, Chairman, and Mr. McKinnon, in so far as the housing survey is concerned, action has been commenced to request financial assistance from the Central Mortgage and Housing Corporation. Letters have been sent to the head office and the Branch Housing Administrator has initiated action on our behalf to obtain this assistance which is available under the National Housing Act, and the last letter on this subject was dated October 30 and we haven't received a reply as yet. The purpose of the survey is to



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help us determine what particular action could be taken to alleviate the situation. It is not exactly how many units are required for the different income groups, it is known that some public housing may be required and there is a demand for the higher income groups; but we're not sure how many units until we complete the housing survey. It is pointless stating that there is a definite need for extra units until these figures are produced.

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Mr. McKinnon: Mr. Chairman, I'm sorry if I'm going to exclude the other witnesses at this time, but I would like to ask Mr. Woodason how many starts were made under the terms of the Low Cost Housing Ordinance this year.

Mr. Woodason: So far this year, 50 loans have been approved for the Territory, and 49 of these are for the Whitehorse area. This brings the total to 83 for the whole of the Territory and the bulk of these are in the Whitehorse metropolitan area. This indicates that we have had a tremendous upsurge of building construction with just this one mortgage program which doesn't include the figures.....

*Number of Loans.*

Mr. McKinnon: What monies were available from this fund at the beginning of this year, and have all the funds been utilized?

Mr. Woodason: At the beginning of this year, \$360,000 was the maximum available under the Ordinance. This was increased by \$750,000 by the first session of Council this year, for a total of \$1,110,000, and out of this we have \$603,800 and advanced \$364,100, and sufficient funds are on hand to finance the balance. We have assurance from Ottawa we can commit our own funds pending receipt from Ottawa, so there is another half million dollars left for future use.

Mr. McKinnon: Mr. Chairman, I am of the impression and I would like to make the point before Committee that there are two things extremely wrong with the Low Cost Housing Ordinance as it now stands; the first being the title of it itself, the Low Cost Housing Ordinance, which is a complete misnomer. This is not what it should be utilized for. It should be utilized and is utilized to provide housing in an area where there is no other recourse to the individual who wants to build a home. This is particularly in areas where C.M.H.C. are not involved or, for some reason, mainly the planning of the community and the lack of facilities, do not want to become involved in the planning of the community. Am I correct in stating this? Mr. Gross.

Mr. Gross: Yes, that is partly correct.

Mr. McKinnon: Well, could I know where I am incorrect?

Mr. Gross: Central Mortgage and Housing would participate in most communities where the servicing facilities are available whether that particular plan of that particular community is desirable or undesirable from one person's point of view, the first person being the municipality or Central Mortgage and Housing, would not deter the owners of land in that area from obtaining loans. It is desirable, certainly, from the Corporation's point of view, that the planning be such that a reasonable co-ordinated, but the principle behind it is primarily the services - water and sewer services in connection with contamination problems and purification problems and so on and so forth, which the federal government is also involved with at another department.

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Mr. McKinnon: Mr. Chairman, I think I would be correct in stating what I think should be known as the Territorial Housing Ordinance was to fill a gap where C.M.H.C. did not want this move because the facilities were not available in the area. I think that the idea behind the Low Cost Housing Ordinance is a fine one and I think that it could be utilized by a simple change where the maximum that could be borrowed by the person willing to build a home would be raised to \$10,000 and no ifs, buts or whys attached to this amount. As the Low Cost Housing Ordinance now stands a person may borrow up to a maximum of \$9,000 from the Territorial Government. The first \$8,000 is on a straight mortgage basis with the Territorial Government. The second mortgage of \$1,000 is waived by the government to the tune of \$100 a year if the person lives in the house for ten years. In effect, what it does is provides, which to me is a ludicrous situation, whereas the home builder wants to build a superior home to the benefit of himself and the community and also the government which is going to receive more taxation from it, is penalized because he wants to build this superior type of home construction, and I also am positive if the \$10,000 were allowed the person willing - who wanted to build a home that no question as to the amount of the construction of the home that he eventually finished with, as this would be one area in which government could effectively move to ease some of the housing problems in the Yukon Territory. I would like to hear comments from the various witnesses.

Mr. Chairman: Which witness would you.....

Mr. McKinnon: Mr. Woodason particularly.

Mr. Woodason: In my opinion, I do not think we should try to increase the amount of money available from the Low Cost Housing Program because we will eventually be at the point where we would be paralleling the services provided by Central Mortgage and Housing and this is not the purpose of the program initially. It is not to be in competition with a Crown corporation and if there is sufficient applicants for the building in certain areas then perhaps the Corporation should be asked to review that policy in this respect. It was shown that in areas growing sufficiently fast but there is also a danger of raising the cost of building houses in this area because under the present scheme we have had constructors construct houses because they build to the amount of money that is available and people keep within their financial means and because they will construct houses in such a way that they can add to them at a later date rather than get involved in a \$20,000 mortgage, and \$185 a month is quite high for a lot of these people, and the fact that we have had 50 new loans approved this year with the money that is available indicates to me that it is working reasonably well. As a matter of fact, the majority of them have expressed happiness with the existing plan. It means they do put a lot of their own labour into it and don't get involved in mortgages.

Mr. Dumas: Mr. Chairman, I was going on the understanding that the Low Cost Housing Loan only applied in areas where C.M.H.C. would not come into effect, and if this is so, how are you competing with C.M.H.C. if they are not in the area?

Mr. Woodason: We are competing in terms of amount of money available to people.

Mr. Dumas: But, the money is not available if they won't go into the area. If C.M.H.C. will not go into Porter Creek, the money is not in fact available, so you've got nobody to compete with.

Mr. Woodason: Well, we're offering an alternative to these people

and if the people have two choices of mortgage funds that is recoverable then naturally they will probably build into the area where the low cost land is practical and consequently we would be drawing people away from Riverdale and Whitehorse, which could be to their detriment.

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Mr. Chamberlist: Mr. Chairman, forgive me if I am not too fully factual because I haven't had time to read this report as it has only been placed before me today, but I'm concerned with Mr. Woodason's remarks because it surprises me that Mr. Woodason who, I take it, should be following the policy laid down by the Territorial Government seems to be more concerned with whether its in agreement with the policy of Central Mortgage and Housing. I think there should be a separation entirely from the thinking of what Central Mortgage and Housing are going to do in the sphere that exists within their terms of reference and perhaps if Mr. Woodason can tell me why you are thinking just in terms of Riverdale and Whitehorse when this whole program is for the whole of the Yukon Territory. I would like to have it made clear to me at least, Mr. Woodason, that your policy, or rather the policy of the government, is one that you are thinking in terms of, is that for the whole of the Yukon Territory and not of Whitehorse and the area of Whitehorse?

Mr. Woodason: This is true, Mr. Chamberlist, but you misunderstood my one point of policy in so far as the housing program is concerned was set by Ottawa and the original paper in this regard when it was based on the fact that they did not want the provinces to demand a similar service as granted to the Territories in so far as the Low Cost Housing is concerned. In so far as the other communities of the Territory are concerned, there are only four applications approved for places - Watson Lake, Haines Junction and Teslin, and this indicates lack of motivation on the part of the inhabitants and in most cases its never been determined whether the Corporation will lend in these areas because people haven't applied for loans, so we cannot say that our program is lacking in any one area if the applicants do not apply for loans.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I haven't had a change to read this document, but it is mostly concerned with housing in the Whitehorse area and various government departments. Now, we have various programs - C.M.H.C. - I do not believe there has been one house built in the Yukon Territory that has been able to take advantage of C.M.H.C., with the exception of this particular area - there may have been, but I am not aware of it. A number of years ago - it was very recently since this loan has been increased from \$6,000 to \$8,000, and during the period it was \$6,000, Council selectively was bemoaning the fact that the total amount of money that you could spend on a house - you could barely get anything more than a shack out of it. It wasn't until the price was raised to \$10,000 with an \$8,000 first mortgage, and a \$1,000 second mortgage, that all of a sudden it became possible to build houses, and people jumped in to do this and at the same time depleted the funds that were available and we had to call for more funds. So, I think that when Council was asking for less restrictions on this loan business, the Low Cost Housing, that they were on the right track. Now, we have a very similar situation now where the cost of the house must not exceed \$10,000. Now, in this period of time, the cost of construction has gone up and up and up each year, so that \$10,000 is not much better than what it was before \$8,000 due to the inflated costs so we are arriving at the same situation and it is



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and its very obvious that one of the reasons that we are not able to have more houses is the fact that the maximum allowable value of the house is too low, and the reason we are given for that is that it should not conflict with the C.M.H.C. loan. Now, of course, there is not a great deal of building where I happen to come from in the city itself - private building - but there is a great need, but to take advantage of a C.M.H.C. loan in that particular area is virtually impossible. It can be done, but it is so difficult that it recluses anyone entitled to doing that. There is a person right now who is building a house composed of logs and I understand that they won't permit you to build a house out of logs out at C.M.H.C. so therefore he is not eligible for a loan. Perhaps we could ascertain that from Mr. Gross later, but that is what I am given to understand. Now, of course, this country was first opened up on log houses and why that should not be a house that you can live in is partial to the regulations in all probabilities. I think, myself, that if we had this present Low Cost Housing Loan where you could build houses to \$12,000 or \$14,000 and get the mortgage as it is now, you would in all probabilities be able to have quite a number of homes built in the Yukon. People would be able to take advantage of it, but I would hesitate now, in Dawson now for example, if I wanted to build a home and I had to keep that at \$10,000. What am I going to get - so I cannot get the Low Cost Housing Loan because it is not possible for me to build much more than two rooms for that price. At the same time I'm not able to comply with C.M.H.C. requirements, so that it would appear to me that one of the ways in which we could combat a lot of this is to raise the ceiling on this Low Cost Housing Loan. You can call it the Yukon - you don't have to call it Low Cost Housing. I don't think that's necessary. You could raise the ceiling from \$14,000 and I think there would be quite an impetus to building a house. I think that that is one of the main reasons which preclude a lot of people from taking advantage of this particular loan. Now, I won't say any more in this respect, except for conflicting with C.M.H.C. Would any of the gentlemen care to state any valid reason why it should not be extended to a home that is worth \$12,000 or \$14,000.

Mr. Chairman: Would any of you gentlemen wish to answer that question?

Mr. Fleming: I think that it is a little bit unfair to Mr. Woodason to expect him to interpret the policy which hasn't been laid down and I say this more or less in his defence because it is quite easy to get up and attack simply by answering a question and I feel that possibly this is what he has already done. The policy as to whether we set this loan at \$10,000 or \$20,000 is a matter of a policy decision. When that policy decision is laid down, Mr. Woodason will be required to act within the rules that are laid down at that time. Now, I can see a lot of merit in raising this. I believe in many instances where the factor of C.M.H.C. need not be intimately considered because, as Mr. Shaw has pointed out, one of the big things we are trying to do with our housing policy is to get some push to the building of houses within the Yukon Territory. Whether this is done under C.M.H.C. or with Yukon Government guidance is a matter for you gentlemen to decide. Whether you want the government to get involved in this or private enterprises is another matter for you to decide in the way of policy, and there is a great deal of merit in making funds available somehow in order to encourage house building in the Yukon.

Mr. Chairman: Councillor Chamberlist, will you take the chair for a moment?

Mr. Chamberlist: Yes.

Mr. Taylor: Mr. Chairman, I have listened with some interest to the remarks made around the Chambers this afternoon on this subject and I think there is a couple of points that we should get somehow straight. Now, first is that if we all realize that if we're going to acquire and maintain a population and economic growth in the Territory, we're going to have to have people here and we're all, I'm sure, aware of the fact that we cannot have people if we cannot have adequate housing. Now this is not just in Whitehorse. This is in Dawson, this is in Old Crow, this is in Watson Lake, this is in all points in the Territory. In order to do so, we provide loans through C.M.H.C., we have the federal government through the Territorial Government in its Low Cost Housing Ordinance here in the Yukon. It seems to me there was a statement made here that the reason that there is no housing in the outlying districts, or no people or not many people taking advantage of the Low Cost Housing Ordinance is because, I believe it was the lack of motivation and I say gentlemen that this is absolutely incorrect. It may appear that way but rather I would say its a lack of information, or circularizing and letting people know what is available to them. I know for a fact that I have on two or three occasions this summer had to telephone Whitehorse in order to try and get forms and information sheets for Low Cost Housing Loans for individuals in my constituency of Watson Lake, who didn't know anything about it and this is an area where you don't see a local newspaper here from Whitehorse till maybe a week or a week and a half late sometimes, and so consequently we're not as current, unless we hear it on the radio. Now, C.M.H.C. - I've watched the operation of C.M.H.C. in the Yukon and they've done some wonderful things. You can look at Riverdale, you can look in other parts of the Territory where V.L.A., Veterans Land Assistance Act, or whatever acting as an agent for C.M.H.C., builds houses throughout the Yukon where they can use a well and a septic tank, but C.M.H.C. refused to do that except for the veterans. For you and me, the citizens of the Yukon, we must have a piped water system or no go, buster, you can't build a house. So it brings us back to our Territorial Low Cost Housing Ordinance, and I agree with Councillor McKinnon that the funds should be raised to a more economic level. I feel that if there is a piped sewer and water system that C.M.H.C. should fill that gap. I feel that that is their responsibility, and I feel that the Low Cost Housing Ordinance should apply only to those other areas which are not serviced by sewer and water. Now, when you talk about where can C.M.H.C. go at the present moment. They can go no farther than Whitehorse, Dawson City and Mayo in the Yukon Territory. Those are the only three places you can get a C.M.H.C. loan at the present time, and I find it deplorable. I think that its something like the C.B.C. and their 24-hour broadcasting deal down here. I'd say that its the same thing essentially with C.M.H.C. - that they're tangled up in their own red tape, and I'm in hopes that as a result of this meeting and meetings forthcoming that we can resolve this problem but I wish to make this point, that certainly its not a lack of motivation on the peoples of the hinterland on their part that you aren't receiving more applications. They just don't know what they can get and what they can't get, and forms not being available to them, I wouldn't wonder. I'm surprised you even got four this year. Those are my comments and I will resume the chair.

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Mr. Chamberlist: Mr. Fleming. Mr. Chairman, I will address my question to Mr. Fleming. You have said that when a policy has been formulated, Mr. Woodason will then be guided by it. Are you suggesting that Mr. Woodason is going ahead without any direction at all?

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Mr. Fleming: No, I'm not. I'm saying that the matter that was raised here today was in the line of a new policy. The only policy that he can administer at the moment is \$8,000, plus \$1,000 forgivable, and his opinion as to whether it should be increased to \$10,000 or \$12,000 or whatever sum you want is a little bit beyond the decision-making of someone who is entrusted with the administration and not with decision-making.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: The thought occurred to me that the witnesses - that the thought is probably running through their minds that they are merely Civil Servants acting on policy set by somebody else. I think that this is probably true to an extent but I think in most cases with the witnesses they do influence policy, especially in the Territory as we know it the Yukon. So, I'm going to continue on along the same vein that's been set. Now, I think we're starting to get bogged down here and we had a very urgent problem and I am personally connected with it in my business - I see people leaving the Yukon every week because they can't get housing, and if there is anything the Yukon needs now it's people above everything. First of all, I would suggest that more land be made available, and I don't mean \$2,000 lots necessarily in Riverdale. There is more land in Porter Creek - I understand there are about a dozen lots coming up within the next week. More land in that area - more land in other areas of the Yukon. It's just about impossible, for instance, to buy land out at Carcross. Now Carcross is a little bit of a booming community. If you want to buy land out there, and I've tried for years, you buy it from White Pass in one block chunks, or you buy it from somebody who already owns land, and there aren't many of these people around, or you lease because of the Frobisher plan which I think died about 12 years ago, you can only lease out. Now, land problem is the first one we have to tackle. People have to have land on which to put their houses and some of them are willing to struggle along and build their houses in stages - living in the basement first and then so on, even with the low amount of money available to them. Secondly, I would suggest that we might look into the possibility of low cost rental housing, as taken up by the federal government, I believe, in areas such as Vancouver where they have cleared slum areas and put in low cost rental units and they're nice units, they are respectable units. This particularly for the city of Whitehorse. Maybe one of the witnesses could fill me in on this - why it's not possible or if it is possible, could we look into it. Something else - the D.P.W. I understand, still has about 25 houses vacant up there. To me this is ludicrous. I know that the witnesses certainly, and our administration probably has nothing to do with this - nothing directly - but surely we can try and put some sort of pressure on the federal government to release some of these houses, some of these vacant houses. Now with the Air Force moving out, we don't know now, and we should know if we're going to make any kind of a set up, any kind of a program, we should know what the Air Force is going to do - if they're going to dump 30 or 50 or a 100 units on the market, and if so we must plan accordingly. Also we might look at the standards we have now set for housing. I understand that in some areas of town people cannot improve their houses or cannot move buildings into improve one on some lots in some areas of town, and even Porter Creek, I'm told. Now, it seems to me if somebody wants to do that - if they're living in a tent and they want to live in a house, that's not really up to standards, they should live in the house, even though it starts out from being an army barracks. It's better than nothing, this is the point. We have to have housing, and one other thing. It seems to me that the only way we can get housing in the city, the only loan available is C.M.H.C. Is that right?

Mr. Woodason: Yes.

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Mr. Dumas: Now, for many families, I think it is difficult for them to come up with a few thousand dollars. \$2,000 if you're buying \$1,700 or \$2,000 if you're buying it from the government, over \$3,000 if you're buying it privately. Possibly we could come up with some solution or some way of giving these people - of demanding only \$1,000 or \$500 from these people and going on from there. The thing is that we've got to act. We can't get bogged down with any part of this problem as we're doing now, and I think that the responsibility is directly on this Council to come up with some concrete solution. I would like a comment from Mr. Spray, particularly on land availability. Mr. Spray.

Mr. Spray: Mr. Chairman, there are lots available in Porter Creek at the present time - there have been all summer. Seventeen more went on sale today and we have just requested a survey for next availability of lots next spring. Now, because of the newly installed water system in Porter Creek, it will be necessary to make sure that each area is developed before another area is opened, so that the people will not be forced with the high cost of operating a system which is..... There are lots available in all of our other communities with the exception, of course, of Carcross - which I am well aware of the problems there - but there is no actual shortage of land except that the people may not have as much choice of land as they would like to have, but this is due to the fact that we must try and keep the cost of servicing down.

Mr. Commissioner: Mr. Chairman, could I say a word in connection with the Carcross situation. We are at the present time endeavouring to negotiate with the White Pass and Yukon Route for the possibilities of getting something done about this Carcross situation. This is not a simple straightforward situation, Mr. Chairman, and also I would like to draw your attention to - you have in front of you, gentlemen, the ordinances for the last session of Council. Its Chapter 6 - the thing that is being referred to and this is really the basic question that we want to get answered from Council. As Councillor Dumas brought up a moment ago, Mr. Chairman, concerning rental housing and government purchase in this and this is one of the policy directives that we would like to have from Council. Now, on two or possible three other occasions, this matter has come up before Council. Now I realize that this is over a period of several years but I think that Councillor Livesey will remember that this was one matter that came up on Council when you and I sat on the Council together, and at that particular time, if I remember correctly, the situation was whereby the Territorial Government was going to join with the municipality of Whitehorse in rental housing and would have an element of subsidy involved in it, and then I think once since then the matter has come up - I don't remember if it was at the municipal level or if it was at the Territorial level, and both times the Council resolved not to go along with this type of thing and I would suggest to you that the problem at the present time is not entirely one in which you are involving the family or the individual who has the ability to build a home - by ability, I mean monetary ability - really, as I see the thing, and of course we don't have any housing survey at the moment to really back this up, but we are simply using the letters and the complaints that come into the administration in this regard, and it would appear to me that rental housing throughout the Territory is possibly the number one area in which there seems to be a very, very great lack, and Council's indication here concerning this item under public housing

MOTION NO. 2 as to whether or not they wish to see the Territorial Government involve themselves in this element, I think is really the policy in question. that is right before us, right here at the moment.

Mr. McKinnon: Mr. Chairman, the last thing I would like to hear before this Committee is smug but when this low rental apartment housing was brought up before Council, when I sat on this Council previously, I think it was on a 75 per cent federal, 12½ per cent Territorial, 12½ per cent municipal cost sharing basis. I literally fought my guts out and filibustered to have this low rental apartment housing development passed before this Council, but I lost. I believed then as I do now - I have seen the low rental policy in action in the cities and it is successful. There is no change in my thinking whatsoever from that time to now, and if the government is prepared to enter into the same type of arrangement with the federal government and the municipality again, I will support this type of housing now as I did then. I still believe that there is an area where the Low Cost Housing Ordinance works, where it could be ease so that this could be even more successful, but if we want to leave that program for the time being, I'll make my policy stand on the low rental type of development which I am all in favour of.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, we seem to have done quite a little - to have given a going over to quite a number of aspects of this question and I can certainly see where the administration is looking for direction. These directions do involve themselves as questions of loans. There is another aspect, and the other aspect I think is land and the availability of it. That has come up this afternoon. This question I was also interested in myself when I was on Council before and in my own home constituency we have a subdivision divided in the village of Beaver Creek - I think it was something like three years ago but I may not be exactly correct on the date, but from - and I haven't been on Council long enough this time to thoroughly peruse all the various aspects of it - but it seems to me here in this particular area we have people who wish to build there who have funds but cannot do so because from what they tell me they cannot purchase the surveyed lots in the Beaver Creek subdivision, but this is only, of course, another aspect of the problem that we are seeing this afternoon, but we are in the same position locally on a percentage basis in this small area as you would be anywhere else in the Territory. I believe its only one, well no, not at the moment, there isn't even one place that you can rent and there are also some friends of mine at the moment, who are out in British Columbia looking for a place in B.C. because they apparently feel they cannot build here. These people are not looking for loans - they have the money, they have the cash. This is only one small aspect of it and I'm sure that when we work at it we can solve all of these problems. I don't see too much difficulty. However, we do have a difficulty here as far as the Council giving direction to the administration in relation to the problem we have before us this afternoon. I do see it along that line where the main heavy problem here is in the Whitehorse area, theres no question about it, and it is in this area that the concentration of applications for housing will develop, I feel, to a large extent especially in relation to the development of the Yukon which has been quite intense over the past few years and there is the tremendous interest in mining in the Territory, so here we have to give some direction to the government so that we will know that we are at least attempting to solve the problem and there are three categories - the Commissioner brought these three categories to us, and I feel these are the categories, Mr. Chairman, we should be looking towards. However, I feel before we give the final okey on this, of course, we are going to have to look at all the aspects there are possible. Thank you, Mr. Chairman.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: We have a very difficult situation in providing homes. It appears to me, and I have just listened to what Councillor McKinnon has talked about in relation to the low cost rental housing, well that was to build an apartment in Whitehorse at the time and there were certain restrictions in that that did not meet with the approval of the majority of Councillors, and I think that was one of the reasons it didn't go - it wasn't against the principle of low rental housing. Low rental housing is something that is essential and necessary in the Territory. However, before you can get into a program such as that, it would appear to me that there are certain things that are - that you would have to have before you could enter into or embark on a project such as this. In the first place you need a fund of a few million dollars to get it started. You would also need and require a housing authority - a Yukon housing authority to build and administer these particular projects that have not been tied up in the normal red tape which we have had in so far as how the contracts are made and all this kind of stuff, where they could do it on a large scale and possibly on a prefabricated building scale. At the present moment we have this low cost housing loan and it is restricted to \$10,000. Now, for \$10,000 at the present rate of cost of construction in the normal contracting business I think you figure about \$30 a foot, so this \$10,000 will build you a house 18' x 18'. Figure it out. That's what you're going to end up with. If you want to get more, you have to scratch your ears and scratch your head and bargain and hicker to get a little more space for the same value of dollars, and it appears to me that the only way that we are ever going to settle this housing program or project, or whatever you may call it, crisis in the Yukon is an authority has to be set up, a Yukon housing authority, a smaller version of the C.M.H.C., whose business would be to provide low rental housing and to a certain extent subsidized rental housing that is exclusive from the normal government functions. In other words, we're going to have a Yukon C.M.H.C. up here for the specific purpose of low rental and subsidized rental housing, and to me that's the only way that you can handle it. You cannot handle it through the normal government functions. Private enterprise does not seem either willing, able or capable of doing it, otherwise it would have been done. There must be very sound business reasons why they can't do it, and in order to get buildings for this metropolitan area of Whitehorse and other areas of the Yukon and many of them are expanding at this time. That is what we're going to have if we're going to get anyplace because I cannot see the present systems working.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, this discussion has been brought about on the subject of a motion that a day certain be set aside for a meeting with these gentlemen and then it was agreed that we would have an exploratory discussion today. Now, I wish to retain, to bring my words forward absolutely on no other basis but that I am exploring the situation and I would ask then, other members I feel would agree with me, wait till that day for the general debate and, Mr. Chairman, I would like to address my question to Mr. Gross. Is there any truth, Mr. Gross, that Central Mortgage and Housing are in negotiation for the large area in the Riverdale for construction of a large quantity of houses?

Mr. Gross: Mr. Chamberlist, we have no negotiation with anyone for any housing development in Riverdale as it is at the moment.

MOTION: Mr. Chamberlist: I heard you say as it is at the moment. Well,  
NO. 2 can I then expand that question. Have you any negotiations or  
has there been any enquiries made at all in regards to a large  
number of homes to be built at Riverdale when there is a larger  
area taken in and cleared for lots to be built on?

Mr. Gross: There is no negotiations of any kind with anyone or  
for any development in Riverdale or in Whitehorse but there are  
discussions for proposals in Riverdale and Whitehorse proper.  
There are no negotiations.

Mr. Chamberlist: With respect, Mr. Gross, you knew what I was  
referring to, now you twisted my word negotiations to mean  
discussions. Now, please, would you please be good enough to  
answer the question without trying to beat around the bush. You  
could have saved me two questions.

Mr. Chairman: Order, please.

Mr. Dumas: Mr. Chairman, I suggest that Mr. Gross is here at our  
request and should be treated with some respect.

Mr. Chamberlist: The point of order, Mr. Chairman.

Mr. Chairman: Gentlemen, be seated. What is your point of order,  
Mr. Chamberlist?

Mr. Chamberlist: My point of order, Mr. Chairman, is that I am  
not being disrespectful to the witness and I object to Mr. Dumas  
even suggesting that I am being disrespectful. I asked a clear-  
cut question and I think it is not proper for the questions to try  
and be surrounded. There should have been a direct answer given  
because it was a direct question.

Mr. Chairman: Well, gentlemen, possibly we could keep our tempers  
down a little bit here and carry on with proceedings on a fairly  
even vein.

Mr. Dumas: Mr. Chairman, I would like Mr. Gross' opinion as to the  
adviseability of low cost rental housing in Whitehorse, and the  
ramifications of it.

Mr. Gross: Mr. Dumas, the adviseability of low cost housing in  
Whitehorse may be quite valid dependent on the result of a survey  
to determine how extensively a program is necessary. It would be  
unadviseable to proceed with a public housing program of a very  
large extent whereby the Territorial Government and the municipal  
government would have to participate by way of subsidy in something  
that cannot be used. There are restrictions in any low rental program  
that make it available to only those people of low incomes, and  
these are fairly rigid restrictions because governments at the three  
levels must participate in the deficits that are involved. In so  
far as the ramifications part are concerned, it is a very extensive  
program to get involved with because you are dealing with three  
levels of government to bring about such a development and it is  
quite a lengthy and time-consuming piece of paper work. Nevertheless,  
if the originating party, normally the municipal government, is  
prepared to initiate such a thing for those people who are in need  
it is definitely a most worthwhile project and should be considered  
and brought forward, but only after it has been thoroughly  
investigated from the point of view that you are asking three levels  
of government to bear the responsibilities of the deficits, in the  
proportions that you decide on, there are not only one method of  
arriving at these, there are three methods. Does that answer your  
question?



Mr. Dumas: Thank you.

Mr. Chairman: Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, I really think we're getting off the track and running around in circles and getting absolutely nowhere. Originally Mr. Commissioner asked us whether the Committee or the Council would be willing to declare a policy on whether we were willing to enter into some type of negotiation whereby low rental housing developments would be or apartment development would be - we would be in favour of such a policy by the Territorial Government. I have stated my position that I am completely in favour with it and I would very much like to see the administration provide a bill at this session to provide for low rental apartment dwellings in the Whitehorse area and any other areas where they are so needed. This is the first area where I think we could all make a clear decision and advise the Commissioner and have him move. Secondly, and the next area I would like to see explored after we get rid of this first policy situation where the Commissioner has asked our advice is in the availability of land. I have questions that I would like to direct in this area. The third area I would like to move in is the field of the Low Cost Housing Ordinance as it now stands and I would like, through questions, to be able to arrive at a policy that I think would be better than the one which is now in effect. The fourth area I want to move into is to C.M.H.C. policy as it applies to the Yukon. The fifth policy I want to move in is to federal housing, particularly the D.P.W. area, the Camp Takhini area, and the future of the Air Force area. Now, if all these five areas were examined sensibly and objectively and rationally and dispassionately, I'm positive that this Committee and this Council can come up with some very good decisions to ease what I have termed a critical housing shortage in the Yukon, and if we could proceed along some line of endeavour that I have suggested I'm positive that we can come up with some constructive suggestions.

Mr. Chairman: Well, gentlemen, I seem to be at a loss. I was under the understanding this was merely an exploratory meeting. Is it the intention now that this be the meeting referred to in Motion No. 2, and this be established now rather than at another meeting?

Mr. McKinnon: I wish all Councillors could examine these five areas and prepare it on a day certain to come up with suggestions and policy directives to the Commissioner in these areas, with the witnesses again before Committee as they are now. As I see it, these are the fields that we have to explore. If we do explore them, we're going to come up with some concrete suggestions. Now, we know what we have to explore - let's look into it and have another meeting with these gentlemen.

Mr. Chairman: Very fine. This was my original understanding, gentlemen. Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, there is something that I often wonder about when we're looking into the problems talking about surveying things and what have you, with respect to the recommendation that we have this enquiry or conduct a survey concerning housing needs and with particular respect to my officers who have put a lot of time and effort into this thing, I often wonder how you can survey the needs of housing in the area for people who aren't here because there aren't enough houses. Now, I think at some point in time you have got to have a little bit of faith in the future of the Yukon Territory. Now, if we haven't got any faith in the future of the Yukon, it might be a good idea if we wrap the whole thing up and



put a gate on the door and all go back home. Personally, I don't want to see anything more out of this meeting today than exploration of the problem. I think this is what we got together here for and I appreciate very much the fact that Council has seen fit to go along with my suggestion this morning and I wish to go on record on this matter, Mr. Chairman. I don't think that anybody should be asked to make up their mind on these policy matters just on the spur of the moment. They should be thoroughly and thoroughly investigated, but I simply want to bring this point to you that the problem with housing for people who are presently in the Territory is very easily definable, but I'm sure that in the process of the survey that we are going to make here if we can get C.M.H.C. and the monetary participation to do it, we will determine that there are many people who want to upgrade their housing and so on down the line but you're not going to be able to talk to the people who are not in the Yukon because there isn't any house for them to live in, and this is really what we're interested in, and if we're only going to build houses for the people in the Territory, and if we are only going to participate only on behalf of those people who are transferred in the Territory, we are going to defeat the very purpose of what we are setting out here to do. If, in the process of Council's thinking it would take into account the **people** who are not living in the Territory right now but we want to see about providing housing for them so we can get them to come here.

Mr. Chairman: Thank you, Mr. Commissioner. Well, gentlemen, in relation to the discussions this afternoon, is it your feeling that you wish to go further in this point in time and in view of the time or, we also have a Motion which we must deal with, establishing a day certain for the next discussions on this subject. What are your feelings on this?

Mr. Shaw: Mr. Chairman, I have a question. This is an exploratory meeting, so I am doing a little exploring, Being a stranger in this area you might say, I'm not too familiar with all the land but I do hear of the scarcity of it. I drove from where the jail is over to Porter Creek, past an area road that goes down to the dump, and on that way I saw acres and acres of land, and I wondered why that isn't used for housing. Does this belong to some American down in Los Angeles who won't sell it or what?

Mr. McKinnon: Federal Government.

Mr. Shaw: Well, it seems it is possibly time then that the Federal Government let lose of this land. I mean, there is beautiful land and I hear of a land shortage. It seems silly to me. Now, I guess that answers my question - it belongs to the federal government. Why does it when there is a land shortage in the area?

Mr. Chairman: Gentlemen, I think that in view of the fact that you have more questions, we will recess for tea at this time.

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Thursday, November 9, 1967.

3:30 o'clock, p.m.

Chairman: Gentlemen, I will now call Committee back to order. During noon recess Mr. Baker asked my permission to be excused and he felt that he could contribute more to the discussion on behalf of the .... Would you proceed, gentlemen.

Mr. Chamberlist: Mr. Woodason, you said earlier there were fifty applications and fifty loans had been approved?

Mr. Woodason: Fifty approved this year.

Mr. Chamberlist: How many applications were made? How many were turned down, and where were they turned down - what districts?

Mr. Woodason: We had one application from out of Whitehorse, Teslin, which was approved. By area it is not broken down to fifty but we have three - six loans cancelled for various reasons people backed off. We have refused two loans in the Whitehorse area because the applicants had not been in the Yukon Territory for a year.

Chairman: Does this answer your question Mr. Chamberlist?

Mr. Chamberlist: How can new people, Mr. Woodason, new people who come to the Territory, borrow money to build a home if one of the conditions are that they have to be here a year. If they have to be here a year where do they live in the meantime while they are waiting to qualify.

Mr. Woodason: They can borrow money from Central Mortgage and Housing Corporation - there is no residency limitation. It is a policy matter respecting this one year. Perhaps the Commissioner could elaborate.

Mr. Chamberlist: Can I continue along this line? When you say it is a policy matter I have already been told there is no policy.

Mr. Woodason: It is an existing policy.

Mr. Chamberlist: It is an existing policy.

Mr. Woodason: The Low Cost Housing Regulations.

Mr. Chamberlist: Mr. Woodason, to go further into this, you say 'can be borrowed from Central Mortgage and Housing Corporation' but I'm not talking about that, I'm talking about from the particular fund that you are administering. A person that is here for six months let us say, found employment has sent for his wife and family, or wants to send for his wife and family so they can make their home there - are they placed in a position as I understand it, that they cannot ask for a loan because they have not been here a year. So the man then cannot bring his family here. Is that my understanding of it?

Mr. Chairman: Mr. Woodason.

Mr. Woodason: If a person has been in the Yukon for a number of months and is in accommodation unsuitable for a family then he would be placed in a position of having to wait a year before he could get a loan.

Mr. Chairman: Anything further, gentlemen? Mr. Shaw.

Mr. Shaw: One question; I wondered if in Mr. Woodason's experience has he noted when explaining the terms of conditions, has he noticed in speaking to the people whom he contacted in this whether they feel that the ten thousand bracket, as far as the cost of building is concerned that it bothers them. Do they feel restricted?

Mr. Woodason: It does; in some instances people feel they would like to go ahead and build a more elaborate house but by and large I feel that most people are able to work within a limited budget and then add to the dwelling at a later date through Home Improvement Plan.

Mr. Shaw: Mr. Chairman, working on the same theory, I have known various people who have built small homes but they cannot exceed this amount so they have built this next year or next year they intend to lift up the house, jack it up and build a basement underneath in order to get sufficient room. As the family may increase they have to have more room and these small houses are just absolutely inadequate so they have to spend. It would be much more economical if they had the opportunity to do it in the first instance.

Mr. Chairman: Have you gentlemen anything further at this time on the subject?

Mrs. Gordon: I would like to ask the Honourable visitors in relation to the Mayo area where they are serviced within a certain scope with sewer and water services, and possibly if land were available, could come under the CMH Act and qualify for a loan, but those who are beyond the scope of this sewer and water service are left in the unhappy position where land is available, does the Yukon Low Cost Housing apply?

Mr. Woodason: It would apply, Mrs. Gordon if the applicant received a refusal from the Corporation. The Low Cost Housing program has a regulation containing a clause which states that an applicant must first have a refusal for..... in any area in the Territory.

Mr. Chairman: Have you any further questions gentlemen? Well, gentlemen, it seems then that before us all that remains is to establish a day certain in order to give effect to Motion No. 2. Mr. McKinnon and Mr. Chamberlist, is it your wish at this time that the Motion be dealt with on a day certain established?

Mr. McKinnon: Mr. Chairman, I would suggest that if we could kindly request these gentlemen to be before Committee at two o'clock next Thursday afternoon. It would be as good a day as any.

Mr. Chairman: Would Committee agree to this proposal?

All: Agreed.

Mr. Chairman: Well then, gentlemen, I wonder if we might excuse the witness at this point of time.

All: Agreed.

Mr. Chairman: Thank you gentlemen.

Mr. Chairman: Gentlemen, we have a Motion to be dealt with at this point of time. It has been moved by Councillor McKinnon

and seconded by Councillor Chamberlist that a day certain be set aside for a meeting of the Commissioner, the Legal Adviser, Mr. Spray and Mr. Woodason concerning the critical housing situation in the Yukon Territory. Are you prepared for the question or motion? Are you agreed? Any contrary? I will declare the Motion carried.

MOTION RE MEETING-CRITICAL YUKON HOUSING SITUATION

MOTION CARRIED

MOTION CARRIED

Mr. Chairman: I will further note on our Agenda the date of the next meeting in this respect. Is it your wish now that we return to Bill No. 5? I wonder, Mr. Legal Adviser, if you have the information requested in relation to this Bill?

Mr. Legal Adviser: I haven't had time to deal with it.

Mr. Chairman: Would Committee then agree to discuss Motion No. 1?

MOTION NO. 1.

All: Agreed.

Mr. Chairman: This is Notice of Motion No. 1. Moved by Councillor Chamberlist, seconded by Councillor Taylor. I move that Administration prepare legislation similar to the Summary Convictions Act of British Columbia. Mr. Chamberlist, would you care to proceed.

Mr. Chamberlist: Mr. Chairman, some of the things that have happened because of the lack of a Summary Convictions Act is most distasteful to what is termed natural justice. We have a situation; I will take, for instance, the case of a person who is being interdicted. Under the terms of - the way it is done now, any person can go before a Justice and can make an ex-parte application to interdict a person; that is, can make application to a Justice without actually the person being there or knowing that he is going to be interdicted. He also hasn't the opportunity given him to place himself in a position of defending himself in this regard. Now with the Summary Conviction Ordinance which would be similar to the one that is in existence in British Columbia, the important thing that is in that section, which is not available to us now, although Mr. Legal Adviser might say that it can still be used, my information has been .... that it cannot be used. If we read Section 45...

Mr. Commissioner: I am just trying to follow you there, Councillor Chamberlist - what is it that could be used or could not be used? I am sorry.

Mr. Chamberlist: The section dealing with a person who is going to be interdicted. Section 45 of the B.C. Summary Conviction Act reads as follows: "The prosecutor is entitled personally to conduct his case and the defendant is entitled to have his full answer in defence." Now, when an interdicted person, or rather, when an application is made to interdict a person he hasn't got the right to make his defence. He hasn't got the right to give a full answer. This in itself is a deprivation of what I think is civil rights. I think it would be contrary to the Canadian Bill of Rights and certainly it takes away from him the right to say to the Court 'you should not interdict me because'. Also, in the, with a Summary Conviction Ordinance the question of fees for Justices of the Peace would be taken care of and I would point this out that our Judicature Ordinance makes provision for the use of the Criminal Code in summary convictions; in summary matters and I am suggesting that by having a Summary Conviction

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Ordinance it would be entirely separate from the Judicature Ordinance and certainly serve better in the interests of justice to those really who should be receiving the justice and that is the man in the street, the citizen. Legislation of this nature should be set up for the benefit of the people, not for the benefit of the courts. The Judicature Ordinance is set up for the benefit of the Courts and this is where my main complaint lies; that we must make legislation whereby the people are protected from injustice by not being placed in a position of being unable to be present to defend themselves.

Mr. Commissioner: Mr. Chairman, could I ask you if the Councillor has anything else in mind. You mentioned a person that could be interdicted. Now what other things would you have in mind that could happen without you being there in Court to defend yourself.

Mr. Chamberlist. This is just an example of - I have given a specific example of where an ex-parte application; that is an application could be made to a Court without the person being there. If there was no other reason at all, as far as I am concerned, Mr. Chairman, this is sufficient that if a person has a right to be in Court, if he is being charged. It is like a shut-out. He doesn't know why he is being charged for this; he is having in fact almost his liberty, his civil rights to go and buy something that he might like taken away from him. Now I haven't gone completely into all aspects of the need for the Summary Conviction Ordinance but I am satisfied that if we are to grow we must recognize that we need legislation that in other areas of Canada, in other areas, provinces where they have found that it is necessary to have this type of legislation. I say that we should learn from that and we should follow, likewise, the need for legislation of this nature. I am sure that if I had a little bit of time while perhaps there is some discussion of it I will perhaps point out in the Summary Conviction Act of British Columbia, other places showing reasons why we should have it as well. But sufficient to say, what I am strongest on is the fact that I do not want to see any person be placed in a position of being judged in his absence. The Summary Conviction Ordinance would prevent that from happening; there is nothing to prevent that from happening now because the Liquor Ordinance makes provision for this to happen.

Mr. Legal Adviser: What particular section or what particular Ordinance are you afraid would prevent him being heard?

Mr. Chamberlist: The Liquor Ordinance.

Mr. Legal Adviser: What year?

Mr. Chamberlist: The one that is many years old.

Mr. Legal Adviser: I beg your pardon.

Mr. Chamberlist: The one that's many years old and brought together.

Mr. Legal Adviser: Could you give a particular reference?

Mr. Chamberlist: Yes, I'll give you a reference in just a minute. It's in the Interdiction. I'll give you a reference in just a minute.

Mr. Legal Adviser: I seem to be leaning on you, Mr. Chamberlist for assistance with the law.

MOTION  
NO. 1

Mr. Chamberlist: That's all right. I've had people sitting on the bench as well do that.

Mr. Chairman: Order please, I wonder if we could have just one person speaking at a time; one gentleman on the floor.

Mr. Chamberlist: Oh, yes, it is under the Interdiction Section, Section 56 (1). "Where it appears to the satisfaction of a justice that any person who resides or sojourns in the Territory, by excessive drinking of liquor, misspends, wastes or lessens his estate, inuures his health, or interrupts the peace and happiness of his family, the justice may make an order of interdiction prohibiting the sale of liquor to such person; and the justice shall cause the order to be forthwith filed with the Commissioner.

(2) A justice acting under subsection (1) has the power to compel the attendance of witnesses, the production of documents or other evidence and to take such other steps as he deems necessary for a full and proper hearing, and he may punish anyone for contempt of court who refuses to obey any order, summons or direction under this section.

(3) Upon receipt of the order of interdiction under subsection (1), the Commissioner shall forthwith notify the interdiction so made and filed, prohibiting the sale of liquor to the interdicted person; and such notice may be given by sending it by registered mail to the last known address of the interdicted person and to said vendors and licensees.

57. Upon order of interdiction being made, the interdicted person shall forthwith deliver to the Commissioner all liquor then in his possession or under his control, to be purchased by the Territory in its discretion at a price to be fixed by the Commissioner, if lawfully in the possession of the interdicted person; and if the person receiving the notice does not deliver up the liquor then in his possession, the Commissioner or person authorized by him may seize the said liquor and dispose of it as the Commissioner directs.

58. Every person against whom an order of interdiction has been made who keeps or has any liquor in his possession or under his control is guilty of an offence against this Ordinance and, on convicting him thereof, and in addition to any other penalty that he may impose hereunder, the justice making the conviction may, in and by the conviction, declare the liquor and all packages in which the liquor is contained to be forfeited to the Territory to be disposed of as the Commissioner shall direct.

59. (1) Upon an application to a judge, police magistrate or the justice who made the order of interdiction by an interdicted person who satisfies the judge, police magistrate or justice

(a) that the circumstances of the case did not warrant  
...."

I can't find the reference to it but this is it, what is happening in the Territory today. I don't know if Mr. Commissioner is aware of it.

Mr. Commissioner: I'm only too well aware of it.

Mr. Chamberlist: Well in that case you must agree with what I say that anybody or any person then can go to a Justice of the Peace and say 'Joe Blow is a drunk, he is spending all his money and I want to place him on the Interdict List.' The J.P. hears it.

MOTION Mr. Commissioner: Well, Mr. Chairman, with due respect, I  
NO. 1 don't think it is quite that.

Mr. Chamberlist: Well it is pretty simple. This is being done. Dissatisfied wives are doing it with their husbands who are not satisfying them and likewise, you see. The question is coming up time and time again and I know of one particular case that the man said "the old lady placed me on the Interdict List. What do you think of it?". Now this has practically broken up their home because he didn't know about it until he was fined two or three months ago for taking a drink because the letter was sent to his last place of residence. He never got it. So he was fined \$200.00 for taking a drink; didn't know he was interdicted because he wasn't there. Now this is the very thing that I am talking about. No person should be placed in a position where he hasn't got the right to go before a Court and say "No, I'm opposed to your interdicting me". And after all anybody who accuses a person should have proper grounds and the Court should take cognizance of it and hear both sides of the question. This is the main thing, Mr. Commissioner, that I am concerned about. I don't want to see that happen again at any time. Anybody that is being charged before a Justice of the Peace, Magistrate or the Judge, as far as I am concerned, whoever is accused, should have the right to be heard. That is what I call natural justice - the right to be heard.

Mr. Commissioner: This is getting right back to my question. I wonder, is there any other particular circumstance that Councillor Chamberlist would care to bring up where similar situations exist. Now I am aware of the Liquor Ordinance situation but are there any other areas which you refer to as an ex-parte injunction. Now this is not an injunction as I understand it; this is an application and it is up to the Court as I interpret this, to determine to the Court's satisfaction that this application is in fact a valid and a worthy one. Is this my understanding or is it not?

Mr. Chamberlist: Well, Mr. Chairman, I don't think that the Court has the right to determine because this is what has happened. Now as you know, in British Columbia's High Court there has been a number of ex-parte injunctions made against unions who have been putting picket lines up against various factories etc. and there has been a lot of question and a lot of opposition to the fact that ex-parte injunctions without the unions being there to protest it. It is also somewhat of an illegal thing which I tend to agree with but this is something that we in our own powers must do if we are able to correct this situation. We should take whatever steps we can to correct this situation and I am sure, and I would ask Mr. Legal Adviser to comment specifically on what really is the common law of natural justice because this, I think, is what is being removed from an individual that is treated in that manner, and I would ask Mr. Legal Adviser to comment on it.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: I think that Mr. Chairman is asking something to which he already knows the answer. The legal maximum - I'm not suggesting now that this is universally the law but the legal maxim..... is that no man may be condemned unheard. Now this doesn't mean that every man has to be called before the Court each time. In some types of cases it is sufficient to be given notice of the hearing and allowed to come. Now I have other things to say about the Motion but I prefer not to say them at this time.

Mr. Chairman: Mr. Shaw.

Mr. Shaw: What happens to an insane person that is committed?

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Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: What is the exact question?

Mr. Shaw: The question is what happens when an insane person is committed?

Mr. Legal Adviser: There is a certain routine that is supposed to be observed in the involuntary committal of an insane person which was being considered by this Chamber not so very long ago. The correct procedure is laid down in the Insane Persons Ordinance. He is supposed to be present on the investigation if it is possible and the Magistrate or Justice of the Peace conducting the investigation has a certain ritual which he is supposed to carry out before formally making an order. Then after doing it he is supposed to send a transcript of the evidence to the Commissioner for the Commissioner's signature for certain documents.

Mr. Shaw: Mr. Chairman, my question is does this insane person appear in Court?

Mr. Legal Adviser: I'm not suggesting that there is any particular rule that he must appear in Court. In some cases it may not be possible.

Mr. Commissioner: Mr. Chairman, there must be some instances where it is not possible to bring this insane person to Court. In fact I would suggest, I think we had a case here just last week where the person involved had to be forcefully restrained. Now I don't know the person's name but he came from the southern part of the Territory and when these documents come to my desk they - there is invariably a Court Order, there are two doctors' certificates and many other things that come along with it at that particular time and I would suggest that there must be some means of dealing with this without getting the person into Court because in this case I don't think the person could have been bothered.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: This is reading from the Insane Persons Ordinance, Chapter 56, Sec. 4 (1). 'Any person may make an application to the Court, supported by his affidavit, giving reasons therefor, alleging that the person is or is suspected and believed to be an insane person, requesting an Order declaring such person is an insane person, respecting his custody or commitment and respecting the management of his property.

(2) Subject to a direction pursuant to section 3, the Court may, if satisfied that the application and supporting affidavit warrant a hearing, issue a warrant in Form A to apprehend the person charged and bring him before the Court for a hearing.

(3) Any person apparently mentally ill or mentally defective and conducting himself in a manner which may be dangerous to himself or others, may be apprehended without a warrant by a constable or peace officer, and detained until the question of his mental condition is determined by the Court.'

Now this section (3) just referred to here - an insane person has got the right to appear before the Court. A person who is being asked - somebody wants to interdict him, doesn't even have to know about it. He can be interdicted without



MOTION Mr. Chamberlist continues.  
NO. 1 even the Court asking him to appear. This is the point that I am making.

Mr. Livesey: Mr. Chairman, there was a case a number of years ago in which I was myself inquested (inaudible). When I questioned the police chief about a Court Order to place this insane person in custody, the whole thing was ignored. You just couldn't get any answer to Court Orders, Doctor's Certification, not one single thing.

Mr. McKinnon: Mr. Chairman, I'm getting more baffled by the minute. I don't know whether Mr. Chamberlist is trying to suggest that this person perhaps should be put back into society because he was not carrying a straight jacket. However I would like to ask a few questions of the Legal Adviser. First, what is the specific purpose of a summary conviction and whether in his opinion one is needed in the Yukon Territory at this time. The Honourable Member from Whitehorse East has seemed to signify that the main purpose of a Summary Convictions Act is so that there could be no ex-parte injunctions and has suggested that we go along the B.C. Legislation lines to make sure that ... happen in the Yukon and then we learn that ex-parte injunctions are still allowed against unions in B.C. even though they have a Summary Convictions Act and I am confused.

Mr. Chairman: Mr. Chamberlist. Mr. Legal Adviser.

Mr. Legal Adviser: I prefer if, in order not to restrict the theme of debate, I be given leave to answer that toward the close of anything the Councillors wish to say.

Mr. Chairman: Councillor McKinnon have you something to say?

Mr. McKinnon: I'm still not positive what the Summary Convictions Act is and its purpose and whether one is needed in the Yukon.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: The actual purpose of the Summary Convictions Court is to regulate the procedure which applies to people who are charged with offences of a summary nature as opposed to indictable offences for which they would come before a judge and jury.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: I agree with Mr. McKinnon that he is mixed up. I only gave an example when I referred to the words ex-parte injunction because an injunction wouldn't be sought in any event from a magistrate in a magistrate's court. It would have to be from a judge in the High Court. I don't intend to mix up any member of council. Perhaps Mr. McKinnon should do a little studying of law as well because it certainly would be beneficial to him in Council.

Mr. Chairman: Gentlemen, I wonder if we could stay to the point.

Mr. Chamberlist: I want to make it clear Mr. Chairman that when I say I'm opposed to ex-parte applications in summary matters and I hope I have made this point clear and I hope everybody is clear that I am opposed to ex-parte applications. Specifically again I repeat that no person shall be judged without him having the opportunity of being heard. It's as simple as that!

Mr. Chairman: Mr. Shaw.

Mr. Shaw: Mr. Chairman, I wonder if we could resolve this if we could make sure that this gentleman who is about to be interdicted did have an opportunity, or any other section of the law which permits ex-parte applications that the Legal Adviser found out the sections that there were such occurrences and presented legislation that would stop such .....

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NO. 1

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: I am not completely satisfied that applications in respect to interdictions customarily take place in the absence of the proposed interdict himself. This may be so from time to time but it is not necessary to go through the formula of having a special Summary Convictions Ordinance to be able to deal with a minor point which could be amended by a short sub-section or even by a direction on the part of the Territorial Judge to the Justice of the Peace or Police Magistrate of the area not to make an order of interdiction unless they had given the proposed interdict an opportunity to be heard. But it seems to me to be using a steam hammer to crack a nut if this was the only complaint about the operation of the law. I don't want to sort of speak on policy but the debate seems to have narrowed down to an issue of one very, very minor point and the Motion is a very broad one.

Mr. Chamberlist: Mr. Chairman, with respect to Mr. Legal Adviser, I'm surprised that you would suggest it is a minor point because somebody's liberty is at stake, so I can't see how it can be a minor point. But, to broaden the whole matter, I have already asked a question in relation to Justice of the Peace. Now, there is no provision anywhere for proper payments to be made anywhere in our legislation - for proper payments to be made to Justices of the Peace but in the Summary Convictions Act of British Columbia there is provision where they are paid a fixed amount. Now this is another point that must be taken into consideration because as I have already stated here it is an unenviable position that the person finds himself in if he appears before a Justice of the Peace who only will receive payment if he **convicts**. Now this is another reason why I ask for this legislation to be brought in, so that this will be a preventative; so that no Justice of the Peace need be placed in a position of saying "now where do my fees come from today if I dismiss all the twelve cases which are going to take me all day to sit on?" Now here is a position, a Justice of the Peace today sits in the Yukon Territory from nine o'clock, let us say nine-thirty in the morning to five o'clock at night and he has ten or ten cases in front of him and as an honest man looking at the facts of the case, he dismisses all twelve. He has been a real good fellow; he's dismissed the twelve cases....he doesn't receive one cent from anybody for the services he has rendered as Justice of the Peace. Now who will disagree with me that I am incorrect on that point. I challenge anybody to disagree with me! Because this is exactly the situation as it is in the Territory today. Now I want to see legislation that will prevent that - that will not put an onus on the Justice of the Peace to deal with matters from a dollar and cents point value to him because this is what he has to do. He is in that awful position of having to do that. Now I say that if we have such a piece of legislation we can take care of those things and we can take care of those things! The very fact that we have a piece of legislation called the Judicature Ordinance shows

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Mr. Chamberlist continues.  
there is no reason why we cannot have a piece of legislation called the Summary Convictions Ordinance. All we will be doing in actual fact is taking out some of the things that apply in the Judicature Ordinance now and bringing in a separate piece of legislation that deals purely with summary matters.

Mr. Shaw: Mr. Chairman, I'm inclined very much to agree with Councillor Chamberlist in this last matter respecting the Justice of the Peace and the manner in which they are paid their salaries or indemnities, or what have you. This was brought up at Council last year I believe and I think all members of Council agreed with the inequities and the fact that the Justices of the Peace payments consisted of how well they were convicting persons and it appears that this is a matter for the Department of Justice and they will have to - I think that the Yukon Act at the present moment gives the Federal Government complete jurisdiction of justice and to make any change it would be necessary to have concurrence of this particular Department as otherwise I don't think we could make any change in that respect without their concurrence.

Mr. Chairman: Mr. Dumas.

Mr. Dumas: Mr. Chairman, I agree with Councillor Chamberlist ...ex-parte applications and also on the way judges are not paid in the Territory and if it is necessary that the Summary Convictions Act be introduced into legislation to overcome these problems, then I am all for it but might it not be possible there might be some other means to overcome these two particular problems without going into something as broad as the Summary Convictions Act?

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: At present the law which applies to the Magistrate's Court, and this includes the Justices' Court, it is the Procedures Section of the Canada Criminal Code and these apply in every province for all criminal offences, using the definition of criminal in a technical sense; it is a highly technical sense I use this particular ....

Mr. Chamberlist: Mr. Chairman, concurrent with what the Legal Adviser says - Mr. Legal Adviser, isn't it true that we have accepted in the Judicature Ordinance those sections of the Criminal Code that ought to be similarly dealt with.

Mr. Legal Adviser: The Canada Criminal Code applies throughout Canada for its entire provisions. Whether we like it or not we can't change it, even if we wanted to. It is the law and so far as B.C. is concerned it is also the law.

Mr. Chamberlist: So that there is no difficulty, as Mr. Shaw suggests, in having to get an amendment to the Yukon Act.

Mr. Legal Adviser: This is another question. The related question was not the same question.

Mr. Chamberlist: Mr. Chairman, do you see any objection, Mr. Legal Adviser, to us having on our books an enactment for Summary Conviction.

Mr. Legal Adviser: I do, yes.

Mr. Chamberlist: I wonder if Mr. Legal Adviser could explain that; what the objections are.

Mr. Legal Adviser: Well, as I say, the answer to that question may cut the debate a little short, because you might get a quick answer to it - you might just as soon, if you have something to say in relation to to Motion, not to be put in a position of cutting the debate short in one sentence.

Mr. Chairman: Mr. Legal Adviser, I would suggest that this might be an appropriate time to get all the facts - I wonder if you would care to proceed.

Mr. Legal Adviser: I hope the Council won't take me as appearing to be an encyclopedia of the law but a short, concise explanation of the criminal might be of some benefit. Under the provisions of the British North America Act all criminal procedure vests solely in the central Federal Government and no province has any authority whatsoever in any part to make any law which infringes with that. In more modern times ....a hundred years ago the provinces have become to infringe slightly on this ... prohibition. They have introduced Liquor Laws, Motor Vehicle Laws, Licensing Laws, Game Laws and so on. And every so often cases in the .... went to the House of Lords and the Privy Council. When they attempted to enforce sanctions to stop people from either drinking too much or driving too fast and a series of cases was contested which has resulted in certain well-defined principles, or very well defined principles having been enunciated. And it has been held that where a province has the capacity under the B.N.A. Act to regulate certain matters, it may introduce penal sanction to enforce the particular statute and the Judges upheld that this is a regulatory form of procedure and is not a crime so in the result people are charged with the offence of driving too fast or of drinking too much and it is not a crime so far as Criminal Law in Canada is concerned. It is merely an offence. Now the B.C. Summary Convictions Act can only apply to offences which are charged to local B.C. legislation and could not apply to any offence which has already been defined or taken up as an offence by the Central Government of the Canada Criminal Code. Now, apart from that this House is only entitled to make legislation dealing with the matters which are listed in the Yukon Act and the particular section which deals with this, - Section 16 subsection (i). Now in common with the provinces, the Government of the Yukon can make legislation dealing with the administration of justice, including the constitution, organization and maintenance of Territorial Court of Civil jurisdiction and the procedure in such Court but excluding the appointment of any judicial officer except Coroner or, a Constitution, Organization and maintenance of Courts of Criminal Jurisdiction, or Procedure in Criminal Matters except in the fees and expenses paid to Jurors. Now the Police Magistrates set up under the provisions of the Yukon Act itself at a later point and the appointment of Justices is provided for but in my respectful opinion I think the House is precluded from making any legislation but of course not from discussing by way of Motion, but from making any legislation dealing with procedure in criminal matters. Now it would be a very fine point here whether or not we would say that the Liquor laws are crime viewed at from a provincial point of view as opposed to a Federal point of view. This is something, if we once wander into this field we may find ourselves making history in the Supreme Court of

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Mr. Legal Adviser continues.  
Canada on an odd contested case or other. And I would just  
as soon not be that kind of a historian.

Mr. Chairman: Thank you Mr. Legal Adviser. Mr. Shaw.

Mr. Shaw: When I made my remarks in respect to the jurisdiction  
I took it from the appendix to the Yukon Act, Section 40 which  
states "Governor in Council may, from time to time appoint  
any person to be a Justice of the Peace in and for the  
Territory to hold office during pleasure". In other words  
he is an officer of the Federal Government of Canada and  
really not subject to our jurisdiction as far as the law  
goes and of course the payment that he receives would be  
whatever the Federal Government felt it was necessary.  
However it doesn't alter the fact that we could request by  
motion in the normal course of events that this type of  
what we feel inequitable manner of remuneration be changed  
and perhaps do away with something that should have been done  
away with some time ago.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: I must admit now, Mr. Legal Adviser, I am  
confused because I read the Summary Conviction Act of British  
Columbia and it clearly lays out the Criminal Code means  
the Criminal Code being Chapter 51 of the Statutes of Canada  
1953-54 and Amendments thereto; where, under the B.C.  
Summary Convictions Act the law of the Criminal Code of  
Canada can be dealt with. Mr. Legal Adviser shakes his head  
-I think he is making history now because you are then saying,  
Mr. Legal Adviser that the Summary Convictions Act of the  
ten provinces are improperly placed on the books of the  
various provinces.

Mr. Legal Adviser: I didn't say that. They can make the law  
but they can only make it apply to provincial laws.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: This is indeed an enjoyable debate but it  
says here very clearly that they could apply the Criminal  
Code where it could be dealt with summarily. So, this is what  
I read and I can only put it to you that is how it is.  
However, Mr. Chairman, concerning the two points I have made  
which I am concerned with, and in the meantime I intend to  
look further into this and perhaps bring it up again. If you  
say the Legal Adviser says we cannot have the Summary  
Conviction Ordinance, I take it this is what he means, I think  
nevertheless that Mr. Legal Adviser must come up with a  
way to amend what we have so that natural justice is given to  
all people in this Territory and I think I will be satisfied  
at this stage Mr. Legal Adviser will bring forward legislation  
by amendment to either the Judicature Ordinance or to the  
Liquor Ordinance and to any other of our individual  
Ordinances, clearly defining that no person shall be judged  
before any Court in this Territory unless he has the right to  
be heard and put up a defence.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: It is very difficult for me to define what  
justice is. I think Mr. Chairman is familiar with the example  
of when Pilot asked what was justice and then turned away  
without waiting for an answer, but what we can do is in the  
Ordinances which are within the power of the Council to pass  
we can ensure that a satisfactory procedure is followed insofar

Mr. Legal Adviser continues.  
as that is possible to ensure that natural justice prevails  
in the Territory.

Mr. Chairman: Mr. Livesey.

Mr. Livesey: Mr. Chairman, I'd like to put a question to the Legal Adviser for my own edification. I note under subsection 27 of Section 91 of the British North America Act it does provide that the Criminal Law except of course the constitution of the Criminal Jurisdiction including procedure in criminal matters applies in whole and not in part to the jurisdiction of the Federal Government. I think this is more of an obvious and I certainly concur; it can't be any other way that the Criminal Law is the .....jurisdiction of the Federal Government but am I clear in law when I also think that as far as this question and other questions in relation should the difference between Federal and provincial or Territorial law, it is really, as far as the provinces and Territory is concerned sometimes, and in a good many cases only in those matters whereof there is a conflict where the Federal law may precede and the provincial law may have to be subservient to it. I believe there is a point there and I can certainly see; I don't see how the Territory can possibly create any legislation which conflicts with criminal jurisdiction in law because it obviously comes under the sole purvue of the Federal Government but so do other aspects of the law where the provinces and the Territory have rights but only if they do not conflict with existing Federal legislation. Am I correct?

Mr. Legal Adviser: The latter part is of what you say is perfectly correct, but criminal law and procedure and the right to make laws concerning it is vested in the Federal Government may not be impeached upon or encroached upon by the provinces and criminal law and procedure is exactly what the courts like to make it and examples are continually coming before the Courts where the line to be drawn is an extremely difficult and narrow line to draw. I might give a specific example. In the Criminal Code there are offences dealing with people who drive motor cars, automobiles and trucks and so forth in certain ways and if you are charged with dangerous driving this will be a Criminal Code offence. If you are charged with other forms of driving it may be an offence under the Motor Vehicles Act and several provinces have their Motor Vehicles Act section knocked out because it is held by the Court that the field in that particular - dealing with dangerous driving - had already been occupied by the central government. The Courts were not prepared to define exactly what Criminal Law was but once the central government says 'this is a crime' and puts it in the Criminal Code, then that is a crime. So you've continual conflicts between sections of Liquor laws and what have you. Another potential conflict would be where it is an offence under the local Liquor Law of a province to be intoxicated; intoxicated in a public place. Now, there are offences in the Canada Criminal Code dealing with creating a disturbance while under the influence of alcohol in some fashion or drugs. Now it is a very, very fine line. Even a lawyer can find no distinction between a man who staggers down the streets shouting his head off and is charged with being intoxicated under the Liquor Act and a man who, on the opposite side of the street also staggering down the street intoxicated and shouting, is charged with creating a disturbance by reason of being intoxicated in a public place. But one is a crime

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Mr. Legal Adviser continues.  
under Federal law and the other is not. Now these conflicts in all these matters are continually arising. Learned authors make lots of money writing enormous, big tomes of constitutional law where this is dealt with .... and the normal judgment of the Supreme Court of Canada on any of these matters would run to fifty pages, so you can understand ..... five minutes to give an explanation of it. But I think it should be sufficient to say that Criminal Law belongs to the central government and offences against local laws, although the public would regard them as crimes, are not regarded by the Court as crimes; they are offences and the penalty is provided for the purpose of enforcing the particular law.

Mr. Chairman: Gentlemen, what is your further pleasure in relation to Motion No. 1? We have a Motion before us. Moved by Mr. Chamberlist, seconded by Mr. Taylor that the Administration prepare legislation similar to the Summary Convictions Act of British Columbia.

Mr. Chamberlist: I have one further question Mr. Chairman. I wonder if Mr. Legal Adviser would give me a direct yes or no on it if he possibly can. Can we have a Summary Conviction Ordinance on our books?

Mr. Legal Adviser: I can't give you a direct answer without further study but to obey the answer, I don't think it is necessary.

Mr. Chamberlist: I'll have to ask another question. I would ask then that we do nothing further on this Ordinance on this Motion until such time as the Legal Adviser can give a definite answer as to whether we are permitted to have this Ordinance or not in part of our legislation.

Mr. Chairman: Does the Committee agree to this Motion?

All: Agreed.

Mr. Chairman: I will so do gentlemen. This seems to have cleaned up all the work we have before us today gentlemen. What is your pleasure?

Mr. Commissioner: Mr. Chairman, may I be excused at this time?

Mr. Chairman: All agreed?

All: Agreed.

Mr. Chairman: Excused.

Mr. Shaw: Mr. Chairman, I move that the Speaker do now resume the Chair and hear the report of the Chairman of Committee.

Mr. Dumas: I second it.

Mr. Chairman: It has been moved by Councillor Shaw. Seconded by Councillor Dumas that Mr. Speaker do now resume the Chair and hear the report of the Chairman of Committee. Are you prepared for the question? Are you agreed to the Motion? Any contrary? I declare the Motion carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: I will now call Council to Order. May we have a report from the Chairman of Committee.

Mr. Chairman: Mr. Speaker, Committee convened at 10.55 A.M. to discuss Bills, Memoranda and Motions. Upon Motion Committee recessed at twelve noon and reconvened at 2:00 P.M. During discussions on Motion No. 2 Committee was attended by a Mr. Gross, Mr. Spray, Mr. Baker, Mr. Fleming and Mr. Woodason who offered assistance in relation to housing problems in the Yukon. Motion No. 2 carried in Committee. It was moved by Councillor Shaw and seconded by Councillor Dumas that Mr. Speaker do now resume the Chair and hear the Report of Chairman of Committee. This Motion also carried.

REPORT OF  
CHAIRMAN  
OF  
COMMITTEE

Mr. Speaker: Thank you Mr. Taylor. Does the House agree with the Report of the Chairman of Committee?

All Agreed:

Mr. Speaker: May I have your further directions?

Mr. Taylor: Mr. Speaker, in respect of the agenda for tomorrow we have several Bills awaiting information and actually all we have are matters awaiting information. We have no new material so I would suggest that the order of the day tomorrow would be Bills and any sessional papers that may arise and members may wish to discuss.

AGENDA

Mr. Speaker: Thank you Mr. Taylor. Are there any further suggestions from Members of the House.

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

Mr. Speaker: Is there any seconder for the Motion.

Mr. Chamberlist: I second that Motion Mr. Speaker.

Mr. Speaker: Is the House prepared for the question? Are you agreed? I will declare the Motion carried. The House now stands adjourned until 10:00 A.M.



A3.  
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Page 91.  
Friday, November 10, 1967.  
10:00 o'clock a.m.

Mr. Speaker read the daily prayer. All Councillors and Commissioner Smith were present.

Mr. Speaker: Mr. Clerk, is there a quorum present?

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to order.

Mr. Shaw: Mr. Speaker, I would at this time beg leave of the House to be absent this afternoon after coffee break. It is necessary that I go home over this weekend and I would very much appreciate getting that additional hour to enable me to travel this 350 miles and get home on the same day on which I leave.

Mr. Speaker: Is the House agreed?

All: Agreed.

Mrs. Gordon: Mr. Speaker, I would beg the indulgence of Council to be excused this afternoon after coffee time to accompany Mr. Shaw so that I may visit my home.

Mr. Speaker: Is the House agreed?

All: Agreed.

Mr. Speaker: I have several items I would like to bring to your attention, gentlemen, before we move into other matters. One is in relation to the Public Service Regulations which I understand should be tabled for this Session and, if it is your wish, this will be done. Is the House agreed?

RE TABLING  
PUBLIC  
SERVICE  
REGULATIONS

All: Agreed.

Mr. Speaker: I also have on my desk copies of the various land transactions supplied to the House through the Clerk for your information and I also have Taxation Statistics for the 1965 year which are available to you for information. I also have further information that we should have three Bills at the beginning of next week for the perusal of the House and continuation of business and, also, as far as tomorrow is concerned being Armistice Day and I believe the past usual procedure of the House has been that the Council lay a wreath on the cenotaph. Two Members of the House perform this duty - where the Speaker usually lays the wreath and another Member acts as his bearer. How do you wish me to proceed in this matter?

LAND TRANS-  
ACTIONS &  
1965  
TAXATION  
STATISTICS

Mr. Taylor: Mr. Speaker, I would suggest that, as a veteran, that possibly the Honourable Member from Whitehorse East could accompany yourself as Speaker as wreath bearer and wreath layer at the cenotaph on November 11.

WREATH  
LAYING  
CEREMONY

Mr. Speaker: Is the House agreed?

All: Agreed.

Mr. Speaker: The bearers will meet at 10:30 A.M. tomorrow morning.

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CORRECTIONS TO VOTES & PROCEEDINGS Mr. Chamberlist: Mr. Speaker, I wish to rise on a point of privilege. I would ask for the following corrections to be made in the Votes and Proceedings of Wednesday, November 8. Page 32, after Mr. Shaw "Thank you, Mr. Chairman", it should read "Mr. Chamberlist" instead of "Mr. Chairman". This is where a question has been asked. On page 33, the sixth line up, it reads "The only other one form that exists in the Motor Vehicles Ordinance is a form of this pendant." It should read "lis pendens". On page 36, the last paragraph reads, "It sometimes takes a servant's lance"...should read "It sometimes takes a surgeon's lance".

Mr. Speaker: Are we agreed?

Mr. Taylor: Mr. Speaker, I rise to point out that in the first instance the Member said that he was not addressing the Chair - that he was addressing another Member at the time. This, of course, is contrary to our Rules. The Chair should be addressed at all times.

Mr. Chamberlist: With respect, when I rose...was that this morning? Mr. Speaker, perhaps I didn't make it clear. On page 32, it reads, as a prefix, "Mr. Chairman". It's supposed to have said "This is why I directed my question to Mr. Legal Adviser in regard to whether it was a judicial or quasi-judicial inquiry". It wasn't Mr. Chairman that said that. It was Mr. Chamberlist.

Mr. Taylor: I see.

Mr. Legal Adviser enters the Council Chambers.

Mr. McKinnon: Mr. Speaker, I for one would be very annoyed if a Member tried to correct a statement that I had made. I think that it is the Member's prerogative, the Member's privilege, to correct any errors that are in the Votes and Proceedings and I notice that Mr. Chamberlist corrected a statement made by Mr. Legal Adviser and I am sure that it is the Legal Adviser's prerogative to correct his statement in the House - not Mr. Chamberlist.

Mr. Speaker: I can see your point of argument which is true. Nevertheless, I feel that it is the duty of all Members of the House to bring it to the attention of the House where they do see something which is not correct. May we proceed, gentlemen? There being no Reports of Committees...Introduction of Bills. Notices of Motion or Resolution.

NOTICES OF MOTION #6

Mr. Chamberlist: Mr. Speaker, I wish to give Notice of Motion re Administration of Justice.

Mr. Speaker: Are there any further Notices of Motion or Resolution?

#7

Mr. Chamberlist: Mr. Speaker, I wish to give Notice of Motion re Yukon Hospital Insurance.

Mr. Speaker: Thank you, Mr. Chamberlist. Are there any further Notices of Motion? Before we move to Orders of the Day, may I inquire from Mr. Commissioner if he has any message to give to the House at this time.

Mr. Commissioner: Mr. Speaker, I would ask for the indulgence of the House here this morning to make a statement concerning answers to questions that are accumulating here on the Order Paper. The last two Sessions of Council, it has been a matter of considerable pride with my Administration that we have been able to maintain a very good flow of answers to questions in a very prompt manner to what Council were asking. I am afraid that in the first few days of this Council Session that we have not maintained anywhere near the rate of answering that we would like to see being done. However, I want to assure Council, Mr. Speaker, that over this weekend the necessary members of my staff will be at work to try to get these questions up to date and we will do our utmost from that point on to keep them up to date. It is not a very gratifying situation for any Councillor when he sees his questions continually remain on the Order Paper and having been through the routine once myself where you waited from one Council Session to the next to get an answer, I am not interested in reverting to this status; however, I would say that there are a few things that we are in a position to assist Council with here this morning. One of them - I think that we are in a position to answer their questions concerning the hospitalization or the medical costs that are accumulating to the Territory under the Insane Persons Ordinance which I believe is a matter that Council wanted to have to discuss that Ordinance further. Also, Mr. Legal Adviser is in a position to discuss the reason for Justices of the Peace payments. Also, the questions that were answered in connection with the workmen's compensation, I think we can deal with this. Also, we have the necessary, or the prescribed forms available under the Motor Vehicles Ordinance although I understand there is an imperfection there and I am looking into this. Thank you very much, Mr. Speaker, for the opportunity to speak.

Mr. Speaker: Thank you, Mr. Commissioner. We will now move to Orders of the Day. Are there any Notices of Motion for the Production of Papers? If not, would the Honourable Member for Watson Lake please take the Chair.

Mr. Taylor takes the Speaker's Chair.

Mr. Livesey: I have for the attention of the House this morning Motion for the Production of Papers No. 3, moved by Mr. J. O. Livesey, seconded by Mr. Shaw. "How many Yukon residents claimed Unemployment Insurance benefits for each of the months of January through September in 1967?" Thank you, Mr. Speaker.

MOTION FOR PRODUCTION OF PAPERS #3

MOTION CARRIED

MOTION CARRIED

Mr. Livesey resumes the Speaker's Chair.

Mr. Speaker: We will now move to Motions and you will note that Motion No. 1, Motion by the Member from Whitehorse East, is in Committee. We will move to Motion No. 3. Motion No. 3 was moved by the Member for Watson Lake and seconded by the Honourable Member from Dawson, Territorial Takeover - Fisheries, and it reads "It is the opinion of Council that an agreement be entered into with the Federal Government which would transfer to Territorial control, the operation of Fresh Water Fisheries as outlined in Sessional Paper No. 115, 1967 (1st Session)." Is the Member prepared to proceed?

MOTION #3

MOTION #3 Mr. Taylor: Yes, Mr. Speaker. Is it now necessary for me to read my Motion or....

Mr. Speaker: You may proceed with discussion.

Mr. Taylor: Mr. Speaker, the Motion I think is one of the most important that is before us at this time. It involves one of our great untapped resources in the Yukon Territory and it is really quite a thing. As you know, Fisheries and Fresh Water Fisheries is one of the greatest untapped resources that we have in the Yukon. We talk about our trees. We talk about our mining but too often we overlook our fisheries and, indeed, Mr. Speaker, this is the only...or I should say that Game is the only natural resource under the direct control of the Territory and its Council. This would be adding control over another resource, that being fisheries, to work in conjunction with Game. I would say, Mr. Speaker, and I think that all Members would agree, that we have the finest fisheries potential on the continent right here in the Yukon Territory - if not in the world. Our lakes abound with lake trout and with Arctic Char, grayling, and indeed we are blessed with very, very fine fishing. In respect of sport fishing in the Yukon, I think that you will also agree that physically this can be developed very rapidly over what it is today by increased advertising, by an up-swing in fishing lodge facilities, both facilities to accommodate alien fishermen and local fishermen alike and for the native citizen, it offers him a new industry through the development of an ABC type guide system, offering incentive and offering great assistance in the social development of our native citizens and it is also well to realize that in taking over the fisheries here in the Yukon that the Federal Government will still assume the responsibility for re-stocking programs, poisoning of lakes, biological work done in the Territory and pollution control...control of salmon. These things will remain Federal. In addition, of course, we have at our fingertips at all times, through the assistance of the Federal Department of Fisheries, advice and assistance to get this thing rolling and to maintain it. Financially I have looked into this matter to some extent and I find out, financially, that the direct recoveries as we see it today, will more than cover the direct costs. Let us look for a moment at the financial picture, Mr. Speaker. The revenues for 1964-65 for this Department, this Federal Department, accruable from the Yukon Territory, were \$11,265.00. This is from the sale of fishing licences and fines. That was in '64-'65. Now, in 1967-68, up to November 10th this year, we have a figure of \$16,953.00. Now, this is with no effort being made really to advertise our fishing potential or to boost this Department in any way. This is just from the direct sale of licences. The expenditures quoted in Ottawa last year by Dr. Needler and his deputies and members of his Department, the annual expenditure in relation to the Yukon Territory at this point in time, which would be last February, were approximately \$60,000.00 per year. If we take this Department and we just hypothetically at this point relate it to a Department as a function of the Territorial Government, and joined with our Game Department, we could then deduct the present staff wages from that \$60,000.00 figure of approximately \$20,000.00; travel costs outside, that is trips to Vancouver and Ottawa for various fisheries business. We could knock off \$3,000.00 there and the poisoning of lakes and restocking program, we can knock off \$7,000.00 there which cuts that \$60,000.00 expenditure right down the middle.

Mr. Taylor continues:

MOTION #3

Now, if we assume responsibility and we do place a value on these resources as I am sure all Members would agree we should and we say, based on 1967-68 figures, again to the 10th of November of this year, and we raised the resident fishing licence from \$1.00 to \$2.00, which I think is only quite fair, based on the present sale of fishing licences in this year of 2,679 fishing licences, resident, projected revenues at a \$2.00 basis would be \$5,358.00. That's what we would have earned this year had we had a \$2.00 fishing licence. The alien fishing licences are sold for \$2.00 at the present time. I believe they are \$7.00 and something in B.C., but if we were to up these to \$5.00 a licence - this year we had 6,966 licences sold to alien fishermen. This would have meted us a gross revenue of \$34,830.00 which would have given us a total of \$40,188.00. I just cite this just to show you what the possibilities are. Now, this is only direct revenues. Now, what could happen then, gentlemen, if we advertised and developed and assisted this industry and how would it reflect on other segments of the economy throughout the Yukon because this is where the greatest benefit accrues. We have only talked about licences and fines. If we could find agreement here, it seems to me that we could find agreement in Ottawa by separate agreement apart from the Five Year Fiscal arrangement and I feel that this could be enacted, possibly as most agreements are enacted, on the first day of April 1968. An independent survey made by some of the Fisheries personnel who have been in the Territory and come and gone throughout the Territory this summer has indicated that the average alien fisherman on an average expends somewhere in the vicinity of \$300.00 per person in the Yukon and this is from buying everything from butter and cheese and gas and oil to the rental of aeroplanes, boats and conveyances throughout the Yukon and fishing tackle and I could go on and on. This is interesting because this means that these people are bringing a lot of money into the Yukon and with a little effort, we could get lots more of these people. We see the benefits of the Game Department...or the big game hunter who came in through the boosting up of the Game Department and we see the money that they drop here. It's quite substantial indeed. Now, I think, gentlemen, it is well to realize that the former Council had an opportunity to go to Ottawa and to spend a very, very pleasant morning with Dr. Needler, the Minister of Fisheries...Federal Minister, and two of his Deputy Ministers and many of his senior staff and I say to you today, as I am sure the Honourable Member from Dawson who was there as well...I am sure he would agree.. that they were more than enthusiastic about the take over of fisheries here in the Yukon and they offered every bit of assistance that they possibly could and we were really encouraged by this possibility. As I stated earlier, gentlemen, we have a great yet untapped resource here in the Yukon which certainly needs development. You do the economy a favour and, indeed, you do the fish a favour too because very easily unfished lakes can become overstocked to the general detriment of that lake and fishing and God only knows we have no end of fishing in the Yukon Territory - no end of fish. I mentioned the possibility of developing on the social-industrial basis an industry which would greatly assist the native citizens of our Territory. This is where native and all citizens indeed could be out upgrading their boats, learning how to cope with an alien tourist, how to take in fishing, how to keep him comfortable, cook his fish and give him a real trip and value for his dollar and I think in this way he can earn money and I think it will assist him both in social and industrial development...through an ABC type guide system, however, I won't elaborate on that at this

MOTION #3

Mr. Taylor continues:  
point. I can say this, gentlemen, it is a great step towards what we talk about - self-government and eventual autonomy of the Yukon. This is a real step forward. The move toward the full take over of Fisheries, possibly as I say on the first of April, 1968, by separate agreement, would inject into the Yukon economy a brand new in-flow of capital and as we see, when we pick up our Budgets and we talk about matters fiscal, we need capital. So I say to you, gentlemen, here is a means by which we can get capital and take over a resource - another step towards getting the Yukon on the rails and I urge your full support of this Motion.

Mr. Speaker: Thank you Honourable Member for Watson Lake. Is there any further discussion?

Mr. Shaw: Mr. Speaker, I would take pleasure to rise in support of the Motion of the Member from Watson Lake. I have always felt that we could very competently incorporate the Fisheries Department with the Department of Game. Fish and game just seem to go together. At the last Session of Council, following the meeting we had with Dr. Needler, this same matter came up. I have always been a sponsor of this and a supporter of this particular move, but there were quite a number of problems at that particular time in respect to this, mainly of course concerned with the amount of money it would cost the Yukon. There were some members that objected to the take-over on that particular account and I recollect at that time that the same type of a Motion as this did not appear to have too much opportunity of passing at the time and I think I recollect I was the one that proposed the fact that insofar as some members were extremely concerned as to the cost that perhaps we had better get down and find out exactly what this Department would cost the Yukon Territory in dollars and cents. I felt myself that this would be a Department that could well earn its own way. Now, at the time I think there was quite a lot of publicity to the effect that Council had rejected such a move. I don't think it was quite that. I feel that this is a Department that lends itself to local management, particularly when we have to set up Regulations in respect to the game fishing, you might call it as such, by visitors coming into the Yukon, the same as we have regulations in respect to guides and outfitters. Councillor Taylor has certainly worked on this very diligently and has come up with some very good facts and figures that indicate that this Department can certainly pay its own way. He has also stated, and I would like to corroborate that, that Dr. Needler of the Fisheries Department has offered us every co-operation in this. I wasn't quite sure until just a moment ago that they are prepared to indulge in activities such as poisoning of lakes and re-stocking and things like that. I was under the impression that that would be a department in which we would have to take an active part but apparently this will be done by the Federal Department so that takes quite a lot of a load...quite a large amount of the load...from the local Administration. I cannot say that I am too enthused about raising the licences too high. I do feel that in the Yukon, the people, due to the climate, do not have too many opportunities of recreation. It is somewhat short and we should make that as reasonable as possible, however, I would ask Council to agree to this particular Motion. I think that it is another small step forward in managing our affairs right in the Yukon.

*Handwritten mark*

Mr. McKinnon: Mr. Speaker, I just want to state simply that I agree wholeheartedly with the principle behind the Motion, however I have not had the opportunity of meeting Dr. Needler and the associates in the Fisheries and I certainly am going to ask, and it may curtail this debate, if this could be moved into Committee. I have many questions to ask, both of the head of the Fisheries here and of Mr. Commissioner concerning the logistics of this take-over. I feel that these questions could much more easily be answered in Committee.

MOTION #3

Mr. Taylor: I am agreeable, certainly.

Moved by Councillor McKinnon, seconded by Councillor Dumas, that Motion No. 3, Territorial take-over of Fisheries, be moved into Committee.

MOTION #3  
MOVED INTO  
COMMITTEE  
MOTION  
CARRIED

MOTION CARRIED

Mr. Taylor: Mr. Speaker, I am informed that the Fisheries Officer will be leaving, possibly on today's aeroplane, to go outside so I am wondering if this could be dealt with this morning when we do go into Committee of the Whole.

Mr. Shaw: Mr. Speaker, would this require a Motion?

Mr. Speaker: I see no reason for one. Thank you for the information Councillor Taylor. May we then proceed to Motion No. 4. Moved by Mr. Taylor, seconded by Mr. Chamberlist, re Public Utilities Commission. "It is the opinion of Council that a Utilities Commission be constituted at the earliest possible moment with a view to investigate all aspects of public utilities in the Yukon, and that funds be made available to ensure that such utilities commission may function to the fullest extent possible." Would the Member who moved the Motion be prepared at this time to proceed?

MOTION #4

Mr. Taylor: Mr. Speaker, I would like to stand over my Motion No. 4 until Tuesday morning.

Mr. Speaker: We have then before us Motion No. 5, with reference to the Financial Advisory Committee. Moved by Mr. Shaw, seconded by Mr. Livesey. The Motion reads "It is respectfully recommended by this Council that the Commissioner appoint as Members of the Financial Advisory Committee, Councillors K. McKinnon, N. Chamberlist and D. Taylor for the current term." Would the Member be prepared at this time to proceed?

MOTION #5

Mr. Shaw: I would, Mr. Speaker. This, Mr. Speaker, is in line with the Yukon Act that the Council do recommend to the Commissioner certain persons to act as Members of the Financial Advisory Committee and I have in this Motion recommended Councillor Ken McKinnon, Councillor Norman Chamberlist and Councillor Don Taylor for the current year. I do not feel that I need to go very much further except that these persons... I have full confidence in their ability to function as members of this Committee and I would ask that Council concur with the Motion.

Mr. Speaker: Any discussion, gentlemen?

MOTION CARRIED

MOTION #5  
CARRIED

QUESTION  
RE WATSON  
LAKE POWER  
FAILURE

Mr. Speaker: May we now proceed to questions? I believe, gentlemen, before we go any further, the Commissioner has given us an explanation covering those questions now on the Order Paper. May we now proceed?

Mr. Taylor: Mr. Speaker, I have a question I would like to direct to Mr. Commissioner this morning. In view of the unfortunate, I call it situation, whereby the Commissioner is the only one who has a franchise agreement on behalf of the citizens of Watson Lake with the Yukon Electric Company.. in view of the fact that the people have no part in this particular agreement other than through the office of the Commissioner or the Administration and also in view of the fact that some extensive damages were created by reason of a power failure at Watson Lake two days ago, I am wondering if the Commissioner could ensure Council that all steps will be taken to ensure that the citizens of Watson Lake who have suffered the damages will be fully compensated for the costs of this power failure.

Mr. Speaker: I wonder if this is not more properly a question for the Order Paper, gentlemen, rather than a direct question to the Commissioner at this time.

Mr. Commissioner: Mr. Speaker, do I understand that this is a request for the Administration to intervene on behalf of the citizens of Watson Lake, between them and the Yukon Electrical Company, on a matter of damages?

Mr. Taylor: This is not a request from the people of Watson Lake. This is merely....in view of the fact that only the Commissioner and the Yukon Electrical Company have this franchise and the people have no part of this franchise...I must then ask if the Commissioner will ensure, being a party to that agreement, that compensation will be given to these people and that all steps will be taken to ensure this. This is what I have asked.

Mr. Commissioner: Mr. Speaker, can I have an opportunity to look into the ramifications of this particular situation and I will report back to Council.

Mr. Speaker: Yes. I really do feel that this is a question more for the Order Paper than it is an oral question at this time.

Mr. Taylor: Mr. Speaker, this is a matter of some urgency.

Mr. Speaker: Will the Commissioner please take note.

Mr. Commissioner: Yes, Mr. Speaker.

Mr. Speaker: Gentlemen, are there any further questions?

Mr. Legal Adviser: I am prepared to give an answer to Question No. 1.

REPLY  
QUESTION  
#1

Mr. Speaker: Are there any further questions from the floor to the Commissioner or the Members of Council? If not, may I ask Mr. Legal Adviser to provide the House with perhaps some information he has covering previous questions?

Mr. Legal Adviser: The question was directed to the Commissioner originally. The question was why are the Justices of the Peace paid...the effect of the question would suggest that they are only paid when conviction is had. The appointment of Justices of the Peace in the Territory rests with



Mr. Legal Adviser continues:

the Governor in Council under section 40 of the Yukon Act. The remuneration of Justices is not a function of the Territorial Government and, therefore, I regret that I am unable to say for what reason they are paid in the manner suggested by the Honourable Member. I can say, however, that at the present time the method of computing the fees paid to Justices for the hearing of cases is governed by the Criminal Code of Canada and I refer Honourable Members to section 744 of the Criminal Code. It does not appear from the schedule of section 744 that they are only entitled to fees where a conviction is had but by virtue of section 716 it would appear that a defendant in a summary conviction case is only liable to pay court costs and fees when he is convicted unless a special order is made in that behalf by the Court. Perhaps the remedy may be for each Justice to award costs against the informant in unsuccessful cases.

REPLY  
QUESTION  
#1

Mr. Chamberlist: Mr. Speaker, may I ask a question of the Legal Adviser arising out of this answer?

Mr. Speaker: Before you proceed, I wonder if I could inquire from the Legal Adviser whether this is an answer to question No. 1 raised by the Member for Whitehorse East where he asks for a written reply?

Mr. Legal Adviser: This is in relation to the question in relation to payment of the Justices of the Peace.

Mr. Speaker: I would feel the Honourable Member has asked for a written reply in this case.

Mr. Chamberlist: Mr. Speaker, does the Legal Adviser suggest then that where a police officer is the informant that costs of the Justice of the Peace in case of dismissal...should award costs against the police and in that way the Crown would be paying the fees of the Justice of the Peace for sitting on a case that he has dismissed?

Mr. Legal Adviser: The Justice would have to make up his own mind about that. In any case where costs are awarded against a police officer acting in the execution of his duty, it is customary for the Crown or the local authority concerned to pay those costs.

Mr. Chamberlist: Mr. Speaker, are we then placed in the position, Mr. Legal Adviser, that the situation as is now will remain until such time as the Government of Canada remedy what is a situation that is certainly...leads rise to a time at some time when a person may be found guilty simply because there is only one way that the Justice of the Peace may obtain fees for sitting without awarding costs against an informant? Perhaps I went to too much length in that. I will put it again this way. Is it suggested the only way that a Justice of the Peace can receive payment on a fixed monthly basis is by alteration of the Government of Canada to the fee structure?

Mr. Legal Adviser: No, I wouldn't agree with that. The fee structure is a very ancient structure and it dates back for several hundred years, including Canada for some hundred, hundred and fifty years, and then back in Great Britain some hundreds of years before that but the modern method of obtaining Justices in Summary Courts is to have a stipendiary magistrate on a salary who is unaffected by the result of any case. This is purely a matter for the Government of Canada and not for this Administration.

gll

REPLY  
QUESTION  
#1

Mr. Speaker: Are there any further questions?

Mr. Chamberlist: One further question on that. If, Mr. Legal Adviser, the Yukon Territory had control of the administration of Justice, then could it have its own Summary Conviction Court set up which would provide for a stipend to Justices of the Peace by way of a fixed monthly amount?

Mr. Legal Adviser: I don't wish to answer this type of hypothetical question but I can say that in the Provinces at large, they appoint their own Justices and they are responsible for their salaries.

Mr. Taylor: Mr. Speaker, I have another question to direct to Mr. Commissioner. I am wondering when I may be able to expect a reply to my oral question of a number of days ago respecting under what authority does the Territorial Government function there being no fiscal agreement.

Mr. Commissioner: Mr. Speaker, we are getting the answer to this and I can assure the Councillor that this answer will be available, I am quite confident, on Tuesday.

Mr. Taylor: Thank you, Mr. Speaker.

Mr. Chamberlist: By the same token, Mr. Speaker, when may I receive written answers to the questions on Workmen's Compensation?

Mr. Speaker: I believe the Commissioner rose before we moved into Orders of the Day and pointed out that they would do their best over the weekend to supply the answers on Tuesday.

Mr. Chamberlist: I beg your pardon. I have it here.

Mr. Legal Adviser: Mr. Speaker, may I enquire if the House would accept my oral answers to the question asked by the Honourable Member for Whitehorse East in lieu of a written reply?

Mr. Speaker: Well, I would be inclined, from the Chair, to wish to adhere to the actual question as it does ask for a written reply. I do not feel that in this case it fulfills the request of the Member.

Mr. Chamberlist: Mr. Speaker, I will be satisfied with the Legal Adviser's oral reply at this time because there will be further discussion at a later date on it anyway.

Mr. Speaker: Are there any further questions? If not, gentlemen, may we move to Public Bills and Orders.

Mr. Chamberlist: Mr. Speaker, I would wish to make reference to Sessional Paper No. 15.

Mr. Speaker: Order. We are now in Public Bills and Orders, gentlemen.

Mr. Shaw: Mr. Speaker, there are no Public Bills and Orders on the Agenda I don't think.

Mr. Speaker: Gentlemen, if there is nothing on which you may proceed further on this item, may we pass to your next desires and would you so advise me.

Mr. Shaw: Mr. Speaker, I would move that the Speaker do now leave the Chair and that Council resolve itself into Committee of the Whole to discuss Motions that are in Committee, Bills that have been processed and memoranda.

Mr. Chamberlist: Mr. Speaker, I wanted to get this Sessional Paper into Committee.

Mr. Shaw: Mr. Speaker, I believe the Honourable Member for Whitehorse East has a paper he wishes to include. I do not wish to exclude it. I just don't know what all the Members may want to include. I feel that....

Mr. Speaker: I am sorry. I cannot hear the Member speaking.

Mr. Shaw: I have made the Motion to revert to Committee, Mr. Speaker. If any other Member wishes to include other material that I have omitted, being that I cannot know what each Member wants, I would feel that he should have the privilege to stand and ask that certain things be included.

Mr. Chamberlist: Mr. Speaker, it was my wish to ask that Sessional Paper No. 15 be moved into Committee but I now understand that I should have perhaps put it through by Notice of Motion that it would be introduced and I would, therefore, leave it until Tuesday. I would like to thank Councillor Shaw for attempting to help me in this matter.

Mr. Speaker: Thank you, Mr. Chamberlist. Was there a seconder for that Motion?

Mr. Taylor: I'll second that.

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

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: I will declare the Motion carried and the Honourable Member for Watson Lake will please take the Chair.

Mr. Taylor: Gentlemen, is it agreeable to you that we discuss this morning Motion No. 3 with the Department of Fisheries?

All: Agreed.

Mr. Taylor: Gentlemen, I will now declare a short recess.

Friday, November 10, 1967.

11:00 o'clock a.m.

Mr. Chairman: I will now call Committee to order. The first matter of business in Committee of the Whole today is Motion #3, moved by Councillor Taylor, seconded by Councillor Shaw, respecting the Territorial takeover of Fisheries. (Reads Motion #3, Territorial Takeover - Fisheries.) We have with us today Mr. John Summers, the Regional Fisheries Officer, and I believe Councillor McKinnon had some questions he wished to pursue, so would you continue, Councillor McKinnon?

MOTION #3

Mr. McKinnon: Mr. Chairman, when this proposal came before Council last fall, I was not a Member of Council at that time but I was a very interested spectator in the gallery when this motion was discussed. I was extremely impressed by the sagacity of the civil servant from Ottawa who engendered the idea that the Territorial Government take over the responsibilities of Fisheries. I thought that it was an opportunity to the Federal Government to seek out the thinking of the Territorial Council on the question of taking over more responsibilities. The Territorial Council up to that time had paid some very nice platitudes about willing to accept more responsibilities, and it seems that the Federal Government has finally given them an issue to do something about it. The Territorial Council in its wisdom say fit to reject the takeover of Fisheries as a Territorial project. Then looking into this a little further this year, I found that the civil servant who devised this scheme was even a little sharper than I had given him credit for before. The reason for this being that unless the Yukon Act is amended we would take over the administration of Fisheries without any legislative control. So this would mean that the Territorial Government was in the extremely unhappy and completely untenable position of administering Fresh Water Fisheries but having completely no legislative control over that administration. This legislative control would remain in the hands of the Federal Government. The thing as I see it in obtaining more responsibility for the Territory is for the Territorial Government or the Territorial Council to move into the area where they now have legislative control to gain administrative and executive control, and here we are perverting the idea of taking on this administrative and executive control by subverting our legislative powers to the Federal Government and accepting nothing but the dirty policies of administrative work. Now, I've said before, and I'll say it again, and I'll say it always that I agree absolutely with the principles behind the Territorial Government taking over the administration of the Fisheries, but only if the Yukon Act is amended so that the elected representatives have legislative control over the Fisheries as well as administrative control, and to do anything else would just be to abrogate responsibilities and not accept responsibilities.

Mr. Shaw: Mr. Chairman, with all due respect to the Honourable Member from Whitehorse North, this matter of taking over Fisheries emanated in the Council of the Yukon Territory not in the administration of either the Yukon Territory or the Department of Fisheries. This started quite some years ago. I can't tell you the exact time but I think if you go back quite a number of years, you will see resolutions in which Council asked for control of the Fresh Water Fisheries. In fact, I introduced a motion at that time and I can assure the Council and particularly the Honourable Member from Whitehorse North that at no time prior to that had I had any discussions with any members of the Department of Fisheries, Federal or Territorial. So I would like to bring to the attention of Council that I think the Member is a little erroneous in his interpretation of who started up the Fisheries change-over of business. This started quite some years ago. I think possibly the Member from Carmacks-Kluane will recollect that. But, to get back

MOTION #3 Mr. Shaw continued:

to the Fisheries Department, I feel that we can take this over very well and administrate it. At the present, the legislative control that we are so desirous of obtaining over the whole spectrum of Government, and the executive control isn't here at this time, I think it will get here but this is a small, as I've mentioned before, a small step in the right direction. I am quite satisfied that we can do this very thing; this is an excellent time for any Members who feel doubtful about it to ask questions, a wonderful opportunity. We have the gentleman who is knowledgeable in the matter of Fisheries and I feel sure he can answer any questions which may raise doubt in any Councillor's mind.

Mr. Dumas: I, too, agree with the principle behind this takeover. However, I would like to, in support of Mr. McKinnon, point out that under the Legislative Powers of Commissioner and Council, Section 16 of the Yukon Act there is no legislative power mentioned over Fisheries in the Territory, and unless and until we have that power to go along with the administrative powers, I would suggest that we give this much more consideration and thought, and at this point I think we would be rushing the matter to just go ahead and take over administrative power of Fisheries without having legislative power.

Mr. Chairman: Councillor Chamberlist, would you take over the Chair for one moment?

Mr. Chamberlist: Yes. Mr. Taylor.

Mr. Taylor: Mr. Chairman, Councillor McKinnon raises a very interesting point. I believe, and I would certainly ask the question of our Fisheries Officer in this respect, it is my understanding that actual legislative control over all Fisheries is retained in the Federal Government even in the case of the provinces. What is discussed here is that we would take over the administration and management of the Fresh Water Fisheries of the Territory, exclusive anadromous fish such as Salmon and Arctic Char, and in the event that the Territory agreed to take over the administration and the management of the Fresh Water Fisheries, licencing of the sport-commercial fisheries, enforcement of regulations and recommendations for regulations would become Territorial responsibility. Any revenue would accrue to the credit of the Territory. Now, I think at this point, Mr. Chairman, before I continue I would like to direct a question to Mr. Summers, the Fisheries Officer. Am I correct in the assumption that the Federal Government controls all Fisheries in Canada, and is the move that we are proposing here in line with the other provinces in Canada.

Mr. Summers: That is true, and just to put it plainly and possibly clear up this situation, in the Province of British Columbia who handle all the Fresh Water Fisheries in that province, all the powers of administration and enforcement are taken over by the province. However, when they make new regulations or amendments to regulations, this is the only time the Federal Government has any say in the matter. All these amendments are sent in, go through order in Council, and are incorporated into the amendments and one thing or another we have in the regulations. This is the only time that the Federal Government, as a rule, steps into the picture. It's just a matter of legislation as far as the regulations are concerned.

Mr. Taylor: Thank you. I think at this time I will resume the Chair and allow you gentlemen to pursue this matter further. Thank you, Mr. Chamberlist, I will now resume the Chair.

Mr. Chamberlist: Mr. Chairman, there's one thing I would like to MOTION #3 have clear in my mind. The Fisheries Officer has suggested that the B.C. Government has the power to do all this, but this power, is it not given to them through the British North American Act as opposed to the fact the Yukon Territory has not been given the power through the Commissioner to do this. Are you aware of this situation.

Mr. Summers: No, I think you're wrong there. Under the B.N.A. Act the Federal Government assumed the responsibility for all Fisheries in Canada. They in turn relegated some of this responsibility to those provinces that wish to look after their own Fresh Water Fisheries. The Federal Government is actually the governing body as far as Fisheries are concerned across Canada, but they have passed some of these powers by order in Council over to the provinces that have requested this particular power, and this in turn only governs the administration, the enforcement. They do all their own planting and everything of that nature with advice from the Department of Fisheries when called upon. But, as far as the legislation is concerned, they do pass on the regulations. This is part of the set up right from the start.

Mr. Chamberlist: Mr. Chairman, as I understand it from the answer just given that there has been power from the British North American Act to the provinces, and this disturbs me a little because reading Section 16, it appears that that power has not been given to the Commissioner in the Yukon. Now, I think perhaps we can overcome it, let me say quite clearly that I am in favor of the principle. I felt that if I didn't know anything about the situation that, when speaking to the motion Councillor Taylor put it in such a way that he sold me completely on it. But, I feel that we have to do it, get hold of the administration and the executive functions of the Department properly. We must investigate, indeed, whether we have the power to do it, and I think that it is important that, perhaps if we ask the Legal Adviser what he thinks of this situation, whether we have the power or not. The Legal Adviser might be able to answer us.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: I think we can never obtain any more power from a central government, the Federal Government, than has been given to the provinces. There's a section in the Yukon Act to that effect. So, we are limited by that and that will continue to be the law whether or not the Territory ever becomes a province. But, if this matter has been delegated to the provinces by an order in Council, and if it was agreed by the Federal Government that the Territory would take over the administration, well under paragraph Z of Section 16, this could be done. "Such other matters as are from time to time designated by the Governor in Council." Now, this is the formula used to give this power to the provinces and if the Federal Government are agreeable it would equally well apply to us.

Mr. Dumas: That pretty well clears up the point I was going to make. If we accept this administrative power now we will then be on the same level as other provinces in this matter with the Federal Government.

Mr. Legal Adviser: As I understand the position to be, that is correct.

MOTION #3 Mr. Shaw: Mr. Chairman, there is one little matter. If you note, the motion calls for an agreement to be entered into with the Federal Government. Now, to go back to the meeting that Council had with the Deputy Minister of Fisheries, this gentleman was most amenable in the matter of us taking over the Fresh Water Fisheries, however, he did point out that there were some heavy expenditures involved, transplanting fish, poisoning lakes, and general management of Fisheries, and he was most sympathetic to the fact that this may be a good thing for the Territory to incorporate certain sections of this with their Game management, and at the same time it seemed to me, he was prepared to take certain financial obligations in relation to poisoning and this type of work which is being done at the present moment, and restocking and so on up to a point, to assist us when we got started on this project. The provincial governments, they do, I believe, completely their restocking, their poisoning, and they have a very big set up. You realize the Territory would have some difficulty in doing that. And, for a period of time he would, through his organization, it appeared to me that he would be prepared to do some of this work. In other words, not say, "Well, here you go Buster, go to it." So that they were quite sympathetic to the whole situation, and according to this motion, you will note, Mr. Chairman, that an agreement be entered into with the Federal Government. Well, that agreement would be discussed, no doubt, if this motion was accepted by the Administration and also interested Members of this Council, and the agreement will come before Council before the Commissioner's signature goes on it, and at that time we will have much more detail to know just exactly just what all of this will imply. But, I do think that this is a very, very good move.

Mr. Chairman: Mr. Chamberlist, would you take the Chair a moment please?

Mr. Chamberlist: Yes. Councillor Taylor.

Mr. Taylor: Gentlemen, or, Mr. Chairman, I have been searching through my files and I have found the notes of the meeting between the Members of Council that day and Dr. Needler of Ottawa. I think it can be explained in the first paragraph summing up Dr. Needler's initial remarks and I think this might clear the air on this subject. I'll just read it to you. It's not too long. "Dr. Needler opened the meeting by referring to the Yukon Council's interest in assuming some responsibility for the administration of Fisheries in the Territory, and by explaining that arrangements in the provinces vary a great deal from province to province. The research work carried on by the Fisheries Research Board is fundamental research and is conducted in most provinces. The provinces do not generally do inspection work, i.e. checking the standards of fish processing plans, etc. The jurisdiction over Fisheries is Federal under the B.N.A. Act. The responsibility for carrying out Fisheries work has been delegated to the provinces in some instances. British Columbia for example administers Fresh Water Fisheries but Canada continues to administer Salt Water Fisheries, especially Salmon. In the prairie provinces and Ontario, all Fisheries are administered by the provinces since there are virtually no sea-going fish involved. In the Maritime provinces, Canada administers all Fisheries. The Federal Fisheries Act applies everywhere throughout the country. The provinces recommend regulations to be made under the Federal Act." So, in other words, it would appear that here is a case where the Federal Government do, indeed, I believe that's under Section 91 of the B.N.A. Act where they are vested with the sea coast and inland fisheries. So, consequently I can see nowhere in Canada where full legislative responsibility has been transferred to the province, as it is stated here that the provinces recommend regulations to be made under the Federal Act. I just thought I would bring this to the attention of Members of Committee. I will once again resume the Chair.

Mr. McKinnon: Mr. Chairman, I wonder if I could ask Mr. Summers if MOTION #3 any of the separate provinces have Fresh Water Fisheries statutes?

Mr. Summers: Yes, they do.

Mr. McKinnon: So how, if the B.N.A. Act under Section 91 assumes power for Fisheries, is this delegated to them so that they do have legislative powers?

Mr. Summers: This is explained by Dr. Needler's statement, and I quote, "It was also stated by Mr. Ozere who is our Legal Adviser to the Assistant Deputy Minister, that the proposed transfer could be achieved without legislative changes and would require only a change of regulation by order in Council."

Mr. McKinnon: Well, this is my point exactly, Mr. Chairman, that when this agreement is reached and tabled it does not give through order in Council the power to this Council to legislate an appeal prepared by the Fisheries, I will reject that agreement without question because I will not accept administrative control when I do not have legislative control. Because I do agree in principle with it, I will support the motion until the agreement with the Federal Government reaches this table.

Mr. Chamberlist: Mr. Chairman, I think that Councillor McKinnon is quite correct in that. I, too, unless there was order in Council providing for the takeover of the Fisheries Department, I wouldn't support it. I'm taking it for granted that because the Federal Government has shown interest in the Fisheries being taken over by the Territory that this order in Council would become available.

Mr. McKinnon: Mr. Chamberlist is growing very mellow and trustworthy in this.....

Mr. Shaw: Mr. Chairman, I am very glad to hear the remarks of some Members of Council, and I would be very happy to see the agreement come before Council, and until that time comes, that's another step in the right direction.

Mr. Livesey: Thank you, Mr. Chairman. Well, from a political science point of view, I have no hesitation in agreeing with the Honourable Member from Whitehorse North. A position to that extent, apart from extraneous issues, is as he has stated it. There is also another point that comes to my mind, and I would like to make it clear to Committee that I am 100% of the Territory taking over everything including the Government, lock, stock, and barrel.

Some Members: Hear! Hear!

Mr. Chamberlist: And there's no question about that in my mind. I know there are various pros and cons to all these questions and it seems to me though, that in different negotiations with the Federal Government where the territories, before they became provinces, negotiated their various advancement to responsible status, what actually happened was that the territories used what they had as a bargaining power, and one of them was the question of the fact that the Federal Government, if they wanted to hang on to resources were obliged to, in effect, pay rent to the territories, so there was no question as to whether we owed this much money or we owed that much money. They had something that was really ours and, especially in regard to Alberta and Saskatchewan, and they certainly wanted from the Federal Government compensation for what they were trying to hang onto, so they used this as a bargaining power. I was just wondering now, in connection with any agreement with the Federal Government, would they, and this is hypothetical of course,



MOTION #5 Mr. Livesey continued:

would they consider the revenues from Fisheries, of course, it's not something in our favour as a bargaining power but something in their favour that they have just given to us. This question does arise, and in connection with this, I wonder, Mr. Chairman, if I could direct a question to Mr. Summers and ask him if he could tell us just what the revenues from Fisheries are, and to make it more completed if he knows them at this point, for 1965 and 1966, and they may not have 1967 yet, but if he has 1967, I wonder if he could tell me just what the revenues are, in round figures.

Mr. Summers: I can only go on the sale of licences which is our main source of revenue, and a few fines that we picked up for the violation of the Fisheries regulations. In 1965, now I'll give you a round figure because I'm not sure of the odd dollars, in 1965 it was approximately \$12,000. In 1966 it went up to about \$14,000. In 1967 as of this date, is something in the neighbourhood of \$17,000. We've increased possibly twenty to twenty-five percent every year since I took over the Fisheries. This isn't attributed to me or anything like that, it's just one of the natural trends. It's becoming more popular and we have done more advertising. Fines and sales of confiscated articles during the past year were \$340. This is a very, very low figure in such a vast area but unfortunately with the licencing and one thing or another, we don't get a chance to get out and do law enforcement work. We haven't got time. We haven't got time to do a lot things we would like to do but this is one of the things that would disappear, this matter of time, if the Territory took it over. This licencing and our method of licencing takes up all our time. Therefore, your fines and possibly sales and one thing or another could be increased ten-fold. This would be another form of revenue. But, we have gone from about \$12,000 to \$17,000 in the last three years.

Mr. Livesey: Mr. Chairman, I wonder if it would be possible, I don't want to ask a question that shouldn't be answered, but would it be possible for us to assume that the cost of operating that portion that we would normally have to assume if we did take over Fisheries in that aspect as described, just what the costs are, weighed against the present Federal operation. Now, I know this may possibly raise a question perhaps in some areas, but this is to get in round figures, not necessarily what they are, but in round figures, to give us what the business-like value of this would be. And, Mr. Chairman, the reason I ask this is, I've been looking over various operations and I say that, with every respect of the Territorial administrative operation over the past ten years, and it seems to me especially in the last three years, but since 1964 the cost of, it seems to me that when you take over new the costs are very nominal to start with and the next thing you know they've gone sky-rocketing up into the air for the simple reason that the Territorial Council under the Yukon Act does not have the responsible restriction that is necessary to keep these costs within the means of the people who live here. This is no fault of the Administration here in any way, shape or form. The way I look at it, it's simply a question of Federal legislation. The Federal legislation is laid down and, of course, the Administration has to follow it, and so does the Council, but at the same time it does leave a question in my mind as to exactly what control would we have on the increasing costs of, say, running this department. If it's the same as every other department, it seems to me they sky-rocket once it gets on its feet, and I'm particularly thinking of the Social Welfare at the moment when that started out it was a very nominal thing, but look at it now. It's gone up hundreds and thousands in that particular department. This is a frightening thing. I wonder if we could have, or possibly get, a rough estimate of what the costs are arraigned against the revenue as of now.

AA

Mr. Summers: Dr. Needler made a statement, or one of his assistants made the statement down in Ottawa the last time we were down, and I think it was a figure that was more less picked out of the air - \$60,000 for the administration of Fisheries in the Yukon Territory for the Federal Government. I personally take issue of this, I'm not supposed to, but I would bring it down much closer to \$30,000 or \$40,000. This would include possibly \$20,000 in wages, travel could possibly be down to \$3,000, research work, planting, poisoning lakes and one thing or another would be possibly \$7,000, and the rest goes into equipment, cars, boats, plane charters, and whatever is necessary to carry on the administrative work. If you put one up against the other, the expenditure would double the revenue at present. But, we work on a very tight budget. I've been in this outfit for twenty-three years now, twenty-four years, and I assure you, we don't sky-rocket. I have to make up an appropriation two years in advance, and I don't exceed it. This could also be done under your present Administration. We have to watch every dollar in the Federal department and we always have. Everything is scrutinized very carefully. MOTION #3

Mr. Livesey: I would like to thank Mr. Summers, Mr. Chairman, for his reply. I was thinking of our determination here as a Council body towards a more responsible type of government in the Territory, and I know it's very possible, although we may not see this in the future, but it's very possible that we could legislate ourselves through adding tremendous costs to our operation here or even adding any cost, we could legislate ourselves out of the very responsibility we are aiming for if we are not very careful in looking at the eventual cost when perhaps we are going to try over this responsibility of administration here. As we all realize, public acceptance of whatever we may do may be dependent upon what they think they are going to have to pay for the privileges that are attached to looking after their own type of government, and although I don't direct this against this particular thing, I think actually in estimates the more we take over in the Yukon, the better. This is the good thing. But, I think we should bear in mind all these various aspects before we give a final decision on it which, of course, may come at a later date. I thank you, Mr. Chairman.

Mr. Shaw: Just one matter, Mr. Chairman, in relation to what it is going to cost I do not believe we would be able to have any, even close, idea of how much that would be until we have seen an agreement between the Territory and the Federal Government, and just what their responsibility will be and what ours will be. I think we would really, before we estimate the costs of things, I did inquire the cost last spring, but until we see the agreement or know what the agreement contains, I think it would be next to impossible at the very moment to estimate just what the cost will be

Mr. Commissioner: Mr. Chairman, there is just one thing, when we have Mr. Summers here, that should be definitely asked of him although he may not be in a position to answer it fully, I think this is really the nub of the question here at the moment. The Federal Fisheries Officers that are located here, and the amount of their time and work that they are presently putting into the Fresh Water Fisheries in the Territory, this is really the question. Now, my observations of Mr. Summers and his department's activity here is that exclusive of the work that they do in regard to the migratory type fish, in other words, the fish that come back here to spawn, their total energies, literally speaking, are involved in chasing around the country side collecting licence fees. I think that really the question is going to be, and I think that Mr. Summers is the man who can tell Council just what the score is on this, what, in his opinion after his years of experience, is going to have to be done to really make the Territorial Government's efforts in taking over

MOTION #3 Mr. Commissioner continued:

these Fresh Water Fisheries worthwhile. In other words, what are we going to have to do to propagate our fisheries, see that they are maintained on a continual basis. This is a renewable resource. This is something we want to look after. What, in Mr. Summers opinion, is this package going to consist of. It certainly isn't going to consist simply of turning over the regulations to the present Department of Game and changing the title to the Department of Game and Fisheries and saying goodbye to the present licence fees, and that's all. What are we going to be required to do that the Federal Government at the present time does not do with regard to Fresh Water Fisheries to make the thing worthwhile. This is really the question. As far as the agreement is concerned, the elements, the major elements of what an agreement would consist of were tabled at the last session of Council. I would question very much if they would be really changed to any great degree, I realize this wasn't the final analysis, but it is really from a man of experience in the field to advise Council what kind of a program are you, as a Territorial Government, going to have to institute to really make this takeover of Fisheries worth your while to do. I realize that he is not in a position to give this statement to us right now, but I certainly do think, Mr. Chairman, that he is the man, who with his experience here and his tremendous experience with the Fisheries Department, to come up with a possible policy paper that a cost figure can be attached to. Before Council makes their final decision on this particular matter, I would strongly recommend to Council that we make a request of Mr. Summers for this and I know exactly what his answer is going to be. I would be quite prepared to contact his Deputy Minister or have my Deputy Minister contact his Deputy Minister on his behalf to permit him to do this.

