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YUKON TERRITORIAL COUNCIL

SECOND SESSION 1967

Votes and Proceedings

Volume 2

Page 443.
Friday, November 24, 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 call Council to order. I have for your attention this morning an invitation to lunch from the Whitehorse Chamber of Commerce, 12:00 Noon, on the 29th of November, at the Whitehorse Inn. I would appreciate your directions. I would also like to table this morning Sessional Paper No. 53, Self-Serve Liquor Store.

INVITATION
FROM CHAMBER
OF COMMERCE

SESSIONAL
PAPER #53

Mr. Speaker: Are there any Reports? Introduction of Bills.

Moved by Councillor Shaw, seconded by Councillor Taylor, that Bill No. 14, An Ordinance to Provide for Labour Standards in the Yukon Territory, be introduced at this time.

BILL #14
INTRODUCED

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Are there further Introduction of Bills?

Moved by Councillor Shaw, seconded by Councillor Chamberlist, that Bill No. 15, An Ordinance to Amend the School Ordinance, be introduced at this time.

BILL #15
INTRODUCED

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Notices of Motion or Resolution.

NOTICES OF
MOTIONS

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion respecting Sessional Paper No. 35.

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

Mr. Chamberlist: Mr. Speaker, I wish to give Notice of Motion re Business Licences. Mr. Speaker, I wish to give Notice of Motion re Commissioner's Order No. 1959-18. Mr. Speaker, I wish to give Notice of Motion re Confederation of Tomorrow Conference.

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#34

#35

Mr. Taylor: Mr. Speaker, on a point of order. I believe a Member is only allowed three Motions on the Order Paper at one time.

Mr. Speaker: I believe that is Notices of Motion. Are there further Notices of Motion or Resolution? May we now pass to Orders of the Day under Notices of Motion for the Production of Papers. Are there any Notices of Motion for the Production of Papers this morning? Motions for the Production of Papers still on the Order Paper are Nos. 4, 5, 7 and 8. Under Motions, we have one of Mr. Chamberlist's still in Committee covering Legislation Similar to the Summary Convictions Act of British Columbia. Are there any questions?

QUESTION
EXPO
PAVILION
LEGISLA-
TIVE
BUILDING

Mr. Taylor: Mr. Speaker, I have a question I would like to direct to Mr. Commissioner this morning. I am wondering if his telex has rattled and if he finally now this morning can give us a reply to my question in respect of our Expo pavilion legislative building?

Mr. Commissioner: I have nothing to.....

QUESTION
ALASKA
HIGHWAY
TAKE-OVER

Mr. Taylor: I have a second question, Mr. Speaker. In view of the rumblings I hear out of the Federal Administration and the many meetings being held with respect of the take-over of the Alaska Highway, I would ask this morning of Mr. Commissioner if he could inform me if indeed we are taking over the Highway and whether or not this is a decision which involves the Legislative Council of the Yukon Territory?

Mr. Commissioner: I have no further information myself, Mr. Speaker, than what Council already has, except that we have continued to look into the details of the problems that are involved, particularly as it applies to facilities and personnel and things of this nature and there is no proposed agreement that has been made available to me. In other words, Mr. Speaker, the situation is that the target date remains for April 1. There is nothing firm or in a concrete nature that I could bring forth to Council.

QUESTION
RE BILLS
FORTH-
COMING

Mr. Dumas: Mr. Speaker, could the Commissioner please advise how many more Bills, to his present knowledge, will be forthcoming to this Session.

Mr. Commissioner: The actual numbers of them, Mr. Speaker, I am sorry that I could not definitely state. I think one of the most important ones that we hope that Council will see fit to deal with was introduced this morning, the Labour Standards Legislation, Mr. Speaker, and perhaps Mr. Legal Adviser may have something further on this.

Mr. Legal Adviser: I don't want to be held to this but I would say that there would be up to half a dozen Bills approximately ready in the sense that they have been discussed, the draft is ready, and we are just awaiting final clearance of the final draft. Exactly how many there will be, I cannot say.

QUESTION
CARCROSS
SCHOOL TO
BE JUVEN-
ILE
DETENTION
HOME

Mr. Chamberlist: Mr. Speaker, a question addressed to the Commissioner. An oral answer will suffice. Mr. Commissioner, could you advise whether any inquiry has been made as to whether the Carcross School is to be used as a Juvenile Detention Home?

Mr. Commissioner: Mr. Speaker, approximately three years ago, presented to this Council was a Corrections Program and this total Corrections Program was to consist of three physical units - one to be a medium security unit, one to be a minimum security unit and one to be a Juvenile Detention Home. It is my understanding that, for reasons of either no firm plans being available or for reasons of financial cost, the Juvenile Detention Home was not proceeded with as part of the original package. At the last Session of Council, it was made abundantly clear by the Council that they wished to see this Juvenile Detention Home become a reality if at all possible. As a consequence of this intimation, it has been the task of my Administration to see what could be done to make this possible. From within the capital funds that we see that we presently have available in the course of the next year or eighteen months, it doesn't look as if we can

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Mr. Commissioner continues:
make this possible and we have been looking into other building possibilities. One of the possibilities that we looked into was the Carcross Residential School. Now, it is fair to say that we have no firm intimation from either the Department of Indian Affairs, who own the school, nor the Anglican Church, who operate it under contractual arrangement with the Department of Indian Affairs, have even firmly said that this building is to become inoperative as a residential school but it is the general policy of the Department of Indian Affairs at the request of the Territorial Council and the Territorial Administration to endeavour to have schools available where the students are - not take them to residential schools so we felt that it is a reasonable assumption that possibly in the fairly near future the Carcross Residential School may not be used for the purpose for which it was originally intended, and with this thought in mind, we have definitely looked at it from a structural point of view and from a possible operative point of view to see if it did become available if it would serve the purpose of a Juvenile Detention Home.