Mr. Summers: I am in full agreement with Commissioner Smith. I don't think it's the time or place to go into my trials and tribulations of what I would like to be doing in the Fisheries field and what I am forced to under present circumstances, but I will say one thing, that as you pointed out, collection of revenues, licences, distributions, and one thing or another throughout the Yukon take up approximately 50% of our time and in some cases, more than that time. This could be completely alleviated or eliminated if the Territorial Government took over the licencing aspect. We have a deadline every month. The revenue has to be in, on a certain day, into Ottawa. There's no ifs, ands, or buts, we send it in on the prescribed date. I don't think the Territorial Government would come up against this. The agents themselves could send it in to the Territorial Treasury and there would be none of this running around, chasing licences and one thing or another. This would give them far more time to do the work we're supposed to do, the law enforcement, and the research. However, I must say that I can't make the statement that you require right now. It would take considerable preparation, and if you will get permission for that, then I can make up a broad statement or go down to Vancouver or to Ottawa and, with the help of all the brains down there, I can certainly get a statement to that effect.

Mr. Livesey: Mr. Chairman, I wonder if I could ask one more question. I notice we're approaching the noon hour. Mr. Summers, during your experience in the Yukon Territory, could you inform the Committee as to whether you feel that commercial fishing has been exploited to the extent that you could declare whether it has been successful, unsuccessful, or just what you think should be done in regard to this. In the general opinion about this situation, that I have myself without having access to records, I feel so far that commercial fishing has not been a success in the Yukon. I have had several discussions with people who are interested in it. However, I would feel that if you could give the Committee some information on this that it would help us a great deal in our consideration of this particular motion that is before the Committee. Thank you, Mr. Chairman.

Mr. Summers: Originally, when the commercial fishing opened, there were 32 lakes set aside with commercial quotas. This has amounted to approximately the total of 225,000 pounds which was allowed to be taken in the commercial fishery. At the first, there was some fish shipped out as an export. Most of it went down to Edmonton to the fish buyers down there. But most of your fish has always been consumed locally. In the last two years there has been no fish whatever shipped out of the Yukon. The local market has taken the entire commercial catch. I don't believe it has been exploited to the extent where you're getting full value, no. But in some cases we've had to close down a number of lakes at the insistence of the sport fishing element who claimed that the stocks were being depleted by the commercial fishery. We've lowered the quota in others. We've recommended they bring the quotas down to a more reasonable figure though I think they're small enough now, and I have just recommended to the Department that Aishihik, Sekulmun, and Arkell Lakes be taken off the commercial listing entirely. These lakes have never been exploited as far as the commercial fishing is concerned, and I have been given to understand that they have been requested to be turned into wilderness areas or Territorial parks. Therefore, I can only see that if it's going to be a park area, then, you are not going to have a commercial fixture in there. There are other lakes in the Yukon which haven't been tested. There are so many lakes in the Yukon anyway that you could not test them all. But, I think they could stand a commercial fishery, and I believe there would be enough in the overall total to have an export market. Right now there is not access to them. You can't make an economical thing out of it. You couldn't make any money out of it if you have to fly in by plane to an isolated lake to do your fishing and fly it out again. The charter rates are too high. With the existing lakes that we have we are supplying entirely the local market throughout the Yukon, and our catch quota now is approximately 172,000 pounds a year. All this is consumed in the Yukon.

Mr. Chairman: Does that answer your question, Mr. Livesey?

Mr. Livesey: Yes. Thank you kindly, Mr. Chairman.

Mr. Chairman: Gentlemen, do you wish Mr. Summers to join you at 2:00 or do you have anything further to discuss with Mr. Summers on this subject.

Mr. McKinnon: Mr. Chairman, I have a number of questions that I would be asking of Mr. Summers prior to a takeover of the Fisheries by the Yukon Territorial Government, but I believe that these questions could wait until such time as an agreement is before this table. For other than that, I could see Mr. Summers myself personally.

Mr. Chairman: Would you gentlemen then agree that Mr. Summers could be excused from the Committee at this time?

All: Agreed.

Mr. Chairman: We thank you very much, Mr. Summers. It has been most delightful. Gentlemen, it now being past twelve, I declare Committee recessed until two o'clock this afternoon.

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Friday, November 10, 1967.  
2:00 o'clock p.m.

Mr. Chairman: Well, gentlemen, it now being 2:00, I will call this Committee back to order and we were dealing with the matter of Motion No. 3 respecting Fisheries. Would you proceed. Councillor Chamberlist, will you take the chair a moment? MOTION NO. 3

Mr. Chamberlist: Yes.

Mr. Taylor: Mr. Chairman, in light of the most interesting debate this morning on this subject, I would think the time has possibly come when we should attempt to find a draft agreement in hopes that it can be laid before Council, possibly at this Session now assembled so that we may deal with it and discuss it further. I think it has been generally agreed from those who spoke this morning that the philosophy of the take-over of fisheries is generally acceptable. However, there seems to be some doubt as to the legislative end of this problem and I would urge that members support the Motion at this time in order that an agreement may be brought forward and that is just about all I can say on the Motion at this time and I do urge your support so that we may be able to proceed with this matter further. Thank you, and I will resume the chair.

Mr. Dumas: Agreed.

Mr. Chairman: Mr. Shaw:

Mr. Shaw: I would ask that the question be called.

Mr. Chairman: The Motion reads as follows: Moved by Councillor Taylor, seconded by Councillor Shaw. Territorial Takeover of Fisheries. It is the opinion of Council that an agreement be entered into with the Federal Government which would transfer to Territorial control, the operation of Fresh Water Fisheries as outlined in Sessional Paper No. 115, 1967 (1st Session). Are you prepared for the question?

MOTION CARRIED MOTION #3 CARRIED

Mr. Chairman: Gentlemen, the next item - I believe the only item we have to work on at this point in time is Bill No. 4, The Motor Vehicles Ordinance. As I now understand it, we have now received the prescribed forms. The Bill we are dealing with is one which has been read. Have you anything further on Section 1 of Bill No. 4? BILL NO. 4  
Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, if you will bear with me one moment while I get myself organized. Mr. Chairman, Section 1 of the proposed amendment to the Ordinance does not remove the inequity that exists in this portion because it simply asks that all of that portion of Sub-section 1 of Sub-section 33 of the Motor Vehicles Ordinance following Paragraph (e) be repealed and the following substituted, and I would draw to Committee's attention that under Section 43 (1) (a) any person who has committed any offense under this Ordinance can have his licence endorsed. Any offense in this Ordinance is sins of such a minor nature where there should be no endorsement. In fact, if you don't come to a full stop at intersections, you can have your licence endorsed. If one of your rear lights are out you can have your licence endorsed. Mr. Smith has just shown me that he has something like that on his licence. It is obvious that these things are improper. We know that there should be endorsement of licences for offenses that are really offenses but where, for instance, you may be parking illegally, under this Section you still have to have your licence endorsed.

BILL  
NO. 4

I notice that Mr. Legal Adviser doesn't show that he is in agreement with me in this situation and I would stop now, Mr. Chairman, and allow Mr. Legal Adviser to show me where this isn't the case.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: Mr. Chamberlist, the Section or the group of words which it is proposed to put into the Motor Vehicles Ordinance attempts, it may not succeed, but it attempts to make this position clear, and that is where the conviction is for an offense referred to in Paragraph (b) or (c) of Section 33, and Section 33 will be found at page 819 of the 1958 Revised Statutes. You haven't got the office consolidation. (b) is an offense under Section 221 222, 223, 225 or 258 of the Criminal Code, and (c) is the offensive manslaughter or criminal negligence under Section 192 or 193 of the Criminal Code, committed in either case by a person operating a motor vehicle, and the intent of the particular section, obscure though it might be, is to have the magistrate endorse for those offenses. In other words, only Criminal Code offenses delineated under Paragraph (b) or (c) of Section 33 (1) of the Motor Vehicles Ordinance. I should say at this point that this is a question basically of policy for the Council to decide whether it will limit endorsement to these Sections because one of the original ideas behind endorsement was that a magistrate would, this is now speaking 20 and thirty years back, would endorse the licence for minor offenses the idea being that a number of minor offenses would eventually make a major offense, enabling the magistrate without too much enquiries to know what the person's driving record was.

Mr. Chamberlist: Mr. Chairman, whatever the intentions might be, we can only go by what is written and I submit in legal phraseology where the language is clear, effect must be given to it, and the language is clear, I submit that what it says every holder of a chauffeur's or operator's licence who is convicted of a) an offense under this Ordinance shall forthwith deliver his licence to the judge or magistrate making the conviction, and the judge or magistrate shall endorse on the licence the particulars of that conviction. To me the language is clear. Now, whether it is intended that only those Sections to which the amendments would have reference to is only the places where licences should be endorsed may or may not be the case, but I am sure if Mr. Legal Adviser would look again at it he would see the point that I am making, because the amendment says and I repeat it is the Section after that of sub-section (e) which is repealed so that sub-section (a) an offense under this Ordinance still remains as part of the enactment. To me this is clear, and I cannot follow where, with respect, Mr. Legal Adviser can alter my opinion in this matter as it is now written and I would ask that either this Section be amended so that it specifies the offenses under which a licence can be endorsed or that it removes that sub-section (a) or adds to it "an offense under this Ordinance as may be decided by the court" or words to that effect if Mr. Legal Adviser might find fault, but definitely there is no doubt in my mind that as it is now.... would be amendment, again I repeat, "every holder of a chauffeur's or operator's licence who is convicted of an offense under this Ordinance shall forthwith deliver his licence, etc., and be endorsed!" There is no doubt in my mind as to that matter.

Mr. Legal Adviser: I can see that this is an obscure method of doing it. On re-reading I see this, and if the feeling of the Councillor met with the wishes of the House, I would be prepared to re-phrase this so as to make it clearer, if the House would give me a clear direction as to not how to do it but what they want done.

Mr. McKinnon: Mr. Chairman, I'm in complete agreement with the statement made by Mr. Chamberlist.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I was wondering if there wasn't a redundancy need...the proposed amendment, and if the third and fourth lines shouldn't be removed altogether. "Shall forthwith deliver his licence to the judge or magistrate making the conviction" and where the conviction is referred to in paragraph (b) or (c), etc. You see, it's not delivered for the purpose of having the particulars of the conviction endorsed on his licence if Section (a), (d) and (e) aren't included, and then it doesn't have to be delivered.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, might I ask a question from the member of Whitehorse East? Have I correct his feelings that he is not objecting to, the objection is to the ambiguity of the amendment. Is that correct? As outlined in the explanatory notes. Is there any objection on his part in relation to that or is the objections on the ambiguity of the amendment?

Mr. Chamberlist: Mr. Chairman, the explanatory note does not form part of the legislation. We can even find in the Interpretation Ordinance that marginal notes do not form part of legislation. I am not opposed and there is no ambiguity as far as I can see. I say that the amendment to Section 1 does not go far enough because it still allows a, not only does it still allow, as a matter of fact it makes it mandatory because it says quite clearly again, I repeat "shall forthwith deliver his licence", an offense under this, every holder of a chauffeur's or operator's licence is, of course, convicted of an offense under this ordinance - "shall forthwith deliver his licence to the judge or magistrate making the conviction and the judge or magistrate shall endorse the licence so the judge or magistrate has no opportunity to do anything about changing his mind about this or not wanting to endorse it. It says that he has to do it because he has been convicted of an offense under this ordinance. Now, if members of this Committee agree with me that on the principle that this should not be then all we have to do is ask the Legal Adviser to re-write, or accordingly, take out this from the ordinance.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Perhaps - I didn't get the answer to my question. The purpose of this particular Section, from my understanding, is to give effect to the fact that a magistrate will endorse a licence only upon infractions of the Criminal Code.

Mr. Chamberlist: That's what we want, but it doesn't do it.

Mr. Dumas: That's right.

Mr. Shaw: Now, due to the ambiguity, or to my lack of knowledge, it appears that there is a certain amount of ambiguity and I was asking if this was the only objection that the member from Whitehorse East has, is that the principles is accepted but not the way it's put down in the - in other words, the principle of only being convictions under the Criminal Code, that, this would appear that you would turn it in regardless and have it endorsed. In other words is ambiguous.

Mr. Chamberlist: I will agree with Mr. Shaw.

BILL Mr. Chairman: Well, gentlemen, is Committee agreed that Mr. Legal  
NO. 4 Adviser do indeed review this Section and propose a re-draft. Is  
this your wishes along the lines suggested from the member from  
Whitehorse East?

All: Agreed.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: Before you conclude, Sir, there is more purpose  
in delivering the licence to the magistrate than merely endorsing it.  
The magistrate has to have the power to call for the licence to look  
at it so that he can see whether there were endorsements on it before  
or not, so the words "shall forthwith deliver his licence to the  
judge or magistrate making the conviction" in respect of (a), (b)  
and (e) must, I would submit, remain in the particular Section but  
if the words "for the purpose of having the particulars of the  
convictions endorsed on his licence" were removed, then the ambiguity  
which arises would, I think, be cured and then the Section would  
read "shall forthwith deliver his licence to the judge or magistr  
making the conviction" and where the conviction is for an offense  
referred to in paragraph (b) or (c), the judge or magistrate shall  
endorse on the licence the particulars of the conviction. This might  
be a point if one of the Honourable Members would propose an amendment  
to that effect.

Mr. Chairman: I am wondering if Committee would agree that Mr. Law  
Clerk take note of these proposed amendments and we could have them  
in draft form so that we might then have them proposed. I think this  
has been their practice in the past and it gives us an opportunity to  
view them again and make sure they are quite correct. Councillor Dumas.

Mr. Dumas: Is it necessary to make a motion, Mr. Chairman?

Mr. Chairman: No, I wouldn't think so at this time. Councillor Shaw.

Mr. Shaw: I would like to ask a question in relation to this. We  
do have - like I very much agree with over-parking and minor  
infractions, that are not quite sufficiently serious not to warrant  
endorsement of the licence. However, it does state speeding as not  
being a very serious offense. Now, if a person speeds in a school  
zone and almost makes a practice of that, not something that is over-  
looked when your're going five miles an hour, but to somewhat dis-  
regard these type of things. Now, that to me comes in the category  
of a very serious offense and I wondered, would this be covered in  
the Criminal Code or would this person be just lightly tapped on the  
shoulder and given a \$2.00 fine for continual repetition of such an  
occurrence?

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: Normally that would be covered in the Ordinance,  
unless the person is charged with a Criminal Code offense in respect  
of it. If somebody went through a school zone at 50 m.p.h. I would  
anticipate the police would lay a charge of reckless driving in some  
form, but if he was merely charged with speeding as such, it would  
be under our own Motor Vehicles Ordinance, and so would escape  
endorsement if the Council passed the proposed amendment in its  
present form.

Mr. Shaw: You see, there's just one thing that does alarm me, the  
odd infraction, these things happen to people, myself and other  
people perhaps - it doesn't seem thoughtless at the time, but there  
are people that are a menace and they continually speed. Those are



the kind of people that I think do require an endorsement of their licence definitely, and I wouldn't like to make it that these people would be scot-free each time with a \$5.00 fine. BILL NO. 4

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I wonder, Mr. Legal Adviser, if the word may endorse on the licence the particulars of the conviction would give discretion re power to a magistrate if there was exclusion of certain offenses because what Councillor Shaw has said is quite correct - if there is speeding, lets say in an area where, it is not necessarily reckless driving - but speeding, the necessity for endorsement may well be there, but if we give discretionary power to a magistrate, perhaps that would answer that particular problem.

Mr. Legal Adviser: There would be no difficulty in drafting such an amendment so that an amendment would be run without tieing myself down to exactly how it would run. It would run something like this - shall forthwith deliver his licence to the judge or magistrate making the conviction and where the offense was in respect of Section 33 (a) or (e) the magistrate may endorse the licence where the conviction is in respect of (b) and (c) the magistrate shall endorse the licence. There would be no difficulty about doing that provided that Council give a clear policy directive in the matter.

Mr. Shaw: Mr. Chairman, that would satisfy me very much.

Mr. Chairman: Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, couldn't I ask the Legal Adviser, isn't there prerogative in the Crown to lay the charge either under the Motor Vehicles Ordinance or under the Criminal Code, so it's there anyway. If this type of reckless driving is being done by the motorist, the Crown has a prerogative of laying a charge of reckless driving under the Criminal Code and then the licence shall be endorsed. They still have the discretionary power.

Mr. Legal Adviser: I don't want to be drawn in as part into a discussion of the Crown's prerogative, but as I would see the **position** at present where, we had the discussion sometime earlier with regard to crimes - any charge which is being laid in respect of the Criminal Code of Canada would lie in the prerogative of the Attorney General of Canada and through his representative, the prosecutor, as the case may be, or the R.C.M.P. Any charge which is laid in respect of the Motor Vehicles Ordinance or any statute made by this body the prerogative would still lie in the Crown but it would be dictated by a different head, so to speak.

Mr. Chairman: Might I ask one question to make it clear on this? I'm wondering if in relation to sub-section 4, Mr. Legal Adviser, is this to facilitate the renewal of licences without having to go back and having them resigned? Sub-section 4 of Section 1 of the Bill.

Mr. Legal Adviser: This is merely establishing a prima facie proof, which means, its Latin for first go, so that if a document, such as the document mentioned here, which is produced to the courts which purports to be signed by a magistrate or judge, as the case might be, and then unless a serious challenge is to anyone, then it would be automatically accepted. If the accused says that I know that is not the magistrate, well then the magistrate or some other evidence of his signature would have to be called.

Mr. Chairman: Thank you. I misinterpreted that. Is there anything further on Section 1, gentlemen? Councillor Chamberlist.

AA

BILL Mr. Chamberlist: I would suggest, Mr. Chairman, that your  
NO. 4 suggestion to the Legal Adviser be followed, that he obtain for us  
a draft form of an amended section to No. 1

Mr. Chairman: Yes, the general practice, gentlemen, in the past  
in dealing with Bills of this nature is to take them section by  
section and then giving the Legal Adviser an opportunity to consider  
the amendments and come up with a draft form on the proposals so  
that we can kick them around prior to having the Act amended.

Mr. Legal Adviser: In order that I may get my draft clear,  
Mr. Chairman, do I understand it to be the wish of the House, through  
you, that an amendment should be prepared in similar terms with the  
suggested amendment to sub-section 1, but providing for a discretion  
on the magistrate's part in respect of the offenses we were talking  
about, local offenses, and taking away the discretion in respect of  
Criminal Code offenses?

Mr. Chairman: Is this agreed upon?

All: Agreed.

Mr. Chairman: ~~The next section~~ then is Section 2. Section 95 of  
the said Ordinance is repealed and the following substituted there-  
fore. Section 95. "Except as provided in section 97, where two  
vehicles approach or enter an intersection from different highways  
at approximately the same time and there are no "Yield" signs, a  
driver shall yield the right of way to the vehicle that is on his  
right, but where there is a "Yield" sign, the driver facing the sign  
shall yield the right of way to all other traffic."

Mr. Legal Adviser: Sir, might I speak on that briefly?

Mr. Chairman: Proceed, Mr. Legal Adviser.

Mr. Legal Adviser: I doubt if this will cause much concern to  
Council - this particular amendment. Its mainly to say paint.  
The signs which are used throughout the country have embossed in  
paint on them the word "Yield", but in the ordinance the sign should  
have read "Yield right of way". Therefore, from a technical point  
of view in common with the points raised with regard to prescribing  
regulations, the signs are technically illegal. So, we prefer to  
put the matter straight.

Mr. Chairman: This is merely a housekeeping measure. I see. Do  
you gentlemen have anything further on Section 2, or are you agreed?

All: Agreed.

Mr. Chairman: The next section is Section 3. The said ordinance  
is further amended by adding thereto, immediately after Section 115  
thereof, the following section: "115A. No driver shall leave his  
motor vehicle unattended while the motor of such vehicle is in  
operation unless the windows of that vehicle are closed and the  
doors are closed and locked."

Mr. Chamberlist: Mr. Chairman, I would like to speak at some length  
on this. Just recently there was a prosecution here on a by-law  
very similar to this where the man was outside his car speaking to  
somebody. They were both sitting on the bonnet of the car, leaning  
against it, and the man was.....

Mr. McKinnon: Translate.

Mr. Dumas: Translate. What's a bonnet.

BILL  
NO. 4

Mr. Chamberlist: The body. Forgive my English. ....and there was a discussion going on and the city policeman, he writes out a ticket for allowing the man's keys to be left in the car, leaving the engine running, leaving it unattended. Well, that was one of the things that I took in court, but of course the magistrate threw it out. He laughed at me, for the simple reason how do you know, the way this is written - no driver shall leave his motor vehicle unattended while the motor of such vehicle is in operation unless the windows of the vehicle are closed and the doors are closed and locked. How many keys do you need? What do you do, leave the keys in the lock? Leave the engine running? What about the winter time? Most people need to keep their vehicles running. I know the problems of the people in the city of Whitehorse and I would under no circumstances with any alterations at all even accept in an ordinance a piece of legislation of this nature, especially in this area where we are required to leave our cars open at times to keep our engines warm. We have to expect that everybody in the country is a thief and make no mistake about it if anybody wants to drive a vehicle away he can drive a vehicle away whether the door is locked or not, whether there is a key in the ignition or not. Anybody that has a little bit of mechanical background or a little knowledge could just take that car away. You show me a vehicle that I can't open a lock of the vehicle or that I can't get started unless you take the distributor out and all the plugs, and then I can buy some replacements and put them in, but no I would not support this and I would ask this Council, members of this Committee, really to throw it out.

Mr. Chairman: Councillor Dumas:

Mr. Dumas: Mr. Chairman, I wonder if the Commissioner would - it seems like a ludicrous suggestion, but I wonder if the Commissioner might tell us why he cannot prevent this.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Well, the explanatory notes are here, gentlemen. These various proposed changes to the Motor Vehicles Ordinance have been brought to our attention from time to time by the courts, the law enforcement officers and in some instances the general public and this is the present accumulation of these things that we have and we are presenting them to you. We feel it's our duty to bring these things forward, and if Council in their wisdom see fit that this is what they wish to have then this is fine, and if in their wisdom they feel that this is not what they wish to have, this is fine too, but we're definitely going to bring them forward as these matters are presented to us, and the explanation that is here, Section 115A, is proposed to prevent drivers leaving their engines running and cars unattended is a situation which is said to encourage theft of automobiles, and I believe I am quite correct when I say that the incidents of automobile theft is a consequence of this in the Territory has been fairly great. Likewise, I express myself personally on this matter when I say that I think it is absolutely impossible to enforce such a provision. There are not enough law enforcement officers in the Territory, really, to enforce a particular situation and the only benefit that I can see accruing is the one that is marked here as a matter of discouraging theft of cars that are left unattended. This is really the one benefit that would possibly.....

Mr. Chairman: Councillor Chamberlist, would you take the chair a moment?

BILL Councillor Chamberlist: Yes.  
NO. 4

Mr. Taylor: I just wanted to say something on this just to let you know my feelings on the matter, Mr. Chairman, and I think that on the grounds alone that the nature of the climate here in the Yukon Territory is such that we must keep our cars running, though unattended at times, is enough to indicate that this section should not be permitted to have any part of the Motor Vehicles Ordinance. I need not elaborate on this. You just don't shut your car down unnecessarily and go shopping, or do what you're doing, and come back and sit in a cold car. That isn't what cars are for, and this is just out of the question. And in relation to - the suggestion has no doubt come from the Royal Canadian Mounted Police in an effort to try and reduce the numbers of stolen vehicles, I suppose - but you might as well say, well no person shall leave their home unlocked for fear somebody will come and steal things from you, or you shouldn't put plates on tables in cafes, or silverware, for fear of somebody walking out the door with a knife or fork in his hip pocket. It has the same meaning to me, and though it may assist the officers of the law in that by everybody keeping their doors locked. I don't think everybody would keep their doors locked. If we ever did bring this into effect, just that many more offenses that the general public would be subjected to and I think that would be wrongly so, and so I hope that someone will move that this section be deleted from the Bill, and it will certainly have my support. Thank you, Councillor Chamberlist, and I will resume the chair.

Mr. McKinnon: Mr. Chairman, I think that all law has to be tempered to meet particular circumstances, and I would just like to give you an example of what we're arriving at in Whitehorse, particularly if this law is passed. I pull up at Mac's News Stand to pick up my paper for the evening. I have to run out of the car. Now I have to plug some money into a one-armed bandit that's in front of the news stand in the first place. I leave my car running, I run in, pick up my paper, run out and the city policeman could be also writing up a ticket in that space of two minutes that I left it unattended and this is just a little too much. It's one of the reasons why I came north originally, to escape from this kind of situation, and if such situations are going to start arising in the north, Inuvik here I come.

Mr. Chairman: Councillor Shaw:

Mr. Shaw: Mr. Chairman, in relation to what Councillor McKinnon just stated, maybe he should go a bit farther north. They don't have any parking meters up there. This particular section - its very good for people to follow something like that. Its very sensible. However, I think its very bad to have it as a law. Another thing that is strenuous is the fact that this may be that in the event that a car is stolen that wasn't locked up, it would appear to me that an insurance company could say well we are not liable. What you were doing was against the law. That could conceivably happen. In other words if you're doing something that is criminal or offense then the liability is taken away from whatever it may be. Anyway, myself, I would feel that this, though its very sensible and people should follow that, I would hesitate to ever make it a law.

Mrs. Gordon: I think that the Councillors and the people in the Whitehorse area have a definite advantage over Councillor Shaw's territory and my own. At least you have one-armed bandits here. Maybe you should add to the things and put your plugs in and add a little extra, add that heat and then your car could be locked. We in the north don't have this sort of thing, and unless our vehicles

are equipped with the type of heater that when you turn the key on you've got instant heat in your car. How are we going to take care of this sort of situation?

BILL  
NO. 4

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, would it be in order to move now that section 3 of Bill No. 4 be deleted?

Mr. Chairman: Yes, it would be quite in order.

Mr. Chamberlist: I would second that motion.

Mr. Livesey: Mr. Chairman, before the question is called in respect to the motion, I can assure administration that locking cars and running up the windows is certainly not going to prevent anyone who wants to steal a car from stealing one at all, because I had one happen to me. I locked the car and I took the keys out and the windows were up and during the night, why two escapees from Alaska came across the border, past the customs, ran the customs, stole my car and very fortunately we have a very excellent R.C.M.P. force in the Yukon, and they waited until they got into Haines Junction, and about two miles past Haines Junction why they nailed them, and they were quite surprised and asked the police officers why they were stopping them and the police said well, maybe if you'll turn around maybe they'll ask you that same question back at the Junction. So this doesn't stop anyone. They jimmed the window open. They kept working on it until they pried it open, and then they shorted the key switches so its not - this doesn't stop anything. Not only that, but if you put this into force, I feel that there may be possibly at some time or another, this question may have come before two municipalities. Now, they may have thought of this but as far as the rest of the Territory is concerned, I don't know. I think there are more vehicles operated, especially during the busy season in areas outside of Whitehorse where doors are never closed, the windows are certainly always open and you're in and out of your vehicle and at any time you don't step out and don't follow this your're automatically going to be imposed to the Motor Vehicles Ordinance, and I say I think this is going to be a pretty hard one to follow. I can certainly see the reason why its been brought forward because, Heaven knows, we need to stop and do everything we can on our part to prevent the theft of motor vehicles. At this point, Mr. Chairman, unless some other means is devised, I don't feel that this is going to do the job that is intended.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: There is one other point that I would like to make clear with you which is really laughable because here we're asked to do something by way of putting something in the Territorial Ordinance and I don't know if you people are aware of it but the city of Whitehorse by-law makes it an offense to leave the keys in the ignition, so that whether the door is locked or otherwise and you leave the keys in the ignition - this is an offense. So here we have a Territorial Ordinance saying that would be saying in actual fact, you should have your vehicle running, and this is fine, and the city of Whitehorse say that if you have your keys in the ignition then you've committed an offense, and they've already got this in their books, so again I second the motion.

Mr. Chairman: Well, gentlemen, I have a motion before Committee. Its been moved by Councillor Dumas and seconded by Councillor Chamberlist that section 3 of Bill No. 4 be deleted.

MOTION CARRIED

MOTION  
CARRIED

BILL  
NO. 4

Mr. Chairman: The next section is section 4. The said Ordinance is further amended by adding thereto, immediately after section 130 thereof, the following section: "130A. Where it is shown that a traffic control device exists, such fact shall be prima facie proof that the device was erected and maintained in accordance with the provisions of this Ordinance and the regulations." Mr. Legal Adviser, would you have any comment on this?

Mr. Legal Adviser: This is to make it easier to prove an offense without calling a special witness in for the purpose. If a person accused of a traffic offense makes the point of allegation that the traffic control device, which includes signs and lights of all descriptions, was not maintained then of course the Crown would have to call proof of evidence that it was and that would be subject to cross-examination in the normal way, but where this fact wasn't contested, well then the fact that the particular witness said that a sign was there is indeed prima facie proof without anything further. It saves costs in prosecution and it doesn't do any injustice to the accused person who wishes to contest the validity of the sign.

Mr. Chairman: One question from the chair. Does this also cover a contractor who erects a barrier while he digs a ditch across the street or elsewhere in a municipality?

Mr. Legal Adviser: I wouldn't be sure of this. I couldn't give you a quick answer on it.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: I think the Legal Adviser has answered the question that I was about to ask, that is if the traffic control device in fact was improperly, or was covered up, marked up in some way that you couldn't read it, could you contest this in court, and I think he said that you could.

Mr. Legal Adviser: Yes.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Section 130 says that no person shall tear, deface, injure or otherwise molest a sign or notice directly posted up under lawful authority for the purpose of guiding or warning persons driving a vehicle, or pedestrians, or others on the highway. If a sign is placed up that says No Parking, would there not be a danger, and this question is for Mr. Legal Adviser, that it might be misconstrued as a traffic control device that has been put in by lawful authority in that somebody could be prosecuted and the fact that it is shown as a, that a traffic control device exists would perhaps place a person in the unfortunate position who does not know whether it has been placed by lawful authority or not as to his defense. Some time ago, outside the Whitehorse Inn there was a sign that said Yellow Cabs Taxi Stand and a ticket was issued by a city constable a couple of years ago for parking in a taxi stand, and I had to go to the trouble of defending the young man and finding out that it was not a lawful traffic sign. Now, he might not have known this and he might have gone and pleaded guilty because there was a traffic sign that said Yellow Cabs Parking Stand.

*Handwritten mark*

Mr. Legal Adviser: There is a possibility of confusion that always exists and if a property owner has sufficient nerve to put up a no parking sign and if people are foolish enough to accept it, I don't think there is very much that the law can do about it. BILL NO. 4

Mr. Chairman: Gentlemen, are you in agreement with Section 4?

Mr. Chamberlist: I'm opposed.

Mr. Chairman: Would those in agreement please signify. I must take it that we are in general agreement. Gentlemen, the situation in relation to Bill No. 4 at this point is that Mr. Legal Adviser will be producing for us a rough draft of a new amendment of Section 1, Section 2 is cleared, Section 3 has been deleted and Section 4 is clear, and this of course at this point in time brings us as far as we can go with this Bill and further gentlemen that this brings us to the point where we have nothing left that we can deal with.

Mr. Commissioner: Mr. Chairman, if it was Council's wishes to deal with the amendment to the Insane Persons Ordinance, I believe that I have the information available that Council asked for, namely the cost to the Territory of these committal costs, and I have them here. They can be distributed, Mr. Chairman, if it is so wished, if it is Council's wishes to proceed. BILL NO. 1

Mr. Chairman: Do you gentlemen wish to proceed to Bill No. 1?

All: Agreed.

Mr. Commissioner: Do you want the Clerk to distribute this?

Mr. Chairman: Yes, please. May I have your direction as to how you wish to proceed in this matter. Councillor Dumas.

Mr. Dumas: I would like to ask a question, Mr. Chairman, if it is in order, on the paper just given us. Sub-section b) right at the bottom.

Mr. Commissioner: Which page are you on?

Mr. Dumas: The first page. "If any property is sold - Public Administrator's fees are deducted and the remainder is used to offset expenditure." Is this the case all the time, or is this at the discretion of the Commissioner as laid out in Section 9 of the Ordinance?

Mr. Commissioner: This is where Section 9 applies. This is where the discretionary power is actually brought forth.

Mr. Dumas: Then, as it reads there "and the remainder is used to offset expenditure", I would - it possibly means that the remainder may be used to offset expenditure. Is that right?

Mr. Commissioner: Yes.

Mr. Dumas: Yes. Thank you.

Mr. Chairman: Councillor Chamberlist.

BILL  
#1

Mr. Chamberlist: In looking at the Yukon Act, Mr. Chairman, originally the Yukon Act of '52-'53 Section 48 made reference to Insane Persons. Since that time, the amendment of the 16th of June 1966, that particular section now is headed Mentally Disordered Persons, to make it plain to the general public, now what I would like to be sure in my mind is this, that according to Section 48 (2) .....should be paid to a province under sub-section (1) shall be paid out of the Yukon Consolidated Revenue Fund. Well, is this compulsory that the Territorial Government have to pay for the care of mentally disordered persons because if the Yukon Act says that it is compulsory, I don't see why we have to discuss it at all. We can not go any further, that is the main thing.

Mr. Commissioner: Mr. Chairman, subject to a further answer from the Legal Adviser, we are billed to pay on a service-rendered basis from the provinces for the use of mental health facilities, and I think you will see here on this first page that the expenditures here are estimated at \$9.50 per day. This is the rate that has been in effect up until recently and I understand from the Territorial Treasurer that this rate has recently been raised by something in the order of \$1.00 a day, and I have no knowledge of any way that we can avoid paying this account to the provincial organization that renders it to the Territory, but I would also advise Council that there are certain recoveries that we make from the federal government with regard to mental health treatment and while these recoveries are involved with all hospitalization they apply to people who are hospitalized for mental purposes as well as for any other person. In other words, of this \$10.00 that we pay to a provincial institution, this is part of the total cost of providing hospital services to people in the Yukon Territory and we have certain recoveries from the federal government.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I don't think I got my questions answered although you gave us a wealth of information, Mr. Commissioner. My question is this, if the Yukon Act says that we must pay, we shall pay, or shall be paid out of the Yukon Consolidated Revenue Fund to another province, we are then bound to pay for it. Now, if it has to be paid out of the Yukon Revenue Fund, what was that Section 9 doing in the Insane Persons Ordinance in the first place and perhaps, this is what I want to know, if we have to pay it we have no argument about it - it can be in or it can be out. We still have to take care of it. Perhaps Mr. Legal Adviser could answer that.

Mr. Chairman: Mr. Legal Adviser:

Mr. Legal Adviser: The Section which the administration suggests should be removed from the Insane Persons Ordinance is a Section which gives the Commissioner and the administration a discretion as to whether to attempt to recover from the patient and his relations the cost of the hospital maintenance and so on incurred in respect of it. The Section to which the Honourable Member refers deals with the relationship, not with the Territory and the patient, but between the Territory and the province. In other words, we are empowered under this Section to make a payment to the Government of British Columbia in respect of the service provided by them to us for looking after the patients we send them down, but as I understand the position to be, an attempt is made in practice to return non-residents of the Yukon to their home area in which event the charge for maintenance falls on the province from which they came in the first place but the cost of returning the particular patient to that place would of course be borne by us. This is an attempt to save the Territory some money.



Mr. Chairman: Councillor Chamberlist.

BILL  
#1

Mr. Chamberlist: I appreciate the purpose, Mr. Chairman, of what Section 9 of the Ordinance was for. Well, what I do not appreciate is how it got there in the first place if the Commissioner hasn't got any power - I can't find where the Commissioner had the power to make legislation to charge somebody back for any services when the Yukon Act provides that the Yukon Consolidated Revenue Fund that shall pay that money. Does Mr. Legal Adviser follow me there?

Mr. Legal Adviser: I think I follow you, but the legislation exists in the statute book which enables the Commissioner to do this. It's there in Section 9.

Mr. Chamberlist: Of the Ordinance, but not of the Yukon Act.

Mr. Legal Adviser: Under the Yukon Act it's attempting to provide for a different thing. It is that the first charge falls on the Consolidated Revenue. The next one enables the Commissioner to reimburse the Consolidated Revenue for the payment because was made out of it in the first place to British Columbia or Alberta, as the case might be.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: I fully appreciate what Mr. Legal Adviser said, Mr. Chairman, however I am trying to see where the Commissioner had the authority in the first place to have placed in the legislation or to have asked the Territorial Council who made that piece of legislation up at that time that particular Section to make provision to attempt to get these funds back when the Yukon Act in fact states quite clearly that the money shall be paid out of the Yukon Consolidated Revenue Fund. It doesn't say that the money shall be paid out of the Yukon Consolidated Revenue Fund and then show ways and means where the Commissioner can then get it back from relatives or from the insane persons. Now, this is what I would like to find out, Mr. Legal Adviser, because if there is no provision for the Commissioner to have been able to get that under the powers of the Yukon Act, then we are debating something that wasn't necessary for the simple reason the funds in any event had to be paid for by the Territorial Government out of the Yukon Consolidated Revenue Fund. This is my point.

Mr. Legal Adviser: I think we're arguing, Sir, with regard to this because the Ordinance exists, and here in Section 9 the power exists for the Commissioner to be charged and this is what we are dealing with. Nobody has so far to my knowledge contested that the original Ordinance is untravieing the power of the Territorial Council. It e sts, whoever made it and the power to charge the Consolidated Fund with the costs of the patients in British Columbia ..... by virtue of the Yukon Act, and therefore we are dealing with facts not hypothesis.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: That was the point I was going to make. Is sub-section, is Section 9 of the Insane Persons Ordinance, ultra vires in fact of the Council?

Mr. Legal Adviser: I have no reason to think it is.

BILL #1 Mr. Chairman: Gentlemen, did you have anything further on this?  
Councillor Chamberlist:

Mr. Chamberlist: I think it is very important we have to get these things cleared up properly. Mr. Legal Adviser says that he doesn't think there is. Well, could Mr. Legal Adviser show me where it is not. In other words, where is the power that the Commissioner had to place, to have that Section in. Where has he got the power given from the Yukon Act to the Commissioner and the Territorial Council to place into that Section provisions for recovery funds from the insane person or their relatives. Now, if I could be shown that, perhaps it would help me in making my decision as to whether Section 9 of the Insane Persons Ordinance should be repealed, because at the moment I don't know if it had a right to be there in the first place.

Mr. Legal Adviser: What I think it would lie in Section 16, sub-paragraph h), the property of civil rights would deal with what can happen to the insane person. We also have the power to with the establishment and maintenance and management of hospitals in and for the Yukon, and we also have under x) generally all matters of a local or private nature in the Territory, and if we wanted to resolve a doubt we could have enordered Council to designate by the Governor in Council for such other matters are from time to time designated. It has never been contested, except on this occasion. If I had to answer the same question any oftener, I think we would need.....to send me down to B.C. under Section 9.

Mr. Chairman: Gentlemen, it appears that you are going to be debating so I think we had better call a brief recess

Page 125.

Friday, November 10, 1967.  
3.30 o'clock p.m.

Chairman: Gentlemen, we will now call Committee back to order and is it agreeable to Members that we conclude our discussions at this point on Bill No. 1?

BILL NO. 1

Mr. McKinnon: Before we conclude discussions on this Bill I would like to make my declaration on this policy clear which I feel should be entailed in handling Bill No. 1; to amend the Insane Persons Ordinance. As the Bill now stands I am quite prepared to leave the discretionary powers in the hands of the Commissioner. I am ensured and I am positive that the Commissioner is exercising these powers in a humane fashion and I am satisfied to see the Bill remain as it is.

Mr. Chairman: Is the Committee agreeable?

All: Agreed.

Mr. Chairman: This now concludes all matters we have before us. What is your further pleasure at this time?

Mr. Livesey: I believe on the Workmen's Compensation Board if we contacted or had the Commissioner here for a last moment perhaps we could get clarification on this issue and maybe I would be further ahead on Tuesday if he were here.

WORKMEN'S  
COMPENSA-  
TION

Mr. Chairman: Gentlemen, there is one problem which is a procedural one and that is, there is nothing in Committee in relation to Workmen's Compensation nor have we anything in regard to a Sessional Paper.

Mr. Chamberlist: Mr. Chairman, I must apologize for this. It was my intention to move that we wait until Tuesday and then move Sessional Paper No. 15 into Committee which Sessional Paper has the answers to some of my questions to Mr. Commissioner on Workmen's Compensation and I agree with the Chairman that we must have some kind of policy to follow.

Mr. Chairman: Sessional Paper No. 15 has not even been tabled.

Mr. Livesey: This is quite true. If Mr. Commissioner did arrive this afternoon for a few minutes and get some clarification here I feel we would be in a better position after our weekend to discuss this matter.

Mr. Chairman: If you wish to generally discuss this matter in Committee I am not too clear on the rules on this point, but I will bend to your wishes. Gentlemen, this Sessional Paper has not been tabled and referred to Committee so if it is your wish to request Mr. Commissioner .....

Mr. McKinnon: No, Mr. Chairman, I am still concerned with the rules and feel that we should follow them. We agreed at the beginning of this Session that if a Sessional Paper came before us it would be tabled in the House and if any member wished it could be moved into Committee for discussion.

WORKMEN'S Mr. Livesey: These remarks are not meant to contravene  
COMPENSATION the rules. All I am seeking is clarification of any further  
advice that we may get. This has nothing to do with rules  
on Sessional Papers.

Mr. Chairman: The matter has never risen in Committee.

Mr. Commissioner enters the Chamber.

Mr. Livesey: Mr. Chairman, if I could enquire from Mr.  
Commissioner at this point if he has anything further for  
us on Workmen's Compensation?

Mr. Commissioner: Mr. Chairman, I think the main point in  
question here is the legality portion of the first part of  
Councillor Chamberlist's question, namely the origin that  
was used to establish the Workmen's Compensation, the adminis-  
trative office in Edmonton. Now I wanted to advise Council  
as to what I have done to answer this.

Mr. Chairman: Once again, in adherence to rules in relation  
to Workmen's Compensation and this would mean opening of a  
new area of discussion and in adherence to the rules, I  
cannot allow this as Chairman. I am not permitted to allow  
discussion. However, if Committee feels otherwise I am  
at your direction.

Mr. Chamberlist: Mr. Chairman, I just agree with you. We  
have a form to follow.

Mr. Chairman: What would be your further pleasure, gentle-  
men?

Mr. McKinnon: I move that Mr. Speaker resume the Chair  
and hear Report of Committee.

Mr. Chamberlist: I second that Motion.

Mr. Chairman: In relation to the moving of Mr. Speaker to  
resume the Chair it has been our practice to mention in the  
past the words "and hear the Report of the Chairman of  
Committee" and I have had communication with Mr. Speaker  
and he advises me that this is not required. The Motion  
simply requires that the Speaker do now resume the Chair.

Mr. Chairman: It has been moved by Councillor McKinnon  
and seconded by Councillor Chamberlist that Mr. Speaker do  
now resume the Chair. Are you prepared for the question?  
Are you agreed to the Motion? Any contrary. I declare the  
Motion carried.

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: I will now call Council to Order. May we have  
report from the Chairman of Committee.

REPORT OF  
CHAIRMAN  
OF  
COMMITTEE

Mr. Chairman: Mr. Speaker, Committee convened at 10.55 A.M.  
to discuss Bills, Motions and Memoranda. Mr. John Summers  
attended Committee to assist discussions related to the take-  
over of Fisheries. Committee recessed at twelve noon and  
reconvened at 2:00 P.M. Motion No. 4 was carried in  
Committee. It was moved by Councillor Dumas and seconded  
by Councillor Chamberlist that Section 3 of Bill No. 4  
be deleted. Motion carried. I can report progress on  
Bill No. 4. It was moved by Councillor McKinnon and  
seconded by Councillor Chamberlist that Mr. Speaker do  
now resume the Chair. Motion Carried.

Mr. Speaker: You have heard the Report of Chairman of Committee. Are you agreed? May I remind the House of the function tomorrow at the Cenotaph and the attendance of the bearers at 10:30 A.M. for the Remembrance Ceremony.

Mr. Taylor: In relation to the agenda, we have no Sessional Papers in Committee. We have one Motion and those Bills awaiting information from Administration.

Mr. Commissioner: Would it be in order for me at this time to ask Council if I may for a decision on an information paper I submitted to you regarding the meeting of the Economic Advisery Committee?

Mr. Chairman: For the edification of Mr. Speaker and the House, on Thursday the 16th November we set that date for dealing with the housing problem. However I would suggest in order to expedite matters you could, on behalf of the House, meet with Administration in order that a suitable date, suitable to both parties, could be arranged.

Mr. Speaker: Does the House agree?

All: Agreed.

Mr. Speaker: Is that satisfactory to Mr. Commissioner?

Mr. Commissioner: Yes.

Mr. Speaker: May I have your further directions.

Mr. McKinnon: Mr. Speaker, I wonder if it would be in order for me to suggest that since the House of our Sister Territory meets in Yellowknife for the first time as a government resident in the Northwest Territories, whether the House would address some sort of communication to them wishing them well.

Mr. Chamberlist: I think this is an excellent suggestion and I support it.

Mr. Taylor: I wholeheartedly agree that for the first time the permanent elective Government of the Northwest Territories will be meeting in Yellowknife and I think it would be very nice if Mr. Speaker, on behalf of all members of the Council would convey a telegram of good wishes to them.

Mr. Speaker: Does the House agree?

All: Agreed.

Mr. Speaker: May I have your further directions, gentlemen? If there is nothing further I suggest a Motion adjourning the House.

Mr. Chamberlist: Mr. Speaker, I move that we adjourn.

Mr. Speaker: I believe the date should be stated.

Mr. Chamberlist: Mr. Speaker, I move that we adjourn until Tuesday the 14th of November at 10:00 A.M.

Mr. Speaker: Is there a seconder?

Mr. Dumas: Mr. Speaker, I will second that Motion.

Mr. Speaker: Is the House prepared for the Motion. Are you agreed? I will declare the Motion carried. The House now stands adjourned until 10:00 A.M. on Tuesday morning.

CA

Page 128.  
Tuesday, November 14, 1967.  
10:00 o'clock a.m.

Mr. Speaker read the daily prayer. All Councillors, Mr. Commissioner and Mr. Legal Adviser were present.

Mr. Speaker: Mr. Clerk, is there a quorum present?

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to order. I have for your attention this morning the matter of housing which has been called for at 2:00 P.M. on Thursday and the Economic Study has been decided, with your wishes, to be the 22nd of November. The telegram that it was requested we forward to the Northwest Territories' Commissioner and Council has been done. I will table this morning Sessional Paper No. 15 re questions on Workmen's Compensation; Sessional Paper No. 16 re Position Classification and Pay Plan; Sessional Paper No. 17, Data Processing; Sessional Paper No. 18, Emergency Measures Organization; and Sessional Paper No. 19, Progress, Alcohol Research in the Schools. Are there any Reports?

SESSIONAL  
PAPER  
#15  
#16  
#17  
#18  
#19

Mr. Commissioner: Mr. Speaker, I would like to confirm that I have communicated the date of November 22 to Dr. Carr of Carr and Associates as the desirable date for them to meet with Territorial Council and as soon as confirmation of this date has been received, I will so advise you. Likewise, I would say as a matter of interest, that Commissioner Hodgson telephoned me yesterday morning prior to the opening of Council in Yellowknife and in the course of the conversation he advised me that he received your communication from the Council and a communication that I had sent from my own office and that these would be read yesterday at the Council Session in Yellowknife.

Mr. Speaker: Thank you, Mr. Commissioner. Are there any further reports?

Mr. Taylor: Mr. Speaker, I wonder if it would be possible to know the contents of these communications from Council to the Northwest Territories' Council?

Mr. Speaker: I am sorry. I will have to rule that out of order. This is merely the section for Reports of Committee. I wonder if perhaps the Member could bring that up later in the question period. Introduction of Bills.

Moved by Councillor Shaw, seconded by Councillor Chamberlist, that Bill No. 6, An Ordinance to Amend the Local Improvement District Ordinance, be introduced at this time.

BILL #6  
INTRO-  
DUCED  
MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: Are there any further Bills at this time to be introduced? May we pass to Notices of Motion or Resolution. Are there any Notices of Motion or Resolution?

Mr. Chamberlist: Mr. Speaker, I wish to give Notice of Motion that the Sessional Papers Nos. 15 and 16 be passed into Committee for debate.

NOTICE OF  
MOTION #8

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

NOTICE OF  
MOTION #9

Mr. McKinnon: Mr. Speaker, I would like to give Notice of Motion concerning the residency qualifications in the Low Cost Housing Regulations.

MOTION  
#4

Mr. Speaker: Are there further Notices of Motion at this time? Under Orders of the Day, Notices of Motion for the Production of Papers. There are no Motions for the Production of Papers. May we, therefore, pass to Motions. You will note on the Order Paper that No. 1, Mr. Chamberlist, is in Committee. May we pass to Motion No. 4, Mr. Taylor, Public Utilities Commission. This Motion reads: "Moved by the Honourable Member from Watson Lake, seconded by the Honourable Member from Whitehorse East, re Public Utilities Commission. It is the opinion of Council that a Utilities Commission be constituted at the earliest possible moment with a view to investigate all aspects of public utilities in the Yukon, and that funds be made available to ensure that such utilities commission may function to the fullest extent possible." Would the Member be prepared to discuss this question at this time?

Mr. Taylor: Yes, Mr. Speaker. In speaking to my Motion, what I am attempting to do is to once again revive the matter of public utilities here in the Yukon and their investigation. I foresee here, as we have in former Councils foreseen, a great need for investigation of power costs, transportation costs, etc. I am of the firm opinion that all public utilities should be watched over by some group and this should be an impartial body who would make these people justify their tariffs. In 1966-67 an amount was placed in the Budget, in our Estimates, for that year in the amount of \$10,000.00 in order to do this. This money, of course, was not spent and no Utilities Commission was formed, but we must take a look at the high cost of living here in the Yukon and more particularly in petroleum products, that is in heating fuels and gasoline and so forth - freight tariffs involving all modes of transportation, that is by road, by rail, by boat, by plane, by all manner of transportation. Power - the high cost of electrical energy in the North at a time that we depend so much on electrical power for our general day to day way of life. The passenger tariffs - busses, planes, trains, and so forth - these should be viewed, looked at, to see if they are anywhere in line. I had intended on bringing into this matters of insurance, however I think this is a matter for another Motion. I don't know whether you could consider this a public utility. I think that communication costs should be viewed, that is the cost of telephoning, telegraming, the cost of radio communication, and this type of thing, in order to determine whether or not indeed these charges are fair and equitable to the people of the Yukon. That's what this Motion refers to, Mr. Speaker. It may be that in the Yukon Territory that some of the utilities, suppliers of utilities, may be infringing the Combines Investigation Act but I don't know. The Committee should function with as much latitude as possible and should have the power to insist on complete disclosure of any information related to matters that come under its jurisdiction and by all means it should be an impartial board and I think the Board should be appointed by the Commissioner in Council. So, that is what the Motion refers to, Mr. Speaker. I think it's a very very necessary step forward in the Yukon right now at a time when the cost of living is making it almost unbearable for people in the North and I think we owe it to the general public to get on with this matter as quickly as possible so I would ask for your support for the Motion.

Mr. Speaker: Thank you, Mr. Taylor. Mr. Chamberlist.

Mr. Chamberlist: Mr. Speaker, as seconder of the Motion, MOTION #4  
might I add to Councillor Taylor's remarks the recognition  
that utilities today are no longer luxuries. They are  
necessities of life and it is also another case of where  
we must grow up and, like other provinces in Canada, have  
a body of this description to regulate what is a necessity  
of life in each individual case. It cannot be more strongly  
put when I say every attempt to watch a service to the public  
as to cost is an attempt to contain the quickly rising costs  
of living. We have a function to perform and that is to make  
sure that the people of this Territory are properly taken  
care of as to their immediate requirements and nobody can  
but deny that electricity, communications, transportation  
and all other facets of services to the people are necessary  
requirements. I trust that Members of Council will give  
this Motion their support.

Mr. Shaw: Mr. Speaker, I haven't a copy of this Motion.  
I don't know why but I think I have the contents in my mind.  
This same resolution was passed by Council at the last Session  
or one so very similar that there is very little difference.  
I believe the Commissioner has taken some action in this re-  
spect. Perhaps had this Motion been in the form of Production  
of Papers, we may have got some information on it. I believe  
something is being done with it, however, I must again agree  
with the Motion.

Mr. Commissioner: Mr. Speaker, you have a very sympathetic  
Administration as far as this request is concerned and I  
would refer you to my opening remarks to Council when I  
indicated that the equalization of opportunities throughout  
the Territory, in my humble opinion, starts with the equali-  
zation of utility costs...electricity and heating fuels and  
there has been a considerable amount of initial spade work  
done by senior officers of my Administration to try to get  
this matter organized and formulated and the work that we  
have done up until now...this Motion that Council is putting  
forth at the moment, if they see fit to accept it, will  
simply strengthen our hand and enable us to proceed just  
that much quicker and with just that much firmer a grasp  
that we have the Council's wishes available to strengthen  
our argument.

Mr. Speaker: Thank you, Mr. Commissioner. Is there any  
further discussion on the Motion?

Mr. McKinnon: Mr. Speaker, opposing a Motion to set up a  
Public Utilities Commission would probably be akin to  
opposing motherhood, however I would like to see quite a  
bit of work done before the establishment of such a Committee.  
What I am frightened of is that we would possibly just set  
up another area of government that would in the long run not  
ease the cost to the consumer because of the cost of the  
proliferation of the government department which we all know  
happens so easily in bureaucratic circles. I think that  
there was some talk at one time before this table of the  
Northwest Territories and the Yukon Territory sharing a  
Public Utilities Commission because neither felt that  
they could go the cost of such a Commission on their own  
hook. I think that possibly this facet of it could be  
investigated more thoroughly but, as I say, I am entirely  
behind the principle of such a Commission.



MOTION  
#4

Mr. Commissioner: Mr. Speaker, could I simply say another word in connection with my former remarks that that is precisely what our present investigations are attempting to do - to look into just what we are getting ourselves into here so that we can place factual information before Council and at that particular time Council will have an opportunity to decide on a factual basis just exactly what they are talking about.

Mr. Taylor: Mr. Speaker, in conclusion of debate in this matter, I would like to say that I have taken into account the remarks made by the Honourable Member from Whitehorse North and I, of course, at this point cannot agree that we should link with the Northwest Territories. I think that we should remove ourselves as far as possible from anything involving ourselves and the Northwest Territories in terms of administration. I wish to point out that it is not my intention and I don't think it was ever the intention of any Council before that the Government should have anything to do with this Utilities Commission. This should be an impartial body appointed by the Commissioner in Council... by this group and the Commissioner... and should function as completely independent of Government or any other influence as possible. If we get ourselves involved with the Northwest Territories, I think we all agree that that is an Ottawa oriented virtual bureaucracy in the North and it is so easy for them to take control of such a situation and we would have achieved nothing. Too often we have seen this happen over there and, in fact, it has from time to time spread over here. I really think that we had better get on the road and get something done with this and those would just be my concluding remarks. I would again ask for support of this Motion.

MOTION #4  
CARRIED

MOTION CARRIED

Mr. Speaker: That will complete the Orders of the Day as far as we can go in the House at the moment and we will now move to the question period. I have for your attention information brought to me by the Clerk of the House that a number of the answers to questions already on the Order Paper will possibly be delivered to us today. Proceed, gentlemen.

QUESTION  
#11

Mr. Chamberlist: Mr. Speaker, I wish to address a question to the Commissioner with a preamble of explanation. Mr. Commissioner, in view of the concern shown by many of my constituents in regard to the proposed installation of parking meters in the City of Whitehorse, and because those streets where they are to be installed are in the Territorial constituency of Whitehorse East, and because there is no specific provision in the Municipal Ordinance that gives the Municipality the right to install parking meters, will the Commissioner inform the City of Whitehorse that their act will be ultra vires of Territorial legislation? A written answer for that is requested, Mr. Speaker.

Mr. Speaker: I would think, gentlemen, that this question is quite an important one. I would feel that this should be a matter of Notice of Motion for the Production of Papers.

Mr. Chamberlist: With respect, Mr. Speaker, it is subject to the answer to this question that I have prepared a Notice of Motion and it is as a question I would like an answer from the Commissioner.

Mr. Speaker: I still feel, gentlemen, that this is a question which should be placed on the Order Paper. I am of that opinion and I would so rule.

QUESTION #11

All: Agreed.

Mr. Speaker: May we have further questions from the floor?

Mr. Taylor: Mr. Speaker, I have a question I would like to direct to Mr. Commissioner this morning and I would like to know if the Territorial Administration, in pursuit of the Motions...many Motions related to this subject...if they have had any success in getting the CBC to turn this radio station on in Whitehorse for a twenty-four hour period.

QUESTION RE  
CBC 24-HOUR  
BROADCASTING  
IN WHITE-  
HORSE

Mr. Commissioner: Mr. Speaker, I can assure Council that the last answer that was tabled in this question is the last answer that we have had from the Canadian Broadcasting Corporation. I just cannot remember exactly at what point at the last Session there was an answer on this table, Mr. Speaker, but I think we could look it up, but that is definitely the last communication that we have had from CBC.

Mr. Taylor: Yes, I will be bringing down a Motion on that subject. I have another question for Mr. Commissioner, Mr. Speaker. Is the Commissioner aware of any proposed cutback in the proposed frontier package television services to the Yukon by CBC due to the cutback program now underway in Ottawa?

QUESTION  
RE FRONTIER  
PACKAGE

Mr. Commissioner: Mr. Speaker, I can again say that the last definite information that the Administration has had on this was tabled for Council and we have had no communications since then that indicates there is any change in that answer and if memory serves me correctly in this, Mr. Speaker, this answer was forthcoming as a result of a visit that we paid as a group to the CBC organization in Ottawa and was tabled at the last Session.

Mr. Speaker: Thank you, Mr. Commissioner.

Mr. Chamberlist: Mr. Speaker, addressed to the Commissioner. When may I expect an answer to questions re Public Services originally put in on the 9th of November?

Mr. Commissioner: Mr. Speaker, I believe that Councillor Chamberlist is referring to Question No. 7.

Mr. Chamberlist: Yes, I am referring to Question No. 7 and all the questions that were put.....

Mr. Commissioner: The answers are prepared and are in the process of being mimeographed for Council.

Mr. Speaker: Thank you, Mr. Commissioner. Are there any further questions?

Mr. Shaw: Mr. Speaker, I do have a question directed to the Commissioner. I wonder if the Commissioner would be able to ascertain from the CBC if and when we could expect the frontier TV packages.

QUESTION RE  
FRONTIER  
PACKAGE

Mr. Commissioner: As one who has a vital interest in seeing a variety on TV, I would be very happy to pose this question on behalf of Council, Mr. Speaker.

AK

Mr. Taylor: Mr. Speaker, I wonder if Mr. Commissioner could inform me as to whether or not, with this next rash of answers to questions, my question will be answered in relation to what authority we are functioning financially as a government under.

Mr. Commissioner: I cannot reply in the affirmative to that.

QUESTION RE  
LICENCE  
PLATES

Mr. McKinnon: Mr. Speaker, as one who provides a variety of TV, I would like to ask a question concerning licence plates. I would like to ask Mr. Commissioner whether the controversy has been settled that developed last year with the issuing of new licence plates...when the owner bought the plates from the Motor Vehicle Branch, went into his car and was at that moment legally responsible for not having his licence plates attached to his car?

Mr. Commissioner: Mr. Speaker, this question was very much to the forefront at the Council Session just about at that particular time and it was my understanding that this matter had been at that time successfully resolved. If Council would like me to get a statement concerning what the...how it was resolved, I would be pleased to do so.

QUESTIONS  
RE MOTOR  
VEHICLE  
ACCIDENTS  
AND  
IMPOUNDING

Mr. McKinnon: Please, Mr. Speaker, if Mr. Commissioner would do so. I would like to ask Mr. Commissioner another question concerning the Motor Vehicle Ordinance. It has been brought to my attention and I don't know whether it is factual or not that if someone passing through the Territory is involved in an accident with another motor vehicle, the police have no way of keeping that car impounded if it is still able to run...they have no way of keeping it impounded until the damages and the case is settled as the person, if the car still runs, can continue on his journey and the police are helpless to do anything about it.

Mr. Commissioner: Mr. Speaker, I would ask leave to get an answer to that question.

All: Agreed.

Mr. Chamberlist: Mr. Speaker, following that question, would the Commissioner at the same time bring forward the suggestions made by the R.C.M.P. in regards to impounding of vehicles where an offence has been committed by an out-of-Territory vehicle driver?

Mr. Commissioner: I would be pleased to do that gentlemen.

Mr. Speaker: Are there further questions.

QUESTION RE  
RE-NEGOTI-  
ATING  
FISCAL  
AGREEMENT

Mr. Taylor: Just one further question, Mr. Speaker. I am wondering if Mr. Commissioner can yet inform us as to when we may be talking about re-negotiating a fiscal agreement with Ottawa.

Mr. Commissioner: Mr. Speaker, I don't know about re-negotiating the fiscal agreement. We haven't got one at the moment but I can say this that we are compiling all the data in this connection, some of it we have made available to Council now...the yellow book which is the Committee's report...and also getting an up-to-the-minute financial picture of the actual finances of the Territory and I am hopeful we will have this tabled for Council's perusal so that we can get down to business on this most important element of the Territory's business just as quickly as possible. I am just as anxious as Council is to bring this matter to a head.

*Handwritten initials*

Mr. Taylor: A supplementary question to that question. Is it then intended...I wonder if Mr. Commissioner could inform me as to whether it is then intended that at this time we will have all these people coming up from Ottawa and it will not be necessary for Members of Council to go to Ottawa to negotiate this Agreement?

QUESTION RE FISCAL AGREEMENT

Mr. Commissioner: Mr. Speaker, I would prefer not to even attempt an answer to that question until Council has got all the factual information before them and I think at that particular time, I think it will be a matter for Council to decide at that point, Mr. Speaker.

Mr. Speaker: Mr. Chamberlist.

Mr. Chamberlist: Mr. Speaker, I gave Notice of Motion for the Production of Papers re the Engineering Services Agreement. Would Mr. Commissioner let me know when this will be produced for examination by Council?

QUESTION RE ENGINEERING SERVICES AGREEMENT

Mr. Commissioner: I have no reason to believe that it will not be here very promptly, Mr. Speaker. I told you on Friday that we were endeavouring to get all these things right up to date and my investigations this morning indicated that there is a tremendous number of them right in the process and as the Clerk informed the Speaker this morning, they will be here very, very shortly.

Mr. Speaker: Thank you, Mr. Commissioner. Any further questions? If there are no further questions, may we pass to Public Bills and Orders?

Mr. Shaw: Mr. Speaker, was there an Agenda made up on Friday for today?

Mr. Taylor: Mr. Speaker, in relation to an Agenda, it has been very difficult to form an Agenda because we have not that sufficient material in the Committee of the Whole as yet but for the edification of Mr. Speaker and Members of Council, we have Motion No. 1 and Motion No. 3 in Committee, plus the five bills, or four bills or something like that to be done.

Moved by Councillor Shaw, seconded by Councillor Taylor, that Mr. Speaker do now leave the Chair for the purpose of convening into Committee of the Whole to discuss Bills, Sessional Papers, Motions and Memoranda.

MOTION TO GO INTO COMMITTEE

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: I will declare the Motion carried and the Honourable Member from Watson Lake will please take the Chair.

Mr. Chairman: Just before I declare a short recess, I am wondering, Mr. Legal Adviser, would you have information relating to Motion No. 1 on the Summary Convictions Ordinance as yet?

Mr. Legal Adviser: I could give it to you orally but there is too much in the pipe right now to have it typed.

Mr. Chairman: Well, gentlemen, we will be discussing Bills and I will just declare a short recess.

BILL #3

Mr. Chairman: Well, gentlemen, I will now call Committee to order and we have Motion No. 1 which apparently the information is not yet available on. We have Bill No. 2 which has cleared Committee...reported out of Committee. Bill No. 3, An Ordinance to Prevent the Fire Prevention Ordinance - there was some information requested I believe in relation to witness fees paid or something of this nature. I wonder if the Honourable Member from Whitehorse North could enlighten me on this.

Mr. McKinnon: Mr. Speaker, I had questions for the Legal Adviser to be answered concerning the authority of the Yukon Territory to summons witnesses under the Fire Prevention Ordinance.

Mr. Chairman: I wonder, Mr. Legal Adviser, if you have been able to get this information as yet.

Mr. Legal Adviser: Could the Member ask his question and I may be able to.....

Mr. Chairman: I believe his question was "Is there any authority under the Fire Prevention Ordinance to summons witnesses?"

Mr. Legal Adviser: I am satisfied that there is power to summons witnesses but I am not satisfied as to whether or not there is any authority to force the attendance of a witness.

Mr. McKinnon: Mr. Chairman, the question arose I think on page 31 of the Votes and Proceedings whereas the same answer was given by Mr. Legal Adviser at the time that although the power to summons witnesses was in the Fire Prevention Ordinance, whether this power could actually be exercised was what the question was and Mr. Commissioner asked leave to answer this question after the Legal Adviser had an opportunity to review. I am sure that the answer that Council will get at the time will explain in detail the problem that was encountered with regard to summoning witnesses at that time. Mr. Commissioner at that time said that he was preparing a paper concerning the difficulties that were met when the Inquiry was held into the fire at the Porter Creek school and I await such a paper with anticipation before we proceed further with the amendment to the Fire Prevention Ordinance.

Mr. Chairman: Do you gentlemen wish to pass from this Bill at this time?

Mr. Chamberlist: Mr. Chairman, although we have had some discussion on it, it appears to me that this Committee must decide whether witnesses should be paid fees and allowances or not and if they agree that they should be paid fees and allowances, which I think they should, this is all that is required to agree with this amendment. This amendment does not bring in any other matter in the Fire Prevention Ordinance and I think we should go ahead and pass this particular section, otherwise we are holding up the completion of the Bill for no other purpose than to delve into matters which are not matters of a nature that this additional amendment is requesting. I would, therefore, move at this time that section 24 of the Fire Prevention Ordinance be amended to include "prescribing the fees and allowances to be paid to witnesses appearing to give evidence at an inquiry described in section 9".

Mr. Chairman: Just one moment, gentlemen. If it is your intention to move the Bill out of Committee, then you would move that Bill No. 3 be moved out of Committee without amendment or with an amendment. It is not necessary to....

BILL #3

Moved by Councillor Shaw, seconded by Councillor Chamberlist, that Bill No. 3, An Ordinance to Amend the Fire Prevention Ordinance, be passed out of Committee without amendment.

MOTION TO  
MOVE BILL  
#3 OUT OF  
COMMITTEE  
WITHOUT  
AMENDMENT

Mr. Chairman: Any further discussion?

Mr. McKinnon: Mr. Chairman, if you can't bring the witnesses here, what's the use of having an agreement to be able to pay them if you can't get them here in the first place?

Mr. Shaw: Mr. Chairman, the witnesses that you can get, you can pay. The witnesses that you can't get - we would require further legislation and I doubt very much, unless it were in criminal proceedings, that you would extradite a witness from another province into the Yukon Territory in any event.

Mr. Dumas: I think that the way to get around that to bring witnesses up here is the introduction of the Public Inquiries Act. I don't think we have one in the Yukon. They use this in the provinces.

Mr. Chamberlist: Mr. Chairman, there is no question whatever as to the ability to bring witnesses forward if they are residents within the Yukon Territory. The question of whether this can be done when they are outside the jurisdiction of the Yukon Territory is another matter. This amendment to this Ordinance, this Bill No. 3, I believe, as it is put forward now, is for the sole purpose of paying witnesses within the Territory to appear and those who will voluntarily appear from outside the Territory. If Mr. Legal Adviser would perhaps say whether it is the intention of this Bill to mean otherwise, I would like to hear.

Mr. Legal Adviser: Sir, the sole intention of this Bill is to enable fees and allowances to be legally paid to witnesses. It is not the intention of the Administration in this particular Bill to seek any part in compulsion. This is merely an enabling Ordinance to allow this to be done with no doubt about the legality of payments to witnesses. The question of compulsion would require a different section or probably a Public Inquiries Act.

MOTION CARRIED

MOTION  
CARRIED

Mr. Chairman: Gentlemen, we will proceed to Bill No. 4.

Mr. McKinnon: Mr. Chairman, with the passage of this Amendment out of Committee, may I be assured by the Administration that the information that was requested will still be forthcoming?

Mr. Commissioner: Mr. Chairman, I am happy to give that assurance.

Mr. Chairman: Thank you, Mr. Commissioner. I believe there is an amendment being prepared for section 1 of Bill No. 4. I do not believe that is available at this time. That is correct, is it not?

Mr. Legal Adviser: Yes, Sir.

BILL #5

Mr. Chairman: We will proceed to Bill No. 5, gentlemen, and this is in relation to the Taxation Ordinance and I believe also that information is being sought as to provincial handling of this matter.

Mr. Legal Adviser: I have sent for processing two sections, one from Alberta and one from B.C., and they are in Mr. Clerk's hands.

Mr. Chairman: Thank you, Mr. Legal Adviser. Gentlemen, that brings you up to date on Bills and Motions. There is no further work for Committee of the Whole at this time. I would entertain a Motion at this time that Mr. Speaker do resume the Chair.

MOTION  
THAT  
SPEAKER  
RESUME  
CHAIR

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

MOTION CARRIED

MOTION  
CARRIED

Mr. Livesey resumes the Speaker's Chair.

Mr. Speaker: I will now call Council to order and may we have a Report from the Chairman of Committee.

REPORT OF  
CHAIRMAN  
OF  
COMMITTEE

Mr. Chairman: Mr. Speaker, Committee convened at 10:40 this morning to discuss Bills, Motions and Memoranda. Moved by Councillor Shaw, seconded by Councillor Chamberlist, that Bill No. 3 be reported out of Committee without amendment. This Motion carried. It was moved by Councillor Shaw, seconded by Councillor Gordon, that Mr. Speaker do now resume the Chair and this Motion carried.

Mr. Speaker: You have heard the Report of the Chairman of Committee. Are we agreed?

All: Agreed.

Mr. Speaker: May I have your further pleasure, gentlemen?

MOTION TO  
WAIVE RULES

Mr. Shaw: Mr. Speaker, I would move that we do waive the Rules of Council and that we discuss Sessional Papers Nos. 15 and 16 for the balance of the day.

Mr. Taylor: Mr. Speaker, that would appear to be out of order only notice having been given this morning in this matter.

Mr. Chamberlist: Mr. Speaker, I would second the Motion with regard to the waiving of the Rules of the House for the purpose stated.

Mr. Shaw: Mr. Speaker, I introduced the Motion because we have no work to do whatever and we would need to adjourn and it seems a terrible waste of time to **not** endeavour to discuss any matter possible that is before us. These seem to be rather complicated Sessional Papers. They have possibly a great deal of impact and require possibly a great deal of discussion. I think that if we did it at this time that we would at least get a start on it and make some progress even if we don't finalize the matter.

Mr. Chamberlist: Mr. Speaker, as seconder of the Motion, I feel that previously Sessional Papers were placed straight through to Committee and discussed. I feel that the time factor is something that we are going to need on these two particular papers, and an hour and another half a day we can put into the discussion of these papers will be very beneficial to Council.

RE MOTION  
TO WAIVE  
RULES

Mr. Speaker: May I ask a question from the Chair. Would the Mover of the Motion...it was his intention to move Sessional Papers No. 15 and No. 16...am I correct?

Mr. Shaw: That is correct, Mr. Speaker.

Mr. Dumas: Mr. Speaker, would it be in order for me to ask in conjunction with the whole problem as to why, as Mr. Shaw said, we continually find ourselves with nothing to do and we have to waive the Rules if we want to carry on. I placed this question before the House last week and still haven't had any satisfactory answer. It seems ludicrous that we are meeting here and have to search around for something to do. Why was Council called?

Mr. Shaw: Mr. Speaker, it is not a question of mine at the present moment but it is a fact. We have little to go on and this is something that we can go on with.

Mr. Taylor: Mr. Speaker, I agree with Councillor Dumas. It seems rather foolish to be...we have not yet completed one complete day of Council just by reason of the fact that we haven't had the materials to work with. Slowly they are coming up now. I see several...I think four more Sessional Papers and one more Bill in the book that we can deal with plus the two Sessional Papers that were brought forward this morning but there is no Motion respecting these Sessional Papers. This was my earlier point. There has been only Notice given that a Motion will be presented tomorrow asking that these Sessional Papers be moved for discussion into Committee of the Whole. I concur with Councillor Dumas that it is a rather untenable situation at this point in time. If we set up Rules of the House to streamline and make more efficient the Council and the conduct of its business and then turn right around in order, as a matter of expediency, and change the Rules around...keep waiving the Rules, then we are really defeating our whole purpose and there is no point in us being here.

Mr. Chamberlist: Mr. Speaker, I am sure Councillor Taylor would agree that the waiving of the Rules is a method, and quite a proper method, to proceed with a matter that for some reason or another has been delayed or would be delayed and, quite frankly, I feel that Councillor Taylor, in view of his remarks just made, certainly wants to get on with the business of Council and I hope he will support the Motion that has been made.

Mr. Taylor: If the Motion is in order, I certainly support it, Mr. Speaker, but I don't think it is in order because there has only been notice given.

Mr. Shaw: Mr. Speaker, this is precisely why it is necessary to ask Council's permission to waive the Rules - because it is not in the normal order of business.



RE MOTION  
TO WAIVE  
RULES

Mr. McKinnon: Mr. Speaker, I agree that the Motion is in order because it is the Council's prerogative to waive the Rules of the House if we have unanimous consent whenever they feel like doing so. I would like to draw Mr. Speaker's attention to the Sessional Paper No. 2 which is the address from the throne from Mr. Commissioner. In it we are told that we are going to be presented with fifteen Bills for Council to study. So far we have been placed with six before this table. We were told in this paper that Mr. Commissioner would like to comment on the financial situation of the Territorial Government even though this matter will be fully covered in other documents to be presented. So far we have received no such documentation. "I hope that it will be possible for us to go into this situation in the fullest possible detail early in the Session." Mr. Speaker, I contend that it is impossible to go into when you haven't even got the covering facts by documents. I think that it's sad that this Council is looking around here and there for work that they are trying to do when the onus for this work should not be placed on this Council's hands and, Mr. Speaker, I think that if we do waive the Rules, it should be on the understanding that we are doing it just so that we can get on with what business we could possibly dig up before us which responsibility is not in our hands because we do not have this work available for us to go into. I think this should be made perfectly clear.

Mr. Speaker: Thank you, Mr. McKinnon. Is there any further discussion? Before the question is called, I might advise you that it is normal under such circumstances to return to Orders of the Day but under your blanket thinking here with regard to the waiving of the Rules, I do feel that this is within your prerogative but we must have unanimous consent.

MOTION CARRIED

Mr. Speaker: I will declare the Motion carried. May I have your further pleasure?

MOTION TO  
REVERT TO  
COMMITTEE

Mr. Shaw: Mr. Speaker, I would move that the Speaker do now leave the Chair and Council resolve itself into Committee of the Whole to discuss Sessional Papers Nos. 15 and 16.

Mr. Taylor: I don't know, Mr. Speaker, whether this..... apparently now we have waived the Rules to proceed with the matter of a Notice given in relation to Sessional Papers. Is it not now for the Member to put his Motion or are we going to waive that part of it too? Every time we waive the Rules we get so hopelessly bound up trying to figure out how to try to get around them that...

Mr. Speaker: Well, it appears to me that this is a blanket condition in here this morning and I would think that it would be, under the circumstances, perfectly correct to follow this up with your further desires and descriptions.

Mr. Chamberlist: I will second the Motion of Councillor Shaw.

Mr. Speaker: We were unable to hear the exact wording of the Motion at this table. I wonder if the Member would care to repeat the Motion.

Mr. Shaw: Mr. Speaker, I moved that the Speaker do now leave the Chair and that Council resolve itself into Committee of the Whole to discuss Sessional Papers Nos. 15 and No. 16.

Mr. McKinnon: Mr. Speaker, speaking on the Motion, I can only go along with the thinking of the Honourable Member for Watson Lake. Because that we have waived the Rules allowing that Sessional Papers Nos. 15 and 16 can be...I understood that we were waiving the Rules so that the Motion could now be brought to the Council. I think that the proper procedure would be to revert to Orders of the Day and now the Motion put from the Notice of Motion that was introduced this morning...whether the Council does agree that Sessional Papers Nos. 15 and 16 now be brought into Committee. I understood that we were waiving the Rules so that we could allow the Motion to be brought to the floor of the House... whether Council felt that these two Sessional Papers could be gone into in Committee of the Whole. I think this would be the proper procedure.

RE MOTION TO  
REVERT TO  
COMMITTEE

Mr. Speaker: I believe I explained that from the Chair that I had by-passed all the various other aspects under the meaning of the waiving of the Rules and I believe that this Motion is in order at this time.

Mr. McKinnon: Well, Mr. Speaker, I was not clear then because I didn't believe that waiving of the Rules meant the waiving of the twenty-four hours between the Notice of Motion and the Motion. I don't think it was made clear at all that this was going to be this kind of a blanket coverage. I'll go along with the Motion but I don't agree with the procedure.

Mr. Speaker: If I could explain it...I believe that the question arose as an emergency which I think was properly explained...because the House had no work to do...and to continue with the work. I accepted the feasibility of this move because I think it is quite plain that the House every day for quite a number of days now has not been able to proceed with...to the fullest extent of their capabilities and this is the reason why I agreed.

Mr. McKinnon: Mr. Speaker, just to make myself perfectly clear on the matter of procedure. If this precedent is followed, it could eventually end up that discussions could get into Committee that Council didn't want to see get there originally through such a waiving of the Rules and not following the normal procedure.

Mr. Speaker: This is quite true but there was unanimous consent and this would be I would think the proper way of preventing such a thing from ever occurring.

Mr. Shaw: Mr. Speaker, we have had a lot of discussion on this and I think I was incorrect in not adding that we waive the Rules and revert to Orders of the Day. I think that that last phrase is the one that has created this problem. I think that we have first the matter of waiving the Rules which seems to be accepted by Council and then proceed with the Motion which was that this be reverted to Committee...Sessional Papers to be discussed in Committee... and that is exactly what has happened. The only omission, and I wish to apologize for that, was the fact that I did not include in my Motion that we revert to Orders of the Day.

MOTION CARRIED

MOTION  
CARRIED

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

Mr. Chairman: I will declare a short recess.

Handwritten initials or signature in the top right corner.

Page 141.  
Tuesday, November 14, 1967.  
11:30 o'clock A.M.

Mr. Chairman: I will now call Committee back to order, SESSIONAL gentlemen. We have for consideration at this time Sessional PAPER Paper No. 15 (starts reading S.P. No. 15 regarding Work- NO. 15. men's Compensation). And if you think, gentlemen, we could deal with these one at a time. Is this agreed?

Mr. Chamberlist: Mr. Chairman, I would first like to comment on the Sessional Paper itself.

Mr. Chairman: Is it your intention that I should read this Sessional Paper itself? I wonder if I could have your directions on it?

Mr. McKinnon: Mr. Chairman, I think we should proceed with the discussion of the questions that we are asked. We have copies of the questions and copies of the answers.

Mr. Chairman: Committee agreed?

All: Agreed.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, firstly, I would like to point out that the Questions I asked are not the Questions that have been placed on the Sessional Paper. (1) I would ask you to refer to Page 5 of Votes and Proceedings. My first question was "Where in the Ordinance or Regulations made under the Ordinance has power been given to have the Yukon Territory Workmen's Compensation office located in Edmonton?" The question as put on Sessional Paper No. 15 reads as follows: "Under what authority does the Workmen's Compensation Office exist in Edmonton?" That was not the question I put. My question was clear, Mr. Chairman. It asked specifically for specific answers. "Where in the Ordinance and the Regulations made under Ordinance has power been given to have the Yukon Territory Workmen's Compensation Office located in Edmonton?" The question that has been put again, I repeat, in the Sessional Paper, is not my question and the answer only applies to the question that has been purported to be from me and is in fact not from me. I will go into Question No. 2. My question was "What fees and expenses have been paid to Referees in the past years?" Question No. 2 as shown on the Sessional Paper - again it has been altered. The question is "What was the expenditure made by the Government of the Yukon Territory to the Referee under the Workmen's Compensation Ordinance last year?" Singular. Question No. 3 that I had asked was "What amount of money has been paid out of the Yukon Consolidated Revenue Fund to maintain the administration office in Edmonton?" The question that has been put as my question, or was purported to be my question No. 3 is: "What is the cost to the Government of the Yukon Territory to send a workman to Edmonton for interviews or for treatment?" No similarity whatever. My question No. 4: and this is where they might have altered these positions - "How much has been paid to Yukoners making compensation claims to go to Edmonton for interviews, etc., and this to include cost of transportation and living allowances?" Question No. 4 on the Sessional Paper No. 15 purported to be my question, is: "What was the Government of the Yukon Territory's share of the expenses of operation of the Edmonton Office the last year?" With respect, Mr. Chairman, when question are

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asked and answers are coming forward as a Sessional Paper, the words of the questions should be properly put and if they are put differently they have a different meaning and of course they get different answers. I would like to know from the Commissioner, Mr. Chairman, why this situation developed.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: I have no particular excuses to offer as to why this developed, Mr. Chairman. All I can say is that the factual situation as enumerated by the Councillor are exactly the facts and I would like to suggest that we see if we can't proceed on the basis of the true questions and get the answers available for Council right now.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, I would ask that Council, that Mr. Commissioner produce a new Sessional Paper giving written answers to my questions and then, but in the meantime I am quite prepared to go into discussion on these answers that have been given if Mr. Chairman feels that is satisfactory.

Mr. Chairman: Gentlemen, for your edification I would say that we must be careful here that we don't have repetition - having to deal with the same subject twice, but I am at your direction.

Mr. Shaw: Mr. Chairman, it would appear to me that if we are going to have another paper with the questions in a different manner and the answers possibly in a different manner; I don't know, but if we do discuss this now, as the Chairman states, we will have to start all over again because no doubt the Member will wish this discussed following the new paper that will be forthcoming.

Mr. Chairman: Mr. Commissioner has agreed that he will attempt to get the answers to the questions that were asked - is it then your intention to proceed with the next Sessional Paper?

All: Agreed.

Mr. Chairman: Mr. Legal Adviser, do you have something to say?

Mr. Legal Adviser: I have one point - the difference between the answers to questions as asked by the Honourable Member and the questions as they appeared in the Sessional Paper is minute. For instance, in the first question as purported in Page 5 of Votes and Proceedings. The question appears to be this "Where in the Workmen's Compensation Ordinance or the Regulations made under the Ordinance has power been given to have the Yukon Territory Workmen's Compensation Office located in Edmonton?" If the Commissioner was given the exact answer to that he would merely say "none". But the Administration does not intend to be obstructive and the question, seeing that the answer was going to be "none", the question was rephrased so as to give as much information as possible and the question then became "Under what authority does the Workmen's Compensation Office exist in Edmonton?" And it was felt that this would give a better answer to the Honourable Member than merely the answer "none". Now so far as the second question is concerned "What fees and expenses have been paid to Referee in the past year?" If there were extra funds paid to the Referee in the past year it might be necessary for the Council to ... this

Mr. Legal Adviser continues.  
 so the question became: "What was the expenditure made by the Government of the Yukon Territory to the Referee under the Workmen's Compensation Ordinance last year?" Because we may not be able to give the expenditure from some other government to the same referee. The referee has more source of income than from the Yukon Territory. We are only in control of the fees and expenditure made by the Yukon Territory to the particular referee on the Board of Referees. Now the third question was: "What amount of money has been paid out of the Yukon Consolidated Revenue Fund to maintain the administrative office in Edmonton?" Now this is a blanket question and I don't think it would have satisfied the Honourable Member if the total amount paid in one lump sum since the initiation of office had been listed out as one large sum. (inaudible). And the question is therefore asked "What is the amount in the last year?" Question 4 was "How much has been paid to Yukoners making compensation claims to go to Edmonton for interviews, etc.,..." Now "Yukoners" is a narrow term and we thought more information and accurate information might be available if we asked "What was the cost to the Government of the Yukon Territory to send a workman to Edmonton for interview?" Many of the workmen sent to Edmonton for treatment are not in fact Yukoners and it would have been a most obstructive answer if we had just given the answer that the Government is not aware of this so that the purpose of the answer was not to obstruct the Council but to give as much detailed information that was available to us to enable a discussion to take place in Council.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I always treat with respect a member of the Legal profession that uses his mind to correct situations which should have not been corrected in the first place. It seems to me quite ridiculous Mr. Chairman that an admission has come out of the Legal Adviser's mouth that in fact the answer to my question (1) Where in Ordinance or Regulation made under Ordinance has power been given to have the Yukon Territory Workmen's Compensation Office located in Edmonton?" You heard, Mr. Chairman, he said that if the Commissioner had to give that answer directly he would say "no". Now obviously from that answer alone and it follows right along the line that the Yukon Government had no right whatever to institute Workmen's Compensation office in Edmonton. Now, I say this because I can only accept what Mr. Legal Adviser has said - in true fact when he says that if my question had to be answered correctly, or words to that effect, that the answer would be "no", that there was no provision made in the Ordinance or the Regulations, in fact, to have a Workmen's Compensation Office in Edmonton. I notice that Mr. Legal Adviser, when he read my second question, he referred in the singular to what fees and expenses had been paid to "referee" in the past year. My question was "What fees and expenses have been paid to referees in past years. Now the reason why I asked Question No. 3 "What amount of money has been paid out of the Yukon Consolidated Revenue Fund to maintain the administrative office in Edmonton". My investigations show that the Yukon Workmen's Compensation Office in Edmonton have in fact set up their own bank account which again is contrary to the Regulations because both funds pertaining to Workmen's Compensation are supposed to go into the Yukon Consolidated Revenue Fund. Now, it is because this has happened; this falls back on the reason why I want you to know how originally did this whole situation develop where an Administrative office for the Workmen's Compensation Board could have got there in the first place. Now, for the benefit of Mr.

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Mr. Chamberlist continues.

Legal Adviser, when I say "refer to Yukoners" making compensation claims to go to Edmonton, and I am sure that Mr. Legal Adviser recognizes what I say to him when I say that I am making reference to those who are subject to the Workmen's Compensation of the Yukon Territory when I refer to Yukoners. In many, many instances people who live from without the Yukon Territory work up here and if the Company that they are employed by have a separate agreement for compensation in their own provinces then they are not eligible to obtain compensation under the Yukon Workmen's Compensation Ordinance but if they live or are resident from without the Territory and they come into the Territory to work for companies who are subject to the Workmen's Compensation Ordinance-for the purpose of that Ordinance they are Yukoners only because they are compensatable under the terms of our Ordinance. Now this is what I am referring to as Yukoners in the suggestion that Mr. Legal Adviser felt that perhaps the Commissioner didn't know what I was talking about, I'll take that with a grain of salt.

My concern mainly, especially in view of the answers that I have got, that have been given in the Sessional Paper is (1) that when a member of Council asks a specific question, the question should not be taken out of the context in which it was asked but it should be placed on the Sessional Paper in exact - by using exactly the same words as was used. There is no point in the Clerk of this Council coming along to Councillors and saying "let me have a copy of your questions". We hand a copy of the questions to them and what happens? It is pulled to pieces until it has an entirely different meaning. These questions that were asked are in the Votes and Proceedings so that there can be no doubt as to what the questions were. They are recorded on the tape and they are taken down by very efficient stenographers. Needless to say, the situation that has developed apart from the way these questions were put is that the basic fact that there does not exist, nor did there ever exist in the legislation of the Yukon Territory's Workmen's Compensation Ordinance provision under the Ordinance or the Regulations that an office should exist in Edmonton. I'm sure that the Commissioner would have the power to appoint an agent for certain purposes in Edmonton but it is certain that the Commissioner hasn't the power to have an administrative office there; it hasn't the power to give permission for a separate bank account to be opened for this purpose and I would like to see where the authority came from and I am sure you, as Members of this Committee, will agree at this time, and understand me when I say that when I am referring to the Commissioner I am not referring to Commissioner Smith, I'm referring to the continuation of this situation which has been carried on since 1952 with the administration not noting that there is an illegal existence of an administration office. Now what do we do to correct this. I think the first thing that should be done is that the Workmen's Compensation office in Edmonton be closed immediately because there is no power to have that open in that the Workmen's Compensation administration be fully administered from the Yukon Territory. More now than at any time is it necessary for us to be holding the reins of our own affairs. Our Ordinance gives certain powers of the Commissioner as to regulations. Our Ordinance prescribes that the Commissioner may, by regulation, appoint a referee. He has prescribed that the Workmen's Compensation Board of Alberta is the referee. Mr. Legal Adviser may, later on correct me or agree with

Mr. Chamberlist continues.  
me but I feel in this instance the word "person" does not apply to a whole Board. The interpretation of "person" includes corporations but where in the interpretation does the whole Workmen's Compensation Board of Alberta mean a person? It is also noted that the Workmen's Compensation Board has quite a number of referees and it in turn has appointed referees. Two weeks ago five people came up here to hear a case under the Workmen's Compensation Ordinance. There were three referees appointed by the Workmen's Compensation Board, a Legal Adviser and a man who is responsible for the administration of the office there; all at our expense. Time has come along they say when we must look after our own affairs and if we are thinking in terms of more responsible form of government we must show that we are prepared to accept the responsibilities of government and all the departments of government. I am pleased to say, from what I have noted, and I would say otherwise if I thought so, that we have fairly good administrative people in the Yukon Territorial government and I feel that we have sufficient administrative people who can properly take care of the administration of Workmen's Compensation within the Yukon Territory. I would ask you that in discussion, the salient points that I have brought out today will show all the more reason why we need good administration here because it was bad administration that allowed the Workmen's Compensation office to open in Edmonton in the first place.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: May I answer the points made in this beginning of the Honourable Member's address. The answer I suggested that the Commissioner would make was not "no"; it was "none" and I wasn't asked for the reason for this. The reason that no power had been given in the Workmen's Compensation Regulations, or exist therein, is because none is required. It already exists. So far as question two is concerned, in my copy of Votes and Proceedings the question is asked in the singular - in my copy of Votes and Proceedings on page five. It says "what fees and expenses have been paid to referee in the past year". I was reading from the Votes and Proceedings. So far as the question of writing is concerned I am advised that the questions were not supplied as written. Now, so far as Question 4 is concerned it may have been an error on the Administration's part not to put down the questions exactly as they appeared in the Votes and Proceedings but it makes for difficulties with us if on one hand, when we make an interpretation of the question we are blamed for it whereas the Honourable Member suggested that when he wrote down "how much has been paid to Yukoners" he suggested we should know what is in his mind when he wrote down "Yukoners". We can't have it both ways.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: I would like to ask a question - we have a lot of technical matters coming up at the moment in a manner of words. I would like to ask a question of the Legal Adviser if he could give me an answer to this, and that is, is it unlawful for the Yukon Territory to maintain a Workmen's Compensation Office in Edmonton?

Mr. Chairman: Mr. Legal Adviser.

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Mr. Legal Adviser: No.

Mr. Chairman: May I direct a question from the Chair to Mr. Legal Adviser. What authority does exist then in order to facilitate this?

Mr. Legal Adviser: The Workmen's Compensation office in Edmonton is in effect a branch office of the office of the Territorial Secretary and for convenience it is located in Edmonton. It might have been located in Dawson City; it might have been located in Vancouver, but for convenience of everybody concerned it was agreed in 1952 that this was the most convenient place to locate that particular office; that the Officer administering that particular office spent most of his work dealing with insurance companies and their assessors and with the Board of Referees of the Alberta Government who happen to be located in Edmonton and all parties agreed that this was a convenient and the cheapest place to locate it.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: I move that we adjourn until two o'clock.

Mr. Chairman: Well gentlemen, I would entertain a Motion at this time we call it twelve o'clock.

Mr. Shaw: Mr. Chairman, I move that we call it twelve o'clock.

Mr. Chamberlist: I second it.

Mr. Chairman: Are you agreed, gentlemen?

All: Agreed.

Mr. Chairman: Gentlemen, Committee will now stand recessed until two o'clock this afternoon.



HA

Page 147.  
Tuesday, November 14, 1967.  
2:00 o'clock p.m.

Mr. Chairman: It now being two o'clock, I will call Committee SESSIONAL back to order, and we were discussing Sessional Paper #15. Would PAPER 15. you proceed.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal Adviser could be called in as he would probably want to take note of some of my remarks that I have to make.

Mr. Chairman: Yes, thank you. I note that Mr. Clerk has already dispatched someone to find the Legal Adviser. I will declare a short recess until he arrives.

Mr. Chairman: At this time I will call Committee back to order. We are discussing Sessional Paper #15 and Mr. Chamberlist, I believe, has the floor.

Mr. Chamberlist: Mr. Chairman, to continue with my remarks from this morning, firstly I would wish to point out that the Workmen's Compensation Ordinance has in its interpretation section the interpretation of the word prescribed which means prescribed by regulation, and the interpretation of the word referee which means the person appointed as referee pursuant to Section 12. One of the other things that is wrong with this Ordinance in itself which I'm just adding in here is that it excludes certain Territorial Government employees from compensation, excludes certain clerical staff because they may be in an office of the Legal Adviser or the office of an Executive, they are excluded from compensation. I refer to, particularly in lapse so that Mr. Legal Adviser can take note of this particular point in dealing with Section 9 of the Workmen's Compensation Ordinance. In Section 2, Section 3 rather, "Workmen who are employees of the Government of the Yukon Territory shall for the purposes of this Ordinance be deemed not to be workmen prescribed in paragraph C, D, F, or H of Subsection 1" and in C its where the workmen employed in employment of a casual nature other than the purposes for the employed industry is excluded. I was wondering where the casual office employees are excluded in this. In D, an outworker, whatever description that might mean, "if a member of the legal, medical, accounting or engineering professions or an office employee of a member of any such profession", it would appear to me from that that all those people that are employed in the legal department, the accounting department or the engineering profession department are excluded from Workmen's Compensation simply because they are employed in those offices. And, for Subsection H, "and executive officer who has notified the Commissioner if writing that he wishes to be exempt from this Ordinance", I don't know whether executive officers have done this. Now, with... (goes to Commissioner's chair and talks with him.....returns) That's what I'm saying, they're deemed not to be workmen, and if they're not to be.....

Mr. Chairman: Order. Order, gentlemen. One at a time.

Mr. Chamberlist: I'll waive the floor to Mr. Legal Adviser for a moment.

Mr. Legal Adviser: The purpose of Subsection 3 of Section 9 is the complete opposite of what the Honourable Member thinks - the exact reverse. They're deemed not to be workmen of a type who are excluded. In other words, they are included.

Mr. Chamberlist: Well perhaps, let me read it again. It says, "Every employer to whom this Ordinance applies shall pay compensation when and in the amount required by this Ordinance, except where the workman is...", and then it gives those sub-paragraphs. Then it goes on to say as 3, "Workmen who are employees of the Government of the Yukon Territory shall for the purposes of this Ordinance be deemed not to be workmen. Well, if they're not to be workmen described in those Sections, are they subject to Workmen's Compensation. If they're not to be workmen....."

Mr. Chairman: Order. Order, gentlemen. One at a time.

Mr. Chamberlist: Am I reading this backwards? I can't see that. Maybe I'm.....They are exceptions.....

Mr. Legal Adviser: Exceptions to the exceptions.

Mr. Chamberlist: They are exceptions to the exception? Then if I read it in error, I must apologize for that. I'll bring this back later after I've studied it a little bit more. So, the referee, Section 12, "The Commissioner may designate a person to act as referee." That's Section 12. In the regulations, the Commissioner has made a regulation appointing the Workmen's Compensation Board of the Province of Alberta, is designated to act as referee under the Ordinance. I have a letter addressed from the Workmen's Compensation Board, Alberta, who are supposed to be designated as the referee. To the effect, this was a letter dealing with a matter that the Whitehorse Electric Company Limited was involved in. It was, "Attention Mr. Norman S. Chamberlist, Manager. Dear Mr. Chamberlist: We acknowledge and thank you for your letter of the 26th of April regarding the above name. Your representations are being passed to the referee." Now, this is supposedly from the referee because it is addressed from the Workmen's Compensation Board. Now it appears that they are sending it to a referee. Now, this is where, I'm not going to say I'm confused in this, this is where I say that the power of the Commissioner is to appoint a person as a referee, not the Workmen's Compensation Board of Alberta as a referee. This in itself, I say, proves out this idiocy because here we have the Workmen's Compensation Board saying that your matter is going to be referred to a referee. Now, this is..... First of all, Mr. Legal Adviser might be able to give Council, Mr. Chairman, the position as far as a person within the meaning of this Ordinance and especially in view that a person, both in the Interpretation Ordinance and in many other Ordinances, designate a person as male or female, or a corporation. Does the Legal Adviser read the Workmen's Compensation Board as a corporation? It's because of this, I'm of the opinion that the regulation that has been made has been made outside of the powers of the Commissioner because the Ordinance says that the appointment shall be as a person, a person to be the referee. And, I would ask that this be clarified. Now, with reference to payments of funds, Section 54 makes it quite clear, but payments of claims or expenses, fees, etc., should be made out of the Yukon Consolidated Revenue Fund. This has not been done. They have set up this office in Edmonton. They've set up a fund and they call it the Northwest Territories - Yukon Workmen's Compensation Administration Fund. It is my submission that there is no power to do that. The suggestion has been made that the office at Edmonton is simply an office of the Yukon Territorial Government. Their headed paper is Northwest Territories - Yukon Workmen's Compensation Office. This office recently sent out a circular and in part, the part that is subject to discussion here, says this: "This assessment was to be remitted by the insurers to this office for use in the administration of the Workmen's Compensation Ordinance. Now, where, again, has authority been given or instructions been given in the Ordinance or the regulations for

Mr. Chamberlist continued:  
this money to be sent to the Workmen's Compensation Office. It falls back again on what I said earlier, and again I would ask if the Legal Adviser would be able to say quite definitely whether there is authority in the regulations or the Ordinance to have the administration of the Workmen's Compensation Ordinance carried out from that office in Edmonton. I would correct myself in some of my remarks this morning when I said that the Legal Adviser, refer to, "No, there is no authority." He corrected me by saying that what he had said when asked the question, "Was there any authority?", he said, "None." I'm sorry if there's so much importance attached to, "no authority," or the answer, "None," to the question of whether any authority or not. The basis on which I speak is that, point one to me, it's quite important, is that the Commissioner can only make regulations relative to what the Ordinance proposes that he makes regulations, and that he cannot go beyond that, and; that the Workmen's Compensation Office in Alberta does not have the recognition of law as it is constituted in the Yukon Territory; that the Workmen's Compensation Board of Alberta has improperly been named the referee; that the Workmen's Compensation Board of Alberta is not the referee because it has already been shown by correspondence that matters are referred by them to a referee; that the need for the removal of the Workmen's Compensation Office to the Yukon is most important; and I would also like to suggest to the Commissioner that he carry out an investigation as to when the Workmen's Compensation Office, which is improperly in Alberta, be removed to the Yukon Territory.

Mr. Commissioner: I'm afraid that package is too great for me to consume all at one time. However, maybe Mr. Legal Adviser might have some comments to make on this.

Mr. Legal Adviser: If the Honourable Members would refer to the Interpretation Ordinance. It is Chapter 58 of page 607 of the Laws, and refer down there to Subsections G and H of Section 17. Page 607 of the main volume, the 1958 volume. Subsection G says, "Words importing male persons include female persons and corporations," and, "words in the singular include the plural, and words in the plural include the singular," and the effect of that would be that where in Section 12 of the Workmen's Compensation Act, which is Chapter 1 of 1966's second Section, "the Commissioner may designate a person to act as referee!" "Person" there would include the plural and "referee" would include the plural as well. So, this, by reading with the Interpretation Ordinance as read into the Workmen's Compensation Ordinance, Section 12 can read in either of four ways. It can read, the Commissioner may designate a person to act as referee, the Commissioner may designate persons to act as referee, the Commissioner may designate a person to act as referee, or the Commissioner may designate a person to act as referees. This would meet the point raised by the Honourable Member from Whitehorse East. Now, so far as authority is concerned for operating this office in Edmonton, no specific authority in my opinion is required by the Workmen's Compensation Act, or Ordinance rather, to operate this office in any particular place. It's a matter of the convenience of your Administration where this office is operated, and the convenience of the Administration is of course the convenience of the people who are affected most by the Ordinance, and it would be the opinion of the Administration from the time this office was first considered that the most convenient point to operate it would be in Edmonton. It could have been in Whitehorse, but convenience dictated its actual position. What would be more appropriate would be to ascertain the power of the Administration to spend the money on operating the office at all as such, and this will be found in Section 54 of the Workmen's Compensation Act which I've already referred to which is Chapter 1 of

**SESSIONAL** Mr. Legal Adviser continued:

**PAPER #15** 1966, second Section. Section 5<sup>4</sup> allows the Administration to, from and out of the money issued in advance out of the Yukon Consolidated Revenue Fund, the following may be paid. And, under D will be the cost of administration and enforcement of this Ordinance and regulations, and this would be my offering to the Council in reply to the remarks from the Honourable Member from Whitehorse East.

Mr. Dumas: It seems to me....well, first of all I'd like to state that it's been very interesting listening to Mr. Chamberlist and Mr. Legal Adviser, but I think that the old, the basic problem here is still with us. And, surely the problem and the point that Mr. Chamberlist made but it was lost in a lot of superfluties in the exchange between him and Mr. Legal Adviser, is the fact that the Compensation Board is situated in Edmonton and it should be situated in Whitehorse. Now, Mr. Legal Adviser mentioned in passing the wishes, not so much the wishes, the convenience involved. Now, I know that the people in Whitehorse West at least, and I have a strong feeling that the people in the rest of the Yukon would like to see the Compensation Board here in Whitehorse. They feel that they could get better service and faster service from it, and this is the whole point. I think we should be going towards this end. Now whichever is the most convenient way of doing this, I don't know, but this is something surely that we can resolve. This is the point, this is the thing that we must resolve here, the Compensation Offices should all be here in Whitehorse where the Yukon and the people of the Yukon can have access to them, and anything else doesn't really matter.

Mr. Shaw: Mr. Chairman, perhaps.....This is a matter that has been discussed in various and sundry Council Sessions, and it has been the desire of Council for quite some time to have the office in the Territory. It might just as well be up in Dawson as in Whitehorse, or in Watson Lake. In the Territory, I think, is the matter. At each of these different requests, they have come by motions and they have come verbally and they have come in various manners and ways, and each time the Administration have explained the reasons why it is in Edmonton. It appears to me that it is not there by virtue of the fact that they wish to make it hard for the people of the Yukon, it is there for certain basic reasons. Perhaps the fact that you have, a person has some serious bone deformity or injury. Well, to whom are they going to look to find out the real scope of this injury. It's obvious they can't come to Whitehorse because the doctors here in the first instance send them to Edmonton or to Vancouver to have this attended to. In other words, they are very qualified but they are not specialists in many of the ailments that man is prone to in respect to injuries. So, there were other factors in relation to why if was in Edmonton. Now, things might have changed since this time, I don't know, but in the past after these explanations, it would appear that Council has been satisfied to a point that it hasn't been changed and perhaps at this time, it may be a very good time for the Commissioner or someone who he might designate to explain why this Board is in Edmonton and not in Whitehorse, and, then I think perhaps the Members of Council, Mr. Chairman, may be able to judge according to that.

Mr. Commissioner: Mr. Chairman, I think everybody knows why the Compensation set-up is located in Edmonton and why it is oriented towards the Alberta scheme of things, because when it was initially set up in 1952 the big problem as I understand it was, as to where you were going to find the qualified people to act as Medical Review Boards and referees. In other words, it was the practical application as to where you were going to get the professional

Mr. Commissioner continued:

services that were required to actually give effect to the intent of the Workmen's Compensation Ordinance, and it is my understanding that at that time the Northwest Territories and the Yukon Territory through the Deputy Minister of the day, approached the Alberta Workmen's Compensation Board through their Government and they were advised, and when I say they I mean the Yukon and Northwest Territories were advised that the Alberta Workmen's Compensation Board would be prepared to make available their professional facilities in the province on the understanding that an Administrative Office or a contact office would be set up by the two Territories in the provincial capital, namely, the city of Edmonton, and this is the situation that prevails to this day. There have been some improvements in the movement of paper work and there have been improvements in communication and what have you. The fact still remains that this is where our Workmen's Compensation Administration Headquarters are set up so that they have maintained their part of the bargain that was initially set up with our sister Territory and the Province of Alberta. Now, if Council is going to ask that I conduct an investigation and to see what can be done about bringing these matters here, this I am very happy to do, and I think it will probably be like many other things, that it is simply a matter we can have it here, are we prepared and are we able to pay the costs of doing so. And, I don't think it is going to be the costs of maintaining an office that will become the question and this is where the investigation will have to go into something very, very clearly and it will be the cost of the necessary professional-type services that are really the intent. In other words, what you're trying to do here with Workmen's Compensation is to see that an employer insures his workers of proper and competent medical attention under the very best circumstances that you can at no cost to the workman or to the public person, and to this end I think that it has no doubt accomplish itself. The desirability of having it all located here in the Yukon Territory, I think, goes without saying, and I would be very happy to do the very best that I can on Council's wishes in this situation.

Mr. McKinnon: Mr. Chairman, I wonder if I could advise this Committee that it is my intention to bring forward tomorrow a motion, a notice of motion for the production of papers concerning such a study as Mr. Commissioner has outlined to be undertaken by the Administration.

Mr. Chamberlist: Mr. Chairman, I'm sure Mr. Legal Adviser will agree that legal advice sometimes is different from different sources. I appreciate Mr. Legal Adviser's remarks, Mr. Chairman, but I don't necessarily agree with all that advice you have given, specifically dealing with the section of "person". I went into this pretty thoroughly and I'm quite aware that "person" can be, when it's said in the singular, means in the plural, but in that case the persons are named in the regulations. The Workmen's Compensation Board has been named as a person, and Workmen's Compensation Board is not acting as a referee because I have already shown to you by correspondence that they in fact are appointing a referee. In other words, if we assume that the Workmen's Compensation Board has the right to be the referee, we cannot assume that this right has been given them to relegate to somebody else to act as referee. And, this is what has been done. I still haven't received an answer as to how and why there is a separate fund set up when the Yukon Act provides only one fund called the Yukon Consolidated Revenue Fund for monies. I take note of the suggestion made by Mr. Legal Adviser that the Ordinance provides for the Commissioner to make payments, advances, etc., but I read it that its advances out of the Yukon Consolidated Revenue Fund because it is that section, Section 54, which is headed "Payments out of the Yukon Consolidated Revenue Fund". And I would respectfully say to Mr. Legal Adviser that it means that these payments are made out of the revenue fund to whomever they are required

SESSIONAL Mr. Chamberlist continued:

PAPER #15 to pay, i.e. the referees for expenses, claims, etc.. But, there is no where in this legislation or, I submit, in the powers of the Territorial Government to set-up a fund separate from the Yukon Consolidated Revenue Fund. That's enough for now. Councillor Dumas, I think, has put it very clear and perhaps some of my remarks and suggestions are outside of the realm of need that is required. What I wish to see done, is the removal of the Workmen's Compensation Office from Edmonton, Alberta, but, however, I brought these other items up for the simple reason I consider they were part of the things that need correction under the revision of the Workmen's Compensation Ordinance. I think, in places where the language is not clear and the Legal Adviser has to find ways of interpreting it and something that I am afraid of is that interpretation must be generally for the overall good, and I think that the interpretation that has been given favours an interpretation for the benefit of the Administration and not for Member of Council. I feel, as Councillor Dumas has remarked, that the need to bring the Compensation Office here in its entirety is of paramount importance, and if because there may be some services that we will require from the Alberta Compensation Board, that provision for an agent for that purpose can be made by regulation or perhaps added into the Ordinance itself. But, to attempt to justify what I think has been a method of taking from the Yukon Territory its rights to take care of its own affairs is something that we must now consider as alien to the needs of Government in this Territory. We must take every opportunity we can to look after our own affairs. This may cost us a little more money. I haven't delved into that portion of it. On the face value I say, "No, it will not." I understand that one of our people, perhaps more than one, is already being paid a portion of their pay which is debited to Workmen's Compensation who is in the Territory now. I feel we have duplication of payment for this Administration and the sooner it is brought back to here, the better, because I still maintain and I have to disagree with the Legal Adviser, that it is my opinion that there is no authority in the Ordinance or the Regulations for the Commissioner to maintain an office, and it's referred to as the Administration Office of the Workmen's Compensation Ordinance, in Edmonton. I say that it must not be there. Because it doesn't specifically spell out that it should not be there, this doesn't mean that it may be there. On the contrary, I would prefer to interpret it that if it does not spell out that it should be there, it shouldn't be there. This is my final word in this matter, Mr. Chairman, and I hope that the Commissioner will, when Councillor McKinnon brings forward his proposal for the Production of Papers in this matter, that a thorough investigation be made into how and when the Workmen's Compensation Administration will completely be within the Yukon Territory, and that the instructions for referees and pill-boards and the like will come from Whitehorse, the capital of the Yukon Territory, and not from Edmonton, the capital of Alberta.

Mr. Chairman: Gentlemen, have you anything further on this subject at this time? Mr. Legal Adviser.

Mr. Legal Adviser: I understand that one of the main delays occurring in Edmonton has been the returning of forms here because correct reports and forms have not been originally filled out. I understand that in the office of the Territorial Secretary arrangements have now been made for the forms to go to him on their way south and will be vetted on their way down and will then be, there will then be a method of at least helping that any delays will not any longer occur.

Mr. McKinnon: Mr. Chairman, in my Motion of the Production of SESSIONAL Papers I'm sure that the questions I will be asking will be quite PAPER #15 involved and I would appreciate if the Administration would take every endeavour to answer them thoroughly. I would rather a thorough answer with my questions perhaps misinterpreted a bit by the Administration than just no substance to them at all.

Mr. Chairman: Are you clear with Sessional Paper #15 at this time, SESSIONAL gentlemen? We will proceed with the next Sessional Paper, Sessional PAPER #16 Paper #16, having reference to Position Classification and Pay Plan. Is it your desire to have any witnesses here in relation to this Sessional Paper, gentlemen?

Mr. Commissioner: Could I ask if I could have Mr. Fleming and Mr. Strong to assist me to answer Council's questions in regard to this?

Mr. Chairman: Committee agreed?

All: Agreed.

Mr. Chamberlist: With respect, I would also ask that the Chairman for the negotiating committee for the public servants be asked to attend as well as I think we must get both sides of the question in any matter of this nature.

Mr. Chairman: Does Committee agree to this proposal?

All: Agreed.

Mr. Chairman: Mr. Clerk, would you so do and I will declare a recess at this time to give these gentlemen an opportunity to get here. We will have our recess at this time.

AA

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Tuesday, November 14, 1967.  
3:30 o'clock p.m.

Mr. Chairman: I will call Committee to order at this time, and we will be discussing Sessional Paper No. 16 related to position re-classification pay plan and we have with us witnesses to assist us in these discussions. Will you proceed, gentlemen. Possibly Mr. Commissioner might like to kick this one off.

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Mr. Commissioner: Well, Mr. Chairman, I am very happy to tell you the situation that has brought this about. On March 14, 1966, a paper headed confidential was tabled for Council's information indicating the setting up of a personnel department and also giving certain recommendations as to the duties that were to be encumbered upon this particular department. The department got set up and certain of their duties were able to be dealt with without too much difficulty except that a promise has been made to the Civil Service Association, and likewise I understand the Council, that a proper pay and classifications program would be embarked upon, or would be set up, and it came to my attention very early during the weeks and months that I have been on this job that the only way this was going to get done was to bring in an outside consultant, people who were experienced in this type of work and likewise who were not on the Territorial Government payroll as regular employees to do this particular job and the end result of this is before you and the paper that you were discussing is indicating the wishes to the administration that Council would see their way clear to agreeing with these recommendations and give us approval to proceed with this revision and classification pay plan, and I believe there has been a supplementary question or two asked in connection with this and that I am sure we are in a position to give a verbal answer to if we do not have the mimeographed paper here in front of us. We will do our very best, Mr. Chairman, to answer questions of Council at this particular time.

Mr. Chairman: Thank you, Mr. Commissioner. Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I would appreciate if the questions that I have asked now be answered by the administration. These I believe were asked first on Thursday the 9th. The answer to the first one has already been made and this was when the Commissioner proposed to table the report on position, classification and pay plan which was submitted by the public administration on July 1967. We have that available now. Question No. 2 which I would like to have answered now is how did the new pay scales become effective?

Mr. Chairman: I wonder if we could take these one at a time. This may be found, gentlemen, on pages 48 and 49, I believe. No, just a minute now. What page is this, Mr. Chamberlist?

Mrs. Gordon: Page 51.

Mr. Chamberlist: Thank you, Councillor Gordon.

Mr. Commissioner: Have you anything?

Mr. Commissioner: Mr. Chairman, may I have the privilege of calling on Mr. Fleming to answer this question?



AK

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Mr. Fleming: The answer to that question, Mr. Chairman, is, in part. New positions that have been filled since the implementation of the plan have been filled on the new scale and there is a second category that is now on the new scale and these are the people who have reached their anniversary dates, and on that anniversary date the new scale becomes effective for them, as they reach it.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, whether part of the scales becoming effective has in any way caused any dissatisfaction amongst the Public Service and I wonder if perhaps Mr. Besier, who I understand is the Chairman of the Negotiating Committee for the Public Servants can answer that.

Mr. Chairman: Mr. Besier.

Mr. Besier: Mr. Chairman, I think most of the employees feel we are somewhat in an incongruous position by which a number of employees consisting of three separate classes are in fact being paid on the new pay plan of the scale that has been introduced while the remaining employees are still being paid in accordance with the old pay plan, so you in fact have employees working side by side performing the same job and being classified the same but earn different salaries within different pay areas.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Might I enquire, Mr. Chairman, is this, when we talk about the anniversary, is this the difference between the permanent employees and the employees who are on probationary periods.....  
.....?

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

Mr. Shaw: Well, it doesn't matter any member - Mr. Fleming.

Mr. Fleming: Anniversary dates are on a <sup>annual quarter months</sup> ~~quarterly~~ <sup>quarterly</sup> broadening basis. <sup>Month after year hiring day</sup> January first and the ~~reports~~ <sup>reports</sup> thereafter and the nearest one to <sup>is</sup> your anniversary date. If you're hired December first, your anniversary date is January first and, provided you've given good and meritorious service you can reasonably expect an increase in your salary on the next anniversary date - one year and one month from the date on which you were hired.

Mr. Chairman: Mr. Shaw.

Mr. Shaw: Well, that is between permanent service and probationary. This would be the probationary period?

Mr. Fleming: The six-month probationary period is included in the 12-month annual review period for pay increases.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I wonder has any representation been made to the administration by the public servants in relation to the different pay scales that now exist and if that has been done has there been any reply as to how this situation is to be remedied. Perhaps Mr. Besier again could answer this question.

Mr. Besier: Mr. Chairman, we have made several requests to the administration. We have to a certain extent indicated some dissatisfaction with the present pay ranges in the classification plan and even though, I think its fair to say that I am generalizing,

that all employees basically agree with the principle of the plan and the manner in which the plan is set up. I don't think they all agree necessarily with the salaries that are being paid. We have also asked the administration to implement the plan across the board. In other words, have every employee that is now employed by the Territorial Government receive salaries in accordance with the new pay scales so we do not have in fact two different groups of employees and we have asked that the retroactive salary increases which we have been promised retroactive to April 1, 1967 that they be implemented by December first. I have just received a reply from the administration to the latter request that this would hinge upon the decision of Council to accept the reclassification of the pay plan as presented to you.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: May I go on, sir, with the question number 3. Question number 3, Mr. Chairman, is as follows: is it the intention of the administration to maintain the old pay scale where the contractual relationship exists as between employer and an employee so desirable? Speaking on that question, I wonder of perhaps I could get a reply to it.

Mr. Commissioner: Mr. Chairman, we have a reply mimeographed on this, which I don't know where it is, but the answer to this question is yes it is our intention to maintain the old pay scale where this contractual relationship exists if the employee so wishes. That is the answer that we have, Mr. Chairman.

Mr. Chamberlist: Commenting on this answer I am personally very pleased that the answer has been in the affirmative. It is the only right thing to do and I am pleased with the administration that it recognizes its contractual relationship with their employees. In other words, by this they have admitted and agreed where they have made a verbal contractual relationship to employ a person at such and such a figure with increments to follow they have agreed that on this understanding those that have been employed under that basis may if they wish come under the new pay plan. I wonder if what I have said is the interpretation that I can get from the answer given. Mr. Commissioner, please.

Mr. Commissioner: The last three words there - under the new pay plan. Well, under the new scale.

Mr. Chamberlist: Can I clarify a little bit more for Mr. Commissioner, Mr. Chairman?

Mr. Commissioner: If you would, please.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: To clarify the last few words. Is it the intention of the administration to recognize that if an employee who was taken on originally under the old pay scales wishes to participate in the new pay scales, may he do so?

Mr. Commissioner: Well, Mr. Chairman, I don't want to get off on the wrong track here now, but I don't think this is the question we were asked. It says here is it the intention of the administration to maintain the old pay scale where a contractual relationship exists between employer and employee, if an employee so desires. Now, that was the question that I answered, gentlemen.

Mr. Chairman: Mr. Chamberlist.

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Mr. Chamberlist: This is the question that was asked. In other words, I put it to you that if, breaking this question down, the employee desires to remain on the old scale, your answer is yes. Is that as I understand it? If he doesn't desire to remain on the old scale and is quite prepared to participate in the new plan, he may do so. If he can't do one, he can do the other.

Mr. Commissioner: Mr. Chairman, I'm going to answer this question with a further question and I think it is very clear that we must understand here that in this pay and classification plan we have brought into effect here, or are asking for authority to bring into effect, every job in the Public Service of the Territory, whether it was occupied or unoccupied, has been analyzed and this is what is in this class specification book here. Now, in conjunction with that, the pay scale has been attached to every one of these particular jobs. Many jobs resulted in classifications being attached to them that are lesser - is that the right way to put it, Mr. Fleming?

Mr. Fleming: Well, I would like to see you develop your argument first.

Mr. Commissioner: In other words, the category in which the present job has been constituted in the public service is not necessarily the category that this new plan assigns to that particular job.

Mr. Fleming: There are several. There are about 30 that would be red circled.

Mr. Commissioner: And these are the people who occupy these jobs that this question is related to. Now, Mr. Chairman, up to this point, this is really where Councillor Chamberlist's question comes. What is the Territorial Government's attitude towards the people who find themselves in a category which effectively speaking has been re-graded, I think this would be the way to put it, either downward or kept at the same level but hasn't been graded upward, then what it was under the old set up. Now, this as I understand it is what the Councillor's question is. Now, at that particular point, we are faced with this - we have contracted with a person to put them into a certain pay scale some time in the past and now, according to this new pay plan, there is about 30 of these people who are literally speaking in jobs where no further increments are justifiable. Am I correct when I say this now, Mr. Fleming? Now, the question that Councillor Chamberlist has raised and which we are trying to answer is this - whatever the contractual obligation of the Territorial Government has, it is our intention to continue to honour that irrespective of the red circling situation. Am I correct now, Mr. Fleming, when I have stated this?

Mr. Fleming: Mr. Chairman, if we could simplify it. There are instances, I'm not quoting exact instances, where the old salary range would go ~~to~~ say \$600 to \$1,000 with \$100 a month <sup>annual</sup> increase over four years. Now, under the new scaling, this job has been reclassified to a lower category of which the pay scale may now be from \$500 to \$800. We may have an employee who is at present earning \$900 on the old scale and he ~~is~~ now red circled because he is ~~now~~ over the new scale. The intent of the Commissioner's reply is yes, we will honour the old contract and allow him to go to \$1000, but only the man who is incumbent in that job at that time, and not his successor. We are not setting a new pay scale for the job. We are taking recognition of an ~~employee~~ <sup>employee</sup> with someone with whom we may, or may not, have a contractual relationship.

Mr. Chairman: Mr. Commissioner.



Mr. Commissioner: No, it's alright. I just wanted to - if I may, Mr. Chairman, I just wanted to say that this is a once-over situation that will arise across the board of the public service and this situation is not going to be arising on a continuing basis. I think this is a question on an important point that Council should understand, and I would ask Mr. Fleming to correct me if I am wrong on this because he has been dealing with the intimate details of this, but the chances of this arising again even for the odd isolated employee are very, very limited. Am I correct when I say this, Mr. Fleming?

Mr. Fleming: Mr. Chairman, I would agree with the Commissioner. There are bound to be the novelties in any scheme of red circling such as this, and there is one fortunate thing that out of 400 odd positions that were classified there were only 30, and I believe this has now been reduced to 25, which remain in the red circle category, and for these people every endeavour will be made to encourage them by retraining them or reposting them to get into a position where their talents will earn them the type of money they have been used to bringing home, and no one has received a cut in pay as a result of this classification. I think this is one very important fact, that no one has received a cut in pay. There are people who will not be able to proceed as far as they anticipated in the job they are doing simply because they are over-qualified or because the job has been reduced in stature. It is not anticipated that this will be a recurring thing. However, it may happen that in the future, positions will be red circled and I would use the instance if we institute some form of data processing, then certain people in particular fields may find that their jobs are redundant or reduced and they will be encouraged to either move or retrain within the service. One thing that reclassification has done - it has opened up avenues for promotion that never existed in the Civil Service before. It has opened up avenues for lateral movement which in turn will lead to people going forward. People are no longer frozen into compartments, into dead-end jobs. We are hopeful that this reclassification will result in people feeling that they are part of the whole service and not part of the compartments. There are no locked doors.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: It was pretty well answered the question I was going to ask, but I would like to put it now just to make sure that I have it straight. For example, an incumbent employee is receiving a certain salary of up to \$5,000 a year. However, his classification has gone down so the maximum would only be \$4,000. It appears to me by the discussions that the present policy is to allow that person to stay in the classification in which they are in at the present, or the salary scale, regardless of the fact that they have been dropped to a lower category.

Mr. Fleming: Mr. Chairman, Councillor Shaw, where there is an implied contract this would come into effect but if someone had been (not exactly enticed) because you don't have to entice people to join the government, but we prevail upon them to see the merit in a government career and we hold out the promise of a \$5,000 salary, providing they do a good job, and through this reclassification has been cut to \$4,000, then according to what the Commissioner has told you, we will honour the employee's contract.

Mr. Shaw: Thank you, Mr. Chairman.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: I wonder if Mr. Besier might make a comment on this, in light of what has just been said.

*submitted*

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Mr. Besier: Well, Mr. Chairman, this is the first I have heard of this. I do not believe we have written the administration regarding this but we, pardon me, we have. I think we have insinuated that there was in fact a breach of contract we felt, although no written contract as such existed. We felt that fair play dictated that people that were enticed for employment under certain terms of salary would, in fact, be eligible to receive the maximum of the salary that was quoted to them when they applied to the competition, so I would say that I am very happy that the administration has taken this viewpoint.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, would Mr. Besier whether your organization would now be satisfied in view of the remarks that have been made by the administration with reference to those who have contractual relationships or implied ones that this pay scale is acceptable to your organization.

Mr. Besier: Yes, I would say that this would be the case, Mr. Chairman.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: I would suggest then that we don't have a problem. The problem is solved.

Mr. Chamberlist: Mr. Chairman, in view of the remark by Mr. Besier, I would suggest that the administration, because they have indicated that the funds are available, promptly pay the back pay, the retroactive pay that the public servants are entitled to so that they can have a very merry Christmas. I wish now to go on to the matter of the regulations made under the provision of the Public Service Order. We have achieved some success this afternoon in the proving of the pay scale. Obviously, the administration is satisfied with them and now the Public Service is satisfied with them so there is no problem. There is only one point in particular - one of the main points in particular that I would bring forward to the attention of members of this Committee. The absence of mandatory instructions to the Commissioner, that he shall make arrangements for arbitration. I think it is absolutely essential that arbitration be instituted for any group of employees. It is the modern trend today for good relationship between employers and employees whether they be employed by government or in private enterprise, that there be negotiation from time to time and with the failure of negotiation that there be provision for arbitration, and I think that there should be compulsory provision for arbitration, not as is now required that the Commissioner may make provision for arbitration. If ever there is a need for the difference to be shown between permissive and mandatory requirements, I think this is one case in fact, and I would ask that consideration be given to that section of the regulations or the ordinance, or both where necessary, that a firm provision be made to give the Public Service of this Territory the right to arbitrate. This is the only logical way that differences, if any, can be met between employer and employee.

Mr. Chairman: To whom do you address that question.

Mr. Chamberlist: It is addressed to the Commissioner, of course.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: I don't see any question. I think it was a statement from Mr. Chamberlist.

Mr. Chairman: I understood he was asking if this was the intention. SESSIONAL PAPER #16

Mr. Chamberlist: That's right.

Mr. Commissioner: Well, now what are you talking about - arbitration or collective bargaining?

Mr. Chamberlist: Collective bargaining. It's arbitration for collective bargaining.

Mr. Commissioner: Well, I'm confused right now, Mr. Chairman. I have to get straightened out on this.

Mr. Chamberlist: There should be no confusion. When I speak of arbitration, I mean arbitration via collective bargaining. It is only when there is collective bargaining between employer and employee that arbitration comes into a form, that is when arbitration takes place. So if I have to expand the question, my question is will the Commissioner be prepared to have his regulations amended to provide for collective bargaining as a mandatory factor?

Mr. Commissioner: Well, this is a question, gentlemen, that calls for more than just a verbal answer, and there is a considerable amount of work that is being done right now by my administrative staff and also by the Public Service Employees Association looking into this particular matter and until I am in a position to have assessed and analyzed the findings of both the Employees Association and my administration I'm certainly in no position to give a definite or definitive answer to this particular question.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Well, Mr. Chairman, it seems to me that the present legislation or impressions of arbitration are questions of any manner which is confined to the associated values of thoughts both employee and employer, we may revert to the standby and.....it is not implied, and it seems to me that as far as arbitration is concerned, this is something that a number of labour groups have not been too happy with and usually take as a final resort for the settlement of their disputes and I am wondering myself personally, especially with regard to the law itself as to how we would proceed in view of the fact that I don't believe that collective bargaining legislation presently exists in the Yukon.

Mr. McKinnon: Mr. Chairman, as far as I can understand from the Ordinance of the Yukon Territory passed by the Yukon Council in the year 1967, first session, Councillors will proceed to Section 34 (2). The Ordinance as it now stands, which I would understand would be the policy of the administration.....that the Commissioner may make such regulations as he deems necessary to establish procedures for collective bargaining between the Commissioner and organization representative of employees with respect to the terms and conditions of employment and the remuneration of these employees. I would suggest that if the Council were of a mind to make it mandatory on the Commissioner that collective bargaining procedures shall be established, then it is the prerogative of this Council to bring in an amendment to this Bill that would provide mandatory collective bargaining procedures. I would like, for my own information, to ask Mr. Besier just what is the status of the Territorial Civil Servant in regards to collective bargaining

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Mr. Besier: Mr. Chairman, at the present time the Territorial Civil Servant does not have the right, in fact, to bargain collectively. In other words, the very fact that my presence here and our communications with the administration in the past two and a half years have been, I don't quite know what word to use, but its been, at the okey of the administration. In other words they didn't have to talk to us at all. They've been good enough to do so. This of course has been leading up to the attainment of collective bargaining. We, at the present time, have submitted our case to our major affiliate, the Public Service Alliance of Canada, and they have it at the present time before their solicitors. I understand they will be notifying me within the next couple of weeks to let me know what action we should take to obtain collective bargaining. In other words, what method we should apply. The administration has suggested one method of obtaining collective bargaining which we didn't agree with.

Mr. McKinnon: Mr. Chairman, I wonder if I could ask Mr. Besier just what the Alliance of the Territorial Civil Service with the Public Service Alliance of Canada means to the Territorial Civil Service and what will result from this?

Mr. Besier: Well, we're in the unfortunate position, as is the Territory for that matter, of being neither fish nor fowl, not of provincial status and therefore we do not have a provincial organization as such. Our Superannuatinn Plan, our death benefit plan, our medical plan are identical plans to those of the federal civil servants and therefore the Public Service Alliance which consists of an alliance..... federal civil servants has accepted us as an affiliate. They deal through the Deputy Minister's office.

Mr. Chairman: Mr. McKinnon.

Mr. McKinnon: Mr. Chairman, the Public Service Alliance of Canada does have a collective bargaining procedure with the federal government at this time. Is that correct?

Mr. Besier: That is correct.

Mr. McKinnon: The Public Service Ordinance of the Yukon Territory does not make provision for mandatory collective bargaining at this time. Now, what is the relationship of the Public Service Alliance of Canada, being a federal organization of which you are a subsidiary, presses for collective bargaining on the part of the Territorial Civil Servants but is precluded from doing so by a Territorial Ordinance.

Mr. Besier: I'm not a lawyer, Mr. Chairman, I have no idea, but I would assume the federal legislation would prevail.

Mr. Commissioner: Mr. Chairman, this is exactly what we're all endeavouring to find out here right now and this is what I am trying to convey to Council, Mr. Chairman, that the employees association and my administration are endeavouring to get these matters resolved because I have made it very clear to the employees association, and I am sure that Mr. Besier will verify exactly what I am saying to you that I am not against collective bargaining for our staff but I do think that as the chief administrative officer of the Territory, I owe it to the employees who come under my direction, to the Council, to whom I would submit matters along these lines for

their advice and direction on, to the total population of the Territory to make absolutely certain that what we are doing, or what we propose to do, is going to be completely legal from all aspects. We have had a fine example here this afternoon, or this morning, of possible illegalities whether they are proven right or they are proven wrong, in connection with the Workmen's Compensation Ordinance and I think it behooves us all and I think that Mr. Besier would agree with this statement that we would be doing nothing but harm to everyone if we get off on the wrong track with regard to this most important aspect of our employee relations.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, it is fairly obvious that the federal government civil servants have collective bargaining. Mr. Smith is concerned that we should do things legally and I would add tomorrow I would give notice of motion for a change in the Ordinance to make it legal by recommending that the ordinance shall be changed to read shall instead of may.

Mr. Chairman: Did you manage to get that, Mr. Clerk? Is there no noise by-law in the city of Whitehorse?

Mr. Commissioner: Perhaps, Mr. Chairman, we could deal with that when we're dealing with the matter of compartments.

Mr. Chamberlist: Mr. Chairman, I will take notice of that and look into it.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: I have a question, Mr. Chairman. The Honourable Member from Whitehorse East was talking about arbitration, and I would like to direct this question to Mr. Besier. It always appeared to me that arbitration is something which organizations dream up, particularly as favours. Am I correct in assuming that the Civil Service federation of the Yukon do wish to have arbitration clauses when bargaining processes fall down?

Mr. Besier: Mr. Chairman, I can only answer to that question that this has not been discussed in any detail either with our executive or our membership because I think it is putting the cart before the horse type of thing. It is the type of thing we will be discussing if, in fact, we get collective bargaining. I can only suggest that the federal civil servants at the present time do retain their right to strike, but I would suggest that my own personal opinion and I think it probably represents at least some of the members of the executive would be that compulsory arbitration is in many cases a good thing. I realize this does not coincide with opinions held by many trade unions.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: I wonder if I might direct a question to Mr. Besier, and the question is, is the present method satisfactory? I know that this afternoon a great deal of satisfaction appears to me to have been created between the government and the employees group and if this method is satisfactory, I wonder if Mr. Besier could explain if it is necessary for any further explorations are necessary in view of the fact they obviously are getting what they feel is just and satisfactory.



SESSIONAL Mr. Besier: Well, if I may, Mr. Chairman. No, I would not  
PAPER #16 agree with Councillor Livesey on this aspect. At the present  
time and in the last two years, two and a half years we have  
been fortunate enough to have Commissioners in administration  
who were progressive enough to, in fact, discuss our issues  
with us. We have not reached satisfaction in all cases,  
we have reached satisfaction in some cases, but in no case  
have employees really to any extent been consulted or have  
had an affair, a hand in furthering their own destiny, and it  
is our feeling that collective bargaining will, in fact,  
encourage employees to take an active part in their own affairs  
and sit down with the administration at a pre-determined time  
to determine the conditions under which they shall be employed.  
This is not now the case. The case now is that the administration  
can, in fact, make whatever rules they see fit and the  
employees will work on it. I don't mean to make that sound  
derogatory because that has not been the case but this could  
be the case.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Besier would  
indicate whether there are any sections of the Ordinance or  
the Regulations which are repugnant to the Public Service  
employees.

Mr. Besier: I would say, Mr. Chairman, that is a bit of a  
sweeping question. I think the collective bargaining aspect  
may, rather than shall, is probably the most important one.  
I think the other aspects mainly concern factors which can  
be bargained for, perhaps, which are not covered under the  
Regulations but which are at the present time conditions of  
employment.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: I would like to clarify that point, Mr. Chairman.  
That last statement of mine was a question rather than an  
exhibition of fact or a point of agreement or understanding.  
I was merely asking Mr. Besier a question as to what they  
believed in, whether they were satisfied or whether they were  
not satisfied. This is my question. I just wanted to clarify  
that. The reason I ask this is because usually people are  
satisfied with what they have. They usually don't look for  
some other means of process unless they become dissatisfied.  
This was the reason I asked the question.

Mr. Chairman: Councillor McKinnon:

Mr. McKinnon: Mr. Chairman, I'm a little disturbed that  
tomorrow morning it seems that we will have a motion before  
this House that Section 34 (2) be changed to eliminate the  
discretionary may with the mandatory shall. It would seem to  
me at this time, and from the remarks made by Mr. Besier, that  
there is active negotiation going on between the administration  
and the Public Service Organization to determine which is the  
best and most effective way to establish a system of collective  
bargaining in the Yukon Territory at this time. It would seem  
to me that the logical flow would be for the decision on how  
best to obtain the procedure for collective bargaining to be  
placed before the Council table and then the Council will set  
down the policy of whether the agreement that has been reached  
between the administration and the Public Service should be  
allowed on a discretionary basis or in effect does now make it  
mandatory. I think that to do anything else is to make a

mandatory power before we really know all the aspects of what is involved.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, earlier on, Councillor McKinnon made a specific point of bringing forward that the local public servants belong to the same organization of the Public Alliance of Canada. There were two bodies in this Public Alliance, one is the federal civil servant, and the other are the Yukon Territorial civil servants. The federal civil servants already have mandatory legislation permitting them to have collective bargaining. It would follow then that we should have collective bargaining there in our legislation, and whatever the outcome of the reply that Mr. Besier will be getting, this, as I understand, will be the method of obtaining collective bargaining, and I think we have a responsibility not to wait for the Public Alliance Organization to say get it from the Territorial Council through legislation. I recognize that there is a need for mandatory collective bargaining and this is why I will present my motion to the House tomorrow.

Mr. McKinnon: Mr. Chairman, I'm afraid that I'm going to get sucked into a corner here that I don't want to get put into because I agree wholeheartedly with the principle that the Commissioner has stated that there has to be a form of collective bargaining procedure between the Public Service of the Territory and the administration. Now, if I give a mandatory power to the Commissioner to establish that he shall establish collective bargaining procedure, when the collective bargaining procedure comes in, and it's going to be presented by the administration, it may be completely repugnant to my taste, and yet because I've given him the mandatory power to exercise it, this repugnant agreement that he comes in to me because I am for the process of collective bargaining, I'm going to have to go along with. Certainly provide the agreement how the collective bargaining is going to work, then let Council make policy in its wisdom whether this policy that we agreed to shall then be mandatory. Let's not put the cart before the horse.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: With respect, Mr. Chairman, the discussion that Councillor McKinnon is entering into now really should wait until after the notice of motion is placed and the motion is heard. If he feels opposed to it then, surely Councillor McKinnon should bring it into conversation then, but not at this discussion.

Mr. McKinnon: You can bet your boots I will.

Mr. Chairman: Councillor Chamberlist, will you take the chair?

Mr. Chamberlist: Yes, Councillor Taylor.

Mr. Taylor: Well, Mr. Chairman, I would like to direct a question to the Legal Adviser. Poring through the Industrial Relations and Disputes Act, the federal act, where it refers to collective bargaining and rights to negotiate, and in view of the fact that we have no legislation respect of collective bargaining or settling disputes, we then, by agreement with the federal government, I believe have the federal government do this type of work for us, and thereby may I assume that we

SESSIONAL PAPER #16 fall under the terms and conditions of this Act, and I will ask that question first.

Mr. Commissioner: May I have the privilege of speaking on that? This is the factual situation, Mr. Chairman, and it was to this Act the provisions under which collective bargaining may be obtained and I suggested in a meeting with the executive of the Employees Association that this would be the tracks that they should follow on collective bargaining procedures, and it is to this course of action that Mr. Besier referred a few moments ago that in the course of time the Employees Association advise us either directly or indirectly that they did not wish to take this course of action, and that they were looking towards another course of action and this is precisely what is going on at the present moment. I think Mr. Besier would verify this - that this is what is going on, and I also may say, just while I am on my feet, with regard to this, I don't think the Legal Adviser would care to answer this question at the moment, but there are certain basic legal problems involved in this thing which may, of necessity, or may necessitate bringing forward further Territorial legislation.

Mr. Chairman: Mr. Taylor.

Mr. Taylor: Yes, I have a couple of further questions in relation to this then. Has the union been certified as a bargaining agent?

Mr. Besier: I gather that is directed to me, Mr. Chairman?

Mr. Taylor: Yes, to Mr. Besier.

Mr. Besier: We would normally seek certification under the terms of the Industrial Relations and Disputes Act or if we did not wish to proceed with this because the Act has a restrictive clause in it which prohibits anyone in a managerial or supervisory position from being a member of such a union and we felt this would exclude too many people, especially people inside the engineering department, and therefore we're looking for another way out.

Mr. Taylor: Yes, well these questions - I note here - I've been thinking about the remarks made by the Honourable Member from Whitehorse North, and there is some merit there. I notice in Section 12 of the Industrial Relations and Disputes Act, which deals with the notice to negotiate collective agreement that it says the bargaining agent may, on behalf of the employees, and further down in sub-section (b) the employer or an employer's organization representing the employer may, not shall. It is not mandatory. I see nowhere throughout this section where the mandatory term shall is used, and so it seems to me that if we set up legislation, if we indeed can set up legislation - I'm not so sure we can - that we should possibly make it permissive rather than mandatory at this time until we further understand it. I did notice some time ago in Council we received one of the former Council's big list of questions. There is a total of 86 questions related to the subject we are now discussing. The questions go along this line - does the Council hold the view that every employee has the right to be a member of a trade union and participate in its lawful activities? And it deals with what we feel about all these things, and it was never dealt with. I don't really know why. I know I've tried to get this thing on the table two or three times, but the administration kind of backed off on this. This was a former administration, and I think about that time we had a

whole bunch of people come roaring up here from Vancouver and Ottawa to tell us that they would look after the matter, and not to worry about it, but possibly if we're talking along these lines we could drag out these questions again and give Council to take a good go over them. Just while I'm on my feet, I have two further questions in relation to the general personnel administration, and it is a good time to raise them. One is that in the - I would direct this to Mr. Strong - in the reclassification program that has been undertaken here that we are being asked to agree to, a section here in Sessional Paper No. 16, were there indeed any allowances made for Territorial employees living in higher cost areas, that is say in the hinterland or in Dawson or in Watson Lake and in places where the cost of living is higher? Now, it is my understanding that the pay reclassification is comensurate with the duties performed. However, where you have higher living costs, higher fuel costs, higher general costs, say in Mayo or Dawson City or Old Crow, indeed, and this type of thing, has there been compensation made for this higher cost of living? My second question involves itself around the federal Territorial political activity, but we'll get to that next.

Mr. Strong: Mr. Chairman, in relation to the higher cost areas no money out of the pocket has been spent, other than the actual salary..... Now, in and according to the book there, there is a recommendation by a consultant that some consideration be given to a free schedule for these high cost areas. I believe the administration will be presenting some kind of a rental reduction scheme which will accomplish the same thing. I don't know what stage we're at on this.

Mr. Taylor: My final question, Mr. Chairman, and I'll resume the chair, would be in relation to a section in our Personnel Administration folder on political partisanship, and I have had many questions asked of me on this, and I couldn't really answer them, but I notice that here an employee who wishes to seek nomination to be a candidate for election to the House of Commons or of the provincial legislature or of the Council of the Yukon Territory or the Northwest Territories can make application and indeed receive permission generally to get leave of absence to undertake this. Is it then, it is not spelled out here, does it then follow that any Territorial employee could quite actively participate in, on a partisanship basis, in political activity related to elections and all manners of public meetings and this type of thing throughout the Territory. He would now have this freedom?

Mr. Strong: Just off hand, I can't remember how far this legislation goes. This was written at a time when the past election was just coming up.

Mr. McKinnon: On Section 28 of the Public Service Ordinance reads, no unit head and except as authorized under this section no employee shall engage in work for, on behalf of, or against the candidate for election as a member of the House of Commons, the member of the legislature of a province, or a member of the Council of the Yukon Territory or the Northwest Territories or engage in work for, on behalf of, or against a political party or be a candidate for election as a member described in paragraph (a). Further to this, Mr. Chairman, two of the candidates in my riding were originally representative of, represented by agents who were in the public service of the Territory, and both were given notice from the administration that they could no longer serve in this capacity. I haven't really made up my mind on whether this was right or wrong, but would certainly

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like to hear a discussion on whether activity on an agent-like basis should be allowed by a Territorial civil servant or not. Under the Ordinance as it now stands, they are precluded from such activity. I would like to hear both the administration's viewpoint, and Mr. Besier's viewpoint on this.

Mr. Commissioner: Well, Mr. Chairman, we have to abide by the Ordinance and until it is changed we have no alternative.

Mr. Taylor: With further consideration, Mr. Chairman, I'm certain there will be consideration given to it as far as I am concerned, and if there are any proposed amendments to this Ordinance at this time, this should be taken into full review in order that we can determine and what policy.....

Mr. McKinnon: You passed it.

Mr. Taylor: I know we passed it at the fall session, but as I say we've just gone through an election and I don't feel this now, possibly I did before the election.

Mr. McKinnon: Could I hear Mr. Besier's viewpoint?

Mr. Besier: Well, Mr. Chairman, I think that most of the .....Territorial Government feel very strongly that this section, whether by intent or not, isn't franchised from political activity to a certain extent. At least, theoretically it makes somewhat of a second-class citizen. The Territorial employees at present are sworn to an oath of secrecy, and I feel very strongly that they utilize their offices to, in fact, advance a candidate's chance for election. This would be grounds for dismissal, but to take part as a private citizen would be somewhat else.

Mr. Taylor: Yes, I'll resume the chair at this point. Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I find that there is little conflict between the Ordinance and the Regulations under the Ordinance. I find it awfully difficult to appreciate that a leave of absence may be given to an employee to run for Territorial office, and if he doesn't get elected, after say about a month or six weeks, he's blasting the administration, he's blasting what the Council has been doing. This goes on for six weeks and then he goes back, he loses the election, and he goes back because he's had a leave of absence, and he is placed in the p to face the people that he has been working with, whom he's been giving hell as a candidate in the election, he's got to go and probably get up on a platform and say that Commissioner as far as I'm concerned he's the stupidest person that I ever did come across, but he speaks about us and he says, and he gives reasons why, you see. Now, he loses the election, so he goes back to work and of course the Commissioner, he doesn't say it, but I remember that so and so. He thinks I'm stupid, eh? Well, this is one hell of a position.....

Mr. Chairman: Order, please. Watch your language, please.

Mr. Chamberlist: This one heavenly position for a person not to be in, so I find it that I agree that with Mr. Besier's point firstly that there should be reconsideration as to restriction and I find that to my way of thinking at least that it should be made clear to a person who is in the Public Service that when

he runs for election and he does disclose any of the reasons why, suggesting that members of the administration have not been acting properly, the oath of secrecy is taken but would undoubtedly be broken. Quite frankly, this section is so treacherous to an employee that I think it should be given a full working over by Council before it is left as is. It can hurt an employee who wants to participate in the public life of the community and it can hurt those others who are participating, who are not public servants - I don't think I've made myself clear because I'm so mixed up in this thing quite frankly. It's a piece of bad legislation. It's another place where certain things that should be left unsaid should remain unsaid. Definitely they should be excluded where there are employees, but the question of whether they are to be given referductions, I would say that if an employee wishes to run for office, he should resign completely from the Public Service. I think this is the procedure that is in the federal government, I'm not sure, but I remember Bud Orange found it necessary to do this, to resign from office, before he ran as a federal candidate in the Northwest Territories. So, I think we should look it over again and remove the situation where a Public Servant can retain or get replaced back into his own position if he fails to win an election.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, I wonder if I could direct a question to the Legal Adviser with regard to this question. It seems to me that the Territorial legislation more or less was based on the repeal of the Public Service Act by the federal government and I wonder if the Legal Adviser could ascertain that.

Mr. Legal Adviser: I'm sorry, I wasn't here at the time.

Mr. Shaw: .....I think it was a very good piece of legislation.....You can make a choice whether you want to be a public servant in the Territory, or you can take your chances in the political field. I recollect a few years ago a mining recorder who complained to me about how he was a second class citizen. I asked him why, and he said well I can't go and stake claims. That was his opinion. I didn't think he should stake claims either, but the fact that he was in such a position, I don't think it would be right if he staked claims, but it doesn't make him a second class citizen. All he has to do is quit his job and he's on the same category as I am, so that I feel that this legislation that we had created last spring is pretty sensible and allows a person to throw his hat in the ring and take his chances along with the rest of us fellows, maybe win or lose, and personally I think one application of this will be sufficient for most of you.

Mr. Chairman: Gentlemen, what is your feeling? Have you any further relation to Sessional Paper No. 16 which, in closing, I should advise you states "Council are advised that the funds necessary to implement the recommendations of the Public Administration Services' Report, for this fiscal year, are available. Your approval is respectfully requested."

Mr. McKinnon: Mr. Chairman, I would like to ask one question of Mr. Besier before we leave this. I would like to ask him what his Association would feel about the Commissioner having mandatory powers to bring in compulsory arbitration before his

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Association has had a chance to see what that compulsory arbitration would entail.

Mr. Besier: Well, my understanding, Mr. Chairman, of that question would be the word shall would be substituted for the word may, as it is at present in the Ordinance, and this still would not decline the type of agreement that would be entered into, so what you are merely saying is that in fact you will eventually enter into agreement if a present situation and agreement could be found and if the Commissioner was less enlightened than the present one, we could still be waiting several years hence.

Mr. Commissioner: Mr. Chairman, I think at the moment, with due respect to the Council's question here that there is a tremendous difference between the word shall and may in the particular ordinance that is referred to, and I think that it might, at least from the administration's point of view, I would appreciate the opportunity of speaking on this matter quite fully when the actual request for this comes before Council, and I don't mean in any way, shape or form say that we have any preconceived notions on this, but I want to say something on this, and I want to say this very clearly, and I want to state this while Mr. Besier is here, and that is this, that good staff relations cannot be legislated. It is impossible. I don't care how many pieces of legislation you put through this Chamber, no matter how good they might be legally, this does not guarantee you good staff relations. Staff relations are a continuing problem and they are a continuing thing that members of my administration are constantly at work at, and irregardless of any detail that at the present time we may differ on, and I say we, I say my administration and the staff association. I am quite confident, and I think Mr. Besier would verify this, that we are going to be able to work it out, and it is this process of constant working on these things that create good staff relations. It is not going to be anything that is legislated or not legislated in this Chamber, and I simply make the point very clear to you that you are dealing with human beings, not only administrative human beings but those people who work at the lower levels of government, and it is the manner in which these people are dealt with as individuals and as human beings that make for good staff relations, not the legislative framework within which you deal with, and I think that Mr. Besier would agree with me that while we are not having meetings every day of the week or running around looking for each other, I think that he would verify the fact that he and the members of his association have never found any of the administrative doors closed to them, at least during the time that I have been here, and there was no evidence of them having been closed immediately prior to my coming, and I say this to you, and I say it to you publically, that as long as I am the chief administrative officer of the Territory those doors are not going to be closed, and irregardless of the legislation, the content of it, it is the day to day efforts of both the staff and their representative association and the endeavours of the administration that are dealing with them that are either going to give us good staff relations or poor staff relations.

Mr. Chairman: Gentlemen, what is your decision as to the matters contained in Sessional Paper No. 16?

JM

Mr. Chamberlist: Mr. Chairman, I would move that the administration implement the recommendations of the Public Administration Services Report for this fiscal year, and make the funds available accordingly, making the pay retroactive to April 1, 1967 available to the public servants who are entitled to it.

Mr. Chairman: Councillor Chamberlist, I wonder if I could possibly assist you in describing a motion. Could you word your motion and say would Committee agree with recommendations of Sessional Paper No. 16?

Mr. Chamberlist: Well, I don't know if it means that. With respect, Mr. Chairman.

Mr. Commissioner: I give you my assurance, Mr. Chairman, that is what it means.

Mr. Chamberlist: In that case, I will move that the Committee accept the, that Committee advise the administration that the implementing of the Public Administration Services Report is desired.

Mr. Chairman: Again, I ask you - you can cover the same ground very simply by saying Committee do agree with the recommendations in Sessional Paper No. 16. If not, I wonder if you could kindly make out your motion, because I can't get all this down.

Mr. Chamberlist: Well, the stenographer has taken it down, Mr. Chairman. I wonder if the stenographer could read it back. I don't wish to change the wording of it.

Mr. Chairman: Would you kindly - I will declare a short recess, and you get it down and put it on a piece of paper for me.

Mr. Chairman: Gentlemen, at this time I will call Committee back to order. Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I move that this Committee agree that the funds necessary to implement the recommendations of the Public Service Report be approved and paid forthwith.

Mr. Chairman: I'm afraid I can't accept that motion.

Mr. Chamberlist: I see no reason why not.

Mr. Chairman: Order, please. The motion is out of order because it involves itself in the expenditure of public funds. If you were to re-word your motion to point out that it is the opinion of Committee that these funds be spent, then that would make it quite in order.

Mr. Chamberlist: Alright.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: I was going to point out that such a motion is contrary to Section 24 of the Yukon Act.

Mr. Chairman: Quite correct.



SESSIONAL  
PAPER #16

Mr. Chamberlist: Mr. Chairman, with respect, thank you for pointing that out to me. I was in error. I move that in the opinion of this Committee the funds necessary to implement the recommendations of the Public Service Report be paid forthwith.

Mr. Chairman: Is there a seconder?

Mr. McKinnon: Could the motion be read, Mr. Chairman?

Mr. Chairman: Would you care to re-read your motion on that.

Mr. Chamberlist: I move that in the opinion of this Committee the funds necessary to implement the recommendations of the Public Service Report be paid forthwith.

Mr. Chairman: Do we have a seconder, gentlemen?

Mr. McKinnon: I'll second the motion, Mr. Chairman.

Mr. Chairman: Gentlemen, is there any further discussion on the motion or are you prepared for the question?

Mr. Livesey: Mr. Chairman, with respect, I don't feel that I could agree with the motion that it properly fulfills what we are working for because I don't see any funds mentioned. I see a general indication, Mr. Chairman, but I fail to see any funds. I think that what the administration is looking for is if the Committee agrees with Sessional Paper No. 16. This is precisely what they are looking for, but I don't see any recommendation of funds. I believe that these matters come up within legislation, and the meaning of legislation which refers to the question of supply. This is the place where we discuss funds, but here I don't see any. I see a general indication, but I don't see any initial costs stated.

Mr. Chairman: Might I ask a question of the chair, possibly from Mr. Fleming. Will these funds appear in supplementary estimates to be placed before Council at this session?

Mr. Fleming: They will have to appear somewhere in some concrete form, Mr. Chairman. We are not prepared to present them at this moment because they are constantly changing. <sup>This is</sup> one of the problems that a few people are reaching their anniversary dates, and new people are being hired every day, and these figures are changing constantly, but we can't produce the exact figures for you at any given date.

Mr. Chairman: Anything further on the motion, gentlemen?

Mr. Livesey: Now, Mr. Chairman, the way I view it is that the administration are enquiring from us in Committee, or enquiring from the Council were a question of principle laid out in Sessional Paper No. 16. In other words, do we generally speaking, without committing ourselves to the exact amount of funds involved, do we generally agree with the statement as presented to us, and I think this is about all they want at the moment. This is what it looks like, but I don't see any question of funds involved. I would hate to say yes, I agree with the funds, and I don't even know where they are.

Mr. Shaw: Mr. Chairman, that would be my position. I would be glad to move or second the motion to accept this paper but as far as the funds are concerned.....as usual put before Council to approve or otherwise. That is a different subject to this particular paper at the present time.

SESSIONAL  
PAPER #16

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I read this sessional paper. The Commissioner has given us a report on the position as to classification and paper. He finished up by saying "Council are advised that the funds necessary to implement the recommendation of the Public Administration Services' Report, for this Fiscal Year, is available. Your approval is respectfully requested." Now, is he asking us to approve these funds or is he asking us to approve the position and classification pay plan? Now, this has already been accepted that we have heard both from the administration and the representative of the Public Service Employees that there is contentment as far as the acceptance of the position classification and pay plan, it therefore followed that because of that that the funds that are available, that the Commissioner said is available, is now ready to be paid off, but has simply asked we want your approval. All my motion is was this approval that has been asked for be given. I don't think there is any question of us being involved in the amount of funds because the funds are available to do this. We have accepted the plan, we have accepted the position classification, and I cannot frankly see what objection there could be now in relation to the motion.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: In effect, Mr. Chairman, the motion.....that Council approve a sum of money which they don't know what they are approving.

Mr. Chairman: Order, gentlemen.

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Mr. Shaw: That is the part that is wrong, I believe, in principle. That is why I would have to go against the motion, Mr. Chairman, is because we are approving something that we don't know what we are approving, and by approving this document, of course, approving a principle.

Mr. Chairman: Yes, gentlemen, I would like to draw your attention and possibly the newer members to the fact that we are in danger here, and we must be very cautious in what we do, because if you negate this motion, it is entirely possible that you could negate the whole principle behind this thing into the next session, because you can't reverse a decision made at this session later on. Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, every now and again one takes two or three steps backwards to come forward again so I will withdraw my motion.

Mr. Chairman: Will the seconder.....

Mr. McKinnon: I will withdraw as seconder.

Mr. Chairman: Gentlemen, do you agree that this motion be withdrawn?

All: Agreed.

SESSIONAL PAPER #16 Mr. Chamberlist: I will now move that this Committee accept the position classification and paper and pay plan program as outlined in Sessional Paper No. 16.

Mr. Shaw: Second the motion, Mr. Chairman.

Mr. McKinnon: I think I should act as compulsory arbitrator.

Mr. Chairman: Order, please. Mr. Legal Adviser.

Mr. Legal Adviser: If the members think that the position paper, the Sessional Paper, is slightly obscure and there is a risk of running into difficulties, would one of the Honourable Members propose a motion in this form that the approval requested by the Commissioner in Sessional Paper No. 16, 1967, second session, be granted.

Mr. Chairman: Well, I have one motion before us at this particular point in time. We can only deal with one at a time. Gentlemen, you have heard the motion. Is there any further discussion or do you wish question called on the motion?

MOTION  
CARRIED

MOTION CARRIED

Mr. Chairman: Now, gentlemen, this brings us to a point again where we seem to have run out of business but I have from, through the good offices of Mr. Legal Adviser, some information related to Bill No. 5 and that is information as to what the provinces have done and I would like to circulate these with you tonight so you will have an opportunity to review them for tomorrow morning. Mr. Clerk, would you care to distribute these to the members of the Committee?

Mr. Besier: Mr. Chairman may I be excused?

MS. Chairman: Gentlemen, I wonder if at this time the witnesses may be excused?

All: Agreed.

Mr. Chairman: Thank you, gentlemen. Could we receive a motion now that Mr. Speaker do now resume the chair?

Moved by Councillor Shaw and seconded by Councillor Dumas that the Speaker do now resume the chair, and hear the report from the Chairman of the Committee.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: I will now call Council to order. May we have the report from the Chairman of Committees?

Mr. Taylor: Mr. Speaker, Committee convened at 11:15 a.m. to discuss sessional papers. Upon motion, Committee recessed at 12:00 noon and reconvened at 2:00 p.m. Mr. Strong, Mr. Fleming, and Mr. Besier attended Committee to assist in discussions related to Sessional Paper No. 16. It was moved by Councillor Chamberlist and seconded by Councillor Shaw that this Committee accepts the position classification and pay plan program as outlined in Sessional Paper No. 16. This motion carried. It was moved by Councillor Shaw and seconded by Councillor Dumas that Mr. Speaker do now resume the chair, and this motion also carried.

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

REPORT  
OF  
COMMITTEE

All: Agreed.

Mr. Speaker: Gentlemen, at this time, I wonder if I could draw your attention to the necessity of the agenda for tomorrow and I wonder if Mr. Clerk has any further indications he could give us with regard to future work.

AGENDA

Mr. Clerk: Mr. Speaker, we will have answers to numerous questions for you tomorrow morning and possibly some of these answers will necessitate for further discussion.

Mr. Speaker: I wonder if I could draw another question to Mr. Clerk and ask if there are any further Bills ready for tomorrow morning for discussion in Council.

Mr. Legal Adviser: Mr. Speaker, may I answer that question? Not so far as I am aware are immediately ready..... for processing and they may be ready tomorrow. A draft of the suggested amendment to the Motor Vehicles Ordinance which was given a discretion to the magistrate or judge in the position dealing with endorsement of a driving licence and further amendment which would go into the Motor Vehicles Ordinance to clarify the position of the Public Service Enquiry Board. They may be ready for distribution tomorrow morning.

Mr. Speaker: Would that be first thing in the morning, Mr. Legal Adviser?

Mr. Legal Adviser: Yes.

Mr. Taylor: Mr. Speaker, in relation to Committee of the whole, the only matters that I can see now for the Committee to resolve is Bills No. 4 and 5 as outlined by the Legal Adviser and if Bill No. 6 should receive first and second reading tomorrow then that would be the extent of what we have in Committee of the whole.

Mr. Speaker: May I have your further directions, gentlemen.

Mr. Dumas: I move we call it 5:00 p.m.

Mr. Speaker: I don't believe we have decided on the agenda for tomorrow.

Mr. Taylor: Mr. Speaker, the decision is made for us. We're out of work again. We only have three bills we can deal with.

Mr. McKinnon: Mr. Speaker, as I understood the Deputy Speaker had outlined every aspect of work that we could possibly get involved in tomorrow and I think the motion for adjournment should stand.

Mr. Speaker: You may proceed.

Moved by Mr. Dumas and seconded by Mr. Shaw that we call it 5:00 p.m.

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: The House now stands adjourned until 10:00 a.m. tomorrow morning.

Mr. Speaker read the daily prayer. All Councillors, Mr. Commissioner and Mr. Legal Adviser were present.

Mr. Speaker: Mr. Clerk, is there a quorum present?

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call this Council to order. I have for your attention a reply from the Commissioner of the Northwest Territories to the telegram originating from this House and it is addressed to Mr. J. O. Livesey, Speaker Yukon Territorial Council. The text reads as follows: "Many thanks to you from Council for your good wishes to the Northwest Territories' Council and I send our warmest regards and wish you a good Session". It is signed S.M. Hodgson, Commissioner, Government of the Northwest Territories. I would like to table also at this time:

REPLY TO  
TELEGRAM  
SENT TO  
NWT  
COMMIS-  
SIONER

	SESSIONAL PAPER #
Sessional Paper No. 20, Electricity Watson Lake.	#20
Sessional Paper No. 21, Question No. 5, Yukon Act.	#21
Sessional Paper No. 22, Question No. 6, Yukon Act.	#22
Sessional Paper No. 23, Question No. 8, Indemnity Payments.	#23
Sessional Paper No. 24, Question No. 1, Payments to Justices of the Peace.	#24
Sessional Paper No. 25, Question No. 3, Electrical Protection Ordinance.	#25
Sessional Paper No. 26, Low Interest Loans for Tourist Accommodation.	#26
Sessional Paper No. 27, Motion No. 8, Caution Lights, Haines Junction.	#27
Sessional Paper No. 28, A Report on Yukon Tourist Season, 1967.	#28
Sessional Paper No. 29, Question No. 4, Yukon Regional Library.	#29
Sessional Paper No. 30, Question No. 7, Pay Scale.	#30
Sessional Paper No. 31, Question No. 9, Councillor Gordon, Mayo Water Delivery.	#31
Sessional Paper No. 32, Motion for the Production of Papers No. 1, Engineering Services Agreement with City of Whitehorse.	#32
Sessional Paper No. 33, Motion No. 45, First Session, 1967, MacRae Industrial Subdivision.	#33
Sessional Paper No. 34, Councillor Chamberlist - Question No. 2, Fitness and Amateur Sport Project, City of Whitehorse.	#34
Sessional Paper No. 35, Question No. 10, Alaska Highway Handover.	#35

There are no Reports of Committees. Are there any introductions of Bills? May we pass to Notices of Motion or Resolution.

Mr. Chamberlist: Mr. Speaker, I wish to give Notice of Motion re Sessional Papers 24, 25, 28, 32 and 34.

NOTICE OF  
MOTION  
#10

Mr. Taylor: I will second the Motion.

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

Mrs. Gordon: Mr. Speaker, I would like to give Notice of Motion re Sessional Paper No. 31.

NOTICE OF  
MOTION #11

NOTICES OF  
MOTION

#12

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion respecting J.P. Court Facilities.

Mr. Dumas: Mr. Speaker, I would like to give Notice of Motion re Sessional Paper No. 24.

#13

Mr. Shaw: Mr. Speaker, I would like to give Notice of Motion relating to crash helmets.

Mr. Speaker: Are there any further Notices of Motion. May we now pass to Orders of the Day.

#14

Mr. Dumas: Mr. Speaker, if I may, Notice of Motion re Sessional Paper No. 23.

NOTICES OF  
MOTION FOR  
PRODUCTION  
OF PAPERS

#4

Mr. Speaker: Are there any further Notices of Motion? May we now pass to Orders of the Day. Are there any Notices of Motion for the Production of Papers?

Mr. McKinnon: Mr. Speaker, I have Notice of Motion for the Production of Papers concerning Workmen's Compensation.

#5

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion for the Production of Papers re 24 Hour Broadcasting, Whitehorse, and I would also like to give Notice of Motion for the Production of Papers respecting Frontier Package Television.

#6

MOTION  
#6

Mr. Speaker: Are there any further Notices of Motion for the Production of Papers? There are no Motions for the Production of Papers on the Order Paper. May we pass to Motions. You will note that No. 1 is in Committee. We will pass to Motion No. 6, moved by Mr. Chamberlist, seconded by Mr. McKinnon. The text reads, "I move that the Administration of Justice become a function of the Territorial Government and that negotiations to this effect take place with the Federal Government." Would the Member be prepared to discuss this question at this time?

Mr. Chamberlist: Yes, Mr. Speaker. Mr. Speaker, one of the problems the Territorial Government is faced with in making legislation of a type dealing with Justice is the fact that we haven't control of the administration of Justice. Mr. Speaker, as this Council has heard, the difficulty in arranging for a Summary Convictions Ordinance may well rest with the fact that we have not control of the administration of Justice nor in the case of the appointment of Justices of the Peace which we would, I believe, be able to appoint our own Justices, or at least stipendiary magistrates, if we had control of the administration of Justice. I feel again, as I previously stated, we must try and start taking control of all departments wherever possible, therefore, I have made this Motion so that negotiations can begin with the Federal Government for the moving of those portions of Justice that this Territory can deal with. Thank you, Mr. Speaker.

Mr. McKinnon: Mr. Speaker, the control of administration of Justice in the Territory, for as long as I have been following the affairs of the Territory, has been a no man's land where I would feel angels fear to tread. I can find no basic difference constitutionally between the British North America Act as it applies to the provinces in the fields of administration of Justice and the Yukon Act as it applies to the Yukon in the field of the administration of Justice where the criminal courts and the criminal processes are in the hands of the Federal Government and the other procedures of Justice are in the hands of the separate provinces or the

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Mr. McKinnon continues:

MOTION #6

Territorial Government. In 1957, when I sat previously.... or 1962, the Agreement that we signed with the Federal Government when I sat previously on this Council, the idea was then recognized by the Federal Government that the responsibility under the Yukon Act for the administration of Justice would now fall into the Territorial Government's hands where it rightfully rested. This principle was accepted by the then sitting Council and the Agreement was signed. Since that time, Agreements with the Department of Justice have been refused to be signed by the Council, partly because of Ottawa's reluctance to live up to the Agreement that was signed in 1962. More specifically, I mean the office of a Senior Legal Adviser who was to act as a quasi Attorney General for the Yukon Territory and who would have under his wing another legal officer. This relationship was never realized in the Yukon Territory though it was part of the Agreement that was signed by this Council in 1962 that such would be the case. The other point that Council had reluctance in accepting was that we could receive no breakdown whatsoever in the Department of Justice estimates as they applied to the Yukon Territory. I believe that the cost to the Territory was something along the lines of \$400,000.00 a year yet when we queried where the expenses were being met for this amount of money that the Territory was accepting responsibility for, we were told that such figures were not available to the elected representatives. Mr. Speaker, I notice that the addendum to the report on the Yukon Territory, the Interdepartmental Committee on Federal-Territorial Financial Relations for 1967, has some very interesting remarks concerning the administration of Justice in the Yukon Territory and if I could quote some of them as soon as I can put my finger on it.....this is on Page 46 of the Interdepartmental Committee on Federal-Territorial Relations and I quote - "Council asked to be relieved entirely from the financial responsibility for the administration of Justice. This feature was introduced into the present financial agreement commencing 1st April, 1962 to round out territorial expenditures to cover the main provincial-type services. The Minister of Justice is the Attorney General of the Territory and it has not been possible to give the Territorial Government the controls associated with this position. Council took the view that, in the circumstances, it should have no financial responsibility even though the necessary funds were provided in the Federal grant to the Territory." Well, Mr. Speaker, I would like to divorce myself completely from the thinking that is represented in this Interdepartmental Committee Report. In 1962, I accepted the principle that the Territory, as it was given the power to do under the terms of the Yukon Act, should accept the responsibility for the administration of Justice in the Yukon Territory. I still believe that that should hold true in 1967 and possibly even more so, Mr. Speaker, and in seconding the Honourable Member from Whitehorse East's Motion, I just wanted to make it abundantly clear that my thinking has not changed in this matter at all over five years.

Mr. Taylor: Mr. Speaker, this matter of Justice has been a bugbear with Council for quite some time. As the former speaker has already noted that some time ago we did agree that we would slowly assume greater responsibility for the administration of Justice in the Territory and, on the other hand, Ottawa agreed to do many things, one of which was to construct a jail in the Territory and so forth but the most important to us at that time was that we would have a Senior Legal Officer of the Crown, be appointed to supervise the

MOTION #6

Mr. Taylor continues:

administration of Justice in the Territory in close association with the Territorial Government. This gentleman would be indeed, as stated in the Agreement, 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. Also, many times in this Chamber, I am sure some of the older Members would agree, we have discussed the matter of whether there is really Justice in the Yukon or not and we have found great deficiencies in the administration of Justice, found many faults, however, we have had nobody...I say again, nobody...to be able to discuss these matters with...any responsibility...here in the Yukon Territory. We have on many occasions in finding these inconsistencies passed motion after motion after motion of this Legislative Body only to have them ignored or filed in the waste paper basket or in some obscure filing place somewhere. During the negotiations in Ottawa of individual Members of Council and the Federal Government, we did not have this which is the report on the Yukon Territory of the Interdepartmental Committee on Federal-Territorial Financial Relations. We could not have that because we were only negotiating what was to be a Five Year Agreement. We now got it as a new Council, but in this...it is noted in the addendum as the Honourable Member has said that we felt that we did not want to take on the financial responsibility of the administration of Justice if we did not have control. I would note too that the Honourable Member who seconded the Motion was on his feet here the other day in relation to Fisheries administration and said definitely we should not accept this responsibility unless we have legislative control and, here again, we find ourselves in the same position. If we are going to have some controls over the administration of Justice in the Yukon Territory, fine. We can take on the financial responsibility for it but it follows...it's the same with the takeover of the Alaska Highway as proposed. We just take over the financial responsibility and have no administrative control in respect of it...well, we have no business taking it over and the same follows with Justice. It seems to me that the only time that Justice, true Justice, will ever come to the North or into the Yukon will be at the time when the people of the Yukon can exercise some controls over the Judiciary in this Territory. I can't foresee this coming. I don't see it in this Agreement. In the Agreement, the Committee noted that they had indeed not fulfilled all the items that they wished to fulfill and, in fact, in Ottawa I told them that they had broken faith with the terms of this Agreement and they had no other alternative but to agree. I have the notes. I hoped that this matter wouldn't have come up until the Administration had provided all Members with copies of these Minutes. I believe they are being prepared at the present moment. I am still unalterably opposed to taking over Justice at this time until the matter has been fully discussed and aired and if we ever have another Fiscal Agreement with the Federal Government or some other Government, then possibly that would be the time to discuss the matter of Justice but I think it behooves us to take the stand that I take in this matter that this is properly a responsibility of the Federal Government by virtue of the Yukon Act and this was shown also in Ottawa and the Department of Justice apparently agreed, and the Minister agreed and everybody seemed to agree that this was right and therefore the matter was returned....I would vote opposed to the Motion.



Mr. Dumas: Mr. Speaker, in keeping with my publicly avowed MOTION #6 policy to work towards the achievement of Responsible Government in the Yukon, I wholeheartedly support the Motion put by the Honourable Member from Whitehorse East as his suggestion, I believe, if carried out, may be considered a further step towards the Yukon's coming of age.

Mr. Shaw: Mr. Speaker, I do not feel that I could go against this Motion as it is, however, I do feel that it will be relegated to File No. 13 if there is such a file, simply because the Government is not prepared to turn this over to the Yukon at the present time. Now, in a weak moment of magnanimity sometime in 1962, they did make certain recommendations towards the Government of the Yukon Territory, in part taking over certain aspects of Justice. Council at the time were under the impression that we would have...I think you might call it a quasi Attorney General in the Yukon who would on behalf of the Yukon Territory take care of the administration of Justice and so forth. To make this appear that it would... with a show of magnanimity as I pointed out...they would, instead of the Department of Northern Affairs paying directly to the Department of Justice the cost of this Justice, they would give a grant to the Territory and the Territory could in turn pay this money to the Department of Justice. In other words, we are growing up to the situation and paying our own bills. Daddy won't be paying them. Well, the peculiar point about that was that it was just a different means of transferring funds from one Government department to the other. The amount was set down in one lump sum of I think \$554,000.00, around a half a million dollars and all we had to do was pass it. As far as control went, there was none whatsoever. In fact, it was very difficult to find out what the costs or the breakdown of costs were in the administration of Justice in the Territory. So during the years that followed after this came into effect, this procedure, we found that the only...and by this, Mr. Speaker, I mean the only difference there was in the administration of Justice was that we voted a half a million dollars. That was the only significant change from the previous sixty years. Council then decided then, well if this were the case and as outlined in the Yukon Act, the administration of Justice was purely and absolutely a Federal responsibility, we were wasting the Territorial Treasurer's time having the figures put in the book and the Territorial Secretary's time cranking it out on the gestetner and so that we could save a little money by just saying, "Let's go back to what we were doing before because nothing has changed" so, therefore, Mr. Speaker, I would not go against this. We are trying to get a more progressive form of Government and this is one of the steps that are necessary, however, as I stated in my opening remarks, I feel that this will promptly go into the waste basket and that will be the end of that and that we will not, and I say will not, have this put into effect until we can at some time in the future have a more encompassing overall future step for more responsible government. I think at that time it will be possible to make agreements on something like this but at the present time, I do not think that this will be effected.

Mr. Speaker: Thank you, Mr. Shaw.

Mr. McKinnon: Mr. Speaker.....

Mr. Speaker: Order.

MOTION #6 Mr. McKinnon: As seconder of the Motion, Mr. Speaker, I believe that I am entitled to speak once more before debate is closed. If no other Member is willing to speak, I will so do and then the debate will be closed.

Mr. Speaker: I do not believe that I have that understanding.

Mr. McKinnon: Mr. Speaker, I would, with due respect, I would think that if you would look into the Rules of the House you would find that the seconder of a Motion is allowed to speak and the mover once again in debate and then the debate is closed.

Mr. Dumas: May I make a comment about that? Mr. Speaker, I was of the understanding that only the mover could speak again.

Mr. Speaker: That is my understanding. My understanding of it is that the Member who moves the Motion may speak on the Motion. He may answer questions directed to him but if he speaks again, he closes the debate.

MOTION #6  
MOVED INTO  
COMMITTEE

Moved by Councillor McKinnon, seconded by Councillor Chamberlist, that Motion No. 6 be moved into Committee of the Whole for further consideration.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: The next item on the Order Paper is Motion No. 9, moved by Councillor McKinnon, seconded by Councillor Chamberlist. The text reads, "That in the opinion of this Council, residency qualifications should be removed from the Low Cost Housing Regulations." Would the Member be prepared at this time to bring this matter to the attention of the House?

Mr. McKinnon: Mr. Speaker, I will be prepared tomorrow morning to bring this matter to the attention of the House.

Mr. Speaker: May we now pass to the question period. Gentlemen, you will note that the Administration has provided the House with answers to questions, I believe, with the exception of the last question on the Order Paper.

QUESTION  
#12

Mr. Taylor: Mr. Speaker, I have a starred question this morning to direct to the Administration. The question is: "Would the Administration advise Council as to whether or not the Federal Government have reciprocated with the United States Government in relation to the Jones Act, Canada Shipping Act, and generally the mutual full beneficial use of the coastal ferry systems by citizens of both nations"?

Mr. Speaker: Thank you, Mr. Taylor. Are there any further questions?

QUESTION  
RE EXPO  
BUILDING

Mr. Taylor: Yes, I have two questions Mr. Speaker, oral questions, this morning. One is I would like to ask Mr. Commissioner if he has yet heard any word of this proposal by the Minister to send an old Expo Pavilion to the Yukon for a Legislative Building.

Mr. Commissioner: Mr. Speaker, I can advise Council that I have made direct inquiries to the Minister's office.....

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Mr. Taylor: My second question is my daily question. When may I receive a reply to my question in relation to the Five Year or the Two Year Fiscal Agreement and to what authority the Government operates without it. QUESTION RE FISCAL AGREEMENT

Mr. Speaker: I don't believe the question was heard. I wonder if the Member would repeat his question.

Mr. Taylor: It has to do with the Two Year Fiscal Agreement that was not signed and has as yet to be negotiated, Mr. Speaker, and the question I asked...as to how the Government can legally function without this Agreement, financially.

Mr. Commissioner: Mr. Speaker, I will advise Council that an answer to this has been prepared and is in the process of being mimeographed and it should be available to Council very promptly.

Mr. Speaker: Thank you, Mr. Commissioner. Are there any further questions?

Mr. Chamberlist: Mr. Speaker, I have a question to the Commissioner. An oral answer will suffice. Mr. Commissioner, is it possible for the Territory to make available in the Riverdale area some of the land which is not in use at present for the winter season as a skating rink for the children in the area? QUESTION RE SKATING RINK IN RIVERDALE

Mr. Commissioner: Mr. Speaker, unless there is some impediment that I am not aware of, I would know of nothing that would prevent such a request getting favourable consideration.

Mr. Taylor: Mr. Speaker, at the last Session of Council in the spring of this year, a Motion was proposed, Motion No. 15, respecting the exchange rates charged on cheques in the Yukon. I would like to ask Mr. Commissioner if any action was indeed taken on this Motion and if any satisfactory result was obtained. QUESTION RE EXCHANGE RATES ON CHEQUES IN YUKON

Mr. Commissioner: Mr. Speaker, all possible action that is within our ability to do has been taken in this matter and while we have not met with success, we are continuing to speak with the banking authorities in this matter and I am very hopeful that they will soon run out of excuses and put the exchange situation with regard to negotiating cheques in the Yukon Territory on the same basis as any other part of Canada. I am sorry I cannot announce success at the moment but where there's life there's hope and I want to assure Council that we are certainly continuing to pursue this matter.

Mr. Speaker: Thank you, Mr. Commissioner. Mr. McKinnon:

Mr. McKinnon: Mr. Speaker, we were told by the Commissioner in his address from the throne that we would be shocked when the Report about youth and alcohol amongst school children was received by this Council. I have received such report and I would like to know what is shocking about it. QUESTION RE REPORT ON ALCOHOL & YOUTH

Mr. Commissioner: Mr. Speaker, this is for the individual Councillor and for his own manner to pursue and decide for himself whether this situation is acceptable or non-acceptable in the Community. I passed my own personal opinion on it and I would say that the revelations contained were to me a very

QUESTION RE Mr. Commissioner continues:  
REPORT ON shocking revelation. Perhaps....I haven't got into the  
ALCOHOL & Twentieth Century myself, Mr. Speaker, and I don't recognize  
YOUTH these things but certainly this was the attitude that I  
took when I read this.

Mr. Speaker: Thank you, Mr. Commissioner. Are there any further questions?

QUESTION RE Mr. Taylor: I have a further question, Mr. Speaker. In  
25% SUR- view of the reply to a request of Council as to why....a  
CHARGE RE reply not being given by the Insurance Companies to a  
INSURANCE question raised last fall by Council as to why a 25% sur-  
charge is charged in terms of insurance against citizens  
of the Yukon. I am wondering if Mr. Commissioner has since  
that Session managed to get an answer out of the joint  
insurance companies as to why they charge this 25% surcharge.

Mr. Commissioner: Mr. Speaker, we have been doing some work on this particular thing and I took very full note of the fact that Council was very much disturbed about this. There are two things that we will be endeavouring to get available for Council as soon as they are made available to us. One is a Commission...I suppose you would refer to it as a Royal Commission type of inquiry...that has been going on in the Province of British Columbia with regard to the general policies and administration of insurance by private companies within the confines of the province. We found that many of the items in the terms of reference were specifically related to the very thing that we are interested in here. I cannot give you any up-to-date factual information on this but I know that the Territorial Secretary's office has been in communication with the provincial authorities in British Columbia in this matter and as soon as we have reports or briefs in connection with this, we will...we will be getting them here and getting them for Council...made available to Council. With regard to the specific question about this surcharge situation, this has been the subject of conversations, not written communication, between various people who come into the Territory on behalf of the Insurance Industry - not people who come in here particularly on behalf of individual companies, Mr. Speaker, and as soon as I have something of a factual nature to report to the Council, it will be tabled for their information.

Mr. Taylor: Just a supplementary question. I would like to know if the Administration have given any consideration to...in order to obtain this information, to having these companies jointly charged under the Combines Investigation Act.

Mr. Commissioner: Mr. Speaker, this has not been given any consideration.

Mr. Chamberlist: Mr. Speaker, arising out of the last question, will the Commissioner or the Administration give any consideration to a prosecution under the Combines Investigation Act of the Territory?

Mr. Commissioner: I would say this, Mr. Speaker, that if a point in time arises where we are faced with a factual situation which in order to protect the best interests of the citizens of the Yukon Territory that such action is warranted, I think we would be very remiss in our duties if we didn't do so.

Mr. Dumas: Mr. Speaker, I wonder if the Commissioner can tell me if any more Bills will be presented to Council this week. QUESTION RE FORTHCOMING BILLS

Mr. Commissioner: Mr. Speaker, I am very hopeful that we will have the three Bills available to you which I believe Mr. Clerk has advised you of.

Mr. Speaker: I wonder if Mr. Clerk could assist the Member with the particulars of those Bills.

Mr. Commissioner: Mr. Speaker, could I get these particulars. I will get them available for you at the first recess.

Mr. Speaker: Are there any further questions?

Mr. Commissioner: Mr. Speaker, the last question that is on the Order Paper, Question No. 11 with regard to Parking Meters - the question was asked yesterday, might I ask if it was a written answer that was required to that question? Is that my understanding of this?

Mr. Speaker: Mr. Clerk?

Mr. Clerk: Yes.

Mr. Speaker: Are there any further questions, gentlemen? If not, may we pass on to Public Bills and Orders and you will note that the indications are that Bill No. 6 is for First and Second Reading and Bill No. 3 for Third Reading.

Moved by Councillor Taylor, seconded by Councillor Shaw, that Third Reading be given to Bill No. 3, An Ordinance to Amend the Fire Prevention Ordinance. THIRD READING BILL #3

MOTION CARRIED

Mr. Speaker: Is the House prepared to adopt the title of the Bill?

Moved by Councillor Taylor, seconded by Councillor Shaw, that the title to Bill No. 3, An Ordinance to Amend the Fire Prevention Ordinance, be adopted as written. TITLE TO BILL #3 ACCEPTED

MOTION CARRIED

Mr. Speaker: I will declare the Motion carried and that Bill No. 3 has passed this House. May I have your further directions? BILL #3 PASSED HOUSE

Moved by Councillor Shaw, seconded by Councillor Chamberlist, that Bill No. 6, An Ordinance to Amend the Local Improvement District Ordinance, be given First Reading at this time. FIRST READING BILL #6

MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor Chamberlist, that Second Reading be given to Bill No. 6, An Ordinance to Amend the Local Improvement District Ordinance. MOTION CARRIED SECOND READING BILL #6

Mr. Speaker: Is the House prepared for question on the Motion? Are we agreed?

SECON  
READING  
BILL #6

Mr. McKinnon: No. Mr. Speaker, I would like to rise and speak on Bill No. 6, An Ordinance to Amend the Local Improvement District Ordinance.

Mr. Speaker: The question has been called.

Mr. McKinnon: Mr. Speaker, the Motion was made. There was a seconder for the Motion, and before a Member had time to rise to speak on the principle of Bill No. 6, the question was called. As far as I understand, under Parliamentary Rule, a debate on the principle of the Bill is on Second Reading of the Bill and I would like to debate the principle of Bill No. 6 at this time.

Mr. Speaker: Would the House give unanimous approval to the objections raised by the Honourable Member for Whitehorse North?

All: Agreed.

Mr. Speaker: Proceed.

Mr. McKinnon: Mr. Speaker, the Local Improvement District legislation, which was passed by this House in the year 1966 at the Second Session I believe, is an Ordinance which consists of some eight pages whereby it is laid out in this Ordinance how a Local Improvement District is to be established and what qualifications should be met by a Local Improvement District before such area is established. Mr. Speaker, I have two areas that I represent, the Porter Creek Subdivision and the Crestview Subdivision, which the Commissioner under the terms of the Local Improvement District Ordinance has notified that they are to be incorporated as Local Improvement Districts. Mr. Speaker, in eight pages of legislation, one can hardly lay down guide lines of how a Local Improvement District is to operate. If one looks at the Municipal Ordinance, you will find that there are some hundred and thirty pages whereby the senior government lays down the routine in which a municipality can operate. It puts down guide lines. It delineates powers and it outlines procedures that the municipality can follow so that government can be established. The Local Improvement District I maintain, Mr. Speaker, should do exactly the same type of thing. The people in both the Crestview and the Porter Creek Subdivisions have declared their willingness to abide by the principle of accepting the responsibility to control their destiny and I would quote from a letter of September 30 to Commissioner Smith, from the Secretary of the Porter Creek Citizens' Association. "At a general public meeting held September 26, 1967, a formal motion was made by the residents of Porter Creek. It was moved that the citizens of Porter Creek accept the principle accepting their responsibility under a Local Improvement District, however, before such a district is formed and because of the vagueness of the Local Improvement District Ordinance, we request what will be required of the citizens of Porter Creek before such a district is formed. May we request that several members of the Executive meet with you in the very near future to discuss the matter."

Mr. Speaker: May I remind the Honourable Member that second reading only...the question of discussion is only with reference to the principle.

SECOND  
READING  
BILL #6

Mr. McKinnon: Yes, Mr. Speaker. I disagree with the principle of the Local Improvement District as it now stands. Mr. Speaker, I would like to now quote from a letter of October 13, to Mr. Smith, Commissioner of the Yukon, from Mr. Peter Thompson, President of the Crestview Citizens' Association. "After considerable discussion, the opinion of the Members of the Association was that while accepting the plan in principle, we would require a clarification as to the terms of reference with a more specific definition of the duties and jurisdiction of the new District as represented by their trustees and as presently outlined in the Ordinance". Mr. Speaker, as the Local Improvement District now stands, there is not enough direction given to those citizens who are willing to accept their responsibilities in governing their own affairs. The constituents that I represent have both accepted their willingness to live up to their responsibility as citizens, however, I don't believe that this is possible under the terms of the Local Improvement District Ordinance as it now stands as there are no guide lines for them to follow.

Mr. Taylor: Mr. Speaker, I somewhat concur in the philosophy that has been expressed by the Honourable Member from Whitehorse North in relation to the second reading of this Bill and I would like to comment on it. When this Bill was originally introduced, it was partially at my assistance. It was felt to be a model...this is the Local Improvement District legislation I speak of...it was to be a model Local Improvement District Ordinance based on the best of provincial Local Improvement Districts. The basic underlying thoughts behind it were that we wanted to allow small communities to have more say in their own affairs and this is exactly what this Council is trying to do for the Yukon in relation to our Territorial affairs. This, of course, is resisted by Ottawa as the Local Improvement would appear, the Local Improvement Districts would appear to be suffering from the same thing more at the local level. The communities were to take on the responsibility say for street maintenance and for local improvements. They would send out the tax notices possibly and they would have a secretary. They would hold annual general meetings, plus monthly meetings, and approve or disapprove of expenditures. They would have their own budget and I believe they were entitled to spend up to \$5,000.00 within their own community without having to call Whitehorse. They were to have the power to make by-laws and more important than anything else, the Improvement Districts were to have assistance from Whitehorse, someone who would come down in terms of the Treasurer, in terms of the Director of Municipal Affairs, in terms of the Territorial Engineering Department, in terms...well, in all areas in which they would accept responsibility. Well, gentlemen, I can say, Mr. Speaker, that this has not worked, that the operation of the Watson Lake Improvement District is a complete and utter flop and has been all summer. We have had one election for new trustees. The first trustees have never been paid for the duties they performed and worked so hard to try and make a success of. They are asked to sign papers for street maintenance and yet have never seen a contract in relation to street maintenance. They are continually told, when we had the battle over sewer and water that I have raised in this Chamber at this Session, that "Well, I'll sure be happy when the Watson Lake Improvement District can take over the sewer and water problems and get it off our back and then if they want something, they can pay their own taxes for it." The whole concepts of Local Improvement Districts have changed, Mr. Speaker, from its original concept whereby the people would accept some local control and get nothing but assistance

SECOND  
READING  
BILL #6

Mr. Taylor continues:  
from the Territorial Government and the Administration in order to facilitate this program to what would appear to me to be almost a small village type of settlement or of legislation which would affect a small village where people are now...they are talking about making them pay taxes for this and taxes for that. I don't really know what the policy is but I was very interested to note that when Porter Creek wanted a water and sewer system, my information was, drawn from the papers and from individuals, they were almost coerced into the thing by reason of the Administration saying, "Well, yes, we'll give you a sewer and water system but you have to form an Improvement District". Now, I stand to be corrected on this but this is the information that I have...as I have viewed it. I say that it is extremely fortunate that the people of Mayo to this point in time have not seen fit to elect trustees and rather to watch and see the pilot program going at Watson Lake. I know that next week, as a result of all this discussion on Improvement Districts, next week I notice that the Administration are bringing in the three trustees from the Watson Lake Improvement District and it is my sincere hope that by the time that they arrive here that we shall have maybe resolved what the basic fundamental underlying policies in relation to Local Improvement Districts will be because there certainly has been a vast change in thinking since the conception of this particular Ordinance. I will support the Motion in order that it do allow us some latitude of discussion on the subject but those are my points of view on the matter, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, I have every sympathy for the remarks that have been made both by Councillor McKinnon and Councillor Taylor but I think the problem is not one so much of bad legislation as one of bad administration but the Bill that is before us deals specifically with an amendment which has no bearing on the bad administration that both the members have spoken about. It is just a piece of machinery to permit a corporation as a taxpayer within a Local Improvement District to cast a vote as a taxpayer. I would also like to participate in the debate which must eventually follow on the overall picture of the administration of the Ordinance itself and I would ask that we face the need now to put this piece of legislation...machinery into this Bill now...designates that is to provide for corporations to become voters because in the future, as in municipalities now, a corporation can vote through an agent so this is just another step in the same direction. I hope that this particular point is now clarified.

Mr. Speaker: Is there any further discussion on the principle of Bill No. 6?

Mr. Shaw: Mr. Speaker, it appears that during this discussion that...I think we have got away from the principle of the Bill. It has been stated that the Member was against the principle. I think it is more or less against the details than against the principle and I think, Mr. Speaker, that I would agree with the Honourable Member from Whitehorse East that we carry on with the question as to the passage of this and for further discussion, I think it would be a very good idea to revert this to Committee of the Whole.

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

MOTION  
CARRIED

MOTION CARRIED



HA

Mr. Speaker: May I have your further directions?

Moved by Councillor Shaw, seconded by Councillor Chamberlist, that the Speaker do now leave the Chair for the purpose of convening into Committee of the Whole to discuss Bills, Memoranda and Motions.

MOTION TO GO INTO COMMITTEE

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: I will declare the Motion carried and the Honourable Member for Watson Lake will please take the Chair in Committee.

Mr. Chairman: Gentlemen, we will be discussing this morning the only three Bills we have, Bills 3, 4 and 5, and we have one Motion in Committee. I will declare a recess at this time.

Wednesday, November 15, 1967.  
11:00 o'clock, A.M.

Mr. Chairman: Gentlemen, I will call Committee back to order at this time and we are now discussing Bill No. 4. Mr. Clerk BILL NO. 4. has distributed copies of the amended Bill and I would draw to your attention that in Section 1 there is a new proposed amendment by the Administration. I will proceed with the reading of that Section. (Reads Section 1 of Bill No. 4 re the Motor Vehicles Ordinance). Mr. Legal Adviser, would you care to comment on this? One moment, please, we are having some trouble with the sound system. I will declare a short recess. Gentlemen, I will call Committee back to order and we are discussing Bill No. 4, Section 1. Mr. Legal Adviser.

Mr. Legal Adviser: Mr. Chairman, there is in existence at the moment an informal Advisory Body to the Commissioner which is called in fact the Public Service Vehicle Enquiry Board and a question arose about the authority of the Board's existence and the capacity of the Treasurer to pay a per diem to the members for their various sittings which occur irregularly from time to time and it was thought advisable by the Administration to remove any doubt which may exist about the legality of payment to the Board and to set up the Board formally in the Ordinance at the same time. The particular Section is a copy from the Alberta Highway Traffic Act where they have a Board of a different name with a slightly different function and the wording may need a slight change. I have to check whether the words "any matters incidental thereto", the word "thereto" is omitted at the end of the Section and I think in a normal reading of English the word "thereto" should be at the end.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, approximately a month or six weeks ago it was brought to my attention by the Territorial Secretary, who is responsible for calling these Boards when licence applications are made and require public hearings, that it was getting to be practically an impossibility to get people to come and sit on a volunteer basis on these Boards to hear the public appeals set up as public enquiries when we do have these types of applications. He asked my permission at that time if he could recruit people and pay them on a per diem or portion of a day thereof basis for these types of sittings and this is where the question arose. I brought it to his attention that it would appear to me that we had no authority to pay these people and while I agreed with the idea that they should be paid and that this was a necessary part of getting the job done and this is why this is brought before you at this time.

Mr. Chairman: Councillor Chamberlist, will you take the Chair a moment?

Mr. Taylor: Mr. Chairman, I wholeheartedly agree that if people are recruited to make these decisions; they are very important decisions where they involve Public Service vehicles, that they should be paid and I have no qualms about this Section. But what very much concerns me is the constitution of the Board and the policies which relate to that Board, and I have some questions that I would like to ask in relation to this. One would be that this Board, I assume, are not only looking after complaints that may be levied against public service vehicle operators but no doubt would be selecting and deciding who gets a P.S.V. and who doesn't; if I have this correct? My first question would be: What would ensure

BILL NO. 4. Mr. Taylor continues.

what ensures impartiality of the Board? The Board is constituted by the Commissioner but what is there to ensure that the representatives of one particular company may be solicited to the detriment of the applicant. Is there any policy in relation to the selection of the Board members by the Administration?

Mr. Commissioner: Mr. Chairman, the routine that is presently followed is for, say that there has been a Public Service Vehicle application and the necessary advertisements and the necessary routine followed up to a point where there has been lodged with the Registrar of Motor Vehicles a complaint concerning the issuance of this particular licence and at that point, through the mechanics of the present Ordinance there must be a hearing; there must be a public hearing and the people to whom the applicant is going to place his case and also those who are opposing the application make their cases is set up by the Territorial Secretary in his capacity as Registrar of Motor Vehicles. He normally submits a list of three people who have, whom he has contacted prior to this for my acceptance of these people as individuals who would sit on this Board. Now the question that you raised Mr. Chairman is "How would we ensure that any members of this Board were not priorly -approached by anyone who was going to be before that tribunal, if you wish to call it that -I am afraid that I do not know what the mechanics of this would be. To my knowledge I don't think that we have any ability, or to the best of my knowledge we don't have any ability to prevent these people from being in communication prior to this hearing.

Mr. Taylor: Yes, thank you Mr. Chairman. I have noted that P.S.V.s of course have been a matter of controversy since they were first conceived and this is why I asked the question. I'm wondering - I certainly have no ideas how you could ensure impartiality of witnesses, or pardon me, the Board Members, but I just wondered if there was any criteria that was followed in these cases. Now it states that the Commissioner may make regulations governing the procedures and operation of the Board, including quorum thereof and so forth. It seems to me that if a person comes before the Board and feels in his own mind that the decision of the Board was prejudicial and in fact it may be another company, another trucking company who opposed the application, lobbied and got a majority, to the detriment of the operator, that he should have some right of appeal to the decision of the Board, to somebody, possibly resort to the Court. How does the Commissioner feel in this respect?

Mr. Commissioner: Mr. Chairman, I would express myself in this manner; that I personally am of the opinion that a person who feels that he has been wrongfully dealt with in this type of a tribunal should, under reasonable circumstances, have access to Court. I think that this is a fundamental principle. I also feel there should be some criteria for this that the Court's time is not only used in what you would say a facetious manner; in other words there should not be appeals without something substantial to back up the appeal and at the moment, and Mr. Legal Adviser would have to correct me if I am wrong on this thing, as I understand this, at the present time there is no means of appeal to the Courts from the decision of the Board members.

Mr. Taylor: Thank you Mr. Chairman. It is not, of course, possible for individual members of Council to directly ask the Administration from their place to institute legislation amendments to Bills without having first gotten full consent of all Members of Council but I would like to ask one final question before I take my seat and resume the chair and that would be: are the Administration considering bringing in amendments to this Section in order to provide that right of appeal to the Court.

BILL NO.  
4.

Mr. Commissioner: I can say that at the moment nothing is actively going on in this manner and I don't want to be misunderstood on this and I would say this that if Council feel that there should be something along these lines that we have just discussed in these questions and answers, that a resolution or motion of Council, we would give every consideration to give effect to Council's wishes in that particular matter. This is something that would have to be completely and thoroughly vetted with the Legal Adviser on this particular thing before it went further.


Mr. Legal Adviser: Mr. Chairman, as the form of this particular amendment is at the moment, there is no form of appeal to the Courts in the normal way but in the case which was visualized by the Honourable Member that lobbying would take place beforehand of the members of the Board or any such form of operation, then under the normal laws enforced in the Yukon at present the Courts would, I anticipate, interfere by way of prerogative writs if necessary at the instance of a party who felt he was wronged; in other words mandamus will lie against any judicial or semi-judicial tribunal to order to hand over the case to somebody else or to take certain steps on grounds of bias if bias could be shown, or if they departed from the rules of natural justice in not giving an adequate hearing to the applicant - any of the normal things which a court may do which, say, would have been justice, and there is no attempt made by the Administration to prevent the normal and natural remedies at law to anybody who felt he had suffered injustice at a hearing of a Board, but where a question would arise on an appeal on a question of fact, I doubt if the Courts would entertain any appeal.

Mr. Taylor: Thank you, Mr. Chairman. I will now resume the chair.

Mr. Chairman: Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, I am extremely suspicious and I think that all legislators should be quasi judicial tribunals from which there is no appeal. I'd just like to quote from ..... of the Government of Canada when he speaks of these types of tribunals and I'm in complete agreement with it: "There are of course very serious risks involved in erection of barriers between the citizen and the Courts of justice and if you can contemplate with equanimity any substantial interference of fundamental or constitutional principle as the rule of law for while discretionary power does not necessarily result in arbitrary power .....it does introduce the possibility of ill-controlled authority and will always raise a strong suspicion of abuse and on many occasions the inability of the injured party to the Courts cannot fail to convert suspicion into apparent certainty". Mr. Chairman there has to be appeal from this type of tribunal.

Mr. Chairman: Councillor Chamberlist.

  
BILL NO. 4. Mr. Chamberlist: Mr. Chairman, it is obvious that when this further amendment was put in I think it was an obvious oversight, that's all, that provision wasn't made for an appeal against a tribunal of this nature. It is fairly obvious that the right of appeal is almost a mandatory function in any piece of legislation, Although I, from personal experience, sometimes worry whether anybody can appeal against the decision of the Commissioner or any tribunal set up by the Commissioner; it was my experience that even if you are trying to prove bias in our Courts in the Territory the Courts won't allow you to prove it. I think that more than anything else, not only must there be a right to appeal but there must be a right to be heard clearly if it affects the Commissioner because the Commissioner is not above the ordinary citizen-when he faces a Board he is on a par with it. What hasn't been clear in my mind is what are the terms of reference of this Board. I'm always wary of Boards that are set up unless their duties, their functions are clearly defined and I don't think in this instance they can be defined by regulation; I think they should be defined by the Ordinance so that there is no doubt in anybody's mind as to what their function will be. One function that they must seriously consider in a Board of this nature is the attempt made by many to obtain public service vehicle licences to place on a vehicle and which in a very short period of time sell the vehicle, which is perhaps worth a few hundred dollars for two thousand dollars just because the P.S.V. licence goes with it although there is a section that deals with the fact that P.S.V. licences are not transferable - the habit has been ..... present type of inquiry board to allow this to happen. This is why I suggest that the terms of reference be added into the Section itself. At this time I move that an amendment be prepared to Section 1 of Bill No. 4 which would provide a right of appeal for the aggrieved parties and I would also like to have included in that amendment clearly what the functions of the Public Service Vehicle Enquiry Board will be.

Mr. Chairman: Any seconder?

Mr. McKinnon: I will second that Motion Mr. Chairman.

Mr. Chairman: Could I have a copy of that Motion, please?

Mr. McKinnon: Speaking on the Motion I just seconded, Mr. Chairman, I agree wholeheartedly with the first part of it that the appeal procedure should be written into the Ordinance but I'm not so sure that the duties of the Board should be in the Regulations rather than in the Ordinance itself.

Mr. Chairman: Any further discussion on this subject, gentlemen, this Motion?

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, I think one of the things that will enter many, possibly, of the Councillors minds with regard to the Motion and the Bill is especially in regard to sub.(3) and 6 (a) and as we all know, the question of Public Service Vehicle licences is quite an important question and it involves the question of capital expenditure and capital involvement and as far as the sub-section (3) is concerned, of course it, I should say sometimes in the public mind there could be raised questions as to the matter of indirect interest so I would feel that the question in relation to either regulations or other matters in connection

Mr. Livesey continues...  
or as far as enlightenment of the Committee is concerned and the House as a Whole with regard to the question, the thing should be as clear as possible before we move ahead on this in order that we may be fully satisfied that what we are doing here is the correct method of procedure because the question of transportation and the question of competition and the question of economics of the Territory are just as much involved as the matter of Public Service Vehicle licences and who may have them and who may not as they are with regard to railways or with regard to other forms of transportation and I do feel that this is an involved thing. I feel we should be satisfied with the mode of procedure.

Mr. Chairman: Any further discussion, gentlemen? Mr. Shaw.

Mr. Shaw: Mr. Chairman, I would like to ask one question. The Motion gets into the Regulations business, does it not?

Mr. McKinnon: After consultation with my colleague I will withdraw my seconder to the Motion.

Mr. Chamberlist: I will withdraw the Motion made and will recall the Motion if I may. I will move that an amendment be prepared to Section 1 of Bill No. 4 which would provide the right of appeal for aggrieved parties.

Mr. McKinnon: I will second that Motion.

Mr. Shaw: (inaudible).

Mr. Chairman: You will agree that the original Motion was withdrawn. Is there a seconder now to the new Motion as proposed by the Honourable Member.

Mr. McKinnon: I second that Motion.

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

Mr. Shaw: Could I hear the Motion?

Mr. Chairman: The Motion is that an amendment be prepared to Section of Bill No. 4 which would provide a right of appeal to aggrieved parties.

Mr. Shaw: Thank you Mr. Chairman.

Mr. Chairman: Are you prepared for the question now? Are you agreed? Contrary? I will declare the Motion carried.

Motion Carried

MOTION  
CARRIED

Mr. Chairman: Mr. Legal Adviser, did you say "no"?

Mr. Legal Adviser: (inaudible). It could be done, for instance I'm just suggesting, by adding another sub-section which says "any party aggrieved .... should be reversed around and said nothing in this section should be deemed to prevent the party having recourse to the Courts . I'm not exactly sure what form (inaudible).

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: With respect to the Legal Adviser's remarks Mr. Chairman, I would suggest that his last method (inaudible) nothing in this Section shall prevent an aggrieved party from appeal to Court.

BILL NO.

4

Mr. Chairman: Mr. McKinnon.

Mr. McKinnon: Isn't there more or less a standard appeal procedure through the Courts where these type of Boards sit where there is an appeal procedure - I know it is very important (inaudible).

Mr. Legal Adviser: This Board as I understand it, Sir, is basically an Advisory Board to the Commissioner. The Commissioner is empowered to perform the functions just as the Advisory Board which advises him. It is difficult to provide a form of appeal from a Board which is merely advisory because the Court would then say I cannot control what advice this Board will give. But, at the same time the Court will interfere if any prima facie case has been shown of a basic injustice under normal laws so if it is the wish of Council that an appeal form should be in then with respect I would suggest that the best form of doing it to make the matter clearly beyond doubt that whatever legal advice would normally adhere to a person by way of right of appeal, then they are enshrined in the Ordinance so that people know where they stand and if they go to the Courts and the Courts hear them .....Courts don't hear them (inaudible).

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I think perhaps we could all be in error ..... that the Legal Adviser bring to our attention an error we have over-looked. We could treat this proposed Board not as the Enquiry Board which it is which will then report on the findings of its enquiry to the Commissioner but we have been treating it as a Board that makes a decision in the hearing. I think that this is where we have gone off the rail a little and I would suggest that the suggestion made by Mr. Legal Adviser to amply cover an appeal where it is accorded in accordance with ordinary natural justice that an appeal be given - be allowed, be made.

Mr. Chairman: Will the Committee agree with the suggestion made by Mr. Legal Adviser?

All: Agreed.

Mr. Chairman: Gentlemen, it now being past twelve, I will declare Committee recessed until two o'clock.

AA

Wednesday, November 15, 1967.

2:00 o'clock p.m.

Mr. Chairman: I think at this time we will call Committee back to BILL #4 order. We are discussing Bill #4 and we will be having forthcoming an amendment to Section #1. I will now proceed with the reading of Section #2 which is the requested amendment. (Reads Section 1 of Bill #4, An Amendment to Amend the Motor Vehicles Ordinance.)

Mr. Dumas: Mr. Chairman, I suggest that we went over this the other day and the amendments are just as we requested so I suggest that we accept this section the way it is.

Mrs. Gordon: I would ask if I may be labouring under a misapprehension, but supposing a case arose whereby a chauffeur or operator has transgressed so badly that their licence was, should be suspended indefinitely. Would this mean that this particular section #3 would apply and within three years they would have their licence returned?

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: No, that would not be the intent of the Ordinance and it's not the effect of this particular section. This only effects the endorsement of a particular licence, not its suspension.

Mr. Shaw: Mr. Chairman, I feel that this Ordinance is to my satisfaction and, as in the normal course of events, I would be very pleased to accept its movement out of Committee. However, I do have something coming up tomorrow in respect to the Motor Vehicles Ordinance and I would ask that following this discussion with the passage of this out of Committee be left in abeyance until tomorrow.

Mr. Chairman: Yes, gentlemen, this will have to be in abeyance because we still have the amendment coming forward, the amendment requested this morning.

Mr. Shaw: My apologies, Mr. Chairman.

Mr. Chairman: Do you gentlemen agree now that we leave Bill #4 and proceed to Bill #5? BILL #5

All: Agreed.

Mr. Chairman: I believe you all have a copy of the information forwarded to us by Mr. Legal Adviser. It's in relation to the questions asked about this bill. That is the Alberta Assessment Act and the British Columbia Taxation Ordinance.

Mr. Commissioner: Excuse me, Mr. Chairman, before you go any further, just for my edification, where does the Motor Vehicles Ordinance sit now? It's still in Committee, is that the idea?

Mr. Chairman: That is correct.

Mr. Chamberlist: Mr. Chairman, can I ask a question? Correct me if I'm wrong. Did we go through Section 4 of this?

Mr. Chairman: Yes, this has been cleared. What's your further pleasure, gentlemen, in relation to this bill?

Mr. McKinnon: Mr. Chairman, in regard to Bill #5, I know that I was concerned with the wording of this amendment. Even though I agreed with what the amendment was trying to do, I just thought that it sounded awfully arbitrary on the part of the Government. And so, as request was made to see how various provinces got around



BILL #5 Mr. McKinnon continued:  
this without sounding too arbitrary. I think that Section 29 of the Alberta Assessment Act as it appears in the information before us gives a much clearer indication of what the amendment is really trying to do and also doesn't sound anywhere near as harsh as the amendment as was proposed to us. I would like to ask a question of the Legal Adviser, whether Section 29 of the Alberta Assessment Act serves the same purpose as we are trying to do through the amendment to the Taxation Ordinance, and if so whether the wording of Section 29 of the Alberta Assessment Act could be incorporated into this amendment of the Taxation Ordinance.

Mr. Legal Adviser: I would like to give an infinitive answer to that, but I think that our amendment could be adapted to cover the point which is attempted to be covered by the Alberta Ordinance. That is, that where a person was able to show positively that he has suffered by reason of a mistake, then an extension of time would be given to him to appeal in the normal way.

Mr. Chairman: Councillor Chamberlist, would you take the Chair?

Mr. Chamberlist: Yes.

Mr. Taylor: Mr. Chairman, I certainly do not agree with the form in which Bill #5 now appears. I note that in Section 29 of the Alberta Assessment Act that they spell this thing out. They refer back to a Subsection 3 of Section 36 of that Act, I don't know what that really relates to, but it spells out a particular situation and also provides for the correction of any error in this assessment. There is no provision in this bill before us providing for corrections to be made of these errors and be submitted to the tax payers.

Mr. McKinnon: Mr. Chairman, I would be very satisfied if Mr. Legal Adviser could draft an amendment to the amendment that we have before us, incorporating the wording of Section 29 of the Alberta Assessment Act where applicable.

Mr. Taylor: Yes, Mr. Chairman. I certainly agree. I think that in its form at present, I certainly couldn't accept it, and I go along with the suggestion of the Honourable Member from Whitehorse North. I think that if Mr. Legal Adviser could find the time to consider the matter and went into the remarks found in the Votes and Proceedings, I think that this would be a most useful approach. Thank you, Councillor Chamberlist, I will now resume the Chair.

Mr. Chamberlist: Mr. Chairman, the bill which we have been asked to approve gives too much of a blanket carte blanche to the Administration. This is why I raised objection to it. The presentation of a copy of Section 29 of the Alberta Assessment Act certainly spells out certain areas of error to which I am sure nobody would raise objection to its being incorporated in our Ordinance. It's obvious that errors are made, no person being infallible, that we must at all times protect the rights of the individual to redress by the courts. I would concur with the other Honourable Members that Mr. Legal Adviser prepare an amendment based on Section 29 of the Alberta Assessment Act where applicable.

Mr. Livesey: I wonder, Mr. Chairman, if I could direct a question to the Legal Adviser with respect to Subsection 2 of 98A of the proposed amendment, Validity of Assessments and Proceedings, where it says, "Where an individual assessment, tax or rate is found to be invalid, irregular or illegal, such finding shall not affect any other assessment, tax or rate." Does this mean to say that if the Administration has found where they have made an assessment on

Mr. Livesey continued:

twenty-five or thirty pieces of property incorrectly and the mis- BILL #5  
take was the same on each and every one of them, that each and  
every individual afflicted will have to have a separate case and  
even though one case may be conclusive and the mistake quite clear,  
by perhaps some revision of the situation, that each and every other  
one's got to go through the same proceedings, over and over and over  
again until all those matters are cleared. Is that exactly what  
that means?

Mr. Legal Adviser: Sir, if I may take that as a question addressed  
to the Legal Adviser, that is not my understanding of that partic-  
ular subsection.

Mr. Livesey: May I inquire, Mr. Chairman, just what is the under-  
standing?

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: My understanding of that would be, that where  
in a particular case an error is found to exist that every tax payer  
cannot then say, because a particular person's name was spelled  
wrong or a particular clerical error was spelled wrong I don't have  
to pay my taxes until the whole thing is fixed up. If there is any-  
thing wrong with his then it has to be corrected and has to be ad-  
justed in the normal way, but he can't, on the strength of his  
neighbour's default, due to his neighbour's assessment, refuse to  
pay taxes himself.

Mr. Chamberlist: Mr. Chairman, by the same token, following what  
Mr. Legal Adviser says, I agree that the Honourable Member from  
Carmacks-Kluane has raised a very important point. Supposing after  
we amend to a similiar section as in the Alberta Assessment Act,  
Section 29, an action is taken by a tax payer and the court finds  
the individual assessment was illegal. By Section 2, rather by  
Subsection 2 of Section 98A, "Where an individual assessment, tax  
or rate is found to be invalid, irregular or illegal, such finding  
shall not affect any other assessment, tax or rate," by Mr. Legal  
Adviser's remarks could it be suggested that notwithstanding that  
a court has already ruled on the illegality or the irregularity  
and the invalidation of the particular assessment, that the Admin-  
istration can still place another tax payer in the position where  
he had to start another legal case all over again to prove the point  
all over again. I think this is what perhaps the Honourable Member,  
Councillor Livesey, has been getting at.

Mr. Legal Adviser: It's not for me to say what a court would find  
in any individual case, but each tax payer has to judge his own  
liability on its merits and on its legality and the fact that his  
neighbour has won a case does not, on itself, give him grounds for  
a decision unless his own tax is illegal in which case it is tried  
on its own merits and we couldn't bind a court in its decision.

Mr. Livesey: Mr. Chairman, what I am getting at is that supposing  
now that a wrong assessment has been made. The rate, by some error  
over which perhaps those who made it...was just a normal error,  
it happens... and thirty people are wrongly taxed. You mean to  
say we're going to have thirty different cases to decide the same  
issue? This is what I asked you.

Mr. Shaw: Mr. Chairman, it would appear to me that if so many are  
wrongly taxed and took it to court and the decision was given against  
the Government, that the Government, I would assume, would just take  
steps to rectify it. The inequities that exist are in the same  
category with the other people that are concerned. That's the way

Mr. Shaw continued:

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I would look at that. If the Government or the Administration, which ever you'd like to call it, decided that having lost a case on a point and the same point applies to thirty other people who are complaining, they would hardly be stupid enough to sit back and make each one take their case to court. It appears to me that they would immediately...representations would be made no doubt from somebody to the Administration, to the Commissioner, who would see that this thing was straightened up. That's what I figure would be the normal. Now, I will admit that it isn't written down but I think that it has applied in various instances and other matters related to that. There is one question, Mr. Chairman, I would like to ask of the Legal Adviser. This Section 29 of the Alberta Act looks very good to me. I wonder if you could see any difficulties in putting that into the Ordinance of the Yukon?

Mr. Legal Adviser: I would presume that if it is the wish of the House, that an amendment could be drafted somewhere in 98A either as a sub-paragraph (c) of Section 1 or a new Subsection 3 which would read something like this, without tying myself down in any way as to how it would read in practise, it would read something like this: Where any error, informality, or irregularity on the part of the Assessor, Court of Revision, the Collector or any officer or employee of the Territorial Government can be shown to have influenced a person on whom an assessment is made from appealing against this assessment to the Court within the time allowed by this Ordinance, that person is entitled to receive a corrected assessment and to appeal to the relevant Court against the amended assessment within the time laid down by this Ordinance. Something like that.

Mr. Chamberlist: I would, Mr. Chairman, prefer to have it spelled out as it's spelled out in Section 29 of the Alberta Assessment Act. "That an error, omission, misdescription in any assessment slips or the non-receipt of the slip of the person to whom it is addressed..." In other words, the technical things that are really errors. I would prefer not at all to see any of the suggestions as is made in the bill that has been presented to us, that on the part of the Assessor, Court of Revision, the Collector or any officer. I would not like to see that in there at all. What I would like to see spelled out is what errors would not be applicable. Now, I think that this, the way this Alberta Assessment Act....reads very clear to me, especially in Subsection 6 where it says, "Where an error, omission or misdescription in an assessment slip can be shown to have influenced .....!" etc. because if it is an obvious error of form, an error of writing, I don't see where anybody would object to the fact that the date might have been put on wrongly, as in the case that was shown to us, where it could be made clear to anybody that it is an error, but I don't think we should relieve from responsibility any negligence on the part of the Assessor, the Court of Revision, the Collector or any other officer in the Administration if that person has failed to fulfill what are his requirements as an officer of the Administration. If it's only an error in paper work, there's no problem at all with it. I would approve it completely. This is why I say I'm quite in favour of in actual effect those two sections....that section 9...5 and 6, of them actually being incorporated within the amendment.

Mr. Legal Adviser: With respect, Mr. Chairman, the Administration are composed of the Commissioner and the Legal Adviser so far as this discussion is concerned, but we're only human and we cannot foresee the future. The essence of this section is to enable people who owe taxes, to have it collected from them. If they

Mr. Legal Adviser continued:

don't owe the tax then they have their normal rights. If they do in fact owe the tax we want to be able to collect it, notwithstanding errors or misdescription and so on. If the person is worsened, if his position is worsened in any way, I agree, we should have provision for it in the Ordinance. But, if he owes the tax, that particular amount of tax, well then, we as an Administration should be able to collect it.

Mr. Livesey: Well, Mr. Chairman, I think that's clear. I feel sure that this is what the Administration's working for, but it seems to me that Sub 2 of 98A seems to be saying more than one thing. This is what bothers me. I can see the Administration's position and I can agree with the Administration's position. There's no doubt in my mind that people should not be able to get away from paying their taxes because someone has made an error. I couldn't agree more. But, what is seems to be saying here also, at least to our minds, is where an individual assessment, tax or rate is found to be invalid, irregular or illegal, such finding shall not affect any other assessment, tax or rate, this also, to my mind, makes it obviously clear also that it could be interpreted to me that one mistake on the part of the Administration, or thirty mistakes, each mistake will have to be corrected on an individual basis. I feel this is a rather unfortunate position for the public to be put into. It's only the double meaning that I'm worried about, not the singular meaning. The singular meaning is clear.

Mr. Commissioner: Mr. Chairman, I think members of Council will remember this situation here in Whitehorse not too long ago where, I believe it was City of Whitehorse assessments that were questioned in court, and if I remember correctly the manner of dealing with this was for one assessment to be tested in the court and when this was found to be incorrect or invalid, as the situation was, it was then incumbent upon the issuing authority, I believe in this instance the City of Whitehorse, to invalidate or to put on a similiar basis, in other words, on a corrected basis all other assessments that had been done in a similiar manner. So, I think it works both ways. At least, this is my recollection of the situation that the one assessment was tested in the court, the court ruled a certain way, and this simply meant that all other assessments had to be brought into line. Now, if the court had found, I am assuming that the assessment was correct, as it was, this would have simply validated all other assessments at the same time. I see the point that Mr. Speaker is getting at here, Mr. Chairman, but it would appear to me that the practical aspects of it, maybe I'm wrong, but it seems to me that this is where they were most recently demonstrated, right here in Whitehorse not too long ago.

Mr. Livesey: Another question, Mr. Chairman. Would the court, though, issued before this amendment was put before the Council, would the court in view of this wording when it says, "Where an individual assessment, tax or rate is found to be invalid, irregular or illegal, such finding shall not affect any other assessment," would the court then make a ruling and say that it shall in view of the fact that the law says it shall not. This is what puzzles me.

Mr. Legal Adviser: It is not for the court to make such a ruling, but if a particular person takes what might be expressed as a test case, or takes his own case and other people are on the same footing as himself, the wording of judgement of the judge given in the particular case would be the main guiding line as to what is to be done. In other words, if a particular assessment was sent to the wrong address and reforwarded and the person hadn't had a chance to put in his appeal in time and then took it to court, it would only

BILL #5 Mr. Legal Adviser continued:  
apply to him. It would have to be shown by each individual, if necessary, that he had also got a wrong address or a wrong description or a wrong decimal point, but if it came within the class covered by a particular legal ruling, then no Administration or no City Council wants to face a series of possibly 30 or 40 or 100 unsuccessful cases one after the other. I think that you could rely on the fact that the Legal Adviser of the City of Whitehorse or whatever municipal Council is involved would not go to the unnecessary trouble of fighting and contesting each case.

Mr. Chamberlist: The Subsection 2 of Section 98A goes to far because it doesn't correct what might result from an error. I believe it goes beyond that. It gives too much scope to the Administration not to recognize the responsibility of fair play that must be paramount in dealing with all citizens of the Territory. Because it says quite clearly, now in actual effect it says, notwithstanding that Joe Blow's assessment was an illegal one, and even though we have got 10 or 15 similar, identical cases...now, notwithstanding that, this subsection will say it makes no difference to it, I don't care what the ruling of a court is in this manner, this is the law and we're still going to assess you and if you don't like it, you can go to the expense of making another case of it. This is actual what it is saying. I don't think that we have the right to impose a penalty of such nature under any circumstances. Now, this is why I am opposed to it. It would impose a penalty on a tax payer to take the matter to court to show again that he is in exactly the same position as the man who won his case last week on a tax matter. I would suggest that some how or other Mr. Legal Adviser warrant it so that Subsection 2 will deal specifically with the errors that will be referred to in the amended section of Subsection 1. Now I will agree and I think we will all agree that there is a requirement for that as it effects errors, but as it is now it goes far beyond errors and I think this is what Councillor Livesey was attempting to get over to you.

Mr. Chairman: Councillor Shaw, would you take the Chair a minute?

Mr. Shaw: Yes.

Mr. Taylor: Mr. Chairman, I would like to go back to the problem which precipitated this bill and brought it to the table as the case in point. This is pretty important business we're talking about as under the Taxation Ordinance you have the right to take away a man's property. You have the powers of God over this man or these people or this person's incorporation, and I really don't think that any Member would disagree that this branch of law has a greater impact on society and the citizens here in the Yukon than any other element. There's nothing stronger than taxation or more important to the people in the Territory. Now, I bring you a case in point where irregular tax notices were indeed circulated in the Mayo and Watson Lake districts. They weren't illegal I don't think because we have the Tax Ordinance of last session which makes this possible, and possibly they're not illegal. I can't really know. That is yet to be determined further on in this session. But, certainly they were irregular. Now, having been shown to be irregular, it states here that each individual would have to file an appeal and fight his case on an individual basis because every tax notice that went out in Watson Lake was irregular in relation to the water and sewer system in the Mayo and the sewer system in Watson Lake. I don't feel that this is fair. It seems to me that the tax payer...all we're legislating here is what the tax payer cannot do or what he has to do, but we're not giving the people too much of a break, the tax payer himself. And it seems to me that if he receives a tax notice, he can expect to find an error generally

Mr. Taylor continued:  
 in two places on that tax notice. One in the levy itself, that is the dollar value levy being assessed against him, and the only other place I can find an error is in the period for which he is being assessed. If these are wrong or in error then I don't feel that he should be forced to pay any tax until a corrected statement has been forwarded to that rate payer showing the correction, and then upon receipt of that corrected statement, then I feel that he should pay his taxes but not until. And, I don't think that he should have to individually go out and fight for a thing like this. I think if it can be proven that the levy in general was irregular, then it should be a blanket condition. If we were to accept Subsection 2 that would not be the case because it says such findings shall not affect the other assessment, tax or rate. So, no matter how hard you try, you'll have to start dealing with them one by one. I just bring that to your attention.

Mr. Commissioner: Mr. Chairman, there's no question that there's a lot of validity in what is being said here, but I would bring to your attention that whether the wording is as it is here at the present time or whether some other wording is involved, what you are endeavouring to bring about here is the fact that each and every tax notice, by virtue of its very nature, has to be individually handled and calculated. In other words, it is impossible to roll these things out on a mimeograph machine or put them through a copy machine. In other words, each tax notice by its very nature has to be handled by an individual. And, effectively, what you are trying to bring about here is that if an error is made on one person's tax notice, we'll say as in the Watson Lake area, that if your tax notice, as a tax payer in Watson Lake, has an error on it, this does not by virtue of this error, invalidate all other tax notices in particular area or for that particular time. This is what you are endeavouring to bring about, and the fact that these notices have to be dealt with as individual notices and each one of them is identifiable as an individual's tax notice. This is what you are endeavouring to do. It would appear to me that while other wording no doubt may be found, the intent of what is being endeavoured to be done here should be what Council advises.

Mr. Taylor: Mr. Chairman, in relation to Subsection 2, could this not be covered by providing a Subsection 3 which would state somewhere to the effect that notwithstanding Subsection 2, that where an error or an irregularity has been found to affect the total tax roll, some provision could be made. Would we be finding some escape from our dilemma here?

Mr. Legal Adviser: If I can without tying myself down without further consultation, would it meet the wishes of the Members if something was done with the word "individual" in respect of Subsection 2. In other words, have a Subsection 3....."Notwithstanding Subsection 2 hereof, where a general assessment, tax or rate is found to be invalid, the same shall be given effect.....".....  
 .....but, what we are attempting here is that when Mr. Jones has an error in his documents, it doesn't effect Mr. Smith next door, but if, on a general point, Mr. Jones takes the case to the Territorial Court that the City of Whitehorse, to give an example, is acting in an ultra vires manner in assessing this particular assessment. For instance, to take the instance that might be brought forward here this afternoon, one of the Honourable Members was suggesting that the power to collect for parking meters is ultra vires the City of Whitehorse. Now, if a particular person took that to court and obtained a ruling that it was ultra vires, then no doubt it would affect all other people who were on similiar charges. That's what the Council, I think, is trying to procure.

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Mr. Taylor: Mr. Chairman, this is the point. What we said is where an individual assessment, tax or rate is found to be invalid that it doesn't affect Mr. Jones....Mr. Jones' tax assessment does not affect Mr. Smith, but, for instance, a tax on people on the general assessment roll and the people were taxed five cents more than what they properly should have been taxed, there should be provision by means of possibly an additional subsection whereby the court may give recompense or order that, a court order and declare this invalid in all cases. But, under the existing proposed bill he has no means whatsoever to do this. It says he shall treat each one as an individual case.

Mr. Chamberlist: I'll try to give two points that struck my mind. Supposing in the case that has already been provided for in Watson Lake where a date has been given. Now, the forms are all the same as far as dates are concerned so there is an error on all the forms. Now, there is just one error....I'm not dealing with the dollars and cents....there is just one error there. Also, you may have by accident instead of the taxable assessment being based....composition on 12 mills it is based on 13 mills. So, the matter goes before the court. The court rules that this should have been 12 mills. Now is it suggested, the way this Subsection 2 is, that everybody else in the community who have been taxed the 13 mills, obviously it must be a wrong assessment because the court has already ruled that Joe Blow's assessment is wrong, do each one of these people have to go to the court? No, we know it's no, but it should be so stated. So, perhaps if we could drop out that word "individual". This might answer the problem we are referring to because then it would read, "Where an assessment, tax or rate...." Or, an addition or another section as the Honourable Member from Watson Lake has suggested. But, this Section 2 as it is, is not sufficient because it either goes too far or it isn't sufficient to explain.

Mr. Legal Adviser: I don't think the Administration could possibly accept any subsections which would purport to tell a court how it's to give its judgements or what effect is to be given to them in a general manner. The discussion has taken the trend that we should say, what the Honourable Chairman suggested that we should say, that where it's a general fault the court should so rule and it should affect everybody, but we can't do this because the only parties really affected in practise by any court decision are the people who are parties to that decision in court and who have chosen the court as the form for the dispute. It's up to other people then to use the argument of the judge in the particular case to say, "This affects me. I come within the class of persons covered by the terms of the particular judgement."

Mr. Taylor: Well, Mr. Chairman, this, in stating we can't to that, I say we can do that. I say it's quite our prerogative to do that. Whether or not the bill would get centred on, I don't know, but it's our prerogative to write in a protection for the tax payer. All we've done is just hammer the tax payer to the ground to far and I think he deserves protection. I really do. And I see no reason why we can't write in such a deal and I don't think....let's face it, there are a lot of tax payers - a majority of tax payers I would say that really don't know whether their assessment is right or wrong in the first place. I think the onus should be on ourselves as a Government, or the Administration as a Government to insure that the rights of that tax payer are upheld, and by the very suggestion that we write in this sub-clause into this section, if it will be accepted, we write in a little safe-guard for the tax payer which I think he deserves.

Mr. Legal Adviser: Don't think, Mr. Chairman, that I was saying BILL #5 what the Council can or cannot do. What I meant to say, and I hope that I wasn't too misunderstood by the Councillors, to say that if we as a Council makes a section which tells the judge of the Territorial Court what to do in an individual case, and this would be an individual case as somebody must take the case to court, and he must give either a judgement in that particular case or not. Now, if in the terms of his judgement he says that the whole assessment is invalid and therefore because you have taken the case, you win your case, and then everybody can then use the argument that in the decision of the court he held that the assessment was invalid, I come within that class, therefore, I refuse to pay the tax. But, he may say the assessment is invalid in your case because your name is spelled wrong or you didn't get the required notice or you served a notice of appeal and the Administration did not bring the case before the Appeal Court. There are 101 different reasons. It's up to the individual who feels that he is affected by the court's decision to take the risk if he wants to of challenging the view of the Administration in that particular case. And, his legal advisers of course would say, "Yes, we are covered by the decision." Or they may say, "It's chancey if we take the case." Or, "It's certain." You know, they take these views.

Mr. Taylor: Mr. Chairman, this may be so, but I say that if he should find, in dealing with this individual case...it may be a corporation or it may be an individual...but, if he finds evidence placed before him in relation to this dispute of a tax notice, which would serve to indicate that the general assessment was wrong and that all other people agreed on a general basis that there was an irregularity in the assessment period or where the tax levy was incorrect, then I feel that he should have the permissive power that he may order that the total assessment would be invalidated.

Mr. Legal Adviser: With respect, that would be giving the power to the judge to make an order covering people who were not parties to the case before him. Now as the wording of Subsection 2 is it says, "Where an individual assessment, etc., is found to be invalid, such findings shall not affect any other assessment or tax." Now if the judge happens to find that the general assessment is invalid in the course of his decision, then Subsection 2 would not apply. This only applies where the court, in giving its decision, says this is a finding in relation to an individual assessment.

Mr. Taylor: Well, Mr. Chairman, I've gone on long enough. We're talking about Subsection 2 and I'm also opposed to Subsection 1. Unless this is revised and amended in some more acceptable form, I'm not prepared to accept it in any event. I did, before I resume the Chair, wish to detract for a moment from Subsection 2 and place a question to Mr. Commissioner in view of the fact that this arose out of the Watson Lake - Mayo sewer and water system tax notices. I would like to know if it is the intention, at this session, of the Administration to lay before Council for consideration an amendment to the Tax Ordinance which would change Section 50A, Subsection 1 and Subsection 2 as approved by the following session of Council.... this one slipped by us and we didn't spot it....in which Section 50A and in Section 1 and 2, we have provided the Administration with a medium by which they can recover both the operating and capital costs of a system, sewer and water system, by taxing at a uniform rate per front foot all real property that abuts in this system. And, the same applies in Subsection 2. It has been generally agreed by all people I've ever talked to on this subject and certainly by all the residents in Watson Lake involved in this assessment, that nowhere else can they recall having to pay operation and maintenance costs of the sewer system when they're not even hooked on to the thing, and operation and maintenance costs are generally collected



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Mr. Taylor continued:  
on a per month charge or a per unit charge or on some other basis than a front foot charge. I would like to know if the Administration have considered this and whether or not they are going to put something before Council for our consideration or whether it would require the private Member's bill.

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

Mr. Taylor: Mr. Commissioner.

Mr. Commissioner: Well, Mr. Chairman, I have assured personally the Member from Watson Lake in his representations to me that this would be done and I have no intention of changing my stand on it. The whole matter is going to be placed before Council and it is going to be placed before you in a manner which is not going to generalize across the Territory. We are going to ask you to consider the situation that there are different conditions that prevail in different localities and there should be some means of varying the method of collecting according to the wishes of the people in these various districts. The arithmetic package and the calculations that were involved with the two systems that are in question at the present time, they are going to be placed before you and we are going to ask you, in relation to my former statement here concerning how the proposal would be dealt with to amend the Taxation Ordinance to permit a variation in the collections for capital costs and operation and maintenance of these systems in different localities throughout the Territory.

Mr. Taylor: In other words then, Mr. Chairman, we should hold this bill in Committee until such time that the Administration have come up with an answer.

Mr. Commissioner: Well, Mr. Chairman, this is Council's prerogative. I may say that the point in front of you now was, up until what date I don't know exactly when, a part of the Taxation Ordinance and at some point in time....this point I can't advise you of at the moment....in either a rewriting or a revision, I believe I heard it being referred to at the time of consolidation, the 1959 consolidation, this was apparently left out of the printing of the Ordinance. This is why this is brought before you at this time. When the question concerning the date error came up with regard to the Watson Lake tax notices, it was brought to my attention that this was no longer a....this particular thing was no longer in the Taxation Ordinance and this is why it is here now.

Mr. Taylor: This gives rise to a question. Prior to the Administrative goof on the Watson Lake and Mayo sewer and water system, did the lack of this section present any great problem in the Administration or is this the first time that this matter arisen?

Mr. Commissioner: Well, Mr. Chairman, I am in no position to answer that question properly without some kind of research on it because I'm not familiar with the, all the details that transpired from the time this was left out to the time I came on the scene myself, but I can tell you that during the time that I have been in office here, the only situation that I'm aware of was with the Watson Lake tax notices where it was typed in 1967, I believe, and it should have been typed in 1968. Now I stand subject to be corrected on that too, Mr. Chairman.

Mr. Taylor: At this point, I will resume the Chair. Councillor Shaw.

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Mr. Shaw: Mr. Chairman, I was going to ask the Chairman a question so we'll have to switch around. In this goof that occurred, which is something that can happen, which we are involved in at the present moment, apparently this has been rectified. Was it necessary that this be taken to court or was this just something that needed representation and was finalized to the satisfaction of the persons concerned. Were there any particular hardships created.?

Mr. Chairman: Councillor Chamberlist, would you take the Chair?

Mr. Chamberlist: Yes.

Mr. Taylor: Mr. Chairman, in answering that question, yes. In the first instance, some tax notices were irregular for more than one reason. The first instance is the assessment period. It was for a five month period when we were told afterward...after everyone in the town almost to the user had objected...that it was intended it should be for a seventeen month period. Well, there is a vast difference in assessment when you consider the difference between paying so much taxes for five months of value, goods received shall we say, or seventeen months. That was number one error. Number two error is obviously an error...was the charge of per front foot tax on users and non-users alike, to all people whose property abuted in the system - a levy a 76¢ per front foot for the operation and maintenance of the sewer system, which was immediately appealed because it's just not heard of that you pay operation and maintenance costs of a system for which you don't participate in...you're not hooked on to it...you pay on the capital side, certainly, ...everybody pays that...but you don't pay operation and maintenance. Now, in answer to your second question, the first thing that was done was people came and complained to me as their Councillor. I immediately complained to the Administration to find out what was going on, but nobody took it to court. You can't take anything to court in this Territory unless you've got money. There are laws for the rich and laws for the poor. I don't know who you could find that has got the money, except maybe one of the major hotels, to take anything to court on anything, anything from a traffic ticket to God knows what, let alone a sewer set-up. So, all they can do is write letters.....which I believe they did....I believe Mr. Commissioner's mail improved somewhat for a short period of time as these people complained and appealed. But, that's what is going on. This is why I want to see changes made in Section 50A, 1 and 2, as well as to see this changed here.

Mr. Shaw: Mr. Chairman, then we would say this was settled out of court.....which leads me to another question. We are discussing a matter where people can go to court to get their problem settled. Well, I think that is very good, that they should be able to do that, but then if they are not able to take it to court, that doesn't serve a very useful purpose either then, does it.

Mr. Taylor: Well, Mr. Chairman, in answer to that, it's not court, it's this Council that is going to have to decide the issue. Unfortunately this matter has to come back to this Council Chambers and will be discussed in this Chambers in order to determine what is right and what is wrong, and in order that a fair assessment may be given, and that is where the matter will be decided, not in court.

Mr. McKinnon: Mr. Chairman, this has been a very interesting discussion that I have listened to for the last hour, and never have I seen such unanimity from all parties concerned. All the Councillors agree, the Commissioner seems to agree, and Mr. Legal Adviser

BILL #5 Mr. McKinnon continued:

seems to agree that nobody wants, through a simple error, for taxes not to be able to be collected. Now, the whole point of it is that the language that the amendment is now in is repugnant to the Committee and I think Mr. Legal Adviser has a very good idea of what the feeling of Committee is in respect to the wording of Section 1, and also that we feel that in Section 2 that there should be some further protection to the individual. I would ask him if he felt that he could play Soloman and come up with an agreement or an amendment that would suit both the purposes of the Administration and the Committee...or could attempt.

Mr. Legal Adviser: I don't think if Soloman was here in all his glory, he could satisfy all the Members on this particular question.

Mr. Taylor: Mr. Chamberlist, I will now resume the Chair, and at this point I will call a recess.

AA

Wednesday, November 15, 1967.  
3:30 o'clock p.m.

Mr. Chairman: At this time I will call Committee back to order and we were discussing Bill No. 5. BILL #5

Mr. Shaw: Mr. Chairman, I think there was a suggestion, I think I can call it a suggestion an hour or so ago that the Legal Adviser attempt to put this Section 98, something about the same lines as would be in Section 29 of the Alberta Assessment Act. I wonder if members of Council would.....

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I would suggest that this section be sent back to the Legal Adviser for a complete revision making the section satisfactory to the Committee as outlined today except that sub-section 2 should be removed completely from Section 98 (a).

Mr. Chairman: Are there any other opinions of Committee in respect of it?

Mr. Shaw: Mr. Chairman, I am wondering if this is necessary for Section 2 - I would ask the Commissioner if this one is necessary.

Mr. Commissioner: Mr. Chairman, I can assure you from the Administration's point of view we are quite satisfied to remove Section 2 entirely and endeavour to re-word the other part of it, but as the Legal Adviser said in his power and all his wisdom they have a little difficulty in complying 100 per cent but we will do our best.

Mr. Chairman: Gentlemen, are you agreed then that we should leave this with Mr. Legal Adviser to hash around and over and possibly draft another proposed amendment to this report?

All: Agreed.

Mr. Taylor: Very well, gentlemen, we will proceed to Bill No. 6 BILL #6  
I will proceed with the reading of the Bill. Bill No. 6. An Ordinance to Amend the Local Improvement District Ordinance. The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:  
1. The Local Improvement District Ordinance is amended by adding thereto, immediately after section 6 thereof, the following section:  
"6A (1) Subject to this Ordinance, a corporation carrying on business within a District is eligible to vote at an election of trustees if it is a taxpayer. (2) A person who has attained the age of twenty-one years may vote at an election of trustees on behalf of a corporation described in subsection (1) if there has been filed with the Chairman of the Board of Trustees not later than one month prior to such election a written authorization naming that person to be an agent of the corporation for this purpose. (3) A person described in subsection (6) of section 6, who votes at an election of trustees as an agent of a corporation is not disqualified from voting on his own behalf at an election of trustees." Would you proceed, gentlemen. Councillor Shaw.

Mr. Shaw: Mr. Chairman, I was one of those responsible during the fall of 1965 of agreeing to the sections in the Ordinance, the Local Improvement District Ordinance, and I have at the present no area we should say that would come under the authority or scope of the Local Improvement District Ordinance. At the time this was discussed, knowing that other members of Council did, in fact, have most of them had areas in which this Local Improvement District

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would apply. I relied a great deal on their judgement as to how it would apply. It seemed to be on the outset quite sensible. However, it does appear now there is some very violent objections, if we can call it such. I would feel, Mr. Chairman, at this time with these objections so firm that the relation to this particular Local Improvement District Ordinance and the objections that have come forth that it would be a most appropriate time to have a committee formed of three members to vet the Ordinance, to take out the parts that appear objectionable to them and then present the finding to the Council, or the Committee, whichever it may be. That way I think we could save a great deal of time and when this thing was completed we would then have this thing before us and we could vote on it, on the recommendations according to its merits and I would ask, Mr. Chairman, that something like this be considered and the persons on this committee be the persons that are intimately involved with this particular section.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, the question as to examination of the opposed Ordinance is entirely different and I submit be kept entirely separate from the Bill and the intent of the Bill that is before the Committee today. This Bill simply asks that there be an additional section following section 6 to allow for a corporation, which is a tax payer, to vote at an election. I see no objection to this Bill because it is a standard requirement in elections of a municipal nature. I, too, am not at all happy with certain sections of this Ordinance and I would be pleased to participate in discussion on the Ordinance itself but dealing specifically I say with this Bill that is before us we should not bring into this Bill any extraneous matters which are not considered at this time, and I am prepared after others have been heard to move that this Bill be passed out of Committee.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I agree with this particular Bill. I think if you are going to have an improvement ordinance, naturally this will have to be included. I merely brought this suggestion forth because as the Honourable Member from Whitehorse East has said we pass this out of Committee. It may be possible that there could be amendments to this that are not too difficult to put into force, and we would have two bills on the same subject, if that is permissible. It was merely a suggestion of mine to eliminate perhaps a lot of unnecessary discussion.

Mr. Chairman: Councillor Shaw, would you take the chair a moment?  
Mr. Chairman, I have a question I would like to direct immediately at the outset to Mr. Legal Adviser that in deeming adviseable course to allow a corporation carrying on business within the district to vote, would this mean that the Department of Transport would have one vote, that the police would have one vote, and this type of thing, or does it mean that even though these people are living in government houses and not tax payers in the sense of real property, that they still do have a vote, even though they're not tax payers?

Mr. Legal Adviser: Sir, the intent of the amendment is a corporation carrying on business within a district. If a corporation can show it is carrying on business within a district, then it is eligible to vote.

Mr. Chamberlist: Mr. Chairman, further a person who lives either in a federal government home that pays rent is entitled to a vote. Now, there was some question some time ago as to whether the Canadian National Telegraph is a corporation and the answer was yes, and the management of C.N.T. has a vote within the city of Whitehorse.

Mr. Chairman: Does that answer your question, Mr. Taylor?

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Mr. Taylor: Yes. One other item I had was in relation to the suggestion by the Honourable Member from Dawson, he had a good idea, but I think this is a matter which should be vetted by the Committee of the whole House because it affects everybody's district, except possibly two at this particular moment of all Council and will affect everybody's district throughout the Territory and I think it is something that has to be dealt with by Committee. I feel that what we must do is have from the administration some basic clear-cut policy. In other words, we've got to somehow find out just how the administration view this Ordinance at the present time in order that we might then vet the Ordinance or change the policy. We've got to start somewhere, and it seems to me that the best place to start would be to have the administration prepare for us, if Committee would so agree, a basic outline of what they think the policy behind the improvement district as it exists here and should be, and I think that is a good start because it is entirely possible and I was convinced that when we did approve the Local Improvement District Ordinance that if it was managed and these improvement districts were set up on the basis that were described in the Ordinance, then that this should work very well and it is entirely possible that if we held to the Ordinance as it now is written, that it may indeed work very well, but until we know how the administration feel about this Ordinance, how they view it, and how they interpret it, why it's going to be pretty difficult for us to proceed.

Mr. Chamberlist: Mr. Chairman, I had hoped not to be drawn into discussion with this Ordinance, but I feel now that I am involved and I must bring forward at least one section which I think has got to be reviewed from a legal standpoint. There is a similar section in the Municipal Ordinance which was placed in the Municipal Ordinance after a case, after a hearing of a case in the Territory. This section 6 (5) gives the qualifications of trustees, and it says every person resident within a district who is a Canadian citizen or a British Subject and has attained the age of twenty-one years and who a) is a tax payer or a spouse of a tax payer in respect of your property within the district with an assessed value of \$500 or more, and is not in arrears of the payment of his property taxes. Now, there has already been quite a number of cases at law and this can be found in Roger's Law, The Canadian Law of the new Roger's Book of the Canadian Law of Municipalities, Volume 1. You cannot have a spouse of a tax payer to be elected to office or nominated for office on the strength that his or her husband or wife is a tax payer. The provision is that a tax payer must have his or her name on the last assessment role, should be a tax payer. The reason being at law that no person who has not the tax payer's responsibilities at heart because they are not a tax payer should be in a position of designating what to do of the tax payer. Certainly if administration would come forth with some matter dealing with the Local Improvement District Ordinance, I would then at some length, and perhaps Mr. Legal Adviser would look into it before that time comes along so that he can get this knowledge and I am quite prepared to give Mr. Legal Adviser the subject cases, it will be seen that this section is already ultra vires of the law and it cannot be because no tax payer can have his wife act for him in an elected capacity, not under these regulations where it is not in arrears of the payment of his property taxes but this is one of the sections which I think are required to be corrected as well.

Mr. Taylor: Mr. Chairman, in that light, this would have to be with the agreement of Committee, but in view of the fact that the three trustees from the Watson Lake Local Improvement District will be coming into Whitehorse next week, for what purpose I'm not too clear, and I don't believe they are, but for meetings with the administration

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and it might be a very good time with the trustees here to discuss this matter as they are the ones who have the experience so far with the dealings as trustees with the only improvement district in the Territory.

Mr. Chairman: Mr. Taylor, will you take the chair?

Mr. Taylor: I will now resume the chair.

Mr. Shaw: Mr. Chairman, the Honourable Member from Whitehorse East touched on a subject for which I was responsible for introducing into this Council Chamber, namely that the spouse could also run as an elected representative. I recollect all the jiggling that went on a number of years ago in property in Whitehorse and the resultant chaos that happened and I do not think that that was a good thing for the benefit of the people with the exception that it did prove a point in law so they all went out and another bunch came in, and I have very strong feelings and the fact that a wife, husband and wife, they both own the property, not necessarily just the husband. It may be in his name or it may be in her name but they are partners, I think as much as any persons could be partners in any agreement that you have among people in this world. Therefore, I felt that both of these people should have the same privilege. Now, I don't intend to give in to the instances of law too much, I don't know too much about it, but looking at it from the viewpoint of what is right and what is wrong, I am fully convinced that what is in the books right now, whether it is ultra vires or otherwise, is still right. So, that when this was made, I believe it went right through as most ordinances and most bills do to the Department of Justice, there was no complaints there, so I would feel that possibly it is not ultra vires. In any event, I would like to give notice that I would object to its deletion.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: I repeat, again I didn't want to be drawn into discussion with it because I will show Councillor Shaw without any doubt at all that it is wrong - this section, and I agree with him that where a property is in the joint names of husband and wife then there is no disqualification and if they are subsequent partners, as Councillor Shaw suggests, the husband and wife would gladly register the property in joint names to make it legal. It is unfortunate that so many husbands and wives don't trust each other, but this isn't the point, Mr. Chairman. I would like to see this Ordinance, there are other sections I daren't talk about now because we'll have more discussion and we'll defeat the purpose of Mr. Chairman's suggestion, and I would like to see, perhaps it can be done by a question relating to the Local Improvement Ordinance, the Sessional Paper on it forwarded, and then it would be passed out of Council into Committee and then we can have a real discussion on the Local Improvement Ordinance.

Mr. Chairman: Just in speaking from the chair, it will be my intention as the member from Watson Lake to introduce notice of motion on this subject tomorrow. Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, I have had some very interesting experiences with this Local Improvement District Ordinance. The Commissioner had notified both the Porter Creek Citizens Association and the Crestview Citizens Association, which are in my electoral district, that he had, seeing fit under the terms of the Ordinance to declare these areas as local improvement districts. Upon receipt of this communication from the Commissioner, both of these Associations approached me and asked me what was entailed in the formation of a

local improvement district. I immediately went to the Ordinance to be able to answer them at public meetings and if Councillors will look at the Ordinance as it stands in the 1965 Ordinance Book, second section, and one will find that the duties and powers of the trustees under the local improvement district are covered in about two paragraphs, subject to the approval of the Commissioner, the Board of Trustees will have power to make by-laws, adopting procedures for the election of trustees, regulating proceedings for serving order at the board of trustees, providing for construction and acquisition of any buildings or works necessary for the operation or maintenance of any local improvement in their district, prescribing the fees and charges that shall be levied for local improvement, providing for the collection of fees and charges, and adopting such procedures that are necessary to enable it to perform its function as set forth in this Ordinance. Now, Mr. Chairman, after reading this I couldn't, when they asked me what are the functions of the local improvement district, I couldn't tell them anything. I went to the regulations to find out whether it was laid down in the regulations what the specific powers and avenues in which the local improvement district would maneuver, and there is one page in the regulations concerning Watson Lake local improvement district that it is so designated and when the annual meeting is held and the trustees of the Watson Lake Local Improvement District, and that, gentlemen, is in essence the legislation that is now on the book concerning the local improvement district. In short, both the Porter Creek and the Crestview Citizens Association who are going to be called local improvement districts by Commissioner's order and are in my electoral district have both accepted the principle of self-government at the local level and have passed resolution to this effect. They do not know, and there is nothing in Ordinance or in the regulations, outlining what duties they are to perform under a local district improvement type of set up and until these are spelled out with them, I don't see how they can effectively form a local improvement district and how they can effectively act because there is just nothing, no guidelines for them to follow at all.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Could I direct a question, Mr. Chairman, to the Honourable Member from Whitehorse North? Namely, would he feel there would be any merit in having a Committee of Council formed to study this particular matter and make recommendations to Council?

Mr. McKinnon: Well, Mr. Chairman, I think the only way that a local improvement district can function successfully is for an ordinance to be drafted much along the lines of the Municipal Ordinance that is now in the Statute Books which spells out exactly how this local improvement district should operate. Now whether a Committee of Council are expert enough to be able to draft this type of legislation, I am not prepared to say at this time.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, I believe I heard the member from Watson Lake declare that Watson Lake was the only established improvement district under the Ordinance. I wonder if I could enquire, Mr. Chairman, from the Commissioner just exactly where the people from Haines Junction stand under Section 3 of the Ordinance?

Mr. Commissioner: Mr. Chairman, without referring to the exact areas that were involved in this, Haines Junction is one of those areas where I have advised these people that under the terms of



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this Ordinance that we intend to declare them an improvement district and this is not done with any ulterior motives or thoughts in mind, the idea being, and I think that it is a right and proper one that I held when I was a Councillor and I think that all Councillors here hold at the present time, and that those things of a purely local nature which can be dealt with by the people who live in these areas should definitely be delegated to them and they should be given the necessary legislative authority to be able to proceed. Now, the questions that are being asked here today are the very questions that I pose myself to my staff when we were dealing with this matter of declaring these improvement districts, and there is only one way that these questions are going to be answered and that is for us to sit down with the Councillor affected, the people of the area that we're speaking of, and the officers of my administration who are directly charged with the administration of this Ordinance to see what things these people wish to deal with on their own, secondly, what we have got to do legislative-wise in order to make it possible for them to do it and thirdly, we have to create machinery and ways and means of making budgetary provision for them to have the funds to do these things. Now, this can go on and on into many ramifications, but I think basically these are the questions and this is the order in which they are going to have to be dealt with, and my idea to bring the matter to a head was to indicate my intention to the communities. I believe there are three, but I am subject to correction on that now, Mr. Chairman. To bring the matter to a head in this way because the administration is no different in this area than what the people who are effected. We do not have any experience in dealing effectively with this Local Improvement District Ordinance and the creation of the various functions, and this has been brought very clearly to our attention by the member from Watson Lake, and the people who are the trustees there are in a prime position at the present time and this is why we have invited them to Whitehorse here next week, to tell us of the immediate deficiencies that they find in their inability to do the very things that they were set up to do. Now, infallibility is not one of the better qualities of my administration and I may say that it would appear that those who preceded me can hardly lay claim to infallibility either, and I want to make it very clearly understood that we have no preconceived notion as to how these things can be done but we do have a very firm desire which I am sure is Council's desire to get these local matters dealt with wherever possible by the local citizens. Now, policy-wise. I can't say any more. Giving effect to this is a matter of the co-operation of the Territorial Council as a Council, the Territorial Councillors in whose districts these areas specifically are and the citizens of the district itself and the co-operation of my administration. Now, I can only speak for one party and that is the co-operation of my administration. We will do our very best.

Mr. Chairman: Have you anything further on this Bill at this time, gentlemen?

Mr. Chamberlist: Mr. Chairman, I would move that the Bill be accepted and passed out of the Council.

Mr. Dumas: I'll second that, Mr. Chairman.

Mr. Chairman: Councillor Shaw, would you kindly take the chair a moment. Mr. Chairman, I am going to have to vote contrary to this Bill and I hope sufficient members of Council will vote - to the motion to move this Bill out of Committee because as a result of further discussions in this session with relation to the Local Improvement District Ordinance, there may come some amendments which could be added to the Ordinance under this Bill, and I would

like to see the Bill remain in Committee until such time as we have conclusively and finally dealt with this matter at this session, and in order that we can further amend the Ordinance to make corrections or additions or deletions or whatever it might be and for that reason I would ask that the matter do not be moved out of Committee at this time. Thank you, Councillor Shaw. I will now resume the chair.

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Mr. Shaw: Mr. Chairman, exactly what I have prognosticated has occurred. Exactly. I'm not against this Bill. I'm not against adding to this Bill, if necessary or required. However, I am faced with a dilemma of having to either vote against the Bill or vote against adding anything to it.

Mr. Commissioner: Mr. Chairman, if it would help Council, I would like to say that if in the course of this session there is something else of a particular nature that comes up connected with the Local Improvement District Ordinance that Council feel they want to have dealt with in the course of this session, there will certainly be no impediment as far as the Administration is concerned in having it constructed as a further amendment, not necessarily in addition to this one, but as a separate one. If this is any value to Council, I will just pass it on.

Mr. Shaw: Might I ask, Mr. Chairman, for your learned advice as to if we pass this Bill then can we introduce another Bill in relation to the Improvement District Ordinance?

Mr. Chairman: It is my understanding that you cannot introduce another Bill dealing with the same subject, or rather it would be so much easier to leave the Bill in. However, I am at the direction of Committee in this regard. Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, I think it would be a simple matter, as I have already stated, to ask for a specific answer to a specific question relative to local improvement districts and at present I think we would receive a sessional paper on it and then we would just ask that the sessional paper be moved into Committee and then we have it exactly where we want it. In the meantime, as I say, I see no objection whatever and I don't see how anybody can object to this Bill as it is and I think we should get rid of our work as we can, and this is something that we should get rid of now.

Mr. McKinnon: Mr. Chairman, I object very strongly to the Local Improvement District Ordinance as it now stands in the Statute Books, and I am almost positive, I'm sure I would have voted against the Ordinance as it was passed by this Council and in voting this amendment to the Ordinance I'm not improving the actual Ordinance which I disagree so violently with anyway, so I'm going to vote against the amendment because I'm against the Local Improvement District Ordinance as it now stands.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, I also feel that if we are going to deal further with this Local Improvement District Ordinance I don't see any point in moving on this particular amendment at this time because I feel that not only our intentions, but quite obviously the Administration's intentions, is to try and make the Local Improvement District Ordinance work as a practical thing, something that will operate this way, and I am quite sure the administration is very sincere in this effect. They want to make this thing work, and I am sure the Council agrees wholeheartedly that we want to make it work. My position on this would be also that I don't feel we

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should proceed with this Bill when so many other matters need to be tidied up to the extent that we can make the whole thing operative and I feel at the moment that just merely moving ahead on this amendment wouldn't improve it one way or another. Thank you, Mr. Chairman.

Mr. Shaw: To keep this thing alive, I would ask that the mover and the seconder withdraw their motion and I think that would solve the problem and we could discuss it further and proceed once it's either accepted or rejected.

Mr. Chamberlist: Mr. Chairman, I regret that I cannot do that because I do not wish to appear to be stubborn but this to me is a simple method that is required to give corporations a vote. It has nothing whatever to do with the context of the Ordinance itself, whether it is bad or good. Now there are sections in this Ordinance that are bad. I agree with it. I agree with the ideas that have been submitted both by Councillor McKinnon and Councillor Taylor. There's no doubt in my mind. I agree with them and I agree that we should have a thorough investigation of the Ordinance but I cannot withdraw the motion to move this Bill as is out of Committee because it asked us to approve a simple basic piece of machinery into which we would allow a corporation to vote. I'm not opposed to it - not on that basis. I'm opposed to the, perhaps the Ordinance in total, but this particular section I cannot approve of the idea of withdrawing a motion.

Mr. Chairman: Gentlemen, I have before me a motion. It has been moved by Councillor Chamberlist and seconded by Councillor Dumas that Bill No. 6 be reported out of Committee without amendment. Are you prepared for the question?

Mr. Shaw: No, Mr. Chairman, I'm not prepared for the question. I don't think we've got the thing on the right track yet. This is sensible. I agree with a corporation that it should have a vote in something like this, but I don't want to kill the discussion on it. I think it is quite important to some members and whichever way we vote we'll kill it, for or against, according to our rules. Whether I vote for or whether I vote against it, it is a dead subject then. We're finished with that local improvement district and I would like to keep it open because some members want to bring up some matters that affect them. That is the only thing I'm pleading for at the present moment, not the merits or otherwise of the improvement district ordinance.

Mr. Livesey: Mr. Chairman, I would also like to keep the matter open so that we can go further ahead with it.

Mr. Chairman: Gentlemen, are you prepared for the question? Are you agreed with the motion?

Mr. Shaw: I will abstain from voting, Mr. Chairman.

Mr. Chairman: Are there any contrary?

Mr. McKinnon: Disagreed.

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**MOTION DEFEATED**

Mr. Chairman: Gentlemen, we have before us, the Committee of the whole, a motion today that being Motion No. 1 in Committee, that is related to Summary Convictions Ordinance. Have we any further information on this as yet, Mr. Legal Adviser?

Mr. Legal Adviser: No written information.

Mr. Chairman: We then proceed to Motion No. 6 which is justice. The Motion reads as follows: Moved by Councillor Chamberlist, seconded by Councillor McKinnon. "I move that the Administration of Justice become a function of the Territorial Government and that negotiations to this effect take place with the Federal Government." Proceed, Councillor Chamberlist.

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Mr. Chamberlist: Mr. Chairman, the administration of justice as regards to provincial legislations are exclusive with the British North America Act. It gives those exclusive powers and it includes not only the administration of justice in civil matters, it includes for the administration of justice in criminal matters. Section 14 of the British North America Act reads as follows: "The administration of justice in the province including the constitution, maintenance and organization of provincial courts both of civil and of criminal jurisdiction and including procedure in civil matters in those courts." The Yukon Act now give us power to administer justice in the Territory, but somewhat of a lesser power than which is held by the provinces. Section 16 (i) of the Yukon Act reads as follows: "The administration of justice in the Territory including the constitution, organization and maintenance of Territorial courts of civil jurisdiction and the procedure in such courts but excluding the appointment of any judicial officers except coroners or the constitution, organization and maintenance of courts of criminal jurisdiction for procedure in criminal matters except the fees and expenses payable jurors, witnesses and other persons." It is obvious, therefore, that there would need to be an amendment to the Yukon Act to give us complete administration of justice as equal to the powers of provincial legislation. In a recommendation, of course, to the federal government or request by the Council for this before we can completely take over the administration of justice would be required. In 1962 the Interdepartmental Committee Report for the Yukon Territory, there was a recommendation then that a senior legal adviser be obtained for the Territory and again in the Interdepartmental Committee Report for the Yukon Territory 1967, again one of the recommendations is that a - I beg your pardon - they refer to the 1962 report in the report for 1967. Now, we are in a position now that we don't require a senior legal officer of the Crown from Ottawa. We want our own senior legal adviser to be responsible and head of our legal department and be the head of a proposed justice department. I think the powers that would be given to him then would be of a - if we get this amendment to the Yukon Act to give us complete powers of administration of justice, both criminal as well as civil, and if he takes the position of being equal to an attorney general of a province. One of the questions that have been bothering me over the past week or so during Council is the apparent inability for us to have a summary conviction ordinance because we haven't the power to deal with criminal matter. Once we have the administration of justice, we would then be in a position to do this. We would also be in a position, I believe, to appoint our own justice of the peace. We would be in a position to set fees for them, to take away the ridiculous situation where they get paid if they convict the person, and don't get paid if they don't convict. Generally the need for us to take control of another department towards the eventual self-government of this Territory, towards the eventual more responsible government of this Territory is the utmost desire to those of us here, I am sure. What we must be prepared to do is this - we must be prepared to say to the federal government, we want the same rights in regards to justice that you give to provincial legislatures. We want you to say to us, we recognize that we should be governed by the same laws as are applicable in provinces. We must say to the federal government,

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you cannot treat us any longer as children because we're not children. We want to say to them we're not experimenting any more, we can take care of matters within our Territory. We must tell the federal government that we cannot grow up if they will not clothe us, **because** the time has come now, and especially in the matter of justice, that we should be able to go to our own head of justice here and say we wish this situation to be taken care of, referring to a criminal matter, and we want it attended to here. It is recognized by the Attorney General of Canada that all attorney generals of provinces have equal strength with regards to matters of a criminal nature because the exclusive powers of justice, both of civil and criminal, have been awarded to provincial legislatures. We must, therefore, let the federal government know that they are in the position that they can say to the people of the Yukon Territory, here is another step towards your self-government and we will do what we must do to amend the Yukon Act to provide that you can take care of the justice for criminal and civil matters in the Yukon Territory.

Mr. Chairman: Councillor Shaw, will you take the chair? Well, Mr. Chairman, it is not my intention to be repetitious but I cannot agree, or entirely agree with Councillor Chamberlist. As I pointed out earlier this morning when the Honourable Member from Whitehorse North added to the debate on this subject, in his first statement on the subject that when we talked in terms of taking over the administration of the fisheries a short time ago, there were some members who said no, we shouldn't take it on unless we have legislative control over it, and consequently we shouldn't accept any other responsibilities. Well, we found out in that case that no matter if we wanted to we couldn't take over full legislative control. But here we talk in terms of justice, and I've dealt with some six years with this matter. It's always been a bone of contention with Council since the 1962 agreement which was negotiated after at some length here in the Council Chambers in Whitehorse. The Department of Justice broke faith with the Legislative Council and therefore the people of the Yukon Territory. It was pointed out that justice was not properly being served in the Territory. We had no controls over the operation of the courts. We were left without a legal adviser for a great deal of time, and finally when we did get a legal adviser, again we were assured that he would be appointed to supervise the administration of justice in the Territory in close association with the Territorial Government, and that 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 jail. This is one of the things we were looking for, and in these past six years we have not found it. We had the very thing that is suggested in this Motion. We had the responsibility, the financial responsibility for the administration of justice. We paid our bills. I think it amounted to \$400,000 or \$500,000 a year, which was related to payments for its share of the cost of policing the Territory, payments in order to operate, to cover maintenance of Territorial prisoners until the Territorial Government takes over the jail, to reimburse the federal government for the cost of the administration of justice, if indeed justice is being administered, and this is what we were paying for, and we weren't getting anywhere. We have since asked that the Legal Adviser have an assistant. We can't get that. We do not leave our mark with the Department of Justice and let's be honest about it, gentlemen, we just don't leave our mark. Corrections. We've had a gentleman come from Ottawa, a very learned gentleman in these fields. We said no, we didn't want a bastille in the Yukon, a cold, grey, prison-walled building. We

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wanted something more conducive to corrections, so we sat down, took of our own time and effort, and we came up with a few thoughts and ideas towards what we would have for a corrections unit. We talked about satellite camps, and we talked about all the things we have today and then we sent this gentleman back to Ottawa, and the Department of Justice and the Department of Northern Affairs got at it and it came out looking anything but what we had suggested. Again, the Yukon Territorial Council and its people were ignored. They just went ahead and did what they wanted to anyway, and then they gave us the white elephant as a nice big gift and said, okey now you maintain it and operate it. So, then we said, well, here we are again. We're in trouble. So, we need someone to help us cost-share this thing, so we went down to the federal government and we said we can't take this responsibility on. This is an experiment of the Justice Department, an experiment in corrections unlike any program anywhere in Canada, so therefore other Canadians should assist us in paying for this. We brought this out in Ottawa at our meetings with the various departments of government, and they said very well, we'll - we tried for an 85:15 cost sharing agreement, and we got 50:50 out of it. But here not too long ago the federal government decided Oh well, no, we've decided we're not going to pay 50 per cent for the cost sharing of corrections, so now we're back on the old boat where we have to pay 100 per cent of the operation and maintenance of this thing. In the matter of police services. How many motions at Council did it take to get them to stop parading prisoners up and down the street prior to their having their day in court? As long as I have been in this Council Chambers, I have asked that the justice of the peace courts held in the outlying districts be taken out of police barracks. Stop this practice of taking prisoners out of the jail and walking them into the office and sitting them down before an untrained J.P. behind the desk and proceeding with a case in a place where the general public are not invited. This has gone on for five or six years. I have a motion before Council to deal with tomorrow morning on this subject. J.P. courts are still held in police barracks. We're getting nowhere, so when we had this facility we weren't getting anywhere, so I say, or said at the time in Ottawa on January first of this year, with members of the Department of Justice, the Royal Canadian Mounted Police, and so forth, I said why should we pay the bill, we have no administrative control, no legislative control in terms of justice, and indeed there is no department of justice nor has there ever been in relation to the Territorial Government operation in the Yukon Territory. There hasn't been a department of our administration known as the department of justice, so why should we pay the bill. Why should we be responsible? And I agree with the Honourable Member from Whitehorse East when he states that this is a, and Whitehorse North as well, and they state that this is a step towards responsible government by accepting this, a step towards autonomy. There is nothing I want to see more, but this is going to have to be a product of negotiation at a time, whenever that may be, it has got to come some time. I don't think the administration can put it off forever. That is a time when we discuss this Interdepartmental Committee on Federal Territorial Financial Relations Report, and I say to you, gentlemen, this is premature at this time. This is something that forms an intricate part of this agreement, and at that time you can sit down with the representatives of the Department of Justice - we have to as it comes as a normal matter of course. That is why I say this motion is premature. Now, when that time arrives, then I say we go to them and say alright, we didn't like the former operation that we had to live with all these years. We gave you justice back, and we proved in Ottawa reasonably conclusive through the terms of the Yukon Act that indeed police and services were indeed the responsibility of the federal government. They were policing this country since it was established as a judicial district in the year

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1897, and they agreed. It was the only reason they took it back. And so when we go and we discuss these agreements, we sit down with them and we say alright, have you changed your views, and we want something more than concrete to ensure that we will then have the controls that we seek over justice, then I say certainly. Then more properly we pay our bills, we may even negotiate on cost sharing arrangements in respect of corrections. We may negotiate in the effect of a police servicing. We may negotiate in respect of the, of many things in relation to the operation of the various departments of the department of justice, but at least we might have an opportunity to see that justice was served to the best of our ability here in the Yukon Territory, and be able to exercise some voice in these affairs, and our Legal Adviser would be exercising the position of a.....or indeed an attorney general, and be able to be answerable to Council - answer the questions, and we would indeed be doing something useful for justice, but I say to you that there is little or no justice in the Yukon Territory at this time and as long as this situation exists I don't feel that we should be the scapegoat for it. In other words, give us the right to control this situation, at least to the degree that the provinces control it, or let the federal government look after it until they're darned well ready to give it to them, and this is why I would vote in opposition to the motion at this time because it is premature and the matter will be further discussed when we get on with this agreement, whenever that may be, and those are my reasons.

Mr. Chamberlist: Mr. Chairman, the Honourable Member from Watson Lake's intentions are somewhat correct, and I thought I had made it clear that in speaking in support of my motion that it would be subject to an amendment to the Yukon Act to give us that control so that we can get all those requirements that Councillor Taylor has referred to. It is obvious that now the most we can do as far as executive control is over civil matters in courts, not over criminal matters. I asked earlier that we ask for an amendment to the Yukon Act so that we can have equal powers on justice that is given to provincial legislation, and my motion is specifically worthy so that we can have negotiations with the federal government in this regard, and I'm sure the Honourable Member agrees that we require negotiations before we can have an amendment of this nature to the Yukon Act, and I think this is the time to tell the federal government this is how we wish to have control of the administration of justice. As to say that he will vote against the motion, is in actual effect saying I'm going to vote against the motion even if we do get an amendment to the Yukon Act. It's a statement that I think perhaps if Councillor Taylor will review he will see what I am referring to, that perhaps he has jumped a little bit ahead because I thought I had made it quite clear, and I will repeat, just in case I haven't made it clear that we require an amendment to the Yukon Act to give us equal powers as far as justice is concerned as the provinces in Canada enjoy today.

Mr. Taylor: Well, Mr. Chairman, in reply to the Honourable Member from Whitehorse East, I would like to say that I have jumped ahead far enough and negotiated in respect of justice for six years in this Chamber, and I have jumped ahead far enough to see that maybe I don't think, and maybe other members, after negotiating this fiscal agreement may not think that an amendment is required or indeed desired to the Yukon Act. Certainly if there are going to be any changes, there would have to be a change to the Yukon Act. It is not the question. I don't that anybody doubts that, but is the change to be desired. Since we will not know until we have sat down with these people in relation to the Federal Territorial

Financial Agreement whether we want to negotiate, we're going to negotiate justice at that point in time, whenever that might be. I am opposed to this. This says that I move that the administration of justice become a function of the Territorial Government in its first part. It may be having negotiated this, we may not desire to have this motion at this point in time. The terms may not be right. The last Council tossed it out for obvious reasons. As I say again, we are premature. The second part of the motion states then, and that negotiations to this effect take place with the Federal Government. They're going to take place anyway. We discussed this, and until those negotiations have taken place in relation to the Financial Relations Agreement I am not prepared to say whether I am at this time agreed that this become a function of the Territorial government, which I would be saying if I gave my support to the motion. That's how far ahead I'm thinking.

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Mr. McKinnon: Mr. Chairman, I can read nothing further into the motion that I have seconded and I fail to see how anybody could read anything more into it that negotiations commence with the federal authorities so that eventually the administration of justice is now in the provinces. Any Councillor, I believe, and I feel very strongly, who has publically stood on the platform and declared himself in favour of responsible government and in taking more control that are normally assumed by a responsible government, how he can vote against a motion which in my mind does nothing else but open negotiations with the federal government to take over control of another branch of government, I cannot personally see how he can vote against such a motion.

Mr. Taylor: Now, Mr. Chairman, in answer to that, does the Member think that if he goes down to the local pub and buys himself a bottle of beer that he should have somebody else around to drink it for him? What he says here is if anybody is for responsible government is going to have to go for this, and I disagree, because this has to be, if we want responsible government, we're going to have it on a reasonable basis, not at any cost, not at a cost which would be detrimental to that government. It's ridiculous. Certainly I want responsible government, and I've fought if not harder than any member of Council over the past six years to this end, but I don't want it at any cost. I want this thing negotiated, and that, gentlemen, is where it will be negotiated. Like it or not, you're going to have to negotiate it, and until we do negotiate it, I'm not prepared to say at this point of time whether the Department of Justice should become a function of government or not. Last fall, as a result of all the matters I have now raised and in earlier discussions here, I said no. As a matter of fact, I prompted that it be no longer does any part of it become a function of the Territorial Government, for very good reason, a number of which I have enumerated today, and I am not at this time, on a premature motion, prepared to reverse that stand that I have taken and say well that I now say that it should be a part of the Territorial administration. I'm not that foolish, and this is my point.

Mr. Chamberlist: Mr. Chairman, it would appear to me to support this motion there are only two questions that should be asked of oneself. One, do you agree that the administration of justice become a function of the Territorial Government, and the other is, if you agree with that first, in your mind with that first proposition, the second proposition is, do you agree that there should be some negotiations take place to this effect? They are as simple as that. Because this motion is simply to place on record that the need for further hold of our department must be of prime consideration, and I feel that if we do not show unanimity that we want control of our



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department, the matters of how and the type of negotiations and when the negotiations will take place and what we expect out of those negotiations is separate and outside of this motion, and I repeat, and I address this thought to the Honourable Member from Watson Lake, that the two questions again which you must ask yourself are, do you want the Territorial Government to have control of the administration of justice, and do you want negotiations to this effect to take place? I am not saying that you have to agree with the means and the ways and the propositions that the federal government might put up to you in this regard, I am just asking you to agree with the two basic requests in thoughts I have outlined to you, and I can't see quite frankly how you could be opposed to the principle that is entailed within the motion.

Mr. Taylor: Mr. Chairman, in reply to the Honourable Member, and this will be the last time I will rise in this discussion today. In answer to his first question, do I agree that the administration of justice become a function of the Territorial Government? The matter is, the answer is no, I do not agree, because I am one who has had experience in negotiating these affairs, and the answer to the second question that negotiations to this effect take place with the federal government. This is redundant because they're going to take place anyway whenever we get around to dealing with this agreement. And in the third instance, I think the motion was premature and made without too much consideration of the facts at hand, and I think the votes and proceedings will indicate it there. I will resume the chair. Councillor Shaw.

Mr. Shaw: Mr. Chairman, I was just going to ask if there were any further discussions on Motion No. 6. I will be very brief in my remarks in relation to this. This is certainly something which we should do. I would feel that negotiations, in other words, when the term negotiations is written into something, that doesn't mean to say that whatever propositions will be will have to be negotiated. That is a finer point. I think I would look on this more or less in the general principle that it is the desire of the Yukon to have a more responsible form of government and I would accept this as such. However, I would state at this time that I feel this would probably get the same treatment as many of these other moves and many of these motions. We have put in three or four motions asking for a larger exemption on taxation and they have all had the same treatment and I think this will get the same treatment as the previous motions have made. There is no question that what was so briefly outlined in the 1962 Federal Fiscal Interdepartmental Agreement did not come into being, in fact, far from it, and this would likely be another thing. I do not feel that the federal government will relinquish their control of this until we get to some point in this evolution of the Yukon where we can make a step that will encompass the whole facet of the government.

Mr. Livesey: Well, Mr. Chairman, I have listened with a great deal of interest this afternoon to the discussions with respect to the motion and I do believe that all we are doing here is merely re-introducing a policy is what we're doing. We are not negotiating with anyone. We're merely pointing out to the federal government and I think especially to the Minister of Justice who is in effect the Attorney General for the Yukon Territory, that due to the fact that previously we had said no to Justice. What we're really doing here is saying, we are explaining our no, our last no. What we're saying is that we didn't like the deal. We're not saying we're not in favour of having justice controlled here in the Territory. I think that where the law provides that a province

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may control justice, that same law surely should apply to the Yukon Territory, because I notice in the Interpretation Ordinance and I would quote from sub-section 24, the Interpretation Act I should say, sub-section 24 that a province includes the Yukon Territory and the Northwest Territories. Well, now in respect to any Act in Canaaa and I think we all agree that what we want is the equivalent right of all other provinces in this country. In other words, we don't want to steal, just because somebody moves out of British Columbia, out of the province of Alberta that it is a demerit to come to the Yukon Territory, because you've lost some of your birth rights. We want the same rights as anyone else in the country, and what we're doing here by this motion, the way I see it, is merely re-stating a policy, and we are also bringing back to the attention of the federal government no matter what they may have heard or from what source they may have heard we don't want justice, but we do want to control justice in the Yukon and this is absolutely necessary, in my opinion, if we're going to control other things, surely we want to look after justice of the law and all other matters in connection with the citizens of this area, and from that standpoint I would certainly support the motion. Thank you, Mr. Chairman/

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Mr. Dumas: Mr. Chairman, I cannot agree with the Councillor from Watson Lake that this motion is premature. I believe that any motion that brings this Council, this Territory, one step, or indeed one-half a step closer to responsible government is a good motion. With that in mind, I wholeheartedly support this motion.

Mr. Chairman: Have you any further discussion, before I put the question, gentlemen?

MOTION CARRIED

MOTION CARRIED

Mr. Chairman: Gentlemen, I would draw your attention to the time. I would now entertain a motion that Mr. Speaker do now resume the chair.

Mr. Commissioner: Mr. Chairman, may I be excused now?

Mr. Chairman: Yes, Mr. Commissioner.

Moved by Councillor Shaw and seconded by Councillor Chamberlist that the Speaker do now resume the chair.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: I will now call Council to Order. May we have the report from the Chairman of Committees.

Mr. Chairman: Mr. Speaker, Committee convened at 11:05 a.m. to discuss Bills, Motions and memorandums. It was moved by Councillor Chamberlist and seconded by Councillor McKinnon that an amendment be preapred to Section 1 of Bill No. 4 which would provide a right of appeal for aggrieved parties. Motion Carried. Committee recessed at 12:00 noon and reconvened at 2:00 p.m. It was moved by Councillor Chamberlist and seconded by Councillor Dumas that Bill No. 6 be reported out of Committee without amendment. This motion was defeated. Motion No. 6 was carried in Committee and I can report progress on Bills No. 4, 5 and 6 and it was moved by Councillor Shaw and seconded by Councillor Chamberlist that Mr. Speaker do now resume the chair and this motion carried.

Mr. Speaker: Thank you, Mr. Taylor. Does the House agree with the report from the Chairman of Committees?

All: Agreed.

Mr. Speaker: Before we proceed to the agenda, I would like to bring an item to your attention, and that is apparently the photographs of the Council didn't turn out as expected and I understand that at ten minutes to two tomorrow, the photographer will be here once again to try once again to take a photograph of Council.

Mr. Chairman: Mr. Speaker, in respect of the agenda, we have for 2:00 p.m. the housing problem to deal with in Committee of the whole, and other than that we have no matters other than those Bills now present and under review and awaiting information, we have no other matters in Committee. However, I believe it is the intention of some members to forward sessional papers into Committee as a whole tomorrow morning, so I would assume we would have enough to keep us busy up until noon.

Mr. Speaker: Thank you, Mr. Taylor. Does the House agree?

All: Agreed.

Mr. Speaker: Is there any further business?

Mr. Shaw: I would move, Mr. Speaker, that we call it 5:00 p.m.

Mr. Speaker: Is there a seconder?

Mr. Chamberlist: Second the motion, Mr. Speaker.

All: Agreed:

Mr. Speaker: The House now stands adjourned until 10:00 a.m. tomorrow morning.

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Thursday, November 16, 1967.  
10:00 o'clock a.m.

Mr. Speaker read the daily prayer. All Councillors, Mr. Commissioner and Mr. Legal Adviser were present.

Mr. Speaker: Mr. Clerk, is there a quorum present?

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to order. I have for tabling this morning Sessional Paper No. 36, Federal Payments Without Fiscal Agreement, and Sessional Paper No. 37, Office Accommodation for the Yukon Territorial Government. There are no Reports of Committee. Introduction of Bills.

SESSIONAL  
PAPERS  
#36  
#37

Moved by Councillor Taylor, seconded by Councillor Shaw, that Bill No. 7, An Ordinance to Adopt a Flag for the Yukon Territory, be introduced at this time.

BILL #7  
INTRODUCED

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: Are there any further Introduction of Bills? Are there any Notices of Motion or Resolution.

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion respecting the Local Improvement District Ordinance.

NOTICES OF  
MOTIONS  
#15

Mr. Chamberlist: Mr. Speaker, I wish to give Notice of Motion re Sessional Papers No. 36 and No. 37.

#16

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

Mr. Chamberlist: Mr. Speaker, I wish to give Notice of Motion re kindergartens. Mr. Speaker, I wish to give Notice of Motion re Carcross Cemetery.

#17  
#18

Mr. Speaker: Are there any further Notices of Motion or Resolution?

Mr. Chamberlist: Mr. Speaker, I wish to rise on a point of privilege. Referring to Votes and Proceedings, page 117, approximately the seventeenth line down, reads, "We have to expect that everybody in the country is a thief". It should read "We cannot expect that everybody in this country is a thief".

CORRECTIONS  
TO VOTES &  
PROCEEDINGS

Mr. Speaker: I will allow that matter this time but, gentlemen, may I draw to your attention that the correct place for your questions of privilege with respect to the journals is immediately after Prayers. May we proceed, gentlemen? May we now proceed to Orders of the Day. Are there any Notices of Motion for the Production of Papers? If there are no Notices of Motion for the Production of Papers, may we proceed to Motions for the Production of Papers. No. 4, moved by Mr. McKinnon, seconded by Mr. Dumas. The text reads: "Would the Administration provide the estimated cost of operating a Workmen's Compensation Office in the Yukon with equivalent services as now being provided with this office being located in Edmonton. How many categories of employment are now exempt from paying Compensation Insurance? What would be the advantages and disadvantages of a Compensation Office in Whitehorse? How long does a normal claim now take for processing? Should a Territorial Compensation Fund concept for all employers be instituted? What are the total contributions from all employers in the Yukon for Compensation Insurance?"

MOTION FOR  
PRODUCTION  
OF PAPERS  
#4

MOTIONS FOR PRODUCTION OF PAPERS

Mr. McKinnon: I move adoption of this Motion, Mr. Speaker.

#4 Mr. Speaker: Is the House agreed?

All: Agreed.

MOTION CARRIED

MOTION CARRIED

#5

Mr. Speaker: Motion for the Production of Papers No. 5, moved by Mr. Taylor, seconded by Mr. Dumas. "The Administration is respectfully requested to provide Council with information as to - 1. How the Canadian Broadcasting Corporation can justify its continued refusal to provide the City of Whitehorse, and adjacent area, with continuous 24 Hour Broadcasting Service. 2. What steps would have to be taken in order to provide this service at the earliest possible date?"

MOTION CARRIED

MOTION CARRIED

#6

Mr. Speaker: Motion for the Production of Papers No. 6, moved by Mr. Taylor, seconded by Mrs. Gordon, re Frontier Package Television. "The Administration is respectfully requested to provide Council with information as to - 1. Whether or not the program for installation of frontier package television for Yukon communities has been retarded due to Federal Budgetary cut-backs. 2. When Yukon communities may expect installation of these television services including a list of communities to be served and projected installation dates?"

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: May we proceed to Motions? No. 1 is in Committee and the request has been made, gentlemen, that we hold No. 9 for further information. Are we agreed?

All: Agreed.

Mr. Speaker: Motion No. 10, Mr. Chamberlist, Sessional Papers Nos. 24, 25, 28, 32 and 34. I wonder if the Member would read his Motion at this time covering this matter.

MOTION #10

Mr. Chamberlist: The Motion is, Mr. Speaker, moved by Mr. Chamberlist, seconded by Mr. Shaw, re Sessional Papers. "I move that Sessional Papers #24, #25, #28, #32 and #34 be passed into Committee for discussion."

MOTION CARRIED

MOTION CARRIED

MOTION #11

Mr. Speaker: Motion No. 11, moved by Councillor Gordon, seconded by Councillor Taylor, "That Sessional Paper #31 be discussed in Committee of the Whole.

MOTION CARRIED

MOTION CARRIED

MOTION #12

Mr. Speaker: Motion No. 12, moved by Councillor Taylor, seconded by Councillor Livesey, re J.P. Court Facilities. "That in the opinion of Council, sittings of J.P. Courts throughout the Yukon Territory be held elsewhere than in Police Barracks, and that in each case, suitable arrangements be made for the accommodation of the general public." Your may proceed.

Mr. Taylor: Thank you, Mr. Speaker. The Motion is not a new one to these Chambers. This Motion has come up from time to time at least once a year for many years. The subject matter stems from the practice of the Department of Justice in allowing the J.P. Courts to be held in Police Barracks in outlying districts throughout the Yukon Territory. The only gains that we have made in respect of Court facilities is in the field of the Magistrates Courts in the outlying districts and it has been the practice of the Magistrate and the Department of Justice to rent community halls, where available, and pay a monthly rental for these facilities and they are used whenever the Magistrate makes his periodic visit. However, the J.P. Court facilities, which are a day to day police magistrate type of operation, are still being held in the police barracks and the accused, if lodged in cells, is merely taken from the cells in the basement of the barracks and taken up a set of stairs and into the office or one of the rooms in the office and justice is meted out to him. There is no public present and there is nobody there but the J.P., the policeman and the accused and I don't feel that justice is being well served and I am certain that all Members will agree that justice is not being served in conducting Court in this manner. It is bad enough that the J.P.'s are untrained in dealing with law to a great extent and must rely heavily on the R.C.M.P. for advice. It is bad enough there for the prisoner or accused without having to conduct Court as well in such a...I think an ill manner, so the Motion would ask that we once again try the Department of Justice and see if they would issue firm instruction that where, for instance, a community hall exists in a community, that the J.P.'s Court shall be held in that hall or some other place other than the police barracks. I know school classrooms were suggested once but there certainly must be other places besides the police barracks that Court can be held and, therefore, I would ask for full support of this Motion.

Mr. Commissioner: Mr. Speaker, could I ask a question at this point? What has been the reason or should I maybe say the excuse that apparently on the one hand the Department of Justice has seen fit to go along with this suggestion because as I understand it now you say that when the Police Magistrate takes the Court to the small communities, they are using public type facilities, but on the other hand, the junior Court that is located in a district is not using these public type facilities. I wonder, does anyone know or can anyone tell me, what excuse that Justice has used for this delineation. May I have this for my own edification because if we are going to pursue the matter, I think we should pursue it with all vigour and let's do the thing and let's do it right.

Mr. Taylor: Mr. Speaker, Mr. Commissioner is correct when he states that the Magistrate does indeed use, and indeed the Department of Justice pay I think it is \$50.00 a month, twelve months out of the year, to rent community halls to accommodate his visits and to provide for the heat and power and so forth. Now, in the case of the J.P. Court not using it, I can only assume that it is because it is inconvenient to either the police or the J.P.'s or maybe they just don't want to have Court in public. I don't know. It can lead to many possibilities but whatever it is, I think it behooves the Department of Justice to ensure that from now on that these Courts are conducted in the open.

MOTION  
#12

Mr. Chamberlist: Mr. Speaker, it must be recognized that any person who stands accused should be able to be in a position where, without fear in his mind of the ball might be bouncing against him, he has a chance to defend himself. The Magistrate and the High Court Judge recognize the need for this. Obviously the J.P.'s do not recognize the need for this because I would respectfully say that the Justice of the Peace who hears a case should say to the police, "This is insufficient. We must have the proper facilities or equal facilities." Justice should be meted out fairly whether the Court hearing is by a Justice of the Peace, whether it is by a High Court Judge, or whether it is by the Magistrate. I would, therefore, support the Motion. I think that other Members should recognize that again we have to get away from what has been good enough in the past to what must be done in the future. This is a must. We have to get proper facilities for people to have the opportunities that normal Courts of Justice give them.

Mr. Shaw: Mr. Speaker, I recollect going through all this quite some years ago and the fact that there has been decided improvements in various areas of the Territory, I am surprised to see that this isn't common practice. Very, very surprised. I hope that immediate action is taken. I certainly will support this Motion.

Mr. Commissioner: I wonder, Mr. Speaker, do I understand now from Councillor Taylor's remarks that Justice is paying a monthly retainer shall we say to certain communities for the use of their community halls? Would it not follow then if this monthly retainer is being paid that the...we'll say it's a community hall....are you aware of any reason say in your own community that if this monthly retainer is being paid that supposing Court was required to be held every day...is there any reason why the Court would not have access to the Community Hall on an as and when required basis?

Mr. Taylor: Mr. Speaker, yes, there is a rental paid and it is used in some communities, not all communities, but in some communities, the major communities, where Magistrate's Court is held. These halls are rented. In the second instance, I can't see any reason why these facilities would not be available to J.P. Courts. As I say, the only reasons I can see why they are not being held now are some of those I enumerated earlier.

Mr. Commissioner: Mr. Speaker, to get this right down to its fundamental features then, where a Court facility, whether it be a community hall or otherwise, that is presently being paid for by the Department of Justice on a retainer type basis, it would appear that all that is required is an instruction to the local J.P. that that is the place that is to be used for Court purposes. Is this what I understand?

Mr. Taylor: Yes.

Mr. Commissioner: So that really, on the surface of it, without digging any further into the details which we no doubt can't do here anyway, it would appear that a simple instruction from whoever gives instructions to J.P.'s is all that is required to bring this situation about. Now, am I right when I say this or am I wrong?

JA

Mr. Taylor: This would appear to be quite correct so all MOTION #12 the J.P.'s...you might have as many as four in a community.. so all the J.P.'s should be notified that they are to take their Courts out of police barracks and put them in other places such as community halls where they have been rented.

Mr. Speaker: Any further discussion, gentlemen?

Mrs. Gordon: I think possibly your difficulty here arises in the fact that these community halls would probably need an agreement with the Department of Justice for the use of the hall within certain time limits, certain days of the month when the Magistrate is in that particular area and the halls are set aside just for this purpose and if daily Court is held in it, then some other economic arrangement will have to be made with these community halls to cover this sort of situation.

Mr. Commissioner: Mr. Speaker, my questions are satisfactorily answered on this situation. This Motion, if Council sees fit to adopt it, I will simply proceed on the basis that in most areas there is already a facility available and what reason is the Department of Justice not giving instruction for the use of these facilities, not only by the Magistrate Court when it is on tour but by the locally appointed Justices of the Peace when they are holding Court. The monetary arrangements with the Community....I don't think this has really any bearing on it....whether there is a facility available or whether there isn't and what instruction has been given to the J.P.'s. This would appear to me to be the nub of the matter.

Mr. Speaker: Thank you, Mr. Commissioner. Is there any further discussion on the Motion?

MOTION CARRIED

MOTION #12  
CARRIED

Mr. Speaker: Motion No. 13, moved by Councillor Shaw, seconded by Councillor Taylor, re Crash Helmets. "It is respectfully requested that amendments be made to the Motor Vehicles Ordinance respecting the use of safety helmets during the operation of motorcycles." Is the Member prepared to proceed with the question?

MOTION #13

Mr. Shaw: Yes, thank you, Mr. Speaker. I note that this Motion is No. 13. I don't know whether that has any particular significance. This, Mr. Speaker, this Motion is the... as far as I can recollect it is certainly the first time that I have ever introduced any restrictive Motion for legislation before this Council. I do this with some trepidation but at the same time being firmly convinced that this is something that is necessary. It's not trying to make it hard for the operators of motorcycles. It is with the object of saving their lives. At the present moment we have, Mr. Speaker, a patient in the hospital in Whitehorse that's been here for about four months. He was in a coma I believe for about two months. I may be incorrect in the exact time but it's something similar to that and he is just... it's just hard to say, I don't know off hand right now how much longer he will be in there. Now, this person, had he had a crash helmet, it would appear to me might possibly be able to walk around at the present moment and take his normal place in life. These motorcycles are terrible, powerful, lethal instruments. There is no question about that. I would



MOTION  
#13

Mr. Shaw continues:  
feel that, and from what I have read on the subject, it would appear that certainly they should be utilized. We do come to the matter of someone saying well this is the rights of an individual to do what they do and if they want to put on a helmet, fine, and one should not make legislation for it. Now, I would take as an example, Mr. Speaker, the fact that workmen now are obliged to wear helmets during certain classes of work, construction and so on and so forth. Perhaps, and I am not aware of this, perhaps legislation is not made saying that they must wear these hardhats but certainly if they do not wear these hardhats, then they do not work on the particular job. In other words, regulations are established. Well, we do have the fine point between regulations and legislation but there is no escaping the fact that these persons must wear their hardhats if they continue to go to work. Now, I have compiled....I have read up on this matter to some extent and I have certain statistics here that I would like to present to Council, Mr. Speaker. I have written down the various statistics so I do not get them wrong. However, we find that in Canada, we have 108,000 motorcycles registered. In Ontario alone, there are 38,000 of these and in 1966 these motorcycles were involved in 3,795 accidents - in other words, one in ten. The statistics show that a motorcycle accident....the chance of a motorcycle accident is five times greater than those people using automobiles. Even more frightening, Mr. Speaker, we find that the severity of these motorcycle accidents are....I can't quite think of that word...but they are terrible because very few people walk away from a motorcycle accident. One eminent doctor of the American College of Surgeons reports that 70% of motorcycle deaths are caused by head injuries. A British study, and we are going on the other side of the water now, Mr. Speaker, has found that helmets reduce the risk of injury by 33% and the risk of death by 50%. The persons that are riding on the pillion, or the back seat whichever you may call it, of a motorcycle...in the University of Carolina Campus, they have found that 24% of the victims are also those that are riding on the rear seat. In Britain, the statistics show that one out of every twelve boys that obtain a motorcycle when they are 16 years of age, that one of these will be either seriously injured or killed by the time he is of the age of 19. We do have legislation in respect of this in Saskatchewan and we do have legislation in respect of this in British Columbia so that it is fairly obvious that this can become quite a serious matter. There are many....possibly many youths that would wear helmets except for the fact that if they did possibly some of their friends may call them chicken for doing such a thing. They do take these particular chances. I would feel, Mr. Speaker, this is something that I would like Council to approve and have the Administration approve the thing in principle, what the Motion implies, and that the Administration endeavour to get legislation before the Council as soon as possible that we can take a part in perhaps cutting down some of the injuries that are bound to happen but will minimize a lot of these things by sensible safety precautions.

Mr. Taylor: Mr. Speaker, as seconder of the Motion, I naturally wholeheartedly agree with the Honourable Member from Dawson. I think that if we can save one life alone that we have justified this section or proposed section to the Ordinance. As Councillor Shaw has pointed out, these motorcycles are coming into more wide use in the Territory and I have personally seen them...it has amazed me how more people haven't been killed with them so I wholeheartedly, of course, concur.

Mr. McKinnon: Mr. Speaker, I move into the area where one would seemingly be infringing on individual liberty very cautiously, but to echo the sentiments of one of the larger cycle manufacturers, "You meet the nicest people in the Territorial Council", and I think this is a very humane sensible Motion. I will support it.

Mr. Chamberlist: Mr. Speaker, it is quite possible and I think there is legislation in other Provinces which provide that helmets should be worn. Of course, there again, I agree with the thoughts of the Honourable Member from Whitehorse North that I always get...of infringement of the rights of the individual. Of course, when Councillor Shaw tried to show that the workmen wear helmets, I point out that workmen wear helmets to stop something from falling on their heads. The helmets for the motorcyclists will be to stop him from falling on his head. There's a little bit of a difference there. Of course we cannot make legislation that prevents a person from making a fool of himself by not wearing a helmet when he should be, however, I don't think it's of any importance to oppose a Motion of this nature and I will go along with it.

Mr. Speaker: I believe the Legal Adviser to Council may have something for us on this question.

Mr. Legal Adviser: Mr. Speaker, the relevant section of the Alberta Traffic Act passed into operation this year reads: "167 (1) No person shall operate a motorcycle, scooter or power bicycle unless he is wearing a safety helmet securely attached on his head. (2) No person shall ride as a passenger on a motorcycle, scooter or power bicycle unless he is wearing a safety helmet securely attached on his head. (3) Subsection (2) does not apply to a person who is riding as a passenger in a sidecar." The Commissioner is willing to accept the spirit of this Motion and has instructed me to draft an amendment suitable for insertion in the current Motor Vehicles Ordinance which is presently in some form before the House but he does wish to say that some difficulty may be had by saying what in fact a safety helmet is. So, if the Members would accept that I insert the words in a similar type of a manner to the Alberta section and say "an approved safety helmet" and then what the Commissioner would propose to do would be to make a regulation and approve the safety helmet either by a description which is quite difficult or by a manufacturer's type and from inquiries that I have made, I understand that there are held in Whitehorse at this time some stocks of these helmets and in conjunction with the available stocks, it might be possible to list the approved helmets.

Mr. Speaker: Thank you, Mr. O'Donoghue. Any further discussion?

Mr. Shaw: Yes, Mr. Speaker, if I may. This is more for information than anything else from what I have gleaned in this. In Saskatchewan, a motorcyclist must wear headgear conforming to the rules of the British Standards Institute. That is in Saskatchewan. In the United States, many States conform to the Snell Foundation Standard. This was so named in memory of one person named Pete Snell who crashed, Mr. Speaker, in a racing car and his helmet shattered on impact. So, in memory of this very famous racing driver, they decided they would start up a foundation of their own...this Motor Drivers Association...and would test and recommend helmets that would not shatter on impact. I just mention this for the edification of anyone who may be interested. Thank you very much, Mr. Speaker.

Mr. Speaker: Thank you, Mr. Shaw.

MOTION #13  
CARRIED

MOTION CARRIED

MOTION #14 Mr. Speaker: Motion No. 14, moved by Councillor Dumas, seconded by Councillor Gordon, "I move that Sessional Paper No. 23 be moved into Committee of the Whole."

MOTION #14  
CARRIED

MOTION CARRIED

Mr. Speaker: The House will now proceed to the question period.

QUESTION RE HOW MANY YUKON RESIDENTS ON CREW AT MAYO CUT-OFF Mr. Chamberlist: Mr. Speaker, I wish to address a question to the Commissioner. Mr. Commissioner, a recent contract was let to Lode Construction for road work on the Mayo Cut-off. Will the Commissioner please ascertain how many of the crew are Yukon residents? Actually, will the Commissioner please advise if he knows how many of the crew are Yukon residents?

Mr. Commissioner: Mr. Speaker, I cannot give that information right off, but I would be very happy to provide this information to Council.

QUESTION RE ADMINISTRATIVE BUILDING Mr. Taylor: I have a question I would like to direct to Mr. Commissioner this morning about contracts and it is now that the contract has expired between the Territorial Government and Lynn Holdings Ltd. in respect of this architectural masterpiece on the back street, is it now the intention of the Administration to construct an administrative building of our own to house our own administration?

Mr. Commissioner: Mr. Speaker, the last part of this question is yes, that sometime in the future, and the answer to the first part of the question...didn't we have this information tabled here as a Sessional Paper this morning?

QUESTION RE NEW YEAR'S EVE Mr. Taylor: I have a second question I might as well ask at this time, Mr. Speaker, and in view of the fact that New Year's Eve falls on a Sunday this year, I wonder if Mr. Commissioner could inform me as to whether the Administration will be presenting legislation to provide for the normal New Year's festivities to be carried on unimpeded throughout the Yukon....under the terms of the Liquor Ordinance?

Mr. Commissioner: Well; Mr. Speaker, with due respect, it is the first time I ever knew that we had to legislate to permit New Year's festivities to carry on in the Yukon. In fact, having been involved in the eating, sleeping and drinking business around this town for the last twenty years, it is my contention that it is going on 24 hours a day, 365 days a year, however, to get to the point of the Councillor's question, certain items under the Liquor Ordinance...not items, Mr. Speaker...certain types of permits that licence premises under the Liquor Ordinance are already covered no matter whether it is Sunday, or New Year's Eve or what is involved. Also, the licenced premises have been told by a circular letter that was sent out here under recent date advising them of the Liquor Ordinance and how it affects them. Now, last year, I believe at this Session of the Council last year, a specific amendment covering the particular situation of New Year's Eve, 1966-67, was referred to and

QUESTION RE  
NEW YEAR'S  
EVE

Mr. Commissioner continues: insofar as the Administration is concerned and also in consultations with the Police, we have no objections to say 10:00 o'clock Sunday evening opening or something along these lines as is being done in some of the provincial jurisdictions, however, if it is Council's wish that we do something of this nature, it would be our intention to bring forward an amendment to the Liquor Ordinance which would be of lasting significance - not just to deal with this specific point in time. Perhaps, Mr. Speaker, could I ask if the Legal Adviser might have the privilege of commenting on this aspect of my remarks?

All: Agreed.

Mr. Legal Adviser: For the information of Council, Mr. Speaker, the circular letter informed holders of licences that so far as corporations, recognized society organizations, clubs and other duly constituted organizations were concerned, permits would be available in accordance with existing law which would permit them to serve liquor on New Year's Eve and continuously up to 3 o'clock on January First. This is for private parties and socials of various sorts and this would, under existing Law, cover the majority of occasions which the Members might have in mind but so far as the commercial operation is concerned, the present Law is that they may open immediately after midnight on January 1, which would be a Monday, but as the Law stands, there would be no pre New Year's drinking. If the Member so wished...if it was the wish of the House, we would be prepared to bring in an amendment which would enable them to open say at 10 o'clock on Sunday nights, that's 10:00 to 12:00, to cover the vacant hours to enable people to celebrate immediately before midnight...if this is the wish of the House, but if it is the wish, then we would assume that a permanent amendment would be drafted to take care of the occasions whether New Year's Eve falls on a Sunday or New Year's Day itself.

Mr. Taylor: One question. Did I hear the Legal Adviser to say 9 o'clock on Sunday evening?

Mr. Legal Adviser: I might have said 9 o'clock.

Mr. Speaker: Order. Order, please.

Mr. McKinnon: I am of the opinion that the commercial outlets were open past midnight last year on New Year's Eve which would be on a Sunday. How was this gotten around?

Mr. Legal Adviser: I understand that it was gotten around by special amendment for the particular purpose. It specified a particular time, day and place.

Mr. Commissioner: Mr. Speaker, just to supplement the situation so that the Councillor understands the effect of this amendment, it was for that specific date in time only. It does not have a lasting effect, Mr. Speaker.

Mr. McKinnon: I have been following this same problem in B.C. and it seems to me that the Attorney General...they don't amend the Statute, they.....

Mr. Speaker: Order. may I remind the Honourable Member that this is a question period.

Mr. McKinnon: Correct.

Mr. Speaker: Are there any further questions?

Mr. Chamberlist: Mr. Speaker, my question is addressed to the Commissioner. Mr. Commissioner, it is proposed by Northern Canada Power Commission to clear a right-of-way for the installation of a power line to the Anvil Mining project. Does the Commissioner intend to make representations suggesting to the Northern Canada Power Commission that the contract for this work be broken up into sections so that local contractors who have not the financial capabilities to bid on the whole project will be given an opportunity to bid on portions of the project?

QUESTION RE  
ANVIL  
CONTRACT  
& NCPC

Mr. Commissioner: Mr. Speaker, could I ask a question... just a word in connection with this...was this for the clearing of the right-of-way that the question refers to?

Mr. Chamberlist: Yes.

Mr. Commissioner: Could I say a word on this at the moment?

Mr. Speaker: Proceed.

Mr. Commissioner: I have not made representations to Northern Canada Power Commission concerning the clearing of the right-of-way, Mr. Speaker, but I would certainly be most happy to do so. There will only be one question that I would want to satisfy myself first and that is as to whether or not in fact the contract is...you know...for one package as it presently stands. This I am not too sure of but I would put it this way - if the contract is not already in sections, I would be most happy to make representations to the Deputy Minister and the Chairman of the Northern Canada Power Commission on this matter. The only thing that I have made representations to N.C.P.C. is with regard to the pole line which I mentioned in my opening address and that was concerning the possible use of local material in the construction. I would certainly be most happy to make these representations.

Mr. Taylor: I have a question in relation to that subject, which I would like to direct to Mr. Commissioner, arising out of his answer. Am I then to understand that the clearing contract of this new right-of-way for the power line will not be given to our Indian people...first opportunity be given to our Indian people as normal?

Mr. Commissioner: Mr. Speaker, could I ask for clarification concerning the last words "as normal"?

Mr. Taylor: Well, it used to be the policy of Northern Affairs of which this Government is a part that Indian Affairs would have the first opportunity in these clearing jobs in order to give employment to our native citizens and I was just wondering, in this occasion, is it not intended that this be done this time...through Indian Affairs?

Mr. Commissioner: Well, Mr. Speaker, I must plead total ignorance of whether this is the case or not. I simply do not know.

Mr. Speaker: Are there any further questions?

QUESTION  
RE SOUND  
SYSTEM

Mr. Taylor: Mr. Speaker, I have a question I would like to direct to Mr. Clerk at this time. I would like to ask Mr. Clerk how successful the sound system that was tried in the Chambers the other day, a couple of days ago, how successful it was and as to whether they have determined the costs of this type of equipment.

Mr. Clerk: Mr. Speaker, we found for the one hour that the tape was much clearer. We could hear much, much better. Hougens are attempting to get a bid out for us on this system. I would suggest we should have it sometime today... the actual costs.

Mr. Chamberlist: Mr. Speaker, a question arising out of the last question. Would it be made clear that if there are any bids to be given on any equipment in this Chamber that they do not be sent to one supplier but that others get the opportunity to bid. Would you get that straightened out?

Mr. Speaker: **To whom do you address your question, Mr. Chamberlist?**

Mr. Chamberlist: To Mr. Clerk.

Mr. Clerk: Well, Mr. Speaker, the obvious answer to that seems to be that we are interested in a specific type of equipment and there is only one company that actually supplies this anywhere in North America and Hougens happen to be the representative of this type of equipment.

Mr. Chamberlist: Mr. Speaker, with respect, I would ask that an answer be given in writing and that it be given as a Sessional Paper so that I can move it into Committee for discussion.

Mr. Taylor: Point of order, Mr. Speaker. I believe the Member would have to issue a starred question in order to have a written answer given.

Mr. Speaker: That is correct.

Mr. Chamberlist: Very well, Mr. Speaker. I will withdraw my last remarks and I will give you a starred question tomorrow morning.

Mr. Speaker: Thank you, Mr. Chamberlist. Are there any further questions? If there are no further questions, would the Honourable Member for Watson Lake please take the Chair.

Mr. Taylor takes the Speaker's Chair.

QUESTIONS

#13

Mr. Livesey: Mr. Speaker, I have a question addressed to the Territorial Engineer covering Beaver Creek school. The question reads: "(1) Does the department plan any action toward the elimination of inadequate surface drainage around the school and low sidewalks? and (2) Are there plans underway to landscape the school grounds?" My second question is addressed to the Commissioner re Physical Fitness Grant. It reads "Was any official application made by the Destruction Bay Athletic Association, received by the appropriate Physical Fitness Authority for funds to assist with the skating rink at Destruction Bay during the past year or more, and if so, what action was taken on such request for funds?"

#14

Mr. Livesey resumes Speaker's Chair.

Mr. Speaker: Are there any further questions? If not, may we proceed to Public Bills and Orders.

Moved by Councillor Shaw, seconded by Councillor Dumas, that Third Reading be given to Bill No. 2, an Ordinance to amend the Municipal Ordinance.

THIRD  
READING  
BILL #2  
MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: Is the House prepared to adopt the title as written?

Moved by Councillor Shaw, seconded by Councillor Dumas, that the title to Bill No. 2, an Ordinance to Amend the Municipal Ordinance, be adopted as written.

TITLE TO  
BILL #2  
ADOPTED  
MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: I will declare the Motion carried and Bill No. 2 has passed this House. May I have indications of your further pleasure, gentlemen?

BILL #2  
PASSED  
HOUSE

Moved by Councillor Shaw, seconded by Councillor Chamberlist, that Mr. Speaker do now leave the Chair for the purpose of discussing Bills, Motions and Sessional Papers in Committee of the Whole.

MOTION  
TO MOVE  
INTO  
COMMITTEE  
MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: I will declare the Motion carried and the Honourable Member for Watson Lake will please take the Chair in Committee.

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

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Thursday, November 16, 1967.

11:00 o'clock A.M.

Mr. Chairman: Gentlemen, I will now call Committee back to order and we have several Sessional Papers; the first paper for consideration is Sessional Paper No. 23. Councillor Dumas, I believe you have something to raise here.

SESSIONAL  
PAPER NO.  
23.

Mr. Dumas: Yes, the most important part of this question, Mr. Chairman, was the part that asked if the Elections Act contravenes and the Commissioner winds up his answer by saying "I give no opinion as to whether these contravened the Elections Act." And this, of course, is most important. We must have an opinion on this; we must know for future reference. Every time we have an election this problem is going to be brought up and does somebody have to go to court and have the expense of going to court and follow this thing through to find out if the Election Act contravened?

Mr. Legal Adviser: May I speak Mr. Chairman?

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: This answer was, in effect, drafted by me and in particular the very last wording when I give no opinion as to whether these contravened the Elections Act. As I would see the matter, if any Councillor feels he is aggrieved by something that happened it is up to him to take proceedings under the normal course, using the normal laws. It's not for me to say one way or another whether this contravenes the Elections Act because by doing that I would be stepping into the shoes of the functions of the Territorial Judge, whoever happened to hear the particular case and I would be purporting to bind the Councillors who were defeated in the election and who would feel that they had a grievance if they felt the Elections Act was contravened. I think you can take it that when the payments were made, as they were made and the payments which in fact were made are set out either in this Paper or a second paper which I drafted which said that the Members of the former Council were paid up to midnight on a certain day and the indemnity of the present Members commenced to accrue, hasn't in fact been paid but commenced to accrue from one moment after the same midnight. Now if any defeated candidate feels that any member of the present Council, by accepting such a payment when it falls due, or any member who accepted a payment up to midnight of that particular day then he's got a legitimate way of airing his grievance. But from the Administration point of view they did not feel that they were contravening the Act in any way in making these payments. But the question for any individual aggrieved person, either Councillor or ex-Councillor or defeated candidate is purely a question for himself but basically the concern of this Council, unless somebody starts to move machinery in the normal legal fashion. I'm not sure whether this fully answers your question; it is really explaining why I didn't give an opinion.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, this apparently is the procedure, the procedure in the Yukon Territory is following, I believe, the same procedure as in the House of Commons so that if this is ultra vires if a person, an incumbent, is not able to run then of course the same thing would apply to the Federal House so it would appear to me that possibly if one could go back to the archives far enough that one may find where this is possibly brought up in Court at some time - I'm just saying it is a possibility, it seems a practice such as this that has gone on for so long and particularly when we look at the



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23.

elections statutes of Canada we find that they pretty well parallel those of the Yukon Territory insofar as the eligibility is concerned they are almost identical. There is a slight difference of course between the Yukon Territory and the Government of Canada but this either has been challenged, it is pretty obvious, has not been challenged. There might be something way back where some court has possibly given a ruling on this for the Federal House which would apply to be the same for this House.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Can the Legal Adviser tell me if there were any representations made to the Chief Electoral Officer in Ottawa regarding this question when it was brought up at the last election?

Mr. Legal Adviser: I honestly do not know. I would doubt it if in fact any representations were, but to put the mind of the House at ease, I would refer to the maxim, I think it was "omnia rite acta esse" which is the Latin for "all things are presumed to be done correctly which are in fact done" so, unless some person has the temerity to challenge the validity of the election of a particular member of the Council, the view of the Council should be that everything was in order.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, I agree with the Legal Adviser. The question, of course, is asked for him to express an opinion and he says in fact there is no point in giving an opinion because it is not a ruling that is effective at law. Any person that is aggrieved can take advantage of the Controverted Elections Act and move before the Court to have his question answered and as far as I am concerned anybody that doesn't want to make use of our Courts has got no argument, no beef at all! Our Courts are set up for that purpose; I'm a firm believer in our Courts. They are there simply that they perform a basic function that the government dealing with elections perhaps cannot answer immediately but they perform the function to provide security of the individual and his property and this is where we should go to. I still feel that I would like to hear an opinion from the Legal Adviser. It doesn't bind him but the question that has been asked by the Honourable Member for Whitehorse West is "does this contravene the Elections Act?" It is a question that is asked of the Legal Adviser and with due respect, when Mr. Legal Adviser says "I give no opinion as to whether these contravened the Elections Act" leaves in the air that it may or may not in his opinion and because I agree with what he says that it should be left to the Courts I wish he would agree with me and recognize if he has an opinion to express, and it is beneficial to the Council to know this, he could express an opinion.

Mr. Chairman: Mr. Shaw, would you take the chair?

Mr. Taylor: In relation to the indemnity period, I was just noting in the Senate in the House of Commons Act that a Federal Member of Parliament, a Member of the House of Commons is deemed to have become a Member of the House of Commons the day last fixed for the election for the purposes of indemnity and also for the purposes of the allowances payable under this Act "a person who immediately before the dissolution of the House of Commons was a member thereof shall be deemed to continue to be a member of the House of Commons until the date of the next following general

Mr. Taylor continues..  
election. In other words, it appears as a Federal Member of SESSIONAL  
Parliament or Commons is indeed paid from election date to PAPER NO.  
election date and it seems to me that when this change was 23  
made in the Yukon Act it certainly wasn't done in consulta-  
tion with Councillors here or we would have no more ...  
this was no doubt what they were trying to do was to bring  
indemnity payments here in the Yukon to our Council and to  
the Northwest Territories Council, I believe, in line with  
practices across Canada. Thank you Councillor Shaw, I will  
now resume the chair.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal Adviser  
would express an opinion?

Mr. Legal Adviser: I would rather not express an opinion,  
Sir, because to do so would, in my view, be wrong because  
this could be such an important thing for a defeated  
candidate if he wished to take action, but one would need to  
hear ... argument and representations on both sides. I  
think this is fair because I think it is one thing to give  
an opinion to Members present to comfort them in their  
security and I do that by saying that they are here; nobody  
has presumed to attack the validity of their seats but  
beyond that I don't want to give them any comfort. On the  
other hand defeated candidates are not here. You heard me  
say before that not only must justice be done but it must  
seem to be done and I do not want to give an opinion which  
might be adverse to anything they might wish to do in  
their absence without hearing proper representations from  
them.

Mr. Chamberlist: I agree, Mr. Chairman, that was very good  
legal advice.

Mr. Chamrman: Anything further ...

Mr. McKinnon: Mr. Chairman, I can assure the Legal Adviser  
that nobody ever feels secure in this House.

Mr. Chairman: Are we clear at this point and time on  
Sessional Paper No. 23, gentlemen?

Mr. Livesey: Mr. Chairman, I have some remarks on this  
Question. I think it is generally understood that not only  
the House of Commons upon which we base our rules in this  
House are clear and are immune in this respect but with  
regard to the difference between the emolument received  
from the Government as wages for being employed by the  
Government or as an Officer appointed by such Government has  
a distinction between that and the indemnity received because  
they were elected to represent the people of Canada. I  
would also like to draw attention to Section 13 of the Senate  
and House of Commons Act where it says "notwithstanding  
anything in this Act, a member of the House of Commons shall  
not vacate his seat by reason only of his acceptance of  
an office of profit under the Crown if that office is an  
office, the holder which is capable of being elected to or  
sitting or voting in the House of Commons." I would also  
draw your attention to Section 14 "Nothing in this Act  
renders ineligible as aforesaid, any person, Member of the  
Queen's Privy Council and so on" and it winds up "or dis-  
qualifies any such person to sit or vote in the House of  
Commons if he is elected while he holds such office or is a  
member of the House of Commons at date of his nomination

W

SESSIONAL  
PAPER NO.  
23.

Mr. Livesey continues...  
by the Crown for such office and is not disqualified." Now there are other sections I could draw to the attention of the Committee; also I believe that the question has been cleared as far as the provinces are concerned and as far as the House of Commons are concerned and I also feel that they are clear in the Northwest Territories but in the Yukon there may be some doubt. However, I feel the doubt is clarified if we turn to the Interpretation Section of the Interpretations Act and it says that in any Federal Act which refers to a province, includes the Northwest Territories and the Yukon Territory so, while I am not a lawyer or anything of that nature, I do feel that although it is not quite as clear to the average person as it should be I don't feel that there is any problem there but of course we can't decide here and never should attempt to decide what may come from any debate in court or House of Commons ... However, I don't feel the problem is too serious.

Mr. Chairman: Gentlemen, is there anything further on this?

Mr. Shaw: One thing, Mr. Chairman, that struck me peculiar- why the remuneration that a Councillor receives is called indemnity rather than salary or any other term, so I looked up the definition of 'indemnity' and it is something you receive as damages. I might add there is quite a lot of truth in that, you do get damages.

Mr. Chairman: Mr. Legal Adviser would you have anything to comment on that?

Mr. Legal Adviser: Indemnity carries, to my mind, a connotation that is to make up for something which was lost; just as the connotation.... whereas wages is a form of gain as would be a salary as the Honourable Member knows comes originally from a salt money allowance from Latin for whatever salt is, I have forgotten; but indemnity carries a connotation that they have lost something by being here; that is, they have lost their wages or their salaries or their profits from a particular business and the indemnity is to make up for this. Connotation is not that the members are making a profit but they are replacing something which they otherwise would lose.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: I would like to ask a question of Mr. Legal Adviser, Mr. Chairman? I wonder if the Legal Adviser could convince the Tax Department about what he has stated.

Mr. Legal Adviser: All I could convince the Tax Department is that the amount of the indemnity replaces the amount of taxable income which the Member would otherwise **have** and the tax would probably be equal to it in any event.

Mr. Chairman: Are we clear on this paper, gentlemen?

All: Yes.

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PAPER NO.  
24.

Mr. Chairman: The next Sessional Paper is Sessional Paper No. 24 respecting payments to Justices of the Peace and I believe this is Mr. Chamberlist's question.

Mr. Chamberlist: It appears from the answer to my question that we have not very much hope of being placed into the position of regulating the fees of the Justice of the Peace until such time as we have control over the administration of Justice as it deals with matters of the nature of appointments. Now it is because of this; of course I have already explained myself that I would have liked to have had legislation for summary convictions introduced in- I would ask that I not go any further on this subject and bring up the matter in this Sessional Paper at a later date but in the meantime perhaps the Commissioner would be good enough to indicate to the Department of Justice the situation as it is and ask them if they could come up with a suggestion in the meantime as to how we could overcome the situation by perhaps another amendment - no, I would withdraw that but they perhaps should come up with a suggestion of how the payments to Justices of the Peace can be made in such a way that they do get paid for cases that they dismiss as well as when they convict. The suggestion made by the Commissioner in regards to the possible remedy that the Justice awards costs against an informant in an unsuccessful case. There would be a danger, of course, that the Justice of the Peace would be somewhat reticent to award costs against a policeman if he is the informant because then the policeman would be paid his fee for sitting in Court. I don't think it would be a very good idea this way. Certainly, though, we must make some effort to change the situation but I would prefer, if I can, Mr. Chairman, to discuss this Sessional Paper at a later date when perhaps we are in a position to have the matter changed.

Mr. Chairman: Does Committee agree that we defer this Sessional Paper to a later date?

All: Agreed.

Mr. Commissioner: May I ask a question, Mr. Chairman?

Mr. Chairman: Mr. Commissioner:

Mr. Commissioner: Now, as I understand it Councillor Chamberlist would like me to bring this matter to Justice's attention. Does Councillor Chamberlist have any other suggestions other than the one that we have given here, that - if he is not prepared to discuss them now this is not the important thing but before I write to these people perhaps he would be good enough to let me have any suggestions that he has which we could include.

Mr. Chamberlist: Yes, Mr. Chairman.

Mr. Chairman: Gentlemen, the next Sessional Paper on our list is Sessional Paper No. 25 respecting the Electrical Protection Ordinance and I note that this is Mr. Chamberlist's question.

Mr. Chamberlist: Mr. Chairman, in the Spring Session of this year an Electrical protection Ordinance was passed. The Ordinance itself, which is Chapter 2 of the Ordinances of the Yukon Territory, 1967, First Session, was assented to May 19, 1967. Section 17 of this Ordinance reads as follows: "This Ordinance shall come into force on a day to be proclaimed by order of the Commissioner." To this date this Ordinance has not come into force, nor have there been any regulations relating to this Ordinance made. The answer to my question which was "Why has the Electrical Protection Ordinance not been brought into force, it being assented to in the last session of this Council?" was "This Ordinance has not come into force because funds are not available for the salary and other expenses attributable to a qualified Electrical

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25.

Mr. Chamberlist continues ..  
Inspector." Gentlemen, Madam, I think that the matter of expense for the protection of life to me seems a poor, poor, answer. For far too long, and I can speak, I feel, with some authority, electrical installations in the Yukon Territory have been of such a dangerous nature that it is only fortunate by the grace of God that there have not been deaths of a large number. It appears that the Administration are able to find funds to appoint people in various categories advertising for additional people to fill additional desks when the desks appear to be vacant and yet here is an absolute requirement. There isn't a province in the whole of Canada that hasn't inspection; construction is going on today under the supervision of Building Inspectors who admit to, in cases of the City Council, and admit in cases applying to the Territory itself that they are insufficiently experienced and trained to acknowledge when an electrical installation is in order or not; the public utilities, Yukon Electrical Company Limited, their representative, the Territorial Engineer and myself appointed at the last Council to act as a Committee to get this Ordinance in somewhat of a satisfactory manner. We did this and presented it to Council when it was accepted. We recognize the need for electrical protection legislation. We now have this legislation and we are being given a very lame excuse. We haven't got the salary for the expenses-and we haven't got the money for the salary and other expenses attributable to a qualified Electrical Inspector. I think this is ridiculous and I think Mr. Commissioner, Mr. Chairman, we have got to find that money because it will be on Administration's head when something happens through the neglect of this Administration to make provision for proper inspection of the use of electrical energy and installations that pertain to it. Various installations right in the City of Whitehorse, I have seen installations here now, in new construction, which do not conform to the standards of the Canadian Electrical Code yet there is nobody checking it for the simple reason that there is no provision to make anybody check it. Installations are going on in a willy-nilly, haphazard manner. Anybody today can come into the Administration's office and ask for an Electrical Contractor's licence, putting \$50.00 on the table and he becomes an Electrical Contractor and Administration cannot refuse a licence. I have had people in my employ, working as a first and second year helper whom I have found to be incompetent as being a helper; I find that when they can't get employment anywhere else all they have to do is find \$50.00. Now, they now can bid on Territorial Government work. Why? Because they have an Electrical Contractor's Licence! Mr. Commissioner, who has had much experience in the business world where he has been concerned with many electrical installations knows the necessity of sound electrical installations and I would have thought that because of his knowledge that the need of electrical inspection must be predominantly followed quickly. It is my opinion that without any further hesitation and in all haste the Administration find the funds to get this Ordinance into effect; to get the Regulations ready and to bring the Ordinance into effect at the earliest possible time. A matter of driving, when people say drive carefully, the life you save may be your own. Mr. Chairman, I say this to Mr. Commissioner: Mr. Commissioner, get this into force because the life you may be saving may be your own.

Mr. Chairman: Gentlemen, I just wish to remind you that any direction to the Administration must be a decision of all

Mr. Chairman continues..  
members of Committee.

Mr. Chamberlist: This is appreciated.

Mr. Chairman: Anything further, gentlemen?

Mr. Chamberlist: I move, Mr. Chairman, that we call it  
twelve o'clock at this time.

Mr. Chairman: Does Committee agree?

Mr. Commissioner: Just one word. I couldn't agree more  
with what Councillor Chamberlist has had to say and I would  
confirm the fact that it is not only my personal desire to  
give effect to this but it is just as much and totally so  
the desires of the Department who are responsible .... and  
we are prepared to go on this, I would say that it is a  
matter that will be part and parcel of the total dollar  
bill package and I hope that we are going to have the  
opportunity of discussing here ..... I want to confirm very,  
very clearly that I personally agree one hundred percent  
with what has been said in connection with this and there are  
no road blocks being put in this as far as I am personally.....

Mr. Chairman: Gentlemen, do you agree that we call it  
twelve o'clock?

All: Agreed.

Mr. Chairman: Committee is now recessed until two o'clock.

JA

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Thursday, November 16, 1967.  
2:00 o'clock p.m.

Mr. Chairman: At this time we will call Committee to order and we were discussing once again the matter of housing in the Yukon Territory. I wonder now if you will proceed with this matter. HOUSING

Mr. McKinnon: Mr. Chairman, I would like to make quite a lengthy documentation on the status of the housing problem as I see it in the Yukon Territory but I would like the Commissioner present.

Mr. Legal Adviser: Mr. Chairman, the Commissioner is detained in his office but he will be along in two or three minutes. Would you wish me to call him at this time?

Mr. Chairman: Is it your desire possibly to call a recess until his arrival?

Mr. Dumas: Could we not go on to something else, Mr. Chairman? Maybe somebody else has something to say.

Mr. Chairman: Would anybody like to proceed with this matter?

Mr. Chamberlist: Mr. Chairman, I would like to ask Mr. Gross, how far have your consultations gone with those people that are interested in housing in the Riverdale area and, could we say, how many proposed houses were suggested in these consultations?

Mr. Gross: Mr. Chairman, there has not been any further discussions or consultations with anyone so far as housing in Riverdale is concerned.

Mr. Chamberlist: Can we assume, Mr. Chairman, then that the press report on the discussions re housing in Riverdale is incorrect?

Mr. Chairman: I wonder if I could ask from the Chair, what does this report relate to?

Mr. Chamberlist: It relates to housing in the Riverdale area.

Mr. Gross: The only information I have in regard to the question is the report that I read in the paper. Other than that I know nothing about the proposal.

Mr. Chamberlist: Mr. Chairman, when you were here last, Mr. Gross, you said there had been some consultation. Now, my impression from your answer is that you know nothing about it. I would like to find out if, during these consultations that you referred to the last time you were here, was there any number of houses that it was proposed by the people, how many were being asked for, how many houses were there suggested that there may be built.

Mr. Gross: Mr. Chairman, today I happen to know which proposal you are talking about. The day you asked me the question I did not know what proposal you were asking about. There are discussions about proposals in Riverdale that have no relationship to the question you specifically asked me. There are two other parties interested in developing housing in Riverdale. The total number of units involved are 50, but the specific proposal that you are asking about I have no idea how many units there are, where they are located or who is proposing them.

Mr. Chairman: With all due respect, Mr. Chairman, I didn't state any specific proposal. I just asked how many houses.....

HOUSING

Mr. Chairman: Well, gentlemen, these witnesses are here to assist us on the housing problem and if we could kind of entertain this on this basis rather than on a cross-examination basis, it would be most appreciated.

Mr. Chamberlist: Mr. Chairman, it is my understanding that in this discussion we are to ascertain what the housing position is and I would respectfully submit, Mr. Chairman, that when I ask a question as to the number of houses that may be built it's because I wish to know what the position is in regard to perhaps proposed construction. It is not my intention to try to trick any member of Committee. I simply want to know an answer to a simple question and it could have been easily answered as Mr. Gross has now answered, that there has been a consultation with reference to 50 houses. This is all I wanted to know, Mr. Chairman.

Mr. Chairman: If you gentlemen could be more specific in your questions then this problem would be overcome.

Mr. Dumas: Mr. Chairman, I would like to ask if there has been any more lots released for sale in Porter Creek. There were 17 released to date, I believe. Have they all been sold and if so, are there more lots being released?

Mr. Spray: Mr. Chairman, 17 lots were released on the 9th of November and 17 lots were sold on the 9th of November, and there are 8 more lots to be released within the next couple of weeks.

Mr. Shaw: I don't know if this question has been asked before, but I don't recollect an answer. I am under the understanding that the Air Force will be taking off from this area in another two months. Has anything been done or is there a possibility of somebody, either private or Government, acquiring this property or will it be put in moth balls. Is there any decision at all? I don't know who I should refer this question to, Mr. Chairman. Perhaps the Administrative Assistant?

Mr. Fleming: Mr. Speaker, our latest information on the Air Force houses is that it will be released probably August of 1968. There is no indication whatsoever at this time as to the manner in which they will be released, or if they will even be released or put into moth balls. We are endeavouring to ascertain exactly how many units will come on the market and whether they will be retained for the use of other government departments or whether they will be put up for general disposal. At the moment we do not know.

Mr. Shaw: That leads me to another question. The property that is beyond the new Territorial Correctional Institute, between there and the dump or in that general area, it seems to be fine property. I understand it belongs to D.N.D. I wonder, Mr. Chairman, if any negotiations by the Territorial Government and also with the assistance of the Northern Affairs Department has ever been taken to acquire that, or what area is not actually being utilized, for residential housing or some other type of housing.

Mr. Fleming: Mr. Chairman, inquiries have been made, not with regard to that specific piece of land as such, but to it and other portions of land within the Whitehorse metropolitan area, and the Administration has been led to believe that, in writing this is, that consideration is being given by Ottawa for the transfer to the Commissioner of all vacant Crown land that is surveyed in the Whitehorse metropolitan area. Our latest information which was October the 13<sup>th</sup> from Ottawa is to the effect that this matter is now before the Advisory Committee on Northern Development who will be meeting, or who have already met at the end of October and we can expect comments from them very shortly thereafter.



Mr. Chairman: Councillor Shaw, would you take the Chair a moment.

Mr. Shaw: Yes. Mr. Taylor.

Mr. Taylor: I have a question that I would like to direct to Mr. Gross at this time. It has to do with the availability of C.M.H.C. loans in the Yukon. When in Ottawa last February, on the first of February, we did meet with some gentlemen from C.M.H.C. and I inquired as to the sewer and water requirements in order to build in the Territory. Apparently there is a requirement under C.M.H.C. where piped sewer and water is generally required but going over these notes, and I'd just like to read a short excerpt from them, Mr. Wilson, from C.M.H.C. stated that loans would be made to any applicant who could enter into a mortgage and whose income was high enough to carry the monthly payments of principal, interest, and taxes. He mentioned that where feasible the minimum level of services, i.e. sewer and water, is required but this is not mandatory. The corporation could therefore lend in rural and remote areas on septic tanks and wells. The corporation would not, however, lend in unserviced areas to perpetuate bad planning or where the overall long-term investment was not sensible from an economic point of view. The minimum servicing policy would therefore apply to the Porter Creek area as it does in areas outside Ottawa, Toronto, and other centres across the country. I'm wondering, Mr. Chairman, if Mr. Gross could tell me whether or not this policy would be sufficiently eased in order that people in communities such as Dawson, Mayo....I believe Dawson does have sewer and water, but say....and Mayo as well, but say 1016, Watson Lake, Teslin and in communities of this nature.

Mr. Gross: Mr. Chairman, I don't make policies for the corporation. I only administer them....just to make that point clear....but, certainly we have made funds available for septic tanks under certain restrictions. To cite an example that took place in Winnipeg, Manitoba, where the corporation made funds available for homes where wells and septic tanks were being used, on the condition that the applicant receive from the municipality a letter stating that water and sewer facilities would be made available to that particular property within a two year period of time. Now this enabled the people to proceed with the construction occupy the dwelling and use the property for at least two years prior to hooking-up with the water and sewer line which was in the planning stage. This kind of thing the corporation will undoubtedly go along with in any community. Secondly, in rural areas, as you quoted Mr. Wilson in referral to rural and remote areas, we do make loans available in rural and remote areas where it can be established that this is the resident of the applicant and he is, and has been, making his living at that particular location....yes, we would make a loan available to him providing he could produce sufficient evidence that he's got sufficient income to accommodate the repayment of the loan, and this would be in all probability along the septic tank line. You cited examples of 1016 and Mayo. I think the first example I gave you would apply to Mayo where there would be, say an extension to the town and the Territorial Government have in a planning stage the extension of the water and sewer line but the extension of the water and sewer line would only take place sometime in the future. In this situation, an applicant could make an application supported with a letter from the Territorial Government or the responsible department, outlining that facilities would be made available within a certain period of time. I'm not sure if I've answered all the questions, Mr. Chairman.

HOUSING

Mr. Taylor: Yes, Mr. Chairman. It was very enlightening. I really feel that one of the greatest steps we could make at this time in order to make monies available at reasonable interest rates to people in the Yukon for the construction of homes would be to ease this requirement to the point where you can build virtually anywhere on a C.M.H.C. loan. I agree that you must show that your soil is permeable and this type of thing conducive to a septic tank's operation, and if you can get a good, clean supply of water. But, I think that it's a great impediment here in the Yukon for home construction, and indeed if you do not have the finances to build your own home at any given point in time and because of this impediment in C.M.H.C. policy you cannot build under C.M.H.C. loan, you are forced into a low cost housing type position and possibly the amount of money available under the Low Cost Housing Ordinance is not sufficient to build a home that you desire. I think a re-view should be taken on this matter. Now, I relate back to Watson Lake where I am a little familiar to how this is worked, and as I stated at our last meeting, the V.L.A., a veteran's assistance program, I believe these people are just working as agents for C.M.H.C., but in any event they have allowed the veterans to construct very nice homes. They're not low cost homes by any means, they're very substantial homes, and this impediment has not been upon them...this piped water and sewer. There's another consideration here too, that in some communities such as Watson Lake or Teslin, the cost of water and sewer facilities may be more than the people could afford to pay, depending on how the Government put this up to the people, and many people have had to refuse sewer and water for many years until there is some equitable way in which they can afford this service. As I say, it seems to me that it all boils down to this water and sewer requirement and I think there should be something a little more clear-cut on it. I really hope that Ottawa would take a second look at this situation as it applies here in the Yukon. It was mentioned here too, by Mr. Wilson at that meeting...Mr. Wilson stated that the Territory's first requirement was the establishing of a broad housing policy. This of course was delayed. This would require housing legislation in order that the Yukon could avail itself to the facilities of N.H.A. He recommended, therefore, the creation of a Housing Ordinance in wide terms which could be drafted at the next Territorial Council meeting. No doubt our discussions here will centre around this proposal as well, I would think. I just bring it to the attention of Committee. There was also a recommendation put forward at the January 11<sup>th</sup> meeting that the Commissioner give consideration to an early start on a subsidized public housing project of approximately 25 units, and I wonder if possibly Mr. Gross may be able to advise us of just what has to transpire in relation to this proposal, if any.

Mr. Gross: Mr. Chairman, first I would like to make a suggestion in regard to the housing policy in the Yukon and the relaxation of the policy which the corporation has presently in use. I would suggest that Council decide to have a letter written to our head office requesting that a more lenient atmosphere be applied to the Yukon Territory and have that supported with sufficient evidence with regard to soil conditions and so on and so forth, that would allow the use of septic tanks as well. If I recall correctly, I believe that the installation of a sewer line in Watson Lake was necessitated primarily from a health aspect rather than from a desire on the part of the people in Watson Lake. This has been primarily the background of why the corporation has not gone along with the installation of septic tanks and private water systems in organized communities or communities of a reasonable size, as this danger of pollution is ever present. If I may take up your time for a minute, I can cite you three cities in western Canada,

Mr. Gross continued:

in fact four cities in western Canada where this very problem has arisen, and they are Winnipeg, Regina, Calgary and Vancouver. The one in Vancouver was so bad that some of the houses even slid down a portion of a hill. The one in Winnipeg where we had this arrangement of installing septic tanks and wells, houses on two particular streets were condemned by the Health Officer because of the health hazard and they had approximately thirty days in which to correct the situation, and as a result of this a water and sewer system was installed. So, I may sum up by saying that primarily predicated on the fact that where there is and can be demonstrated that there isn't any health hazard or any likelihood of health hazards, the corporation might consider a change in their policy, but I would suggest to you to have a letter written to the corporation asking for their consideration. Public housing...the best to my knowledge is there has been no forward steps taken on the 25 units for public housing projects other than exploring the possibilities of how it might be financed, where it might be located, and so on and so forth. It's primarily in the discussing stage. Now, I have only been in the scene for approximately three months. There may have been some discussions with people in Vancouver or Prince George that I may not be aware of specifically but in general, I don't believe there has been a concrete application made, or any concrete steps taken in the way of an application. It's primarily only on the discussion side.

Mr. Taylor: Thank you, Mr. Chairman, I will resume the Chair.

Mr. McKinnon: Mr. Chairman, over the years when I was previously a Councillor at this table and into the interim and up to this time, the constituency that I represent has always had as a prime interest, housing. Over the years I have collected quite a file on the housing situation and housing policies as they apply in the Yukon Territory with particular emphasis on the constituency I represent. I would like to quote to you from some of the files that I have obtained over these years, and from this try to arrive at what I think can be a sensible and far reaching solution to the housing situation as we find it in the Yukon at this time. I would first direct the attention of this Committee to a housing policy paper that was instituted on October the 29<sup>th</sup>, 1965, by Mr. D. Davies who is the Branch Housing Administrator for the Northern Affairs Department. I am going to quote at some length from this paper because I think it's a policy paper that was extremely valid in 1965, should have been instituted as policy by the Territorial Government in 1965, and still is extremely valid at this time in the Yukon Territory. Mr. Davies became by saying, "Staff housing represents only one but an important aspect of a general problem extant in both Territories in the lack of development of housing. To facilitate this, the Territorial Governments should set up bone-fide Housing Corporations with full powers to act as Public Housing Authorities. Once such organizations are established, we could hand over to them all the Crown-owned housing in two stages. Thus, we would remove staff housing from the direct control of both the Federal and Territorial Governments, yet continue, for the foreseeable future anyway, to provide adequate housing for all residents based on their ability to pay. The Territorial Housing Corporations could develop Public Housing Projects utilizing surplus Federal housing where available. Moreover, they would be able to take the overall view of housing development in any particular community, area or region and collaborate and assist with any plans for future growth or changes. One of the main purposes of setting up Housing Corporations would be to take advantage of the provisions of the National Housing Act. Without wishing to restrict the possible use of other programs available under the Act, below are listed a few

HOUSING Mr. McKinnon continued:

of the main provisions" that could be accepted if we had such a Housing Development in the Yukon Territory. And it goes into the contributions and loans to municipalities for clearance of sub-standard areas, housing research and community planning, acquisition and development of land for housing purposes, construction of housing projects, etc., etc., etc. "For the Yukon; when the Northwest Highways System is handed over to the Territory in 1967, all Crown-owned housing will be handed over and managed by the Housing Corporation. Houses will be sold as and when the local economy can assimilate the extra housing or when a reasonable offer is made. However, Public Housing should not be used or allowed to continually deflate local real estate values." Mr. Davies goes in, on his policy paper, to the set up of the Housing Corporation Organization and suggested for the Yukon, this should consist of the Commissioner of the Yukon Territory, the Mayor of Whitehorse, two Territorial Council Members, an official from C.M.H.C., and an official from Northern Affairs for the first few years of the program. Following this Housing Policy Paper there was a motion, number 41, presented to the Territorial Council on December 13<sup>th</sup> of 1965, which was moved by Mr. Shaw and seconded by Mr. Boyd that also requested the establishing of such a housing authority to ease the housing situation in the Yukon. And it's amazing the similiarity....I don't know whether the Honourable Member from Dawson had taken from the policy paper some of the salient points or had arrived at this on his own hook. However, the conclusions that they reached are extremely similiar. "The Administrator will manage all housing and see that all buildings are properly maintained, and...the proper rental of each building or part thereof...necessary arrangements to see that personnel using this housing..." etc., etc. Following this, there was a meeting on January 12<sup>th</sup> of 1966, out of the past Administration to discuss the Housing Policy where the Motion 41 and the Housing Policy Paper prepared by Mr. Davies were discussed by the past Administration and they concluded that "It was apparent that the concept of the housing authority with wide powers and functions was not acceptable," by the Territorial Administration, "at this time." Mr. Davies was at this meeting and concluded that he felt that the Administration of the Territorial Government was wrong at this time. He concluded that, "Although there is some doubt...I am reasonably sure that time will prove that there is a requirement. The assumption that exists, that the City of Whitehorse (for example) and private enterprise, could take care of all housing requirements, apart from Federal housing, may not be valid. The experience of most communities in the south is that this kind of assumption is not valid." Mr. Chairman, there have been discussions around this table that the Territorial Low Cost Housing Ordinance is not known, the terms of the Ordinance are not known outside of the Whitehorse area. There are directives from the Director, from Mr. Davies again, to provide that there be agents in different areas so that the terms of the Low Cost Housing could be explained to people outside the Whitehorse area. To continue along this line, on the 11<sup>th</sup> of January of 1967...this is two years following the original concept of the idea of a housing authority to be set up...it is again recommended at the meeting held with the Administration this year that a housing co-ordinator be appointed by the Commissioner to study and advise the Territorial Government on all problems relating to housing and that preliminary negotiations with Federal and other organizations regarding housing in the Territory. It was recommended by the Committee that recognizing the proposals made so far were mainly to meet the immediate short-term needs in housing. It will be necessary for the Commissioner to set up a Housing Corporation to deal with long-term planning and the administration of housing requirements for the Territory. It was recommended, therefore, that the Commissioner should take any steps necessary to integrate all housing programs in the Territory on non-ethnic lines. And they should ask the Federal Government to

Mr. McKinnon continued:

take the necessary action to bring about such integration. Mr. Chairman, to conclude my remarks about the history of the concept of setting up some sort of board to regulate housing in the Yukon Territory that has been developed over two years and is still not in any kind of practical form. It was on the C.P. Wire today from Ottawa that northern representatives were being left at home because the Minister of Northern Development says they can add little to Federal-Provincial Conference on housing. Mr. Laing told the Commons that northern housing problems are peculiar to that region and said that they are being dealt with there. Mr. Laing agreed that northern housing problems are serious but said they are entirely different to those in the south and demand different solutions. He said the problem is being dealt with by the Territorial Commissioner and residents in the north and said he is satisfied with the progress they are making. Mr. Chairman, I disagree that progress is being made in field of housing in the Yukon Territory at this time. It is my intention to bring an all encompassing motion before this Council at the earliest opportunity and the most important part of this motion will be that a Public Housing authority be set up immediately in the Yukon Territory along the lines of the Housing Policy Paper submitted by Mr. Davies on October 29<sup>th</sup> of 1965. The second part of my motion will deal with the policy of this Council concerning the concept of initiating once more the possibility of low rental apartment housing for primarily the Whitehorse region and for other regions that are needed in the Yukon. The third part of the motion is going to deal with the availability of land sources now in the Yukon Territory and the future availability of land that will be available for residents in the building year. The fourth part of the motion is going to deal with the Low Cost Housing Ordinance and I'm going to ask that this Council go on record as forwarding the idea to the Commissioner and asking him to accept it, that the ceiling on the Low Cost Housing Ordinance be raised so that the first mortgage will be of \$10,000 and the second mortgage will be of \$1,000 and this will be available to all who ask for the loan regardless of the finished cost of the house. I feel that the next area we will look into is that we will ask this Council to forward a policy statement to the C.M.H.C., asking the C.M.H.C. to be less stringent on their regulation as they apply to areas of the Yukon Territory. I am not here to try and condemn anyone for the situation arising which I have said before is critical, and I think it's critical in the housing in the Yukon today. I think this was foreseen in the Yukon Territory as far away as 1965, and I think that we are now in the middle of the problem that was foreseen at that time, that something should have been done when policy directives could have been followed that had been laid out and appeared to be sensible, but this wasn't done. I think that we could still come up this Council in the five areas that I have mentioned, and come up with a motion that will ease very much the housing situation in the Yukon today. I realize I have been very broad in this statement. I would like to be able to distribute to all Members of Council the Policy Paper I am talking about which sets up the terms in detail of the Public Housing authority and I would appreciate comments from both the witnesses and other Members.

Mr. Shaw: Mr. Chairman, Councillor McKinnon is certainly talking my kind of language, except that perhaps I would go a little further on that. The big problem, as we Members of this Council do see problems inherent in the Territory, and we put in a motion...we crank up motions by the dozen. Sometimes we put it in this year, or the next year, or the next year. Sometimes we miss a year. But, the objectives are always the same and in many, many cases, after quite a number of years...years that are lost...these policies will be put into effect. Now, the Honourable Member from Whitehorse

HOUSING

Mr. Shaw continued:

North has pointed out this resolution of 1965....that was a couple of years ago. In the meantime, from my observations, the only progress....and I say, only....in housing that has been made is the fact the low cost housing program maximum loaning amount has been raised from \$6,000 to \$8,000. Now, that is all that has transpired. But, even that little improvement, that very small improvement, has tremendously assisted in remarkable activity in the Porter Creek area. There is no question about that. That has happened since that amount was raised, not before. So, there is one little motion. Now, this had been asked for, for I don't know how many years. Of course, when it finally did arrive we saw the interest it created. It did permit houses to be built. But, it appears to me and I must agree with the Minister of Northern Affairs when he says he do have peculiar problems in the north. Unfortunately we are so tied up in many of these things to the national policy, that many of these things that Canadians in other parts of Canada can avail themselves of, we cannot for a multitude of reasons. I think that the only way we are ever going to progress in this housing business is that we must have a housing authority in the Yukon that may be associated with the C.M.H.C. but it must have policies in it that would fit, and be sound policies for northern development of housing. When we get into matters of concrete basements, you can have concrete basements in this section of the Yukon, but you go possibly....I don't know where the perma-frost line starts....but you go about 100 miles north, and you still have most of the Territory that is north of that line where it's impractical except at a tremendous expense to put in a basement....and other factors relating to it. So we have to have a program that is tailored for the north. This housing authority, Mr. Chairman, I feel should encompass more than what Mr. McKinnon has just stated. The Member from Whitehorse North has confined his remarks as far as I can see, mostly to the building of houses by people and what we call low rental subsidized housing. Now, that is what we must have but I think there's another very important category that must fit into that and that would be rental housing. In England, in every major city, you will find a vast rental housing program. Every one of them. They had to do it. Mostly they call them consol houses....nothing wrong. It permits people to rent a house and move in. As the Commissioner stated just a few days ago at that meeting on housing, that the big problem is the people coming into the Yukon. Where are they going to put their families or get a roof over their head at a price they can afford to pay. That is a very big question. We find, I think, by statistics that most of these people who are now building houses in the Yukon Territory are people who have been here for two or three years or a number of years, not people who just land in the Yukon. There may be the odd one. It's quite understandable when they come into a country like this, first off they have to see if they fit into it, whether they can get a job, whether their wife or their family will like it, and they cannot or do not want to invest in a house because they don't know whether they are going to stay here. But there are many of them who do stay here....those who can....those who can get a roof over their head....then they turn around and they build a house of their own....those who can afford it or those who can find the possibility of doing so. So, we have three....I think this housing administration, and we must have this housing authority if we're going to get houses, and I would feel that we would have to go into three broad categories, and I leave out in this the matter of Administrating, Federal and Territorial buildings....I think perhaps that would be a very good thing to have as well, but just for this point I'm just thinking of the housing that is required and that is loans to builders of housing this corporation would deal with, to rental housing, and to low rental subsidized housing. This low rental subsidized

Mr. Shaw continued:

housing...there would be rents established on all these buildings and it would be a fair rental, and, of course, the ones that were used in low rental, as far as the corporation is concerned, would be up to the Territorial Government Welfare Department, or whatever department it was up to to pay to this housing authority the balance of the rental or whatever it may be. In other words, this authority would almost be self-supporting. But, and here is the big problem that we are faced with in a situation such as this, to get something like this started it will have to have a very large capital fund. It obviously must. Now, at the present moment it appears that Canada is in a very critical financial stage, and I believe that. It just amazes me that everybody hasn't realized this before this time. And, one of the first casualties of the austerity program, it appears, will be the north. So what chance we have of instituting a program such as this is pretty slim. However, the idea is still here. I think the idea is sound. I think it's endorsed by certainly this Council and the Administration, and possibly you gentlemen. I don't know. But, that is the only way we are going to solve the problem....that we are going to continually try to argue with C.M.H.C. to get them to change their national policy. I don't think that this will be effective, Mr. Chairman, because this policy is set up for all of Canada, and it's very difficult to get them to change it because if they start changing it, at least this is what they tell me, anyhow...if they change it for the north, they'll have to change it for the east, and then they will have to change it for the west, and make different stands right across. But by having a subsidiary to this corporation, or whatever you want to call it, in the Yukon, I think we can accomplish the objectives that we would like to see.

Mr. McKinnon: Mr. Chairman, all that Councillor Shaw has stated will be included in the policy paper to which I have made some reference, but I didn't refer to it all because it would take too much of Committee's time. I would suggest that this policy paper could be copied and presented to the Members of Committee and we would have a starting point to discuss from.

Mr. Chairman: Yes. Mr. Clerk, would you, at a later time, see if you could make copies of this? Proceed, gentlemen.

Mr. Shaw: Mr. Chairman, I would like to...perhaps I haven't seen pitfalls in this or something...if somebody has any objections to something like that, I think it's always good to have a little debate on these things and if any person feels that is wouldn't work and they have a good reason, I think that this would be a good time to bring it out.

Mr. Gross: Mr. Chairman, as a witness am I allowed to comment?

Mr. Chairman: Proceed.

Mr. Gross: I think the suggestion made by the two Honourable Members is a worthy one, and I might suggest there are two provinces in Canada who have proceeded along these lines. They are the Province of Ontario and the Province of Alberta. The Province of Alberta is in its infancy stage while the Province of Ontario had the organization for a number of years, and possibly, if you wish to have more detail as to how this particular organization might be set up, you might wish to contact either of these particular provinces and ask for its policy papers. As far as the corporation is concerned in its relationship with these particular corporations, it is a very good one. I might suggest that it allows the provinces to carry on programs of whatever scope they decide is desirable and

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Mr. Gross continued:

use the facilities of the National Housing Act where ever it's feasible, without requesting that the National Housing Act be amended in any way, shape or form to accommodate their specific problem. I am told, and I understand, that in Ontario this particular program is working very well, particularly in the urban renewal areas. On the Province of Alberta, I am not able to give you any information, only that it's in its infancy and they are working very hard toward getting it established, if it has not already been established within the last three or four months. One other comment I would like to make and that has to do with housing for those who can afford housing. It does appear to me, as the Commissioner did mention, there are a number of people who would like to come to the Yukon and have been in the Yukon and have left the Yukon because they cannot accommodate themselves in any kind of reasonable housing. I might suggest to you that these are people who can well afford any kind of reasonable accommodation. Low rental programs will not solve the problem for these people at all. They will not even live in this kind of accommodation let alone be attracted to it. They are people in the higher income groups and the reason they are leaving here is because they can command similiar salaries in the provinces to the south of us and that is the reason they are not staying here. If there is reasonable accommodation available for them here, they will stay and reap the benefits of the Yukon for themselves and for the people who already live here. I think this is the area in which the Territorial Council should be most concerned...to incourage private developers to proceed with projects that will accommodate these people. This may necessitate a lending program to assist these developers in carrying out their particular development. What kind of system they'd need is undeterminable. They may need interim financing assistance. They may be assisted by second mortgages. This would have to be decided through a committee and inquiry into what the needs are of these people in order to get them started on their own building accommodations for the people who are leaving the Yukon. Low rental housing, as I see it, can only accommodate those people who are already living here and are living in poor squalid conditions. This is a very limited group of people, as I see it, in the Yukon. Large, in that they present a Social Welfare problem to us, but small in the maximum number that can be attracted to the Yukon. Land, as Mr. McKinnon mentioned, is another very important area. You must be able to have a flexible land policy that will allow promoters to come in and buy large chunks of land without having to tie up large sums of capital while they are developing a program. I'll cite an example. If you're asking a small developer who wants to develop, let's say a program of 10 housing units or 20 housing units, and he approaches the Land Department for a parcel of land, I believe it is necessary for him to come up with the cash when he makes his application. In most areas these people would like to have at least 90 days through which they can develop some kind of plan and secure some kind of financing to proceed. Some kind of policy along this line may be desireable. I believe that this is all I have to mention at this time.

Mr. Chairman: Thank you, Mr. Gross.

Mr. Shaw: Mr. Chairman, I hope I didn't give the impression to Committee when I was talking about rental housing, I was confining that to low rental housing. I included the low rental as part of the necessary welfare program, but if you are administrating one facet of housing procedure then, of course, that may be included in it.



Mr. Chamberlist: Mr. Chairman, Mr. Gross' remarks absolutely bare HOUSING the fact that it is because of our lack of the proper land policy that I think we find ourselves in the position where private enterprise is not very keen on coming into the area to construct. The restrictions on land within the so called metropolitan area is such that choice land that is available has been tied up to such an extent that people become absolutely frustrated each time they go to inquire about land that might be available. Now, this is not, as the public sometimes think, this is the responsibility of the man who is the area development officer, that it's his fault, that he's tying the land up, and it should be made clear to the public that it is not his fault but the fault of those who have tied this land up and who are not prepared to release the land and are not prepared to recognize the need for more housing. To go further, people who would be prepared to finance rental housing, and I'm speaking of rental housing not low rental housing, find themselves in the position that when they can make financial arrangements to construct, they find then **that** there is no way that they can get hold of the necessary land to put a major project on. I think one of our first moves that this Council must make is a strong representative motion which may be coming through Councillor McKinnon that restrictions of a nature in areas where it had already been decided that it is an area which included land for a residential purposes, should be immediately released. I have heard through the past few years of different people who have tried to get or tried to find out where they can get large areas of land to put up some houses for speculative purposes both for rental and for sale, but that frustration that remains each time they make these inquiries put them in the position...oh, what's the use if nobody up there cares. In Ontario the, as I understand it they have a very large organization which takes care of housing propositions, but the Parkinson's Theory has gone into force there. Now there's about 400 people running it. If we had the 400 people who are running it there, it would be quite an addition to the population of the Yukon Territory. But, another thought has struck me. There are in various other parts of Canada, what is referred to as municipal rental housing schemes. It is about time the municipalities come up with a suggestion about municipal housing instead of them sitting back and waiting for a higher level of government to do something about it. The housing situation is so critical that the governments of the two municipalities that we have, at least they can show directly that they're interested and concerned by making representations for help in obtaining housing. It is being left to the Territorial and Federal Governments completely and I think they should recognize the fact that they have to participate in the needs of housing as well. I would hope that once we have the paper referred to by the Honourable Member from Whitehorse North, the Council will be able to take a further look at the policy that was suggested and perhaps if it is worthy, include that as the basic policy, or part of the basic policy on housing of the Territorial Government. So, if we can stop talking, and start acting...there's been far too much talking over the past few years and we've got to a position where we're being drowned with a problem, that we will never be able to lift our heads out of and breath freely if we don't do something about it right now. I hope that both the Members of Council and also the people here who are obviously are interested in seeing that we find an answer to the problem, would join together and do their utmost to see if this problem can be answered. One further thing that worries me in connection with the Low Cost Housing Ordinance, if there is an increase from \$8,000 to \$10,000 in a loan, which I think there should be, what then would be the minimum that a house would have to be constructed at. At the moment, Section 3 says, "A loan shall not be made under the authority of this Section in respect to the house, the estimated cost of construction of which is in excess of \$10,000." Well, anybody who

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Mr. Chamberlist continued:  
has anything to do with the construction industry knows that they cannot have a decent home under our present day cost of construction, for a man and wife and a family, at a cost of \$10,000. I submit that it is impossible unless the person that has made the application is working night and day and doing the work himself to construct it, and this I submit, Mr. Chairman, that it is not the purpose to place people in the position that if you don't build it for yourself you just don't have a place to live. We must also think in terms of increasing that amount by amendment, and also at this time I would like to put a question to Mr. Woodason. What are the minimum standards, Mr. Woodason, under which at the present a house is constructed at for \$10,000. What are the minimum standards?

Mr. Woodason: Mr. Chairman, the low cost housing program adheres to the National Building Code standards.

Mr. Chairman: Gentlemen, I think at this time we will call a recess. Mr. Chamberlist will have the floor when we return.

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Thursday, November 16, 1967.  
3:30 o'clock p.m.

The Witnesses present were: Mr. G.K. Fleming, Administrative Assistant; Mr. D. Spray, Direction of Municipal Affairs; Mr. B. Woodason, Director of Housing; Mr. Gross, Central Mortgage and Housing Corporation; and Mr. K.J. Baker, Territorial Engineer. HOUSING

Mr. Chairman: I think at this time we will call Committee back to order and I believe Mr. Chamberlist had the chair upon recess.

Mr. Chamberlist: Mr. Woodason, would you say that you would be prepared to accept a lower standard than the maximum standards of the National Housing Code for those houses which were not to be in excess of \$10,000 to help the person building one obtain more in the way of construction than the \$10,000 now allowed.

Mr. Woodason: For the record, I would like to clarify a statement that the Member for Whitehorse East made regarding the Ordinance when he was referring to the \$10,000 ceiling. This actually only applies to those applications for the \$1,000 second mortgage. If it exceeds \$10,000 when appraised, then the applicant will only qualify for an \$8,000 first mortgage. If he then exceeds it he is unable to build in this area where low cost housing applies and must build in Riverdale or Whitehorse. In so far as the standards are concerned, I don't think it would be wise to consider construction below that of the National Building Code. It is used as a guide to ensure standards from a safety point of view. If we have to go below this, then it is impossible to step in so far as electricians and safety factors are concerned.

Mr. Chamberlist: I am not suggesting that standards of a nature where the electrical contractors, the heating contractors and mechanical trades that are concerned with the construction of a house not be followed closely in regards to life and limb. I am referring for instance where I know this applies at least in C.M.H.C. Regulations where there is steps to be new materials used. Mr. Gross can correct me if I am wrong in this matter and I am putting this as an example. I recall Mr. Bond was up here some years ago. He saw some fir timbers put into a basement of a house and he ordered them out because they were not new, but he allowed spruce to go in. The timbers that were in, being fir, was of much superior quality notwithstanding the fact that they were second hand and where you are applying the same policy that only new materials may be used in the construction of this home where a loan is taken out.

Mr. Woodason: This is not rigidly enforced. The majority of people who build in Porter Creek can build with used material except in some cases where perhaps safety is concerned.

Mr. Chamberlist: Thank you, Mr. Woodason, I appreciate that answer. Mr. Gross, what percentage would be required for a person who wished to build a block of 50 houses? What percentage would you Corporation require as a down payment to have homes available?

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Mr. Gross: May I ask, is this a rental project or what type of project might it be?

Mr. Chamberlist: Construction of houses for resale, lease say.

Mr. Gross: I don't really believe I'm in a position to answer that specifically enough to give you a guide as to what might be required as it is so much dependent on what type of proposal this might be. If, for example, I might give you an example where it can be demonstrated that the house will cost labour and material, land included, \$25,000 a unit, the maximum loan value is \$18,000 plus 2 per cent mortgage fee which would leave \$7,000 required by the party developing the project per unit. If, for example, it can be demonstrated by the party and proven by ourselves that that particular dwelling can be produced to competition for \$10,000 then it is very unlikely that the Corporation would advance a loan of \$18,000 but a loan of an amount less than that would be on the basis of our evaluation.

Mr. Chamberlist: Yes. It has been pointed out to me that in the provinces contractors that are going to build 50 houses and obtain mortgages from C.M.H.C. would actually require besides the land to have 5 per cent, whereas the contractor up here who builds one would require the land plus about \$7,000 on a \$24,000 home. Is this specifically correct?

Mr. Gross: I might be able to clear up a misconception here. The requirement of the down payment which may be \$7,000 is 5 per cent of the total cost that he must produce from his own resources. May I re-phrase that again. An individual who would be buying a \$20,000 property would be required to produce from his own resources \$1,000, 5 per cent of the total cost, the remainder of the down payment portion over and above that say \$5,000 may be obtained by way of a loan funds. This does not mean that 5 per cent is the down payment by the builder or the applicant or the home owner.

Mr. Chamberlist: Thank you.

Mr. Livesey: I have been listening this afternoon to considerable discussion on this question of housing and while I give great credit to those who feel that the situation is such that we probably do need a housing authority but I am wondering, Mr. Chairman, whether we need a housing authority as much as we need houses. To me it seems that the practical way to look on this problem is look at the immediate problem set before us and it is not a housing authority that is needed now, but now we need houses. This is the point of issue and I would feel that to be practical this is the course we are going to have to follow and I don't disagree with those who have pressed that a housing authority is the ideal situation, but looking at it from a layman's point of view, on this question, if we set up a housing authority just who is it who is going to set up this housing authority. Certainly not the Council of the Yukon Territory. Where would this housing authority come from in the extent of money, probably not from the federal government. I think one of the most outstanding items is land and I would like to read one small section of the Yukon Act. This is Section 45 - public lands, the administration of which has before or after the coming into force of this Act been transferred by the Governor in Council to the Territory. In the Territory I think we have a certain amount of control over this particular type of land but what control do we have over federal land in the Yukon. Now, if the people of the Yukon Territory cannot get to where we can gain control over land, how far is any housing authority going to be able to get trying to change the Yukon Act. I would suggest that we are up against a real problem and it seems to me that Mr. Corie of Queen's University mentions this in some of

his works, dealing with a similar problem. He suggests a board of enquiry for this situation. This is what they do and they appoint the authority for somebody else. It seems to me that we here in the Yukon, we know the housing now. I feel that there are several reasons for this. I think one of the reasons we do not have sufficient housing in the Yukon is, of course, the federal government controls the land in the Territory. Local people have funds and want to build houses and cannot get the land. They are not going to the government on their knees for anything. They want to use their own funds and cannot do it. We haven't done what is right but now I don't feel that delegating authority to someone else will help the situation. Now, we are going to set up a housing authority. When are these people going to act - six months from now, a year from now, and on what authority? It seems to me that the question that was laid down in 1965 in Committee still exists - nothing since 1965 has been done. I feel we are faced with the same problem. The question is this, do the members of the present administration of the Yukon Government feel that they need another extra government department. That it is absolutely necessary to proceed in this manner or seen from some other avenue that they may take our suggestion and will eliminate the problem we have been discussing this afternoon. We are going to be practical or impractical. I would suggest to you that our move from here should be practical to start with at least. It is not depression that is creating the lack of houses, it is prosperity. A tremendous amount of this is coming from mining and a certain amount, unfortunately, is coming from the government. This is the transient housing. It does not help us in the least here but I feel it is a shortage and this problem is number one and I feel that what we need to do is provide to the Commissioner or administration the means at least to try and come up with something that will start on this problem to relieve the tense situation. If after we have initially started a program to eliminate this housing question then I feel the matter of a housing authority certainly is important. I am not opposed to it one way or the other. I feel the Committee should look at question number one first.

Mr. Dumas: Mr. Woodason, will the Territorial Government loan money to build a house on leased property that is leased from the Government?

Mr. Woodason: Yes, the lease must exceed the term of mortgage by five years, loans are made on leased property.

Mr. Dumas: Mr. Spray, I think you mentioned last week there was going to be some property made available in the Carcross area.

Mr. Spray: I believe the Commissioner made a statement.....

Mr. Commissioner: I said that we were at the present time negotiating with the White Pass and Yukon Route and that there is going to be property available in that area but I cannot assure you that this is going to be an actual fact but we are endeavouring to do so. It is not first a straightforward situation, it is a matter of our Engineering Department trying to get enough land so that layouts can be made in line with the contours of the property.

Mr. McKinnon: I would like to assure the Honourable Member from Carmacks that when I had made my remarks this afternoon they related to the ideal situation that could be eventually found in the Yukon Territory, when you provide units that were now empty that could be rented or bought from the authorities at a fair market value price. I am aware of the multi-problems that we are faced with right now and to this end I have proposed further solutions along the lines that would minimize the immediate problems. One is to give a policy

HOUSING direction to the Commissioner in the field of public housing. The other one is to provide an amendment to the Low Cost Housing Ordinance as it applies to builders under the first mortgage plan. An immediate motion that I can suggest would be a policy direction to C.M.H.C. asking them if they would relax their specifications for building under C.M.H.C. Regulations. These are all motions which I hope to have on the floor of the House tomorrow.

Mr. Chamberlist: I would like to thank the Honourable Member from Whitehorse West for raising questions on the part of my constituency and I would like to ask Mr. Commissioner, has any enquiries been made about land that has been more or less frozen because of the proposal at one time to flood the area. The mining companies there are concerned because they want to construct houses in that area and they want to do it this year and they want to start it early next spring. Unless they can get something clear on it by spring-time they will have to take trailers up into the mountains. This would prevent an opportunity to have a community built in that area. Were any approaches made to the federal government in this regard?

Mr. Commissioner: This is part of the whole land problem at Carcross and I think it suffice to say that the whole matter is under review at the present time.

Mr. Chamberlist: I wonder, Mr. Commissioner, if you could say how far have these enquiries gone. I think it is important. I have got to know something. I cannot say it is under review because this answer has been given for a number of years.

Mr. Commissioner: I don't wish to appear evasive as far as this particular question is concerned but I want to assure the Committee that the file with regard to the property situation at Carcross is getting thicker by the day and I would say that progress is being made in that the matters that the Councillor has in his mind at the present time are being looked after.

Mr. Chairman: Councillor Shaw, will you take the chair, please. I think we are gaining some ground here this afternoon. No doubt, the gentlemen that are here joining with us in these discussions may have further thoughts in relation to this program. I do feel that Councillor Livesey raised an interesting point, as he stated that we must be careful in the establishment of a housing authority. At the same time it occurs to me that somewhere within the framework of our own existing organization, this matter of a housing authority can be started with the personnel that we do have now. Not **only houses**, but apartments. I think aspects here in Whitehorse are worst as it is the biggest urban centre in the Yukon. Now, I think when we were in Ottawa it was agreed that if someone wanted to build a large apartment-type project that monies would be made available from C.M.H.C. for this purpose and also it was stated that private entrepreneurs even for the current building season which, of course, was last summer. It is a desperate situation, that only 20 per cent of young married couples today will have the opportunity of owning their own homes, which means that 80 per cent will rent. I cannot agree with Arthur Laing at this point that the problems that present themselves across Canada did not present themselves here, or that is what he seems to infer. The problem here is the same in many respects as in many places in Canada. We have a few peculiar ones. It is my hope that Ottawa, in C.M.H.C. and other areas of government, will bear this in mind whenever they learn of our discussions here. I am going to be very interested in seeing the motions or a series of motions that Councillor McKinnon will be presenting to Council in this area. We

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may again get together with the witnesses so that we can follow up on these needs in Committee of the whole. We need our houses and accommodation now and I think you will agree that we have finally learned to live with our long, cold winters here and possibly by spring we may have started to alleviate this problem. Thank you, and I will now resume the chair, Councillor Shaw. HOUSING

Mr. Gross: You refer to, it has been referred to that C.M.H.C. is the sole source of N.H.A. money that are possible available in the Yukon. There are other sources and possibly they should be explored a bit more fully. N.H.A. simply means Northern Housing Act. C.M.H.C. is a Crown corporation responsible for the administration of that housing act. There are other institutions that may take advantage of the housing act here in Whitehorse and I believe in a number of other locations in the Yukon. These are the banking institutions and approximately one month ago, about the same time as Labour Minister Nicholson announced the National Housing interest rate to be a maximum of 4% per cent, the Bank of Montreal set their rate at 7 3/4 per cent, the Bank of Commerce and one other bank at 8 per cent. I might suggest that there are possibilities for private entrepreneurs to approach these people to see whether funds could be made available at this course. Representatives of the government of the Yukon should make representation to the banks and request more investment in the Yukon. Toronto-Dominion has a large investment at the Anvil mining site. Other banks may wish to make substantial investments in the Yukon as well in the way of housing.

Mr. Chairman: Thank you, Mr. Gross. I wonder if any of the witnesses might have a comment on this.

Mr. Gross: I would like to make a recommendation with regard to the Low Cost Housing Ordinance and that is to eliminate the labour portion as I understand it. I do believe that a portion of the cost of a house must be labour, a small portion. I would suggest to those who are concerned with policy that they eliminate the labour portion entirely so that the applicant only has to demonstrate what the cost of his house for material is, and the labour portion can either be absorbed by himself, his uncle or whoever may be, pardon the expression, coned into assisting him in erecting that particular dwelling.

Mr. Woodason: I cannot agree with Mr. Gross that he should interpret our Ordinance in that way because we are going against federal policy which exists. This policy is for the owners to include labour and our Regulation reads that we must value a home according to the cost to the individual. We place a value on the owner's labour as low as possible so that they may clear the \$1,000 mortgage.

Mr. Commissioner: I suggest we change the federal policy. The situation, gentlemen, with regard to housing appears the same today as it was last Monday. The situation, I think, is very bad today. It looks as if rental housing is definitely a need in the community if the present resident and the man who is not here yet is to be encouraged to stay. Manpower has supplied me with a current file concerning enquiries that they have answered in the first ten days in November, requesting job opportunities and housing. So it is policy directive that we require, Mr. Chairman, and at that point we will know where we are going. I have had a request from a private entrepreneur to come in and build 50 speculative units for sale as long as he has some understanding that he will not have to pay for the property until such time as the houses are actually sold and I think has safe guarantee if they are completed for 90 days, then the municipality in which they are built would

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give alleviation of property taxes until such times as they were sold. It is just a matter of the order in which you get these kind of things. Mr. Fleming can verify for me, there are numerous private entrepreneurs who are quite prepared to build rental units. All they were looking for was some kind of a guarantee. I think we have to get right down to the nub of the situation. Councillor Shaw and the people in his community there have a project involving the moving of houses that are now abandoned. You may scoff at this. My engineering department tell me that these buildings are in first class condition.

Mr. Chamberlist: I think Mr. Woodason must appreciate this that members of this Council are going to go to any extent to make sure that housing will become available, and I feel sure that if we have to amend the Ordinance and the Regulations 75 times to make it easier for people to build their homes, I think we are going to do it. In regard to the amount of labour coming up with federal rights, there is a way of getting to them. We cannot do it because something is written into an ordinance. The Council of the Yukon Territory make the ordinance and they can also break it and make it fit the situation that is required today.

Mr. Woodason: I would like to clarify the situation. This has not prevented anybody from qualifying for a low cost loan at the moment. I just wanted to point out that if it is working 100 per cent then we could be faced with having houses evaluated at a market evaluation which would put us in a worse situation than we are now.

Mr. Chairman: Have you anything further on this at this point in time, gentlemen?

Mr. Dumas: Mr. Baker, in view of the fact that several lots in Lot 19 are considered to be in the danger zone could you tell this Committee if anything is going to be done to stabilize the escarpment.

Mr. Baker: The D.O.T. have this problem in hand. They will have the escarpment stabilized.

Mr. Livesey: With regard to the actual present practical situation in the outlying sub-divisions outside of Dawson and Whitehorse just when is a policy with regard to the availability to prospective home builders as far as land is concerned going to be made. Are there lands available in all the surveyed sub-divisions outside of the two municipalities for people who do not want to build under any of the present programs?

Mr. Spray: Land is made available regardless of how the construction is to be financed. If there is no demand made to the administration for the land, roads are not constructed but if requests are received every effort is made to open up lots.

Mr. Livesey: I wonder if Mr. Spray could tell me how many lots in a new sub-division they would have to have requests for here in Whitehorse before a road to accommodate the builders would be placed in operation.

Mr. Spray: There is no set number, Mr. Chairman. If there is an indication that there is requirement and if you have say two people making a sincere representation for land, then a street one block long could be constructed and open up about ten lots.



JK

Mr. Shaw: Perhaps the Member from Carmacks-Kluane might be able to answer this, is there a plot of land laid out in the community of Beaver Creek as a sub-division?

HOUSING

Mr. Spray: There is a sub-division laid out.

Mr. Livesey: On that particular point a number of years ago I came upon a sort of haphazard attempt going on there in my area as if there were no plans laid down. You would have different plots set aside for different individuals in different sizes, shapes and forms. You are up against all kinds of people who have so much ground in every shape and form that there would be numerous complaints with regard to streets and everything else. I fought for years to get this sub-division surveyed and since then not one single lot has been sold to the public, but in the municipality we have people building housing on industrial grounds because as far as these people know, their assumption may be right or wrong, they do not feel the land is available. This is the reason for the question and it is a rather involved situation but no doubt it will smooth itself out in time but I do feel that if we can help the public and also assist the administration in these problems I think it behooves us to do so. I can assure anyone in my area or anyone else in the Yukon that property is available in a surveyed sub-division.

Mr. Chamberlist: I wonder if Mr. Spray would make it known to the public in all those areas that have been sub-divided what lands are available for sale in that area.

Mr. Shaw: I raised my question because I do think a little earlier that land wasn't available, it does appear that land is available in the Beaver Creek community and a sub-division has been laid out.

Mr. Chairman: Have you anything further, gentlemen? I wonder if the witnesses might be excused at this time. Thank you, gentlemen. Gentlemen, I will declare a short recess.

Mr. Dumas not present after recess.

Mr. Chairman: I will now call Committee back to order.

Moved by Councillor Shaw and seconded by Councillor Chamberlist that the Speaker do now resume the chair.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: I will now call Council to order. May we hear the report from the Chairman of Committees.

Mr. Chairman: Committee convened at 11:00 a.m. to discuss Bills, Motions and Sessional Papers. Upon motion Committee recessed at 12:00 noon and reconvened at 2:00 p.m. Messrs. Gross, Baker, Spray, Woodason and Fleming attended Committee to further discussions related to housing problems in the Yukon. I can report progress in this matter. It was moved by Councillor Shaw and seconded by Councillor Chamberlist that Mr. Speaker do now resume the chair, and that motion carried.

Mr. Speaker: Are we agreed with the report of the Chairman of Committees?

All: Agreed.

Mr. Speaker: May I have your further pleasure, gentlemen?

Mr. Chairman: For the agenda, in Committee now we have several bills and sessional papers with which we can proceed tomorrow.

Mr. Dumas enters the Chambers.

Mr. Speaker: May I have your directions, gentlemen.

Moved by Councillor Shaw and seconded by Councillor Chamberlist that we call it 5:00 p.m.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: The House now stands adjourned until 10:00 a.m. tomorrow morning.

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Friday, November 17, 1967.  
10:00 o'clock a.m.

Mr. Speaker read the daily prayer. All Councillors, Mr. Commissioner and Mr. Legal Adviser were present.

Mr. Speaker: Mr. Clerk, is there a quorum present?

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to order. Before we proceed to any business, I wonder if the Honourable Member for Watson Lake would please take the Chair.

Mr. Taylor takes the Speaker's Chair.

Mr. Livesey: Mr. Speaker, I wonder if the House would be kind enough to permit me to leave at 2:00 p.m. in order to accompany Mr. Smith, the Centennial Co-Ordinator, and also the Commissioner for the purpose of Centennial celebrations in Carmacks this afternoon.

Mr. Speaker: Would Council agree to this request?

All: Agreed.

Mrs. Gordon: Mr. Speaker, may I also be excused at 2:00 p.m. this afternoon?

Mr. Chamberlist: Is this for the purpose of accompanying Councillor Livesey?

Mrs. Gordon: Irrelevant.

Mr. Speaker: Would Council agree to Councillor Gordon being absent as well this afternoon at two o'clock?

Mr. Chamberlist: Under the circumstances, yes.

All: Agreed.

Mr. Livesey resumes the Speaker's Chair.

Mr. Speaker: Order, please. May I draw to your attention this morning the question concerning parking meters for Councillors has been drawn to the attention of Mr. Hutton, City Manager, from the Office of Mr. Fleming, Assistant Commissioner, and also that the Economic Group will arrive by plane on Tuesday of next week and I believe the gentlemen concerned are Dr. Carr and one of his associates. May I also draw to your attention Sessional Paper No. 41 which may act as a reference to an invitation to Council to attend the Alaska Highway ceremonies. I would table at this time:

	SESSIONAL PAPER
Sessional Paper No. 38, re Public Service Regulations.	#38
Sessional Paper No. 39, Resource Administration.	#39
Sessional Paper No. 40, Physical Fitness Grant.	#40
Sessional Paper No. 41, Invitation to Council to attend 25th Anniversary of Alaska Highway Ceremonies.	#41
Sessional Paper No. 42, Question No. 11, Parking Meters.	#42
Sessional Paper No. 43, Taxation Study.	#43
Sessional Paper No. 44, re Open House at Library.	#44
Sessional Paper No. 45, re Summary Convictions Act.	#45

Are there any Reports? Introduction of Bills.

BILL #8 Moved by Councillor Taylor, seconded by Councillor Shaw,  
INTRODUCED that Bill No. 8, An Ordinance to Amend the Liquor Ordinance,  
be introduced at this time.

MOTION  
CARRIED

MOTION CARRIED

NOTICE Mr. Speaker: Are there any further introduction of Bills  
OF MOTIONS at this time? Are there any Notices of Motion or Resolution?

#19

Mr. Chamberlist: Mr. Speaker, I wish to give Notice of  
Motion re Sessional Papers Nos. 39, 42 and 45.

#20

Mr. Taylor: Mr. Speaker, I would like to give Notice of  
Motion this morning respecting Recording System, Council  
Chambers.

Mr. Speaker: Are there any further Notices of Motion or  
Resolution?

Mr. McKinnon: Mr. Speaker, I have six Notices of Motion  
this morning. I am aware of the Rule stating that only  
three Notices of Motion may be brought by any one Member  
on any day to this Council. These six Motions all concern  
Housing. I consider them all important. I consider housing  
to be critical in the Yukon at this time and I would beg  
the indulgence of this House to waive the Rules so that the  
six Motions that I have prepared may be presented to the  
House this morning.

Mr. Speaker: I know it has been the common practice of the  
House to proceed in the matter by this manner by merely  
making reference to the waiving of the Rules, but I believe  
that the more preferable practice would be to phrase the  
Motion, if it was to come from the floor, with reference  
to the suspension of Standing Orders, and I would draw to  
your attention at this time that the Standing Order in  
this reference would be our Standing Order 48 (3). Sub (3)  
reads "No Member shall have no more than three Notices of  
Motion at a time on the Order Paper". If I could draw this  
to your attention that if you phrased your Motion that  
Standing Order No. 48 be suspended for this particular case,  
I would also advise you that covered in Beauchesne, annota-  
tion 10, it says "Standing Orders may be suspended for a  
particular case without prejudice to their continued validity."  
I believe that this course would be preferable to merely making  
a statement covering waiving the Rules which, waiving the Rules,  
of course, it means waiving all Rules. I wonder if the House  
would assist me with this matter.

All: Agreed.

Mr. McKinnon: I would then move, Mr. Speaker, that Standing  
Order No. 48(3) be suspended at this time...or be suspended  
for this morning only. Would that be the proper Motion?

Mr. Speaker: With reference to this particular matter.

Mr. McKinnon: That Standing Order No. 48(3) be suspended  
for this particular matter of Housing.

Mr. Chamberlist: I second that Motion, Mr. Speaker.

Mr. Legal Adviser: Could I suggest with respect that the  
Motion.....state "Standing Order No. 48(3) be suspended  
enabling me to introduce six Motions", and then it will  
continue in effect. If you only suspend it for the intro-  
duction of the Bills, then you will be unable to operate  
tomorrow.

CH

Mr. Speaker: Would the House agree?

All: Agreed.

Mr. Speaker: I wonder if I could have that Motion now re-phrased.

Mr. McKinnon: I believe, Mr. Speaker, that the Motion should read that I would move the suspension of Standing Order 48 so that I may introduce six Motions concerning housing this morning.

Mr. Chamberlist: I will second that Motion, Mr. Speaker.

Mr. Speaker: Do I understand that all other Motions have been withdrawn?

Mr. Chamberlist and Mr. McKinnon: Understood.

Mr. Speaker: Does the House agree with the new Motion?

All: Agreed.

MOTION CARRIED

MOTION CARRIED NOTICE OF MOTIONS

Mr. McKinnon: Mr. Speaker, I would like to give Notice of Motion concerning Public Housing Authority. Mr. Speaker, I would like to give Notice of Motion concerning the implementation of Chapter 6 of the Ordinance of the Yukon Territory passed by the Yukon Council in the year 1967. I would like to give Notice of Motion concerning the availability of land in the Territorial Subdivisions. I would like to give Notice of Motion concerning C.M.H.C. policy. I would like to give Notice of Motion concerning amendment to the Low Cost Housing Ordinance.

#21  
#22  
#23  
#24  
#25

Mr. Speaker: Are there further Notices of Motion and Resolution?

Mr. McKinnon: Mr. Speaker, Mr. Clerk has just informed me that that is only five Motions. The sixth Motion is concerning Low Cost Housing Ordinance Regulations.

Mr. Speaker: Would the House agree with the addition?

All: Agreed.

Mr. Speaker: Are there any further Notices of Motion or Resolution? May we pass to Orders of the Day - Notices of Motion for the Production of Papers.

NOTICE OF MOTION FOR PRODUCTION OF PAPER #7

Mr. McKinnon: Mr. Speaker, I have a Notice of Motion for the Production of Papers concerning the transferring of Crown land in the Whitehorse area to the Territorial Government.

Mr. Speaker: Are there any further Notices of Motion for the Production of Papers? There are no Motions for the Production of Papers standing on the Order Paper. May we now proceed to Motions and No. 1, Mr. Chamberlist, Legislation Similar to the Summary Convictions Act of B.C., is in Committee. I believe the Honourable Member for Whitehorse North requested a delay on Motion No. 9. Is this correct?

Mr. McKinnon: Mr. Speaker, I am awaiting further information from the Administration before I can proceed with this Motion.

MOTION  
#15

Mr. Speaker: May we then proceed to Motion No. 15, moved by Councillor Taylor, seconded by Councillor Gordon, re Local Improvement District Ordinance. "That Council discuss in Committee of the Whole House matters related to the Local Improvement District Ordinance." Would the Member be prepared to proceed?

Mr. Taylor: Yes, Mr. Speaker. In view of the problems that no doubt all Members are aware of that have arisen at this Session in respect of the Local Improvement District Ordinance - in view of the fact that three Trustees from the only active Improvement District, being Watson Lake, will be in for meetings with the Administration on Tuesday next, I would ask that we have an opportunity to discuss all or any aspects of the Local Improvement District Ordinance in Committee of the Whole in the hopes that we may be able to resolve some of the problems that surround this particular piece of legislation and I would ask the support of this Motion for this purpose.

Mr. Speaker: I don't believe I caught the remarks of the Honourable Member. I wonder if I could have them again please.

Mr. Taylor: What remarks....my complete statement?

Mr. Speaker: You have just made, yes.

Mr. Taylor: I say, Mr. Speaker, that in view of the fact that Members are aware that the Local Improvement District Ordinance is not functioning properly and requires review and in view of the fact that the three Trustees from the only active Improvement District, that being Watson Lake, will be in town for meetings in respect of this Ordinance and the operation of that Improvement District next Tuesday, I would like to see this matter discussed in Committee of the Whole so that the entire Ordinance may be given a review and consideration in an effort to upgrade it and to resolve any of the problems that may be found with it.

Mr. Speaker: Thank you, Mr. Taylor. May I have your further directions? If I understood the significance of the Honourable Member's remarks, I believe it will require a Motion to move this question into Committee if that is his desire.

Mr. Taylor: This is the Motion that I have presented, Mr. Speaker, for the purpose of discussing in Committee of the Whole House matters related to the Local Improvement District Ordinance.

Mr. Speaker: I see. I am sorry.

MOTION #15  
CARRIED

MOTION CARRIED

Mr. Chamberlist: Mr. Speaker, with respect, the next item appears that the Motion re Sessional Papers Nos. 36 and 37 is mine but I think there is an error there. The Notice of Motion was by Councillor Taylor yesterday.

Mr. Speaker: Mr. Clerk, could you explain?

Mr. Clerk: I am sorry, Mr. Speaker. Obviously what has happened is that the mover and the seconder have just been reversed - a typographical error.

Mr. Speaker: Would the House agree to reverse the order?

All: Agreed.

Mr. Speaker: And then have Motion No. 16, moved by Mr. Taylor, seconded by Mr. Chamberlist, reference Sessional Papers No. 36 and No. 37. The text reads "I move that Sessional Papers No. 36 and No. 37 be moved into Committee for debate."

MOTION #16

MOTION CARRIED

MOTION #16  
CARRIED

Mr. Speaker: Motion No. 17, moved by Councillor Chamberlist, seconded by Mr. Dumas, and the text is "I move that this Council approve the principles of pre-grade education and that the Administration put into effect kindergarten classes wherever feasible in the Yukon Territory." Would the Member be prepared to discuss this question at this time?

Mr. Chamberlist: Yes, Mr. Speaker. In March of 1966, the Yukon Federation of Home and School Associations submitted a brief to the Yukon Territorial Council relative to the needs for a pre-grade class in the school system...pre-grade classes in the school system of the Yukon Territory. The need was shown by the demand of informed public opinion and by the various educational branches in most Provinces in Canada that it was of immediate and long range benefits to those attending a pre-grade class. A complete study of the development of kindergartens in the Provinces and its link with provincial legislations were made and the Association had considered that it was quite properly done and it had the responsibility to present reviews of those interested in pre-grade education to their elected representatives. It was felt that an assurance of future prosperity for the children of our communities was of prime importance in their upbringing. It has been recognized elsewhere that publicly supported kindergartens are always subject to local problems and conditions. We in the Yukon have a local problem and condition, especially with regard to native population. I am sure nobody will disagree when I say that those children of Indian and Metis status have much more greater needs for pre-grade education than those children that are brought up in normal surroundings. It is somewhat unhappy to find that children, native children, between the ages of five and six are unable to recognize what a pencil is for, or what a crayon is for, or what paper is for. Native children have been know to, when offered a crayon or a pencil, to place it in their mouths because they are not aware that it is for another purpose. You may ask what does a kindergarten do. To me it is quite clear that it forms a bridge between the home and the school. It helps to provide a happy, wholesome, attractive, interesting, homelike setting which introduces the child naturally to an environment of how to get on with persons of their own age. It also lays a foundation of good social behaviour and helps to meet the child's natural requirements of association with children of their own age. More so, the kindergarten builds up the child's individual potentialities, its abilities, their needs and prepares them for learning in Grade One standard classes. It is the principle of recognizing need for pre-grade education that is the basis of my Motion. The mechanics of placing the scheme into effect must come later but I ask Members of Council to recognize the principle. Professor Timothy Reid, who is a lecturer at the University of York and has lectured at other universities, has written a paper called "Education - The Key to Freedom in an Automated Society". He expresses it quite

MOTION  
#17

Mr. Chamberlist continues:  
clearly when he refers specifically to under privileged children that the purpose of kindergartens is to provide culturally deprived children with the conditions of their intellectual development and the learning to learn stimulation which is found in the most favourable home environment. He goes on to say that through such special educational efforts, thousands of culturally deprived children in this country can be brought up to satisfactory stages of readiness for the regular school learning. In a brief look at the information concerning the availability of kindergartens in Canada...is instructive. It tends to justify the reasons why Provinces across Canada have, with very few exceptions, accepted the principle of pre-grade education. In 1960, there was a report issued by the Committee on Education for the Yukon Territory and on page 66 of this report the Committee noted the present Grade One program has a specific section devoted to readiness training on the assumption that children entering school have had no kindergarten training and it goes on to say there is fairly sound evidence both in North America and in Europe that kindergartens are educationally valuable to children. This in itself I would suggest, Mr. Speaker, is a recognition by those people that formed this Education Committee, all of whom were high in educational training in various Provinces, showed that they too recognize most strongly the needs for pre-grade educational systems. I believe that we must strive to make illiteracy obsolete in our Society...obsolete in our Society and I would suggest that the recognition of making obsolete illiteracy, although one might think that I am not very literate myself when I used the word absolute instead of obsolete, is an absolute necessity for progress in the Territory. There has been a report in Alberta on early childhood education. It is called "Before Six" and it has been prepared by Walter H. Worth. In the basic discussion in the various sections of this report, again, shows the education value to children in their later years who have benefitted from obtaining pre-grade education. The ultimate benefits will be that there would be less drop-outs than now exist. The environment of children getting themselves accustomed to being with other children in itself forms better social habits and this is what we are looking for up here. It is far better to train people and spend money, if necessary, to train people in social habits before they reach Grade One than having to spend thousands of dollars on correcting their habits when they have reached the age of eighteen or twenty-one through our Correctional system and I would ask at this time, Members of Council, Mr. Speaker, support this Motion. It is the principle of the Motion that I want supported and, as I said, the mechanics of putting the plan into force must come later. As I say, I would ask, Mr. Speaker, that Council, even those that may have in the past been opposed in any way to it, I want them to consider that the responsibility of us here is to provide for the future of our children because therein lies our greatest resource and to develop that resource, much depends upon us. Again, I would ask your support on this Motion.

Mr. Dumas: Mr. Speaker, as seconder of the Motion, I naturally go along with Mr. Chamberlist entirely and wholeheartedly. I would like to discuss for a few minutes some of the theory behind education. Dr. Piaget, a world renowned international.....Psychologist, has been working in this field for the past twenty-five years. He has spent those years studying children between the ages of zero and eight years old and his papers have shown, and his belief is, that the ideal age to start education would be about four



Mr. Dumas continues:

years old rather than the arbitrary six year old that we now start with and he has proven that children as young as two years old can learn what we now...some of the things that we don't begin teaching until age six. With this in mind, and keeping also in mind the fact that most of the outside educational systems have incorporated kindergartens into their systems across this country and in Britain and in the United States they are starting to work with children at age four now. I think that the Yukon is lacking. I think that we are steps behind in education. I think this is one of the ways of making up, of trying to catch up with the rest of our country, particularly here in the Yukon where we have a dynamic society, a tremendous potential. Our children must be educated to be able to take full advantage of that potential. We cannot do it if we are educated on a second rate basis compared with those educated outside of the Territory. I ask, as has Councillor Chamberlist, for the full support of all Councillors for this Motion.

Mr. Taylor: Mr. Speaker, this sounds very reminiscent of the last election campaign. That's all I heard on my radio during the course of that. I am a little surprised that it comes as quickly as it has come and I am a little surprised that it comes as a two-barrelled Motion, giving us the same old problem that we have had. The Motion asks two things. It asks that (a) that we approve the principles of pre-grade education and I don't think there is a sole here in the Territory that doesn't approve of the principle of pre-grade education. I think that goes without saying. Then, in the second point it asks that the Administration put into effect kindergarten classes wherever feasible in the Yukon Territory. That is a horse of a different colour. Now, if we agree.... both Council and the general public alike feel that there is great benefit, which they do, in pre-grade education, prior to putting into effect this pre-grade education, we must consider the financial considerations involved in this and at this point in time, things tend to bog down somewhat. I heard one statement by the Honourable Member from Whitehorse East that it was informed public opinion that created the document that he speaks of, the submission of the Home and School Association. Believe me, I went through all of this... the signatures, many of which...well, I won't go into that.... but, we went through the finances of this affair. We considered it at great length with the Director of Education, with the people involved, and we came to the conclusion that it would be nice to have this, it was desirable to have it but we couldn't afford it. It has been stated here that the number one consideration should be the native children and this is a fact, but this is a matter that Members of this Council have already discussed with the Department of Education and all Members at this table know that the Department of Education are coming up with some...have been working very hard on this. They have given us a briefing with respect of a tentative program on kindergartens which I would certainly want to see before I lend any support to this Motion. I think it is premature - again, as was, I thought, the Justice Motion, more particularly in this case because the Department of Education are already working on the thing and I won't jump over that. No. 2 is that in terms of costs...just to give you some idea of what this is going to cost the people of the Yukon Territory...a study was made....for Whitehorse alone, six classrooms, the costs of operation and maintenance will be \$111,270.00 in the years 1967-68....is programmed for, and this was programmed in 1964, rising in five years to 1971-72

MOTION  
#17

Mr. Taylor continues:  
to an operation and maintenance cost on six classrooms, increasing the school part of the class population from 491 students to 600 students to \$147,582.00. In five years that cost would be \$647,603.00. This does not include the capital cost of the construction of the classrooms at \$71,000.00 a classroom...times six...gives us an additional \$426,000.00. This is fact, gentlemen. It's nice to have kindergartens but let's also take a look at what they are going to cost. I have neglected to calculate \$10,000.00 a classroom for outfitting so there's another \$60,000.00 and if we are going to have six classrooms in Whitehorse and if we are going to have a kindergarten system in the Yukon, we are going to have a kindergarten in Dawson. We're going to have another one in Watson Lake, maybe two. We are going to have another one in Teslin. We're going to have one in 1016 and Carmacks and if we talk six in Whitehorse, we are certainly going to talk at least six in the outlying districts so we might as well start doubling figures right now and already we are up to...by the time we multiply and double these figures, we are up to \$3,210,890.00. That makes a good start. We haven't considered the 20% increased cost of construction from 1964 to 1968...would be the construction year. We haven't added a \$1,000.00 per month per bus for bussing the students. In other words, in short, gentlemen, we are looking at four million dollars over five years and the facts are there. Now, when we went to Ottawa last fall, Ottawa said, "Now, look. In those next five years, we want you to drum up \$6,000,000.00 for us. We want you to tax your people. We want you to do exactly as we tell you because this is the way it is going to be." We said, "Uh, Uh!", and we sat down and we negotiated on the strength of this \$6,000,000.00 request for the people of the Yukon Territory and we said, "All right. We feel that you should cost share in the Corrections Program. We feel that you have financial responsibility for Justice.", and so it went until we whittled this thing down to where it stood when we sat here in Council last spring. Then, Ottawa said, "Well, naughty, naughty, naughty. You naughty people didn't do what we told you to do and consequently we are going to punish you so we are going to cut back and we're not going to share in your Corrections Program and we are going to cut off your street maintenance, you naughty people because you are going to submit to our demands in Ottawa. You didn't raise those monies. You refused to tax your people. Tough beans, Yukon, suffer." Now, in light of this...in light of this...are we then going to impose another \$4,000,000.00 over five years on the people of the Yukon when we can't even pay and look after the six that they are demanding of us and cannot justify? In other words, Mr. Speaker, it boils down to this. If we have got the money, we can do the job and, frankly, we do not have the money. We are constantly reminded by the Administration that there are no funds available for this.. there are no funds available for that. In short, we can't afford one classroom...one kindergarten classroom in my opinion at this point in time. Whether we want it or not doesn't matter. We don't have the money. Now, in relation to the kindergarten system, a good approach and one that has got to be done, is going to have to be done by the Department of Indian Affairs. I am told that they are the richest Department in Government. I don't know if they are quite as bureaucratic as Northern Affairs but they are certainly richer. It is beholden upon the Department of Indian Affairs to go into the villages to set up kindergartens at Federal Government expense, to set up the capital facility

Mr. Taylor continues:

and to pay the operation and maintenance costs of these kindergartens for these native children and I won't reiterate what Dr. Shields has told us but the Honourable Member from Whitehorse East has brought some of it up. We are all aware of this, and putting it under the supervision..... academic supervision if you wish to call it or curriculum supervision...of the Territorial Department of Education and that is number one step in the right direction. In other words, let's upgrade the native children to the status of what we term our white children before we start taking our white children farther ahead beyond our native children... but try and make some sort of a balance and I believe that was the philosophy that Dr. Shields was trying to express to Council. No. 1, let's bring our children into balance and then let's go ahead and then let's go ahead with a program and maybe and possibly in time, we'll be able to proceed on this basis. No, as I said before, Mr. Speaker, and I have said it continuously throughout any debate and all debate and election when asked about this matter, I am all for kindergartens but only when we can afford to pay for those kindergartens and I think that Dr. Shields at this point in time is working up a pretty good program and this is based on the remarks he made to us at our briefing session prior to this Session. Therefore, I cannot approve on these grounds and these are responsible grounds. These are facts and figures. I cannot approve the second part of this Motion "that the Administration put into effect kindergarten classes wherever feasible in the Yukon Territory". I can't agree on that until I have had the assurance that the funds indeed are available....the \$4,000,000.00 over five years. Maybe it will be more now. I don't know. It certainly won't be any less. When I see these funds, then I might agree to the second part of the Motion. I certainly agree with the first part of it but I would have to vote contrary to the Motion because if I voted in favour of the Motion, I would be pulling a very irresponsible act.

Mr. Speaker: Thank you, Mr. Taylor. Is there any further discussion?

Mr. Shaw: Mr. Speaker, I also was very much involved in this what we might call at this time kindergarten project. The Honourable Member from Watson Lake has very clearly illustrated the problems which were before Council in relation to finances. Very much so. I, likewise, have nothing against a system of kindergartens in the Yukon. I, likewise, must be responsible when it comes to trying to find money on how to pay for these things. Last year when we brought up a program of providing funds to university students, I felt that a matter such as this positively had to be found to allow our students to continue first in University. Now, in the first instance, this program which was instituted was instituted for to establish kindergartens in Whitehorse. There was no mention whatsoever of kindergartens in other areas of the Yukon. That in itself was wrong. However, in spite of all this, my feelings, Mr. Speaker, are that it has got to the time when it is essential that these native children have pre-school education. I feel, when this program came up to establish these kindergartens in Whitehorse, with my thoughts being of the necessity of educating these Indian children in this particular phase of education, that this left out most of these people. You have Indian bands scattered all over this Territory but the program was not for these people. This petition that was presented before

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Mr. Shaw continues:  
Council was not signed that I recognized by any Indian people and, in fact, some of the people in Whitehorse... some of the names on this petition...if you scrutinize it clearly, you will find that some of the names are on twice. The people that absolutely and positively require this pre-school education are these native children and, Mr. Speaker, I feel that this is definitely a responsibility of the Indian Affairs Department to see that they get this education and finance this education rather than come to the people of the Yukon Territory to foot all of this bill. This is their responsibility without any question of doubt because these are the people that require this in a vital manner. They must have it. I was one of those bad people, according to quite a lot that I hear, that turned down a matter of educating the children of the Yukon Territory. That was not so. It is exactly the same as what Councillor Taylor has pointed out - where is the cabbage coming from to pay for all of this? We didn't have it. We haven't got enough right now in our existing Budget which we had. We haven't enough money or the funds available to pay our current expenses. This has been chopped off. That has been chopped off because we haven't got the money. Had we have had another program, where would that have come from? What else would we have chopped off? How could we have implemented the program? There are many, many things that are essential in the Territory and we have to put priorities, regardless of how desirable something may be, from the amount of funds that we have available. Now, I would feel that I would require to vote against this Motion, Mr. Speaker. I feel that the Motion is premature because in the first place we have to consider where the money is coming from to pay for this. Now, if the Administration can provide or show where the money can come from to pay for this under a program such as required, I might have second thoughts, but my first thought, Mr. Speaker, is that the Indian Affairs Department should start out immediately, regardless of what else is going on, to form this kindergarten class for the native children. As far as I can establish, as I have stated before, it is not the Indian people themselves who are crying for this because I haven't seen any evidence of it although they are the people that need it. They are the people that should have it and if this was a Motion in front of me that we start with the native children, I would go for it 100%, wherever we get the money from...whether we get it from the Indian Affairs or whether we get it...whatever department...because it is essential, I feel, that that is where the pre-training should come in but it should not just come in in Whitehorse. It should come in in every village and Indian community in the Territory, and I think that once we can get something like that established, then we can look around and see where we can find funds to provide that elsewhere but that, Mr. Speaker, to me is the prior move and if this were for that particular class of people who need it so badly, I could not refuse it.. wherever the money was coming from...if we had to cut out the Department of Highways or something else but this is so all encompassing...it takes a great deal of money and as far as I am concerned, it does not provide...does not specify the actual need for where this should come.

Mr. Speaker: Thank you, Mr. Shaw. Mr. McKinnon.

Mr. McKinnon: Mr. Speaker, I would like to preface my remarks by saying that I am absolutely in favour of this Motion. I am aware of the studies that both Mr. Chamberlist and Mr. Dumas have quoted from and it is a fact that educators admit that pre-grade education is advantageous to the child. I think both the Honourable Member from Watson Lake and the Honourable Member from Dawson have missed the fact that this Motion cannot be put into effect unless it is feasible. Certainly feasibility would include the economic feasibility of instituting this kindergarten program in the Yukon. If it were not feasible, then the Administration would have to tell this Council that it was not, and even if they agreed in principle with the program, that it could not be put into effect in the Yukon at this time. I was originally a member of the Skookum Jim operating committee when the Skookum Jim Hall was built. I feel that the best program that we as an operating committee ever instituted in this Hall was the kindergarten program. This was on a voluntary basis where professional educators who were married and not following their profession would take time out from their schedule to help with the kindergarten classes at the Skookum Jim Hall. The Honourable Member from Dawson has stated that he does not know of any demand from the native people for this type of program. I will assure him that during the past election that I held public meetings at the Guadalupe Mission down in the village area of Whitehorse and this was the No. 1 priority on the minds of the native people in this area. They were of the opinion that they would like a kindergarten in the village area rather than at the Skookum Jim Hall which provided so many transportation problems for them to get their children to these kindergarten classes. They felt that it should be an integrated type of kindergarten where the children from that whole area, the Marwell area, and the native people from the village would have a kindergarten in the village area. I told these people that I was not going to promise them anything and that I refused to play them as pawns for election purposes and that if the Department of Indian Affairs was unwilling to accept their responsibilities and make funds available for kindergartens in that area, even though I recognized this was the Indian Affairs responsibility, I would do everything in my power to see funds available so that the No. 1 priority in kindergarten would be the setup of some sort of kindergarten under the Department of Education of the Yukon Territorial Government in the village area in Whitehorse. I think that it would be very nice if kindergartens could be instituted in the whole of the Territorial educational setup, however, I believe that priority should be paid in the fields where the native children are concerned and I feel that there is a crying need for such a setup right here in Whitehorse in the village area and I can't support this Motion too strongly. I think that the two parts of it...I agree with them. I agree with the principle of pre-grade education and I believe that the idea that if this is economically feasible in any areas of the Yukon that it should be established but I would like to see it even go further that if it were economically feasible to set up kindergartens in the whole of the Yukon educational system that definite priority be given to the type of setup that I have mentioned.

Mr. Speaker: I wonder if I could inquire of the House if it is their desire to have a short recess at this time.

All: Agreed.

Mr. Speaker: At this time the House stands adjourned for ten minutes.

AA

MOTION NO.  
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Mr. Speaker: I will now bring Council to order and the House was in debate over Motion No. 17. May we proceed.

Mr. Chamberlist: Mr. Speaker, as mover of the Motion I have the opportunity to close the debate. First thing, Mr. Speaker, Councillor Taylor has on two occasions now suggested that my motions are premature. Now, I am somewhat concerned as to whether my birth is now premature. It appears to me that a Motion that asks for an acknowledgment of principle cannot be premature. That is all this Motion does, Mr. Speaker. It is asking in effect that the principle of pre-grade education be approved and that the Administration will put into effect after approval, kindergarten classes wherever feasible. I don't need to extend any further on the remarks made by the Honourable Member from Whitehorse North. I think he has made it quite clear as to what feasibility in this instance is. And I have said earlier I am not concerned about the mechanics of putting the plan into operation. I do however, take objection to Councillor Taylor, the Honourable Member from Watson Lake, suggesting that the figures that he gave as cost figures for the introduction of a kindergarten plan are facts. They are only facts to the effect that they are written down, that they are not facts in effect. I think that they are fictitious figures and used for the purpose of defeating the idea originally. These figures were not the figures of those people who wanted to bring this into effect. When this brief that I referred to earlier, Mr. Speaker, from the Yukon Federal Home and School Association, it was suggested that the names that were attached to them were not those of informed people. At this time Mr. Speaker I would like to read into the record the members of the Committee on Kindergarten: Mrs. M.E. Alford as Chairman, who has done much work in the Yukon Home and School Association and Federation; Mrs. O. Couch, Mrs. P. Lebarge, Mr. John Taggart, a Judge of the Juvenile Court in the Yukon Territory and the fifth member of that Committee, Mr. Speaker, was myself. I feel that I am an informed person. Also, those who helped in assembling the details for the brief were Mr. H. Thompson, the former Superintendent of Schools, Mr. W.J. Barton, Director of Elementary Instruction, formerly of here, Mr. A. Fry, the former Superintendent of the Yukon Indian Agency, Sister Smith, the Upper Liard Kindergarten and I am sure that Councillor Taylor, member for Watson Lake where the Upper Liard Kindergarten is situated, agrees that the work that was done there in that Kindergarten certainly helped greatly in bringing out the backwardness of some of those young children and I understand that this Kindergarten is still continuing under the guidance of somebody else. Mrs. McKay from the Skookum Jim Kindergarten, Miss Ruth Gilewich, formerly Grade One teacher at Whitehorse Elementary, Mrs. D. Carswell, Kindergarten teacher at Whitehorse, the University Women's Club of Whitehorse and the Takhini Kindergarten Board. Mr. Speaker, you will note that the suggestion that the people connected with the submission of the brief were uninformed is a suggestion that cannot be accepted. Reference has been made to the cost of kindergarten although I submit, Mr. Speaker, that this should not be taken into consideration because of the way the Motion is made, specifically the objection that has been shown to the second section of the Motion, those two words "wherever feasible" take in quite a large area of suggestion for the administration to work on before putting plans into effect. The brief submitted made these references to cost, and I will say at this time when Councillor Taylor suggested that we have to

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find the money for capital expenditure, it is so wrong and I am sure Councillor Taylor, with his experience in this Council knows that any constructions costs, capital costs are repaid by the Federal Government if those capital costs were needed so that the suggestion made that we would have to find those capital costs; respectfully I submit, is an error and I trust that Councillors will forgive Councillor Taylor for the error he has made in this regard, but to come back to the cost of the operation, these were the remarks that were made in the brief, Mr. Speaker "we do not consider it necessary or even desirable that the establishment of an integrated kindergarten systems should entail the immediate new construction to house kindergarten classes". Now this is the first point; nobody has suggested that we go into capital cost construction. The alternative approach, the renting of suitable accommodation in the initial stages has much to commend it. Secondly, a trial run over a significant period, in rented accommodation may well prove of material assistance in the planning of permanent classrooms eventually constructed". So that, in that particular paragraph alone of this brief it clearly lays out that the suggestions that have been made with reference to kindergarten are not for enormity of expense; even if they were to have been paid by the Territorial Government, which I repeat they do not have to be paid by the Territorial Government. And the brief went on to say this: "It is vizualized that the permanent kindergarten classes would not form a separate program of construction but would be integrated in the normal expansion of existing school facilities; that the plan of construction of new schools, or of additions to new schools would include provision of a kindergarten class suited to the requirements of a particular area. Now this dealt with new construction afterwards. It was in this view that the capital costs involved in the initiation of an integrated kindergarten system would in the main consist of the cost of classroom furniture and equipment which the Territorial Government would, of course, have to find finance for. And I may be incorrect but if I recall there is a way where a portion of that amount of money dealing with the fittings and fixtures of buildings for education purposes may be recovered from the Federal Government. The suggestion that we could find the cost of operating kindergartens from other legislatures have not been referred to previously by Council. It had been overlooked. Nor had the Administration prepared a structure of pricing showing the costs in other areas to those prices and amounts that were submitted to Council here previously. And it said that there are reasons why a program should be followed up irrelevant of the fact that there are some immediate costs which would have to be taken care of. But again, I do not wish to go into the details of a normal housekeeping and mechanics of an integrated kindergarten system because I want members to appreciate that the Motion before you is not, Mr. Speaker, I repeat, is not dealing with what monies are required now, how much are we going to spend on it, will we have the facilities available, because I have put that clearly, I submit, wherever feasible. It has already been indicated by those who have favoured the Motion and those that are partially opposed to the Motion that they approve of the principle of pre-grade education. And I would address my remarks at this time to both Councillor Taylor and Councillor Shaw and ask you to bend not backwards but forwards in a forward thinking manner and forward to look at the Motion itself and take note,



and please underline if necessary, those two words, "wherever feasible" and take into it the meaning that it is intended to give you. You will find that the meaning that is there falls in with your own principles of which you have both spoken. Now I would therefore ask you to support the Motion so that we can say to the people of the Territory "we are prepared to accept the principle of pre-grade education and we are prepared to put it in wherever feasible, and that means whenever feasible". Thank you Mr. Speaker.

Mr. Speaker: Thank you Councillor Chamberlist. Is the House prepared for the question on the Motion? Are we agreed?

Mr. Taylor: Contrary.

Mr. Speaker: Those opposed? Are there any opposed? It would appear, gentlemen, that the House is divided. Would the House like this decision made on the division?

Mr. Taylor: Division.

Mr. Speaker: I wonder Mr. Clerk if you would call the members commencing with Member from Whitehorse North in order and ask them to rise for or against the Motion.

Mr. Clerk: The Member from Whitehorse North.

Mr. McKinnon: Yea.

Mr. Clerk: The Member from Whitehorse East.

Mr. Chamberlist: Yes.

Mr. Clerk: The member from Dawson City.

Mr. Shaw: Nay.

Mr. Clerk: The Member from Watson Lake.

Mr. Taylor: Nay.

Mr. Clerk: The member from Mayo.

Mrs. Gordon: Nay.

Mr. Clerk: And the member from Whitehorse West.

Mr. Dumas: Yea.

Mr. Clerk: The House is divided evenly; three agree and three disagree.

Mr. Speaker: I believe, gentlemen, that this calls for a casting vote by the Speaker and I will read you part of annotation 75 of Beauchesne's Rules: "When he has to give a casting vote, the Speaker is at liberty to vote like any other member, according to his conscience, without assigning a reason; but in order to avoid the least imputation upon his partiality, it is usual for him, when practicable, to vote in such manner as not to make the decision of the House final, and to explain his reasons which are entered in the Journal. He votes in such a manner as to leave the House another opportunity of deciding the question." Following this line of reasoning, gentlemen, and due to the fact that I see we have such a close division and that the House has

*Handwritten:*  
Kindergarten -  
defeated on a  
revision to Speaker's  
costs note.

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really not made any particular decision with regard to this question and that the question is divided, had the Motion stopped at the question of principle, I would have been inclined to agree with it but as it has continued to kindergarten classes wherever feasible in the Yukon Territory, and in view of the financial status of the Territory at the moment and the particular difficulty I feel that we are in, and further in view of the fact I believe that at the next Session we may be in a better position to decide the qualities of what we may have before us, I would vote against the Motion. I will declare that the Motion is not carried.

MOTION #17  
DEFEATED

MOTION DEFEATED

MOTION  
NO. 18.

Mr. Speaker: May we proceed to Motion No. 18, order please! Moved by Councillor Chamberlist, seconded by Councillor Dumas. I move that the Carcross Cemetery be declared an Historical Site and that the Administration take steps to clean up and fence the said cemetery. Is the Member prepared to discuss this question at this moment.

*Handwritten:*  
Carcross  
Cemetery.

Mr. Chamberlist: Yes, Mr. Speaker. Mr. Speaker you will note that this is another double-barrelled motion. I wonder if this is premature of my death. Mr. Speaker, it is my understanding that the Territorial Government has now taken over the responsibility of taking care of cemeteries within the Territory. In the Carcross cemetery there lie at rest some of those who have helped to make the history of the Yukon. Amongst them Bishop of Bompos, Kate Carmacks, Patsy Henderson, Charlie Dawson and lately the late Thomas Brooks who may well be known in the future as the second bard of the Yukon. The cemetery in Carcross is now in a somewhat dilapidated condition and the need for cleaning up that cemetery and showing some respect for the memory of those who helped towards making the Yukon the place it is today - should be brought up into a clean, respectable standard. We also have now a Yukon Historical Board and I feel that it is, as Carcross is more or less the gateway to the part of southern Yukon where the Klondike Highway commences, I feel, Mr. Speaker, that the site itself, that the cemetery site itself, should be declared an historical site and I feel that the Administration should recognize its responsibility to follow up the recommendations of the Council relative to the cleaning up of cemeteries and bringing the history of the Territory into such a position where it will never, ever be forgotten and it should seek the necessary steps to declare the Carcross cemetery an historical site. Thank you.

Mr. Dumas: Mr. Speaker, as seconder of the Motion; I have lived at Carcross and have a summer place there. I have visited the cemetery on many occasions and it is always of interest to visitors to Carcross. One of the things they want to visit; one of the places they want to see is the cemetery where Bishop Bompos and these others whom Councillor Chamberlist has named lie at rest. Now, in anticipation and possible arguments against this Motion, I suggest the cleaning up and fencing of this cemetery is going to involve minimal costs and further than that it is a matter of publicity for the National Historic Sites for the people who do visit Carcross and there are more and more every year, will be able to find this cemetery and it will be an attraction to tourists and any visitors from other parts of the Yukon.

CA

Mr. Speaker: Before we move any further on the Motion MOTION NO.  
I have more or less been attempting to debate the question 18.  
here with regard to the order of this question and I believe  
it would be- I think the Motion would be in a much better  
position if the House decided to insert "in the opinion of"  
I believe this Motion then would be in far better order  
than it appears at present.

Mr. Speaker: Mr. Taylor.

Mr. Taylor: Yes, Mr. Speaker, I was going to do that. I  
did want to prefix my remarks in discussing this Motion by  
stating that I come to the aid of the Honourable Member from  
Whitehorse East. I think that the Motion is very sound.  
It is indeed two-barrelled and I agree with both barrels.  
I might say that the history of the Yukon is one that is  
shared by all people of the Yukon ...

Mr. Speaker: Order, I don't believe the Honourable Member  
possibly heard my remarks with regard to the order of the  
Motion. It would appear to be out of order at the moment.

Mr. Taylor: It is my intention to propose an amendment to  
the Motion.

Mr. Speaker: Well, before we proceed with it I wonder if we  
could bring the Motion into order and then proceed. Does the  
House agree?

All: Agreed.

Mr. Taylor: Well, Mr. Speaker, I would move an amendment  
to Motion No. 18 which would include the words "in the  
opinion of Council" between the words "that" and "the" in  
line one.

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

Mr. Speaker: May I have a copy of the amendment to Motion  
No. 18? And the Mover of the Motion.

Mr. Taylor: Myself.

Mr. Speaker: And the seconder?

Mr. Shaw: Myself, Mr. Speaker.

Mr. Speaker: Moved by the Honourable Member for Watson  
Lake, seconded by the Honourable Member for Dawson that  
an amendment be made to Motion No. 18 and that after the  
word "that" the words be inserted "in the opinion of Council".  
Is the House prepared for the question? - the Motion on the  
Amendment? Are we agreed? I will declare the Motion carried.

Motion carried.

MOTION  
CARRIED

Mr. Taylor: Mr. Speaker, I won't speak long on this. I just  
want to say that the history of the Yukon is the property, one  
might call it-I suppose there are probably better words, of  
all the people of the Yukon and indeed we owe it to all of the  
people of Canada to hold these historic facts and physical  
things in trust for Canada and we further, of course, owe it  
to ourselves to ensure that these are kept in good condition  
and certainly the Carcross Cemetery is one very important  
part of that history as has been pointed out by the Member  
from Whitehorse East and I more than wholeheartedly do  
support this Motion.

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Mr. Speaker: Mrs. Gordon.

Mrs. Gordon: In relation to this Motion. I would like to direct a question to Commissioner Smith. I would ask Commissioner Smith if the cemeteries throughout the Yukon are now administered by the Yukon Territorial Government?

Commissioner Smith: Mr. Speaker, it is not true to say that all cemeteries throughout the Yukon are administered by the Territorial Government. It would be true to say that we are endeavouring to bring all the cemeteries in the Yukon that are beyond the municipal limits within our jurisdiction and also those within municipal limits where there is no apparent organization or body who is giving effective care to these cemeteries and I would refer particularly to cemeteries that may well be within the municipal area of Whitehorse and the municipal area of Dawson; these are in this category and I think Mr. Clerk could get my memory straight on this but I believe it was at the last Session of Council we tabled a paper that indicated the background to this and then there was an Ordinance which specifically gives us this authority.

Mr. Speaker: Thank you Mr. Commissioner. Mrs. Gordon.

Mrs. Gordon: I am not familiar with the Ordinance which we passed but what I would like to know from Commissioner Smith is if at this time the Administration are working on a plan on each of these cemeteries and if this is going to be held in the area.....where people coming in from outlying areas who have relatives buried in the cemeteries there will be something for them to refer to in order to find where these grave sites lie.

Mr. Chamberlist: Mr. Speaker, a point of order. With respect Mr. Speaker, this is not a question period. The Motion in itself is in discussion. I don't think it is proper for a Councillor to be asking questions at this time.

Mr. Speaker: I see no point of order, gentlemen. I do agree that we do have a specific question period and there is of course - it could arise that there may be some differences in thinking on this point but if a member is in a position where they are in doubt I think that under the circumstances, in our peculiar position on the floor at this moment that perhaps it would be permissible for any Member to ask a question of Mr. Commissioner if he so decides to give an answer.

Mr. Speaker: Mr. Commissioner.

Mr. Commissioner: I would say that the question asked and the content of it would be a very highly desirable state of affairs to have brought about but I wouldn't like to mislead Council that this is going to be either a possibility or that it would be in fact even worthwhile attempting in many instances. I think we get into the area of practicality here where there are some cemeteries where a certain amount of record keeping has been maintained and it would certainly be our hope that we can bring this as up-to-date as we could but it must be remembered that there are many other cemeteries in the Territory where I am told that literally speaking, no written records exist. There is a certain amount of information available on headstones and things of

Mr. Commissioner continues..  
this nature which the intent would be to try and preserve  
these things but it would be in many instances not a  
possibility to bring this situation about, Mr. Speaker.

Mr. Speaker: Thank you Mr. Commissioner. The Honourable  
Member from Dawson.

Mr. Shaw: Mr. Speaker, I would be glad to waive the floor  
at present to the Honourable Member from Mayo as she wishes  
to continue.

Mrs. Gordon: Another question arising out of Commissioner  
Smith's reply in relation to this Motion and the cemeteries  
generally in the Territory, where it is feasible, am I right  
in assuming that the Administration will make these records  
available? That they will be held in those areas where it is  
possible to create a .... is that the intention of  
Administration?

Mr. Commissioner: There is no reason why this will not  
be done ultimately but I do not want to mislead Council,  
Mr. Speaker. This is something that is going to take  
time and is going to be part of a continuing program not  
only of those things which specifically refer hereto as  
cemeteries, but likewise to other areas which come more in  
the category of Territorial historic sites and we have many  
isolated situations in the Territory where you may say that  
both things come into effect; in other words there is say  
maybe one or two graves which are of historic importance  
which you can hardly call cemeteries, Mr. Speaker. So that  
all these things have to be taken into consideration but we  
are definitely hopeful of doing something about it. Mr.  
Speaker, may I have the privilege of speaking concerning  
the Carcross cemetery while I am on my feet?

Mr. Speaker: Yes, I believe that would be in order as we  
are discussing this question at this time.

Mr. Commissioner: There is, at the present time, as either  
a community or centennial project; I imagine that Councillor  
Chamberlist would know which one it was, organized in the  
Carcross area by the citizens themselves to do some particular  
work on a grave in the Carcross cemetery - Kate Carmacks  
grave I believe is the one which is being attended to, and  
the man who is in charge is the Principal at the Residential  
School in Carcross has headed up a committee, and under our  
matching grant scheme we have made some funds available to  
the Community in connection with this one particular grave  
which the community itself has made an effort to get in line.  
So I just want to bring this to the Councillors' attention.

Mr. Speaker: Thank you Mr. Commissioner. Member from  
Dawson.

Mr. Shaw: Mr. Speaker, being intimately connected with many  
of the historic aspects of the Yukon, I would certainly agree  
with all three barrels of this Motion. A Motion of this  
type should have been implemented I think many, many years  
ago. I note that the feelings of the Yukon now are getting  
more to the value of our history. It is short but it is  
extremely colourful. In the Forty Mile area there is a  
cemetery started, I think, in 1894. That was before Carcross,  
Dawson, Klondike or anything else was considered so that it  
is just about time I think we did recognize these things  
are gradually disappearing and we must make every effort to  
go ahead and rehabilitate them. This movement of the Historic  
Site Board of the Yukon Territory, I think, this program is  
something from my view point, is a great move in this direction.

MOTION NO.

18.

Mr. Shaw continues...

In relation to this particular Motion we have very good opportunity with places such as this to have the Correctional Institute program, or what you may call it, take matters like this under their wing and proceed with the restoration of these places. When this program first came up that is what many Councillors felt would be part of the objective of this program so, I must support this 100% and I would like to see it implemented as soon as possible.

Mr. Speaker: Mr. Chamberlist.

Mr. Chamberlist: Mr. Speaker, I would like to thank those who spoke in support of this and I would ask for the question to be called.

Mr. Speaker: Is the House prepared for the question on the Motion? Are we agreed? I will declare the Motion carried.

MOTION #18  
CARRIED

MOTION CARRIED

Mr. Speaker: May I have your further pleasure?

Mr. Taylor: Mr. Speaker, I would move that we call it twelve o'clock.

Mr. Shaw: I will second the Motion Mr. Speaker.

Mr. Speaker: Before calling the question and before I arise, I would like to thank the House for their agreement to my request this morning for leave of absence this afternoon. Is the House prepared for the question for recess? Are we agreed? I declare the Motion carried. The House stands in recess until 2 P.M. this afternoon.

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2:00 o'clock p.m.

Councillor Livesey and Councillor Gordon were absent.

Mr. Chairman: I will now call Council back to order. The next item of business under Orders of the Day is the question period. Will you proceed.

Mr. Chamberlist: Mr. Speaker, a question addressed to the Commissioner, and a written answer is requested, "What is the Administration's policy when purchasing equipment or supplies for the use of the Territorial Government?"

QUESTION  
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Mr. Speaker: Are there any further questions? There being no further questions, gentlemen, we will now proceed to Public Bills and Orders. What is your pleasure here?

Mr. Commissioner: Mr. Speaker, just before you pass onto the next item, could I ask if it would be in order that I would give a verbal progress report on two questions that were asked of me yesterday by Councillor Chamberlist, I believe, or possibly yourself, in connection with the pole line right-of-way?

Mr. Speaker: Would Council agree?

All: Agreed.

Mr. Speaker: You may proceed, Mr. Commissioner.

Mr. Commissioner: Mr. Speaker, I have made a telephone representation to Mr. Humphrey, the Chairman of the Northern Canada Power Commission, in connection with the request made of me yesterday to do this, for him to give consideration to letting the contract for this pole line right-of-way clearing in such a manner that local contractors here in the Territory would have an opportunity. I explained to him Council's request in this matter was that he might consider this so that the contract might not be called all in one 200 mile piece but might be conceivably be divided up. This will be followed up by a letter, but I wanted Council to know that these representations have been made. And I would confirm...yesterday, I think the question, whether or not the contract had already been called...I can confirm that the contract has not been called at this time. Now, the second part of the question, or supplementary to it, was a question, if the use of local labour would be encouraged on this particular job, and I was informed by Mr. Humphrey that a standard item in the details of the contract instructs or requires the successful bidder to use local help whenever it is available and use, if possible, is to be made of it. I would say that I will be following these matters up with letters to Mr. Humphrey.

Mr. Speaker: Thank you, Mr. Commissioner. Are there any further questions? We will therefore proceed, gentlemen, at this time with Public Bills and Orders.

Mr. Commissioner: May I be excused?

Mr. Speaker: Yes.

Mr. Commissioner leaves the Council Chambers.

Mr. Speaker: What is your pleasure under Public Bills and Orders?

**FIRST** Moved by Councillor Shaw, seconded by Councillor Dumas, that Bill  
**READING** No. 7, An Ordinance to Adopt a Flag for the Yukon Territory, be  
**BILL #7** given First Reading at this time.  
**MOTION**  
**CARRIED** MOTION CARRIED

**SECOND** Moved by Councillor Shaw, seconded by Councillor Dumas, that Bill  
**READING** No. 7, An Ordinance to Adopt a Flag for the Yukon Territory, be  
**BILL #7** given Second Reading at this time.  
**MOTION**  
**CARRIED** MOTION CARRIED

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

Mr. Shaw: Mr. Speaker, I would move that the Speaker do now leave the Chair and that Council resolve itself in the Committee of the Whole to discuss Sessional Papers and Bills.

Mr. Chamberlist: I will second that motion, Mr. Speaker.

Mr. Speaker: It has been regularly moved and seconded that Mr. Speaker do now leave the Chair for the purpose of discussing Bills and Sessional Papers. Are you prepared for the question? Are you agreed?

All: Agreed.

**MOTION** MOTION CARRIED  
**CARRIED**

Mr. Speaker: Deputy Chairman, Mr. Chamberlist, will take the Chair in Committee of the Whole.

Mr. Chamberlist: Thank you. I will call a recess at this time.

RECESS

Mr. Chairman: I will now call Committee to order. I will allow the Chairman to retake the Chair.

Councillor Taylor takes the Chairman's Chair.

**SESSIONAL** Mr. Chairman: Thank you. The next order of **Sessional Papers,**  
**PAPER #28** gentlemen; before you for your consideration is Sessional Paper #28, A Report on Yukon Tourist Season - 1967.

Mr. Chamberlist: Mr. Chairman, some of the supposed facts enclosed in this Sessional Paper are not facts. The information I have from one source is that the traffic to the Yukon was a lot less than the traffic in previous years. This report refers to the Yukon tourist season of 1967 as being larger than 1966. July, 1967 was 4% larger than July, 1966. This is what I read in the second paragraph. Although there was some significant loss due to the Expo in the east and the Fairbanks flood, the paper itself, in my opinion, does not give a true picture of the state of the tourist business in the Territory as it was during last year, and I would suggest that reports be made up to show the truth of this situation and not in a manner to strengthen the reason why the Tourist Department should receive more money in the future.

Mr. McKinnon: Mr. Chairman, I think the only proper thing for this Committee to do when a question comes in a Sessional Paper with the signature of the Commissioner on it, probably acting for the Director of Travel and Publicity, I think it only fair if this Committee is going to make allegations or does suspect things in the Paper



Mr. McKinnon continued:  
that don't meet with their approval, it is only fair and proper that either the Commissioner or the department head involved be before this Committee to answer such allegations. This is a stand that I have always taken in Committee and one that I will continue to take.

Mr. Chairman: This is quite correct.

Mr. Dumas: Mr. Chairman, would a motion be necessary to request the head of this department? Possibly we could get him up here now.

Mr. Chairman: It is quite in order, gentlemen, to request the services of a witness without necessarily having a motion. You need only the agreement of the majority of Committee in this regard.

Mr. Shaw: Mr. Chairman, could it be noted on your remarks, if it is agreeable to this Committee, that arrangements be set up with the Administration to have either the Commissioner or the Director of Publicity answer the questions that have been asked?

Mr. Chairman: Yes. Would you like me to, on your behalf, give directions to the Clerk to determine whether he can be here following tea?

Mr. Chamberlist: Mr. Chairman, I see no objection to having this Sessional Paper set aside until some time next week perhaps, if this could be agreed, because the Travel office is over on the other side of the river and it would take him some time...perhaps he has ...he might be elsewhere as well today. I don't know. I think it would be too short notice. I agree with Councillor McKinnon that perhaps I am in error for making allegations without the person to whom I make reference to being here to answer them.

Mr. Chairman: Thank you. Councillor Dumas.

Mr. Dumas: Mr. Chairman, just one point. The Honourable Member from Whitehorse East, possibly inadvertently, suggested that the Paper states that the tourist season this year was greater than last year. In fact, in the first paragraph it states that it was 5% less for the whole season. It was just greater for that one month of July. It's a small point, but I thought I'd make it anyway.

Mr. Chairman: Gentlemen, I also draw to your attention that when we consider the supplementary estimates of each of the departments, it is possible to have the department heads here at that time in those discussions as well to answer a broad variety of questions relating to the work of the department.

Mr. Chamberlist: In view of that, Mr. Chairman, with respect, I suggest that we leave this Sessional Paper as there's no point in having him here twice. We can bring these points forward to him during the time you have mentioned.

Mr. Chairman: I will so note on my agenda. We will proceed now to Sessional Paper #31. I believe we will have to leave #31. This is a question raised by Councillor Gordon who is not with us at the moment. Would you agree to proceed to Sessional Paper #32 at this time?

All: Agreed.

Mr. Chamberlist: Sessional Paper #32? My understanding, Mr. Chairman, is that there has been an engineering services agreement entered into. According to the answer I have received here is that the engineering services agreement with the City of Whitehorse is still in the draft stage. The information I have received...well, I think there were some Members here...I think Councillor McKinnon and Councillor Dumas were at the meeting at the City Hall when reference to the engineering services agreement that existed was made and this is why I asked about the engineering services agreement. If this is not so, I would like to know if there is any engineering services agreement existing, but the Commissioner is not here to answer.

Mr. Legal Adviser: I've no personal knowledge of this at all, or any other kind of knowledge for that matter, of this agreement. But, it would not be unknown for people who are negotiating an agreement to feel they had entered into an agreement at a certain point in the negotiation before the formal agreement was executed. This is a normal human error. As the person who thinks he has bought a house but he hasn't bought it until he signs the actual agreement.

Mr. Chairman: Are we clear on this matter then?

Mr. Chamberlist: Well, we're not clear on this, Mr. Chairman, because I still want the engineering services agreement brought forward when it's available.

Mr. Chairman: The next Sessional Paper, gentlemen, is Sessional Paper #34.

Mr. Chamberlist: Mr. Chairman, again this might be a question I would have to address to Mr. Smith. I feel that perhaps we should have the Assistant Commissioner here. He might be able to answer some questions, because we certainly can't continue.....We need somebody here to present them to.

Mr. McKinnon: Mr. Chairman, I'm going to say this in all sincerity that if one glances ahead to the Sessional Papers that we have in front of us now, I don't see how any progress can be made on them possibly without the Commissioner being present, and I don't feel that this Committee can make any substantial contribution to this Session by sitting here and going through the papers and for everyone we come to we're going to say, "We need this head of department or we need the Chief Executive Officer of the Territory, the Commissioner, before we can make any progress on them." And I'm going to say with all respect that I think if we continue with Committee this afternoon, that we're just going to waste time.

Mr. Shaw: Mr. Chairman, this Sessional Paper...is this one that has not already been answered? Or, are there further questions on it?

Mr. Chamberlist: Mr. Chairman, I will tell you why I want the Commissioner here. Because, according to this Sessional Paper which is dated the 14<sup>th</sup> of November, it suggests that Ottawa has been written to in regard to these funds. My information is, and there is no doubt about it because I happen to have seen the cheque, that the day after I asked the question a cheque was sent in by the Commissioner to the City of Whitehorse. What I would like to know is, why try to pull the wool over our eyes. This is why I want the Commissioner here, because a cheque has been received by the City Fathers. That's why I want the Commissioner here. I want to question him on it.

*McKinnon & Amalcar Sport*

Mr. Chairman: When you look at Sessional Papers #36 and #37, which are the only two remaining papers, they will require the presence of the Commissioner.

Mr. Chamberlist: Mr. Chairman, I would be satisfied if Mr. Fleming who is the Assistant Commissioner, and he certainly must be aware of the details of this particular Sessional Paper...whether it would be right to be able to ask him these questions on this if Mr. Smith isn't here. After all, he is the Assistant Commissioner. This is why we have Assistant Commissioners.

Mr. Legal Adviser: A lot of the information you are looking for will be in the breast of Mr. Fleming.

Mr. Chairman: Would you gentlemen agree that Mr. Fleming be called at this time?

Mr. McKinnon: Mr. Chairman, on the Sessional Paper #34 which deals with Fitness and Amateur Sport, will Fitness and Amateur Sport be... I don't think anyone has the answer for this...will there be supplementary estimates for Fitness and Amateur Sport in Supplementary Estimates when received from this table. If not, and through this Sessional Paper will be the only chance I have to call the new Director of Recreation for the Yukon Territory, Mr. Thorsen, before this Committee, and I also would like to have Mr. Thorsen before Committee to explain how he intends to handle the Fitness and Amateur Program while he is Recreation Director for the Yukon. I don't think this Committee can properly summon Mr. Thorsen without going through the Commissioner's Office. I know that we used to do this previously, in summoning Department Heads without the knowledge of the Commissioner, and we ran into very grave difficulty. It was traditional after we ran into some of the difficulties, that we ask for the Department Heads through the Commissioner's Office. I think this is a good procedure, and whether Mr. Fleming is willing to take this type of responsibility and we could possibly ask for him to attend and Mr. Thorsen to attend. If this is possible, but as I say, how the procedure works along these lines is something for the Chairman to decide and how they worked this in the previous Councils.

Mr. Chamberlist: With respect to Councillor McKinnon's suggestion, I think that the subject of having the Heads of Departments here could be brought about through another Sessional Paper. I want to deal with what I think was misleading information that has been given to Members of this Committee in Sessional Paper #34, and I want to ask some questions of the Commissioner or the Assistant Commissioner and Mr. Legal Adviser has suggested that Mr. Fleming would have knowledge of the matter, or may have knowledge of the matter. I would like to have the Assistant Commissioner here. I say that this is the reason why we have Assistant Commissioners, so that if you haven't got the Commissioner you get to the Assistant.

Mr. Chairman: Well, gentlemen, if you agree, I can call.....

Mr. Shaw: There's just one matter in this, Mr. Chairman. I don't mind who comes here, but we have a few, shall we say, ethical considerations. For example, in Parliament, the person who answers to any question is always the Minister, but the Minister does have the prerogative to have his helpers, if he's not there, to give all the information necessary, or perhaps, as far as I know, to give an explanation. That....I'm not too sure of that. I don't think so, but....and it has been the custom here the last couple of years.... it's worked very well....that the Commissioner is always approached when subordinates to the Administration appear here. We do have

Mr. Shaw continued:  
the exception of the Legal Adviser and the Clerk, of course, but it's a matter of following along certain lines. I don't have much doubt that the Commissioner will be agreeable to having certain people coming under certain circumstances, but, for example, this particular question that has been raised is something that is the responsibility of the Commissioner to answer. His name is at the bottom of this paper. I don't think anyone other than he could provide that answer. That's why I mentioned this. If it were for statistical information, well, that would be a different matter.

Mr. Dumas: Mr. Chairman, why don't we get Mr. Fleming up here to find out if he can provide the answer?

Mr. Chairman: Well, gentlemen, would you agree that we contact... I believe that the Acting Commissioner in the absence of Mr. Commissioner is the Executive Assistant, and determine whether or not Mr. Fleming would be available.

Mr. Chairman: Mr. Clerk, would you so determine, and I will call a short recess.

RECESS

Mr. Chairman: I will now call Committee back to order and pass the Chair to the Deputy Chairman.

Mr. Chairman: What is the pleasure of you gentlemen, please?

Mr. McKinnon: Mr. Chairman, I would move that Mr. Speaker resume the Chair and hear the report of Committee.

Mr. Shaw: I second that motion, Mr. Chairman.

Mr. Chairman: You've heard the motion and the seconder. Question?

All: Question.

Mr. Chairman: Are you agreed?

All: Agreed.

MOTION  
CARRIED

MOTION CARRIED

Mr. Chairman: Mr. Speaker will now take the Chair.

Mr. Speaker: I will now call Council to order, and may we have a report of Committees.

Mr. Chamberlist: Mr. Speaker, Committee convened at 2:15 p.m. to discuss Bills and Sessional Papers. I was moved by Councillor Shaw and seconded by Councillor Dumas that Mr. Speaker do now resume the Chair.

Mr. Speaker: Are you agreed with the report of Committee.

Mr. McKinnon: Mr. Speaker, I believe it was I who made the motion that Mr. Speaker resume the Chair and hear the report of Committee.

Mr. Chamberlist: I looked in the wrong direction.

Mr. Speaker: Do you agree with the report of the Chairman of Committees?

MA

Mr. Chamberlist: I was in error, Mr. Speaker, with respect, I was in error. I thought Mr. McKinnon might have brought me up and corrected me before I have completed. However, he allowed me to get up and complete it.

Mr. Speaker: Order. Order, please.

Mr. Chairman: I will relay the report of Committees again. The Committee convened at 2:15 p.m. to discuss Bills and Sessional Papers. It was moved by Councillor McKinnon and seconded by Councillor Shaw that Mr. Speaker do now resume the Chair.

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

All: Agreed.

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

Mr. Shaw: Mr. Speaker, we have the matter to resolve concerning tomorrow morning's sitting.

Mr. Dumas: Mr. Speaker, I would like to move that Standing Order #2 as a rule be suspended to provide that Council do not sit again until Monday, next.

Mr. Speaker: Is there a seconder?

Mr. McKinnon: I rise with great trepidation and second the motion, Mr. Speaker.

Mr. Speaker: Thank you, Mr. McKinnon. Are you prepared for question on the motion?

All: Question.

Mr. Speaker: Are you agreed?

All: Agreed.

Mr. Speaker: Are there any contrary? I will declare the motion carried.

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: This Council now stands adjourned until 10:00 a.m. on Monday morning.

Page 288.  
Monday, November 20, 1967.  
10:00 o'clock a.m.

Mr. Speaker read the daily prayer. All Councillors and Mr. Legal Adviser were present.

Mr. Speaker: Mr. Clerk, is there a quorum present?

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to order. Would the Honourable Member from Watson Lake please take the Chair.

Mr. Taylor takes the Speaker's Chair.

Mr. Speaker: Councillor Livesey.

Mr. Livesey: Mr. Speaker, I have here for the attention of the House this morning, two questions of privilege - one with reference to page 259. On page 259, the Journals read "but in the municipality we have people building housing on industrial grounds because as far as these people know, their assumption may be right or wrong, they do not feel the land is available." What I said was, "In the Village of Beaver Creek, we have people building housing on industrial grounds because as far as these people know, their assumptions may be right or wrong, they do not feel lots are available." Later on it states, "I can assure anyone in my area or anyone else in the Yukon that property is available in a surveyed subdivision." What I said was, "When can I assure anyone in my area or anywhere else in the Yukon that property is available in the surveyed subdivisions?" My second question of privilege, foot of page 254, which states that "Mr. Corie of Queen's University mentions this in some of his works, dealing with a similar problem. He suggests a board of enquiry for this situation. This is what they do and they appoint the authority for somebody else." I do not recall making such a statement. My statement was that "Mr. Corie of Queen's University, Kingston, mentions this in one of his works dealing with a similar problem where he points out that the appointment of a commission, board of enquiry, or other function, is usually an excuse for lack of government action." Thank you, Mr. Speaker.

CORRECTIONS  
TO VOTES &  
PROCEEDINGS

Mr. Livesey resumes the Speaker's Chair. Mr. Legal Adviser leaves the Council Chambers.

Mr. Speaker: Gentlemen, I would like to draw your attention to Sessional Paper No. 41, reference the invitations from Commissioner to attend ceremonies on the Alaska Highway at three o'clock in the afternoon and an informal dinner to be held in the Cellar of the Edgewater Hotel at 6:30 P.M. I also have information for you that within the next two or three days at least, we should be able to get Labour Standards Legislation, Brands Ordinance and Schools before us for discussion.

Mr. Shaw: Mr. Speaker, did I hear correct when you said thirty days?

Mr. Speaker: No. Two or three days.

Mr. Shaw: Two or three days. Thank you.

Mr. Commissioner enters the Council Chambers.

SESSIONAL  
PAPER #46

MOTION FOR  
PRODUCTION  
OF PAPERS  
#7

MOTION  
CARRIED

Mr. Speaker: I will table this morning Sessional Paper No. 46, Dawson City Flood, 1966. Are there any Reports of Committees? Are there any Introductions of Bills? Notices of Motion or Resolution. May we now proceed to Orders of the Day. Notices of Motion for the Production of Papers. Under Motions for the Production of Papers, we have No. 7, Mr. McKinnon. Moved by Councillor McKinnon, seconded by Councillor Dumas, "That all documents and correspondence concerning the transferring of Crown Land in the Whitehorse area to the Territorial Government be tabled before this Council."

MOTION CARRIED

Mr. Speaker: May we now proceed to Motions. No. 1, Mr. Chamberlist is in Committee. No. 9, Mr. McKinnon, Residency Qualifications, Low Cost Housing.

Mr. McKinnon: Mr. Speaker, it is my intention...I wonder if I could save the time of the House by asking that Motions Nos. 9 and 21, 22, 23, 24, 25 and 26 be moved into Committee for discussion.

Mr. Speaker: Would the House be prepared to give me direction on the Motion?

Mr. Shaw: I will second the Motion.

Mr. Speaker: I don't believe there is a Motion on the floor, Mr. Shaw.

MOTIONS 9, 21, 22, 23, 24, 25 & 26 Moved by Councillor McKinnon, seconded by Councillor Shaw, that Motions Nos. 9, 21, 22, 23, 24, 25 and 26 be moved into Committee of the Whole for discussion.

MOVED INTO  
COMMITTEE  
MOTION  
CARRIED

MOTION CARRIED

MOTION #19

MOTION #19  
CARRIED

Mr. Speaker: Motion No. 19, moved by Councillor Chamberlist, seconded by Councillor Shaw, reference Sessional Papers Nos. 39, 42 and 45. "I move that Sessional Papers No. 39, No. 42 and No. 45 be moved into Committee for purposes of debate." Is the House prepared for the question on the Motion.

MOTION CARRIED

MOTION #20

Mr. Speaker: May I have your further directions if any covering this matter or may we now proceed to questions. Oh, we still have Motion No. 20. Motion No. 20, moved by Councillor Taylor, seconded by Councillor Dumas, reference Recording System - Council Chambers. "It is the opinion of Council that steps be taken forthwith to provide for the Council Chambers, a recording system styled as the "Leach System", as demonstrated in Council Chambers on the afternoon of November 14, 1967." Would the Member be prepared to discuss this Motion at this time?

Mr. Taylor: Yes, Mr. Speaker. The requirement for the Motion arises out of the importance of getting the best possible results from the recording of this Session, what is said and what is done here. It must be, I am sure, extremely difficult for the stenographers to properly get every last little word that Councillors do utter, and indeed that witnesses do utter, in the Chambers for two very good reasons - one is that the Chamber is now a larger Chamber and quite often the speaker is at quite some distance from the Stenographer's desk and, also, the sound system that we presently have would not appear to be too sensitive...the microphones do not seem to be except at close range and with this many open microphones in a small

Mr. Taylor continues:

room, often the rattling of papers or other things will obliterate what an Honourable Member has stated, making it extremely difficult for the Stenographers to interpret when it comes time to type this stuff up. Now, in relation to this Leach equipment, I think all Members will recall it was tested here in the Council Chambers some short time ago, indeed on the afternoon of November 14, and it has been found to work very successfully. It is, of course, as you know a six channel piece of equipment whereby the stenographer can zero in to the microphone she so desires to transcribe from. I think it is important, Mr. Speaker, that we embark on this program. I have been informed by Mr. Clerk that approximately four Sessions or two years, the saving resulting by the use of this equipment, we should be able to pay for it. It has been suggested that possibly these things should go out to tender and I agree that when Government do make purchases, a tender call is most important; however, I believe that this Leach system is the only one of its type or its kind available in North America and indeed the Department of Justice I think made two trips to Los Angeles from here to look over this particular system, one facet I highly criticized at the time but apparently it has worked well and it worked well in the Chambers. There is another point to consider and that is that it is not just for the reporting of the Votes and Proceedings for the benefit of Members of Council but I think it is exceedingly important that these Votes and Proceedings be as verbatim and be as correct as possible in order that all people in the Territory, and indeed the gentlemen in Ottawa who scrutinize our deliberations here in the Yukon...I think it is very important that these Votes and Proceedings be correct in order that an "and" shall not come out a "shall" and whatever. So, I would ask for support on the Motion. It is the intent of the Motion that we proceed as soon as possible to get this equipment in here and get into operation. That is all I have to say at this time on the matter, Mr. Speaker.

Mr. Dumas: Mr. Speaker, I concur with Councillor Taylor. I think there is a matter of urgency involved here for the reason that if we can put this Motion through, then we might see the Leach system in operation within a week or so.

Mr. Chamberlist: Mr. Speaker, I am going to oppose the Motion on the same principle put forward by the Mover of the Motion just a few days ago. The Mover of the Motion suggested that money is the problem where kindergartens cannot be incorporated and I am suggesting, therefore, to you, Mr. Speaker, that the same principle follows, the principle of the waiving of the Book, the Fiscal Agreement...we cannot do anything until we have got money. On this particular basis, I say that we should be opposed to it because we have to follow the same line of thinking. There is no doubt about it that we should have the proper facilities for recording what takes place in these Chambers. I object mainly that a specific system should be referred to when every Member of this Council should be aware that the principle of competitive bidding should apply to any Government purchases, apart from the fact that there has been no money of a nature of \$20,000.00, which it has been suggested that this Leach System would cost. I am for the principle of a sound system but this is a double barrelled Motion. It refers to a Leach System as a specific system. I would much rather spend \$20,000.00 in seeing that some of our children get an advantage that they are missing because I can speak loud enough and clear enough so that the stenographer can hear what I say, and I would suggest that if other



MOTION #20 Mr. Chamberlist continues:

Members of Council speak up, we might be able to dispense completely with the sum of \$20,000.00, however, as I say, I am in approval of a sound system. To me, we have a responsibility to see and let the public know that we are making sure that the principles of competitive bidding apply to Territorial Government purchasing. I have placed a question already Mr. Speaker with reference to this matter and an answer is what I am hoping to get. Mr. Speaker, I am opposed to the way this Motion is put out because it has already been said that only one firm has an agency for this particular type of equipment. To my way of thinking, no person, no Member of this Council, should act as a sales representative for any Company in the Yukon and I would, therefore, Mr. Speaker, ask the rest of the Members of this Council, even the Mover, to consider his own remarks and allow this Motion to die until such time as we have funds set aside for a sound Sound System and that the bids that come in be competitive. I would not be opposed to it if after the bids came in, there was no other system of its type. In the meantime, we want competitive bids.

Mr. McKinnon: Mr. Speaker, I am going to support this Motion. The Motion reads, as all Motions dealing with money have to, that it is the opinion of Council that a certain system be bought for the Chamber. I think that we need a proper system. Certainly if the money is not available, the Administration will not be able to go along with the Motion and provide such a system at this time. Perhaps when the Territory is in a little better financial position, then is possibly the time that the Motion could be put into effect. I think, however, as far as I can understand, that the Leach System is probably the only system available on the market that will serve our needs. I think that possibly if Council is worried about one store being the exclusive agency for this type of system that perhaps the Administration would think about dealing with the manufacturer of system directly and try to cut out the middleman...in order to save money. I am sure that the Council would agree that if this could be done and perhaps a deal made directly with the manufacturer of the system at a saving to the Territory, that all Council would agree that such a savings would be beneficial.

Mr. Speaker: Is there any further discussion? I wonder, before the debate is closed, if there is any further discussion from the floor.

Mr. Shaw: Mr. Speaker, I don't know too much about this electrical equipment. It does appear from the discussions that this is the only kind that can be purchased that would satisfy the requirements. I understand that the way it is set up that it will save a considerable amount of money over a period of time and accomplish the objective. I must say that I very much agree with the remarks of Councillor Chamberlist insofar as monopoly purchasing, if you can call it as such, but on the other hand, we do have a situation that if there is only one kind of equipment and only one way to purchase it, it's a case rather of Hobson's choice. It is something that we will have to provide the money for. It is not something that would cost fifty cents. It apparently costs a great deal of money. I would like to hear more about this system though.

AA

Mr. Speaker: Thank you, Mr. Shaw. Any further discussion? MOTION #20

Mr. Chamberlist: Mr. Speaker, can I speak the second time? Would you allow that?

Mr. Speaker: I am sorry.

Mr. Taylor: Mr. Speaker, in closing I would like to say that Councillor Chamberlist has suggested that the principle involved is the same as the principle involved in his kindergarten problem and I do not agree. The matter is completely different. It is much related to improving a facility which already exists. This is what we are talking about here... to better ourselves. It is somewhat related to the matter of the use of computers in our accounting system here in the Yukon. In other words, we are going to place a crow quill pen and ink operation...replace this with data processing... upgrading...a modern facility much more efficient all the way round in an effort to possibly in time save money...at least to cope with modern day needs and this is exactly what we are doing here. We are not creating something new. We are upgrading something that has always existed and it was suggested that I am selling these things. I wish to assure all Members of Council that I am not in the business of selling electronic equipment, including.....

Mr. Chamberlist: Point of order, Mr. Speaker.

Mr. Speaker: Order, order. Point of order?

Mr. Chamberlist: Yes, Mr. Speaker. Mr. Speaker, the Honourable Member from Watson Lake has suggested by innuendo that I have said that he is selling equipment for a company in this area. I did not say that and I would ask Councillor Taylor to withdraw his remarks.

Mr. Speaker: For the benefit of the House, I failed to hear any such statement. What I heard was...the statement by the Honourable Member that he did not sell equipment and I believe this is correct. I am sorry, Mr. Chamberlist, but I do not see the point of order here.

Mr. Taylor: Mr. Speaker, I wish, as I say, to affirm that I do not sell this equipment or any other kind of equipment like it and I am not in the sales business at all...electrical equipment. I wish to say that time is of the essence and I feel that it is most necessary that this Legislative Body have as good equipment as is available in order to disseminate the proceedings of its deliberations to the people and to the Government. I would ask for support on the Motion.

MOTION CARRIED

MOTION #20  
CARRIED

Councillors Gordon and Chamberlist voted contrary to the Motion.

Mr. Speaker: Gentlemen, due to the order in which Motions came this morning and in order to put things in their correct position, I believe that Motions moved into Committee should be properly read from the Chair and if you agree, I will proceed.

All: Agreed.

HOUSING

- MOTION #21 Mr. Speaker: Motion No. 9 by Mr. McKinnon I believe has been read but not Motions 21, 22, 23, 24, 25 and 26. Motion No. 21, moved by Councillor McKinnon, seconded by Councillor Shaw, "That a Public Housing Authority be established for the Yukon. Such a Public Housing Authority should generally follow the policy lines set down in a paper presented by Mr. D. Daview, Branch Housing Administrator, Northern Affairs Department on October 29, 1965." Motion No. 22; moved by Councillor McKinnon, seconded by Councillor Chamberlist, "That in the opinion of this Council, Chapter Six of the Ordinances of the Yukon Territory, passed by the Yukon Council in the year 1967, First Session, and titled "An Ordinance to Promote the Improvement of Housing and Living Conditions in the Yukon Territory", be implemented by the Territorial Administration as soon as possible." Motion No. 23, moved by Councillor McKinnon, seconded by Councillor Dumas, "That the Administration advise Council what land is now available and what land will be available in the Territorial Subdivisions in 1968." Motion No. 24, moved by Councillor McKinnon, seconded by Councillor Dumas, "That in the opinion of this Council, C.M.H.C. should examine their policy as it applies to the Yukon, with a view to easing restrictions and making C.M.H.C. mortgage money more accessible." Motion No. 25, moved by Councillor McKinnon, seconded by Councillor Dumas, "It is the opinion of this Council that the Low Cost Housing Ordinance be amended so that: (1) First Mortgage Loans be made available in the amount of \$10,000.00. (2) Second Mortgage Loans be made available in the amount of \$1,000.00 regardless of the total cost of the dwelling." Motion No. 26, Moved by Councillor McKinnon, seconded by Councillor Dumas, "It is the opinion of this Council that the Low Cost Housing Ordinance Regulations be amended to remove the restriction on loan approvals if building has passed the foundation stage." May we now move to the question period. Are there any questions, gentlemen?
- MOTION #22
- MOTION #23
- MOTION #24
- MOTION #25
- MOTION #26

Mr. Commissioner: Mr. Speaker, this may not be the proper time for this and I stand to be corrected but there are two things that I wonder if I might be permitted to appraise Council with in connection with activities this week.

Mr. Speaker: Are these answers to questions that have been asked?

Mr. Commissioner: No, they are not, Mr. Speaker.

Mr. Speaker: I believe we could take care of it some other time, Mr. Commissioner. Mr. Dumas.

Mr. Dumas: Mr. Speaker, I wonder if Mr. Commissioner could advise us of activities that are occurring this week. An oral answer will be fine.

Mr. Commissioner: Thank you, Mr. Speaker. The request that we made to Carr and Associates here has been answered, Mr. Speaker and they will be available here on Wednesday to meet with the Councillors and perhaps Council would be good enough to advise me of a time that would be satisfactory to them and I will see that this is passed on to these people upon their arrival here. Also, I would like to remind Council that this afternoon at three o'clock there is going to be a ceremony at the top of the Hill re the anniversary of the Alaska Highway opening and also there is some further social activity this evening to which Council Members are invited to and I would hope that Council would see fit to attend if at all possible. I think we have tabled information along these lines.

Mr. Speaker: They have been advised, Mr. Commissioner.

Mr. Commissioner: Also, some of the...three particular pieces of long awaited legislation should be available at the Council table within the next twenty-four hours. Mr. Legal Adviser is not here to answer this at the moment but I believe there are three pieces of legislation that he is preparing that will be available at the Council table and also we have something in connection with the Liquor Ordinance Amendment that we spoke about the other day for New Year's Day and another one in connection with certain activities with regard to the Anvil development.

Mr. Legal Adviser enters the Council Chambers.

Mr. Chamberlist: Mr. Speaker, a question to the Commissioner. An oral answer will suffice. Will the Commissioner obtain bids on Leach Sound Systems from agencies in British Columbia, Alberta and from the manufacturers before issuing any purchase order for the purchase of the said equipment?

QUESTION  
RE LEACH  
SOUND  
SYSTEM  
BIDS

Mr. Commissioner: Mr. Speaker, I would have to inform Council that before I can do anything on this, I would have to bring forward a money bill and get Council's approval to the expenditure of the funds before I can do anything.

Mr. Chamberlist: Thank you, Mr. Commissioner.

Mr. Taylor: Point of Order...point of Privilege, Mr. Speaker. I hope that it is clearly understood that that was not a direction of Council. That was merely an opinion of one Member.

Mr. Speaker: Would you want that a point of order or of privilege, Mr. Taylor?

Mr. Taylor: Point of order, Mr. Speaker.

Mr. Chamberlist: With respect, Mr. Speaker. It was a simple question that I asked. This is the question period.

Mr. Speaker: I see no point of order. This was a question to the Commissioner.

Mr. Taylor: Yes, Mr. Speaker. It imputed direction to the Administration.

Mr. Speaker: I do not see a point of order at this time. Are there any further questions?

Mr. Shaw: Mr. Speaker, I have a question to direct to the Commissioner. This can be either answered now or it can be answered later. It doesn't matter. It is a matter of policy. I wondered if the Yukon Territory will be able to take advantage of the Winter Works program in such a project as the private construction of an airport.

QUESTION RE  
WINTER WORKS  
PROGRAM

Mr. Commissioner: Mr. Speaker, it appears to me that perennially the Administration is approached concerning Winter Works. We are told to advertise it. We are told to advise the municipalities that...and various other things and as far as I am aware, Mr. Speaker, this is a Federal project which is administered by the Federal Government and it concerns payment on approved projects for a certain percentage or a certain amount of the wages that are paid to the men who work on these projects. I am subject to correction on this now, Mr. Speaker, but to the

QUESTION  
RE WINTER  
WORKS  
PROGRAM

Mr. Commissioner continues:  
best of my knowledge, this is the way that the Winter Works project operates and if there is any project that is going forward, either under Territorial auspices or municipal auspices, that would qualify, certainly the recoveries will be made under the Winter Works program but it is not too easy in many instances for the Territory to qualify for these projects but as far as the municipalities in the Territory are concerned, to the best of my knowledge, approval has been obtained in the past for various winter works projects and the contribution towards the labour costs have been made available in the agreed upon ratio and I am sure that the same situation prevails. I am not aware of any change in that. Now, if any Councillors have any particular project in mind, I would be very happy to have the officers of my Administration look into the situation promptly to see if in fact any help along these lines financially re labour costs and the winter works project or program would be available.

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

QUESTION RE  
MINISTER'S  
VISIT

Mr. Taylor: Mr. Speaker, I have a question I would like to direct to Mr. Commissioner this morning. In view of the impending visit of the Minister to the Yukon to show some pictures I believe, is it the intention that the Council will have an opportunity to meet with the Minister in these Chambers?

Mr. Commissioner: Mr. Speaker, I do not know up until now the details of the itinerary of the Minister's visit here but to the very best of my knowledge, he will be arriving here on Saturday sometime in the course of the day and will be leaving here on Sunday morning. I am sorry I don't know any more than this but this is as much as I can tell you.

Mr. Speaker: Are there any further questions. May we move to Public Bills and Orders.

FIRST  
READING  
BILL #8  
MOTION  
CARRIED

Moved by Councillor Shaw, seconded by Councillor Dumas, that First Reading be given to Bill No. 8, An Ordinance to Amend the Liquor Ordinance.

MOTION CARRIED

SECOND  
READING  
BILL #8  
MOTION  
CARRIED

Moved by Councillor Shaw, seconded by Councillor Dumas, that Second Reading be given to Bill No. 8, An Ordinance to Amend the Liquor Ordinance.

MOTION CARRIED

Mr. Speaker: May I have your further pleasure.

MOTION TO  
MOVE INTO  
COMMITTEE

Moved by Councillor Shaw, seconded by Councillor Gordon, that the Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills, Motions and Sessional Papers.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: I will declare the Motion carried and the Honourable Member for Watson Lake will please take the Chair in Committee of the Whole.

SESSIONAL  
PAPER #28

Mr. Chairman: Gentlemen, we will be proceeding this morning with Sessional Papers. I think we will carry on with Sessional Papers up until 11:00 o'clock. The first Sessional Paper is No. 28 involving Tourism and there is a question to be asked

Mr. Chairman continues:  
of Administration in this respect. I believe Councillor  
Chamberlist had a question.

SESSIONAL  
PAPER #28

Mr. Chamberlist: Mr. Chairman, I wonder if the Head of the  
Department could be here for these questions while this  
Sessional Paper is being discussed.

Mr. Chairman: Committee agreed?

All: Agreed.

Mr. Chairman: We will proceed to Sessional Paper No. 31.  
I believe this was Councillor Gordons.

SESSIONAL  
PAPER #31

Mrs. Gordon: Mr. Chairman, I would ask if Commissioner  
Smith would enlighten us a little further on what has  
developed since this question was asked.

Mr. Commissioner: Mr. Chairman, this matter was the subject  
of further conversations between the Councillor who asked  
the question and myself and I have requested my Engineering  
and Municipal Affairs people to see if they cannot arrange  
with the party, a Mr. Buyck..is that correct...who was doing  
this service before...if there is any ways or means that  
the Territorial Government can co-operate with him in either  
the rental or leasing of equipment that we have already  
located in Mayo to see if he would carry on with this service.  
Up until now, there has been no answer back from Engineering  
and Municipal Affairs but that is where the matter stands  
at the moment and I am sure that they will be doing everything  
within their power and as soon as I have any information, I  
shall be happy to make it available to Council.

Mrs. Gordon: Mr. Chairman, I might add that I will be con-  
sulting with the Territorial Engineer, Mr. Baker, this  
afternoon.

Mr. Chairman: Have you anything further on this Sessional  
Paper? The next Sessional Paper is Sessional Paper No. 32  
which I believe has been considered.

SESSIONAL  
PAPER #32

Mr. Chamberlist: No. I would just like to ask a question  
of the Commissioner. Mr. Chairman, this is to the Commis-  
sioner. Am I to understand from this answer that there is  
no agreement in existence now between the City of Whitehorse  
and the Territorial Government?

Mr. Commissioner: Mr. Chairman, this is quite correct.  
There is no agreement at the moment. Could I speak on the  
history of this particular thing for just a moment, Mr.  
Chairman?

Mr. Chairman: Proceed.

Mr. Commissioner: This was an agreement that was apparently  
entered into here around about 1959 or 1960 whereby, on a fee  
for service basis, the Territorial Government provided engi-  
neering services to the City of Whitehorse. Apparently at  
that time, as I am told, it was felt that this was a ways  
and means of providing a service to the City that the City  
was not in a financial position to pay for completely then...  
also the correlating of engineering problems such as street  
level, drainage, etc., overflow from the municipality to the  
Territory, and this was looked upon as a desirable means of

SESSIONAL  
PAPER #32

Mr. Commissioner continues:  
bringing this about. Apparently sometime in the not too distant past, this arrangement was apparently terminated by the City and the Territory by mutual agreement and there have been further conversations in the meantime to arrive at a suitable arrangement. It mainly consists of one thing that appears to be questionable and that is the charges that the Territory makes to the City for the provision of these professional services and I am not certain at this point as to whether or not the City feel that they wish to carry on with this arrangement. For Council's information, the title of Engineering Services Agreement is maybe quite a long handled title for quite a simple situation but it consists of a schedule of fees that the Territory charges the City when we provide them with any services. The fees that we charge for this at the current time, a Civil Engineer I is \$40.00 a day, a Civil Engineer II is \$45.00 a day, a Civil Engineer III is \$50.00 a day, an Engineering Aid I is \$30.00 a day and an Engineering Aid II is \$35.00 a day. This is basically what it is...an agreement upon what the charges will be for the provision of these services.

Mr. Chamberlist: Mr. Chairman, arising out of that question, Mr. Commissioner are there any engineering services being supplied to the City of Whitehorse today and are they being paid for by the City of Whitehorse to the Territorial Government?

Mr. Commissioner: Mr. Chairman, I cannot answer that question exactly as it has been asked...you have said "is there any engineering services being provided?" It is quite possible that there are some engineering services being provided and if they are being provided, the schedule of fees that I read off to you just now is what the City is being charged and I am not aware of any reason why the City would not be paying them. I can assure you that they are being billed on that schedule for any services that we are rendering to them.

Mr. Chamberlist: Without an Agreement?

Mr. Commissioner: Yes, Mr. Chairman.

Mr. Chamberlist: So, there are services, or there may be services, being supplied from the Territorial Government to the City, engineering services, without a written agreement?

Mr. Commissioner: Yes, Mr. Chairman. I say there may be. Now, I cannot verify that they are or are not, Mr. Chairman. I want to be very explicit on that point but if we are providing them with any services when they call upon us and Mr. Baker is able to provide these services, this is the schedule of fees that he would be charging them.

SESSIONAL  
PAPER #34

Mr. Chairman: Are we clear, gentlemen? The next is Sessional Paper No. 34. Is this clear?

Mr. Chamberlist: No, the Commissioner was not here, Mr. Chairman. It is my understanding from the answer to this question, Mr. Commissioner, that the Federal Government has been asked to approve a sum of money that has been requested. I refer to the last paragraph of Sessional Paper No. 34 which

Mr. Chamberlist continues:  
reads, "The Territorial Government's share of the cost of the Project will be financed from a contingency reserve which had been set aside at the beginning of the year in anticipation of unforeseen requirements. It is highly unlikely that approval will not be forthcoming from Ottawa on this project." Mr. Commissioner, it is my understanding that the day after I posed the question, the cheque for the amount of money had been forwarded to the City of Whitehorse. Was this before the approval or the approval will be given? It appears from this answer that the Territorial Government is waiting for approval but in actual effect, the money has been turned over.

Mr. Commissioner: Mr. Chairman, I would have to check that to see if the actual money has been turned over. I am sorry I couldn't answer that right off hand. I will say this...I further reiterate the last paragraph here..that we know of no reason why approval will not be given and if I could possibly be just excused for just a couple of minutes, I can confirm whether the money went to the City or approval is being awaited.

Mr. Chairman: Gentlemen, we will be calling a recess very shortly. Is there anything further on this? Is this matter clear then with the exception of that question. Then I will declare a recess.



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Monday, November 20, 1967.

11:00 o'clock a.m.

Mr. Chairman: At this time we will call Committee to order, and we are discussing Sessional Paper No. 34. Mr. Commissioner, I believe you had some information to provide Committee with. SESSIONAL  
PAPER #34

Mr. Commissioner: Yes, Mr. Chairman. I believe the question from Councillor Chamberlist was when will the city have this money. Am I correct on that?

Mr. Chamberlist: Mr. Chairman, my information was that the money had been sent to the city and the Sessional Paper is that it hasn't been sent and that approval has been asked for. I want to know which is right.

Mr. Commissioner: Mr. Chairman, I would verify that the Sessional Paper is accurate and that the city can anticipate having their money either this afternoon or tomorrow in connection with this Physical Fitness and Amateur Sport Grant.

Mr. Chairman: Is there anything further on Sessional Paper No. 34? We will proceed to Sessional Paper No. 36. Councillor Shaw, will you take the chair? SESSIONAL  
PAPER #36

Mr. Shaw: Yes. Mr. Taylor.

Mr. Taylor: Mr. Chairman, I ask this question with the specific purpose in mind of clearing, or of hoping to clear up, the confusion that exists in my mind as to how the Territory can function without a fiscal agreement with Ottawa. Now, last year - pardon me, at the spring session, Council approved and amended a fiscal agreement with Ottawa, and it was also quite clear in my mind at that time that all budgets and supplementary budgets or estimates were based on the matters contained in a proposed fiscal agreement, and having concluded the 1962 agreement, we were asked to make another agreement 1967. Now, we went to Ottawa and negotiated in respect of this, approved it and came back and as I say we approved it as amended, and somewhere during the course of the summer the Federal Government decided no, they didn't like it and weren't going to sign it, and then it occurred to me, well how can we then carry on because the budget does not become a, though we approved it as a piece of legislation, it seemed to me that it was virtually invalid and nothing more than a guide to expenditure, and there were only two ways that I could think of where the Federal Government could give us money, and one is if the Parliament of Canada does not sit, this would be under Governor-General's Warrant. However, when Parliament is in session, then it occurred to me that this could be done by Order in Council, and I'm just not aware of any other of any other way that this can be done and this is why I ask the question. Now, I'm told here that funds are being made available to us in the form of deficit grants, and I would just like to ask Mr. Commissioner or Mr. Legal Adviser, or whoever could answer this question, if I'm right in the assumption that these are the only two ways you can operate in this - Governor-General's Warrants or Orders in Council.

Mr. Commissioner: Mr. Chairman, I'm not any kind of an expert on just how these things can or cannot be handled but what I tell you in this Paper is, in fact, what is being done right at the moment.

SESSIONAL  
PAPER #36

Mr. Taylor: Well, Mr. Chairman, then my question is not really answered, is it? It is this that I was trying to determine, and it then occurs to me that if I am correct that indeed we are not operating fiscally in any legal manner whatsoever, and this was the point I was getting to. The second point would be that if this be the case, this would have been the answer, is that I think we should jolly well get down to brass tacks with Ottawa and get this fiscal agreement on the road and negotiate it or re-negotiate it to the satisfaction at least of the Territory and get something substantial to go on, and I am wondering, Mr. Commissioner, if you have had any word at this time as to when this matter will be brought before Council and, in order that we may deal with this matter at this session.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Well, Mr. Chairman, there is no redescence on my part of getting this matter before Council and what I have done is appraised the Federal Government of exactly what our financial situation is, and the situation is basically that just exactly where Council knows that it is and that is momentarily we do not have a fiscal agreement and it is up to me to bring the information and detail before this Council to see if in fact we cannot arrive at a fiscal agreement with the Federal Government, and I was very hopeful that we would have this tabled before Council here for last week, but unfortunately we were not able to get all the information here that I feel we should have before we table it and I was speaking with the Treasurer this morning, and I understand that we anticipate some indication today of the balance of this information, and just as quickly as it is here I am going to have it in front of Council, because the way we are operating at the present time, whether it be legal or illegal, I am not prepared to say, but I am prepared to say this, Mr. Chairman, that it is a very, very difficult situation administratively because we are endeavouring now to get our budgetary thinking together here for next year and we just don't know what we are going to have to operate with and what we are not going to have to operate with, so I would like to reiterate a most desirable situation as far as the administration is concerned, and I am sure to Council's satisfaction too, to bring this matter to a head just as quickly as possible.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, I think that all members of this Committee are concerned that we are operating without the federal fiscal agreement, but I think the Honourable Member from Watson Lake must follow his own particular line of thinking. This debate should be left to the supplementary estimates and I would respectfully say that he is premature at this time in bringing the matter forward.

Mr. Chairman: Mr. Taylor.

Mr. Taylor: Mr. Chairman, this is possibly, the comment is possibly the result of inexperience in matters of this nature and no doubt the Honourable Member will be further enlightened before this session is over. In view of the fact that, in my opinion, the one I have expressed this morning, there is no such thing as the existence of a budget or a supplement to it in when there is no fiscal agreement in existence, because all budgets are based on a fiscal agreement. There being no fiscal agreement, there is no budget and therefore to place first things first, I'm trying to get to the root of the problem by creating or negotiating a fiscal agreement with Ottawa which is lawful

in all sense and which would indicate to the people of the Yukon, whom we represent, where they stand fiscally. We are constantly reminded here at the table in one sessional paper it will say funds are available for this purpose, and in another sessional paper it will say funds are not available for this purpose. So, in other words, funds are available for some things and not for another and it is my intention to attempt to keep dogging this thing along until the Federal Government finally relent and come up here and start discussing matters fiscal with us, so then we know, on behalf of all the people of the Yukon, what funds are available and what funds are not available, and this we won't know until we have concluded the signing of a fiscal agreement.

Mr. Chairman: Have you any further discussions on Sessional Paper No. 36? Mr. Livesey.

Mr. Livesey: Mr. Chairman, what puzzles me about this question is the intent of the previous Council with regard to any expenditure whatsoever, and I say this because I think just about the only weapon we have under the terms of the Yukon Act and the conditions attached to it is a question of refusal of supply. Now, the question of refusal of supply it seems to me, Mr. Chairman, is initially more concerned with the question of the Bill which was presented to the previous Council at the spring session of 1967, and if that Bill was passed by the Council and the agreement was not, it would appear to me that there is a conflict of opinion here in the decision of the Council itself, and irrespective of the values that could be attached to the decisions that they made, I would feel that in one instance a direction had been given with respect to specifics that the general matters had been partially refused. There is definitely a problem and I think that is where the problem may lie, and I would feel that for this Council, a newly elected body, what we must do, I think, is make sure we have both our budgetary system and our agreement with the federal government in order. This would be the only way to proceed and I think that is the unfortunate position we are in at the moment, Mr. Chairman. Thank you.

Mr. Chairman: Any further discussion on Sessional Paper No. 36?

Mr. Taylor: Well, I've nothing further, Mr. Chairman, other than to say that I hope the Federal Government will keep faith with the people in the Yukon and get off their fannies, so to speak, and get up here and start negotiating a proper and responsible fiscal agreement and, as Mr. Commissioner has pointed out, this may be forthcoming at this session. It seems to me it has to be forthcoming at this session because such an agreement would be dated the first of April 1968 and I really hope that Ottawa take note of our concern in this regard and do indeed institute negotiations in this regard. Councillor Shaw.

Mr. Shaw: One little matter that has created quite a lot of confusion, Mr. Chairman, and that is an agreement. What is an agreement? An agreement is just something that two people or two parties get together and they decide to agree. At the last session of Council the two parties, irrespective of the wrongs and rights of either side, could not agree, so I would presume, Mr. Chairman, that the government still has to go on, the Civil Servants still had to get paid, and we also had to start certain contracts and so on and so forth. The business of the country had to proceed. As far as I recollect, the budgetary requirements were put before the House in supply, was accepted. There was a slight matter of \$600,000 or so that couldn't be agreed upon so it just sat without an agreement. It seems to me that all that is necessary at the present time regardless of how, what or when of the

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SESSIONAL  
PAPER #36

legalities of the situation, we have to come to grips with a certain program of coming to an agreement, and that is something that will no doubt be placed before us at this particular session. I assume it has to be and I just look forward to getting down to the basic discussions relative to an agreement. I would presume, and I would direct the question to Mr. Commissioner at this time, Mr. Chairman, that we will have that agreement placed before Council at this session.

Mr. Commissioner: Well, Mr. Chairman, I'm not fully prepared to talk on this matter at the moment because we are going to have to review to a certain extent just exactly what the position is, but in a nutshell we have to finally, after we have reviewed the situation, we have to arrive at the point that we were at at the end of the last session of Council, and right at the moment the ball is in our court so all I can assure Council of, Mr. Chairman, is the fact we are going to have to deal with this problem and it is going to be Council's decision as to just how we are going to deal with this. There is no secrets about it at all. I have told Council exactly what the Federal Government has done and exactly how and where we are getting our finances from at the moment and that our ability to spend is in direct relationship to our ability to have the money to spend, and we get these monies by various federal programs, deficit grants and local taxation, and the end result is a total number of dollars which we have the ability to spend and just at the moment this is all that there is to it, so I can assure you that the matter is foremost in my mind and is taking up the vast majority of those hours which I have been with Council along with practically all the working hours with several members of my administration.

SESSIONAL  
PAPER #37

Mr. Chairman: Anything further at this time on this paper, gentlemen? We will then proceed to Sessional Paper No. 37. Councillor Shaw.

LYNN  
BUILDING

Mr. Shaw: Mr. Chairman, this is a matter of - I don't know all the intricacies of this particular matter but perhaps it might be a time for the Commissioner to perhaps explain where the situation is now and whether or not this request would fit in with the plans of the administration.

Mr. Commissioner: Well, Mr. Chairman, the situation is just exactly as we have put it before you here. The requirement by the Territorial Government administration for office accommodation is exactly as we had predicted it. In fact, it's probably getting a little worse each day of the week, and we definitely need this accommodation which we have contracted for, and the agreement to rent this space as it was presented to Council expired as of the 31st day of October this year, and the contractor who has undertaken to provide this space has made a specific request of us that he be given an extension of time to make this space available and he has indicated what to us would appear to be reasonable grounds why he has not been able to provide this space within the time limits allocated, mainly lack of adequate labour force during the course of the construction season, and we are intimating to you here what he has intimated to us that "In consideration of granting the foregoing Lynn Holdings will undertake to allow Yukon Territorial Government to use portions of the building, as they are completed, on a rent free basis until such time as the building is ready for complete occupancy by the Yukon Territorial Government; which in any event will be not later than 1st February, 1968." And it was on this basis that we are asking for your approval for us to grant this extension of time to the contractor to provide this space.

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Mr. Chairman: Councillor Dumas.

SESSIONAL  
PAPER #37

Mr. Dumas: I would like to ask the Commissioner, Mr. Chairman, while I realize that the Territory isn't buying this building, but since they have a long term lease possibly going with Lynn Holdings, has the Territory had any of its inspectors on the site at all?

Mr. Commissioner: I am assuming that this is a question of having the site inspected from the point of view of say technicalities, workmanship, structural soundness, things of this nature. No, we have not and we will not have our inspectors on the situation until such times as we are advised that the building is ready for our inspection and the square footage that we have asked for to see if this is available. This will be all part and parcel of the building inspection that is carried out at that time. This building, Mr. Chairman, is being built within the city limits of the city of Whitehorse and I am not aware of any limitations in the Municipal Ordinance that would prevent the city of Whitehorse from having conducted all necessary inspections on this building for all matters pertaining to public safety and anything else that is involved when a building of this nature is being constructed.

Mr. Chairman: Mr. Dumas:

Mr. Dumas: I would like to suggest, Mr. Chairman, that we ascertain as to whether the city itself has had the inspector on the job or indeed as to whether there is anybody qualified to inspect this type of construction here. I really am concerned with the possibilities regarding safety of the building, and I think before the Territorial Government moves in lock, stock and barrel they should ascertain as to whether or not it is safe to move into.

Mr. Chamberlist: Mr. Chairman, I would prefer to deal with the Sessional Paper itself. This is addressed to Mr. Commissioner. Perhaps the Legal Adviser could answer this. From the Sessional Paper it appears that the contract has now terminated. Am I to understand that the contract that was entered into is now void?

Mr. Legal Adviser: I am markedly reluctant to answer a thing like that, a question like this in an open discussion. If this was a closed session I could talk frank with the Council. I'd just as soon not go on record.....

Mr. Chairman: Councillor Shaw, would you take the chair. It seems that this is the mystery project of the century. It seems that every time we get around to discussing this matter, nobody seems to want to talk about it. When, some time ago, in the second session of 1966 on Thursday, November 17, I asked a question similar in nature to this, and to quote I said, "just before we recess, it seems to me there must be a file from phase to phase and possibly this can be located and provided too this afternoon and give us the information we require", and us, I meant the Committee, and I was replied by Mr. Commissioner "that there are certain aspects with dealings with tenders that I am told certain ethics are preserved when it comes to plans or details on plans. As a consequence, I think it would be rather difficult for me to bring this to this Council table, all the aspects of this particular thing that Council would like to see. I would have this suggestion for your consideration to offer to you and that is that Council would name a time and have an informal get together with me in my office. I would be happy to have the legislators there to provide the answers." It seems to me that when we spend a million dollars of the tax payer's money on something, I think that the proper place for this is out

SESSIONAL  
PAPER #37

on the Council table. Now, as I say, this is the mystery of the century because in answer to the question raised by the Honourable Member from Whitehorse East or the pertinent part of this agreement, a copy of which I have in my possession, is that the time for completion thereof shall be extended to a date to be agreed upon by Lynn and the Yukon, but in any event shall not be extended beyond the 31st day of October A.D. 1967. It's as simple as that. That has not been kept so the contract, unless an extension is granted to Lynn Holdings, is invalid. It's done, it's over with. Now, I think it would be well to review, at least in part, some of the events that have led up to this situation. There was a requirement for office space which was created some time during the summer of 1966, and during that season 1966, the former Commissioner had left, the present Commissioner was not appointed, and the federal government, the executive assistant of that day was in full and complete control of the Yukon Territory, there being no chief executive. At some point in time, it was in effect on August 31, 1966, an instruction was forwarded from the administrative assistant to the effect that tenders should be called for the provision of what we now find to be office accommodation on a ten-year basis which we see now involves a million dollars of the Yukon tax payer's money. That tender was ordered to be prepared on August 31, 1966 and the tenders closed on September 15, less than 15 days later on a million dollar contract. That's what happened. Prior to this, that summer there was a cottage hospital required, another urgent contingency for Dawson City. That time a wire was received by all members of Council, this is prior to the getting together of the Financial Advisory Committee, and in that wire they asked if we would individually - I have a note on it here somewhere - if we would individually agree to the building of a cottage hospital in principle. Now, the administration laid they saw fit to call us on this and I'm very glad they did. I have a copy of that information here somewhere, but I can't find it in this maze. Very fine, but when it came to this tender no such information was available to members. The Financial Advisory Committee sat and left. Still no information, and later on in the fall of 1966 during discussions on this, I asked a question of the administration, asking them who authorized this, and the question I asked was this, "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?" You see, there was no Commissioner. "and if not, who did give the sanction in Ottawa to proceed with this?" My reply was, "No one, Mr. Chairman, we didn't consult Ottawa at all. This was a Yukon matter and there was sufficient authority in the legislation. We don't practice consulting Ottawa in everything we do. This is Ottawa's view and our view." Well, I do not agree. There is nothing in legislation which permits the administration to go out on their own hook and spend a million dollars of the tax payer's money or commit or enter into an agreement of this nature. This is something that is always first decided by the Members of the Yukon Legislative Council, the people, and I submit that there was no legislation as suggested there. We went into Council and everyone deplored this type of thing. The Financial Advisory Committee of the day did not agree with it. They felt it was a matter for Council to discuss and to decide, and so we got into Council and we asked that while this was under discussion that this do not be signed until Committee or Council had decided what they wanted to do about it. There were a number of us that felt that if we're going to spend a million dollars, then we'll build our own building and then by the time we're finished we'll have something of our own. We'll have an asset. The, I believe it was Mr. Commissioner replied, that well, we can get maybe a million dollars but we can't get enough money out of Ottawa to build our own building, and I have

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that here somewhere, too, and the federal government would not go along with this. Well, this may be so and it may not be so. I understand now that the Minister is quite prepared to assist us in building a legislative building. He promised this in Ottawa, and I haven't heard anything more of it other than possibly an Expo pavillion. I asked Mr. Commissioner at that time if he would assure Council that he wouldn't sign this agreement until Committee or Council had decided what their final opinions would be and that was replied, "Mr. Chairman, I would not assure Council that I would not sign the agreement because my signature now, gentlemen, is only academic. I will be taking advice of my Legal Adviser in this matter. I will not give this assurance to the Council. I would have to be guided by my Legal Adviser." In other words, again the Council were not respected at that point. We proceeded on, an agreement was signed, and a copy of which I have read from, and we got into another session and we found that, it was pointed out, that somewhere in the Financial Administration Ordinance, Section 26, which reads as follows: "It is a term of every contract providing for the payment of any money by the Territory, that payment thereunder is subject to there being an appropriation for the particular service for the fiscal year in which any commitment thereunder would come into course of payment." Well, there was no monies appropriated for this program until last spring. Last spring, lo and behold in the budget there it was - money for partitioning this building, money for this-that, for rental payments and so forth in relation to that contract. Upon division, this carried, but the members who carried it stated, as you will find in votes and proceedings, that while we don't like it, we don't believe that the government should do this, however the government have done it and we're just going to have to go along with it. Well, I disagree with it. I have nothing against, personally, against the Lynn Holdings Limited. I wish to make that quite clear, but what I do say is that dealings of this nature destroy the effuctual control of the legislature, whatever controls we may have in relation to future programs. I indeed remember when the Department of National Health and Welfare across the river during the course of a winter decided to build a garage for, I believe, it was \$20,000, and in perusing the budget the following spring it was noted \$20,000 in for the building of a garage and we told the federal government that we didn't see that in our estimates for last year. Where did you get the money from? And they said well, we got it from the federal government. Well, that's fine, the federal government had to pay the bill, because we just deleted that item from the budget. They incurred the expenditure, let them pay the bill, and so it follows, if the federal government wish to make deals on their own hook. Imagine, 15 days to tender a million dollar contract. This whole thing is a complete mystery, and how it got as far as it did I really don't know, but I think the time has come to put an end to this. We certainly do need rental accommodation space. I feel we need a Territorial administrative and legislative building. Everybody seems to be agreed on that. This contract is now nul and void unless a further extension is granted to it, and it is my opinion that it should remain nul and void and that tenders be called for office accommodation once again or indeed I favour the construction of a Territorial administrative and legislative building, but as long as this little fiasc. remains on our books, it's a real block on the progress of the people of the Yukon Territory and their intelligence, and those are my thoughts on the matter. Now, in relation to the construction of the building, I have no information on this as yet. I've heard the odd rumour and rumble in relation to its construction



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and I think that Councillor Dumas' point is very well taken that we should indeed if it is our intention to pursue further this matter we should have some sort of a building inspection report on this thing before it's all buttoned up and closed up and the walls are covered up, when these things are not going to be available to us. We should have some information on the foundations and the structural end of the building, and it's also to note that there's no windows - on the front there are. I see no windows in the sides and I don't see that this building suits our needs whatsoever and I think that is a building that private enterprise should go and take over. I think that the administration of this Territory and its people are worthy of more, and as far as I'm concerned if the federal government are so all-fired concerned about the welfare and general growth and progress of the people of the Yukon, they would be quite glad to loan us the money at low interest rates to build our own building, and so therefore if, in relation to Sessional Paper no. 37, my consent is required to extend the terms of this contract, I will certainly vote in the negative.

Mr. Chamberlist: Mr. Chairman, I want to thank the member for Watson Lake for bringing forward some of the history of the negotiations, if they may be called that, for the building. One point I do somewhat take objection to, if this is correct, the Commissioner did state that he would be guided and advised by the Legal Adviser, that is the then Legal Adviser, because he may well have been misguided in the situation, and I think that the Commissioner has only got the right to accept the advice of Council in this matter - a matter of this nature, and I agree with the Honourable Member from Watson Lake on that particular point. However, my question earlier to the Legal Adviser was whether the agreement was void or not and there may be circumstances around the agreement - I haven't seen the agreement, I haven't had the opportunity to peruse it - where in fact there might be that the agreement can be considered to be in force. What we must agree to and must appreciate that the agreement, whether the method of going into an agreement was correct or not, the agreement itself is a *faite accompli*. This happened, the fact that there was a request for an extension of time and that was given, this too is also a matter that has been accomplished. Whether, in fact, the date that has been given was indeed the final date of the agreement and if the agreement can be called void is another matter which again we must get some proper advice before we go any further onto it. The question as to whether the building is in a condition to be used is again a matter that the Territorial Government has no jurisdiction over until such time as the commencement of a lease agreement would come into effect. I tend to agree with the Commissioner's remarks that there is a building inspector appointed by the city of Whitehorse, the jurisdiction of inspection is a responsibility of that city inspector and it should be ascertained from him if the building has been constructed in a safe manner. There are other ways, of course, of ascertaining whether the building is suitable for occupation now and at any other time. Another question, of course, that can be asked - if the request of the Commissioner re the third paragraph of the Sessional Paper wherein Lynn Holdings have offered to make the building available on a no rent basis. Whether that could be interpreted that Lynn Holdings recognizes they have in fact breached the contract and therefore they are making an offer for a reconsideration of the contract is another thing which would have to be looked into. I would not be prepared to say yea or nay to this question until it had been ascertained and brought to Council to this Committee as to whether in fact the agreement is still in existence. When that answer is brought to Council then I am prepared to vote accordingly on the request made by the Commissioner.



Mr. Taylor: Councillor Shaw, I will resume the chair.

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Mr. Shaw: Mr. Chairman, we have Sessional Paper No. 37 before us to make a decision on. To go back into the history of this is something like flogging a dead horse. The facts do remain that after that after the commencement of this, we had a situation in the fall of 1966 where the ship of state of the Yukon was sailing around without a rudder and it was not until some of these negotiations in respect to this particular building were well under way that the present Commissioner assumed control of the helm, as we might put it. Council at the time was not very happy about this situation but it was finally resolved that we would go ahead and the Commissioner was requested to negotiate with these people and see what terms and conditions could be met so we would have this particular space. That was done, and once again after we might say some acrimonious debate, the Council did agree to go along with it., so the building progressed. Rightly or wrongly, that is what happened, so it's no use - I feel it's no use to go back on something that has already been done, has been decided upon, and so therefore it is our duty to give an answer to this particular paper. Now, Councillor Chamberlist has raised certain matters pertaining to this paper and no doubt before he can give his decision, and perhaps there are other questions, I would feel that it would get some type of an answer to this. It does appear that when you make a contract to do a certain thing and don't do it, someone is left holding the bag someplace along the line and myself, I would feel that on the outset, looking at this, this is a reasonable request. The reason for not completing it would appear to me - I'm not around here, but in view of many other construction projects that I see going on in the Yukon, it certainly was difficult to get the adequate amount of workmen to complete jobs, so they may have a very, very legitimate reason and excuse, if you can call it as such, that I don't know. I would have to know what the feelings of the administration were, and they seem to feel that it was reasonable and I can just accept it as such, Mr. Chairman.

Mr. Chairman: Well, gentlemen, I note that it is now 12:00 o'clock so I think we'll declare a recess until 2:00 o'clock this afternoon.

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2:00 o'clock, P.M.

Mr. Chairman: Gentlemen, I will call Committee to order order at this time and we are discussing Sessional Paper No. 37 relating to office accommodation for the Yukon Territorial Government. Have we anything further on this Paper at this time? SESSIONAL  
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Mr. McKinnon: Mr. Chairman, after listening to the history of the negotiations for the lease of the Lynn Building I can only say that it seems to me that you have muffled the handling of these types of contracts right from the beginning. However, the point remains and cannot be denied, that the prior Council, in its wisdom, saw fit, after this information was placed before them, to accept the contract between Lynn Holdings and the Territorial Government. I think it would behoove this Council to go back on that decision after the money has already been invested in the building and even though I can state in fact I cannot agree with the way the procedure was handled from the beginning, I can only think that this Government has to act in good faith and uphold the contract that was signed with Lynn Holdings.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I cannot but help agree with the remarks made by the Honourable Member from Whitehorse North. There have been errors; no doubt whatever, in the manner in which the original agreement was made and entered into. It is not an error of the contractor but indeed there was an error and the error of the Administration. We should not penalize the contractor. There are always in the construction field problems involved in the construction of a building. A problem that can be termed an Act of God, or circumstances by holding up of supplies, shortage of labour and the like. I have, during the lunch time, made some enquiries in regard to the building and inspection of the building. I am informed that both the Fire Chief and the City of Whitehorse Inspector have been paying regular visits during the course of construction to the building and I understand that they have requested certain alterations and corrections to be made. My information is that they have been made as they have been requested. I understand that the Territorial Engineer and the Assistant Commissioner, Mr. Fleming, have both visited the building as recently as last Friday as to its readiness. I understand that Mr. Ken Baker, the Territorial Engineer, has during the construction of the building, visited it on a number of occasions and can only assume that the purpose of the visits were that it was being constructed in the manner it was expected to be. Generally, I feel that dealing with the Sessional Paper itself, if the need for the accommodation is ours and we need accommodation badly, we should certainly try to meet the contractor half way in helping him to fulfill his contract, but I would stress again at this time that under no circumstances would I at any further time support an action similar to this of the Administration. It was wrong then and I believe it is wrong now, but as I said earlier, there is a fait accompli and we must go along.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: For the sake of continuity in government we are obliged, I think, to accept this Sessional Paper and

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Mr. Dumas continues..  
give our approval to the Commissioner as he requests in this Paper. I too feel that the whole matter was handled very badly and I certainly wouldn't approve of any such thing were it to take place again but the situation that we find ourselves in is simply ratify what the previous Council had already agreed to and I think, as I say, that we are obliged to do so.

Mr. Chairman: Mr. Shaw.

Mr. Shaw: Mr. Chairman, I would move that we approve of the extension to this contract according to the terms of this Paper.

Mr. Chairman: That is that we, the Committee approve of the recommendations of Sessional Paper No. 37?

Mr. Shaw: That would suffice, I think, Mr. Chairman, that we approve Sessional Paper No. 37. I make that a Motion.

Mr. Dumas: I'll second that Motion, Mr. Chairman.

Mr. Chairman: Moved by Councillor Shaw and seconded by Councillor Dumas that Committee agrees with recommendations contained in Sessional Paper No. 37. Are you prepared for the question. Are you agreed. Contrary.

MOTION  
CARRIED.

MOTION CARRIED

SESSIONAL PAPER NO. 39.  
Mr. Chairman: The next Sessional Paper is Sessional Paper No. 39 (Resource Administration). Mr. Shaw would you take the Chair please.

Mr. Shaw: Thank you Mr. Taylor.

Mr. Taylor: Mr. Chairman, I would like to say in relation to this Resource Administration Paper that this points up another retrograde step in the course of developments in the Yukon Territory. It was my suggestion quite some time ago that every effort be made where possible to assume administrative control and indeed full legislative control in time for resource administration in the Territory. It was generally agreed by all members that this would be desirable. It was found that we could take on Game and Fisheries as our principal and only resource - Fisheries we are now working on. But here, when we were getting on towards a little of the Administrative responsibility in a sense for Forestry and where the direction for the operation of Forestry and Lands have been under the administration of the, or responsible to the Commissioner. Now they are taking that away, a retrograde move, which would return all these powers to the Great White Fathers in Ottawa. I don't think that this is conducive to the development of good responsible government in the Yukon Territory and I in fact deplore this move; especially when you consider not only the Forest Service but you consider Lands Administration you find that, for as long as I have been in the Territory going on some twenty years; that this has always been a sore point with the people of the Territory; having lands in the Yukon administered from so many miles away. It is my feeling, as has been expressed by Councils within this period, that lands administration should be, properly, in the hands of the Territorial government at this time, and administered by the administration of the Territory under advice given from time to time by the Commissioner in Council. Therefore, for these reasons I deplore the move that is being taken here. I really feel that Ottawa should take a second look at this. What has happened here is that

Mr. Taylor continues...  
the Department of Northern Affairs has further proliferated to the extent of setting up another Department who no doubt will have Branches, Director of Land, Director of Resources, and Director of This, who will all have secretaries, who will have assistants and filing clerks and so forth and it goes on ad infinitum. I would like to hear some discussion on this. I find it deplorable; I know there is very little that we can do about it except express an opinion but I feel that it is a very important step backwards to the development of the Yukon Territory. And I would like to hear some discussion on this, Mr. Chairman.

Mr. Chairman: Mr. Dumas.

Mr. Dumas: Mr. Chairman, A point of information; in this paper unlike some other papers, our approval isn't asked for. Maybe Mr. Commissioner can answer - what distinguishes those things which we ask approval for and those that we don't.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, the very nature of the paper in itself distinguishes, for example this previous paper that you dealt with here is administrative action over which we have control here ourselves and I have asked Council's approval to this - this was this Paper No. 37. This paper that I have tabled number 39 for your information is an action over which we do not have any control but is something which affects us and I felt that it was only right to table it for Council's information and this is just exactly the distinguishing characteristic in this matter.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: I too am entirely opposed to this move; I think it is a retrograde step as the Honourable Councillor from Watson Lake has said and most of us in this last election campaigned on a stage by stage movement for responsible government. This is a stage that goes the wrong way in my opinion, and I think all of us here have a responsibility to the electors to voice our opposition to it - that the Administration and the Federal Government know that we are opposed to it and would be opposed to any such types of moves in the future.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, it seems to me that the habit of having something done and then being told about it gets more and more predominant in Territorial matters. Here is a situation, we are absolutely opposed to it. We want to take control of matters in the administrative nature and what control we have had now is being removed from us ! It is no wonder the remarks of the Honourable Member for Watson Lake are of such a nature that shows bitterness and quite rightly too. I feel bitter against the Department of Northern Affairs for even going ahead and doing this without having the courtesy or the decency to come before the Territorial Council and say this is what we plan to do; or ask us about it or get our thoughts about it Mr. Commissioner may pass on, Mr. Chairman, to the Federal Government that we take a dim view of it and quite frankly I feel that the

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Mr. Chamberlist continues  
Minister of Northern Affairs is responsible again because he is not taking recognition of the people of the Yukon Territory. He is going ahead and doing things on his own back without consulting anybody up here. I've been critical of him before and I am critical of him now because he is not considering the needs of the people of the Territory. He is supposed to be Minister of Northern Affairs and he is not doing that - he is not administering to our affairs. Apparently he's having people with him who seem to be administering to their own personal needs. We want him to start taking notice of us - to come and ask us first what he should do. I'm darn annoyed with what he is doing and I hope somebody expresses to him that at least one member here is quite prepared to say that he is making a silly fool of himself by going ahead without getting some advice and some information from the Territorial Council to find out how they feel about it. It is all wrong what is being done.

Mr. Taylor: Mr. Chairman, the thing that scares me - .. the principle behind this is that they state in the Sessional Paper that it is "in the meantime Forestry and Land are continuing to report to the Commissioner's office as in the past," that is in the meantime, I assume to be the present, "so as the changes take place the transition will be as smooth as possible" and it is this cold, cool calculated phased return of this facilities to Ottawa that really scares me. "It is anticipated that the Tote Trail Program and the Prospectors Assistance Program will continue to be included in Territorial Estimates and be administered as at present by officers of the Resources Administration." I really wish I had a real constructive suggestion to offer to Committee today. I have a good constructive suggestion generally and that is the development of responsible government of the Territory to take over these things but it seems that when we approach the Federal Government or the Department of Northern Affairs we are frustrated at every turn because these are powers - it is an all-powerful bureaucracy and they do not wish, and they continue to indicate that they do not wish to allow the people of the Territory any control in their own affairs and especially in resource management. And it seems to me Mr. Chairman, if we are ever to meet the qualifications that are often asked of us here in the Yukon and that is to show administrative and legislative responsibility, that we are not going to be able to show this responsibility unless they give us an opportunity to share in that administrative experience. Certainly we have no right to go and set up our own administrative organization to administer these resources because we are not permitted to do so by law and I could not express too strongly thge dissatisfaction of this, I say, retrograde step and I really hope that the senior officials in Ottawa will view the Votes and Proceedings and this discussion very closely in order that we might find some relief from this situation and get these things back in the Yukon and particularly land administration so that we can take this platinum and gold-covered land of ours and start spreading it around and making it easier for people to get some and get this Territory on the road to a bright and prosperous future. Thank you Councillor Shaw, I will resume the chair.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, this is quite a paper. To be quite frank with you I must plead a certain amount of ignorance on what is being cooked up at the present moment. What is this Resource and Economic Development Group? Who are they and who are they responsible to? It does appear that it is

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Mr. Shaw continues..

that it appears on the surface, I should say, to be a further proliferation of government which is something that I think we've got just a little too much government already around here without getting any more but at the same time, Mr. Chairman, I don't understand what this is getting at; what is behind this; what is the purpose and is this going to be a really stream-lined way that will benefit us or is it another method whereby we are taken a little further away from knowing what is going on as far as lands, forest and resources in general are going. I wonder if perhaps the Commissioner, Mr. Chairman, will be able to elucidate a little on this; maybe perhaps given us a reason - what is behind this. I really don't understand it except that they are going to have another Department of Government. I understand that much and also that they are going to take away a certain amount of control from the Commissioner with this Department. That is the way it appears to me - now maybe I've got it wrong. I would like to know what is behind it.

Mr. Commissioner: Mr. Chairman, the situation as far as resource management, or resource administration here in the Yukon at the present time is a divided function and the mining end of the administration for several years past has come under the day to day administrative control of the Economic and Resources Group in the Department of Indian Affairs and Northern Development. Lands and Forestry, the other side of the coin here have come under, for administrative purposes, of the Commissioner's office. Now what is actually been happening here in many instances we have individual people who find themselves with two sets of rules in order to report their day's work and while on the surface of this I cannot help but agree there would appear to be a certain further seizure would I say, of authority on the Ottawa end of things; when you were talking about Ottawa proliferation, this is certainly a step to eliminate government proliferation inasmuch as you are going to bring the three resources that you are dealing with, namely lands, forest and minerals which are very closely allied and associated with each other; we are going to bring these under one head for day to day administrative purposes. Now, as to - all I can speak from is the experience that I have had here in dealing with these things or those aspects of them that I have been called upon to deal with; namely lands and forestry. I can certainly tell you that no matter how these things are dealt with, these three things should come under one Superintendent of Resources because what goes on in the mining field is definitely involved in land matters, and land matters involve themselves with regard to forestry matters, concerning timber cutting and forestry management and things of this particular nature so that from a management point of view this is the proper package to get these things wrapped up in from the management aspect of things. Now I'm not passing judgment on whether they should fall into the Territorial sphere or whether they should fall into the Federal sphere but I give you my assurance that from a straight management point of view that they should definitely be managed under one head because the activities of one are automatically very closely aliened with the activities of the others.

Mr. Chairman: Mr. Shaw, would you take the Chair.

Mr. Shaw: Mr. Chairman, just one question.

Mr. Chairman: Councillor Shaw.

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Mr. Shaw: I just have one question to ask at the moment. The mining resources and so forth - seems it will be taken out of the authority of the Commissioner according to this. If so, it appears to me that, having read the Mining Act, the Commissioner appears in that quite a lot and it will necessitate a change in the Yukon Act as far as mining is concerned, unless they continue in that way.

Mr. Chairman: Councillor Shaw, would you take the chair for just a moment?

Mr. Taylor: Just in reply to the Commissioner's last remarks, I would just like to say, where he says it is not necessarily a proliferation. I say it is and in the first instance it is my opinion that it is a duplication of facilities. This whole business - I can find no **logistical** reason why the Federal Department of Northern Affairs should be in the mining game or the resource field in the first place. We have a Federal Department in Ottawa. I think they call it Mines, Energy and Resources or something of this nature and I believe its Minister is presently Mr. Pepin who was here this summer, and it is my contention if anybody should be in the mining business or the petroleum business or the energy business or resource business in general on a custodial basis such as the Federal Government appear to be, in the case of our Crown colony here, then it should properly fall into the bailiwick of that Department of Mines and Energy and Resources and that Indian and Northern Affairs have no business whatsoever being in this field. Further to that, it is my opinion that Indian and Northern Development should be exactly what it would infer, entitle; that it should look after Indian administration and it should start the two Territories on their way. In other words administrate itself out of business in relation to development of the Territories so consequently if we talk in terms of proliferation then indeed it is not only proliferation, it is duplication.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, I am suspicious by nature, and I'm very suspicious now after hearing the remarks of Commissioner Smith and my question is a straightforward question. It is this. Has this happened at the behest of your administration? I want an answer to that.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: This has happened at the direction of the Minister.

Mr. Chamberlist: I don't want to bother you with words. I know everything happens at the direction of the Minister but was it at your suggestion, because you have referred; speaking earlier, that these three things, lands, forests and minerals should come under one head. I want to know whether the direction from the Minister came subsequent to you asking that the Department in Ottawa accept responsibility and take over the administration of these things.

Mr. Commissioner: Mr. Chairman, there is no indication of me directing the Minister or asking the Minister to do this. I may say that this has been done, Mr. Chairman, in the

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Yukon and Northwest Territories .....

Mr. Chairman: Mr. Livesey.

Mr. Livesey: I don't want to go off on a tangent or in a wild circle but it seems to me that during the last year or so, especially during the last year, we have been more or less told that everything we have got in the North belongs to the people in the south and intimated that nothing they have in the south belongs to people in the north and to me, Mr. Chairman, this is a rather unequal situation and I am rather wondering whether this is just another way of pointing out that when the final battle lines are drawn, when it comes to that and I hope it doesn't, when we want to take over those things which we feel belong to us, that there will be 60 chips on one side and 60 chips on the other. And this is the point that I think we are getting to so I think it seems to me that we have lost the Army in the Yukon, if we had had a navy that would have sailed out long ago and the Air Force, I'm not sure of my ground, but it seems to be going too. All these things contributed to the resource and development of the Yukon; I'm wondering if we are heading for the day of the great decision when we will have to look and see what we've got left as compared to that which we want and especially on the question of control. This may be a consolidation so that the things that are Federal and things that are possibly Territorial will be acutely defined and under such circumstances perhaps if too many other things go why we will be looking at these things in a rather unfavourable light. However, I'm hoping that this isn't the case but these thoughts have developed in my thinking at least, Mr. Chairman. I know when we do finally come to the bargaining table, in all bargains everyone has to count those things which they think are in their favour. Thank you Mr. Chairman.

Mr. Chairman: Gentlemen, as you know, we have a certain appointment for a certain time.

Mr. McKinnon: Mr. Chairman, may I say just a word.

Mr. Chairman: Go ahead Councillor McKinnon.

Mr. McKinnon: I really don't want to get too involved in this debate at this time because in the vernacular of the day, I'm really scared that I'm going to blow my cool if I do. And I want to inform Committee of the words of the Honourable Minister of Northern Development in the House of Commons on July 8th, 1963, when he stated "it has been accepted the forms of government for the Territory should, as far as possible, accord with that British Constitutional practice which is represented in our own Parliament and government." Everything that seems to have been done since that time seems to go away from this stated principle. We seem to be losing more and more of what little we did have previously. I think that the Honourable gentleman is receiving bad advice and Mr. Commissioner, I ask you to inform your Minister not to misrepresent the feeling of the people of the Yukon and the feeling of the elected representatives of the people sitting around this table. All the classic complaints against the senior government for not allowing the people to control their destiny are present in this present Administration of Northern Development and continue to be more pronounced every day. If the Honourable gentleman, the Minister of Northern Development and Indian Affairs has been receiving bad advice from his subordinates, and advice that is misleading the feeling and direction of the



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people and their representatives towards the movement of responsible government in the Territory, then I advise him not to labour under this misapprehension any longer and I hope that in the future I will have much more to say on this subject.

All: Hear, hear, hear!!

Mr. Chairman: Now gentlemen, I think that in view of the time; I think the appointment is for three o'clock, we will recess....

Mr. Taylor: Mr. Shaw, I will resume the Chair at this point and time.

Mr. Chairman: Go ahead.

Mr. Taylor resumes the Chair.

Mr. Chairman: Gentlemen, I think at this time the Chair will entertain a motion that Mr. Speaker will now resume the Chair.

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

Mr. McKinnon: I second that Motion.

Mr. Chairman: It has been moved that Mr. Speaker do now resume the Chair. Are you prepared for the question. Are you agreed. Contrary. I declare the Motion carried.

MOTION  
CARRIED

MOTION CARRIED

REPORT  
FROM  
CHAIRMAN  
OF COMMITTEE

Mr. Speaker: Thank you Mr. Chairman. I will now bring Council to order. May we have a report from Chairman of Committee.

Mr. Chairman: Mr. Speaker, Committee convened at 10.45 A.M. to discuss Bills, Sessional Papers and Motions. Committee recessed at twelve noon and reconvened at 2:00 P.M. It was moved by Councillor Shaw, seconded by Councillor Dumas that Committee agrees with recommendations contained in Sessional Paper No. 37. This Motion carried. It was moved by Councillor Chamberlist and seconded by Councillor McKinnon that Mr. Speaker do now resume the Chair. This Motion Carried.

Mr. Speaker: You have heard the report of the Chairmen of Committee; are we agreed.

All: Agreed.

Mr. Speaker: May I have further indications of your pleasure Gentlemen.

AGENDA

Mr. Chairman: Mr. Speaker, in respect of the Agenda, we have a duty, a pleasant duty to perform this afternoon informally and for tomorrow we have several Sessional Papers for consideration as well as Bills and Motions.

Mr. Speaker: Thank you Mr. Taylor. I believe, gentlemen, that all House Members are invited to the celebration of the anniversary of the opening of the Alaska Highway at the C.N.T. building this afternoon at three o'clock. What is

PA

Page 316.

Mr. Speaker continues..  
your pleasure.

Mr. Shaw: Mr. Speaker, I move we call it five o'clock.

Mr. Dumas: I second that Motion, Mr. Speaker.

Mr. Speaker; It has been moved by the Honourable Member  
for Dawson and seconded by the Honourable Member for White-  
horse West that we call it five o'clock. Is the House agreed?  
I declare the Motion carried.

MOTION CARRIED.

MOTION  
CARRIED

Mr. Speaker: The House now stands adjourned until  
10:00 A.M. tomorrow morning.

AA

Page 317.  
Tuesday, November 21, 1967.  
10:00 o'clock a.m.

Mr. Speaker read the daily prayer. All Councillors and Mr. Commissioner were present.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will call Council to order. I have no notices for you this morning. Are there any Reports of Committees? Introduction of Bills.

Moved by Councillor Shaw, seconded by Councillor Chamberlist, that Bill No. 9, An Ordinance to Amend the Evidence Ordinance, be introduced at this time.

BILL #9  
INTRO-  
DUCED  
MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: Are there further Bills for introduction at this time? Notices of Motion or Resolution. There being no Notices of Motion or Resolution, may we pass to Orders of the Day - Notices of Motion for the Production of Papers. There are no Motions for the Production of Papers on the Order Paper. We will now proceed to Motions. All Motions, Nos. 1, 9, 21, 22, 23, 24, 25 and 26 are in Committee.

Mr. McKinnon: Mr. Speaker, on a point of order, don't Motions for the Production of Papers remain on the Order Paper until the papers have been tabled before the Council?

Mr. Speaker: I believe that they still are on the Order Paper but they have all been moved into Committee.

Mr. McKinnon: No, this is Motions for the Production of Papers, Mr. Speaker.

Mr. Speaker: Yes. Are we missing any Motions for the Production of Papers, Mr. Clerk?

Mr. Clerk: Yes, Mr. Speaker, there are Motions for the Production of Papers, however you did instruct me to take them off the Order Paper once they had been passed.

Mr. Speaker: Yes, that is correct. Once they have been cleared by the House, then they are to be removed from the Order Paper.

Mr. McKinnon: Mr. Speaker, it was always my belief that the Motions for the Production of Papers were taken off the Order Paper once the papers were placed before the House. I stand to be corrected but I thought I was correct in this belief.

Mr. Speaker: I will check into this, Mr. McKinnon. May we now move to the Question Period.

Mr. Chamberlist: Mr. Speaker, a question addressed to the Commissioner. Mr. Commissioner, I have been making inquiries from you re a payment of the Physical Fitness Fund to the City of Whitehorse. Yesterday you came and said that the cheque was due to be in the mail either yesterday or today. It was suggested to me that the cheque had already been paid. It was published yesterday that the City Manager had stated that he had received the cheque last week. What I want to get to know is the true fact. There seems to be quite a

QUESTION RE  
PHYSICAL  
FITNESS  
FUND  
PAYMENT

QUESTION  
PHYSICAL  
FITNESS  
FUND  
PAYMENT

Mr. Chamberlist continues:  
difference of opinion as to whether they received the cheque or they have not received the cheque. You say that the cheque has not been received and the City Manager has stated that the cheque has been received. Which is correct? It was published in the Whitehorse Star yesterday that they had received the cheque last week.

Mr. Commissioner: Mr. Speaker, I have brought the information to Council that was given to me by the responsible Officer in my Administration and if Council would excuse me when the question period is over with, I will further verify this particular situation by going to the next highest Officer and check further on the situation, Mr. Speaker, because I agree that this appeared in the Whitehorse Star last week. I saw it myself and I think it would be a very good idea to get this question straightened out.

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

QUESTION  
TRAVECON  
STUDY

Mr. McKinnon: Mr. Speaker, I would like to ask a question of the Commissioner and it is - has the Travecon Study been completed and if so, may Territorial Councillors obtain a copy of this Study?

Mr. Commissioner: Mr. Speaker, if memory serves me correctly, there was some information that has already been made available to Council on the Travecon Study, but if I could have notice on this, I would be very pleased to get this information for Council. I would answer the first part of the question...I think it only right that I should...the Councillor's question I believe was in two parts...had this been completed, and the answer is yes, it has been completed. Now, the next part of the question, "Can it be made available to Territorial Councillors?", I would appreciate it if I could have notice on that.

Mr. Legal Adviser enters the Council Chambers.

Mr. Speaker: Are there any further questions?

QUESTION  
LEGISLA-  
TIVE  
BUILDING  
FROM EXPO

Mr. Taylor: Yes, Mr. Speaker, I wonder if I might ask Mr. Commissioner this morning if he has as yet heard any word respecting a legislative building in the form of an Expo building for the Yukon.

Mr. Commissioner: Mr. Speaker, an inquiry was directed to the Minister's office in response to the question that was asked but up until now, I have had no reply. Just as quickly as one is forthcoming, I can assure Council that I will inform them.

Mr. Taylor: Thank you, Mr. Speaker.

Mr. Speaker: Are there further questions from the floor?

QUESTION  
TAXATION  
STUDY

Mr. McKinnon: Mr. Speaker, I would like to ask a question of a Member of the previous Council. There was a question asked of the Honourable Minister of Northern Development and Indian Affairs Mr. Laing in the House and the question was...House of Commons...in the other place...."Was the Yukon Legislative Council consulted with respect to the appointment of Messrs. Touche, Ross, Bailey and Smart or with respect to the terms of reference of the study or with

QUESTION  
TAXATION  
STUDY

Mr. McKinnon continues:  
respect to any other matter relating to the study?" The answer by the Minister was, "At a meeting in Ottawa in January-February, 1967, members of the Yukon Council discussed the need for and the type of study which would be undertaken by the Department." I would like to know if this is in fact correct?

Mr. Taylor: Possibly I could answer that. First of all, which study? There's a thousand studies going on in that Department. Which one does this refer to?

Mr. McKinnon: The appointment by the Government of Messrs. Touche, Ross, Bailey and Smart, Chartered Accountants, to conduct a study of taxation and fiscal affairs in the Yukon Territory.

Mr. Taylor: The suggestion was made by Council at that time...or Members as individual Members of Council at that time...that a study be made of the Territorial-Federal Fiscal relations, and the Council were not consulted in the appointment of these gentlemen.

Mr. Speaker: Are there further questions? May we then pass to Public Bills and Orders. What is your pleasure, gentlemen?

Mr. Commissioner leaves the Council Chambers.

Moved by Councillor Shaw, seconded by Councillor Taylor, that the Speaker do now leave the Chair for the purpose of convening into Committee of the Whole to discuss Bills, Motions and Sessional Papers.

MOTION TO  
MOVE INTO  
COMMITTEE

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: I will declare the Motion carried and the Honourable Member for Watson Lake will please take the Chair in Committee of the Whole.

Mr. Chairman: We will be proceeding with Sessional Papers this morning. I will declare a short recess while you get your papers in order. The first one will be No. 39 which we were dealing with last evening.

RECESS. Mr. Legal Adviser leaves the Council Chambers.

Mr. Chairman: Gentlemen, at this time, I will call Committee SESSIONAL to order. We are on Sessional Papers and we are on Sessional PAPER #39 Paper No. 39, Resource Administration. Have you anything further in this respect?

Mr. Chamberlist: Mr. Chairman, I understand that the Minister of Northern Affairs is going to be here this weekend. I wonder, Mr. Chairman, if it might be a good suggestion if it is conveyed to him by the Administration, perhaps I might say in no uncertain terms, how Council feels about this. Perhaps we can get him to give us a reply.

Mr. Chairman: I believe this would have to be a decision of Committee of the Whole.

Mr. McKinnon: Mr. Chairman, I wonder is there anything laid on for the Council to meet the Minister of Northern Development and Indian Affairs when he is in town this weekend? There are some of us here who haven't had the privilege of meeting this man.

SESSIONAL PAPER #39 Mr. Chairman: Just in speaking from the Chair, I very much doubt it. This is not normally done.

Mr. Dumas: Mr. Chairman, maybe the Commissioner could enlighten us on that.

Mr. Commissioner: Mr. Chairman, I personally don't have a copy of the Minister's itinerary, but it is very obvious that he is coming here in connection with the film showing of a couple of films that have been made by the Department in connection with Northern development and while I am not aware of the length of time that he is going to be here on Saturday, I can assure you that if Council express a desire to me that they wish to meet with the Minister, I would be most happy to pass this on to him and I would likewise say that I am quite confident that if he is going to be here for any hours at all that would permit this, I am sure you would find him very happy to do so.

MOTION TO  
ARRANGE TO  
MEET WITH  
MINISTER

Mr. Chamberlist: I would like to express my desire that we meet the Minister and I move that the Commissioner be requested to arrange for a meeting with the Minister of Northern Affairs.

Mr. Dumas: If that Motion is in order, I will second it.

Mr. Chairman: I wonder if you would write out your Motion, please.

Mr. Livesey: Just on a point of order, Mr. Chairman, it would appear to me that this is a new question and is not being discussed in Committee. I would feel that this matter would be contrary to the Rules.

Mr. Chairman: Is this for the purpose of discussing Resource Administration?

Mr. Chamberlist: Yes.

Mr. Chairman: Then I would think that it would be in order. Is there any discussion on the Motion?

Mr. Shaw: Mr. Chairman, I would certainly like the opportunity of discussing this with the Minister. I would feel that this is something I don't thoroughly understand...what the reason for this is. A meeting with the Minister may clarify this, and I would certainly welcome a discussion with the Minister in relation to this and would, therefore, support this Motion, Mr. Chairman.

Mr. Chairman: The Motion reads that the Commissioner arrange for a meeting with the Minister of Indian Affairs and Northern Development to discuss Resource Administration.

MOTION  
CARRIED

MOTION CARRIED

Mr. Chairman: What are your further wishes. Are you clear on this paper at this time?

Mr. Shaw: Pending the discussion with the Minister, Mr. Chairman, I would suggest that we leave this Sessional Paper No. 39 in abeyance and continue.

Mr. Chairman: Committee agreed?

All: Agreed.

Mr. Chairman: The next Sessional Paper is Sessional Paper No. 42. This is in respect of parking meters in the City of Whitehorse. SESSIONAL  
PAPER #42

Mr. Chamberlist: Could we have Mr. Legal Adviser here, Mr. Chairman?

Mr. Chairman: Mr. Clerk, would you see if Mr. Legal Adviser would be available at this time. I will declare a short recess.

RECESS. Mr. Legal Adviser enters the Council Chambers.

Mr. Chairman: I will call Committee to order. We have with us Mr. Legal Adviser and we are discussing Sessional Paper No. 42, Parking Meters.

Mr. Chamberlist: May I proceed, Mr. Chairman?

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, I firstly want to make it clear although it was suggested to me by an official of the City that I was being obstructive in this matter, this is not so. One of my concerns is, and I want to be recorded as such, that if the right to install parking meters and collect fees for parking is not within the right of the municipality, then I am opposed to it, and if they want that right that they must go about it the correct way and ask for an amendment to the Ordinance accordingly. I think it is improper for them to go ahead and make by-laws or parts of by-laws which legally, I believe, would be incorrect. Now, my argument is on the basis that to put parking meters in needs statutory requirement and I am going to read two specific cases into the record. I want them to be read in as Rogers, The Law of Canadian Municipal Corporations, Supplement 1966, the case of Bartlett v. St. John's 1959, and it can be found in No. 17, Dominion Law Report, 2nd edition, page 593, and it is a Newfoundland case, and it reads as follows: "The authority for the creation of traffic signals and signs is usually imperative and accordingly no one can as a rule complain in respect of an injury resulting from the exercise of such authority", and also, the same supplement, Culp and Hart v. East York 1957, page 515, Volume 9, Dominion Law Reports, 2nd Edition, "a sign erected without statutory authority causes a nuisance, an action will lie". There are other cases but they are the main ones. Now, the Municipal Ordinance of the Yukon Territory, section 81, reads as follows: "Subject to the Motor Vehicles Ordinance, the Council may pass by-laws for the regulation of highway traffic within the Municipality." Sessional Paper No. 42 says that the Council are relying on section 87(1)(i) which is a new subsection which is being put in, and section 87, Members of Committee, is a section dealing with zoning by-laws. Now, the Motor Vehicles Ordinance makes provision under section 150(h) for parking lot operators where the Commissioner can prescribe the operation of parking lots. The Motor Vehicles Ordinance, Part IV, Interpretation section, page 33, refers to a traffic control signal... "means a device"... now these are very important words... "means a device, whether manually, electrically or mechanically operated, by which traffic is directed to stop and to proceed." Now, this is the only manually, electrically or mechanically operated device which

SESSIONAL  
PAPER #42

Mr. Chamberlist continues:  
is described in the Motor Vehicles Ordinance. No other device of that nature is described. In two or three sections, including section 114 specifically, reference is made to a traffic authority...no signs can be erected without the traffic authority. The only traffic authority in the Yukon is the Motor Vehicles Ordinance. Section 150 also prescribes for and requiring the use of devices and in section 155, the permissive rights that are available to the municipality are within there. I wish to point out in section 155 that "Notwithstanding anything in Part IV, the council of a municipality may, by by-law, make regulations with respect to", and in (b) "parking of vehicles". There is no objection at all to the actual installation of a device suggesting when to park and what times to park, but there is no statutory authority for a device to be installed that collects a fee. My opposition is on this basis that unless and until the Municipality of Whitehorse requests an amendment to the Ordinance....to the Motor Vehicles Ordinance....making provision for the collecting of fees for parking in a municipality, I say that they cannot install the parking meters. This is just my case and I want Committee to know it.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: Mr. Chairman, I agree that the matter is not completely free from a certain amount of doubt but these by-laws have not yet come to the Commissioner for approval or disapproval, but I am authorized to say that the stand that the Administration will take when by-laws are forwarded for approval to the Commissioner...usually on a legal point they would come to me...but no by-law will be disallowed merely because of a matter of doubt. The Municipality look after their own affairs. They have their own legal adviser. They have their own legal draftsman and if they are satisfied when they forward the parking by-laws to us and it cannot be shown absolutely definitively that they have exceeded the powers given to them by either the Motor Vehicles Ordinance or the Municipal Ordinance, then I would propose to advise the Commissioner not to disallow the by-law because it is the policy of the Territorial Government to give as much responsibility within their own sphere as possible to each subsidiary organization in the Territory and this is what we expect from Ottawa towards us and I think we are correct in passing on this type of policy to the bodies which are subsidiaries to the Territorial Government. Now, as I said... I agree...an argument has been made on both sides as to whether parking by-laws are within the power of the municipality or not, but unless the matter is resolved and if Mr. Chamberlist's arguments fail, then I would propose when the by-laws come up to advise the Commissioner to sign and approve those by-laws.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, I appreciate the remarks of the Legal Adviser however I feel that we have a responsibility to at least advise the municipality that there is a doubt and because there is a doubt, and Mr. Legal Adviser agrees that there is a doubt, and they can clear that doubt quite easily by asking the Administration to amend the Municipal Ordinance and I am sure that Mr. Legal Adviser will agree with me that this doubt could be completely cleared if they ask that the legislation be made clear for them, making it permissive. It



Mr. Chamberlist continues:  
would appear to me that it would be somewhat unfortunate for the City of Whitehorse...for them to go ahead and do this...where they are going to have commitments of repayment of about \$2,000.00 a month and then find that their action is indeed illegal, it would then place them in the position of having to meet their commitments with no fees coming in to offset those commitments. It is my suggestion that the municipality has got a responsibility as well, not only to the taxpayers of the City of Whitehorse, but to the Territorial Administration to make sure that they do not act outside the realm of legislation. They have a responsibility in fact to go to the legislative authority of the Territorial Government...the Territorial Council...and simply say, "Well, if there is a doubt, let's straighten it out." What objection does the Administration have to having that happen? What objection can Mr. Legal Adviser have to that happening if as he says, and he agrees with me that there is a doubt, then why not say to the municipality, "There is a doubt. Ask for an amendment." That is all, Mr. Chairman.

Mr. Legal Adviser: Mr. Chairman, I attended a meeting of the City Council of the City of Whitehorse recently in connection with an area Appeal Board and relations at that meeting were good between myself and the Council. They asked my opinion and I gave it when it was asked. I would prefer not to stick my nose into somebody else's business if this is possible because there is always the danger that I lose the tip of it. There is an easy way of resolving this difficulty. There is a highly paid judicial official in this Territory and I am not aware that the Courts are too over-burdened with work. When this Municipal by-law is passed, if any member of the public feel aggrieved in the slightest, he can defend his case in Court and get the Court's opinion and the Court's opinion will be definitive and it will decide the matter for all time. I am not a judge. I haven't been asked for advice and I don't propose to tender it although I should say that the Administration here is always, at any time, only too willing to give our advice, preferably at the early stage of a proceeding, to the Council of the City of Whitehorse at any time, but we haven't been asked on this occasion and I don't propose to tell them how to run their own House.

Mr. Chairman: Thank you, Mr. Legal Adviser. Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, I do not wish to appear to be stubborn but I cannot reconcile my thinking to the thinking of Mr. Legal Adviser on this point. My position, and I repeat, is very clear. If they have the power...if the municipality have the power to do it, fine and dandy. It is my submission that they haven't got the power to do it. The remarks by Mr. Legal Adviser, Mr. Chairman, are that there is a doubt. I say that the City of Whitehorse have a responsibility to clear up any doubt and I would suggest that they recognize that there is a doubt. In other cases...there has already been cases...I have already read into the record today... that makes it quite clear that in the absence of statutory authority, certain things cannot be done. They have no statutory authority and, therefore, they should not proceed with it. My point, and I have to differ with Mr. Legal Adviser, is this - they are our House as well. We are not telling them what to do. All we are suggesting to them is you have a Municipal Ordinance under which the powers of the municipality are laid down clearly and I say clearly. This is all that we are asking them to do...is to follow the

SESSIONAL PAPER #42 Mr. Chamberlist continues:  
Municipal Ordinance and this is what they should be doing and I cannot see why, in this case....I think it is the Administration that is being obstinate if they do not recognize the very doubt that they say exists because I can bend very easily but I think the Administration can bend, at my request, especially because I represent the people of Whitehorse East and a large majority of them are in this area and the parking meters are going in that area so I have a responsibility when they come to me and say to me, "What are you doing about this situation?" What I am doing about this situation is pointing out to the Territorial Administration that the Municipality of the City of Whitehorse are going beyond the powers that have been vested in them by the Municipal Ordinance.

Mr. Chairman: Is there anything further on this, gentlemen, or may I proceed?

Mr. Chamberlist: No. Nothing further.

SESSIONAL PAPER #45 Mr. Chairman: The next Sessional Paper is Sessional Paper No. 45 and this has reference to a B.C. Summary Convictions Act and I believe is related to a Motion still standing in Committee at this time - Motion No. 1, Summary Convictions Ordinance.

Mr. Chamberlist: Mr. Chairman, I am satisfied with the information on the paper and I don't think we can deal any further with it at this time.

Mr. Chairman: Do you gentlemen agree?

All: Agreed.

MOTION #1 Mr. Chairman: We have then Motion No. 1 to determine in Committee, gentlemen. Motion No. 1 reads as follows:  
"Moved by Mr. Chamberlist, seconded by Mr. Taylor, I move that the Administration prepare legislation similar to the Summary Convictions Act of British Columbia." Are you prepared for the question on the Motion.

Mr. Chamberlist: Let it die. We can't do anything with it now.

Mr. Chairman: The matter must be reported back to Council. This Motion is in Committee and that is to be dealt with in some form or another. Are you prepared for question on the Motion?

Mr. Dumas: Mr. Chairman, can't we just leave this Motion for some future date?

Mr. Chairman: At your direction but prior to the prorogation of this Session, this Motion must be dealt with and proceedings reported back to Council.

Mr. Shaw: Mr. Chairman, this Motion that we are discussing is somewhat difficult. We are asking something that we haven't the power to do so it is obvious that we can't get it...something that we aren't able to do under the existing legislative setup. To deal with it....we vote in favour of the Motion and we know it cannot be applied. We vote against the Motion, then of course it would appear that we don't want it so if there is some possible means it could just die on the Order Paper, I would say that that would be the answer.

Mr. Chairman: This is not possible, gentlemen. We must deal with this Motion and report back to Council. MOTION #1

Mr. Legal Adviser: I don't want to seem to correct one of the Honourable Members but if the Member had read the terms of the Sessional Paper, he would see that it is within our power to pass legislation dealing with the trial of what I might call Territorial offenders but not Federal or Criminal Code offenders but the gist of the paper would be suggesting that no legislation similar to the B.C. Summary Convictions Act would be particularly desirable certainly at this time.

Mr. Chamberlist: Mr. Chairman, may I suggest that the Paper be left on for further discussion. This will give us time to think about it.

Mr. Chairman: Committee agreed?

Mr. McKinnon: Mr. Chairman, I wonder if I could call Committee's attention to Standing Order No. 48 of Beaufort... oh, I am sorry. It doesn't apply.

All: Agreed.

Mr. Chairman: Gentlemen, we have several Motions on the Order Paper. I wonder if you would be prepared to discuss these Motions at this time. They are in Committee.

All: Agreed.

Mr. Chairman: The first is Motion No. 9, Mr. McKinnon, respecting Residency Qualifications, Low Cost Housing. The Motion reads, "Moved by Councillor McKinnon, seconded by Councillor Chamberlist, that in the opinion of this Council, residency qualifications should be removed from the Low Cost Housing Regulations." Councillor McKinnon. MOTION #9

Mr. McKinnon: Mr. Chairman, this Motion was presented before this House at the Spring Session of the Council. It was presented by the then member for Whitehorse North and it was passed unanimously by this House that the residency qualifications be removed from the Low Cost Housing Regulations. In speaking before the House on this Motion, the Member stated that it was, in his opinion, that if a person came to the Yukon, fulfilled the requirements to be eligible for a loan under the Low Cost Housing Regulations, then he should not be prohibited by lack of residency for a year from taking advantage of this loan. I would like to inform Committee of what the requirements now are for a person to be eligible for a loan under the existing Low Cost Housing Regulations. The applicant must be a Yukon resident of one year or more. He must meet minimum income requirements. The annual repayment of a loan must not exceed 25% of his gross income. He must own or lease the land on which the dwelling is to be built. He must produce plans and building specifications that meet the National Building standards. He must complete the dwelling within two years. If he fulfills all these requirements, the applicant then submits completed forms, together with plans and specifications. Then, the applicant's credit rating and financial statement are checked. Then a recommendation is prepared with supporting documents, including a cost estimate of construction. Then, the Low Cost Housing Committee is called to review the application. Then the applicant is notified of the Committee's recommendation. Then the complete documents, Mortgage, Assignment and Lease are completed. Now, Mr. Chairman, certainly

MOTION #9

Mr. McKinnon continues:

in this day and age, if a person fulfills all the requirements that are stated under the Low Cost Housing Regulations and when it is so easy to check a person's credit qualifications and if a person has shown good faith in us to apply for the loan and fill all the stringent requirements that are requested by the Administration, I do not see how the residency qualification should be taken into effect. I don't think that any man who is serious enough to go out and purchase a lot, declare his intent to build and fulfill all the other requirements of the Low Cost Housing Regulations should be further discriminated against by not being in the Yukon for a year. I believe that the Administration, in refusing to accept this unanimous Motion of Council in the last Session, their chief argument was that it would provide all kinds of administrative difficulties and I fail to see how these could result. I think that the Administration also stated at that time that they did not know of one single case where a loan had been refused because the applicant did not meet the requirements. I have evidence that there have been at least four people refused loans under the Low Cost Housing Regulations because, although they met all the other requirements to receive a loan, they could not fulfill the residency requirement. If there is one person who because of Regulations that we set up by this Council, considering the critical housing situation in the Yukon at this time, cannot meet the requirements to obtain a Low Cost Housing Loan because he hasn't been a resident of the Yukon for at least a year, then I say the Regulations are wrong and that we should change them.

Mr. Chamberlist: Mr. Chairman, a few days ago when we had some witnesses here re our discussion on housing, I put to Mr. Woodason a question relating to this matter and it appears so contrary to the idea of encouraging people to come here and build their own homes when a restriction of this nature is put in their way. A man comes up here. He finds himself a job. He starts work. Of course, he wants his family to be with him. When he comes up on his own, he might be able to find temporary lodgings for himself but the suggestion that he has to stay here a year before he can bring his family and, in fact, if we participate in separating him from his family because we put a restrictive clause in the Ordinance seems to me to be wrong. I support very strongly the Honourable Member from Whitehorse North's contention that this particular section dealing with residency qualifications should be removed - if not completely removed, I am prepared to say that at least it should be reduced to ninety days but certainly there should be an alteration in the Ordinance itself. The Motion, as I understand it, is to remove that disqualification and although I have made my comments that it could be reduced, I think the Motion itself should perhaps stand and we should start from there and have that withdrawn as quickly as possible.

Mr. Dumas: Mr. Chairman, my first reaction to this Motion was that it should be reduced rather than be removed entirely, however, after listening to Mr. McKinnon recite the restrictions, the qualifications that are necessary before a person can go ahead and build, I am sure that the wheels of Government grinding as slowly as they do would take two or three months anyway to have the loan approved so that even if we reduced the time period to three months and then there is another three months while all these things are being complied with, we would find ourselves in the situation where the man has got to wait six months so I go along with the Motion exactly as it reads and will give it my support.

Mr. Chairman: Gentlemen, are you prepared for....

MOTION #9

Mr. McKinnon: Mr. Chairman, I would very much like to hear Mr. Commissioner's reason why the Motion that passed unanimously from the Council wasn't accepted by the Administration and what qualms he has against accepting this Motion again as it stands.

Mr. Commissioner: Mr. Chairman, I must admit that I am very much of two minds in connection with this situation. On the reading of the qualifications that now exist, I tend to agree and I think I mentioned this at the Spring Session of Council, that I tend to agree that the Regulations as they are now there, discounting the residency qualifications, would appear to set a standard of limitations, or to put it the other way, put limitations on the standards of the person who is going to qualify that would almost seem to indicate that residence qualification is almost superfluous. I must agree to this, but on the other hand, in the actual day to day administration of these funds, this is sometimes another question and I can reiterate to you one particular experience that happened at the very time when considering Council's Motion was on my desk and there was a man who came to this town in the employment of a substantial nature and after inquiring of the housing people, Mr. Woodason in particular, as to these residence qualifications, made personal representations to me that he felt that this was a very discriminatory matter and that he didn't feel that this was the proper thing to do.....these were Federal Government funds and we were simply acting as an agency for putting them to use... that he felt that this was just too stringent a situation and, quite frankly, Mr. Chairman, I tended very very much to agree with him. However, after I had looked into the matter a little further and it wasn't very many days later, I phoned to this particular person's place of employment to speak to him further on the matter and found that he had left town either the day or two days before and this was all that there was to it. We cannot stop the movement of people. They are going to move and they are going to come and go and it doesn't matter really whether they have entered into agreements with the Low Cost Housing arrangements, or taken out a C.M.H.C. mortgage or bought a home privately through private financing or anything. There is no question at all about this and I personally....I very much tend to feel this... that a relaxing of this residency qualification here is the proper thing to do. I question very much the advisability of eliminating it altogether. Now, the procedures that are outlined here, I can't tell you exactly how long that these procedures would take from the time that a person bought a piece of property at Porter Creek Subdivision until the first advance on his loan was made because, really, approval and making advances on the basis of the approval, are two different things. They are not one and the same thing at all. In other words, you have to rely on a certain point in the construction of this home before any money actually changes hands, and if Council passes this Motion, I would put this in this manner... that I would like very very much to feel that Council would pass this Motion on the understanding that we will thoroughly and completely vet the matter and if at all practical, and at the moment I don't see any reason for....that it would not be practical, that we would relinquish this residency clause down to a more realistic and more practical point of time in relation to building season, availability of time when you

MOTION #9

Mr. Commissioner continues:  
can build houses. Now, if a person comes to the Yukon in the month of January or February and secures permanent employment here and you are going to say that he must stay here until next January or February before he even qualifies to talk to you about a low cost housing loan, you are not talking about one year's residence before you make an actual advance on this loan, you are almost talking about two years residence so I think that the element of practicality has to enter into this and I don't think that this one year residency clause, as it stands right now, really serves the total concept of what it was originally intended to do. I think that there are instances where it is not practical. On the other hand, you may say that if a person moves here in the month of August, he is not a potential applicant for a low cost housing loan and if he comes in and makes his application the following May when the building season is getting underway and by the time the paper work is done and he has got...his approval on his first advance is made, literally speaking, he has qualified for the year's residence so that what you are really doing here...I think we should be re-examining this to get the proper flexibility into it that is applicable to the building problems that are inherent in the climatic area in which we are resident. I would put it to you this way that I would be most happy to see if we cannot bring practicality into the residency clause without the total elimination of it.

Mr. Chairman: Gentlemen, at this point in time, I will declare a short recess.

H

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Tuesday, November 21, 1967.  
11:00 o'clock a.m.

Mr. Chairman: Gentlemen, I will now call this Committee back to order, and we are discussing Motion No. 9. What is your further pleasure? MOTION #9

Mr. Shaw: Mr. Chairman, I would move that Motion No. 9 be amended to read as follows: "That in the opinion of this Council, residency qualifications in Low Cost Housing Regulations should be reduced to three months."

Mr. Livesey: I second that.

Mr. Chairman: Is there any discussion on the Motion?

Mr. McKinnon: Mr. Chairman, I had some discussion with Mr. Commissioner and it was the feeling of the administration that he thought that six months would be a more proper time period for these loans to be made in. However, I think that this is just too long a period. I think that the other stringent prohibitions on people receiving these low cost housing loans, that three months is a long enough time to have to wait before you are able to build under the Low Cost Housing Regulations as they now stand. I would like to advise the administration that they are dealing with a Council that, God willing, will be sitting here for the next three years and that if they do the same thing to this Motion that they did to the one the Council passed unanimously in the spring session, they will be reminded of it constantly and will be bugged until they put it into effect.

All: Hear, Hear.

Mr. Legal Adviser: I would just like to say that with regard to the last remark made by the Honourable Member that I think the Council will be aware that there is a distinct change of atmosphere between the administration and this new Council, and I think the Council and the administration are getting along very well together and I don't think it will be necessary for the Council to continue to bug the administration.

Mr. Chamberlist: Mr. Chairman, can we add to Mr. O'Donoghue's description the Legal Adviser, Mr. Public Relations Officer.

MOTION #9 CARRIED

MOTION  
CARRIED

Mr. Chairman: The next Motion, gentlemen, is Motion No. 21.  
Mr. McKinnon on public housing authority.

MOTION  
#21

Mr. McKinnon: Mr. Chairman, I would suggest that probably the most efficient way that this could be handled is an involved and it is a, I think, quite as complicated a measure, and I would suggest that possibly if Mr. Chairman could go through the Housing Policy Paper that I believe all members of Committee have before them and went through it step by step and clause by clause that they would find that there would be things they would like to amend and the discussion that would arise out of the paper and that it would serve as a basis for instituting some type of public housing authority in the Yukon.

Mr. Chairman: Is Committee agreed?

All: Agreed

MOTION  
#21

Mr. Chairman: Do you wish to read this whole paper?

Mr. McKinnon: Mr. Chairman, as mover of this Motion I attach prime importance to it and I would think that it is as I say such a complicated and detailed business that this would be the most efficient way to deal with it, I would think.

Mr. Chairman: This is a Housing Policy Paper, headlined Development of Housing Policies - Yukon and Northwest Territories. "1. The Problem - in brief (a) The Territorial Government does not wish to become involved with staff housing. (b) The Federal Government wishes to get out of the staff housing business as quickly as possible, and is embarrassed by its own regulations governing the administration of Crown-owned housing. (c) Staff in the north still wish to retain the benefits of subsidized housing. To a certain extent so also do the Territorial and Federal Governments. (d) Federal Legislation and Regulations have to be changed - usually entailing years of investigation and debate. In some cases, this includes the time-consuming process of getting Treasury Board approval. (e) Federal staff housing legislation and regulations apply to all Regions regardless of conditions, taking very little or no account of the Regional differences that may exist. (f) Federal staff housing at present does not recognize the employees ability to pay for accommodation and services. (g) Proposed changes seldom get general acceptance by all the people and organizations concerned, thus increasing the time taken in getting changes agreed. (h) The Territorial Governments' attitude on general public housing is one of reluctance: they do not want but clearly recognize the need for it. (i) The Territorial Governments apparently wish to get out of housing at a time in the development of the Yukon and Northwest Territories when the need for government assistance in housing generally is probably at its greatest. However, as stated in (i) above perhaps the most important matter is that both Territorial Governments appear to be anxious to get out of housing, or at best act very reluctantly on housing matters, at a time when the need for government assistance is probably at its greatest, yet the experience in the remainder of the country is that governments at all levels are getting into housing not out of it. Staff housing represents only one but an important aspect of a general problem extant in both Territories in the lack of development of housing, and, as a by product, of the growth of communities. There is an urgent requirement for subsidized rental housing and adequate mortgage arrangements in many communities in the north and it would appear that the time is ripe for the development of Public Housing Projects in co-operation with CMHC under the provisions of the National Housing Act." Are you clear on that section? "2. Proposed Solution - Housing Corporations. To facilitate this, the Territorial Governments should set up bone-fide Housing Corporations with full powers to act as Public Housing Authorities."

Mr. Chamberlist: Mr. Chairman, with respect, it was my understanding that this was to be dealt with a paragraph at a time.

Mr. Chairman: Well, everyone seems to be communicating between themselves here. I just asked if we were clear on Section 1. I will return to Section 1. Are there any discussions on Section 1?

Mr. Shaw: Mr. Chairman, I think to date you have outlined the problems. I think as we go along further we get to the solutions or proposed solutions, and I think that would be the time to accept or otherwise the solution.

Mr. Chairman: This was my understanding. May I proceed? I will start again: "To facilitate this, the Territorial Governments should set up bone-fide Housing Corporations with full powers to



act as Public Housing Authorities. Once such organizations are established, we could hand over to them all the Crown-owned housing in two stages (see Paragraph 5 below). Thus, we would remove staff housing from the direct control of both the Federal and Territorial Governments, yet continue, for the foreseeable future anyway, to provide adequate housing for all residents based on their ability to pay. The Territorial Housing Corporations could develop Public Housing Projects utilizing surplus Federal housing where available. However, they would be able to take the overall view of housing development in any particular community, area or region and collaborate and assist with any plans for future growth or changes. They would not necessarily be bound by the limitations of the policies or requirements of any particular department of government at any level, though of course would be responsive to Territorial Government requirements." Have you anything on Section 2, gentlemen? "3. Legality. The Northwest Territories Act, Section 14, and the Yukon Act, Section 16 set out the specific powers of the Commissioners in Council to enable them to set up organizations such as Housing Corporations. Their powers seem to be much the same as for Provincial Governments as provided in the British North America Act, Section 92. The specific relevant provision contained in Section 92 appears to be contained in sub-section 11: "In each province the Legislature may exclusively make laws in relation to..." "11. Property and Civil Rights in the Provinces." Ontario and Quebec, for example, have set up Housing Corporations such as we envisage which, as far as we know, have not been declared ultra vires. Section 14, sub-section (i) of the Northwest Territories Act, and Section 16, sub-section (b) of the Yukon Act, both read: "Property and Civil Rights in the Territory." It is our opinion, therefore, that both Territorial Governments may make Ordinances for the setting up of Housing Corporations. Furthermore, these Corporations may enter into agreement with CMHC for the joint provision of Public Housing and Municipal Development Programs as provided in the National Housing Act. Federal approval will also be necessary. However, it is also our opinion that to start the authority funds will be required and prior approval for the payment of grants and subsidies would have to be obtained by the Territorial Governments and from the Federal Government where such grants or subsidies are required. Prior approval from Territorial or Federal Governments is also mandatory for certain programs under the National Housing Act. In this regard we should note that the agreement with the Federal Government for handing over Crown-owned houses should contain adequate provision for meeting at least part of the operating losses that may be incurred (if full economic rents are not charged, see 7 below), but that special provision should be made for CMHC to pay half of the losses as they would be required to do for a Public Housing Project under Section 35E of the National Housing Act. This provision would help to give the Territorial Governments a measure of freedom from the Federal Government as well as providing administrative continuity with other Public Housing Projects they may develop." Anything on Section 3?

Mrs. Gordon: In that section 14 (1) and Section 16 the sub-section is (h) not (b).

Mr. Chairman: My copy is very difficult to read. Are we clear on Section 3, gentlemen? "4. National Housing Act 1954, Amended to 1964. As stated above, one of the main purposes of setting up Housing Corporations would be to take advantage of the provisions of the National Housing Act. Without wishing to restrict the possible use of other programs available under the Act, below are listed a few of the main provisions: Section 23 - Contributions and loans to municipalities for clearance of sub-standard areas. Up to 50% of the cost may be provided including economic, social, research and planning costs (23A). Section 31-35 - Housing Research and Community

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Planning. We should certainly consider the use of the facilities of CMHC wherever and whenever possible. Costs may be fully paid by CMHC. Section 35A - CMHC may undertake joint projects for - (a) acquisition and development of land for housing purposes; (b) construction of housing projects for sale or rent; and (c) acquisition, improvement, and conversion for housing purposes of existing buildings. Capital costs of such projects may be shared 75% by CMHC and 25% by Territorial/Federal Governments. Profits or losses also shared 75%/25%. This sub-section entails joint ownership with CMHC."

Mr. Shaw: Question, Mr. Chairman. In this particular Section that means that CMHC can participate in renovations or improvements to existing buildings. Would I have that correct?

Mr. Commissioner: Well, this is certainly my interpretation of this, Mr. Chairman. This is the same element of the National Housing Act which, in the past, has been brought forward to Council with regard to rental projects. This is the same section.

Mr. Chairman: Next is "Section 35D - Loans from CMHC of up to 90% of costs of Public Housing Projects. Section 35E - CMHC may enter into agreement with Housing Corporation operating a Public Housing Project to pay 50% of annual operating losses. Section 36E - Loans for municipal sewage projects in this regard note should also be taken to the Municipal Development and Loan Act under which loans may be procured for two-thirds of the cost of an approved project, part of which debts may be forgiven." Is there anything on Section 4? "5. Implementation. As stated above, the Corporations would take over all Crown-owned houses in the Yukon and Northwest Territories in two stages: Stage 1. (a) For the Yukon immediately take over existing surplus Crown-owned housing. (b) These houses to be administered as rental projects, or put up for sale as required or as requested. (c) Houses should be sold to prospective buyers at a price set by the Corporation, but which should be in line with current market values in the locality. (d) As the local economy and demand develops houses may be put on the market for sale. (e) The Territorial Government and Federal Government Departments will contract with the Corporation to supply their staff housing requirements. (f) The Corporation will build houses to meet the rental needs of the communities. (g) The Corporations will administer all Territorial Mortgage Programs. Stage 2. (a) For the Yukon; when the Northwest Highways System is handed over to the Territory in 1967, all Crown-owned housing will be handed over and managed by the Housing Corporation. (b) Houses will be sold as and when the local economy can assimilate the extra housing or when a reasonable offer is made. However, Public Housing should not be used or allowed to continually deflate local real estate values. (c) In the Northwest Territories, the Crown-owned housing would be transferred to the authority when a satisfactory subsidy for living expenses is approved by Treasury Board." Anything on Section 5?

Mr. Shaw: Mr. Chairman, I wonder why this (c) is exclusive for the Northwest Territories.

Mr. McKinnon: This is not applicable.

Mr. Commissioner: Well, when we're speaking here about Crown-owned housing would be transferred to the authority when a satisfactory subsidy for living expenses is approved by Treasury Board, this is exactly what they are talking about, because remember that most of the Crown-owned housing in the Northwest Territories is not located in their metropolitan area of Yellowknife, but the very remote centres,

particularly in the eastern Arctic. This is where most of the Crown-owned housing and laterally, of course, at the mouth of the Mackenzie River in the Government town of Inuvik, and this is precisely.....

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Mr. Chairman: "6. General. The Corporations will be assessed reasonable charges for the provision of services, such as water, electricity, sewage disposal and garbage collection where such charges are not part of, or are over and above, those included in the general annual municipal property taxes. The Corporations will pay the assessed annual property tax or service charges to the municipalities or to the Territorial Governments, whichever is the relevant authority. Housing coming under the management of the Corporations will be maintained by them unless separate arrangements are made with any lessee. Generally, any houses leased by the Corporations should contain provisions for the lessee to assume most of the maintenance responsibilities except structural repairs or extensive renovations."

Mr. Shaw: Mr. Chairman, one question. I want to get this straight. That means that the Corporation will pay either to the Territorial Government or to the municipalities the normal property taxes and frontage taxes and all these kind of things on the property which it owns rather than grants as are generally made by the Government itself.

Mr. Commissioner: Mr. Chairman, what this is saying is that this Crown Corporation if it is set up will not be able to claim immunity due to its relationship with the Government.

Mr. Shaw: Thank you, Mr. Chairman.

Mr. Dumas: I might point out that simply all it's doing is exactly the same thing as private enterprise is doing. If I have a house to rent I will pay the taxes, etc. for that house and he will look after normal maintenance of it.

Mr. Shaw: Agreed.

Mr. Chairman: Is it clear? "7. Staff Housing. Assessment of rents to be charged to government staff will depend on the arrangements made on the take-over from the Federal Government. We recommend, moreover, that if possible the Corporations should be able to charge the full economic rent including services and heating. However, fuel oil, electricity for residential units should be supplied on a quota basis. Anything used over the set quota must be paid for by the lessee. To facilitate the above the Federal Government should be prepared: (a) To increase the allowances paid to civil servants to meet at least a part of the additional costs. (b) To provide grants in order that the rental rates charged should be set at a level containing a reasonable subsidy. Fuel oil, and electricity should be supplied on a quota basis. To meet the deficits, arrangements could be made for CMHC to pay 50% of the operating losses in the same way that such losses are paid in Public Housing Programs under Section 35E of the National Housing Act. The balance of the loss should be met by the Territorial Governments from funds provided for this purpose by the Federal Government. In this way, the Territorial Governments will obtain and retain a measure of control over the provision of housing. Furthermore, these housing subsidies will be under the indirect control of the Territorial Government and can be adjusted to be made more responsive to local needs. Moreover, all Territorial residents will be able to enjoy the benefits of the scheme, including local employees."

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Mr. Shaw: Mr. Chairman, there is one thing I note here that I must say I do not agree with and that is in the general sense utilities, that this be worked out on a quota basis, and all this kind of stuff. I would feel that the heat and the light that people have to pay should be something that the persons should pay themselves. They can control the amount of light they use or the amount of heat they utilize and that to me would be a fair way. To make it on a quota basis, I don't think that that would work too well in relation to this and I would feel that each person renting a house should pay the amount it cost him to operate the utilities, the same as anyone else. Why the difference?

Mr. Chamberlist: Mr. Chairman, on this point I concur because I have seen the waste of utilities in this particular area - I have gone into federal housing and seen in the basement, let us say, someone has set themselves up a little workshop three 500 watt lamps operating at the same time. I have seen the temperature set up at 85 on the thermometer with windows open all over the place. I think where people have to pay their own fuel bills towards electricity and light they take much greater care of the misuse of them, and I would suggest that this is one point that we would have to make sure gets altered so that it is altered in such a way that the rentals would be less the fuels, and the fuel, electricity would be needed separately and the fuel charges would be paid separately. This would be my point.

Mr. Dumas: I was going to make exactly the same point.....  
.....provide staff housing.

Mr. Shaw: Mr. Chairman, I have heard when I've mentioned this particular matter to some people who have these advantages and they say well, you know this house is a government house and uses more fuel than another house, or it uses this more, and I would say, Mr. Chairman, that these government houses that are built, most of them are fairly recent acquisitions or recently completed buildings which conform to the National Building Code perhaps much more rigidly than many other houses that have been built. I see no reason whatsoever why a person shouldn't pay their own light and fuel for any building that they are renting, except maybe if you have a block of apartments, you have a different situation.

Mr. Commissioner: Mr. Chairman, you cannot have a policy that extends throughout an area as vast and as diversified as the Yukon Territory, and as far as the settled areas are concerned, I think we would be most remiss in our duties if we were going to propogate any policy at all that did not require the tenant to be personally responsible for those things over which he would have control. By the same token, I also think it is completely unrealistic to not recognize that you have many areas in the Territory where for all practical purposes the cost of some of these utilities is not going to be without subsidy requirement. Old Crow is a fine point in case, and while at the present time we do not have Territorial employees there beyond school teachers it is highly conceivable that if the oil development continues in the Field Plateau Area and Marshal Plains Area that we may possibly have more Territorial employees in an area such as Old Crow, and electricity and fuel oil rates there are going to have to have some kind of an element of subsidy and at the same time they still should not be to the point of one regulated used. Now, all I suggest to you is that the regulation of the use has got to be tempered completely as to what element of this use you are going to call upon the tenant to pay on his own is going to be to a very great degree dependent upon the area in which he finds himself. We spoke about endeavouring to make a dollar bill as equal in the

Territory as possible, and I think that this is a very important thing with regard to improvement, retention and the general relations we have with our employees and we must endeavour to make a dollar bill have as close to the same value throughout the Territory as we can. I simply mention this to you. I couldn't agree more with what the Councillors have intimated here. In fact, I have propogated this policy for the last 20 years, ever since I have lived in Whitehorse. I simply mention this to you that there is more than just the immediate settlements that we have to bear in mind.

MOTION #21

Mr. Dumas: I suggest that the obvious answer to that is for the Territory to supply the utilities at the normal, or say the Whitehorse or Dawson rates.

Mr. Chairman: Gentlemen, I was just going to draw your attention to the time.

Mr. Shaw: Mr. Chairman, I just agree with what the Commissioner said in outlying areas, but I'm referring to a place like Dawson, Watson Lake, Mayo, Whitehorse - they're not, mind you they do have extremely high utility rates, but the same applies to all citizens in that particular area. Just because a person works for the government, for example, should they pay any less than the fellow who is not working for the government? No, but where you get areas such as maybe Ross River, Old Crow or some other places that I haven't been to, it should be flexible in that respect, but of course a policy - I raised my question because this appears to be a policy in this paper and I am grateful for that.

Mr. Chamberlist: There is, of course, provision and Section 7 recognizes this, where it says however, fuel oil, electricity for residential units should be supplied on a quota basis. Anything used over the set quota must be paid for by the lessee. In other words, it makes provision that a quota basis can be set for a particular house in a particular area, and then beyond that it could be paid by the Territory, and this is a matter which has often come.....

Mr. Chairman: Gentlemen, at this time I think we will declare a recess until 2:00 o'clock

AP

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Tuesday 21 November, 1967.  
2:00 P.M.

Mr. Chairman: We will call Committee back to order and have you anything further on Section 7. Section 8, MOTION NO. 21.

Housing Corporation Organization:- We suggest that the organization of the Corporations should be as follows:

For the Yukon- Chairman - Commissioner of the Yukon Territory  
Members- (one of whom to be the Deputy Chairman)  
Mayor of Whitehorse  
Two Territorial Council members  
An official from C.M.H.C.  
An official from Northern Affairs- (for the first 5 years of the program).

Staff - General Manager, clerk and typist to be employed full-time by the Corporation supplemented by existing Territorial staff as required. Financial management and accounting, for example, should initially be run by the Territorial Treasurer acting in a dual role. A proportion of the administrative costs of the Corporation will be a legitimate charge against the operating costs of the various housing projects.

That, gentlemen, is the paper as it applies to the Yukon. Oh, Section 9, Summary, "we further suggest that the Corporations should be given the responsibility for all other housing functions of the Territorial Governments and should take over the management of the Territorial Low-Cost housing Mortgage Program. It should be borne in mind that the Housing Corporation could only develop programs or manage its housing in accordance with local or Territorial zoning by-laws and regulations. In other words, the Housing Corporation could not carry out development against the wishes of local municipalities and the Territorial Government."

9. It should be appreciated that this Paper only presents ...

Councillor Dumas.

Mr. Dumas: Section No. 8 in the last paragraph, I wonder if in the last paragraph ....

Mr. Chamberlist: Are we sitting, Mr. Chairman?

Mr. Dumas: Excuse me, Mr. Chairman. It seems to me that with that last paragraph we wind up back just about where we started from - somebody wanting to buy land or develop property has to check it out with the municipality, the Territory and the Housing Corporation. Surely if we set up a Housing Corporation, considering the local regulations regarding development.

Mr. Chairman: Anything further on Section 8? "Summary Section 9: - It should be appreciated that this Paper only presents an outline of the proposal. Organization and many details would have to be worked out, together with a program for the initiation of the scheme. However, we suggest that the proposal herein put forward represents a practical and economic answer to the Federal staff housing and Territorial housing problems in particular, and will be far better than making attempts at piecemeal solutions within the orbit of the existing administration and regulations." This is dated Ottawa, October 29, 1965, D. Davies. And this is in relation to Motion No. 21.

MOTION NO. Mr. Chamberlist: Mr. Chairman, I would like to know if this  
21 paper was ever presented to previous Councils?

Mr. Chairman: Not to my knowledge.

Mr. Chamberlist: Is there any reason, perhaps Mr. Commissioner might know why this wasn't presented to previous Councils?

Mr. Commissioner: I have absolutely no knowledge of the paper until it was presented here.

Mr. Dumas: Mr. Chairman, it seems an awfully sad fact that many of these papers drawn up have a lot of work put into them and then absolutely nothing is done with them and certainly the case here; and at that time, in 1965, I was in the same business I am in now and the problem around the end of October as laid out here was foreseen although the summer was fairly good one as far as getting land and houses was concerned but certainly the problem was coming and now it has been on us for the last year or so; if some action had been taken regarding this paper I think we wouldn't find ourselves in the critical housing problem that we are in today.

Mr. McKinnon: Mr. Chairman, to bring us back to some of the policies advised in the paper, I wonder if there have been any negotiations between the Territorial Administration and the Federal Government in regard to the Federal Government allowing their housing to come under the control of the Territorial Administration?

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, the only conversations that have taken place during the time I have been in the Commissioner's office took place last year when we were in Ottawa when Council was there and I would want to refresh my memory on exactly how these conversations went but it related specifically to the housing up here at the Air Force. This was the housing that was mentioned. Now, there were two Councillors present at those meetings, perhaps they would remember this more specifically than I do but at the time I don't remember any reluctance on the part of the Federal people, at least I don't remember any expressed reluctance to make this housing available or to put this housing under Territorial jurisdiction. Now I am subject to correction on this, Mr. Chairman, but this, along with the content of the minutes of the meeting that we held here in Whitehorse last ....which I have already tabled for Council's information, is the extent, to the best of my knowledge of conversations which had taken place between the Federal and Territorial authorities with regard to the subject of Crown-owned housing in this area. From time to time the Territorial Government is dealing with the Federal Department of Public Works concerning getting houses released to the Territorial Government for Territorial employees out of the housing pool that exists here in the Yukon Territory that comes under the Department of Public Works. This is a different matter altogether because what we are doing here is that we are simply renters; in other words if we need a home for a Territorial government employee and the Department of Public Works can release a home to us from the Housing Pool, they do so and bill us each month for the rent, which we in turn bill to the employee concerned. One other thing - it is very difficult for me to remember all the details of these things when I am asked a question like this, but one other

Mr. Commissioner continues.. thing that came up which I think is recorded here in the minutes was conversations between the Territorial and Federal government concerning the possible sale of Crown-owned housing to government employees who ..... were resident in these housing units and the manner in which this was proposed certainly did not meet with my approbation at all and I have never heard back from them concerning any further proposals (inaudible). That, to the best of my knowledge, Mr. Chairman, covers the conversations on the subject that have taken place.

Mr. Chairman: For the edification of Committee, just speaking from the Chair, the summation of those meetings referred to by Mr. Commissioner: "The Chairman said the following items would be taken under advisement by the Corporation". This was on February 1st, 1967 (1) The Territorial Government request for locating an official in Whitehorse to advise on a free enterprise program of rental housing and home owners (2) Provide assistance required concerning extension of services and utilization of land assembly provisions and the National Housing Act (3) Integration of housing requirements for two Civil Services, Federal and Territorial. (4) Exploration requirements for public housing. (5) Utilization of architectural and other professional services and (6) Integration of R.C.A.F. houses in the community when available. And those were the six major points.

Mr. Chairman: Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, further to this policy paper that was presented by Mr. Davies in 1965, and he, Mr. Commissioner, was a Branch Housing or is a Branch Housing Administration for the Northern Affairs Department, I feel he has had a promotion since that time and is Administrator for the Arctic Region presently; but it seems to me that this was a policy that the Department of Northern Affairs wished to lay down insofar as housing was concerned. To my knowledge the Federal Government was willing to go along with the recommendations and further to this paper Mr. Davies then met with the Territorial Administration at a meeting of January 12 and 13 of 1966 and the Commissioner at that time was your predecessor, Sir. At this meeting it was told to Mr. Davies that they did not feel that the time was necessary for the implementation of the policy that he had laid down and the Federal government was seemingly willing to put into effect. I would like to know that if the Federal Government would now be willing to listen to the same type of policy and whether the Administration now would be willing to accept the type of thinking that is found in this policy paper.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Well, I would put it to you this way; I'm not prepared to stand here and say that I am going to support everything carte blanche. I don't think that this would be a fair statement and I don't think, Mr. Chairman, that the Councillor would want me to say that. What I would say is this that every possible step that calls for Federal co-operation we would certainly be most happy to go to the Federal people and ask them for their co-operation and help to run the Federal situation and as a consequence of getting this I don't think that you would find any reticence on the part of the Territorial Administration to give effect to the consequences of getting co-operation.



MOTION NO.

21.

Mr. McKinnon: Mr. Chairman, the reason why it was turned down is, by the minutes of the meeting, that it was apparent that the concept of the housing authority ... powers and functions was not acceptable at this time. It was just that the Territorial Administration did not see fit to accept the policy that was laid down in this paper and I think that they made a mistake at this time. I think we would be making a further mistake if we did not accept this type of concept at this time in the Yukon history now and I think it would be very wise of Administration if they could contact the Federal Government and find out just how far the Federal Government was willing to go in accepting the policy that was laid down at that time.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I wonder if the Commissioner can enlighten us on this particular point. If I recall, just about the time this paper was produced, the City of Whitehorse had a plebiscite for inclusion of Camp Takhini into the City limits. Now, I wonder if the hold-up on the true setting of this paper was because the municipality had not accepted that area within the - to be included in the municipality so that it would then follow that those houses that were in and are in that area now would have been turned over to an authority, to Territorial Government, for housing purposes. Could this have been the reason or do you know anything of the story?

Mr. Commissioner: I'm afraid I must plead ignorance of this but I think that the point that the Councillor raises here may conceivably have some bearing on the thinking at that time; it is conceivable that it did and something else that I think has had a very great bearing on the Territorial Administration's thinking with regard to a lot of the things contained here and particularly the Government participation in housing for other than government employees, has been the two or possibly three occasions when, if my memory is correct, the City of Whitehorse turned down a proposal that would involve City, Territorial and Federal participation in rental type housing and at least on one, and I believe I was told the other day, two occasions when a similar situation came before the Territorial administration and the Council did not feel that this was the proper thing to do. In other words, as I find the climate at the present time, gentlemen, up until our discussions in Council, it has been Council's wishes that the Territorial administration steer clear or stay on the outskirts of actual participation in housing except in those places where it had to participate on behalf of its own staff. Now if I have this interpreted wrongly please correct me but that is as far as I can determine the situation.

Mr. Chairman: Gentlemen, you have before you Motion No. 21 that a Public Housing authority be established for the Yukon; such a public housing authority should generally follow the policy lines set down in a paper presented by Mr. D. Davies, Branch Housing Administrator, Northern Affairs Dept. on October 29, 1965. Councillor Livesey.

Mr. Livesey: Mr. Chairman, I wish to reiterate some of the statements I made the other day and certain matters do present themselves to me: 1. Being the question of time. I have been wondering exactly when such a housing authority, were they set up, when could they make a practical contribution to the present problem of housing in the Yukon. I would also note, and perhaps I'm not exactly clear on this. However, I would note the last paragraph in this report where it says "however we suggest that the proposal herein puts forward

Mr. Livesey continues...

represents and economic answer to the Federal staff housing and Territorial housing problems in particular, and I am wondering if the gist of the over-all, or I would say the predominant thinking was with reference to government housing in the Yukon rather than the entire housing problem which encompasses private enterprise - perhaps at the moment far more than it does government. This is another question and I feel that the housing problem and the housing shortage in the Yukon is something which is with us right now. This is the part which bothers me. I can see the theoretic side of this and I can certainly see the proper classification in which this report should be placed by the housing shortage problem is what is bothering me. How do we get about eliminating this problem within the next two years; so the question remains, Mr. Chairman, even if we go ahead with this and agree with this that the housing authority should be set up; how soon can we expect this housing authority to move into a position whereby they are going to begin to work on the problems that are before us right now. And I think this is the main thing that we should be facing. I would also like to point out that it seems to me that we have to take some care of the increase and cost of operating the Territorial government and by that I am referring specifically to the operation and maintenance of the Territorial government apart from capital expenditures and I believe at the end of 1964 the estimated cost of operating the Territorial Government was something in the neighborhood of \$6,500,000.00 and during the last three years it appears it has gone up to \$10,500,000.00 and if we take on this housing authority are we considering now while we are discussing this report; are we considering the possibility of cost. How much this is going to cost us; and if it is going to cost us I would suggest to the Committee that we had better take another good look at the cost aspect of it which hasn't been put before us. May I ask, Mr. Chairman, if Mr. Commissioner could help us in this respect with regard to the possibility of costs; I've seen the birth of government departments before and while I'm not mocking this at all I certainly can see the need for authority and I can see the need for more housing but this cost question does bother me. I know when we had no Welfare Department, if I may refer to that Department with respect, we had very little cost on the books but now we seem to have run into an estimated cost of \$810,00 per annum which I suggest to you is more like an expenditure of \$67,000 per month for welfare alone in the Yukon Territory, which seems to me a staggering sum for us to pay for the operation of a Department where we only have 15,000 or 16,000 people in the Yukon Territory - where I think if we refer to the statistics some months of last year and year before why there were as low as 32 on unemployment insurance and 35 during one month and 41 people in another month unemployed. So, I refer to this Mr. Chairman, merely to make comparisons with regard to costs and I certainly would like to hear from those who can enlighten us on this question as to the matter of the possible spiralling of the cost item if we move into this field. I wonder, Mr. Chairman, if Mr. Commissioner could assist us in this matter?

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, off the top of my head, I can no more enlighten the Council - I don't know of anything that you can undertake to do that is not going to cost money and I think that, without passing any comment on how much money participation of this nature is going to cost, I think we are right back down here to the basic questions that I asked you here the other day on policy guidance and I think

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Mr. Commissioner continues.  
that you are getting close to it here right at the moment. And if we are going to sit here as a responsible government of the Territory and permit the present prosperity, which is about us, to bypass our communities through lack of housing I don't think that we are taking a very realistic look at the costs because some things on which you spend money and there is no recovery; let's be honest about this. There are other ways that you can spend money and you are investing money because you are making your community a better place in which to live and making it a more prosperous place in which to live; and also, are bringing prosperity to the Territory as a whole and there is only one thing that I would say to you, gentlemen, and that is this that the authority to spend money on behalf of a scheme such as this is going to have to come from the Territorial Council. And this is the point at which Council has the opportunity to pass judgment as to whether or not they feel the projected costs are going to be compensated for in the benefits that are going to accrue. I strongly recommend to you that no matter what else your judgment may be, that your final judgment has to be dealt with when the budgetary item is presented to you.

Mr. Dumas: Mr. Chairman, I can't really agree with the Honourable Member from Carmacks-Kluane. He suggests that the time element involved in setting up a housing authority might be much longer than if we went out immediately and went out and did something about this problem. The only thing that I think might be faster than this type of thing would be for all of the Councillors to be issued hammer and saws and go out and start building houses because to try and get anything done under the present system is almost impossible. We could set up an authority, a Public Housing Authority such as this, probably within weeks, and I think, as I see it, if I as a private developer wanted to put up fifty houses and make them available for sale or for rent in this area I could go to this Corporation and say "gentlemen, I have the money, I would like to put up fifty houses; would you make the land available somewhere." They could then turn to within their own committee, to their CMHC man possibly to help with the financing to the Department of Northern Affairs to have an official on the committee from Northern Affairs and the Commissioner of the Yukon is on the Committee; I'm sure there would be a lot of supplementary staff from the existing government land and housing departments. I think that the whole process would be speeded up to such an extent that we could start solving this problem within months. Whereas, if we go along the way we have gone, and now we are talking about the past experience- the experience that we have had in the past two years in trying to solve this problem, we have been getting nowhere. It has been absolutely zilch. This is a different approach. I think that it will be successful. At least we are going to make an attempt to do something to move in the right direction.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, the Motion itself is a sound Motion as it asks for a body to be established, public housing authority. Now, again as I have said on these and other matters, I always think that the cost is part of the mechanics required to put the matter into operation but it is the authority that we require. We require a remedy to our housing situation. Now, we have

Mr. Chamberlist continues..

a nucleus so that we can start housing authority - I take it the Territorial Government will immediately put, under the direct control of the public housing authority all those staff houses which are now taken care of by the Territorial government the cost involved in the maintenance and upkeep of those buildings would naturally be deducted from the normal sources and placed in the hands - the monies would be placed in the hands of the public housing authority. No doubt they could be taking care of the maintenance, etc. but again this is one of the mechanics The Federal government can then be approached in regard to their support in the public housing authority and perhaps they would then say we will turn over our 178 or 180 houses over to the public housing authority in August of next year when I understand they propose to have these houses available. I think that the problems that have been outlined in the housing policy paper are quite factual and easy to follow. I think the suggestions that have been made in regard to the solutions to the housing problems also are very helpful to a public housing authority. I would suggest that we have to make a start. We can all tear this to pieces in a hundred different ways but we certainly would not be taking one step closer to finding the results to the problem that we are faced with. I think that we, as responsible legislatures, should place ourselves in a position of supporting a sound motion, whatever the motion is; really sound, I believe this motion is sound and I will support it.

Mr. Chairman: Mr. McKinnon.

Mr. McKinnon: Mr. Chairman, as I have told the Committee before and I will reiterate it, the housing problem is of prime importance, particularly in the constituency that I represent. I have looked at every aspect of the housing problem in the form of Regulations and Ordinances that this Council has control over and that we could possibly amend or make less restricted to provide easier housing for the people of the Yukon Territory immediately. I looked into every aspect of this and the motions that I presented to this House were what I thought were ways that this Council could amend existing Regulations and Ordinances to supply an immediate easement to the housing problem in the Territory at this time. Perhaps the question of the over-all policy should have followed after the other motion was dealt with because even after we could change everything that was in our power to change, we still would not come to the final solution. This final solution, I suggest Mr. Chairman, is the one that I propose through the Public Housing authority. I would like to give you an example of what is happening in the Yukon Territory right now. Up in the Camp Takhini area there are Air Force people in housing there; there are Territorial government people in housing there, there are Tax Department employees in government housing there; there are R.C.M.P. employees in government housing there; there are five or six different agencies taking care with different regulations to the housing in that one area. And then we move into another building in the Camp Takhini area property which has the offices that develop and promote land and mortgage regulations under the Territorial government scheme. Now the journey between the D.P.W. building headquarters and the Territorial Government building which maybe a journey of fifty steps may as well be 100 miles apart because there is no

MOTION NO. Mr. McKinnon continues..

21. meeting of the minds on the housing problem between these two buildings. There is no policy set down whereas the Territorial government and the Federal housing authority come together to pool the resources that are available for the benefit of the people of the Yukon Territory. This is where the public authority is going to move. There is no place in the Yukon Territory at this time where a person coming into town and can go to a central authority and say what is available to build, what is available to rent; how do I go about finding a house and a home for my wife and my family because I have a job here and I want to stay here. Now, as I say, I have looked into every aspect of housing that I think this Council can move in. I have suggested amendments to regulations; I have suggested amendments to Ordinances so that we can ease the housing problem immediately. However, we are doing exactly what this policy paper says we have been doing in the past and that is that we are looking at this problem at a piece-meal basis and this is the only area in which we can move at this time and we are going to have the same problems and solve nothing until we have such a central type of housing authority as is mentioned in this policy paper.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, for the benefit of the Honourable friend to my left here - he said he was against what I was saying. Well, I wasn't stating my policy, far from that. What I was doing was laying certain questions before you in Committee to broaden your thinking on this question so that instead of merely concentrating your thinking on the mere principle, which I know of course, is very good at this point, that you would be also after the questioning, you would be able to see that there are other side effects and other aspects of the problem than the question of setting up this housing authority and no doubt I am sure you are aware of these but sometimes we have to relate them so that they may be brought to our attention and in so doing I think by discussing these questions we are - although some of these questions may sound negative, we are still, at the same time, offering a policy to the Administration while we are discussing this question on a more broad basis than merely the setting up a housing authority. So far certain questions, as far as I am concerned, have not been answered and one of them would be - supposing we decided to give this authority to the Administration, how soon could we expect this authority to be set up? Mr. Chairman?

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, any Department whether it be in private business or government department; its ability to do anything is contingent on getting something to do anything with it and there is something that I think we should very clearly understand. We are talking about this housing authority and its ability to do things. It is only going to have an ability to do things if we provide it with funds and capital to do these things. Now there are various places that it can come from. It can come from C.M.H.C., from Federal subsidies or such limited funds as we have ourselves at the Territorial level. But really, what we are talking about here is getting the Federal government to agree to a policy which Council at this particular point is talking about. Really, this is the nub of the whole thing. The Federal government is in the housing business here in the Yukon Territory and I don't know of any town or community in the Territory that does not

Mr. Commissioner continues..  
have Federal housing which comes under the control of D.P.W. in most instances. Now there are some Territorial government houses in communities as well - well O.K.  
..... Now, I don't know what the problems are in connection with the Federal Department of Public Works agreeing to this kind of policy paper. I have no idea - I told Council that I was prepared to test the temperature to see if they will or won't - I don't know and I can tell you this that there are certain legislated requirements and certain requirements that the Federal government is committed to in Northern Canada as far as recruitment of employees is concerned. Now I don't know exactly the details of this; perhaps some members of Council know better than I do, but as I see it there would be certain fields in which it would be very difficult for the Federal Government to participate completely in this housing policy unless they were given assurances and guarantees that their requirements that they are already committed to, either via legislation or regulation or agreement with employees, would be taken care of on some kind of a priority basis. Now, I'm talking off the top of my hat, gentlemen on these things because I don't have these facts. I put my promise to you this way - that if Council wants to go along with this I will test the temperature properly and do my utmost.

Mr. Chairman: Anything further, gentlemen, on this Motion or do you wish the question put?

Mr. Shaw: Mr. Chairman, I go along with the Motion in the first instance. However, I think we have to consider that it is quite some working out - for a starter it would, in my estimation, require a large infusion of capital to get this thing on the go. Just where that comes from and there is just one place as far as I can see and that is the Federal Government. There are many ancillary questions needing answering. There is the question of this Air Force base that you have up here which has, I don't know how many houses but I think it runs into the hundreds - well close to 200 houses. Well if those 200 houses were made available in this particular area, it would appear to me that would almost solve the local housing question as far as making buildings available. Now, whether these would be constructed and organized as such to make rental housing available I don't know, but it will require a large amount of money to set up this corporation. That was my idea that this, more or less would have to be set up as a corporation and to an extent separate from the normal government functions so that they could go ahead and could build houses in areas in the Territory besides here, besides just in this particular locality. If they could take advantage of mass production methods whereby they could construct so many units in Mayo or in Watson Lake, or in Dawson or in Beaver Creek or in any place where they were required; if they could put up these houses - they would not necessarily need to be fancy houses but they would be sound, solid houses that people could afford to rent. For example, in my particular area they are putting up houses from the Prairies. They bring them up on trucks and these houses, I think, cost about \$14,000 set up on a foundation, which is a pretty substantial house. Well, people could possibly afford to rent a house that costs that amount but if they are going to build houses such as the Territorial Government is building at the moment that cost around \$28,000, they won't be able to pay rent on the house - it is too high so that the houses that are required; not these big fancy ones; they are ones that we can get as reasonable as possible and housing authority or corporation or whatever you make it, or call the particular

MOTION NO.

21. Mr. Shaw continues..

corporation must be in a position where they can possibly contract out for so many houses at a certain cost so they will know that these will keep within the bounds of costs that a fellow who is working, or anybody receiving normal wages without the fancy subsidies hidden, and otherwise, that they can afford to rent. The government housing is one problem and I feel that it is just about time that that was under one organization instead of as the Honourable Member from Whitehorse North has brought out, five or six different government departments and all working with the same objective. They are about fifty feet apart in physical application but in mental application they are 4,000 miles away. That is where this corporation would come in useful, to take over the whole kit and caboodle but included in this and very important part of this are housing that people can rent and a policy whereby they can build.

Mr. Chairman: Gentlemen, at this time I'll declare a short recess.

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Mr. Chairman: I will now call Committee back to order. We are discussing Motion #21. Is there any further discussion or is it your intension that we..... MOTION #21

Mr. Shaw: Mr. Chairman, to get this on the road, I would move that Council concur with Motion #21.

Mr. Chairman: I would have to rule that motion our of order, Mr. Shaw, as there is already a motion of the floor. Are you prepared for the question? Are you agreed? I will declare Motion #21 carried.

MOTION CARRIED

MOTION  
CARRIED

Mr. Chairman: The next motion is Motion #22, moved by Councillor McKinnon, seconded by Councillor Chamberlist. (Reads Motion #22) MOTION #22

Mr. McKinnon: Mr. Chairman, Chapter 6 of the Ordinance of the Yukon Territory, 1967, outlines schemes whereby the Commissioner may enter into arrangements with corporations such as the C.M.H.C., municipalities and various other organizations to go into the public housing field and the urban renewal field. This is part of the policy which was once rejected by this Council when I previously sat on it, whereby similiar schemes were asked so that the Commissioner could enter arrangements with the municipalities and the Federal Government in order to build rental scheming housing that would be available for people who would be attempting to rent facilities. I think that there is even more reason for such accommodations to be made available at this time and I would urge that this Council give the Commissioner a policy directive that the implementation of the Ordinance, which is Chapter 6 of the Ordinance of the Yukon Territory, passed in 1967, first session, be agreed upon.

Mr. Chamberlist: Mr. Chairman, as seconder of the motion, I find that Councillor McKinnon has said everything that I would wish to want to say in the matter, so I concur with what he says and I ask the support of Council in passing this motion.

Mr. Chairman: Is there anything further?

Mr. Dumas: Mr. Chairman, I would just like to point out that I consider this to be another step in the right direction in doing something to help solve the critical housing shortage, so I agree with the motion.

Mr. Chairman: Are you gentlemen prepared for the question on the motion? Are you agreed?

Mr. McKinnon: I wonder if, just for the information of Committee, the Commissioner could explain the background on this policy and why it hasn't been implemented up to this time?

Mr. Commissioner: Well, Mr. Chairman, this is a very straight forward situation. The legislation was presented at the last session of Council and in the explanation that was given to Council at that time, we explained that in order to get C.M.H.C. to establish their office here, a resident man here in the Yukon, it was going to be necessary that there be some legislative authority to permit us to deal with this man. And, at the time, I pointed out to Council that within this Ordinance there was provision for the Commissioner to do certain things to which Council itself had explicitly turned down at prior times. I'm not exactly sure how this matter was actually worded, but effectively speaking, I made a commitment to



Mr. Commissioner continued:

the Council that the Administration would not proceed with any of these specific matters without bringing them to Council's attention for policy guidance with regard to them. In other words, what I did was, I committed my Administration to a policy of getting together at a later date with Council concerning the implementation of such things as participating with municipalities on rental housing projects and things of this nature. I think that both Mr. Chairman and Councillor Shaw will agree with the statement that I make at this time. In other words, Mr. Chairman, I made it very clear to the Council at the time that they were not signing a blank cheque to give my Administration authority to charge all over the Territory on some kind of a white steed and be the hero of the day in looking after the housing situation.

Mr. Chairman: Anything further, gentlemen? Are you prepared for the question? Are you agreed with the motion? Any contrary? I will declare the motion carried.

MOTION  
CARRIED

MOTION CARRIED

MOTION  
#23

Mr. Chairman: The next motion, gentlemen, is Motion #23, moved by Councillor McKinnon and seconded by Councillor Dumas. (Reads Motion #23.)

Mr. McKinnon: Mr. Chairman, I speak directly of the subdivisions in my electoral district. I know that land is at a premium at both the Porter Creek and the Crestview subdivisions, that there were seventeen lots open in Porter Creek last week and were snapped up immediately. I would like to know how many lots will be available for the next building season, and from other comments from Councillors around this table, I find that they would like to be in the same position of knowing what land is going to be available for building in their constituencies in the coming building year.

Mr. Dumas: Mr. Chairman, on Thursday last, I posed this question to Mr. Spray as to when lots will be available, particularly in the Porter Creek area, in view of the fact that the seventeen lots that they had available the week before that were sold the same day they were put on the market. Now, for the edification of Council, and this is probably not necessary, the land problem that exists here in the Whitehorse area can be expanded throughout the Territory. To buy land in Carcross, as I have already mentioned, is just about impossible. There are no lots available right today. The last information I had, at Porter Creek or Crestview, for purchase....I don't think there are any lots in Riverdale....There are a few?....and the whole housing problem is dependent of the land problem, and we can only do something about either of these if we have the information at our disposal which is what this motion will give us.

Mr. Shaw: Mr. Chairman, what I have to say may depend on the question that I have. What size are these lots that just opened up in Porter Creek....these seventeen lots....the size of each lot.

Mr. McKinnon: 100 by 200, Mr. Chairman.

Mr. Shaw: Thank you, Mr. Chairman. There is a very good question... 100 by 200. Now, these large lots, in the first instance, I believe, were concocted by reason in virtue of the fact that it was necessary to have a water system and a septic tank system. Now, in Porter Creek, we are getting to the stage, it's becoming quite progressive, whereby it will soon have a piped water system in which case, Mr. Chairman, it appears to me that we are wasting an awful amount of

Mr. Shaw continues.

land when we make lots 100' by 200' with the result that we're using up a lot of land. It's costing more to service this land with roads, lanes, and so on. I wonder what the feeling is of the Member from that particular area, Mr. Chairman, in relation to the necessity of having lots 100' by 200'.

Mr. McKinnon: Mr. Chairman, one of the beauties of living in the Yukon Territory is that there are 207,000 square miles of unexploited real estate. If progress means cutting down the size of the lots, from 100 by 200 to 50 by 100, I am against progress in this instance. I would also like to point out to the Honourable Member from Dawson that Mr. Commissioner made it abundantly clear to people in Porter Creek before the water system was installed that if they were not able to pay for it, or if the Administration was not thoroughly convinced that the residents of Porter Creek could not afford to pay for it, he would never have given the go-ahead to such a system, and the people agreed to the system on the return of the capital cost on the 100 by 200 lot foot basis.

Mr. Chamberlist: Mr. Chairman, from time to time we have complaints made by people who are purchasing lots, because of the eventual costs they would have to pay for the installation of services. I agree, partly, with what the Honourable Member from Whitehorse North has to say in regard to the need for having large areas of space for people to live on, but I question the propriety of having lots with a frontage so large that it pushes up the cost of the original installation. Now, prices are going up all the time, they're not coming down. Perhaps in the next five years we will find that to install lots in a similar area ..to Porter Creek, if another type of satellite division opens up ..we might find that the cost of installing supplies, both water and sewer, may be twice the amount that it is now. The question to be decided is whether, if lots were made available of that description at that date, would the possibility be that the lots would not sell because of the taxation that would be required to off-set the cost of installing services. I think the time has come along where there must be legislation to say what is the minimum size lot, and that lots should be sold as a minimum size lot and if people require two lots, they can purchase them, i.e., my suggestion that a good lot would be 60...or better still, I would go further than that ...a 70 by 120, and if people want to go beyond that they can buy an extra lot for it. Because, as it is now in areas where septic tanks must be used, there should be provision where, in the case of 100 by 200 lots, where the sewer, the septic tank, should be installed in one 50 foot area and the house on the other 50 foot area. At a later date, you might find that the person wants to sell half of his lot, as it often happens, he finds that his house is in the centre of the whole area ...he wants to cut down on his expense. I do believe it is not right for us to place burden on future home owners and I would not be prepared to support, at any time, any suggestion that new lots that are put in a new area would be of the size of 100 by 200. I think that this is not a normal housing area. I think it is a potato patch.

Mr. Livesey: Mr. Chairman, it seems to me that the question of large lots or small lots has been defined quite clearly before. I think the large lots were created because in the sub-divisions where there was neither water or sewer, you obviously are not going to have your well and other developments too close together on the basis of sanitation. These large lots were created for where there is no sewer and water. This, I think, would be the answer to the Member's question. However, although that was advantageous at the time when sewer and water did not exist and when the possibility of having sewer and water in these various subdivisions was not available

MOTION  
#23

Mr. Livesey continued:

now that it may be made available, why it's axiomatic that if you have large lots, each owner is going to pay more for sewer and water. If you have more lots in the same block, obviously they are going to pay less. So, this, it seems to me, should be up to the subdivisions. If they want to pay high costs for the services, then large lots are the answer.

Mr. Chairman: Councillor Chamberlist, would you take the Chair a minute?

Mr. Chamberlist: Yes. Councillor Taylor.

Mr. Taylor: Mr. Chairman, we've gone through this subject on many an occasion around this table since I've been in Council, and I don't feel that it's the just right of us to, in relation to land, dictate by legislation or any other means a minimum lot size and what they can buy and tell them if they want more land, they can buy two lots. We could do it, but I don't think that we would be doing our duty to the people of the Yukon by specifying any such a thing in legislation. This is done in Ross River. They went and crammed a bunch of little, tiny lots together and in order to build a home there, you have got to buy two lots, subject yourself to double taxation and everything else. It's a bunch of nonsense because on the size of those lots, you cannot have the sewer or septic tank on one lot. And, I don't see the Administration in there putting in sewer and water systems either. So, this is strictly out of the question. The people who should have the right in determining the size of lots in any subdivision, and I have several in my district, are the people who live in those subdivisions. If they want 200 by 200 foot lots, they should be entitled to have them, and if they want 100 by 200 lots...if they want 50 by 100 lots, they should be entitled to have them. But, those are the people who should make the decision. As it was pointed out by the Honourable Member from Whitehorse North, there is 207,000 square miles of territory here, much of which is useable land, and I can't agree with the Honourable Member from Dawson when he says we're wasting land. This is ridiculous. The one good thing we have in the Territory is lots of room, elbow room, where you can build your home and, certainly you have to pay your share of the frontage, but you've got elbow room...room to breath. I think that's possibly one of the reasons why people move out to Porter Creek, because they can get out there where they can get a breath of fresh air. So, that's my thoughts on the subject, and I would certainly resist any move by this Council to establish a policy whereby lot sizes in the future will be 75 by 100 or anything else. I think this was established by a former Council upon division, and it is my hope that the communities be consulted in relation to the size of lots that they have in their area.

Mr. McKinnon: With all due respect, Mr. Chairman, what has this to do with the motion that is before us? I mean, certainly if we want to legislate against the size of the lots, this is the subject matter for another motion. I just want to know what's going to be available next year.

Mr. Taylor: Mr. Chairman, Councillor Shaw raised this question and started this whole thing, and I just wanted to be darn sure that he knew what the residents of Watson Lake thought before this thing got away.

Mr. Shaw: The reason I raised the question, Mr. Chairman, was I believe we did establish with this Council on this very question about the size of lots, what would be certain sizes, depending on what area it happened to be in. So, I rose on the matter because I've heard that only seventeen lots could be surveyed, and seventeen more, well, at that rate of increase Porter Creek will, with the size of lots they have, pretty soon be up to Braeburn, and I wondered what the size of these lots were, particularly in view of the fact that they are having a water system. I think that was a fairly legitimate question in relation to the subject matter, Mr. Chairman.

Mr. Dumas: Mr. Chairman, I was going to make the same point Councillor McKinnon made, but now Councillor Shaw brings us around to another question. He may be worried that Porter Creek is going to expand so that somebody will take in his riding.

Mr. Taylor: Mr. Chairman, just one final point before we get back to the subject matter of the motion, and that is that there's nothing here to say that in Porter Creek there's going to be a sewer and water system next year. It is proposed and planned, but as we've seen this year with cutbacks and this, that and the other thing, these things don't always come. The day that you can go and turn a tap and get water out of the pipe is the day you've got a sewer and water system. Up until that time, you must have the room to provide yourself with your own facilities of a well and a septic tank.

Mr. Livesey: Mr. Chairman, despite Sessional Paper #39 under "Resource Administration" where we've lost the control over land, I wonder if we could address a question to Mr. Commissioner and ask him if perhaps he could enlighten us with regard to the motion, and I think this will possibly bring us closer to the question.

Mr. Commissioner: Well, Mr. Chairman, if Council passes a motion, I will do my very best to supply the information that is asked for.

Mr. Chairman: Are you agreed?

Mr. Taylor: I will resume the Chair. Will there be anything further, gentlemen, before I call the question? Are you agreed with the motion, gentlemen? Any contrary? I will declare the motion carried.

MOTION CARRIED

MOTION CARRIED

Mr. Chairman: We will now proceed with Motion #24. (Reads Motion #24.) Question has been called. Are you agreed? Any contrary? I will declare the motion carried.

MOTION #24

MOTION CARRIED

MOTION CARRIED

Mr. Chairman: We will now proceed to Motion #25. (Reads Motion #25.) Proceed.

MOTION #25

Mr. McKinnon: Mr. Chairman, a point of information. As it is now, first mortgage loans are available in the amount of \$8,000. Second mortgage loans are available in the amount of \$1,000, only providing that the total cost of the structure does not exceed \$10,000. In my estimation, it means that the man who wants to build a better house for the benefit of himself, the community and to the government, because of the increased tax he pays, is discriminated against. I find it a ridiculous position and I think that this would really ease the snags that we have found developing in the administration of the Low Cost Housing Ordinance if this Ordinance were amended

Mr. McKinnon continued:  
to take into consideration these two points that I mention in this motion.

Mr. Chairman: Question has been called. Are you agreed with the motion? Any contrary? The motion is carried.

MOTION  
CARRIED

MOTION CARRIED

MOTION  
#26

Mr. Chairman: The next motion is Motion #26. (Reads Motion #26.)

Mr. McKinnon: Mr. Chairman, this motion means that if a person is building a house....when he builds the foundation and puts up his framing, he thought that he would not have to take out any kind of a loan to finish his house, but he finds that he does need money, it means that the Territorial Administration would provide him with the Low Cost Loan money if he went out and tore down the framing of the house that he had put up and left it in just the foundation stage. Certainly, Mr. Chairman, this money should be available to the person who has passed the foundation stage and finds that he meets all the other qualifications of the Low Cost Housing Regulations except that he has put up something more than the foundation.

Mr. Chamberlist: Mr. Chairman, one of the annoying things that happen with Central Mortgage and Housing as well is that they will loan you money on the future construction of a house if you don't commence it before they give you the loan. But, if a person has sufficient funds to proceed while he's waiting for the loan to be approved, and he puts the basement in and maybe the sub-floor, they won't give him the money. Now, we can't do much with that situation with regard to Central Mortgage and Housing, but we certainly can do something about this matter that has been brought forward by Councillor McKinnon. I think it's commendable to anybody who tries to go ahead and build a house on his own without having to borrow funds, but then when he finds himself in difficulties because, perhaps, it has cost him more than he expected.... he got the framing up and then decides to apply for a loan towards the construction of his house, and he's told, "I'm sorry, you've gone too far. We can't lend you any money. But, if you pull your frame-work down and you leave your foundation there, then it's okay. We can loan you money, as long as you don't go past the foundation." It's a ridiculous piece of legislation in that particular part, and I think it should be altered. The Regulations should be amended to that anybody can get a loan from Low Cost Housing to whatever stage of construction the house is as long as it is being build new and from the ground.

Mr. Livesey: Mr. Chairman, I wonder if the Honourable Member will produce the particular section that he describes in his motion so that we will know exactly the position as it stands in the Regulations.

Mr. McKinnon: I have it here. I just have to find it.... In the Regulations respecting Low Cost Housing Loans under Tab 44 in the Regulation Book on page 2 of the Regulations, Section 4, Subsection 2, "Approval will not be granted for a loan in respect of a dwelling which has been constructed beyond the foundation stage."

Mr. Livesey: Thank you, Mr. Chairman.

Mr. Chairman: Might I ask one question from the Chair of the Honourable Member from Whitehorse North, and it would be, what limitations in construction would be set forth in order that this thing doesn't go to a home improvement loan type of thing.

MOTION  
#26

Mr. McKinnon: That it does not go to a home improvement loan? I'm not....

Mr. Chamberlist: Mr. Chairman, a home improvement loan is only given where a home is already a fact....where people have lived in it....it's already constructed....people are living in it....that's for making alterations in the existing building. That's the difference.

Mr. Chairman: Just in speaking from the Chair again, I refer to where a building has gone beyond the foundation stage....it's shelled out and, indeed, somebody might be living in it and he wishes to complete the building or something of this nature. I mean, how far do you go, or how far is it proposed that you go.

Mr. McKinnon: Mr. Chairman, if Councillor Chamberlist is correct, then they will be eligible to apply for a home improvement loan. There is one case in Crestview right now that I am familiar with, where there is a foundation and a frame. Now, the person wants to come under the Low Cost Housing Regulations and technically he has to tear down the framing that is there, which is all in accordance with N.H.A. building standards....it is all a new construction. Now, to me, this is fantastic. I don't think a guy should have to go out and tear down his framing to get to be eligible under....well, he's not eligible to build under a home improvement loan because it is not a liveable structure. It's fantastic.

Mr. Shaw: Mr. Chairman, there's always a reason for everything, however obscured it may be at times, and I wondered why this clause was in there...for what reason. Was it put there just because it was in C.M.H.C. when someone was drafting it up or is there a very legitimate reason for this particular section being. I don't know who could answer the question, Mr. Chairman. Perhaps the Commissioner might be able to?

Mr. Chamberlist: Mr. Chairman, it appears to me that the regulations that have been made under the Housing Loans Regulations have been taken from the regulations that already existed for Central Mortgage and Housing. In almost word for word, except for the fact that this section in respect to a dwelling which is being constructed beyond the foundation stage....this differs, where Central Mortgage and Housing say, "Approval will not be granted for a loan in respect of a dwelling which has commenced construction." In other words, this goes a little bit further than Central Mortgage and Housing. Central Mortgage and Housing, to my information is that it doesn't include the basement, and this has been a little bit added which does give the builder an opportunity to build the construction of the basement, or the foundation, and then.....

Mr. Commissioner: This is pretty close to my understanding of it, but there's more here, Mr. Chairman, than meets the eye, and if Council passes this motion it will be getting every consideration as far as the Administration is concerned, because, as I reiterated to you before, we are not interested in putting unnecessary impediments in the way of allowing people to build houses. But, this situation was specifically designed to take care of the applicant who has moved onto a foundation, to use a local expression, a war asset type building. As I understand it, this is one of the situations that arose in the early stages of this Low Cost Housing

MOTION  
#26

Mr. Commissioner continued:  
program. In the application for the monies....were they to be used when a person puts in a foundation and moves a war asset type building onto it, and get Low Cost Housing monies to improve the situation. Now, maybe we have arrived at a point in time when the availability of this kind of building is very limited and it would be easy to deal with it. I'm not too sure until I have investigated the situation. But, Councillor Chamberlist is quite right that the initial regulations that were set up under this Ordinance were, to a very large extent, copied from the C.M.H.C. Regulations because a Member of the Administration at that time had no past experience to go on, and this was the pattern that they used. But, the specific instance that is involved here that prompted this manner of stating this, "beyond the foundation stage", it was prompted I am told by the proliferation of this kind of buildings in the area, and applicants looking for money, would consider this as construction.

Mr. Dumas: I wonder, Mr. Chairman, if an amendment to this motion might obviate this possibility. If the words, of new construction, were inserted after the word, building, in the motion.

Mr. Chamberlist: I think that might be defeating our purpose, Councillor Dumas, because, as Mr. Woodason said when he was here, Mr. Chairman, that there is permission to use old material. Now, somebody may get smart and come along and say, "Well, that's not a new building because you're using second-hand material." Of course, there's a danger that that may be involved. But, I think that, in my opinion, the motion, as it stands now, should certainly be accepted because to my way of thinking, it is a sound motion, and to my way of thinking, it is going to really remove a restriction which, in the extreme, is ridiculous. The case that has been quoted by the Member from Whitehorse North, in itself, shows how laughable it is when a man's got his house up practically to the roof, and he wants to get some money, so he goes to get some money and they say, "Pull it down and we'll lend you some money." It's just stupidity.

Mr. McKinnon: Mr. Chairman, I believe if the motion were left as is, we could trust the Commissioner's discretion to apply the intent of what we are trying to do in some workable thing in the Regulations. I want to say, before we conclude these motions that I have presented to Committee, that it is my estimation, upon examining many of the different housing programs that are available across the country, with the changes in the Ordinance that we have provided for and with the amendments to the Regulations, that I feel that we have one of the finest housing programs available in the country at this time. I want Committee to know that it takes the average applicant a maximum of two weeks to process his loan before money is available for him. And, in conclusion, I just wanted to say that I think with these amendments that we have provided that we have a housing scheme that we can be proud of. There is one further amendment that I am going to suggest in regard to this Ordinance, that the "Low Cost" be removed. This is a stigma from the original days in 1962 when it was passed, when the maximum cost of a house when it was completed did not exceed, it was, either \$6,000 or \$7,000, and the person who could apply for such a loan could not be making more than some \$4,000 a year, I think it was. It came out that the whole intent of the Ordinance was not actually what we decided in principle at all, and it's been a steady grind to improve it by amendment to the point where we have it very workable at this time.

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

Mr. Commissioner: Mr. Chairman, I would like to reiterate the point that the Administration is most anxious to do anything they can to improve this situation. But, I want to bring something to Council's attention, and that is that in the process of improving this, we can't lose sight of the amount of monies that are made available to us by the vendor of this money, namely the Federal Government, has got a ceiling on it. And, in the process of improving this particular situation, I don't think we should be losing track of the fact that the Federal authority in Canada who are provided with, literally speaking, unlimited funds in an area such as ours to participate in housing developments, projects, construction, rental schemes, etc., is Central Mortgage and Housing Corporation. I think that there should be an effort on the part of all the concerned to have these people participate to the very fullest in expanding their program so that our program fills in those places where they cannot fit. Now, if we are going to lose track of this, all that we are going to be doing is finding ourselves in a very bad situation that we will have run out of available funds, that C.M.H.C. have gone to the end of their scope as far as their regulations and limitations are concerned, and we will be worse off than ever. So, I simply bring this to Council's attention, not that I will do anything but my very best to implement these suggestions, but simply to bring to Council's attention that we have got to do our utmost to get C.M.H.C. to expand their efforts, and that we cannot be limiting by liberality the number of people to whom we will make available the limited funds that we have under our own Low Cost Housing schemes.

Mr. Chairman: Thank you. Is there any further discussion, gentlemen? Are you prepared for the question on the motion? Are you agreed with the motion? Any contrary? I will declare Motion #26 carried in Committee.

MOTION CARRIED

MOTION  
CARRIED

Mr. Chairman: Now, gentlemen, we will proceed to bills, and our first bill will be Bill #7, An Ordinance to Adopt a Flag for the Yukon Territory. I will proceed with the reading of the bill. (Reads Bill #7 and Schedule.) Councillor Chamberlist, would you take the Chair?

BILL #7

Mr. Chamberlist: Yes. Councillor Taylor.

Mr. Taylor: Mr. Chairman, I would just like to say that this is the combination of what was known at the spring session of Council as the great and lasting flag debate. I would like to commend the Administration on the work that they have done on this and getting this before this session of Council. We certainly all agreed at the last session that this was a good flag. I think it has been displayed in the Chambers earlier last week, and I think everybody has had a chance to see it. I hope that this will get speedy passage by this House. Thank you, Councillor Chamberlist, I will resume the Chair.

Mr. Chamberlist: Mr. Chairman, I wonder if we can unveil the flag so we know what we're talking about.

Mr. Chairman: Mr. Clerk, would you so display it on the Speaker's desk?

Mr. Dumas: Mr. Chairman, the schedule doesn't set out the proper colours in the Yukon Crest. It leaves out the gold and the white, and on the dog it leaves out the white.



BILL #7 Mr. Chamberlist: Mr. Chairman, is it official that the Malamute is part of the official crest?

Mr. Chairman: This is quite correct.

Mr. Chamberlist: Mr. Chairman, I'm pleased to see that the colours of Israel and Egypt are being separated by the crest of the Yukon.

Mr. Chairman: What is your wish in proceeding with this bill at this time?

Mr. McKinnon: Mr. Chairman, I think that you intimated that the debate you had was the great, last flag debate. I would rather think it was the last, great flag debate. I think that you did choose wisely and it is a fitting flag for the Yukon Territory. Now, all we have to think of is a song for the anthem of the Yukon Territory, and I will not go along with the Watson Lake Drinking Song.

Mr. Livesey: Mr. Chairman, at this point I would like to ask a very direct and searching question. My searching question is, is this flag, displayed before us, the untrammelled and unexpurgated version of the free choice of the free democracy of the Yukon Territory, or has it, in any way, been altered, in any way, shape or form, by the powers that be that reside very many miles to the east of the Yukon Territory. I wonder, Mr. Chairman, if I could have that answered?

Mr. Chamberlist: Mr. Chairman, with respect, what free democracy is the Honourable Member from Carmacks - Kluane referring to?

Mr. Livesey: I would like to answer that, Mr. Chairman. I'm talking the free democracy that we expect in the Yukon Territory after we have reached the stage of provincial status and shown the entire width, depth, and breadth of Canada that we are just as proud to be Canadians as any other resident of this country. I thank you, Mr. Chairman.

Mr. Chairman: My information, gentlemen, for the edification of Committee, is that the gentleman who did originally design the flag, also prepared the schedule. So, therefore, we can only conclude that it is in its original form.

Mr. Livesey: Mr. Chairman, I have one other point that I'm very proud of. I believe the originator of the flag is a resident of my electoral district, and I'm very happy that his design was chosen. However, as we all know, his isn't the design of the Carmack - Kluane Lake. His is the design that we are all going to be proud of in the Yukon, no matter where we come from.

Mr. Dumas: Mr. Chairman, I'm still concerned over some of the colours being left off the schedule...the gold in the flowers and the gold in the crest. Have you anything.....

Mr. Commissioner: Excuse me, Mr. Chairman. Perhaps Mr. Clerk can bring us up-to-date on that because is there not another Ordinance or something connected with crest that explains the colours initiated?

Mr. Clerk: Yes, Mr. Chairman, there is an official designation and description of the crest of the Yukon Territory.

Mrs. Gordon: Needless to say, I can pick little holes in this, not because I know this much about the Floral Emblem of the Territory, but it's a long time since the past summer and a long time until the coming one. But, if my memory serves me right, I've never in my life seen a Fireweed with a yellow centre. BILL #7

Mr. Chairman: Just for the edification of Committee again, this Fireweed is not the way that it is in the schedule. This was made up by the flag manufacturer who had difficulty in duplicating what is here in the schedule. That is the reason for that. Is there anything further, gentlemen?

Mr. Shaw: Mr. Chairman, I rise again with some trepidation. The last time, I seemed to think everything was fine and the whole thing blew up. We had quite a debate on this matter. But, I do believe that when it comes to manufacturing, one has to stay within certain bounds and limits of colours and matters related to that, otherwise it would become much too difficult to manufacture in any quantity, and I assume that a number of these will be manufactured in quantity. To put gold on a flag and two or three other colours that are actually in the crest, I imagine, would be somewhat difficult to duplicate, and possibly this is one of the reasons that this is kept as uncomplicated as possible. That's the way I would imagine it would be. I don't know, but I would think so.

Mr. Chairman: It would require a motion, gentlemen, that this be reported out of Committee, whether with or without amendment.

Mr. Shaw: Mr. Chairman, I would move that the Bill #9, An Ordinance to Adopt a Flag for the Yukon Territory, be reported out of Committee without amendment.

Mr. Dumas: I second that, Mr. Chairman. It's Bill #7 though, sir.

Mr. Shaw: Oh, did I say 9? Bill #7, Mr. Chairman.

Mr. Chairman: It has been regularly moved and seconded that Bill #7 be reported out of Committee without amendment. Are you prepared for the question?

Mr. Livesey: Mr. Chairman, I hope that Committee doesn't think I'm trying to be procedeous, but I do notice a difference between the actual flag and the one we have on the bill.

Mr. Chairman: Again, for the edification of Committee, this was made up just to give some idea to Council what it might look like. The flag manufacturer just painted this on. The original design is found on your schedule rather than on that flag. That is as close as the manufacturer could come to what you are looking for.

Mr. Commissioner: Mr. Chairman, we were unable to give the people who manufactured this flag specific instructions. They had to be quite general on this respect.

Mr. Shaw: Another thing, Mr. Chairman, is that I believe the Yukon Crest is much smaller in that flag than what it would normally be according to this.

Mrs. Gordon: Incidentally, Mr. Chairman, it was designed by a member who was raised in my constituency. I want to make clear.....

Mr. Chamberlist: And, Mr. Chairman, I am pleased that somebody from the Yukon has done it, and this is all that matters.

Mr. Chairman: Are you prepared for the question, gentlemen? Order, please. Are we prepared for the question? Are you agreed? Are there any contrary? I will declare the motion carried.

MOTION  
CARRIED

MOTION CARRIED

BILL #8 Mr. Chairman: Order. We will now proceed to Bill #8, An Ordinance to Amend the Liquor Ordinance. (Reads Bill #8) We must report this bill out of Committee, gentlemen.

Mr. Shaw: I will move Bill #8 out of Committee without amendment.

Mr. Dumas: I will second that, Mr. Chairman.

Mr. Chairman: It has been moved by Councillor Shaw, seconded by Councillor Dumas, that Bill #8 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? Any contrary? I will declare the motion carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Chairman: I am wondering now, gentlemen, if we have any information on any of the other bills still in Committee. It seems we are out of work again for the moment. I believe we have something coming on Bill #4, Motor Vehicles, #5, Taxation, and I believe the matter of local improvement districts will be discussed tomorrow. I'm wondering, Mr. Commissioner, if there is anything that you're aware of in relation to Taxation and Motor Vehicles.

Mr. Commissioner: May I ask a question, Mr. Chairman? What was Committee's disposition with Bill #1? Has it been disposed of or has it been.....

Mr. Chairman: I believe it was the intent of Committee to just let the bill die in Committee.

Mr. Commissioner: In other words, it's been disposed of as far as Committee is concerned.

Mr. Chairman: Right.

Mr. Commissioner: Mr. Chairman.....

Mr. Legal Adviser enters Council Chambers.

Mr. Chairman: Mr. Legal Adviser, I wonder if we have anything yet in relation to....further on the Motor Vehicles Ordinance.

Mr. Legal Adviser: I'm not actually sure whether it is forthcoming or not, but I have drafted an amendment dealing with crash helmets. Is that before you? I drafted two amendments. One was dealing with some point earlier raised by Council, and I also drafted one dealing with the amendment that was proposed by Mr. Shaw about crash helmets

Mr. Chairman: Yes, I have noted that Section 1 needed to be further amended offering the right of appeal....Section 1 of the revised bill, Bill #4, A New Public Service Vehicle Inquiry Board.

Mr. Legal Adviser: No, I haven't done that, sir.

Mr. Chairman: Well then, we have Bill #5. I believe there was to be an amendment.

Mr. Legal Adviser: It hasn't come through yet. There was an amendment, sir, to adopt the tenor of an easier clause from the Alberta Section.

Mr. Chairman: Well, gentlemen, this then concludes all the Sessional Papers and Motions with the exception of one motion. Pardon me, local improvement districts will be....I believe, which is tended to ask that this be discussed tomorrow morning. And we have Motion #1 respecting Summary Convictions, left in Committee. We have one memorandum but I don't believe we included memorandums when we moved into Committee this morning, so....

Mr. Commissioner: This may have been dealt with and perhaps I have been remiss in reading the Votes and Proceedings on it, but did Council specify a time tomorrow that they wish to meet with Doctor Carr and associates? Is it Thursday they're coming?

Mr. Chairman: This is on Thursday morning at 10:00, I believe. Or, after Orders of the Day.

Mr. Commissioner: Could I ask another question while I'm on my feet?

Mr. Chairman: Proceed.

Mr. Commissioner: Mr. Chairman, I don't know what Council's procedure will be on this, but I tabled a reminder this morning, I assume it got distributed, in connection with the Zoning Appeal Board.

Mr. Chairman: This could be done in Committee of the Whole tomorrow. We have not included memorandums in our motion.

Mr. Commissioner: I see. Thank you.

Mr. Livesey: I believe the Economic Study Group will be....if it is on the 22nd, it will be Wednesday, rather than Thursday.

Mr. Chairman: This was programmed for Thursday, I believe. I'll take another reading here. This is correct. This is Wednesday the 22nd.

Mr. Commissioner: Do I understand correctly that it is 10:00 tomorrow morning, Mr. Chairman, that I am to advise these gentlemen that they are to be available for Committee?

Mr. Chairman: Well, we are not in Council state on the agenda, but I was going to suggest that we meet with the Watson Lake improvement district in the morning and possibly....It depends on Committee what they wish to do, but we were hoping, while these gentlemen are here, to discuss some matters relating to improvement districts.

Mr. Commissioner: There's only one thing I would suggest to you, Mr. Chairman. We brought these gentlemen from Ottawa specifically to spend as much time with Council as possible, so I would ask for your indulgence that you give them as much time as you can because I think there are quite a few things that they want to discuss with you.

Mr. Chairman: It is my intension to ask for possibly 2:00 in the afternoon, however, this will have to be decided in Council.

Mr. Dumas: I think we miscalculated when we thought that we could get together with the local improvement people tomorrow morning. I was under the impression that Doctor Carr and associates would not be here or be ready to sit with until Thursday. However, if they are here, and seeing that they have come such a long way, I think that they should.....

Mr. Chairman: Well, this will have to be decided in Council in any event. What is your further pleasure, gentlemen?

Mr. Shaw: Just one question I would like to ask, Mr. Chairman, and perhaps Mr. Commissioner can answer it. Is it intended that the gentlemen from the Carr Associates will be going back possibly on the same day, tomorrow? In the afternoon, for example.

Mr. Commissioner: I'm sorry, I couldn't answer that question, Mr. Chairman. The arrangements for them to come here on the 22nd were made after I consulted with Mr. Speaker on this matter and they have confirmed that they will be here. I understand they came in on the plane this afternoon, to make themselves available to Council on the 22nd which is tomorrow. Yet, Mr. Chairman, it is conceivable that they are going back tomorrow but I couldn't verify this.

Mr. Chairman: What is your further pleasure, gentlemen?

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

Mr. Chairman: Secunder?

Mr. Dumas: I second that motion, Mr. Chairman.

Mr. Chairman: It has been moved by Councillor Shaw, seconded by Councillor Dumas, that Mr. Speaker do now resume the Chair. Are you prepared for the question? Are you agreed? I will declare the motion carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: Thank you, Mr. Chairman. I will now call Council to order. May we have a report from the Chairman of Committees?

Mr. Chairman: Mr. Speaker, Committee convened at 10:15 a.m. to discuss Bills, Motions, and Sessional Papers. It was moved by Councillor Chamberlist, seconded by Councillor Dumas, that the Commissioner arrange for a meeting with the Minister of Indian Affairs and Northern Development to discuss Resource Administration. This motion carried. It was moved by Councillor Shaw, seconded by Councillor Livesey, that Motion #9 be amended to read, "That in the opinion of this Council, residency qualifications in the Low Cost Housing Regulations should be reduced to three months." The motion was carried. Motion #9 then carried in Committee. Committee recessed at twelve noon and reconvened at two p.m. Motions #21, #22, #23, #24, #25, and #26 were carried in Committee. It was moved by Councillor Shaw, seconded by Councillor Dumas, that Bill #7 be reported out of Committee without amendment. This motion carried. It was moved by Councillor Shaw, seconded by Councillor Dumas, that Bill #8 be reported out of Committee with amendment. And this motion carried. It was moved by Councillor Shaw, seconded by Councillor Dumas, that Mr. Speaker do now resume the Chair, and this motion carried.

Mr. Speaker: You have heard the report of the Chairman of Committees. Are we agreed? May I have your further pleasure, gentlemen?

Mr. Taylor: Mr. Speaker, it appears that tomorrow, we have nothing in Committee at the moment, other than those remaining bills, but we have tomorrow Doctor Carr and Associates coming to visit with us. But, I would like also to suggest....the Administration had inquired whether or not possibly tomorrow morning we could meet with the Trustees of the Watson Lake Local Improvement District and, in general, spend the morning discussing matters relative to the Local Improvement Districts. I feel that this is of some importance. These gentlemen will be returning to their homes very shortly, and I'm wondering if Council will agree that we devote the morning to this and meet with the Carr and Associates people in the afternoon and, indeed, all the following day if necessary, because it certainly does seem to me that we're spending about a quarter of a million dollars to have this study made and that should mean that they can stay an extra day or a number of days to discuss this matter with us. I would like to see this Improvement District thing discussed tomorrow, if possible.

Mr. Shaw: Mr. Speaker, I feel that in view of the fact that this meeting with Carr Associates has been scheduled for some quite some time now, that should get priority. These gentlemen have come all the way from, I believe, Toronto, and may possibly be going back tomorrow. I don't know about that, but I would feel that this should give prior consideration at this time in view of the fact that it has been on the agenda for a week or so, and this other matter just came up. In fact, just a few hours ago.

Mr. Chamberlist: Mr. Speaker, I think it's a much greater concern to us as Members of this Council to look into matters affecting our people directly, and where we have these Trustees from Watson Lake who, perhaps, will have to return to their work....they are not being paid to come here. The Carr Associates are being paid, and handsomely, may I say. I would suggest that Councillor Taylor's suggestion be given consideration by this House and that our first nature of business tomorrow, once we go into Committee, should be to deal with matters of Local Improvement. We can get from the pilot districts, as Watson Lake has been referred to, some information that will stand us all in good stead, and I think we should take advantage of the fact that these three Trustees will be here tomorrow.

Mr. Speaker: Thank you, Mr. Chamberlist. How do you wish to proceed, gentlemen?

Mr. McKimmon: Mr. Speaker, I think that our quandary is because of a mistake in dates, and who's to blame, I have no idea at all. But, I wonder, Mr. Speaker, if you could take it upon yourself, with the agreement of the House, to find out what the itinerary of the Carr Associates is going to be. Are they only going to be in Whitehorse for the day, and if we can't see them for the whole of the day tomorrow, does it mean we will lose the chance of having them the day following? If we know what their schedule was, we could work something out to get both the Watson Lake Improvement District in and Carr Associates all the time that Council needs with them. I wonder if, Mr. Speaker, you would see Mr. Commissioner and find out actually what the schedule of the Carr Associates is, and we could arrange something from there.

Mr. Speaker: Well, as a correction, I would like to say the date is exactly correct as it was arranged. The confusion that there is towards the day on which the November the 22nd may have occurred. November the 22nd being Wednesday, some thought it was Thursday, but it is still November the 22nd that we decided to meet with Doctor Carr and Associates. However, I will be guided by your directions, gentlemen.

Mr. Taylor: Mr. Speaker, I would rise again to suggest, by motion if necessary, that 2:00 tomorrow afternoon be appointed the time that we meet the Carr Committee, and if necessary all the following day, but I would like to see these gentlemen, before their return home, meet with Council on this most important matter of Local Improvement Districts.

Mr. Speaker: Is that a motion?

Mr. Taylor: I would move that 2:00 tomorrow afternoon be set as the time to meet with Doctor Carr and Associates.

Mr. Chamberlist: I second that motion, Mr. Speaker.

Mr. Dumas: Mr. Speaker, surely we must ask whether Carr and Associates are going to leave on the plane tomorrow at 3:00. We have to meet these people. That's all there is to it. There's a much better possibility of meeting with the Watson Lake Local Improvement District at some future date than there is with the Carr Associates. Let us determine this and then decide what to do.

Mr. Speaker: Order, gentlemen. I thought the Member was rising on a point of order. The motion has not been read from the Chair. Moved by the Honourable Member from Watson Lake, seconded by the Honourable Member for Whitehorse East, that 2:00 tomorrow afternoon be set aside to meet Doctor Carr and his Associates. Proceed, gentlemen.

Mr. Chamberlist: Mr. Speaker, Carr Associates, if they have come up here just to talk to Council, and they expect to stay just two hours and think that they've got sufficient time for them to speak to us, I think that they should start rearranging their thoughts, because there might be many matters that we wish to speak to them on. In any event, I doubt whether we could speak to them, even if we started tomorrow morning, whether we could get rid of them by tomorrow afternoon to go on the plane. To me, and I repeat, it is more important that we are able to look after the needs of our people right here, and our people are here from Watson Lake, and I feel that other Members of Council should give them the same courtesy that you would expect if people were travelling to any distance from the other constituencies from out of town. I have already seconded Councillor Taylor's motion, and I would ask the support of Council in this regard.

Mr. McKinnon: Mr. Speaker, this is exactly the point. The last thing that I want to be is to be discourteous to anyone, and if we made arrangements for Carr and Associates to come from Toronto on the 22nd of November and we were to meet them, then I would say we would certainly be discourteous to them if we are not going to meet them when they are going to be here. I think this can all be arranged if we find out firstly what the schedule of Carr and Associates is going to be, and perhaps, and I have no doubt, that we're going to be able to fit in both the Watson Lake Improvement District and Carr and Associates without coming before this House with motions and saying that this group has precedence over that group, and if you don't support this motion it means you are leaning towards the Economic Study against the Local Improvement District. I think it's all useless and unnecessary.

Mrs. Gordon: Mr. Speaker, may I suggest that you ascertain through Mr. Clerk during a short recess, as to what the plans are in regard to the Carr Associates and also our visitors from Watson Lake.

Mr. Shaw: Mr. Speaker, this is where I can truthfully say that a motion is premature. I along with the other Members who are also concerned about the Yukon, just as much concerned....I'm also concerned with the fact that we have known well ahead that we were going to have a meeting with these people on November the 22nd, for some quite considerable period of time. Now, we have reached the point where a motion is before this Council to either reject an agreement we have made or to reject a matter concerning the people of the Yukon. I believe, Mr. Speaker, that this could easily have been resolved by the suggestion from the Honourable Member from Whitehorse North that was just brought forth or did bring forth without a motion, to the effect that we leave it to your good offices, sir, to ascertain what the situation is and you could then make the arrangements accordingly. I still feel that that is the correct method of doing it, and as a result I will be voting against this motion, Mr. Speaker.

Mr. Speaker: Gentlemer.....

Mr. Taylor: Mr. Speaker, I just want to point out that we agreed that the Carr Commission would be here on Wednesday and that we'd meet them. All I'm doing is approaching the time on Wednesday. We haven't changed any dates or anything of this nature. I agree that if these people have come....they have got \$250,000 of our good old Canadian currency to work on....they must have enough money to stay in one hotel in Whitehorse, especially now that we have gone modern and have a daily plane service in and out of here, they must be able to stay for as long as we require their services. If they can't do that....well, this is what they came up to do. The matter is simple. If we can possibly accommodate our local people in the morning, and at 2:00 in the afternoon get on with the meetings and carry on with nothing else to interrupt us. We can go on for three days, and it may be necessary that we do go on for three days, without break and that's the reason I raised the motion.

Mr. Speaker: Before the question is called, several Members have suggested that I discuss this question with Mr. Commissioner. Would the House agree that I do so for the benefit of all concerned?

All: Agreed.

Mr. Speaker: The House stands in recess for ten minutes.

#### RECESS

Mr. Speaker: I will now call Council to order, and I was asked by Members of the House to proceed to the Commissioner's Office and ask him about the itinerary of the Trustees from Watson Lake Improvement District and that of Doctor Carr and his Associates. I am informed by Mr. Commissioner that he is unaware of the itinerary of the Trustees from Watson Lake Improvement District but he does believe that Doctor Carr and Associates have it laid on that they will depart from Whitehorse tomorrow afternoon.

Mr. Taylor: Mr. Speaker, in relation to this, apparently he has also indicated that he is quite willing to stay over as long as Council requires his attendance....this is Doctor Carr....but, in order to facilitate the matter, I would withdraw, with the agreement of Council, the motion that I have proposed in order that possibly tomorrow we could meet with the Improvement District in the morning and following that, whatever time that includes in the morning, if it does, we could then proceed with Doctor Carr and his Associates. So, I would withdraw the motion, Mr. Speaker.



Mr. Chamberlist: I would withdraw the second to the motion.

Mr. Speaker: Is the House agreed?

All: Agreed.

Mr. Speaker: You may proceed, gentlemen.

Mr. Dumas: Mr. Speaker, I think you might ask Doctor Carr to **stay** over tomorrow so that we will have some time to spend with him... some substantial amount of time.

Mr. Speaker: May I have your directions, gentlemen?

Mr. McKinnon: Mr. Speaker, in view of the fact that it has been ascertained that Doctor Carr is willing to meet with Council for as long as we need him, I would suggest that at exactly 10:00 tomorrow morning that Council meet with the Local Improvement Trustees from Watson Lake, and immediately following our meeting... after Orders of the Day, that we meet with the Local Improvement Trustees from Watson Lake, and as soon as our discussions with them are completed that we meet with Doctor Carr and whoever happens to be travelling with him.

Mr. Speaker: I might inform the House that it is not my information that Doctor Carr has any intension of altering his schedule.

Mr. Taylor: Mr. Speaker, Mr. Legal Adviser can clear up that point.

Mr. Legal Adviser: Mr. Speaker, I was speaking with Doctor Carr, and he told me that they had hoped to return tomorrow, but they were perfectly prepared to clear out the following day because their primary purpose of their visit here was to meet with Council and to answer to Council's wishes in this regard.

Mr. Speaker: Well now, do I understand that it is not the Council's wishes to meet with the Watson Lake Improvement District at 10:00, but after Orders of the Day? Are we clear on that, gentlemen?

All: Agreed.

Mr. Speaker: And, that we will immediately meet with Doctor Carr and Associates following the meeting with the Watson Lake Improvement District Trustees?

All: Agreed.

Mr. Speaker: Are we all agreed on the arrangements?

All: Agreed.

Mr. Speaker: May I have your further pleasure?

Mr. Dumas: Mr. Speaker, going back to what I said earlier, will you ask Doctor Carr to make other arrangements...that is, to cancell.....Oh, I see. I withdraw the suggestion.

Mr. Chamberlist: Mr. Speaker, I move that we adjourn.

Mr. Speaker: Is there a seconder to the motion?

Mr. Dumas: Mr. Speaker, I second the motion.

Page 364

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse East, seconded by the Honourable Member from Whitehorse West, that this House do now adjourn. Are we prepared for the question? Are we agreed? I will declare the motion carried.

MOTION CARRIED

Mr. Speaker: Order. The House now stands adjourned until 10:00 a.m. tomorrow morning.

C

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Page 365.

Wednesday, November 22, 1967.

10:00 o'clock a.m.

Mr. Speaker read the daily prayer. All Councillors and Mr. Legal Adviser were present.

Mr. Speaker: Mr. Clerk, is there a quorum present?

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will call Council to order.

Mr. Chamberlist: Mr. Speaker, question of privilege. On page 290, Votes and Proceedings, bottom paragraph, the word "waiving" should be spelled "waving", making a different meaning. CORRECTION TO VOTES & PROCEEDINGS

Mr. Speaker: I would draw your attention to the arrangements on the Agenda for today which is described in the Minutes on page 363. Also, I have for tabling today the following Sessional Papers:

	SESSIONAL PAPERS
Sessional Paper No. 47, Question No. 13, re Beaver Creek school.	#47
Sessional Paper No. 48, Question re how many Yukon Residents on Crew at Mayo Cut-Off.	#48
Sessional Paper No. 49, re Unemployment Insurance claims.	#49
Sessional Paper No. 50 re Territorial Government purchasing policy.	#50
Sessional Paper No. 51, Frontier Package Television.	#51

Are there any Reports of Committees? Introduction of Bills.

Moved by Councillor Taylor, seconded by Councillor Chamberlist, that Bill No. 10, An Ordinance to Amend the Legal Profession Ordinance, be introduced at this time. BILL #10 INTRODUCED

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: May I have your further pleasure with reference to the Introduction of Bills.

Mr. Shaw: Mr. Speaker, I would beg leave to introduce Bill No. 11, An Ordinance to Authorize the Commissioner to Borrow a Sum not Exceeding One Hundred Thousand Dollars from the Government of Canada and to Authorize the Commissioner to enter into an Agreement relating thereto.

Mr. Speaker: Is there a seconder for the Honourable Member's Motion? Are there further introduction of Bills at this time? May we now pass to Notices of Motion or Resolution.

	NOTICES OF MOTIONS
Mr. Chamberlist: Mr. Speaker, I wish to give Notice of Motion re Postal Services, Carcross. Mr. Speaker, I wish to give Notice of Motion re Sessional Papers No. 48 and No. 50. Mr. Speaker, I wish to give Notice of Motion re appointment of Territorial representative to Zoning Appeal Board.	#27 #28 #29

Mr. Speaker: Are there further Notices of Motion or Resolution?

Mr. Shaw: Mr. Speaker, I would like to give Notice of Motion in relation to Airport at Old Crow. Mr. Speaker, I would like to give Notice of Motion in relation to Sessional Paper No. 51.	#30 #31
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Mr. Speaker: Are there further Notices of Motion or Resolution? May we now pass to Orders of the Day - Notices of Motion for the Production of Papers. Would the Honourable Member for Watson Lake please take the Chair.

Mr. Taylor takes the Speaker's Chair.

NOTICE OF  
MOTION FOR  
PRODUCTION  
OF PAPERS  
#8

Mr. Livesey: Mr. Speaker, I have for the attention of the House this morning Notice of Motion for the Production of Papers, re the erection of a Cairn at Pelly Crossing (Centennial Project).

Mr. Livesey resumes Speaker's Chair.

Mr. Speaker: Are there further Notices of Motion for the Production of Papers? At this time I would draw to your attention that as a result of the request of the House you will notice a difference in the Order Paper this morning where those Motions as yet unanswered at the time of the printing of the Order Paper will remain under Motions for the Production of Papers until they are answered. Under Motions, No. 1, Mr. Chamberlist, Legislation similar to the Summary Convictions Act of B.C., is in Committee. May we now move to questions.

Mr. Taylor: Mr. Speaker, I wonder if Mr. Commissioner would be available as I have questions to ask of him this morning.

Mr. Commissioner enters the Council Chambers.

QUESTION  
RE FISCAL  
POSITION

Mr. Taylor: Mr. Speaker, my first question this morning is directed to Mr. Commissioner and it relates to matters pertaining to the fiscal position of the Yukon Territory at this point in time and I am wondering if Mr. Commissioner is now able to tell us when we may be able to have this information.

Mr. Commissioner: Mr. Speaker, could I have a few minutes on that because I haven't had a chance to check on this situation this morning. I would appreciate it if I could have that privilege, Mr. Speaker.

Mr. Speaker: Are there further questions?

QUESTION  
CAMPER &  
TRAILER  
FEES

Mr. Chamberlist: Mr. Speaker, I would address my question to Mr. Commissioner. Mr. Commissioner, in the First Session of Council, 1967, Motion No. 16 was passed asking for an investigation into the possibility of charging nominal fees for campers and trailers. I wonder if Mr. Commissioner can tell the Council what were the results of that investigation.

Mr. Commissioner: Mr. Speaker, so that I can give Council accurate and up-to-date information on this, may I have the opportunity of answering this at a later time.

Mr. Speaker: Are there further questions?

QUESTION  
RE SHOP-  
PING  
CENTRE IN  
RIVERDALE

Mr. Chamberlist: Mr. Speaker, a question to the Commissioner. As there has been some considerable feeling in the City of Whitehorse re a proposed shopping centre in the Riverdale area, part of which area lies outside the City of Whitehorse, would the Commissioner entertain that the people who have proposed this shopping centre show the details of the shopping centre to the Territorial Council? I don't know whether that is the right question to ask the Commissioner.

CH

Mr. Speaker: Well, if the question was rephrased to ask the Administration if maps could be shown.

QUESTION RE  
SHOPPING  
CENTRE IN

Mr. Chamberlist: Mr. Commissioner, if you would be amenable to the Administration being shown the propositions for the shopping centre and would the Administration be prepared to bring all the details of this before Council?

RIVERDALE

Mr. Commissioner: Mr. Speaker, I think....there is quite a little possibly involved in this question. I could say this that I would personally not have any objection to this, Mr. Speaker, believe me. I would not raise any objections at all.....Whether or not in the process of dealing with this matter the opportunity afforded itself or in fact the principles would be agreeable to this would be another question but I would personally not have any objections to this at all.

Mr. Taylor: Mr. Speaker, I wonder if Mr. Commissioner could possibly inform me this morning if he has yet received a reply respecting the Expo Pavilion for a legislative building in the Yukon.

QUESTION RE  
EXPO PAVILION  
FOR LEGISLA-  
TIVE  
BUILDING

Mr. Commissioner: No, Mr. Speaker. I have not received any reply. I would say that this might be a very suitable question for the Members to pose, along with any other questions they might be posing, when they have a chance to meet with the Minister on Saturday.

Mr. Taylor: I have a supplementary question Mr. Speaker and that would be directed to Mr. Commissioner. Has the Minister seen fit to confide his itinerary to Mr. Commissioner and if so, what are the arrival and departure times of the Minister on his visit on Saturday?

QUESTIONS RE  
MINISTER'S  
VISIT

Mr. Commissioner: Mr. Speaker, neither of these two things have I confirmed at the moment, however I have confirmed this - I will be extending an invitation to the Councillors for a two hour session on Saturday with the Minister which will include lunch.

Mr. Chamberlist: Mr. Speaker, I would like to know whether the lunch is to be before we meet him or after we meet him?

Mr. Speaker: Order. Order. Are there any further questions?

Mr. Taylor: Yes, I have another question arising out of the Commissioner's reply to the last question, and may I have the assurance of the Administration that indeed members of the Press may be present at this meeting?

Mr. Commissioner: Mr. Speaker, no. I would not give any assurances of this at all. I am going to invite Councillors to a meeting with the Minister. I asked the Minister if he would agree to this and this was quite agreeable with him. There is no question....I wasn't asked to ask for the Press to be present at this meeting, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, directed to the Commissioner out of the last answer. Will the Commissioner invite the Press to the meeting with the Minister?

Mr. Speaker: I believe that that answer has already been given. It seems to me that the Commissioner has already answered that question.

QUESTIONS  
MINISTER'S  
VISIT &  
PRESS  
PRESENT

Mr. Chamberlist: With respect, Mr. Speaker, if the answer will be read back.....it didn't appear to me that there was an answer to it at all, whether it was yes or no. I would like to get an answer to my question, notwithstanding the answer that was given previously, Mr. Speaker, and I would like to know whether the Commissioner will be inviting the Press to attend that meeting.

Mr. McKinnon: Mr. Speaker, rising on a point of privilege. Certainly it is this Council's prerogative to decide whether the Press will be available at this meeting or not and not the Commissioner's. This is something that we can decide amongst ourselves.

Mr. Speaker: Yes. I am sorry. I must rule that question out of order. Are there any further questions? Order. Order. Are there any further questions?

QUESTION  
RE CBC TV  
PACKAGES

Mr. Taylor: One final question this morning respecting CBC TV Packages, directed to the Commissioner, Mr. Speaker, and in view of the recent news broadcast announcing B.B.G. Hearing dates for the City of Whitehorse, was any information gleaned from CBC in Ottawa as to when the other major communities in the Yukon would also receive this service?

Mr. Commissioner: Mr. Speaker, I signed a paper for Council on this. I don't know if it has been mimeographed and distributed yet but the total information that we were able to receive is contained in this paper.

Mr. Taylor: Supplementary to that question, do I have the assurance of the Administration that this information was sought from Ottawa from the top sources?

Mr. Commissioner: Mr. Speaker, to the very best of my knowledge, we made the inquiry based on the question that Council asked. I am sure that it was asked in its fullest scope. Do you happen to have the question as it was asked, Mr. Clerk? Mr. Speaker, the question as I have it here is whether or not the program for installation of frontier package television for Yukon communities has been retarded due to Federal Budgetary cut-backs and (2) when Yukon communities may expect installation of these television services including a list of communities to be served and projected installation dates, and this, I am informed by the Clerk, was posed to the CBC through their local management and the information that they have been able to provide and I am assuming that they would provide this only through the sources of their superiors was as follows, "I have contacted the C.B.C. and I am now advised.....".

Mr. Taylor: Supplementary to that, Mr. Speaker, then if we do wish to get information from Ottawa from the policy makers of the CBC in Ottawa, must we then specify Ottawa in our Motions from now on?

Mr. Speaker: Well, I don't believe this is quite a fair question.

Mr. Taylor: With respect, Mr. Speaker, I feel it is very fair because when I posed the question, that's where I expected the answer from - not from the local source.

Mr. Speaker: It would appear that a better place for this type of question would be on the Order Paper. Mr. Chamberlist.

PH

Mr. Chamberlist: Mr. Speaker, will Mr. Speaker be ascertaining from the Council as to whether they wish the representatives of the Press to attend the meeting between the Minister and the Council?

QUESTION RE  
PRESS AT  
MEETING  
WITH  
MINISTER

Mr. Speaker: If that question is directed to the Chair, I must rule that question out of order as I don't believe questions of that nature can be addressed to the Speaker's Chair.

Mr. Chamberlist: Mr. Speaker, with respect.....

Mr. McKinnon: Mr. Speaker, as a Councillor I would certainly be willing to discuss whether Council would wish the Press available and present at the meeting with the Honourable Minister of Northern Development and Indian Affairs.

Mr. Speaker: This point, I don't believe, should be brought up in debate during the question period. I believe that there is sufficient room in our usual business procedures for debating this issue but certainly not in the question period.

Mr. Chamberlist: With respect, Mr. Speaker, it is my understanding that during a question period all questions are permissible if they relate to matters of interest for the Council and it is of most interest at this time that Members of Council know whether the meeting with the Minister is to be an open meeting or closed meeting and this is why I have asked the question. It has been ruled out of order to the Commissioner and now it is ruled out of order to the Speaker. It must be in order somewhere. It is a simple question, Mr. Speaker.

Mr. Speaker: Is this a point of order. Order.

Mr. Chamberlist: Yes, with respect, Mr. Speaker.

Mr. Speaker: I see no point of order. Are there further questions?

Mr. Chamberlist: Mr. Speaker, with respect, is it the intention of this Council to refuse to have members of the Press present at meetings? I want answers to the questions.

Mr. Speaker: I am sorry, Mr. Chamberlist. I have ruled your questioning on this subject out of order.

Mr. Chamberlist: With respect, Mr. Speaker, you have ruled my last question out of order - not this one.

Mr. Speaker: I have ruled your questions out of order, Mr. Chamberlist, on this subject. May we pass to Public Bills and Orders.

Mr. Shaw: Mr. Speaker, I would move that Third Reading be given to Bill No. 8, An Ordinance to Amend the Liquor Ordinance.

Mr. Dumas: I second that, Mr. Speaker.

Mr. Shaw: Mr. Speaker, that wasn't on the Order Paper. I got to the wrong number as perusual but I think it is ready for processing.

Mr. Speaker: I have for the attention of the House the information from Mr. Clerk that Bills No. 7 and No. 8 were left off the Order Paper for this morning for Third Reading due to the decisions covering the agenda.

Mr. Shaw: Mr. Speaker, I did get the wrong number. I thought I was reading Bill No. 9. I will withdraw the Motion if that is agreeable.

Mr. Speaker: There wasn't a seconder to the Motion.

Mr. Shaw: Oh, there wasn't.

Mr. Dumas: I seconded it. I withdraw.

Mr. Speaker: Does the House agree that the Motion will be withdrawn?

All: Agreed.

Mr. Shaw: Mr. Speaker, I think I have it right this time.

FIRST  
READING  
BILL #9  
MOTION  
CARRIED

Moved by Councillor Shaw, seconded by Councillor Chamberlist, that Bill No. 9, An Ordinance to Amend the Evidence Ordinance, be given First Reading at this time.

MOTION CARRIED

SECOND  
READING  
BILL #9  
MOTION  
CARRIED

Moved by Councillor Shaw, seconded by Councillor Chamberlist, that Bill No. 9, An Ordinance to Amend the Evidence Ordinance, be given Second Reading at this time.

MOTION CARRIED

Mr. Speaker: May I have your further pleasure?

MOTION TO  
MOVE INTO  
COMMITTEE  
MOTION  
CARRIED

Moved by Councillor Shaw, seconded by Councillor Taylor, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills, Sessional Papers, memoranda and Motions.

MOTION CARRIED

Mr. Speaker: I will declare the Motion carried and the Honourable Member for Watson Lake will please take the Chair in Committee of the Whole.

Mr. Chairman: We will first be meeting in relation to Local Improvement Districts and I will declare a short recess.

RECESS. Mr. Legal Adviser leaves the Council Chambers.

MOTION #15

Mr. Chairman: Gentlemen, at this time I will call Committee to order. We have with us Mr. Ball, Mr. Couture and Mr. Studenberg, Trustees of the Watson Lake Improvement District, and Mr. Fleming, Assistant Commissioner, Administrative, to assist us in discussions relating to Local Improvement Districts. I wonder if, Councillor Shaw, you could take the Chair at this point.

Mr. Shaw takes the Chairman's Chair.



Handwritten initials or mark in the top right corner.

Mr. Taylor: Mr. Chairman, as all Members are aware, we MOTION #15  
wanted a good opportunity to get into the general discussions  
related to the Local Improvement District operation and the  
Ordinance and its function and possibly the best way to kick  
this off, I would suggest that Mr. Fleming might be able  
to give us an outline of what type of policy is now to be  
implemented in relation to the Local Improvement District  
Ordinance.

Mr. Chairman: Mr. Fleming.

Mr. Fleming: Mr. Speaker, as you know, the Trustees of the  
Watson Lake Improvement District have been called in on their  
annual get together with members of the Administration in  
order to discuss any particular problems and to consider a  
course of action for the forthcoming year. This particular  
session that we had has probably been the most rewarding  
of any because for the first time we have actually got down  
to some of the mechanics of budget preparation and into the  
detailed work of running a municipality which is exactly  
what Watson Lake is becoming and the Trustees have been  
very forthright in coming out with their suggestions and  
criticisms and everything has been on a constructive level  
because it was understood right from the beginning that  
this was to be the pilot project for this type of Local  
Improvement District and where we would go from here would  
be highly dependent on the type and calibre of the men who  
were elected in Watson Lake and the way that they would  
proceed with the job. We have been very fortunate in the  
choice of people that we have down there inasmuch as they  
are dedicated to their work and we are fortunate also that  
they are outspoken people who know what they want and they  
are not afraid to tell us. During this session, we have  
gone over various points of the Local Improvement District  
Ordinance and it would appear that while it is by no means  
a perfect document, it is a workable document. It is one  
within which the Trustees and the Administration can work.  
Time will no doubt show that some changes are needed and,  
here again, we are in the fortunate position of having in  
our Council and in the Commissioner the ways and means of  
rapid changes if they are desirable. So, we haven't run  
into any great problems as far as the Local Improvement  
District Ordinance is concerned. We feel that having one  
year of experience, we can now go into the second year  
with a great deal more confidence and also with a great  
deal more knowledge. The Trustees have adopted a couple  
of by-laws, one of them was for the procedures of election  
of trustees and in this regard you will realize that the  
first trustees were appointed by the Commissioner but we  
now have in Mr. Studenberg the first elected Trustee for  
a three year term so we are beginning to move into the  
second phase which is the elective phase. They have also  
adopted regulations for the organization of procedures and  
preserving order in their meetings and in this regard I am  
working on a more detailed procedure, suggestions which will  
be sent to them and which they in due course in their own  
wisdom will amend and either adopt or reject. We will  
endeavour to help them as much as we can on every occasion  
but the basis of a Local Improvement District is of course  
self help. It is a grass roots organization of local govern-  
ment and the pressures should be upwards, not in position of  
power downwards if it is to function effectively and in this  
the Trustees are in complete agreement with the Administration  
and they have shown by their actions that they are fully pre-  
pared to adopt this method of local government. There were  
several outstanding items which we dealt with in our initial  
meetings and these meetings will continue today so the matters

MOTION #15 Mr. Fleming continues:  
are not completely finalized but I can tell you that to date we have agreed, as a general principle, to recommend that the budgeted monies for the balance of this fiscal year from now until April 1, 1968, be transferred immediately to the Trustees and they will be leaving Whitehorse with the money in their hand. They will be leaving with the Budget to which these monies will be applied and they will be functioning as their own agents in this regard, accountable to the Territory. As far as contracts are concerned, we have reached general agreement between the Trustees and Administration that existing contracts will be terminated and that new contracts will be negotiated by the Trustees. Now this, in some instances, may mean just a continuation of existing contracts. The Trustees have also agreed to take over the operation and maintenance of the sewer system and for this they will receive monies sufficient to take care of emergencies and then they will deal with them on the ground as they occur. We proceeded beyond this immediate short-term baby Budget and we have completed the first draft of the construction of an operation and maintenance budget for 1968-69 and this is an exercise in responsibility both for the Trustees and for the Administration and we have found that there have been some first class suggestions forthcoming from the Trustees who, because they are the men on the spot.....have a more intimate knowledge of the problems on the ground.....this has been a very, very rewarding thing as far as Administration is concerned and I hope that it has been equally rewarding for the Trustees. It has certainly been a worthwhile effort, this kind of get together. At our first meetings, the Administration were talking about things of which the Trustees at that time had no immediate or any progressive knowledge but that situation has now changed. They have the background. They have the knowledge and they are prepared to advise the Administration on what they want and we are prepared to listen to their suggestions. We have also discussed office accommodation and staffing and this is not an immediate problem at the moment. They have part-time help but we are looking into the future here and we are endeavouring, through utilizing such foresight as we possess, to look at the next three years and the phase in the local Government over a three year period until at the end of that time they should have almost complete control or as much control as they wish to accept on the ground and we stand ready to aid them and to assist them and one of the requirements is the selection in due course of staff in order to take care of the many technical problems in the day-to-day working and supervision that would be required. This three year phasing in...and I have used the term three years advisedly because this was just a suggestion which may be shortened or lengthened according to the wishes of both parties, but it is a start point...would eventually lead to the position where the Local Improvement District would be issuing its own tax notices and effecting its own collections and for this, of course, it will need trained staff. When I am talking about staff - none of us are thinking about a vast organization. We are thinking, in the ultimate, of one man and a part-time stenographer so we are not thinking of a great proliferation of Government. To offset this, we would be effecting savings in other salary expenditures which are being made in other places at this time and which could then be eliminated. That is, at the moment, the outline of what has happened to date, Mr. Speaker, and possibly during the question period, other things can be brought out.

ff

Mr. Chairman: Thank you, Mr. Fleming. Do we have any questions?

MOTION #15

Mr. Taylor: Just before we get too far, a question immediately arises in relation to the duties and powers of Trustees under the Local Improvement District Ordinance. For instance, I see nowhere here where the Trustees would have the power, for instance, to set a speed zone or to put up signs in the community and this type of thing...and possibly for the issuance of building permits in order to keep some sort of control on construction in the district. Would it be advisable, Mr. Chairman...I wonder if Mr. Fleming could answer this...would it be advisable then to write this in at this time in order to give them these powers?

Mr. Fleming: Mr. Speaker, there are many such items that we have already come across and will no doubt come across in time, and this Local Improvement District is a very minimal piece of legislation at this time. It was meant to get the show on the road and it will effectively do that and during the course of time of course we can amend and insert these other things as these powers are taken over by the Trustees.

Mr. McKinnon: Mr. Fleming, you state that the Local Improvement District from Watson Lake is going to leave Whitehorse with some monies in their hot little hands. Just where does this money come from and where is it entitled under the Local Improvement District for these monies to be apportioned?

Mr. Fleming: Mr. Speaker, these monies are already budgeted and this is merely a bookkeeping change. We are not acquiring new monies. We are merely giving them monies that have already been voted.

Mr. Chairman: Do we have any further questions?

Mr. McKinnon: Mr. Chairman, as far as I can see in my examination of the Local Improvement District, there is nothing that sets up the procedure for the funds that are going to be available for the Local Improvement District to operate on. They can incur debts up to an extent of \$5,000.00 but it doesn't state anywhere where they are going to get the money to incur these debts of \$5,000.00 to start with. Just under what budgetary procedure and under what financial control and financial arrangements are the Local Improvement Districts? I find nothing set up in the Local Improvement District that sets this up.

Mr. Fleming: Mr. Chairman...I will address you by the proper title this time...this is probably one of the points that need to be clarified. It had been checked out with the Treasurer and with our Legal Adviser who see no objection to this and that is as far as I can go at this moment, Mr. Chairman.

Mr. McKinnon: Mr. Chairman, this is my whole complaint against the Local Improvement District Ordinance. Now, the Watson Lake Local Improvement District is given a budget... a budget has been set up. They are given finances and they are told that they can use these finances in certain areas. Now, this is exactly where I think the Local Improvement District should be working. There is nothing laid down by Ordinance in which areas they can act. Councillor Taylor has raised another point. There is nothing in the Ordinance

MOTION #15 Mr. McKinnon continues:  
stating what control they have over roads or municipal development or anything of this nature, and the people that I represent, though they have gone along with agreement on the policy of taking self-government into their own hands at the grass roots level and they want to act and control their own destiny on things that they have confidence in, yet there is no direction laid down to them in the Ordinance in what areas they can act, and I don't think it's possible for people to accept the responsibilities of local government not knowing in what areas they can act. This is the whole point and complaint that I have against the Local Improvement District. If this could be made by regulation for every district that the Commissioner sees fit to declare a Local Improvement District, this is fine too, but there is nothing in regulations that sets out what the duties and what the functions of the Watson Lake Local Improvement District are or any other Local Improvement District that the Commissioner has deemed fit to advise that they are going to become a Local Improvement District.

Mr. Commissioner: Mr. Chairman, we will have Mr. Legal Adviser here.

Mr. Chairman: I will call a short recess.

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Wednesday, November 22, 1967.

11:00 o'clock a.m.

Mr. Chairman: I will now call this meeting back to order. Have we any further questions?

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Mr. Taylor: Mr. Chairman, I think just before we recessed we were wishing the presence of Mr. Legal Adviser to give us some comment on the possibility of introducing into the Local Improvement Districts Ordinance power to make by-laws in order to expend public monies, in order to carry out the general duties and functions of improvement districts, like putting up signs, speed zones and this type of thing, issuing building permits to people, construction and so forth within the improvement district.

Mr. Legal Adviser: Mr. Chairman, from a technical point of view there is no objection to this. This is purely a technical aspect that you can give any person, any authority or any board by law power to make rules, regulations, by-laws and so on, but from an administrative point of view there may be objection in that if it is a local improvement group at the absolute initial stage of its development and the intention would presumably be that they will grow up and become a village council and so on. So it may not be advisable from an administrative point of view to give a rule-making power of tremendous latitude to a body which may be far from legal advice and far from supervision. This is more an administrative problem than a legal problem.

Mr. Taylor: It seems to me, Mr. Chairman, that most certainly some powers must be laid in here at least for these minor things such as building permits, regulations, and this type of thing.

Mr. Legal Adviser: This is so, as I say there is no technical objection to doing it. It can be done, but its a question for administrative decision as to what power one would give them.

Mr. Taylor: Perhaps Mr. Commissioner might be prepared to comment on this, Mr. Chairman.

Mr. Chairman: Mr. Commissioner, do you have a comment on this?

Mr. Commissioner: Yes. Mr. Chairman, I think that what the Legal Adviser has said in essence covers the subject. Local improvement districts are a completely new and experimental situation as far as the Yukon Territory is concerned. The Ordinance has been constructed in a manner that will permit the setting up of local improvement districts and, as experience dictates, we will be bringing forward required amendments to it, required regulations to it, and I'm sure that we will be hearing from Council, from the Councillors who represent various districts as to what changes in either regulation or in legislation that they see is required and also remember this, that we are faced here with what may be a good dish of fish in Watson Lake but may be deadly poison in Porter Creek, and it is far better that we do not legislate requirements or provisions in the Local Improvement District Ordinance which mean that they literally must be done and attended to in every improvement district when, in fact, it may be better to generalize and permit us to deal with the requirements of each improvement district on the basis of its merits and handle this possibly by regulation. Now, I think that Mr. Legal Adviser may have some comments on this, but this is the way that it appears to me, that what you want to do in one improvement district

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may not be an acceptable situation we'll say in another improvement district. Now, with regard to technical advice on certain matters, it may be that in Watson Lake perhaps it is an advisable situation that the trustees be empowered and permitted to issue building permits in that area. I can tell you that from the administration's point of view, I would personally not see any particular objection to this if the trustees wish to exert this authority in their particular locality. Now, it would be up to the Legal Adviser to tell me as to whether or not this request could be met by regulation or whether it would require an amendment to the Local Improvement District Ordinance to permit them to do this. I'm not prepared to pass judgement on this. This would be up to the Legal Adviser to tell me this but, on the other hand, it may be that in the local improvement district of say Haines Junction it may be that it is not a desirable thing in this particular area for the trustees to issue building permits. Perhaps they wish to see that power stay with the Territorial authorities simply due to the legal and technical advice that they have readily available to them. So that it is a question of progressing in each and every one of these districts as the trustees and the citizens of the district feel that they wish to take on these responsibilities themselves. I don't think we want to get back into a situation here that we had in the city of Whitehorse when the city of Whitehorse was incorporated where we were, literally speaking, all of a sudden, by edict of the Commissioner of the day, made into a municipality without even a pencil and a piece of paper or anything else, we were told we were on our own, and this is what we are trying to avoid dealing specifically at the present time with the Watson Lake improvement district.

Mr. Taylor: Mr. Chairman, I just wanted to clarify the point, as possibly the Commissioner has misunderstood my purpose here. Under Section 12 of the Local Improvement District Ordinance it states, "subject to the approval of the Commissioner, the Board of Trustees shall have power to make by-laws", and then (a), (b), (c), (d), and what I suggest is permissive powers be added to make by-laws in respect of these things I have enumerated, not forcing them to necessarily do this, only if they so desire.

Mr. Legal Adviser: I'm not sure, with respect, the discussion hasn't gone off at a tangent at this point. The particular Ordinance we have here is a Local Improvement District Ordinance and the purpose of it is for a specific thing - sewer, water, electricity, various things which are in use in an area, but you have provision for a board of trustees to be elected by the people and then they become the managers of the particular utility on behalf of the rate payers. You haven't got in this particular Ordinance the normal things you would have if you elected a municipal council. This is the first stage. If the Council feels that you should have that municipality in a particular village or town like Watson Lake, then the more advisable way of doing it would be to create such a thing, which is all legislation for by-laws and everything else. The purpose of Section 12 is to give a wide management power to the board of trustees. They can make all the rules and by-laws and generally run it, but from a practical point of view if you are dealing with the question of sewer or water, this is as fine an Ordinance as it could be possible to devise because it is very wide in its scope both from the administration point of view and from the board of trustees' point of view. We don't limit them in any way in their management as you might limit them if you had a municipal ordinance. The municipality of Whitehorse is much more limited really in its own dealings than the board of trustees would be for Watson Lake.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, this was a point that struck me as MOTION  
has been pointed out by Mr. Legal Adviser that the name of the #15  
Ordinance itself I think spells out the powers of the trustees.  
What is local improvement? This is the question that one must first  
ask oneself, and when we think of the word improvement, especially  
as far as taxation are concerned, are improvements for purposes of  
taxation? I would suggest that the Local Improvement District  
Ordinance deal specifically with those items that have been out-  
lined by Mr. Legal Adviser, and I don't think that this Ordinance  
really is doing the job that it was intended in the first place, that  
is to gradually bring districts into the position where they can  
become townships and then municipalities. I cannot but help noticing  
that since the inception of this Ordinance since it was assented to  
on December 14, 1965 there has been only one regulation, and the only  
regulation was one that was signed by Mr. Fingland as Administrator  
on August 1, 1966, and this is bringing the community of Watson Lake  
into the sphere of this Ordinance. There are no other regulations  
at all pertaining to what the trustees may be able to do in regard  
to the management or attempted management of the district and it  
would appear to me that there has been, whether it's been inadvertent,  
there certainly has been some neglect in following up the needs of  
a local improvement district even if it was intended to have it mean  
what some Members here thinks it means. Now, I would like to put  
the question to the trustees because they're the ones that really  
should be so interested in the matter, and perhaps if any of you  
gentlemen could tell Members of the Committee whether, in your  
opinion, the local improvement district of Watson Lake is functioning  
without the problems that you expected them to function or what things  
could be done to help you people in the management of the district.  
I think this is the thing that we want to hear about from you.

Mr. Chairman: To whom do you refer your question?

Mr. Chamberlist: Any member of the trustees that wish to speak.

Mr. Couture: Well actually, gentlemen, as far as we're concerned  
I think, generally speaking, we haven't had too much - we haven't  
done too much, to be honest with you because we haven't had the  
machinery to do it with. When we came here last April or March  
we were told that we would be given a budget to maintain our streets,  
and a garbage disposal. This is what we started out with. This  
went on for approximately two months and we were told that our budget  
was curtailed, and from there on all we have done is acted in an  
advisory position to the improvements that are now going on at  
Watson Lake, such as the construction of main street and the parallel  
access streets, and possibly a few light fixtures to be added -  
street lighting and to date this is what we have been concerned with.  
Now, I don't know if this answers your question, Mr. Chamberlist.

Mr. Chamberlist: Thank you. This certainly answers my question  
and informs us here from the answer that the suggestions that have  
been made that this is working out to the satisfaction of the  
trustees in Watson Lake appears to me to be incorrect. Obviously  
they are not getting the authorization and powers that they thought  
they would be getting. They haven't had the money to do what they  
said they would be able to do, so the suggestion that the local  
improvement district of Watson Lake is working out well is something  
that I cannot see that the statement made is correct, and I would  
wonder if perhaps Councillor Taylor could expand on the particular  
points as to whether indeed the Watson Lake area is in your opinion,  
Councillor Taylor, satisfactorily be operated under the Local  
Improvement District Ordinance.

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Mr. Taylor: Mr. Chairman, in reply to the Member from Whitehorse East, I'm afraid I can only say that, as I have stated earlier, it was not working up to this point but that is now an old kettle of fish and I think that as a result of the meetings being held here and with my personal discussions with the trustees that things are coming famously now and I think that we are slowly working up to a situation whereby this improvement district will function very, very well. Certainly the ability is here. What does concern me, and I think concerns all at this point in time, is that we assure on this pilot program that the duties and powers of the trustees be broadened, basically to do two things. In sub-section (c) where it states "providing for the construction or acquisition of any buildings or works necessary", another sub-section that should be placed here providing the trustees with power to make by-laws also in accordance with the operation and maintenance, physical operation and maintenance of the improvement district and any of the improvements to this district. It was noted under the definition section, Section 2(d) that local improvements means "supply of water, electricity or gas, provision of sewage and garbage collection services and other services normally found in organized communities", now this, of course, would naturally extend to the makings of streets and lanes, to fire departments, to ambulance services, to all things which may be termed utilities or services in the district, and it is certainly, I feel at this point in time, that this must be broadened. Further, I think Councillor McKinnon raised a good point when he talked about the budgetary situation in relation to the local improvement districts. There should be some authority here for the trustees to indeed expend public monies, and this area should be looked at. I'm not clear on that point as yet and I'm not convinced that the authority does now exist, and if not this is what we're here for, to write these things in.

Mr. Chamberlist: Mr. Chairman, I notice that under Section 12, the powers of trustees, 12 (d) prescribing the fees and charges that shall be levied for local improvements. I don't quite follow what that item is. I would like to know also what happens to the fees and charges once they are collected, and also in 12 (e) providing for the collection of the fees. Section (d) is prescribing the fees and charges, and (e) is providing for the collection of the fees and charges. It doesn't appear to show anywhere at all what happens to these fees once they are collected or who they are being collected for. In actual fact, what types of fees and charges for what local improvements? I think an explanation of that might help.

Mr. Chairman: Mr. Chamberlist, who do you direct your question to?

Mr. Chamberlist: Councillor Taylor.

Mr. Taylor: Well, it was my understanding when we first brought forth this Ordinance that this would refer basically to systems such as sewer and water systems where a monthly charge was levied for this service and certainly the improvement district would have to have some authority under the Ordinance. This gives them the authority to make by-laws, and these are the fees and the collection of fees that we refer to here.

Mr. Chairman: Does that answer your question, Mr. Chamberlist?



Mr. Chamberlist: Not exactly. Where does the money go to. There MOTION doesn't appear to be in the Ordinance, Mr. Chairman, any suggestion #15 as to who this money should be sent to.

Mr. Taylor: This is the very point that I raised and this is what I'm trying to get down to, the budgetary.....

Mr. Legal Adviser: Mr. Chairman, may I suggest that you refer to Section 11 of this Ordinance which is a very fine section. It says " the board of trustees are the executive of a district and shall operate and maintain any local improvements in the district which are owned by the district or that they have been authorized to operate and maintain on behalf of the Commissioner". Under that section they have the widest possible powers of managing, organizing, paying for and generally operating the powers of a managing director of a company, and certainly if I was a trustee I would prefer to have this section as it stands with that tremendously wide scope rather than attempt to delimit it down and every limitation, cutting off every bit of my authority.

Mr. Chairman: Have you any further questions? Councillor Gordon.

Mrs. Gordon: Within my own electoral district, the town of Mayo was approached to accept the terms under the Local Improvement District and it was twice turned down. Now, I think I know the feeling of the people there. They felt that the Ordinance was restrictive in that they were strictly the ball between the Commissioner and the people and were bounced from one to the other. I would like to ask the members of the Board of Trustees of Watson Lake if they feel at this time that with their past frustrations that the powers invested in them will be forthcoming more readily in their area in the widening of their scope and if the possibility of their experience will bring about more quickly the establishment of this Ordinance in other areas in the Yukon?

Mr. Chairman: Do any of you gentlemen care to answer that question? There are quite a number of factors in that question, I believe.

Mr. Studenburg: As it stands, I see no reason why this district or this..why we cannot function properly. We have been given a lot of authority and in the past two days, and I think that it will be a great improvement to Watson Lake.

Mr. Chairman: Does that answer your question? Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, the idea of a local improvement district, and I have stated this again and again, is an excellent one. The principle that the people at the local level should be governing the affairs that directly concern them is an excellent principle. However, you cannot go to the layman, whom you are asking to represent his community on this board of trustees, and give him a section like Section 11 and say here you have broad, sweeping powers, you have the same type of powers as a board of directors have and you act in this same area, and they look at you as if you have fallen out of your tree or something. I mean, they just don't understand what you mean when you tell them that under Section 11 you have the powers to act in any type of wide areas or range and jurisdiction, and the principle that I have espoused and come back to time and time again has been accepted and accepted in totality by the people of the constituency that I represent, two areas of which have been declared by the Commissioner to be local improvement districts, and they have told me and they have written to the Commissioner and they have asked me, please before we accept becoming a local improvement district, spell out our powers and our jurisdictions

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where we are going to be able to act, and I say this and I say it in all honesty that unless the administration is willing to provide an Ordinance along the lines of the Municipal Ordinance with the powers given to the junior government by the Territorial Government are spelled out and the areas in which they are able to act are delineated, the local improvement district is doomed to failure. This can happen either by legislation or by regulation, and I agree with Mr. Commissioner that what suits Watson Lake will not always suit the residents of Porter Creek. We can get around this by issuing different regulations to the different improvement districts. I don't think Mr. Legal Adviser was here at the original conversation of the institution of local improvement district. The concept of the local improvement district is a halfway house on the way to becoming a municipality. They are not to be that different in set up and in jurisdiction as a municipality. The local improvement district is to have much the same powers and much the same governmental authority as that in the municipality although they are not declared a municipality at the present, and I think and I'm sure of this that the only successful way in which a local improvement district can operate is to have a set of guidelines laid down so that the layman who has accepted his responsibilities and wants to have local government at the grassroot level has guidelines to know where they can act and where they can legislate and over what areas they have jurisdiction.

Mr. Legal Adviser: I know, Mr. Chairman, I'm supposed to comment on that, but the only comment I can make - I've said it to the Council before in relation to their own affairs, I've said it in relation to the municipality of the city of Whitehorse - that we need to give people power to do what we want them to do and I think it would be wrong on the part of the administration to attempt to lay down any form of narrow guideline in an ordinance which may restrict the operation of the power of the board we are dealing with, and this particular section, Section 11 allows the board of trustees to completely run the particular affairs that they have been elected to manage without any restriction and if they wish to get in touch with my office or with Mr. Fleming's office or any other office for guidance, or advice or affairs, but if a district wants to grow up, we must give them the power to do it and to accept the full, complete responsibility for doing it. This may not be a legal comment.

Mr. Chairman: Are there any further questions?

Mr. Taylor: I have a question for Mr. Legal Adviser. Unless I have misinterpreted Section 11, I find nowhere in the Ordinance where even the Commissioner has the power to make regulations in respect of this except for the disillusion of an improvement district. Even the Commissioner has no power.

Mr. Chamberlist: This is quite correct, Mr. Chairman. I find that Councillor Taylor is absolutely correct. There are no powers within the Ordinance for the Commissioner to make regulations.

Mr. Legal Adviser: I am not suggesting that he should have the power to make regulations. I'm suggesting that the board of trustees for the local improvement district should go out and run their own business.

Mr. Dumas: Mr. Chairman, in keeping with what Councillor McKinnon has said, why couldn't the administration go through the Municipal Ordinance and cut out those parts they don't feel suitable for a local improvement district centre, because in the Municipal Ordinance these powers are defined quite well and those things that would be expected of the trustees in a local improvement district - they are

defined quite well, and following along that line rather than giving them the broad powers. I think the Municipal Ordinance is broad enough and it would lay out exactly what the powers are in each area.

Mr. Legal Adviser: Well, I'm in the hands of Council. It would depend on what Council's wishes were, but I had thought the policy of the Council was to keep its hands back from what the improvement districts and the municipalities and the Council were doing, to give them the power to do something and then let them do it rather than try and keep them in leading strings permanently. They raise the money, they spend it, and they get on with the job. That is what Section 11 says.

Mr. Chairman: Do you wish to clarify that further, Mr. Commissioner?

Mr. Commissioner: Well, I would say this, that really what this boils itself down to is the administrative attitude towards improvement districts. It is just the same as trying to legislate good labour relations. You can't do it, and no matter what you do with this Local Improvement District Ordinance and believe you me I know that there are going to be many things from time to time that we must do in connection with it, but it entirely depends upon the administrative attitude towards the encouragement, the propagation, the assistance and the general co-operation to get these people established. This is what it really boils itself down to, and I make it very, very clear to you that it is my administration's present policy and I am sure I am doing nothing but reiterating the Council's policy to do everything that we can to assist the local improvement districts to be formed, to thrive and to operate and to bring forth necessary changes in the legislative process as the need for them arises in the process of doing this very thing.

Mrs. Gordon: I wonder if it is possible for the Council to have the Minutes of the meeting between the administration that they are in the process of conducting now so that we could study their problems a little more closely and perhaps make use of them in relation to the other local improvement area sphere.

Mr. Commissioner: Yes. Mr. Chairman, we will gladly provide this. There is no problem here. The Minutes will be getting organized and I'm sure the trustees would have no objections to us distributing them to Council, and I also say this to you that it is our intention.....in fact, I think there is a meeting scheduled in the near future here in one of the districts....I believe it's Carmacks-Kluane, where members of the administration and the Councillor are going to meet with the community organization to go into these very matters with them. Explain to them what can and cannot be done and answer their questions so that they can enter into this with an open mind and also we are using the experience that we are having with the Watson Lake people in order to broaden the administration's ability to deal with these people. Mr. Fleming, would you mind telling us, is it Haines Junction that this meeting is scheduled for?

Mr. Fleming: Yes, Haines Junction, Mr. Commissioner, tomorrow night.

Mr. Livesey: Mr. Chairman, I have been listening to the discussions here this morning on the local improvement district, and I can well see the type of argument raised by several Members of Committee because, as you know when you start off on something, you make an initial start on an improvement of this type, for the first thing we're going to pick people who perhaps have never been or never had any experience at all with either legislation or government of

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any type of description. They may come from several of a dozen walks of life that I can think of and therefore their background of interpretation of this Ordinance is, I would say, almost negligible. I feel their greatest difficulty from what I can understand from the conversations here this morning is interpretation. This is what I feel is the difficulty. They can see the Ordinance. They can read what is in it, but they appear not to be sure or the area of discussion seems to be around the fact that they have.... there is no tangible way in which they can turn this Ordinance into a practical start. This is what I think the problem is, and perhaps if the administration can make suggestions without making any alterations to the Ordinance at the moment, to those new districts, these local improvement districts are going to start, if they can interpret the Ordinance to the lay mind in these various areas, until this thing gets started as we know every new move is more difficult than the second one, I feel we'll be getting around this problem and I feel sure that the administration can help these local areas to make a start. This is a difficult thing. We've never done it before and that first jump into it probably scares them a little bit. It could possibly be that way. I feel sympathy for them in this respect, but I don't think it is something that is insurmountable. I'm quite sure the administration can provide whatever they need towards the interpretation of this Ordinance as it sits in law to the practical commencement of their operations. Thank you,  
Mr. Chairman:

Mr. Taylor: Mr. Chairman, I think that the crux of the thing is this, that in discussion in relation to 1016 Haines Junction is that I don't think that we can actually explain what the powers are of a local improvement district even at this point. My interpretation of the ordinance, and we have asked, or I have asked that some consideration be given to expanding the duties and powers of the trustees, and it seems to me that the administration do not wish to do this. This is the impression that I get.....to give them the power to make by-laws in respect of the physical and operation and maintenance of the district in the orderly development of that district. It has been stated that maybe in the future some time - the next session is going to be five months away - we are already well over a year into this improvement district thing, and this is the first time we have taken this Local Improvement District Ordinance and really given it a good look at and I can't see how you can go to the people at 1016 and sell them on what they can do and what they can't do until you write these things in and I'm still not convinced that there is the power in this Ordinance to expend public monies and receive public monies. There is nothing to provide for a fund, an improvement district fund that I know of, something like our Consolidated Revenue Fund, and these are things that should be spelled out and when they are spelled out then everybody knows where they stand.

Mr. Chamberlist: Mr. Chairman, referring to Section 9, sub-section 8b subject to the approval of the Commissioner, salaries or wages of the persons so appointed.....here again is a problem. How are you going to fix the wages or salaries of the trustees when you have no provision in the Ordinance for a fund or how much money. There is no doubt it, in my mind I don't think you can go any further to any improvement district now until such time as what can be done is spelled out. I don't say it has to go as far extreme as the Municipal Ordinance which gives you about 130 pages of legislation, and this one here gives you about ten pages of legislation. Certainly I think we shouldn't regulate to too great an extent the needs and responsibilities of the board of trustees, but certainly, Mr. Legal Adviser, I feel that there should be some regulations made in regards to what the board of trustees can do in support of

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their needs or certainly for paying the people that they can, according to this Ordinance as in sub-section 8a appoint a secretary and such other officers and employees as in their discretion they may consider necessary to operate and maintain local improvements and to keep the records of the district. If you start issuing building permits, you might find yourself in a position where you want a building inspector because there is nothing that exempts you from taking on a building inspector. There is nothing that exempts you from taking on two city policemen. There is nothing that would exempt you from taking on other various officials - a work superintendent. Where is the money coming from? Where is the power to take those people from? Where is the power to pay you? Actually, where is the power to pay you up to \$250 a year for doing the job that you are going to be doing? It is not there. I think these things should be spelled out, Mr. Commissioner. Mr. Chairman, I would move - make a motion here that no further districts be brought into the intent of the Local Improvement District Ordinance until such time as the whole Ordinance has been reviewed by Council.

Mr. Legal Adviser: Mr. Chairman, I don't know whether I'm called upon to comment or not, but Section 11 gives the board of trustees power to operate and maintain, and that would be interpreted by any person in the widest possible fashion. Under Section 12, they can prescribe the fees and charges that should be levied for local improvements, and under the same sub-section they can provide for the collection of the fees and charges. Under sub-section 8 of Section 9 they can appoint a secretary and such other officers as in their discretion they consider necessary, and then subject to the approval of the Commissioner they fix the salaries, and fixing the salaries is just a question of making a contract or letter of appointment with the particular officer you appoint. The level is subject to the approval of the Commissioner but not the payment of the salary or the appointing of the secretary or other officer. This Ordinance is.....the danger is this, that we interfere with this Ordinance. We will narrow it and I'm not sure that is the wish of the Council. It is not a difficult matter for the administration to explain to them how to hold a meeting and engage a place and pay for it, and so and so, administratively, and allow these people to form themselves, but not to tie them down as to how many meetings they must hold, and they must do this and they must do that.....but an ordinance is a very different thing.

Mr. Taylor: Just one question. If the Commissioner has not the power to regulate this Ordinance, with the exception of possibly the disillusion of an improvement district, how can he then authorize anything in relation to it?

Mr. Legal Adviser: He has powers distributed through it, that subject to the approval of the Commissioner, the board of trustees may have power to make by-laws. The Commissioner is mentioned on several occasions. He is there behind the scenes, over-all control, and the real control then is if they really go to the wall then he dissolves it, but he does not have the day-to-day administration of their business. That's the business of the trustees, and I think this is what the administration would wish to see happen, that they are responsible for what they do and they have got to go and do it, and they have got to raise the money, spend it on it, and collect the taxes

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Mr. Dumas: Did not the Honourable Member from Whitehorse East make a motion?

Mr. Chairman: It was not seconded. Councillor Chamberlist has the floor.

Mr. Chamberlist: Mr. Chairman, I point out that the Municipal Ordinance makes provisions for the minimum number of meetings that must be held and when the meetings must be held, and I see no reason why it shouldn't be in this case. I'm just bringing this point forward because Mr. Legal Adviser has suggested that it is all a matter for the Board of Trustees to settle and this is not so. In the Municipal Ordinance it spells out what minimum meetings must be held. Section 11 that has been referred to does give broad powers to the board of trustees but they are so broad that I don't think they can be made effectually useful to the board of trustees because as has already been stated by Councillor McKinnon that these people are laymen and they misunderstand and until such time as they have had the experience and advice to know what they can do there, they will perhaps be reluctant to do it. The Ordinance itself does not spell out the needs of the trustees in clear language. This is where I feel opposed to the thing. For instance, in Section 10 where it says the Commissioner may transfer local improvements in a district to that district, there is no way of Members of Committee knowing whether this has been taken care of or not, whether the Commissioner intends to do that or not. Now, if he does that, is he going to do it by regulation? He can't because there is no power in the Ordinance to give him power to make the regulation in that respect. So how does he do it? On 1002, the Commissioner may authorize a trustees of a district to operate and maintain any local improvements in that district on his behalf and on such terms and conditions as he prescribes. Now, he can prescribe there, and 1003, the Commissioner shall on request being made therefore by trustees supplying the trustees with all necessary accounting, information, statement of revenues, expenditures and financial projections that the Commissioner has or can reasonably make available in respect of a district represented by the trustees. There is no way of knowing whether this has been done, whether this is going to be done. No, Mr. Chairman, I would say that the Ordinance itself is insufficiently clear for trustees to follow, and perhaps a question that I could ask for the trustees to answer - would any member of the trustees here say or not whether the Ordinance itself is clear to them as to what powers they have under which they are operating.

Mr. Chairman: Do any of you gentlemen care to answer that question? Do you thoroughly understand, in other words, the Ordinance?

Mr. Couture: Well, gentlemen, I feel that this is quite true. I don't think we really understand this Ordinance as such and I, after listening to this discussion this morning, the only suggestion I can give is to give us a year and we'll come back and give you the answers, because we have the powers to dissolve this thing and if it doesn't work out I think if you give us a year on it we'll give you more answers now than you can possibly think of.

Mr. Chairman: Thank you. Does that answer your question?  
Mr. Taylor.

Mr. Taylor: Mr. Chairman, in view of the time and in view of our commitment to meet this afternoon with Doctor Carr and Associates, I would like to take this opportunity of extending my thanks to the trustees of the Watson Lake local improvement district for coming with us and joining with us in these discussions this morning, and I would also like to suggest that this matter be continued, be discussed further in Committee of the Whole at another time, that we do not close these discussions, and at this time I will resume the chair.

AK

Mr. Chairman: Are you inferring that we have these gentlemen here at another time - before you take over the chair, Mr. Taylor? Mr. Livesey. MOTION #15

Mr. Livesey: On further clarification to my previous remarks, I feel the intent of the administration is to follow through with the usual matters in relation to the law of any type of restriction and the law merely states the boundaries. It is really negative, I think, in most instances and it tells us what we cannot do. So anything that it does not describe as something negative, surely is a possibility, and it seems to me that this is what the administration through this Ordinance is trying to establish. They are going to give as much freedom as possible so that within certain barriers they can practically go ahead in any way, shape or form they may desire providing it is within the meaning of the Ordinance or within the meaning, shall we say, of the limitations of the Ordinance at this time. This is where I think their intentional flexibility exists. This is the way I view it, and it would seem to me if we added some interpretation as a basic route for each area to travel without in any way altering the existing legislation, perhaps this would give them at least a first base to start from and from then on they would pick up as they go, still operating within the meaning of the limitations as set down in the Local Improvement District Legislation. Thank you, Mr. Chairman.

Mr. Chairman: Mr. Taylor, I now turn the chair over to yourself.

Mr. Chairman: Gentlemen, I wonder if at this time we may excuse the witnesses.

Mr. McKinnon: Mr. Chairman, I would just like to say that in my travels around the Territory during the last 12 years I have dropped in on Watson Lake on quite a few occasions, and the people in Watson Lake, as you all know, are famous for their independent spirit and I believe that if they can't come up with the answers and find a workable solution to this local improvement district, nobody can.

Mr. Chairman: Thank you, Councillor McKinnon. Do you agree now that the witnesses be excused?

All: Agreed.

Mr. Chairman: I declare Committee in recess until 2:00 o'clock this afternoon.

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Wednesday, November 22, 1967.  
2:00 P.M.

Dr. D.W. Carr and Professor F.W. Anderson present.

Mr. Chairman: Gentlemen, at this time I will call the Committee to order, and we have with us Dr. Carr and Professor Anderson to further discussions related, I believe, to the Carr study. I wonder, gentlemen, if you would proceed.

DR. CARR  
ON  
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Mr. Chairman: Mr. Dumas.

Mr. Dumas: Mr. Chairman, for my own personal edification, not having been here the last time when Dr. Carr and Associates came up, could you give me a brief outline of the purpose of the study group.

Mr. Chairman: Dr. Carr.

Dr. Carr: We would be very happy to do this. We have met and had some discussions with all but two members of the Council. We are pleased to have this opportunity. We are pleased to have this particular opportunity to talk with you and to get your opinions and suggestions. We are very much aware that this is a study that is sponsored by the Council and the Department as well so that we welcome this opportunity today. First of all, I wonder if every one has a copy of the proposal? We did distribute some and I brought some with me for those who don't have any.

Mr. Chairman: Mr. Clerk, would you kindly distribute these?

Mr. Chairman: Would you proceed, gentlemen, with your discussion.

Dr. Carr: Mr. Chairman, this is the proposal that we have prepared and I might first of all outline some of the features of it. I'm not going to go into all the details. This outline, of course, starts with the terms of reference of the study as presented to us. Secondly, we expand on these terms of reference and put it into an over-all outline to illustrate the approach that will be taken. We have several major sections here. First of all there is an introduction and then studies of the industrial economy; this involves a perspective first of all on the nature of economy and perhaps a broad appraisal of its differences from other economies; the resource industry studies. Here is where we have, we will use in the main the services of consultants, special consultants; some of them you have already met. We believe that they are the best available in Canada. On minerals and oil and gas and coal, we have Doctor Monture, winner of the Vanier medal for devoted public service, but the outstanding mineralogist in Canada; and with him is Mr. Magyar whom many of you met on our last trip. On Forestry we have Harry Gairns of Industrial Forestry Service. You may be acquainted with him. His home was in Atlin and he knows this country particularly well. He is a very able and outstanding Forester. These are the main Resource industries. We have people working on tourism and the service industries and secondary industry potential. Coming to item 3, the study of the Economic Growth Considerations, the major factor here is transportation. Professor Anderson is heading up the group on this aspect and is co-ordinating a group which is partly in Vancouver and partly assisted by some of our own staff in Ottawa. I think I should draw your attention to one item, Page 8, 3 A, sub d) - the practical appraisal of climatic, topographic and other physical influences on environment and growth of the Yukon economy. I don't think



DR. CARR RE  
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Dr. Carr continues.

these factors have ever been adequately appraised in terms of their economic growth but we will try to put these in perspective and show the significance of them. Item B on page 9, a study of the social considerations in the economic growth of the Yukon, which will cover the health, welfare and education and these supporting services necessary for economic growth; manpower requirements and potential, capital and financing, and then the special studies that we will be doing on statistical analysis, development of series of statistics and then supporting this with analysis of economic environment in terms of the aspects of primary industry development and the significance of the uncertainties of market fluctuations and price fluctuations and such that aren't concerned here. Then coming to the summing up of it; item 4, page 11, we have the potential growth and viability of the Yukon economy. An analysis of the structure based on a model, an econometric model, we have Professor Sydney May of Ottawa University responsible for this. He is one of the outstanding ones in Canada. He set up the model presently in use in the Department of Finance and the Department, the Energy Resources Commission in Ottawa. This will be done in conjunction with a study of statistics. The object of econometric model will be to show the general effect of changes in investment, for example, the effect of these on the economy in turns of income or manpower or such and to illustrate this over future years in terms of projections. Finally, we will appraise and draw conclusions in connection with the significance of these economic facts that relate both to Territorial and Federal programs and finally draw this together in conclusions and recommendations for economic development policy. That is a very quick run-down on the nature of the study. I might just outline the sequence of the development of the study which has changed from this proposal in terms of dates and such. We will be completing the preliminary report in July, by July of 1968 and the final report by the end of November of 1968, instead of the dates as set here in the study organization. That's on page 17. I might just briefly outline the progress and plans before us. First of all, we officially got underway on the first of August and the delay in getting it underway some four months from when we had expected threw things out of kilter a little bit but I think we are now back on schedule very well and we anticipate that most of the supplementary studies or consultant studies, will be completed by February or the first of March; that is, I haven't mentioned anything about some of the other studies that have been going along at the same time which we are also hoping to use. One of these is the Ingledow Study on Hydro Power, hydro electric power. The other one is the tax base study being done by Touche-Ross. These are expected to be done either by the end of this year or January, 1968 so that we will be able to use these in our analysis. Now, returning to our own study, we hope that the preliminary draft of the study of mining and oil and gas will be completed by that date; probably by the middle of February. The Forestry study will be completed by the end of January - I say completed, but this is in terms of a preliminary report. This is one of the difficulties of having several agencies engaged in this; it means they have to get together after the preliminary report to make the final report. Our own analyses of the other resource industries like agriculture, and hunting and fishing and such will be going forward and should be well in hand at that time as well. Of course a good part of the transportation study will have to wait until these other studies are in so that they have an indication of

Dr. Carr continues..

the potential, traffic, volume and such. After this time- this period of about the end of January to the first of March we will be getting into the analysis of these reports and drawing them together and making suggestions for their completion in the final report and at the same time drawing the information together to prepare our own preliminary report, which will be presented in July. I think, in general, this will be the progress and sequence of operation. The preliminary report will be presented in July and then we will spend the next two or three months in refining it and polishing it for the final report. I expect that the special reports by consultants will be prepared as supplementary reports and not included in the main report but if they are of a suitable quality they will be made available so that they could be published, if necessary, as special reports. Now, let me just briefly tell you what we are trying to do in a difference sense, away from the proposal. A study of economics and economic nature, is a study of man going about the business of making his living and this is what we are going to appraise in the Yukon; the potential for people to make their living and for the economy to grow. This we see as something that is already moving forward pretty rapidly and we expect that, from the nature of the enthusiasm in the Yukon, particularly perhaps in these main centres where we have seen people so ready to go forward and take risks and such there can be little question that the economy is going to go forward and that we will be attempting to measure, from what evidence is available; not the evidence of opinions so much as evidence of facts and indications that are appropriate to an economic study; to project what the trends are and to try to add to this those evidences of resources or development that might reasonably be expected to come forth. Some main or broad points I might mention also to give you a little perspective on what we are trying to do. I think we should make the point that we are not primarily co. with solving immediate problems but to give a clear indication first of all of what the long-term problems and considerations are and the means of solving those and, within that context, we can draw conclusions or make recommendations dealing with immediate problems then, of course, we hope to do so but in the main an economic study of this kind is concerned with policy. We want, particularly I think to try to analyse the special considerations involved in the economy of the Yukon. What, for example, is the cost of climate in industrial development of the kind that is expected here? What are the particular problems of non-renewable resources development? How different is the development here where the prospects of a broad farming settlement are not very good from those areas where it is - what additional or different approaches need to be taken. The importance of transportation and things of these kind, we want to give perspective on. And finally, I think, I would say we want to provide a report for you that shows the most sensible directions; I don't know whether to say practical or sensible or this sort of thing, for development policies to take. This is a broad and quick outline of what we are trying to do and I know you will have some penetrating questions to ask and we are here to answer them. Would you like to add something to this Mr. Anderson?

Professor Anderson: Mr. Chairman and members, I don't know what I can add in a general way except if I were to clutter the record with my own embellishments on what Dr. Carr has said. There is certainly no intention on our part that this should be interpreted as an interim report. In no sense is it an interim report. The study, as I understand the group, is still open-minded and open-ended; I hope it isn't a tunnel but rather a sieve at the moment. It would be premature for us to suggest that we have come to any

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conclusions but we certainly have picked up a great many ideas. We have, through conversations with knowledgeable and interested people like yourselves, discovered a great deal of what is wrong with the present rate and direction of development in the Yukon. We are going to have to concern ourselves from here on with the methodology of our study, specialists have methodologies which are accepted within their own professions and disciplines; the Forestry people and the Power and Mining people and so on, and the methodology for the whole study will still have to remain, as Dr. Carr has outlined it, until we see the shape of things and then we can put the emphasis on one direction or another. It seems to me that we are faced squarely with the task of setting out objectives for economic development of the Yukon and I wouldn't have the Council think that this is presumptuous of us; it is just that you don't know how to get somewhere unless you have an idea where it is you want to get and if we are going to make any kind of prescriptive recommendations we have to have some kind of an objective to work toward, and these are not self-evident and they are sometimes objectives that we pick up from conversations with people, are sometimes mutually exclusive; you can't have both, one and the other. If, for instance, and I only use this as an example and it is not to be taken as anything more than a sense of academic example and I cite the experience of my own part of the country in the prairies. If you want self-sufficiency in terms of widely-dispersed and scattered manufacturing and agriculture and so on, you work against this policy if you look for cheap freight rates. Because the cheaper the freight rate the easier it is for the California strawberries to come into the market and beat out the local producer and they find this sort of thing in the Niagara Peninsula too. Well, it is simply an illustration to talk about to raise the mutually contradictory types of objectives, both of which might be desirable but you have to make a choice. Our difficulties here would be, it seems to me, to avoid short-run prescriptive recommendations which would frustrate or delay the achievements of longer run objectives, and this can happen. Lots of times we have experienced in Canada short-run immediate prescriptions which are necessary right now because there are some emerging problems; one can think of lots of examples of this in the field of welfare. The long-run solution is frustrated by these short-run measures. I'm not saying that short-run measures should never be taken; I'm saying that people who are trying to do the job that we set ourselves to do for you had better be careful that we don't make the kind of descriptions and recommendations which will frustrate your longer-range development. So, our discussions with you have helped us draw out objectives, broad, easily defined by the people who are knowledgeable, not by those who are not, easily defined longer run objectives. These, of course, as they get spelled out in our report will be open for criticism. Nobody is selling a bill of goods to the people of the Yukon. If these objectives are not as they should be, it is open for debate and the policy which follows from them will obviously have to be modified to meet the changed objectives. This is not an impossible task and this is a task for legislatures - it is not a task for researchers. The prescriptions then that follow from the objectives are not self-evident and we hope that the expertise of the group that we have gathered together will give you some firm guide lines on which you can then develop policy. Turning more particularly to transportation which is my responsibility chiefly, I cite it along with one other power as a condition without which development cannot go. In the lecture room we cite this as an example of of a necessary but not sufficient condition that the presence of transportation will not guarantee development. Transportation is

Professor Anderson continues..

not a sufficient condition to guarantee development but I submit that and I will be submitting to the group that I am working with that it is a necessary condition. Without it one is held up and I suspect the same is true for power. We know that one achieves transportation at a cost and I don't want to involve you here with technical discussion - there will be a chance for that when it is properly laid out in the report. But I would like to draw a couple of distinctions that are current in the literature of transportation economics - the distinction between the charges which are made for transportation and the cost of transportation to the local merchant, what he pays the transportation company is his cost of transportation; that is the charge, not the cost. You see, in any developing economy the charges of development, let's stick to transportation but this is true of other things, the charges for development fall on the developer, on the community of the Yukon or particular people who are involved in the development. The charges tend to fall on those developers, barring some sort of subsidized assistance; and the costs may coincide with the charges; the real costs may have to be borne by the developing segment of the people concerned. But the benefits of development cannot be confined to the developer. They cannot be confined even to the people of the Yukon. This is true if you live in the Prairies or in Labrador; it doesn't matter where you live, there are fall-out benefits to the larger society from development. One could take the example of the income tax paid. That's not the only one, but that's an example. There are industries stimulated in Toronto and Western Ontario by development in the Yukon. Machinery bought by people in the Yukon stimulates development somewhere else, stimulates income, stimulates taxes, the whole thing. So the benefits from development cannot be confined to the developer. The question then arises, why should the developer significantly bear most of the costs of development in the form of charges when he cannot retain all or even perhaps the major part of the benefits. I did a little study for a group in Saskatchewan and I was able to demonstrate that the multiplier effect of this particular activity; that is the effect on the total economy, was something of the order of three times the actual money spent by the developing activity and about one and a half times stayed in the province. This is a pretty rough estimate because you cannot get Provincial figures very accurately, and about one and a half percent flowed outside. Bringing this back to my point about transportation then, must the charges for transportation cover the costs of transportation. We know that many transportation systems in Canada took a quarter of a century, a half a century, a century to begin to pay up and no single individual and no single area of our economy can afford to amortize over that kind of time spent, but the society which reaps the total benefit of development; that is the local developer, his local community, his territorial community and the wider Canadian community, they grab it, most of it. That community can afford the kind of amortization time which adequate transportation may desire. I think Dr. Carr is probably blinking danger signals at me because I said to him when I came here it would be a mistake for us to infer to the group at this early stage that our thinking has gone prescriptively very far. If you will pardon me, what I really gave you was the kind of background in transportation economics from which my analysis is likely to proceed. That is a thumbnail sketch, a postage-stamp sized piece of the professional experience that I will be bringing to this thing. Thank you.

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Mr. Chairman: Thank you Professor Anderson. Have you any questions gentlemen? Mr. Shaw.

Mr. Shaw: I do have a question. Possibly I should give a little information to arrive at the question. Things are moving extremely rapidly in the Yukon. For example, it was not until 1964 that Clinton Creek first made the announcement that they were going into production. In other words, prior to this date we had no idea whatsoever in the Territory that this would be a new industry and, of course, any new industry even of that size would have little impact, we will say on the province of Ontario or Quebec but it certainly does have a great deal of impact on the Territory. In the meantime, as we know, this Anvil property is also - the Anvil people, I should say, have declared their intention of going into production so that in a very time of less than three years, we have the prospects of a development that exceed possibly all the developments in the years prior to this in the formation of the Yukon Territory since the Klondike Gold Rush. That has all happened in three years. In the meantime, while this has been progressing, we do have a study now on taxation; we have a study completed of what we call the Travecon Study which was completed pretty well the end of last year, or very close to it. Possibly they had to summarize some of the things up to this year but I think last year, possibly that is when the studies were made. Well, in this period of time, this particular Travecon Study - we'll concentrate on that for the time being, they had made their recommendations whatever they may have been. However, the rapidity and the extent of the changes, even the last twelve months in the Yukon, could put quite a different outlook on what the recommendations may be of this particular study - Travecon. In other words the events subsequent to when they were conducting their investigations might not be applicable, we'll say, either perhaps now or perhaps two years from now. I am just wondering when you gentlemen complete your study which will be some time hence, you will have a great deal more information; you will have more current knowledge. If, for example your recommendations would go opposite to, we would say the Travecon Study, or any of these studies that have gone on prior, would you be free to give your opinion regardless of what that opinion would be or would you be confined to the studies that had gone on prior to that .. even if perhaps they should conflict...

Mr. Chairman: Dr. Carr.

Dr. Carr: I think it is a good question. We would feel obliged to give you the facts as we saw them, taking into account the study that had gone before but certainly appraising it in view of the broader research first of all that we are doing and the more specialized research that we are able to do. I rather feel that the Travecon people were at a substantial disadvantage in this. They weren't equipped to appraise - they weren't asked, in fact, to appraise potential mineral traffic, for example. They were forced to take what they could see or what was available at the moment. Our terms of reference are broader. We will be thinking in terms of at least fifteen years but probably a good deal of our research will involve, will be involved with a period longer than that in terms of development that we would foresee so that we don't, to answer your question specifically, we don't feel bound by any other study but we certainly will make maximum use of the information available, realizing that they have been at some disadvantage relative to the approach that we are able to take in this study.

Mr. Chairman: Mr. Shaw, will you please take the chair.

Mr. Taylor: Mr. Chairman, I have one question that I want to ask at the outset; it seems that any study made in relation to would necessarily mean that the Federal government would have to make some disclosure of revenue accruing from resource fields. I would like to ask Dr. Carr is this information being made available to .....

Dr. Carr: Well, as a matter of fact the question hasn't come forward yet; we haven't got to the point of this; we would, I think, postpone it until the tax base study is completed to see whether this yields information on it but at the moment we have taken no position on it because it hasn't come forward and we would hope to appraise it on the basis of information available at a later date.

Mr. Taylor: I have a second and final question, Mr. Chairman. Is it the intention of the study group at any time to meet with officials of the British Columbia government and State of Alaska in relation to this study and their role in economic development of the Territory.

Dr. Carr: We have been giving a good deal of consideration to this in recent days because it is very evident to us that there are major areas of mutual interest and resource development may turn if it is to be most effective on a mutual arrangement of some kind, or perhaps mutual responsibilities in terms of Federal development or this sort of thing. We have very much in mind, and as a matter of fact, I have been putting out a few feelers on the approach, the best approach that might be made to these two bodies because I am sure there is a great deal of valuable co-operation that can be effected.

Mr. Taylor: Thank you. I will now resume the chair.

Mr. McKinnon: Mr. Chairman, I was particularly interested in Professor Anderson's remarks on the .... effect of benefits accruing from resource development. I wonder if Professor Anderson would perhaps be prepared to answer where he thinks the chief benefits should accrue to, the developer, to people of the Territory or to the Country as a whole?

Mr. Chairman: Professor Anderson.

Professor Anderson: This is an easy question to answer. In my role here as a participant in this study I don't have any opinion about where it should accrue.

Mr. McKinnon: This is a situation we arrived at because the people, the elected representatives forming this legislative body said the Yukon should develop along the lines of a province not unlike any other. We don't ask for special benefits in resource development. We feel that the benefits of resource development should naturally accrue to residents of the Territory as in the provinces. The Minister of Northern Development has made a statement publicly that he is opposed to this type of thinking; that the development of resources the main benefits should accrue to the nation as a whole.....we are doing a study in joint co-operation with the Department of Indian Affairs and Northern Development yet the basis on which we would like to see the studies, the assumptions on which we would like to see the study go along on, and I don't think you can come to conclusions unless the premises on which you give your conclusions are sound - we say one set of premises are sound, the Minister says another set are sound. Where does the study lie?



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Dr. Carr: Well, if I might raise this point, there is an economic answer to it; there must be enough benefit accruing to the developer to give him the incentive to develop and this is the economic answer; the answer from the development point of view, as far as government is concerned is different; it doesn't necessarily expect to reap the benefit equivalent to its investment but these are kinds of questions as far as public benefits and costs are concerned that can't be answered precisely. This is in the range of political economy and we all have our opinions on these and we vote on them every once in a while and this sort of thing but to say one **thing is right** or another thing is right when it is a matter of opinion, we try to avoid matters of opinion as far as we can although we must, I confess we must get exposed to it once in a while.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Dr. Carr, I understand that the Travecon Study has already been completed. I would like to know if the report on that study has been made available to your group already.

Dr. Carr: It has been, on a confidential basis. I believe it is now being revised so that it can be generally agreeable. There is some confidential information provided by some of the carriers which limits the information at the moment. But, also some of the information in it we would have to get so as to avoid duplication it has to be made available to us.

Mr. Chamberlist: You said, Dr. Carr, that it is being revised. Are you dealing with it in its original form or the revised form?

Dr. Carr: In the form in which it is printed, I should say, not published because that gives the connotation that it is available to the public. We have it in - not the original draft but the original printed copy.

Mr. Chamberlist: Dr. Carr, I refer you to paragraph 1 of the proposal. There is a summary at the end of it which says a fifteen year period to 1982 or 1983 should be assumed in preparation of any forecast necessary for the completion of various parts of the study. Now, my question to you, Doctor Carr is this: Does this refer to the period of fifteen years with a political atmosphere of the present form of Territorial government or are you studying through very probable aspect of a more constitutional form of government.

Dr. Carr: I would say, Mr. Chairman, that our projections **are** economic projections. First of all we would assume that any change in the nature of the constitutional arrangement would not be adverse to the development trend but they would at least carry on as they are. **I think**, perhaps that your implication is that it **might** go forward faster. I don't know how this could be taken into account as a unique thing because you would, of course, have a substantial disagreement on the rate of change or the rate of the effect. I don't think that it would necessarily, unless there was very substantial changes in subsidies and such in the benefit to the developer, that the rate of change in the trends of development would be significantly different. We have to forecast what the environment will be as well and we take this into account whether it is the political environment or the physical climate. It's all grist for the

Dr. Carr continues.  
economic mill. It's all part of environment, whether the market or political atmosphere or what so we will use the best judgment we can on what the future holds; constitutional arrangements, subsidy arrangements, climate, market, outlook and all of these things. That's the best we can do.

Mr. Chairman: Mr. Livesey.

Mr. Livesey: Mr. Chairman, I would like to put a question to Dr. Carr. I wonder if the Economic Study Group has allowed for acceptance and study of briefs from local organizations and private individuals in the Territory in order to perhaps add to the academics and practical application of the economic study?

Dr. Carr: Yes, we have; we have had this in mind from the beginning. We did put a notice in the paper and over the radio when we arrived in August to this effect. We have, of course, expressed this in our interviews and discussions with the various groups that we have talked to. We don't set ourselves up to be of the nature of a royal commission and sort of command people to come in and open their books and this sort of thing. We just don't work in this way; it's a voluntary thing and we want to get all we can on a voluntary basis but we are not going to force anyone to, or attempt to force any one to provide information. We would welcome any briefs or this sort of thing. We have got a few already; one quite good one on tourism and we are expecting them from groups like the Research and Development Institute and others of this kind.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Yes, to Professor Anderson; your comments about charges and costs of transportation were particularly interesting. Do I understand you to say it would be unreasonable for us at this time to expect to be able to meet the costs of transportation in an area such as this and if this is true, and as you also suggested that the wider communities must accept some of the - must subsidize some of the costs of transportation in an area such as this, is it reasonable to expect this wider community will accept these costs in view of the fact that it appears at this time at any rate that the major benefits accrue primarily only to this area.

Professor Anderson: You mean by this area the wider area or smaller area?

Mr. Dumas: (inaudible)

Professor Anderson: I don't know what the wider community will do. I regard it - if Dr. Carr and his Associates accept this kind of an approach and analysis as valid and it may fall by the wayside, in the light of what we discover about the Yukon's condition, but let's assume they accept this kind of an analysis, I deem it is our job to try and convince the larger community of the real benefits that they are picking up gratuitously, unless they are prepared to bear some of the costs. I stay away, in terms of transportation I stay away from the word "subsidy" unless used in a very special and particular and narrow sense, in a sense of outright payment for no value received. That I accept as a subsidy; but on the basis of my wider analysis in the nature of



Professor Anderson continues..  
modern development, highly automated and integrated through-  
out manufacturing plants throughout the whole of North  
America it is impossible for the Yukon Territory to garner  
all of the benefits from its development; just as it is  
impossible for Saskatchewan, my own province, to garner  
all of the benefits from potash; it can't be done. You  
can't hold them in. To attempt to hold the benefits in the  
province is to stop the development because the costs would  
appear to be so high that it wouldn't go far. I hope that  
this isn't skipping around your question. I regard the  
job of an economic survey to try to convince by logic the  
position that we put forward if the kind of analysis that  
we put forward, that I suggested at this moment, temporizing  
on the basis of what little I know and the experience I've  
had in other studies; if I can convince the Associates that  
this is a valid analysis . It may not be; you know it  
depends on what we find out from the other studies. Have  
I skipped around your question too badly? I didn't mean  
to.

Mr. Dumas: No, Professor Anderson, that was just about the  
point I was trying to find out. We then have a job and I  
say that the wider communities, those outside the immediate  
area not directly connected with this area and with the  
development of same will look upon, may take the narrow  
view of things. Why should we in any way, shape or form  
take part in the transportation costs of that area.....

Professor Anderson: I don't know if they do; I's sorry to  
interject ..

Mr. Dumas: Also, you are talking about amortization of  
costs in transportation and in terms of present-day  
transportation thinking, how long an amortization period  
is acceptable or indeed is there any period .....

Professor Anderson: If we were talking as a Board of  
Directors thinking of going into some kind of a specific  
movement of a commodity by highway carrier or something, we  
would only be concerned about the cost of the vehicle and  
its operation and maintenance and we would then pay as a  
part of our operating charges an annual licence fee and  
we would in effect hand over to the state the job of putting  
the road under the vehicles. But the whole of society can't  
do that and you get into some very - this is where the  
economists and accountant have difficulty in meeting of  
minds. Once you build the right of way the amortization  
period you put on it is purely an accounting figure. Once  
it's built and there it's a sum cost and that's it. What  
we do really need to do is, it seems, is use the word  
amortization in a general sense of getting back what we put  
in and something more. Now, what's a time period on that I  
don't know.

Mr. Chairman: Gentlemen, I think at this point in time we  
will call it recess for tea.

November 22, 1967.  
3:30 o'clock p.m.

Mr. Chairman: At this time, gentlemen, I will call Committee back to order. We are dealing with matters relating to the current Economic Survey or Study. Proceed.

YUKON  
ECONOMIC  
STUDY

Mr. Shaw: Mr. Chairman, I wondered if perhaps we could have an idea of when this Study will be completed, approximately.

Dr. Carr: We hope to have drawn together the consultant's reports and our own special studies into a preliminary report by the first of July or before the end of July, and from then on we will be revising it and preparing it as a final report for publication. This, I would expect, would be distributed to the Department and to the Council in November. We hope that we might finish it before November, before the end of November, but usually you find yourself working hard on the last day of the month.

Mr. Chamberlist: Mr. Chairman, Doctor Carr, recently there was a letter published in a local newspaper written by Professor Lotz. It gave the appearance that your survey was not going to make use of his knowledge on the area because of certain instructions that have been issued by the Minister of Northern Affairs or the people in his department. Is there any truth to that, or are you going to use Professor Lotz's knowledge as outlined in your study?

Dr. Carr: Now, as outlined in our study, we said they would be.....

Mr. Chamberlist: In an advisory study....

Mr. Chairman: Order.

Dr. Carr: ....used as required, I believe.

Mr. McKinnon: Mr. Chairman, I have no further questions at all. The only original.....

Mr. Chamberlist: With respect, I am waiting for a chance. I don't know whether to talk.....

Dr. Carr: I don't think there is much more we should say on this, than that they will be used as required. We haven't found it necessary to require them yet. I would certainly say that there's no truth to the statement that this lack of requirement has anything to do with anything that has come from the department in any way.

Mr. Chamberlist: Mr. Chairman, from what is written on page 16, it appears that he had been engaged in social economic research in the Yukon for several years. I take that your study will include this type of research as well.

Dr. Carr: We will review all these studies that have been given to us. That's true. We have already taken these into account.

Mr. McKinnon: Mr. Chairman, I was just going to say that I had no further questions of Doctor Carr or Professor Anderson. I mean, the intension at the beginning of this study, or not the intension, I just wanted to make clear in my mind that both Doctor Carr and Professor Anderson were not labouring under false illusions that they could apply solutions that have already been found in different areas of the country to the Yukon's economic problems. I think I have travelled sufficiently and lived in different areas, to know that the Yukon's problems and their solutions are going to be unique.

YUKON  
ECONOMIC  
STUDY

Mr. McKinnon continued:

And, I think both Doctor Carr and Professor Anderson, in appearing before Committee, have alaid any fears that we might have had in this respect, that they're not going to seek solutions along lines that are laid down by former studies.

Dr. Carr: Thank you very much.

Mr. Chairman: Councillor Shaw, would you take the Chair a moment?

Mr. Livesey: Doctor Carr, is it envisioned by the study group that equalization of transportation costs will be taken into account?

Dr. Carr: I'm not just sure what you mean by equalization. This can have a lot of scope. I wouldn't say, in general, that it was a principle that is acceptable without consideration of the implications of it. Whether there will be some conclusions or recommendations related to others bearing part of the cost of transportation, other than those of the shipper, is a question we will have under advisement in relation to the overall development outlook. I believe that's all I could say at this time.

Mr. Taylor: Mr. Chairman, I would like to, at this point, ask a question of Doctor Carr. It's a question that I've been quite concerned with when we created this study. In the first instance, when the study has got to the stage where you can give a preliminary report on it or something of this nature, say next June, and indeed in the final report, will this be given to the Minister in the first instance or simultaneously to the Minister and the Commissioner and Council? How would this work?

Dr. Carr: I find it a little difficult to know, at this moment. We.....know that the study is jointly sponsored, but our contract is with the Department. I think this will have to be taken into consideration in relation to whether there is, in fact, anything of a confidential nature. You recall that the terms of reference have provided for, in effect, two reports. One that would include anything of a confidential nature and one that would not. Now, I would hope that perhaps we would not have to make this distinction, that what we write will comprehend just what can be published. We always have a certain amount of confidential information, but I'm not sure that it's passed best in a report of this kind. So that, if there is no confidential information, then it would seem to me altogether likely....and this hasn't been defined yet....it would seem altogether likely that it would be sent simultaneously to the Department and to the Commissioner for distribution to the Council.

Mr. Taylor: Mr. Chairman, I maybe sound very suspicious in relation to the operation of Northern Affairs, at this point in time, because I can fecall when other studies have been made, the Carr-others' Study was one....the Carrothers' deal....that report was held back, and held back, and held back by the Department until they were almost forced to release it to the rest of the country. I hope.. that in the first instance, we will have an opportunity being that we're paying half the cost of the study, that the Department of Northern Affairs will agree to giving us a simultaneous release here in the Yukon Territory, the findings of the report, before it gets bottled up in Ottawa. This is my only concern.

Dr. Carr: I would, from my relations with them, feel that they would wish to do this if it was possible. I don't at the moment see why it couldn't be done.

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Mr. Chamberlist: Mr. Chairman, Doctor Carr, I wonder, in finalizing your individual studies, do you intend to make suggestions as to where the Administration, as to economic matters that you will be bringing forward, will be headed. In other words, in dealing, let's say, with an economic study of resource industry, would you also be saying where the most economic place to administrate those resources would be?

YUKON  
ECONOMIC  
STUDY

Dr. Carr: Let me say, first of all, that it is not the central objective of recommendations to deal with the constitutional questions. At the same time, it's possible that we may find it appropriate to point out that some weakness could be remedied by more local attention. I don't know. We haven't got far enough. It would depend on circumstances. But, I see this more as a footnote rather than a special recommendation.

Mr. Livesey: Mr. Chairman, Dr. Carr, have you envisioned that the economic study group will be preparing anything on the study of the growth of the cost of Government in the Yukon, and I ask this question because I feel that this is definitely connected with the economic position of the Territory, not only with fact that they are south of the grass roots level but also with the industry and other aspects of the economy of the Yukon.

Dr. Carr: I would expect that we would leave this first of all to see if this is covered in the tax base study in terms of revenues and costs. In the main, we won't be doing a study of management economics in terms of government, or management economies, but, I don't think this will be part of, if I interpret your term "cost of Government", a critical analysis of this, I don't think this would be a major aspect that we might consider. We are concerned more with the economy in terms of those industries or activities that increase income or expand the output of the economy. I know this item is a significant factor perhaps, too, but, at the moment I would say that we won't be giving much attention to this. Well, I shouldn't say much attention. We'll give such attention that it seems to warrant at that time. If it turns out to be very significant, I think then we would have to.

Mr. Chairman: Will there be any further questions? I will turn the Chair now over to Councillor Taylor.

Mr. Taylor: Thank you, Mr. Shaw. Well, if there are no further questions, I wonder if it is your desire at this time that Doctor Carr and Professor Anderson be excused?

All: Agreed.

Mr. Chairman: I would like to thank you, gentlemen, for your time in coming to discuss these matters with us. It has been most beneficial to us all.

Dr. Carr: Thank you very much for the opportunity. We've really appreciated it, and the kind of questions that have allowed us to elucidate, on various aspects. We will be happy to hear from the Council, individually or as a body, or from any others that you might suggest or recommend. Thank you very much.

Mr. Chairman: I will declare a short recess.

RECESS

Mr. Chairman: At this time, I will call Committee back to order, and gentlemen, I have for your attention today, a request by the Commissioner to appoint to the Metropolitan Zoning Appeal Board, a member. What is your decision in this matter?

METROPOLITAN  
ZONING  
APPEAL  
BOARD

AK

METROPOLITAN  
ZONING  
BOARD

Mr. Chamberlist: Mr. Chairman, I would move that Mr. Pete Versluce be appointed to the Zoning Appeal Board.

Mr. McKinnon: Mr. Chairman, I've just been informed that I am the seconder of this motion. I would certainly like to say that I think that this is probably the most excellent choice that could have been made by this Committee. Mr. Versluce is a constituent of mine, and he well known to everyone in this Committee as a long time resident of the Yukon Territory, and without a doubt, he is one of the fairest minded, and one of the people most interested in the community and the Yukon that I have ever met in my travels throughout the Yukon. I can't help but think that it was the best choice that possibly could have been made.

Mr. Shaw: Mr. Chairman, would the mover of the motion please inform the stenographer how to spell Versluce.

Mr. Chamberlist: Versluce is v-e-r-s-l-u-c-e.

Mr. Shaw: I misinformed the lady. I had "sluce" as sluice in a sluice-box.

Mr. Chairman: Well, gentlemen, is there any more discussion on this motion? It has been moved by Councillor Chamberlist, seconded by Councillor McKinnon, that Mr. Pete Versluce be appointed to the Zoning Appeal Board. Are you prepared for the question? Are you agreed? Any contrary? I will declare the motion carried.

MOTION  
CARRIED

MOTION CARRIED

Mr. Chairman: Gentlemen, we will now proceed to Bill #9.

Mr. Chamberlist: Mr. Chairman, I wonder if the Legal Adviser could be here at this time?

BILL #9

Mr. Chairman: Yes. I will proceed with the reading of the bill. Mr. Clerk, if you could get Mr. Legal Adviser? (Reads Bill #9, An Ordinance to Amend the Evidence Ordinance.)

Mr. Shaw: The only difference I see in the first one, Mr. Chairman, is that the British subject was left out in the previous one and included in this one. Whether that is a sort of a reciprocal arrangement, I don't know. I don't know how this came in in 1965 to be quite frank with you.

Mr. Chamberlist: Mr. Chairman, the bill before us, Section 68, was amended in 1965. It was at that time Chapter 4 of the second session, 1965, and the same mistake, the same error, was made then as in the original Evidence Ordinance, which was Chapter 37 of the Yukon Consolidated Ordinances, which left out the other British subject. I am, however, very much concerned, Mr. Chairman, now that we're dealing with the Evidence Ordinance, of the situation in regard to the giving of evidence by accused people in the Territory. Section 12 of the Canada Evidence Act provides that in matters dealing with the Criminal Code of Canada, an accused person can have his previous record read out. He could be questioned on his previous record. However, I feel that in matters of a local nature where the person is accused under charges of our Ordinances, that no person should be placed in a position of having to have his past brought forward.

Mr. Chairman: Might I ask the Honourable Member what relation this has to Notary Publics?

Mr. Chamberlist: This section is dealing with the Evidence Act, the Evidence Ordinance, and, with respect, we've already had that cleared out on other days, that if a matter comes before Committee, other matters relative to that particular Ordinance can be spoken about. This we have already done on previous days here. i.e. the Motor Vehicles Ordinance, where we have discussed the bill that has been presented and we have included other sections and asked for other sections to be brought into it. Now, I'm acting on the same basis, that the precedence for this has been set and we may continue in the same manner.

Mr. Chairman: I'm wondering if it is the intension of the Honourable Member to propose an amendment involving this matter you're bringing up?

Mr. Chamberlist: I propose to discuss a section of the Evidence Ordinance, which should also be included as an amendment to the bill. In other words, in exactly the same way, Mr. Chairman, that you have referred a bill back to the Legal Adviser for additions to be made, I wish to speak in the same manner on this particular Ordinance.

Mr. Chairman: Proceed. I just was hoping that we could deal with the matter on hand first before we went on to something else, but carry on.

Mr. Chamberlist: I'll give an example I have in mind, where a person has been charged under the Liquor Ordinance and has been convicted of selling liquor, and some years later, for some reason or other, a police officer happens to be in his house and finds six bottles of liquor that he may be having for his family. He is then charged with keeping liquor for public sale. The accused person goes into the witness box as a witness and the question is put to him, "Weren't you, three years ago, charged with selling liquor?" The suggestion is that the Magistrate or the Justice of the Peace who hears that, might imply that the accused person is up to the same tricks again and he's keeping liquor for sale. Now, I am well aware that we cannot change the Evidence Ordinance to include the matters of a criminal nature because the Criminal Code and the Canada Evidence Act would stop us from doing that, but certainly, in matters of a local nature, in our own local Evidence Ordinance, and dealing with subject matters that are dealt with summarily by our courts with reference to suggested offences under our Ordinances, that we should protect the accused person from being misjudged simply on the basis of a conviction at some previous time. I would like to hear some discussion on this, Mr. Chairman.

Mr. Shaw: Mr. Chairman, the explanatory note for this particular bill, says Section 68 is amended to allow the Commissioner to appoint Notary Publics who are not necessarily Canadian citizens as long as they are British subjects. That is quite correct, however, it does go a little further than that. It leaves out the particular section that they should be residents of the Yukon Territory. I wondered if this is an omission or is there any particular purpose in such a change, and that somebody, say, living in British Columbia, could be a Notary Public in the Yukon Territory. Could the Legal Adviser answer that question, Mr. Chairman?

Mr. Legal Adviser: Well sir, I drafted this particular amendment and this point was discussed at the time this was being drafted. The old section made this provision by saying, "The Commissioner may, by one or more commissions, appoint notaries public for the Territory, but no person shall be so appointed unless he is a Canadian citizen and, either resides in the Territory, or is an officer, servant or employee of the Government of Canada." The

BILL #9

Mr. Legal Adviser continued:

effect of this was that you did not have to be a resident if you're an officer, servant or employee of the Government of Canada. It occurred to me that the position may be necessary where the Commissioner may want to appoint a notary public - one of his officers who is not a resident and who may not be officially a Territorial employee or **something** like that. So, there would be doubt then on his capacity once he has left the Territory, whether he would continue to be or not, if he was appointed down to say one of the parts of British Columbia near here for some purpose or if we had a tourist office in Edmonton, for some purpose he might be needed as a notary public. And, it didn't occur to me that it was necessary that he had to be a resident, because to be appointed at all, 99.99% of them will be residents. There's no ulterior purpose in leaving it out, except that it might be more useful without it than with it. This would depend on the opinion of the House. If the House **felt** that it should be confined to residents, then we could put that in. But, then we would have to put back the exception that the residency qualification would not apply to a servant of the Government of Canada or the Territory.

Mr. Chairman: Gentlemen, are we clear on Section 1?

Mr. McKinnon: Mr. Chairman, I wondered if..... Do you want to....?

Mr. Shaw: Thank you, Mr. McKinnon. I would feel, Mr. Chairman, that notaries public should be residents of the Yukon Territory. Now, I would quite understand that the Commissioner would possibly require at certain times certain Members of the Government to act in that capacity and I would be quite amenable to the Commissioner having the authority to give that under certain circumstances for that certain project that had to be completed. But, certainly I think that in most cases notaries public are always residents of the area or what have you that they belong to and not outside of a province.

Mr. Legal Adviser: I agree with the Honourable Member, but I would ask that if you want to put in the qualification of being a resident, that you would then add in that he must be a resident unless he was **an officer, servant** or employee of the Government of Canada, and I presume that the consensus of the House would be that you would also include your own servants. It would be the Government of Canada or the Government of the Yukon Territory.

Mr. Chairman: Is there anything further on Section 1?

Mr. McKinnon: I agree full-heartedly with the Honourable Member from Dawson City. I would like to ask a question of the Legal Adviser as to whether the appointment of the **Justice** of the Peace or of a notary public is reciprocal from other Commonwealth countries for Canadians.

Mr. Legal Adviser: What actually happens is that....not the Justice of the Peace now, just notaries public...for a notary public, you normally appoint a person **in** the particular place, but in some provinces, such as Alberta, and I think it's in many more provinces now if we did research on it, the appointment of a person to be a solicitor automatically means that an appointment as a notary public follows, because it's part of his everyday work. He may need to notarize documents for foreign places. But, the essential work of a notary public is not something that earns a person money. I think there are certain fees that lawyers can charge for notarizing a document, which is about \$4.00 for certain types of documents. But, it's to verify the validity of something for a foreign country. So, if a certain type of document had to come to the Yukon to be executed, from the State of Washington, then to prove that in court

MA

Mr. Legal Adviser continued:

the notary public in the Yukon would attach his seal....it's usually an embossed seal....and if the particular state in the United States did not have much dealings with the Yukon, they would insist also that the Commissioner get another document to varify that in fact the notary public was a notary public. Then, if they get really stuffy, they insist that the Government in Ottawa varify the fact that Commissioner Smith was, in fact, Commissioner Smith. It depended upon how far you go in the chain. But it's for the purpose of executing a foreign document primarily because an ordinary document is done by the Commissioner for Oaths. BILL #9

Mr. Shaw: Mr. Chairman, as long as the person is resident in the Territory, signing as a resident of the Territory....he may not be a resident but he lives in the Territory....I would feel that that was quite in order, particularly for the reason stated by the Legal Adviser, Mr. Chairman. But, if this person, say, takes off and goes to British Columbia, or goes to Edmonton or Ottawa or some place, and there we have a notary public of the Yukon Territory with a seal and all the accoutrements in Ottawa. It seems somewhat redundant.

Mr. Legal Adviser: It may be redundant, but I can visualize situations such as that. At present, we have a Workmen's Compensation Office in Edmonton, and we might have other types of offices. I don't mean ambassadors and such type of thing. Government offices may be situated technically within the United States bounary, and an importer might find it convenient to go to one of our notaries if we happen to have a Government officer there, to notarize a set of documents for customs purposes, if they do not have customs documents and such like verifying the fact that the importer or exporter, whatever the case might be, has sworn an oath that the particular package or a particular truck-load of goods contains what is in the declaration for customs purposes. They do a certain amount of this in ports and so on. I can't visualize beyond that its particular uses, but the ordinary notary public....I can't imagine it myself, any private person ever being appointed notary public of the Yukon who was not a resident. Are laws only embrace the Yukon, so he would have no function outside that in any event. As it happens, by virtue of being called in the Alberta bar, I would be a notary public still in Alberta. But, I couldn't notarize a document here, under Yukon law, by virtue of being appointed in Alberta. It's merely for the validity of Alberta laws. And, our notary public going to Vancouver, wouldn't be able to notarize a document in Vancouver except unless there was some particular Government necessity for it here. You only use a local notary public.

Mr. Shaw: Might I ask a question, Mr. Chairman? Then a notary public, we'll say that has a seal and an appointment or commission in the Yukon, if he were living in Vancouver for instance....going to live in Vancouver or was in Vancouver....would that mean his office would not be valid in, say, British Columbia?

Mr. Legal Adviser: No. He would have no validity and no powers in British Columbia, but, under a Yukon law, we might say, a particular type of document that would have to be notarized, that is done in solemn form....Now, if a workman was making a claim against an insurance company and he left here and he went to Vancouver, the normal person he would go to is the notary public in Vancouver because that is the person he would be looking for. It is a solemn form. He wouldn't go around looking for a Yukon notary public as such. But, we might have a Government office or station, we might have a labour office or station for recruitment purposes if a big



BILL  
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Mr. Legal Adviser continued:  
corporation were recruiting mining technicians on a large scale. Our Government might see fit to appoint a labour officer in Vancouver to liaise with the trade unions. Then, it might be handy for us things down there, to give him an appointment, and he might not have gotten one from the B.C. Government. But we give him one...

Mr. Chairman: Is there anything further on Section 1?

Mrs. Gordon: It may not be relevant, but may I ask the Legal Adviser if a notary public is a life appointment?

Mr. Legal Adviser: Well, it varies from place to place. Here, I am not just sure. I can only tell you what the position is in Alberta. I hate to be sort of leading you astray this way, but in Alberta, it's a period appointment to a lay person. To a lawyer, it's for life. The commission expires after so many years, and one of the things that a notary must notarize on his document in places where it is a temporary appointment....a ten year appointment.... is that he verifies that I am a notary public in and for the Province of Alberta, and I hereby certify that my commission does not expire until the first of January, 1970.

Mr. Shaw: Mr. Chairman, for the edification of the Honourable Member from Mayo, the notary public appointment in the Yukon Territory is at the pleasure of the Commissioner.

Mr. Chamberlist: Mr. Chairman, before we go on to Section 2, I wonder if we could hear from the Legal Adviser in respect to the remarks I made about a proposed amendment dealing with the questioning and giving evidence of an accused person under our summary laws.

Mr. Chairman: I wonder, gentlemen, first if we could just get this one matter cleared up and then proceed with something else. Are you agreed, gentlemen, with Section 1.

Mr. Livesey: Mr. Chairman, I am still not clear as to why it was necessary....I could see in a good number of other things where we need other than Canadian citizens to do certain jobs, but I haven't heard from the Legal Adviser yet, Mr. Chairman, as to why it was necessary to move from the position of Canadian citizen, which appears I believe in the amendment to the Ordinance, being Chapter 4 in the year of 1965, why 68 was changed under Section 1 of the new bill. I wonder if....I'm just looking for information, Mr. Chairman.

Mr. Legal Adviser: This really arose because it's convenient for the Government to have their Legal Adviser to be a notary public, and also to have him a member of the bar. When I was looking into this, I found that the bar qualification gave that members of the Yukon bar may be Canadian citizens or British subjects. Then, a form of the oath that a lawyer had to take said, I swear that I am a Canadian citizen. So, to bring this into line it was necessary to draft an amendment to the Legal Profession Ordinance to change the form of the oath to conform with Section 10. At the same time then, this came up that it's necessary....not actually essential, but it's advisable....that the Legal Adviser be a notary public because lots of documents come into our office from abroad, and they write directly to the Legal Adviser and they have to have something notarized and so on. But, this particular Legal Adviser is a British subject but not a Canadian citizen. So, there's reciprocity generally, and the words British subject and Canadian citizen are used commonly throughout the law, so this is how this particular amendment came. There will be another amendment coming to deal with the Legal Profession Ordinance.

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Mr. Livesey: Mr. Chairman, would this involve the problem of pecuniary interests?

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Mr. Chairman: I would not think so. Well, gentlemen, do you have anything further on Section 1?

Mr. McKinnon: Mr. Chairman, I'm still not satisfied that you can't work the Canadian citizen in there with the exclusion clause that this excludes servants of the Government of Canada or the Territorial Government.

Mr. Legal Adviser: There's no reason why. I'm not clear whether the House wants me to put in the extra words and saying, a resident of the Yukon Territory, except the Government servants from these two Governments as it was before. The old section was, unless he either resides in the Territory or is an officer of the Government. Now, I would be prepared to put this back exactly the same as it was because it only really applies to Government servants.

Mr. McKinnon: Mr. Chairman, I thought that ~~was~~ the intent of Mr. Shaw originally rising, and I agreed with him whole-heartedly, and I still agree that this ~~is~~ the position that the amendment should read. I would think that the amendment, in its final stage, should read something like, "The Commissioner may, by one or more commissions, appoint notaries public for the Territory, but no person shall be so appointed unless he is a Canadian citizen or other British Subject, or unless he resides in the Territory, or unless he an officer, servant or employee of the Government of Canada or the Government of the Yukon Territory." As far as I'm concerned, it satisfies me and I think it would satisfy Committee.

Mr. Chamberlist: Mr. Chairman, it was the old Section 68 which read, "The Commissioner may, by one or more commissions, appoint notaries public for the Territory, but no person shall be so appointed unless he is a Canadian citizen and either resides in the Territory, or is an officer, servant or employee of the Government of Canada." And, it was then amended. The amendment was in 1965. Then it reads, "The Commissioner may, by one or more commissions, appoint notaries public for the Territory, but no person shall be so appointed unless he is a Canadian citizen and resides in the Territory." I think that all that is needed is to add, "or other British Subject," because right the way through the laws of Canada when in any matter it's, a Canadian citizen or other British Subject, in exactly the same way as voting....Canadian citizen or other British Subject; elections....Canadian citizen or other British Subject. It was inadvertently left out I think this is the only thing that matters. As far as I'm concerned, the amendment is satisfactory.

Mr. Shaw: Mr. Chairman, I'm not wishing to pick things apart, but even if we have, "is a Canadian citizen or other British Subject", we had following that, "or an employee of the Government of Canada." In other words, they don't have to be a British Subject of a Canadian according to the old Ordinance. I think that is why this was changed in the first instance, because a Russian or a person from Lower Slobovia, could still, providing they were not civil servants of Canada, they could become a notary public.

Mr. Dumas: Would Councillor McKinnon please read the motion as he proposes it now, or the amendment as he has suggested once again, please. It seems to me that it covered it very well.

Mr. McKinnon: Following British Subject, the words are inserted, "or unless he resides in the Territory, or unless he is an officer, servant or employee of the Government of Canada or the Government of the Yukon Territory."

BILL  
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Mr. Chamberlist: Mr. Chairman, with respect, there's set laws already that a person who is an alien cannot receive a commission from the Government of Canada, so the only person that can receive a commission from the Government of Canada is a Canadian citizen or other British Subjects. So, the amendment as it is proposed in this bill, to me is quite clear because it finishes up by saying, "unless he is a Canadian citizen or other British Subject." Even if he is an employee of the Government, it's automatic if he's an employee of the Government and is a Canadian citizen or other British Subject, it comes automatically. So, I don't think there's any necessity to put anything beyond that. Does Mr. Legal Adviser agree with that point?

Mr. Legal Adviser: To make the point, I think that the feeling of the House is, and I'm not asking that you call it to a vote, Mr. Chairman, is that Councillor Shaw's motion is that a lay person, to be appointed, should reside in the Territory, and if that is so, I would then ask you to add to that the exception, unless he is an employee of the Government, because it might be convenient to have a Government employee. So, I would accept then that that necessitates a further amendment to the suggested amendment before you to read exactly as Councillor McKinnon has said it, without saying it again. In other words, unless he is a Canadian citizen or other British Subject and either resides in the Territory or is an officer, servant or employee of the Government of Canada or the Territory. First of all, you make him a Canadian or British Subject, and then, either of two conditions is, he either resides in the Territory or is an officer of the Government.

Mr. Dumas: What if a person were an alien and he came to Canada, and was working for the Government and wasn't a Canadian citizen or a British Subject, would he be accepted?

Mr. Legal Adviser: As it stands, an employee of the Government would either have to be a Canadian citizen or a British Subject before he could be appointed a notary public.

Mr. Livesey: Well, Mr. Chairman, it seems to me that under this amendment to this section it is clear. You don't need any further amendment, the way I see it, because if a person who is a Canadian citizen or other British Subject, if he happens to be employed by the Territorial Government or if he happens to be employed by the Federal Government, doesn't alter his status in any event. So, if that's all that is required, I don't see that anything should be said further.

Mr. Chairman: Gentlemen, could I have your concurrence or otherwise on Section 1.

Mr. Chamberlist: I move that Section 1 be accepted as it is.

Mr. Chairman: A motion is not recorded at this time. If you would like to.....

Mr. McKinnon: Mr. Chairman, I'd just like to ask the Legal Adviser if the statement of the Honourable Member from Carmacks-Kluane and the statement from the Honourable Member from Whitehorse East is in essence, correct, and if no further amendments are needed to take care of the situation that Councillor Shaw and I are.....

Mr. Legal Adviser: If it is the wish of the House that Councillor Shaw's point be met, then it is necessary to put in a form of words to insure that the person who is appointed is a resident of the Territory. That is not clear in this sense. This is a different

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Mr. Legal Adviser continued:

point I think than what the Honourable Member meant. He was talking about whether it's a Canadian citizen. I don't know if..... BILL

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Mr. Chamberlist: Mr. Chairman, this is a question directed to the Legal Adviser. Do you know of any instance where a notary public or anybody sworn in as a commission or Justice of the Peace, or a commission of any type has been given by the Federal Government or any Provincial Government to a non-Canadian or a non-British Subject.

Mr. Legal Adviser: I'm not sure....I don't think it's a fair question to ask as there are so many types of commissions. You've got commissions in the army, and in what used to be the navy, I suppose, and air force and so on, and the various people who may have commissioned the various sorts who are in foreign service in another country, who may be given some sort of a temporary or an honorary post for some particular reason. There may be people who are abroad who are given certain appointments by the Canadian Government as in a consulate in which case they would in fact have commissions from the Canadian Government at some time. It's hard to think of examples.

Mr. Chamberlist: Mr. Chairman, perhaps, Mr. Legal Adviser, I could put it to you this way. Do you know of any non-British Subject or non-Canadian citizen who has been appointed a notary public by the Federal Government or the Territorial Government or any province in Canada?

Mr. Legal Adviser: I do. My brother.

Mr. Chamberlist: If you are a British Subject, and he's a non-British Subject?

Mr. Legal Adviser: This is involved. You see, people who were born before a certain date in Ireland are British Subjects and people born after a certain date are not. I think my brother would actually be a non-British Subject. I'm not sure of this.

Mr. Chairman: Gentlemen, I wonder if we could get this back on the subject, and in order to expedite matters, I wonder if we could be as expedient in this matter as possible. Would you conclude your speech.

Mr. Chamberlist: I will conclude. Because of Mr. Legal Adviser's remarks, I'm sure Mr. Legal Adviser recognizes that there are certain laws which, for some reason or other, include the Irish Free State in certain matters in the Commonwealth Nation, where rights are included, notwithstanding that the Irish Free State is not part of the Commonwealth. They still have certain rights equal to that of British Subjects. It's recognized in England. You practised in England, Mr. Legal Adviser, and I'm sure that you are aware of this, and I'm sure you are aware that there are many people from the good, old sod, the Irish Republic, who are members of various government offices in the U.K. and notwithstanding that they may not be British Subjects within the category that you say perhaps formed after a particular time. They still certainly have those rights which were given to them to possess, for instance, having commissions in the British services, etc. I think it's entirely different, when I'm talking about aliens, I do not consider Irish people as aliens. I love them. So, I want you to accept this point, that I do not make reference to the citizens of the Irish Free State or those who have been smart enough to leave the place, as aliens. But, what I do want to get over is, in my opinion, and Mr. Legal Adviser perhaps should agree with me in this I feel sure,

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Mr. Chamberlist continued:

because I cannot recall anybody who is termed a foreigner or alien in that respect, could become a notary public unless they are a Canadian citizen or other British Subject, and when I refer to, or other British Subject, in that other British Subject is included citizens of the Irish Republic.

Mr. Chairman: I wonder, gentlemen, if we could return to the Yukon long enough that we could proceed with this bill? I have the feeling from the Chair that we're going around in ever diminishing circles and talking about things not relative to the point at hand.

Mr. McKinnon: We're speaking about two different things completely, Mr. Chairman. The point raised by Mr. Shaw that I took up is that nobody has any intention of precluding a British Subject or a Canadian citizen about gaining a notary public commission. The only thing that we want to insure is that this British Subject or Canadian citizen should also be a resident of the Territory. It doesn't mean that anybody floating in the Territory can make application to the Commissioner for obtaining a commission of a notary public, but we want the exclusion that officers of the Government of Canada or the Government of the Yukon Territory may obtain this commission because it suits the purposes of the Government to be able to hold this office. Now, I have provided an amendment which takes into consideration every aspect of the situation that we've been debating in Committee and satisfies everyone.

Mr. Chairman: At this point would you gentlemen agree that the Honourable Member from Whitehorse North and Mr. Legal Adviser get together in order that they draft an amendment in consideration of Section 1.

Mr. McKinnon: Mr. Legal Adviser has already agreed that the amendment that I proposed handles all the categories that are available. It's a simple inclusion of the words after "British Subject," "or unless he reside in the Territory, or is an officer, servant, or employee of the Government of Canada or the Government of the Yukon Territory."

Mr. Chairman: Would this meet the needs of Council?

Mr. Chamberlist: Not me.

Mr. Dumas: Mr. Chairman, I just want to say again that we have a Legal Adviser here to advise us on legal matters, and he says this suffices in this instance. I don't set myself up as a lawyer. I accept his interpretation.

Mr. Chamberlist: Mr. Chairman, with respect, I accepted the original amendment which was also drawn up by the Legal Adviser.

Mr. Chairman: Well, gentlemen, as a solution to this, I would suggest that we.....

Mr. McKinnon: Mr. Chairman, I would move amendment to Section 1 of Section 68 of Bill No. 9, An Ordinance to Amend the Evidence Ordinance, that after the words "British Subject," the words, "or unless he resides in the Territory or is an officer, servant or employee of the Government of Canada or the Government of the Yukon Territory" be added.

Mr. Shaw: I will second that motion, Mr. Chairman.

Mr. Chairman: I wonder if you could write out that motion for me in some manner or shape. Gentlemen, you have heard the motion. Have you any further discussion on the motion? BILL # 9

Mr. Chamberlist: I would move an amendment to the amendment. Now, don't tell me I can't do it.

Mr. Chairman: Order, gentlemen. One at a time.

Mr. Chamberlist: I move that the amendment be amended by deleting the last words and finishing as follows: "unless he is a Canadian citizen or other British Subject residing in the Yukon."

Mr. Chairman: Is there a seconder? I must declare that there is no amendment to the amendment. Gentlemen, we have an amendment that Section 1 of Bill No. 9, "The Commissioner may.....", be amended to add the words all after "British Subject", "or unless he resides in the Territory, or is an officer, servant or employee of the Government of Canada or the Government of the Yukon Territory." Are you prepared for question on the motion? Are you agreed? I will declare the amendment carried.

Mr. Chamberlist: Division. Please count.

Mr. Chairman: Would all those agreed kindly signify. Would all those contrary signify. I will declare the motion carried.

MOTION CARRIED

Mr. Chairman: Well, gentlemen, in the case of Section 2, what is your feeling? Well, it's not necessary to propose motions here. This general agreement at this time will be sufficient, gentlemen. This then brings us to a point that I believe Councillor Chamberlist wished to raise in relation to the Evidence Ordinance.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal Adviser will make some remarks in reference to my suggestion of an amendment to our Evidence Ordinance in regards to the giving evidence by accused persons and matters relevant to local charges under local Ordinances.

Mr. Legal Adviser: What Councillor Chamberlist has stated is correct. If an accused person came before a court in the Yukon, either charged with a local offence or with a crime and he gives evidence, then he can be asked direct questions about his convictions and if he denies it, certificates are to be handed in, and if admits it, he can then be asked questions about the nature of his particular convictions. This is in the Canada Evidence Act which applies here to criminal cases, summary conviction cases, so any amendment to the law to make it impossible to cross-examine an accused person before he's convicted, before he's actually convicted, would have to be by way of an amendment to our Evidence Act which is only applied to our local procedures. It would be perfectly proper for this House to do this. But, in countries generally that adopt British law, they intended to follow the situation as it was in England in 1907 whereby when an accused person gives evidence he's not allowed to be asked questions that would show he had a bad character including previous convictions, unless he himself is foolish enough to say, "I have a good character." In which case, he can be shot down. There are two or three exceptions to this in case it is necessary to prove....to disprove an offensive action. If a person, and the usual case which is cited, is where a doctor is charged with abortion, and he says that in the process of treating this patient an accident occurred and, of course, it couldn't be helped. It would then be valid for the

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Mr. Legal Adviser continued:  
prosecution to say, "Didn't you have this particular accident happen in the last two year, fifteen times?" These are exceptions. The general law is, throughout the Commonwealth except in Canada, that when an accused person goes to the witness box and gives evidence, his character is immune from attack so far as previous convictions are concerned until the time has come when the Magistrate says, "I find you guilty," or the Judge and jury says, "I find you guilty." At that time, of course, if you have any previous convictions, they are reported to the court and he gets a heavier sentence for his previous convictions. But, there is a certain amount of feeling that this is an unfair method. That a accused person should be immune from attack on the grounds of previous convictions at least to the point in time where the court gives its decision. It's very difficult in a jury case, or for an ordinary Magistrate case, if a man is up before him and goes into the witness box and says, "Mr. Chamberlist, I had these six bottles of whiskey in my car. I was bringing them home from the liquor store because it was Christmas." If the policeman then stands up and says, "Weren't you convicted of keeping liquor for sale six months ago?" The person would have to admit, "Yes." It would be pretty hard for him to get a fair hearing. This is particularly so in a jury case.

Mr. Shaw: Mr. Chairman, would this be along with the theory about no person being allowed to....or, no person having to give evidence against himself sort of business? To testify against himself?

Mr. Legal Adviser: Well, this is the law as it stands in the Yukon. A person is up on a charge and he gives evidence. If he's asked a question....if he's asked, "Did you have a conviction 10 years ago, 15 years ago, 20 years ago...." I myself have come across cases where men of 50 have been asked about a case that occurred when they were 17 years old, that their neighbours knew nothing about. But, he was up on some simple charge defending himself, and the prosecution shot out a question about had he stolen petrol out of a petrol tank back in war time or something. And certainly the whole thing went out to the neighbours. But, this is what a prosecutor is allowed to do. If I were prosecuting, I wouldn't take this action. I never have, even when I was allowed to. I have never asked the accused person about previous convictions until the trial was over because of its effect. But, of course you can't stop people doing it. It is done everyday in the court.

Mr. Chairman: Gentlemen, I would like to draw your attention to the time, as time is getting on here.

Mr. Shaw: Mr. Chairman, that applies in the Yukon....at the present moment, one can ask embarrassing questions. Is that possible in British Columbia, Alberta, Saskatchewan and so on?

Mr. Legal Adviser: It is possible throughout Canada, except some of the provinces may have brought in amendments saying that as far as their local statutes are concerned, you can't ask this. But, the Canada Evidence Act, that is for crime such as murders, robberies, and certain types of offences which I think are well known, the Canada Evidence Act applies here and they can be asked. This has been tested half a dozen times in the supreme courts on crimes, and each time the court tends to say, it is very regrettable that this can be done, but unfortunately this is the law. No changes have been made since the actual act had been passed..I think at the time the original section was passed, it was just before the British section was brought in, so it was already in force when the British brought theirs in. Canada was actually in advance of Britain at that time. The British brought theirs in

Mr. Legal Adviser continued: BILL  
but they had time to put in the provision which hadn't been thought #9  
of in Canada.

Mr. Chairman: I wonder, gentlemen, if you wish to pursue this matter further in the next sitting in Committee because I don't believe we are going to conclude anything here this evening.

Mr. Chamberlist: Mr. Chairman, what I will do is perhaps, if I can have the help of Mr. Legal Adviser, I will prepare the Private Members Bill, and because of the nature of it, bring it forward to Council.....

Mr. Chairman: Well, I would suggest that now that we have a bill in the House that maybe agreement with the Administration should be sought. They may chance to go along with this. Or, we can amend that bill ourselves, so on a Private Member's Bill it is not really necessary.....What is your further pleasure at this time, gentlemen?

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

Mrs. Gordon: I will second the motion.

Mr. Chairman: It has been regularly moved and seconded that Mr. Speaker do now resume the Chair. Are you prepared for the question? Are you agreed? Any contrary? I will declare the motion carried.

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: I will call Committee to order. May we have the report of the Chairman of Committees.

Mr. Chairman: Mr. Speaker, Committee convened at 10:35 a.m. to discuss Bill, Memorandums, Sessional Papers, and Motions. Mr. Studenberg, Mr. Ball, Mr. Couture, and Mr. Fleming attended Committee to assist in discussions related to Local Improvement Districts. Committee recessed at 12:00 noon and reconvened at 2:00 p.m. Doctor Carr and Professor Anderson attended Committee to discuss matters relating to the current Economic Study. It was moved by Councillor Chamberlist, seconded by Councillor McKinnon that Mr. Peter Verslucce be appointed to the Zoning Appeal Board. The motion was carried. It was moved by Councillor McKinnon, seconded by Councillor Dumas that Section 1 of the Bill #9 be amended by adding thereto the words, "or unless he resides in the Territory or is an officer, servant or employee of the Government of Canada or the Government of the Yukon Territory," and that motion was carried. I can report progress on Bill #9. It was moved by Councillor Shaw, seconded by Councillor Gordon, that Mr. Speaker do now resume the Chair. The motion was carried.

Mr. Speaker: Thank you, Mr. Taylor. You have heard the report of the Chairman of Committees. Are we agreed? May I have your further directions?

Mr. Taylor: In respect to the agenda, Mr. Speaker, we seemed to have almost run out of work again. We have Bill #9 for further discussions on it, and maybe another bill will be processed into Committee tomorrow morning, and then we have the matter of Local Improvement Districts. But, we are caught up on Sessional Papers and in pretty well everything else.



Mr. Dumas: Mr. Speaker, in respect to the agenda, Mr. Wylie, a solicitor for the organization that wants to put in the shopping centre in Riverdale, has asked me if I would pass on to the Council his wishes or requests, that he could meet with Council sometime, either tomorrow or the next day, and show them for their information the proposals that he has presented to City Council. I would like to know what the Council's wishes are on that, sir.

Mr. Taylor: Mr. Speaker, I for one have no concern. I feel it is not really the proper place for Council to involve itself in these matters, and I think that the three Whitehorse Councillors who are concerned in the matter were to get together and, certainly they would go with my approbation. I support clearly, without any qualification, in any substantial investment in the Yukon Territory.

Mr. Shaw: Mr. Speaker, as a citizen I would be very interested in knowing about these future plans, but as a Councillor I do not feel that this is a matter for Council's discussion. This is a matter of decision for the municipal government and the Administration. I'll be interested in knowing about this, as I have pointed out, but I don't think it's something, at this stage anyway, that should be part of the agenda of Council, this Council.

Mr. Chamberlist: Mr. Speaker, the land on which three quarters of this project is on is Territorial land. We have shown much concern about the use of land, and I thought that it might be a good idea, at least on the voluntary basis, if their people are prepared to show this project to the Territorial Council....The Territorial Council has not been asked to make any decisions. It is just a point of interest. I see no objections why some of us just can't view the plans, and 2:00 tomorrow afternoon I think wouldn't be a bad idea, for five or ten minutes.

Mr. Dumas: Mr. Speaker, I'm uncertain about the grounds I am on right now. The Commissioner has got to make a decision on this. Can we advise the Commissioner without him asking us for our advise?

Mr. Speaker: Is that a question directed to the Chair?

Mr. Dumas: Yes.

Mr. Speaker: I'm sorry, I will have to rule that question out of order.

Mr. Taylor: Mr. Speaker, as I say, I certainly don't think that these matters between the Administration and the City should be dragged into the Council Chambers. This is an Administrative matter, and if the Members at their pleasure, at some other place, go on with this affair, and I think that the Council Chambers should be kept for matters concerning the Territory and the matters of the Territory.

Mr. McKinnon: Mr. Speaker, the practice is not going to be for a presentation to be made in the Council Chambers. There's two things involved. That three quarters of the land that this project is going to be put onto if it goes ahead, is going to be Territorial land. And, it is going to be, if it goes ahead, a million and a half dollars of infusion of private capital onto Territorial land in the vicinity of Whitehorse. All that I think that the Members are asking is that interested citizens, wouldn't it be nice if we all went down to the Commissioner's Office for ten minutes or so and take a look at the plans that the investors have for the community on Territorial land. If we want to go at 2:00 tomorrow afternoon, and maybe start Council ten or fifteen minutes late, I think it would be very informative and very educational for all those parties concerned.

Mr. Taylor: Quite agreed, Mr. Speaker, I'm just talking about the Council's agenda. That's all I'm concerned with. We could do this between one and two o'clock tomorrow afternoon and still keep Council on time.

Mr. Speaker: This is another matter entirely, the way I see it.

Mr. Shaw: Mr. Speaker, this is a horse of a different colour. By all means, I would be delighted to do that. It appeared to me that this was for discussions before the Council, as we were discussing agenda.

Mr. Chamberlist: I move we call it 5:00, Mr. Speaker. I move that we adjourn.

Mr. Speaker: Could anyone tell me the correct time at the moment?

Mr. Shaw: Yes sir. It is eleven minutes before five o'clock. I move we call it five o'clock.

Mr. Speaker: Order. Is there a seconder for the motion?

Mr. Dumas: I'll second the motion.

Mr. Speaker: It was moved by the Honourable Member for Dawson, seconded by the Honourable Member from Whitehorse West, that we call it five o'clock. Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried.

MOTION CARRIED

Mr. Speaker: Order. The House now stands adjourned untill 10:00 a.m. tomorrow morning.

Mr. Speaker read the daily prayer. All Councillors, Mr. Commissioner and Mr. Legal Adviser were present.

Mr. Speaker: Mr. Clerk, is there a quorum present?

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will call Council to order. Would the Honourable Member for Watson Lake please take the Chair.

Mr. Taylor takes Speaker's Chair.

Mr. Livesey: Mr. Speaker, Honourable Members of Council, a question of privilege. I wonder if the House would agree that I may have leave of absence this afternoon at 2:30 to proceed to Haines Junction with Mr. Keith Fleming, Assistant Commissioner, to discuss Local Improvement District legislation for that area.

Mr. Speaker: Would Council agree?

All: Agreed.

Mr. Livesey resumes Speaker's Chair.

Mr. Speaker: I have for tabling this morning Sessional Paper No. 52, re Motion No. 4, Public Utilities Commission. Are there any Reports? Introduction of Bills.

SESSIONAL  
PAPER #52

Moved by Councillor Shaw, seconded by Councillor Dumas, that Bill No. 11, An Ordinance to Authorize the Commissioner to borrow a sum not exceeding One Hundred Thousand Dollars from the Government of Canada and to Authorize the Commissioner to enter into an Agreement relating thereto, be introduced at this time.

BILL #11  
INTRODUCED

MOTION CARRIED

MOTION  
CARRIED

Moved by Councillor Shaw, seconded by Councillor Chamberlist, that Bill No. 12, An Ordinance to Authorize the Commissioner to borrow a sum not exceeding Five Hundred Thousand Dollars from the Government of Canada and to Authorize the Commissioner to enter into an Agreement relating thereto, be introduced at this time.

BILL #12  
INTRODUCED

Mr. McKinnon: Mr. Speaker, I have no copy of Bill No. 12 before me and I have never had such a copy.

Mr. Taylor: Mr. Speaker, I would like to know if I am correct in understanding that this Bill cannot be debated until second reading?

Mr. Speaker: This is correct. The Clerk will supply the Member for Whitehorse North with a copy of the Bill.

MOTION CARRIED

MOTION  
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Dumas, that Bill No. 13, An Ordinance to Authorize the Commissioner to enter into an Agreement with the Anvil Mining Corporation Limited, be introduced.

BILL #13  
INTRODUCED

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: Are there any Notices of Motion or Resolution? If not, may we proceed to Orders of the Day - Notices of Motion for the Production of Papers. Are there any Notices of Motion for the Production of Papers? If not, will the Honourable Member for Watson Lake please take the Chair.

Mr. Taylor takes the Speaker's Chair.

MOTION FOR PRODUCTION OF PAPERS #8 Mr. Speaker: We have this morning for your attention Motion for the Production of Papers No. 8, moved by Councillor Livesey, seconded by Councillor Shaw, re the erection of a Cairn at Pelly Crossing (Centennial Project). "1. What were the total funds allotted for the erection of the Cairn at Pelly Crossing? 2. Were the total funds expended in the project and if not, what was the amount left as surplus? 3. Would any surplus funds from the project if any, be still available for other projects in the electoral district of Carmacks Kluane Lake?"

MOTION CARRIED

MOTION CARRIED

Mr. Livesey resumes the Speaker's Chair.

MOTION #27 Mr. Speaker: Motions standing on the Order Paper asking for the Production of Papers remain Mr. McKinnon, Workmen's Compensation; Mr. Taylor, 24 Hour Broadcasting; and Mr. McKinnon, reference transferring Crown Land. Under Motions, No. 1, Mr. Chamberlist, remains in Committee. I have for your attention this morning Motion No. 27, moved by Councillor Chamberlist, seconded by Councillor Dumas. The text reads, "That the Postmaster General be contacted and requested to upgrade the postal service to and from Carcross, Y.T." Before this Motion is proceeded with, I wonder if the House would be prepared to consider this as an opinion of Council.

MOTION TO AMEND MOTION #27 Mr. Chamberlist: Yes, Mr. Speaker, I am in error. It should have read, "In the opinion of Council the Postmaster General be contacted".

Mr. Taylor: Mr. Speaker, I would so move such an amendment.

Mr. Shaw: I would second the Motion, Mr. Speaker.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: Would the Member be prepared to proceed with this Motion?

AMENDED MOTION #27 Mr. Chamberlist: Yes, Mr. Speaker. Mr. Speaker, there has been considerable correspondence between the Administration and myself and some correspondence between the Administration and the Postmaster here relative to the situation in regards to the postal services at Carcross. The Administration here have been very helpful and have gone as far as they can possibly go in regards to obtaining better facilities for the Carcross area regarding postal services. Up to the last week, there were two.....just two deliveries per week and the services had been required to be extended. A few days ago, the services were downgraded instead of being upgraded. I have received correspondence from Arctic Mining and Exploration who inform me as follows: "It was with concern and annoyance that I learned of the recent downgrading of mail service to Carcross. The previous bi-weekly mail delivery was not adequate to service any sort of business and made it necessary for Arctic Mining & Exploration

Handwritten mark resembling the letter 'H'.

Mr. Chamberlist continues:

Limited to run a daily courier service from Whitehorse to Carcross. Arctic Mining is presently employing fifty men in the process of preparing our mine for production and anticipates employing nearly a hundred when production is achieved in the early summer of '68. Venus Mines and International Mines Service are both also actively developing mines using Carcross as their headquarters. This mining activity has increased the Carcross population from 120 to 250 in the last year. It seems illogical in the light of the above to now change the mail service for the worse. I would appreciate some explanation why Carcross cannot have daily service using the White Pass Railway as a means of delivery." Mr. Speaker, there is a regular train service between here and Carcross and it would be a simple matter for the Post Office Department to make arrangements for delivery and collection of mail. It appears that the only reason that so far the Post Office have submitted in correspondence why they are not increasing the postal service, and this was before last week, was that because the person that has the contract is resident in Atlin and it is only when he is on his way to Whitehorse from Atlin that postal service can be given to Carcross. Subsequent to that, some correspondence was forwarded to the Post Office Department, the Deputy Postmaster General's office, pointing out the need for better service and it apparently, as a result of that letter, apparently the following day, the service was downgraded. I feel that Council should pass this Motion because the same situation might be applicable to other areas before long with the progress of mining and growth of various communities going ahead as they are in the Yukon. Thank you.

AMENDED  
MOTION #27

Mr. Taylor: Mr. Speaker, I can only agree, especially where resource fields are involved because this is one of the most important items in relation to a growing mining company in the Yukon and, indeed, I think that the Community itself, living in the modern times, should receive, in view of its size, a daily mail service if at all possible, but in the case of resource industries, grade and production control analysis is strictly based on the ability to communicate daily with their head offices and technical laboratories outside from the mine sites and if we are to ensure that we give these people the best opportunity to develop resources in the Territory and, indeed, if we are to ensure that we can provide the Community, the citizens and residents of Carcross, with the facility enjoyed in most other areas in Canada, then I think we should certainly give all our support possible to this Motion.

Mr. Speaker: Thank you, Mr. Taylor. Is there any further discussion on the Motion?

MOTION CARRIED

AMENDED  
MOTION #27  
CARRIED

Mr. Speaker: We now have Motion No. 28, moved by Councillor Chamberlist, seconded by Councillor Shaw, re Sessional Papers No. 48 and No. 50. The Motion reads, "That Sessional Papers No. 48 and No. 50 be moved into Committee for discussion."

MOTION #28

MOTION CARRIED

MOTION #28  
CARRIED

MOTION #39

Mr. Speaker: Next is Motion No. 30, moved by Councillor Shaw, seconded by Councillor Taylor, reference Airport Old Crow. The Motion reads, "It is respectfully requested that the Administration communicate with the Minister of Transport pointing out the necessity of year around aircraft landing facilities at the Village of Old Crow." Would the Honourable Member from Dawson be prepared at this time to discuss the Motion?

Mr. Shaw: Yes, Mr. Speaker. Mr. Speaker, this is an annual request. I think this is about the seventh anniversary of the same request. As time goes on, we find out the necessity of improving airport facilities in the Yukon. This is what I would consider part of a program to upgrade and provide these facilities. So far these requests have met with you might say inaction, or perhaps we could say there has been a certain amount of action but it has not resulted in any type of facility being provided, however I happen to be a determined type of person and I think that one should resolutely continue on these matters to get the desired results. I do believe, Mr. Speaker, that a survey has been conducted in that area, I believe by the Department of Transport. I am not quite sure of all the particulars because I haven't been notified or I do not recollect what has been done. In the meantime, the facilities that are there at the present are totally inadequate. At the present moment, Mr. Speaker, we have regular DC flight service on the basis of twice a week into that place. I do not know of any scheduled DC 3 service in Canada that are not provided with airport facilities by the Department of Transport. The Lord has provided the facilities at Old Crow at the present moment and from time to time, when the climate changes, it is impossible to land there and even when the river is not flooded, it's a very hazardous proposition landing on the sandbars with a DC 3. It's hazardous, Mr. Speaker, landing with the small aircraft when you take the fact that they have wheels about 12 inches in diameter and there are rocks that are almost that size on the landing field on which they are landing. Now, this is a regular scheduled airline, Mr. Speaker. I have the documentation here if we can call it such that points out its twice a week flight and this goes all the way from Whitehorse, right up past Old Crow and Inuvik right up to Sachs Harbour so this is something that is definitely here. In the past the Department of Transport have always said, "Well, now, if you can show us where you require the facilities, we will provide the services." Of course, in the past I have pointed out that unless they provide the facilities, you can't utilize the services so it's a case of which comes first, the chicken or the egg. However, we have got to the point of where the services are there, Mr. Speaker. Further to this, this Company have informed me that they are contemplating purchasing what they call a F 27 twin engine aircraft, turbo prop or turbo jet, for this particular route but, of course, to try and land this in this particular area is quite an undertaking so I asked these people....I said, "Well, do you get any freight? Is it worth you stopping there?", and they said "It certainly is." They carry a considerable amount of freight to that particular area, particularly when you realize, Mr. Speaker, that for eight months of the year, this is all they depend on...aircraft. Seventy years ago I believe they used to have a dogteam route. That was the one that Inspector Fitzgerald came down that time with disastrous results so we don't want to go back to that. Now, this...the distance between Old Crow and Dawson is approximately 250 air miles and in that

*Handwritten initials*

Mr. Shaw continues:

MOTION #30

area, the facilities are nil. What this company....they informed me they intended to install a beacon at Old Crow. I don't know....you call it a direction beacon, marking beacon...something that will direct aircraft in. They are going to do this at their own expense. They have to. They have to have these facilities so that it is somewhat rough when a scheduled airline in this Yukon has to....they have to go to their own expense to provide these facilities, and I do feel, Mr. Speaker, that if there wasn't reason before, if there wasn't proof before that this was required, that it is necessary now. There is no doubt. There are many other places in the Yukon that are also requiring that facility...but possibly in Ross River...I don't know where all these scheduled lines are going but this is definitely now being serviced and, as I say, one of these days if this aircraft should turn over and crash and burn and kill a bunch of people, then possibly something may be done about such a thing. In the meantime, I feel that now is the time to get started on this and just as soon as possible. I would ask for Council's support again on this. I have been very fortunate receiving it in the past and I would certainly like to hear the comments of other Members of Council.

Mr. Speaker: Thank you, Mr. Shaw. Mr. Taylor.

Mr. Taylor: Well, as seconder of this Motion....I am very proud to second this Motion, Mr. Speaker. As the Honourable Member from Dawson has pointed out, our pleadings in this respect have been ignored, or virtually ignored, for some time. I think that the only real thing that the Government have done to date is to go and do a preliminary survey, by no means a final survey, so I am told, but there is a preliminary survey, a site located, for this airstrip and I think it is well to note that with this up and coming service which is indeed now in service, this airline...this Yukon based airline...and using these facilities at Old Crow.... this is giving great assistance to Members of, I am sure, the Administration of the Government of the Yukon Territory and the Federal Government, the Police and those groups, certainly resource development groups, research groups from the South who come at various parts of the year to study our northern Yukon...and then the travel of the local citizenry, plus the freight and mail and all these other requirements...certainly warrant continued activity, aviation activity, into the Old Crow area. It is well to realize from a civil aviation point of view, Mr. Speaker, that the centre of Old Crow, which may be observed on our wall map...that's the little black dot way at the very north of the Territory....services the entire northern third of the complete Territory of the Yukon. I am informed that the requirement for the strip at Old Crow is 5,000 feet of runway in order that it can indeed handle the facilities of what is known as the Fairchild F 27 which is a turbo jet. It is a similar type aircraft to that used by Wien Alaska in and out of Whitehorse at the present moment. It is also contemplated that a Hercules Transport, a huge transport type of aircraft presently in use in Canada, may be used in this area and this 5,000 feet would certainly accommodate it as well and if it is intended that an omni-directional beacon be placed in the community at the site of the runway in order to guide aircraft in, I think this would result in a tremendous saving to the Federal Government because if someone got into trouble in that country, where climatically you can have fogs and be blanked right out on a V.F.R. flight and trapped in the area where you cannot land, that omni-directional beacon could take you to safety at Old

MOTION #30 Mr. Taylor continues:  
Crow. So, I would certainly concur with the Honourable Member from Dawson in both the importance of this Motion and I would ask that we give it our fullest support and I think that now the Federal Government will look favourably upon this.

Mr. Speaker: Thank you, Mr. Taylor. Mr. Chamberlist.

Mr. Chamberlist: Mr. Speaker, I also speak in support of the Motion and also, while the Administration will be communicating with the Minister after this Motion I am sure will be approved, it should be pointed out that there are two construction companies working on the road construction within a hundred miles of Old Crow with equipment available and now is the time to get the benefit of a good price because of the equipment being there. Perhaps, when writing, the Administration might point this out and ask for early bids on the project so that work can be commenced this winter season.

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

Mr. Shaw: Just one little matter, Mr. Speaker. I thought perhaps that if we could go ahead with this program that there may be some way of getting...I believe there is a site picked out...that perhaps some brush cutting could be done on the site as a winter works program if that is required. It wouldn't hurt to take that into consideration. I point this out that the Administration might be able to point this out, Mr. Speaker.

MOTION #30  
CARRIED

MOTION CARRIED

MOTION #31 Mr. Speaker: We now have Motion No. 31, moved by Councillor Shaw, seconded by Councillor Taylor. The Motion reads, "It is requested that Sessional Paper No. 51 re Frontier Package Television be discussed in Committee of the Whole."

MOTION #31  
CARRIED

MOTION CARRIED

Mr. Speaker: May we now pass to questions.

QUESTIONS  
#16

Mr. Taylor: Mr. Speaker, I have two questions for which I request a written answer. The first question is: "1. Is the daily J.P. Court at Watson Lake now being conducted at the Centennial Center? 2. If not, please explain why not."

#17

The next question would be, "Would the Administration consult with the senior C.B.C. officials in Ottawa to determine proposed installation dates of frontier package TV facilities at Watson Lake, Mayo and Dawson City."

Mr. Speaker: Are there further questions?

Mr. Commissioner: Mr. Speaker, may I be permitted the opportunity to say a word in connection with a question that I was asked yesterday that I asked a little time on to secure an answer that Councillor Taylor asked?

Mr. Speaker: Proceed.



Mr. Commissioner: This was the question as to when the Administration would be prepared to proceed with discussions concerning financial matters as they relate to the Territory and also the relations between the Territorial and Federal Fiscal Agreement, and I would like to advise, Mr. Speaker, that my officers and myself, who are directly connected with financial matters, would be prepared as of 10:00 o'clock tomorrow morning or anytime after that to go into this matter with Council, Mr. Speaker. As it is a matter of considerable urgency to Council and to the Administration and to the Federal authorities, I wonder if I could ask that Council would consider setting a time certain...a day certain...for these matters to be brought up.

Mr. Speaker: Thank you, Mr. Commissioner. Are there further questions?

Mr. Chamberlist: Mr. Speaker, I put a question yesterday to Mr. Commissioner. I wonder if he is able to answer it today. It was relative to camper and trailer fees.

Mr. Commissioner: Mr. Speaker, I am getting the information that is required on this. This becomes involved around the terms of reference under which the Territorial Park System investigation and research was involved in and I would do my very best to be prepared to answer this question to the Councillor's satisfaction tomorrow morning.

Mr. Speaker: Thank you, Mr. Commissioner. Are there further questions?

Mr. McKinnon: Mr. Speaker, Dr. Carr informed Committee yesterday that they were using the results of the Travecon Study in their Report. Could this Council be advised when the Travecon Study will be tabled before us?

QUESTION RE  
TRAVECON  
STUDY WILL  
BE TABLED

Mr. Commissioner: This was a question that was asked me already and we are getting this looked into right now, Mr. Speaker, and just as quickly as I have the information, I will get it before Council.

Mr. McKinnon: Mr. Speaker, I asked a question some time ago concerning the licence plates issuing - whether people are liable for conviction if they take the licence plates out of the Motor Vehicle office and into their car and do not attach them immediately. I was told that I would be given an answer and that it was forthcoming but it has so far not reached this table.

Mr. Commissioner: I made specific inquiry about that myself yesterday morning, Mr. Speaker, and the Clerk and the Legal Adviser told me this was prepared and would be tabled in Council. Could I ask Mr. Clerk if we have.....is it a reasonable anticipation that Council will have this tomorrow morning?

Mr. Speaker: Thank you, Mr. Commissioner. Further questions?

Mr. Taylor: Mr. Speaker, I would like to know this morning or ask of Mr. Commissioner if he may now have received a reply respecting the Expo pavilion for a Yukon legislative building.

Mr. Commissioner: No. I would confirm that the communications on this are entirely silent.

QUESTION Mr. McKinnon: Mr. Speaker, when we were in conversation  
MINUTES OF with Mr. Keith Bennett, the Secretary of State for Alaska,  
CONSTITU- he informed us that it would be very informative if Council  
TIONAL could have in its Library Minutes of the Constitutional  
CONVENTION Convention held in Fairbanks in 1956. I wonder if it would  
be possible for Mr. Clerk to obtain such Minutes.

Mr. Commissioner: We will certainly inquire of the State of Alaska to see if they are available. I may say that I will take....Mr. Waino Hendrickson, who some of you may know, was the Lieutenant Governor I believe was the title during the transition period from being a territory to statehood....has spent considerable time here in Whitehorse. He comes through here on his vacations and I am almost certain that I have in my own personal possession a copy of these Minutes and I would be very happy....if it so happens that this is not the exact document that is referred to here, we will certainly get in touch with the officials of the State of Alaska.

QUESTION Mr. Dumas: Mr. Speaker, I would like to know if the Commis-  
MINISTER'S sioner has a copy of the Minister of Northern Affairs  
ITINERARY itinerary and, if so, if he can tell us when the Minister of Northern Affairs will be arriving in Whitehorse.

Mr. Commissioner: It is my understanding that the Minister will be arriving sometime in the course of Friday evening. I believe that the trip he is on at this time is taking him to Yellowknife, Fort Nelson, Fort St. John area and then to Whitehorse. I believe he anticipates arriving here in the course of Friday evening.

Mr. Taylor: Arising out of that question, Mr. Speaker, I wonder if Mr. Commissioner would have any idea as to whether it is the intention of the Minister and his party to meet with Council on Saturday possibly. This would be in Council.

Mr. Commissioner: I have...as per the conversations you had with me yesterday, Mr. Speaker, I have sent this invitation to the Minister but I would also say that from what I understand, I have not had a direct reply to this as yet, Mr. Speaker, but it is my understanding that the Minister is fully committed for the day on Saturday and the time that he will have available for us is the hours from twelve to two that I have listed on the invitation.

Mr. Chamberlist: Mr. Speaker....my question is to the Commissioner, Mr. Speaker. Mr. Commissioner, if you haven't received a reply from the Minister, how is it that you already know that he will be committed in the morning?

Mr. Speaker: Order. I will have to rule that question out of order. Mr. Taylor.

QUESTION #18 Mr. Taylor: I have a further question requiring a written answer this morning, Mr. Speaker. "1. What steps have been or are being taken to stop or reduce the pollution of the Yukon River at the Whitehorse garbage dump? 2. What steps have been or are being taken to stop or reduce the pollution of the Yukon River at the City of Whitehorse sewage disposal outlet?"

Mr. Speaker: If there are no further questions this morning, may we pass to Public Bills and Orders.

JA

Moved by Councillor Shaw, seconded by Councillor Chamberlist, that Bill No. 10, An Ordinance to Amend the Legal Profession Ordinance, be given First Reading at this time. FIRST READING BILL #10

MOTION CARRIED MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor Chamberlist, that Bill No. 10, An Ordinance to Amend the Legal Profession Ordinance, be given Second Reading at this time. SECOND READING BILL #10

MOTION CARRIED MOTION CARRIED

Moved by Councillor Taylor, seconded by Councillor Dumas, that Bill No. 7, An Ordinance to Adopt a Flag for the Yukon Territory, be given Third Reading at this time. THIRD READING BILL #7

MOTION CARRIED MOTION CARRIED

Moved by Councillor Taylor, seconded by Councillor Dumas, that the title to Bill No. 7, An Ordinance to Adopt a Flag for the Yukon Territory, be adopted as written. TITLE BILL #7 ADOPTED

MOTION CARRIED MOTION CARRIED

Mr. Speaker: I will declare the Motion carried and that Bill No. 7 has passed this House.

Moved by Councillor Shaw, seconded by Councillor Dumas, that Bill No. 8, An Ordinance to Amend the Liquor Ordinance, be given Third Reading at this time. THIRD READING BILL #8

MOTION CARRIED MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor Dumas, that the title to Bill No. 8, An Ordinance to Amend the Liquor Ordinance, be adopted as written. TITLE BILL #8 ADOPTED

MOTION CARRIED MOTION CARRIED

Mr. Speaker: I will declare the Motion carried and Bill No. 8 has passed this House. May I have your further pleasure, gentlemen?

Moved by Councillor Shaw, seconded by Councillor Gordon, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills, Memoranda, Sessional Papers and Motions. MOTION TO GO INTO COMMITTEE

MOTION CARRIED MOTION CARRIED

Mr. Speaker: I will declare the Motion carried and the Honourable Member for Watson Lake will please take the Chair in Committee of the Whole.

Mr. Chairman: Gentlemen, I think first we will deal with Bills this morning and at this time I will declare a short recess.

#A

page 422  
Thursday, November 23, 1967.  
11:00 o'clock a.m.

Mr. Chairman: Well, gentlemen, I will call Committee to order and when we last rose from Committee we were discussing Bill No. 9. I wonder if you would conclude your discussions on this. BILL #9

Mr. Dumas: Mr. Chairman, I believe there is to be an amendment. Mr. Legal Adviser may be able to fill us in as to whether it is ready or not.

Mr. Legal Adviser: Mr. Legal Adviser is ready, but not now, sir.

Mr. Shaw: I wonder if we could proceed with something else.

Mr. Chairman: Do you wish to leave this Bill at this time, gentlemen?

Mr. Legal Adviser: There is just one point, sir. I understand the amendment is going to be unless he is either a resident of the Territory or a servant or employee of the government of Canada or of the government of the Territory, but is the word, after the printed form which you see before you, to be or or and?

Mr. McKinnon: Is there any difference?

Mr. Legal Adviser: There is a distinct difference in effect, sir, because if it reads with an and, then the person must be either a Canadian citizen or a British subject and he must also be either a resident of the Territories or a servant of one of the two governments. If it is or, then you can say - unless it has been or all the time then - unless he is either of a series of things, a Canadian citizen, a British subject or resident of the Territories or a servant of the government. Now, the particular effect will be that a person who is a resident would not have to be a Canadian citizen, a British subject, or a government servant. In other words, if it is or, then an alien could be a notary public within the Territories, so we will want to know for sure what the wish of the Council was on that particular subject.

Mr. McKinnon: I have and after a British subject.

Mr. Legal Adviser: Yes, I know you have and, but I have left a space.

Mr. Chamberlist: I would suggest, Mr. Chairman, that the word and as read into the amendment to the Ordinance by Mr. McKinnon remain.

Mr. Chairman: Does Committee agree?

All: Agreed.

Mr. Legal Adviser: Then, sir, you can accept the amendment straight-away as it is. If it could be taken this way - that a comma be inserted instead of a full stop immediately after the word British subject, and the following words added thereafter: "and unless he is either a resident of the Territory or is an officer, servant or employee of the Government of Canada, or the Government of the Territory".

Mr. McKinnon: Of the Yukon Territory?

Mr. Legal Adviser: Of the Yukon Territory.

BILL  
#9

Mr. Livesey: Mr. Chairman, I would like to describe the distinct difference as I see it on this particular situation. I think in one instance you are saying *carte blanche* that one, if he is a member of the government, Territorial or Federal, it doesn't matter what his nationality. He can do what this Bill claims it can do. However, if you use and or or there is a distinct difference, the way I see it, because in one instance it doesn't matter what nationality he is, and in another instance it does. This is the distinct difference. I thought that was what the argument was the other evening, that we wanted to give these professional services only to Canadians and British subjects, and we were also discussing the residence clause in the Yukon. Now, if we go ahead and disallow this, what I would like to know if legally does it mean that if we use or that we are defeating our purpose, that we are saying that anyone if he is a member of either government can perform the duties as if he was a resident, but may not be.

Mr. Legal Adviser: It looks as if it has that effect. I think the Honourable Member is very acute in noticing this. I have noticed it myself. If any member of a class of people, if the class of people is Canadian citizens, British subjects, resident of the Territory, servant of either government, if you put in an or, but if you put in an and, then each person who is appointed for the government has a double qualification. He must be either - hails as a British subject and he also must be a resident of the Territory or a government servant.

Mr. Dumas: Mr. Chairman, I thought we had already resolved this and were going to use the and, and therefore make a motion.

Mr. Legal Adviser: If it is and, then that particular situation is resolved.

Mr. Chairman: Are we agreed?

All: Agreed.

Mr. Chamberlist: Mr. Chairman, I understood yesterday after the discussion re accused persons being questioned as to previous convictions, there would be an amendment prepared for that.  
Mr. Legal Adviser.

Mr. Legal Adviser: I know exactly the form of amendment we would take, but I just honestly haven't gotten time to prepare that.

Mr. Chamberlist: No, just as long as that will be done.

Mr. Legal Adviser: It will actually require about two sections.

Mr. Chairman: May we now then proceed to Bill No. 10?

Mr. Dumas: Proceed.

BILL  
#10

Mr. Chairman: This is Bill No. 10, an Ordinance to Amend the Legal Profession Ordinance. "The Commissioner of the Yukon Territory, by and with the advice and consent of the said Territory, enacts as follows: 1. Section 11 of the Legal Profession Ordinance is repealed and the following substituted therefor: Sub-section 11 Before any person enrolled as a Barrister and Solicitor begins the practice of his profession as such, he shall be presented to the court by a Barrister and Solicitor in good standing and shall take and subscribe before the Judge of the Territorial Court, in open court (a) an oath of allegiance in the following form:", and the oath of allegiance is "I, \_\_\_\_\_, do swear that I will be faithful and theretruly to Her Majesty Queen Elizabeth II, Her

AM

Heirs and Successors, according to law, So Help Me God, or (b) an official oath in the following form: I, \_\_\_\_\_, do swear that I will diligently, faithfully and to the best of my ability execute according to law the office of Barrister and Solicitor and that I will as a Barrister and Solicitor conduct all causes and matters faithfully and to the best of my ability; I will not seek to destroy any man's property; I will not promote suits upon frivolous pretences; I will not pervert the law to favour or prejudice any man; but in all things conduct myself truly and with integrity; in fine, the sovereign interest and that of my fellow citizens, I will support and maintain according to the law in force in this Territory, So Help Me God."

BILL  
#10

Mr. Shaw: Question. The Oath of Allegiance, Mr. Chairman. Is that a typographical error, and "theretruly to Her Majesty"? I don't quite follow that.

Mr. Legal Adviser: I didn't quite catch the question.

Mr. Chairman: The question from the Honourable Member from Dawson was he was wondering if there was a typographical error in sub-section (a) the word allegiance, and also in the words "theretruly".

Mr. Legal Adviser: I think so. Yes, it is an error in the transcript in the shorthand to the type. It should be "I will be faithful and bear true allegiance". There is a couple of words wrong there. I'd have to go back to - this form is taken from an Alberta Statute, and is transcribed wrong. I'll arrange to correct it.

Mr. Chamberlist: Mr. Chairman, as a result of a recent Supreme Court ruling, the necessity for swearing So Help Me God has been altered in a case of where people wish to affirm. I feel that there should be in our Ordinance just who takes the new member of the legal profession may condone and wish not to accept that oath, would be placed in the position where he can affirm. I wonder if that could be.....

Mr. Legal Adviser: I don't know of the case to which the Honourable Member is referring, but this is common custom throughout Canada, that a person can, instead of an oath, always take an affirmation. This form is taken from Alberta Statutes where it was brought into force last year - the new Legal Professions Ordinance in Alberta - and this form is the form referred to in their Statute, so it is transcribed exactly. I have no objection to changing the form provided, what I do want is the person either affirms or swears an oath of allegiance and an oath of office.

Mr. Chamberlist: Mr. Chairman, I thought I might bring to Council's attention a recent case of where a person made application for citizenship after being in Canada about ten years, and the judge of the court to whom he had gone to citizenship refused to grant him citizenship because he refused to use those words So Help Me God. The matter was taken before the Supreme Court and the Supreme Court held that he had the right to affirm, and I'm just taking it in terms of that basis.

Mr. Legal Adviser: Would it meet the wishes of the House if I put in a short sub-section underneath this to say that where, of conscience, an applicant objects to taking an oath, he may make an affirmation in similar form to the oath. What he would actually say, then, is I, \_\_\_\_\_, affirm that I will be faithful. This is common in force. You know the Chinese were different. They take a saucer and they recite a form of what they are going to promise to do to tell the truth, and then they finish up by saying - they smash the saucer through the side of the witness box and then they say if I do not tell the truth may my soul shiver like the piece of this saucer. I take it we don't want this here.

BILL  
#10

Mr. Shaw: No, not really.

Mr. Chairman: Gentlemen, would you be agreeable that Mr. Legal Adviser take this section and bring us back an amended paper and corrected paper? Councillor Dumas.

Mr. Dumas: One thing I would like to point out, if we amended it basically the way it is here, a person who is being sworn in doesn't even have to be a British subject, and well as not being a Canadian citizen.

Mr. Legal Adviser: No, you see the particular novelty is that in the Ordinance itself it says a person may only apply if they are a Canadian citizen or British subject and then whoever originally drafted the form of the oath left out the words British subject so the person is to swear what is basically a false oath, although he is entitled to come in from the section.

Mr. Chairman: Gentlemen, we will pass now to Section 2.

Mr. Livesey: Before you do, Mr. Chairman. I noticed the Legal Adviser in his description of the amendment that he wished to prepare described the amendment as being a same form, but I am wondering if it should not say the same form and intent, and then I think that would clarify the position.

Mr. Legal Adviser: Yes, I'll accept that, sir.

Mr. Chairman: We will now pass to Section 2. "Section 26 of the said Ordinance is hereby repealed, and the following substituted therefor; "26. A Barrister and Solicitor who in the course of his duties as an employee of the Government of Canada, or the Government of the Yukon Territory is required to practice law in the Territory shall be deemed to have complied with those requirements of this Ordinance which in the absence of this section would otherwise have to be observed before he could practice law in the Territory.""

Mr. Legal Adviser: May I speak on that, sir? It just so happens that in looking through the Ordinance with regard to the first amendment, I noticed that the old section said, "who in the course of his duties as an employee of the Government of Canada" because up to that time no legal employee of the Territorial Government had existed, so I felt that the wish of the House would be that a servant of the Government of the Yukon Territory should have the same rights as a servant of the Government of Canada.

Mr. Shaw: Agreed.

Mr. Chairman: Well, Mr. Legal Adviser will be making amendments to this Bill. I wonder now if we could go back, gentlemen, to Bill No. 5, which is the Taxation Ordinance. I'm wondering, Mr. Legal Adviser, if we now have a proposed amendment for it?

Mr. Legal Adviser: I haven't had time to do this, and in any event this particular amendment would need a certain amount of clearance through the Legislative Programming Committee to make sure that the particular government offices affected like the Treasurer were agreed that, in fact, it wouldn't have another unforeseen effect on either the Financial Administration Ordinance or the Taxation Ordinance, but I don't foresee any problems. I have obtained their agreement already to allowing a similar form to do this. When I have it drafted, we will have an informal meeting to clear a particular point.

#4

Mr. Chairman: The next Bill, gentlemen, is Bill No. 6, an Ordinance to Amend the Local Improvement District Ordinance.

BILL  
#10

Mr. Livesey: Before you move to that, Mr. Chairman, there's one thing on the previous question of oaths of allegiance.....

Mr. Chairman: Does Committee agree that we allow Councillor Livesey to discuss this matter again? We have passed from that Bill. Do you agree?

All: Agreed.

Mr. Chairman: Proceed, Councillor Livesey.

Mr. Livesey: I just wanted to ask the Legal Adviser if there was any connection between our procedure with regards to the oath of allegiance under this Bill under discussion, and Privy Council Order 1955 - 658 is found in the Appendix to the 1958 Consolidation Ordinances with reference to the oath of allegiance. That is on page 1327 in the Appendix.

Mr. Legal Adviser: There is no particular connection...prescribed by the Oath of Allegiance Act. Each province has it's own oath and it might vary by a comma. The intent is the same, and the particular one I happen to know that is referred to here, I have dictated from the Alberta Legal Profession Ordinance as in illustration one, but I can certainly use that form. The essence of the thing is and, of course, its a slight departure here, that I think that every person who is called to public office - there is no semi-public office more important than that of a lawyer - and I think that every person who does this should take the oath of allegiance. It is just then a question of looking at which book you get the type of copy from. If it is your wish, sir, I would certainly use this particular form.

Mr. Livesey: I thank the Committee for it's indulgence, Mr. Chairman.

Mr. Chairman: Well, gentlemen, may we return to Bill No. 6, an Ordinance to Amend the Local Improvement District Ordinance? Might I ask from the chair at this time, Mr. Legal Adviser, if there is intended to be some further amendment to this Bill at this Session?

BILL  
#6

Mr. Legal Adviser: Not to my knowledge, Mr. Chairman, unless it is the wish of the House that some particular thing be done. I had a conference with the Watson Lake trustees who were before the House this morning at half past eight and they appear to be satisfied with the Ordinance as it stands and we undertook on behalf of the administration that if something in practice came up which needed an amendment to the Ordinance that we would introduce it on their behalf to enable them to do a particular thing. The particular thing they had in mind at that time was they wanted two things - I'm not sure whether it was discussed before the House or not - one of them was they wanted to put up traffic signs and they also wanted to be able to deal with personal building permits. Upon analysis, it turned out that the particular traffic problems they had were putting up Yield signs and such type of signs, and it is my opinion that, as the Ordinance stands, they haven't got power to do this. Then, when the question of cost came up, they were satisfied with the explanation of the Territorial Head of Engineering who said that he would instruct his foreman in charge of roads in that area to report to the trustees and to put up, at Territorial expense, of course that would be, any road signs within Watson Lake areathat they wanted to put up. This appeared to make them very happy. The second point was that they



BILL #6

wished not to control building permits, but they wished to know in advance what the position was with regard to any building in Watson Lake, and the administration undertook to notify them when any application for a building permit came in, and then they would accept the onus of making a representation in regards to such a permit if they felt that way inclined, if not then the thing would be dealt with purely from a Territorial point of view. So, this would have the added effect, of course, of making them work, but if they get a letter saying an application was made by a certain person to a certain place for a building permit, they would have to take some positive action to do something about it, and they appear to be perfectly happy with this. We told them if they want any amendments to the Ordinance to enable them to get greater powers, we would discuss it with them and then bring it forward to the Council. At this time, both parties feel there is no necessity for an amendment.

Mr. Chairman: Thank you, Mr. Legal Adviser. What then is your.... how do you wish to proceed with Bill No. 6, gentlemen?

Mr. Chamberlist: Mr. Chairman, does Mr. Legal Adviser mean that there is no need for further amendments to Bill No. 6?

Mr. Legal Adviser: This Bill No. 6 is the Local Improvement District Ordinance. The particular amendment that we have before the House now is to enable a corporation to have a vote, which I think the House was agreed is a good principle. This is a question of a local improvement district and somebody may have an interest in seeing that the particular trustee is not elected, as the case might be. This is merely for this purpose, but we had no intentions of introducing any other amendments until it became necessary. The legislation, particularly in the Yukon Territory at the moment, is a growing thing, and as necessary as you saw, although a new liquor ordinance is in the pipeline we were prepared to introduce an amendment to cover a certain point if necessary, and this would be the policy of the administration, if any law becomes necessary we will introduce an amendment to cover it, and not be all the time waiting until next year.

Mr. Chamberlist: Mr. Chairman, I move that Bill No. 6 be moved out of Committee without amendment.

Mr. Dumas: I second that motion, Mr. Chairman.

Mr. McKinnon: Contrary.

MOTION CARRIED

MOTION CARRIED

Mr. Chairman: Gentlemen, that concludes our deliberation on Bills. At this time we have in Committee two sessional papers - we have three sessional papers, pardon me. We have 48, 50 and 51. I wonder if we could proceed with sessional paper No. 48.

Mr. Chamberlist: Mr. Chairman, could we have the Commissioner here?

Mr. Chairman: Would Mr. Commissioner be available at this time, Mr. Clerk, and I'll just declare a short recess.

SESSIONAL PAPER #48

Mr. Chairman: At this time, I think we will call Committee to order, and we are dealing with sessional paper No. 48. I believe this is Mr. Chamberlist's question.

Mr. Chamberlist: The sessional paper advises us that on a Territorial contract where there are Territorial people out of work today - the paper doesn't advise us of this - where there are Territorial people out of work today, out of a total of 13, only four are Yukon residents. I wonder if the Commissioner can give us information as to the terms and conditions of the contract, especially those conditions relating to the employment of Yukon labour.

Mr. Commissioner: Mr. Chairman, I don't have a copy of the contract in front of me but this is a contract that is part of the Engineering Services Agreement that the Territorial Government has with the Federal Government and in fact this is a Federal Government contract with the Territorial Government acting as the agent for its enactment, that must be the proper word, and there is, to the best of my knowledge, no way that either the Territorial Council, by means of legislation, or the Territorial administration, by means of administrative action, can dictate the residency qualifications for employment in the enactment of this contract. It is federal government money and as a consequence those rules of employment which apply under federal government contract apply in this instance. This, I do believe, is a requirement that the people be Canadian citizens. If Council would like me to secure a copy of one of these contracts, or this particular contract, I would be most happy to do so, but I do want to make it clear that this is a contract that is entered into under Engineering Services Agreement.

Mr. Chamberlist: Mr. Commissioner, isn't it a standard clause in any federal construction job where the work takes place within the Yukon Territory that local labour wherever possible shall be used? Isn't that a standard requirement?

Mr. Commissioner: Mr. Chairman, no doubt the Councillor speaks from more intimate knowledge of these contracts than what I do, but if Council would permit, perhaps it would be best if I was to get a copy of this contract and bring it to the Council Table. This may be a much more satisfactory way of dealing with it.

Mr. Chairman: Is Committee agreed?

All: Agreed.

Mr. Chairman: The next sessional paper is sessional paper No. 50. SESSIONAL  
PAPER #50

Mr. Chamberlist: Mr. Chairman, in reply to my question "What is the Administration's policy when purchasing equipment or supplies for the use of the Territorial Government?", the Commissioner has referred Members of Council to regulations in Commissioner's Order 1959, Regulation 18. From the information I have gathered, Mr. Chairman, after considerable research, I find that the regulations although very, very weak in substance giving almost open powers to the Commissioner, has not been followed, those few powers of regulation where bids and tenders should be made for various contractual requirements and supplies have indeed been perhaps inadvertently overlooked. I would ask the Commissioner at this time, Mr. Chairman, if he would give an explanation, or I doubt whether I can ask the Commissioner this because he is not responsible for the regulations, they were before his time. I would suggest, Mr. Chairman, that the regulations, item by item, be discussed in this Committee if this is in order.

Mr. Chairman: Well, I have not a copy of these regulations. Order.

Mr. Chamberlist: In Tab No. 23, Mr. Chairman.

SESSIONAL  
PAPER #50

Mr. Chairman: I don't know how many regulations there are involved in this but I would suggest this is a matter that should properly come under Orders of the Day. If there is a question on policy I would suggest that you state it and deal with it and if it is necessary to go over these regulations one by one this is another matter.

Mr. Chamberlist: Mr. Chairman, yes, I feel it is a question of policy, that the policy of the Commissioner's Order is not being followed and in any event the policy of this particular order is bad, and I would ask that we deal with this section by section and if Mr. Chairman feels that it shouldn't be dealt with in Committee but, although I feel that the sessional paper refers to the Order I think we should be dealing with it in Committee. I will abide by your ruling, however.

Mr. Chairman: Gentlemen, the matter of bringing up these, item by item, long discussions in Council, I think more properly notice should be given in the Orders of the Day for this purpose. I would say continue in relation to sessional paper No. 50 at this time.

Mr. Chamberlist: Well, Mr. Chairman, you've placed me in the spot where you say it should be placed under Orders of the Day and then have asked me to continue under sessional paper. The sessional paper relates to these regulations. So which way can I handle it satisfactorily. As I say, I'm quite prepared to abide by whatever rule you make in the matter.

Mr. Shaw: Mr. Chairman, could we not have the specifics without having to read this 2 or 3 or 4, 5 pages to read on this particular thing. Couldn't we have the particular subject matter that the Honourable Member from Whitehorse East is concerned with?

Mr. Chamberlist: Well, Mr. Chairman, I could do that, but there are very few items that I am not concerned about, Mr. Chairman, you will appreciate that with my background of contractual relations I have quite sufficient experience in contractual relations to show where these regulations that have been placed in as regulations are absolutely ridiculous. They are not regulations that should be beneficial to the Yukon Government in any event, and they're certainly not going to be beneficial to those who are doing business with the Yukon Territorial Government. If Mr. Chairman feels that I should just pick out particular items of the regulations and talk on them, I'm quite prepared to go ahead and do that.

Mr. McKinnon: Certainly, Mr. Chairman, this could be handled by the Honourable Member from Whitehorse East by bringing up a notice of motion to review the regulations relating to government contracts in Committee, and I'm sure that the Council would be very willing to go along with him.

Mr. Chairman: This is quite correct.

Mr. Chamberlist: In that case, Mr. Chairman, I would suggest that the sessional paper be left in and that I will follow it up tomorrow morning. Thank you.

Mr. Chairman: Well, gentlemen, the next sessional paper is sessional paper no. 51, Frontier Package Television, and I would draw your attention to the time.

Mr. Chamberlist moved that we call it 12:00 o'clock and Mr. Shaw seconded the motion.

Mr. Chairman: Motion carried and Committee is in recess until 2:00 o'clock this afternoon.

JK

Page 430.

Thursday, 23 November, 1967.  
2:00 P.M.

Mr. Chairman: At this time, gentlemen, I will call SESSIONAL  
Committee to order and we are discussing Sessional Paper PAPER #51.  
51, Production of Papers No. 6 - Frontier Package Television.  
Councillor Shaw, will you take the Chair?

Mr. Shaw: Are you going to read the Sessional Paper? I'll  
take the Chair.

Mr. Taylor: Mr. Chairman, this was in reply to a question I  
asked, as the paper indicates, and it appears, as the C.B.C.  
are not prepared to go to the Board of Broadcast Governors  
until April 23rd of next year and this is only apparently  
for a T.V. Station in Whitehorse. I also note that they are  
not prepared to go to the Board of Broadcast Governors with  
the LPRT installation at Carmacks until February the 6th and  
indeed, I fail to see why the delays in this regard. I feel  
that there is no reason why the C.B.C. could not go before  
the Board of Broadcast Governors with a number of stations,  
T.V. satellite stations for the Yukon without just going  
with one and I personally am very disappointed and feel that  
something must be done, possibly by Council or Administration  
in order to indicate to the Canadian Broadcasting Corporation  
the interest with which, and the anticipation that we feel  
in relation to getting Television here in the North.  
Now I think, as Mr. Commissioner pointed out in an address  
some days ago, that the Federal government never forget us  
when it comes time for income tax and they never forget us  
when it comes time for contributions in any financial fields  
but they certainly forget us when the Yukon and the people  
of the North ask for equal opportunity in the provision of  
some amenities enjoyed by our Provincial citizens. And here  
is an area where government participates. It is my firm  
conviction that indeed we are talking about a physical,  
mechanical device which is capable of transmitting a picture.  
I believe these are operated with four hour cartridges  
and, so that would pose no problem and I understand that the  
experiment that they ran this summer in Yellowknife and  
other points worked out reasonably well. In other words the  
mechanical equipment works; so it appears to me now that all  
that prohibits the installation of these facilities in the  
Yukon is (a) money and (b) red tape; getting these through  
various government offices and this type of thing and it  
seems to me that when I asked this question I asked some-  
thing in relation to whether or not this was Federal cut-  
backs "whether or not the program for installation of  
frontier package television for Yukon communities has been  
retarded due to Federal budgetary cut-backs", and I find no  
reply to that and I am hoping that maybe Mr. Commissioner  
can give me the assurance that this is not the case; that  
cut-backs will have no effect on this. I don't know where  
we go from here, really. We have asked this question on  
many occasions when we are going to get TV and CBC last  
spring in confidential discussions in Ottawa up in the  
great ivory tower CBC informed us that a certain date was  
forecast and that date is approaching and I still see  
nothing. I deplore this thing. I feel the people of the  
Yukon are entitled to a service like this or, if the CBC  
do not wish to expend money and provide this equipment,  
possibly they can make a deal with private enterprise to  
go throughout the Yukon and provide this service. Those are  
my thoughts anyway. I will resume the Chair now, Councillor  
Shaw.

SESSIONAL  
PAPER #51.

Mr. Shaw: Mr. Chairman, I don't quite understand this new announcement by CBC in respect to having a station-only one and that in April. Now as far as my recollection goes back in the discussions we had with Mr. Gilmore, I think that was his name, the Vice-President of the CBC, it certainly was his intention to make a number of applications I believe in January of this year - this coming January. Now I would have to look at the minutes but I don't seem to have them in relation to that; or I can't find them. Now a note that the application is not going to be until April instead of January; is not going to be for three or four stations in the Yukon; is going to be one station in Whitehorse. Now I am wondering, not having any facts to go on, I am wondering if this is for any particular purpose that there should only be one and should only be here. Would this be due to the fact that there is already an application in for another radio station - TV station here - or is this purely a coincidence. That is the question I can't answer. However, I would say this, Mr. Chairman, that we already have a television station here right at the moment that people can get TV. It is not a CBC station, it is a private station and I might say I have no shares in it whatsoever or interest in it whatsoever except enjoy looking at Television. Why we should have no outlets in the rest of the Territory; we do have one here and yet a government corporation is going to put in, or make an application to put a TV station in this particular area. Now that to me seems absolutely incomprehensible. It appears to me that CBC is in the television business for a reason; the reason is that they will tell you or order what you should see or what you shouldn't see. What Canadians should see or what they shouldn't see and the contents will be such and such and regulations. I feel that this may be correct up to a point but I also feel that a government institution should enter into these fields and provide services to people that private enterprise are not able to service. That is my philosophy in relation to CBC. Now the fact that these outlying areas do not have it when it is possible to have it; they have the technical know-how it can be done in an economical manner, why they haven't considered it in the light of where it is most necessary at the present time is beyond me. We have people coming up into the north and I see many of them right now, Mr. Chairman, where they say "where is the television?" It was a luxury at one time; it is a necessity now. It is a necessity in these smaller communities if you wish to keep people staying up here. To my mind it is something that should be a prior program with the CBC as a government institution to endeavour to provide television entertainment from its entertainment value, from its educational value to areas that it is just not possible or practicable for private industry to provide and I am very disappointed to see that the policy of the CBC is to provide a station where we already have a station and the people who have nothing will continue to have nothing. It is the same old sauce. And I think it is just about time that they changed this particular policy and I certainly would like to know; I believe there is something in the wind. The question is answered, I quite understand, by the local administration, with all the facts that they could get. It is not very encouraging to members from the hinterland, I must admit. I wonder what happened - I don't think the Commissioner can answer this question but I'm almost forced to ask this; what happened to the program in which they were going to install three or four stations in the Yukon, or ask permission to have three or four of these outlets in the Yukon. I wonder if Mr. Commissioner would know if the policy

Mr. Shaw continues.  
has been changed?

Mr. Chairman: Mr. Commissioner:

Mr. Commissioner: Mr. Chairman, the only people who could answer this is the CBC Corporation themselves and every bit of information that I get from them I table for Council and there is nobody any more interested in getting these so-called amenities of life available to everybody in the Yukon; not only those who happen to live within the confines of a ten mile area inside Whitehorse here because I feel myself we need people where they are digging up the mineral wealth as well as in the places where they are simply transporting services and the unfortunate part of it is that we do not have any direct access to the CBC headquarters in Ottawa. Our means of communication with them is through our Departmental headquarters in Ottawa and I will do my utmost to get more information for Council and we will simply proceed to do so. This is the total amount of information I have available for Council at the present time.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Thank you Mr. Commissioner, very much. I appreciate the position that he is in getting information but here we have an application going before the BBG. Now according to what I read in the paper that is a controversial issue here insofar as there is more than one station involved. Now, if you go up to Watson Lake or Mayo or Dawson or Beaver Creek or Clinton Creek I don't think you should have any problems about getting a licence for something like that. Why, an application could be made tomorrow, or do the Board of Broadcast Governors take holidays every six months and it is only once in six months you could bring an application before them. If so, perhaps the fact that Miss LaMarsh is raising so much heck about this whole situation might be part and parcel of improving the situation as it exists. But nonetheless, for the amount of money that the BBC expend on television to run competition to other television stations I would feel that they could certainly start providing television to these areas that cannot have it; that private interests cannot serve and I think it is just about time that they took cognizance of that fact.

Mr. Chairman: Mr. Dumas.

Mr. Dumas: Mr. Chairman, I can hardly agree with the member from Dawson City that television is one of the necessities of life. I can't see anybody being deprived to the point of intellectual starvation because they do not have television. Also, I would like to point out the fact that we do not have true televisions in Whitehorse; we have cable vision as opposed to broadcast television and while they use the same type of machine to receive the picture and defray it to the masses, it is not true television. Notwithstanding what I have just said, I do support the member from Watson Lake and the Member from Dawson City in their plea for the frontier package television. I suggest that frontier package television should firstly go to Watson Lake Dawson City, Mayo and north highway where it will be most appreciated rather than here in Whitehorse where we do have cable television.

Mr. Chairman: Councillor Chamberlist.

SESSIONAL

PAPER #51. Mr. Chamberlist: Mr. Chairman it was not my intention to even get into this subject except that the areas outside where Councillor Dumas suggests should go to first will get it at a minimum cost ... it costs us \$15.00 in Whitehorse.

Mr. Chairman: Councillor Chamberlist, will you take the Chair.

Mr. Taylor: Well, here again we wind up in the same position. I don't know why it is, in everything we do in everything which is somewhat controversial, but we wind up - I recall first of all when we went to Ottawa and had the minutes of all our meetings I asked, by Motion for the Production of Papers that these minutes be printed and made up for all members so that they could view the discussions that went on in Ottawa and I notice that this document was not included in the ones tabled here yesterday. I am wondering - no doubt the Administration intend on supplementing the - to make this full - that this document will be presented. During these discussions with CBC in Ottawa it was Mr. Gilmore who stated that it would certainly assist the CBC if the Council pressed the Minister in respect of this matter and that the Minister had told the CBC he was very keenly interested in TV for the North. Possibly this is where the breakdown has occurred. I don't know. I have tried and tried through the last Session; I was just looking it up here at the moment, and through Sessions before we continually pressed the Administration, Northern Affairs and CBC and indeed in terms of radio we even went to the Prime Minister; not that it ever got to his desk. We tried everything physically within the power of this legislative body as representatives of the people to bring to the North amenities and each time we are thwarted. I have every confidence that as a result of the discussions today nothing will happen. It will be totally ignored and this is - this shows the frustration that one must go through to try and get something for our people. And again it comes down; it shows more than ever before the necessity for self-government in the Yukon Territory, responsible government in the Yukon Territory because we could go afield and ask for private enterprise to come in on some basis or another and it is my understanding that if you have cable systems around a community, and I think this will very likely happen unless the CBC start respecting the people of the North but if you put up cable television you don't have the broadcasting licence and maybe this is the way we can whip CBC and get television into some of our communities like Dawson, Mayo, Watson Lake and so forth. But something has got to be done. I'm glad we had an opportunity to discuss it today because possibly one of the members or indeed the Administration may be able to come up with some idea of how we can provide these things not five years from now or two years from now but now. This was required five years ago, ten years ago, and here we are still talking about it. The CBC rejecting our proposals and going along as if we are prepared to spend five or six years waiting for these facilities. To put a little simple LPRT in at Swift River - Swift River, down the Highway, 733 took exactly five years from the first date of application from this Council chambers until they finally installed it and with a lot of phoning CN and CBC and personal correspondence and this, that and the other thing we finally got the thing hooked up this Fall. Five years! It took three years to get one in at Teslin. Carmacks has been on the list for quite a long time and they are just going before the Board

Mr. Taylor continues..  
of Broadcast Governors so we are told in this Sessional Paper, sometime in February which means they will be darn lucky if they have the installation by next Fall or maybe the spring of 1969. This type of thing has got to stop and I believe it is our right to assert our position here. Now this morning I have tabled a question to Mr. Commissioner which would ask Administration to go directly to Ottawa to go as high to the senior officials of the CBC and see if they can get an answer out of them. Because these are the only people we can deal with. If our request goes to the Director of Northern Service then that is where it stops. The Director of Northern Service just shoots the thing back and says no, no, no. We can't do it, but if we can get up to the hierarchy and get to the policy makers of CBC I think we may resolve this problem; I really do. But somehow that is where we've got to get; even the Prime Minister if necessary. I'd like to hear any idea, anything that any member would have as to how we could provide this service, either (a) in getting CBC boned up on this thing to make these installations or (b) get out and get private enterprise to do it and this is where I could use some help because I'm just absolutely frustrated in this regard. I'd like to have my question answered that I directed to Commissioner Smith. Is this a fact that there are no budgetary cut-backs affecting the CBC TV program as asked in my question?

Mr. Commissioner: Mr. Chairman, I can't possibly answer that question, I haven't got .....

Mr. Taylor: Well, respectfully, Mr. Chairman, this was in a Motion for the Production of Papers and if Mr. Commissioner can't answer it, the idea was that whether or not the program for installation of frontier package television for Yukon communities has been retarded due to Federal budgetary cut-backs. Is it then the intention of Administration to further answer this question; otherwise I'd like this question left in the order paper until it is answered?

Mr. Commissioner: Well, Mr. Chairman, we do our very utmost to answer all Council's questions and there is no (inaudible) as far as any members of my Administration are concerned that I am aware of that we don't try to answer them and we do our very best to get the answer but as far as my ability to answer this question before you right now I just can't answer it but we certainly are proceeding to try as we do with all questions to get an answer but when we present you with answers we try to present you with answers that are factual (inaudible).

Mr. Taylor: Well, then in this respect Mr. Chairman I would ask that this Production of Papers No. 6, tomorrow in Council I will ask that it be placed back in Order Papers but I wonder, Mr. Chairman now, if someone could possibly enlighten me as to their ideas of how we could get television into the Yukon Territory within this coming year.

Mr. McKinnon: I would suggest that you apply to the BBG for a private licence in your area and probably they will move in with a frontier package almost immediately.

Mr. Chairman: Any further questions - anything further for discussion?



SESSIONAL  
PAPER #51

Mr. McKinnon: ... rising and being able to speak in an extremely objective manner. I would just like to say I am prepared to pursue with frontier packages for areas outside of Whitehorse with the same diligence as the members from outside the Whitehorse area pursued the 24 hour radio facilities for Whitehorse.

Mr. Chairman: Mr. Taylor would you take the Chair.

Mr. Taylor: Thank you Councillor Chamberlist, I will resume the chair.

Mr. Chamberlist: Mr. Chairman, it would appear to me the question that has been asked has not been answered inasmuch as there have been no Production of Papers even from an information point of view because the question in fact is this: whether or not the program for installation of frontier package television for Yukon communities has been retarded due to Federal budgetary cut-backs. Well, the answer on the paper doesn't answer that question. I wonder whether I might put this question to Mr. Commissioner again, Mr. Chairman. Mr. Commissioner, do you know if it has been retarded due to Federal budgetary cut-backs?

Mr. Livesey: May I be excused?

Mr. Chairman: Yes.

Mr. Chamberlist: It is not clear to me Mr. Chairman that this question has been answered. The answer says "I have contacted the C.B.C. and I am now advised that an application to the B.B.G. for approval to establish a Frontier TV Station at Whitehorse will be heard. Plans for the extension of the service to other points in the Territory are at present being studied by C.B.C. engineers." But the question is whether there is any shortage of money that is expending the time for this to take place. As Councillor Taylor already pointed out the length of time in getting things done - this is the point that I am making. I don't know, Mr. Chairman if this was answered.

Mr. Chairman: Order, gentlemen, this question has been put to Mr. Commissioner and he declared that he could not answer that question and further information was being sought and we would be advised at a later date.

Mr. Chamberlist: My apologies to the Commissioner.

Mr. Chairman: If Mr. Clerk would so like I would like to give him a copy of the minutes of the meeting for duplication for the Members. Is there anything further on this paper at this time, gentlemen.

Mr. Shaw: Nothing, Mr. Chairman, except a decided feeling of frustration - let's put it that way.

SESSIONAL  
PAPER #48

Mr. Chairman: Gentlemen, we will now return to Sessional Paper #48 and this was the question respecting residents on crew at Mayo Cut-off. The Commissioner was going to get some information.

Mr. Commissioner: I have a copy of the contract here. The contractors with the E. Lobe Contractor Limited and it is for road reconstruction from Mile 0 to 30, Whitehorse-Keno Highway and it is dated the 23rd October, 1967. On page 13 under Article 27 I think we have the information that Council is seeking: Item 1, the contractor will use Canadian labour and material in carrying out the work to

the full extent to which they are procurable, consistent with proper economy and expeditious carrying out of the work. Item 2, subject to sub-section 1 the contractor will employ labour from the locality where the work is being executed to the extent to which it is available and shall use the offices of the National Employment Service in the recruitment of workers wherever practical. Item 3, subject to sub-section 1 and 2, a contractor will employ a reasonable proportion of men who have served on Active Service with the Armed Forces of Canada and have honourably discharged their .... Is this - these are the items of the contract, I believe, that refer to the question raised in Council - Mr. Chairman.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I wonder if I may look at that? This Mr. Chairman, looking at it now, I find is a Territorial Government contract .....

Mr. Commissioner: Yes...

Mr. Chamberlist: Mr. Commissioner...

Mr. Chairman: Order, one at a time.

Mr. Commissioner: It is a contract which, where we are an agent for the Federal government under the Engineering Services, Mr. Chairman.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I want to make this particular point clear. The two parties to the contract, Mr. Commissioner, are the contracting firm of E. Lobe Contracting Limited and the Commissioner of the Yukon Territory.

Mr. Chairman: Is this correct?

Mr. Commissioner: Yes, that is quite right.

Mr. Chamberlist: Separate to the ... from viewing this contract it would appear that the general conditions - which are laid down by the Yukon Territorial government Mr. Chairman, and it is because these conditions are laid down by the Territorial Government, I submit that it is the responsibility of the Territorial government to see that the provisions are fulfilled. It is my understanding from information I received, Mr. Chairman, that local people have applied for employment on this job and they have been told that they have their own regular crews from their head office whom they keep close contact with and employ and they only take on additional workers when they require additional workers This is contrary, I submit, Mr. Chairman, to the conditions of this contract; that they employ local labour. In three cases they were ex-servicemen who applied for work and they were told that they couldn't be taken on because a condition they have with their union contract. I wonder, Mr. Chairman, if Mr. Commissioner will enquire of the contractors as to whether it is their intention to conform to the conditions of the contract entered into with the government of the Yukon Territory or do they intend to first give consideration to their labour agreement with their union branch with whom they have a separate contract in the area of their regular place of business.

SESSIONAL  
PAPER #48.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: As I understand this, the Councillor wishes me to enquire of Lobe Construction if they are going to look to the general terms of the contract as being the criteria by which they are going to operate here or whether they are going to look to the terms of their union agreement as to the criteria under which they employ people; do I have this question correct now, Mr. Chairman?

Mr. Chamberlist: Mr. Chairman, that is exactly how I want it.

Mr. Commissioner: Mr. Chairman, I will be pleased to pose the question to them.

Mr. Shaw: Mr. Chairman, I note in this particular clause that local labour should be employed in a reasonable amount. Now that is a very indefinite type of statement - what's reasonable for one person might be unreasonable to someone else and I think that that is very much an out for anyone to argue on. It's that very word "reasonable" - will depend on the person that is making the statement and not necessarily what is reasonable - reasonable to whom?

Mr. Chairman: Mr. Dumas.

Mr. Dumas: Talking to that point, reasonable - it seems to me that we have local people who are willing to go out there and work for what the people that are on the job working for, then this is reasonable, but apart from that I think that Councillor Chamberlist has pointed out that this contract is being contravened and I would go even further than that in asking a question on the contract because I would point out that they are going against the general terms of the contract. There is no doubt about this. There are four out of thirteen that are Yukon residents and three veterans, three local veterans have been turned down for employment and this type of thing I am sure has happened, I know it has happened in the Yukon before. I've been on jobs where it has happened. I think we must put a stop to it and this is a good time to start.

Mr. Shaw: Mr. Chairman, like I stated, eighteen people working and four of them Yukon people. They consider that reasonable. I would consider that extremely unreasonable but by what criteria can you determine that those people have made a breach of contract. That's all I'm saying. I would feel that it should be that providing Yukon people would give the same type of service, etc. etc. and they should be given full priority for the whole eighteen of the jobs, except maybe the bosses.

Mr. McKinnon: Mr. Chairman... if I had a complaint from a qualified cat skinner who wanted to work on this construction project at the Mayo cut-off and who was told that the Alberta contractor had his own crew here and there were no jobs available, what would be his position and where could he find recourse? Do I ask that of Mr. Commissioner or Mr. Legal Adviser.

Mr. Legal Adviser: This is a question that would, these sort of questions, I can see, will arise. This sort of question would take about a fortnight for a university professor to explain. "reasonable" doesn't quite mean what

Mr. Legal Adviser continues.

Councillor Shaw thinks it means. It means what a Judge in a Court, when there are differences on both sides, decides it means. The word is used in many pieces of contract and many pieces of legislation and it means that you have to satisfy the Judge-if you say something is unreasonable you have got to satisfy the Judge in the last resort that it is unreasonable. Now, it isn't merely a question of mechanics as to whether it is reasonable if four men out of thirteen are Yukoners or not. When this gets down to the final point this is what happens. The Commissioner as agent writes and says, possibly without correspondence, possibly with correspondence: I am going to withhold payment to you under this contract because I hold you in breach of promise. That is where you get down to brass tacks. Then they sue us in Court. Now, we have withheld payments or voided the contract in some other way because we have come down on the side of the see-saw which says they are behaving in an unreasonable manner. Now we've got to be able to stand over that in Court. You cannot predict what the Judge would say in the circumstances. It might very well be in a highly technical operation they cannot feel, as they are moving in that they can get the Yukoner qualified to do the same thing at the same time. As well as that there are points which were raised by me privately some days ago by both Councillor Shaw and Councillor Chamberlist whereby companies are very much at the mercy of trade unions for the particular type of operation they are doing and the particular case was where a trade union, operating with headquarters in Vancouver had laid down a rule of practice for members that only people who applied to the Vancouver office, even though there were already members of the union could get work in the Yukon Territory. Now the particular ... of the Councillor seeking from me was to see could he pick my brain and devise some form of legal sanction whereby we could put an end to this particular restrictive practice which affects Yukoners in many more cases than this particular one. .... It is not easy. Labour Unions are very powerful people and to a large extent since 1907 they have been immune from attack in many spheres by government and many people feel that except in exceptional cases this should continue to be so. So, a legal sanction is what you require but the question is, how do you operate. In this particular case it seems to me that the only way we can do anything is to take the matter up with them, ask them for an explanation as to how they are behaving on the contract; if we are satisfied with it and we accept it but if we have a little bit of doubt about it we still accept it. But, if we have no doubt at that point of time then we can exercise a legal sanction under the terms of the contract itself. Now this is pure guess work as to how the Commissioner, having viewed the whole of the facts and the information would view the situation but I should tell you that it does not purely depend on numerical proportions. The government of the Territory is continually recruiting outsiders for positions in the Yukon - both the Federal government and the Territorial government because it feels, having regard to the specifications for a particular task it is impossible, or unduly difficult, to recruit a person for the particular task. Now, some of the contractors feel the same thing, and in many cases I am sure their fear is unjustified. There are qualified people willing to do the particular task available locally, but some of these people moving in from the other side don't know this so, operating in remote areas they will tend to have some kind of a link whether permanent or semi-permanent with crews of workmen to move them quickly as contractors lose too much money when they have to wait too long to engage men.

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PAPER #48. Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, I would like to make it clear that I support the principles of labour unions, I support collective bargaining, I appreciate that the unions have in the past enhanced the position of the working man but I am absolutely opposed to the unions taking any control over our labour here to the detriment of our people and their families and as far as I am concerned, and I want to make it loud and clear that under no conditions tolerate wherever I can help it that any union organizer from Vancouver or Edmonton or anywhere else are going to say to our people in the Yukon "you can't have work here in this Yukon Territory notwithstanding that you live here, notwithstanding that you bring your family here, notwithstanding that it is a Yukon Territorial contract, notwithstanding that we might be getting subsidies from your people here; you can't have it because we say you can't have work". Now, I'm against that! Now I don't care what, but if there is a necessity for us to make legislation of a nature that will tie these unions down to recognize the point that our people here come first and foremost; I am going to work and fight for that point and if anybody here on this Council doesn't do that they have lost their responsibility to the people who live here. Some of the unions coming here are telling us now who they are going to employ. As a matter of fact they have become so brazen and so blatant in their attitude towards the people of the Yukon Territory that it's high time the matter was taken up so strongly, so strongly that the Territorial government will say to them before they enter into a contract: understand this, that we are not concerned about your union conditions if you are going to stop our people from being employed. Now we have got to start figuring out a way, Mr. Chairman, real quick and real early, especially with the construction and the work that has begun to take place in the next number of years and certainly if we cannot think in terms of self-government, responsible government, we have got to show our own people right now that we are going to be responsible to them and that we are going to show them that we are going to take care of them. If we neglect to do that as far as I am concerned we are irresponsible ourselves and don't deserve to have any further responsibility given to us. I blew off real good and I mean every word I have said!

Mr. Chairman: Anything further gentlemen?

Mr. Shaw: Well, at this moment I certainly agree wholeheartedly with the Member from Whitehorse East and I think the Legal Adviser has stated exactly what I was saying; how do you define reasonable.

Mr. Chairman: Have you got anything else on this paper?

Mr. McKinnon: I have one cat skinner who I know to be a qualified cat skinner and has been involved in Territorial Government projects before and has been refused work by this contractor because his crew is brought in from Alberta. This person wants to know where he can go and I don't know what he can do. What can he do?

Mr. Legal Adviser: To every contractor must be a minimum of two parties and I don't think under normal circumstances; now this is normal circumstances the Courts would allow any other party, except in very special circumstances, to take any action involving that particular contract. Occasionally it has but I would not say this is one of them. I would say that the parties to the contract, either of them

Mr. Legal Adviser continues  
can sue or recind or take some remedy. I cannot see how  
he can use the Courts in the normal way to have this  
remedied but I happen to be thinking over Mr. Shaw's  
particular problem, Mr. Chamberlist's particular problem,  
and I happened to meet a former personnel officer who was  
operating here and his suggestion was that if the Council  
was to take on the task of introducing labour legislation  
similar to that type in force in varous provinces whereby  
the unions operate - you would have to register as bargain-  
ing agent and so on and then that might give us some  
limited control over the operations of any labour unions  
who operate here. I'm not sure how this would be done;  
I don't know enough about it because I'm a lawyer and not  
a labour legislator or a labour expert, but if Mr. Shaw  
and Mr. Chamberlist devoted themselves to a study of this  
question I would certainly make the books available to them  
and they might come up with something.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, it may be that we should change  
the terms of the general contracts in the Yukon - that we  
let.

Mr. Commissioner: Mr. Chairman, this problem that has a  
side issue with a question that has come forth here now is  
a problem that has reared its head in every part of Canada  
in some form or another in the course of the last several  
years, particularly in areas that have in the past been  
remote and have suddenly become the scene of very huge and  
fantastic construction projects. It has been of utmost  
concern to every person who lives in the Yukon, none the  
least of which has been myself, the attitude that has been  
displayed by certain elements of workers' organizations in  
attempting to protect their interests for their workers in  
moving from construction project to construction project  
with no thought in mind concerning the political area in  
which they were in and I refer to political areas in  
one province or the Territory. There have been some meetings  
held between our Minister and the National labour leaders  
on this subject in Ottawa. I have personally had one meet-  
ing with officials of the Teamsters Union in Vancouver.  
This is going to lead to other meetings and if this matter  
is not resolved in a co-operative manner, that I feel is  
going to be acceptable to the people of the Yukon Territory  
it will be my duty to present legislation to this Council  
that will in effect make it mandatory for a union operating  
in the Territory to conduct itself in a manner in hiring  
policies that are acceptable to the general public of the  
Territory.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, we created legislation just a year  
or so ago, non-discriminatory legislation and that was to  
the effect that a person, any person regardless of colour,  
creed or ethnic origin would have the same treatment. It  
has got to a stage, and I have proof of this Mr. Chairman,  
that certain unions are making it so that it is practically  
impossible for the workmen in the Yukon to get jobs on some  
of these localities. For many years we haven't been bothered  
with things like this because we haven't had the impetus

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Mr. Shaw continues..  
to industry which we have had the last three or four years but now this is coming forth in a very forceful manner that precludes and I say precludes many workmen in the Yukon from getting jobs that they are well qualified to fulfill. And I am certainly going to, and Mr. Chamberlist, endeavouring to see what we can come up with to stop this practice. I feel that our first duty is to the people whom we represent to see that they are protected from a form of exploitation and this is exploitation. It might be in a backward sense but it is nonetheless boiled down to the same thing, and discrimination. And I say that we must come up with something and if they throw it out in the Courts or any other place, well we will have to take a chance on that, but certainly we should make some attempt, and right at this session, to do it.

Mr. Chairman: Are you clear, gentlemen? At this time I will declare a recess.

Thursday, November 23, 1967.  
3:30 p.m.

Mr. Chairman: I will now call Committee back to order, and at this time, gentlemen, I wish to inform you that there is nothing further that we can do before us.

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

Mrs. Gordon: I will second that motion.

Mr. Chairman: It has been moved by Councillor Shaw, seconded by Councillor Gordon that Mr. Speaker do now resume the Chair. Are you prepared for the question? Are you agreed? I will declare the motion carried.

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: I will now call Council to order and may we have the report of the Chairman of Committees.

Mr. Chairman: Yes, Mr. Speaker. Committee convened at 10:55 a.m. to discuss Bills, Sessional Papers, Motions, and Memorandums. It was moved by Councillor Chamberlist, seconded by Councillor Dumas, that Bill #6 be reported out of Committee without amendment. Motion carried. Upon motion, Committee recessed at 12:00 noon and reconvened at 2:10 p.m. It was moved by Councillor Shaw, seconded by Councillor Gordon, that Mr. Speaker do now resume the Chair. Motion carried.

Mr. Speaker: Are we agreed with the report of the Chairman of Committees?

All: Agreed.

Mr. Speaker: Gentlemen, have you anything in respect to the agenda for tomorrow?

Mr. Chamberlist: I understand there is nothing available for tomorrow except what will be presented tomorrow morning.

Mr. Speaker: Committee agreed?

All: Agreed.

Mr. Speaker: What is your further pleasure?

Mr. Shaw: Mr. Speaker, I would move that we call it 5:00.

Mrs. Gordon: I will second the motion.

Mr. Speaker: It has been moved by the Honourable Member from Dawson, seconded by the Honourable Member from Mayo, that we call it 5:00. Are you prepared for the question? Are you agreed? I will declare the motion carried.

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: This Council now stands adjourned until 10:00 a.m. tomorrow morning.