QUESTION RE
CARCROSS
SCHOOL TO
BE
JUVENILE
DETENTION
HOME

Mr. Dumas: Mr. Speaker, would the Commissioner please advise the Minister of Indian Affairs & Northern Development of this Council's willingness and desire to meet with him in special formal Session in this Chamber.....

Mr. Speaker: Order. Order. Is this a question?

Mr. Dumas: Yes, Mr. Speaker. I have worded it, "Would the Commissioner".....at any time whatsoever that the Minister chooses during his stay in Whitehorse which I understand is fairly lengthy in terms of ministerial visits to the North?

QUESTION RE
MEETING WITH
MINISTER

Mr. Commissioner: I would not have any reason not to Mr. Speaker. While I am on my feet, I understand this morning that there has been some transportation difficulties with the Minister's aircraft so maybe the stay won't be as long in Whitehorse as planned.

Mr. Chamberlist: Mr. Speaker, arising out of my previous question re the Carcross School, Mr. Commissioner can you assure Council that before any steps are taken re the Choooutla Indian Residential School that the Administration will bring the matter before Council.

QUESTION RE
RESIDENTIAL
SCHOOL

Mr. Commissioner: Mr. Speaker, I can assure Council that we would have no alternative. We will need money if we are going to.....

Mr. Taylor: Supplementary to Mr. Dumas's question, I am wondering if the Commissioner will be in a position to advise us before we rise at five o'clock this evening or thereabouts as to whether indeed the Minister will accept our request for a Session on Saturday morning so that we might make our agenda accordingly?

QUESTION RE
SESSION WITH
MINISTER

Mr. Commissioner: All I can say to this is that I am hopeful of hearing from the Minister's party in the course of the day today, Mr. Speaker. The only portion of the Minister's itinerary that I can verify, allowing that air transportation permits him to get here at all, is the invitation from twelve o'clock to two o'clock on Saturday. That's all I can confirm at this time.

Mr. Speaker: Are there any further questions?

QUESTION RE Mr. Taylor: Just one final question, Mr. Speaker. I would
SUPPLEMENTARYlike clarification from the Administration...Mr. Commissioner
ESTIMATES should be able to answer this...it has been brought to my
attention that indeed we will not be dealing with supple-
mentary estimates at this Session and in view of the fact
that I was hoping that we could have some of the Department
Heads here, which is the normal routine when we discuss
supplementary estimates, am I to understand that there will
indeed be no supplementary estimates at this Session?

Mr. Commissioner: Well, Mr. Speaker, I am hopeful that we
are not going to have to request supplementary funds from
Council and we are endeavouring to operate within those
funds which we know we have available to us and for me to
say positively that there would be no supplementary estimates,
I don't think that I would want to put myself in that parti-
cularly positive situation but I would say this that we are
very hopeful that we do not have to bring forward supplementary
estimates.

Mr. Taylor: Supplementary to that question...a question
arising out of an answer given to a question yesterday,
Mr. Speaker, when will the Administration be tabling the
documented picture of the current state of finances of the
Yukon Territory?

Mr. Commissioner: Mr. Speaker, as I advised you prior to
the Council opening this morning, this should be available
sometime around between 11:00 and 11:30 this morning.

Mr. Speaker: Any further questions?

Mr. Taylor: Am I then to assume that this will be tabled
at the next sitting of Council?

Mr. Commissioner: Mr. Speaker, we will get them into Mr.
Clerk's hands and as quickly as the duplication process
is completed, Council will get them.

Mr. Speaker: Any further questions?

QUESTION
MEETING
WITH THE
MINISTER

Mr. Dumas: Just one supplementary question to what has gone
before, I would like to know if the Commissioner is clear
that the Council will meet at any time whatsoever with the
Commissioner...with the Minister in formal Session, Mr.
Speaker?

Mr. Chamberlist: Mr. Speaker, I wonder if the Commissioner
would answer the question that was just put.

Mr. Commissioner: I thought I was being told something,
Mr. Speaker.

Mr. Speaker: No. I think the Honourable Member wishes to
know whether it was understood by Mr. Commissioner that
Council would meet at any time with the Minister in formal
Session. Would the Member from Watson Lake please take the
Chair?

Mr. Taylor takes the Speaker's Chair.

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Mr. Livesey: I have two questions this morning, Mr. Speaker. My first question is "What steps may be taken to protect Customs and Immigration Officers from the rough handling of loaded firearms at border checking stations by highway travellers?" My second question is addressed to the Welfare Department, Territorial Government. The text reads "Out of the total estimate for welfare for the period 1967-68, what percentage of the total cost was allowed for administration costs and how much for services?"

QUESTIONS
#19

#20

Mr. Livesey resumes the Speaker's Chair.

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

Moved by Councillor Shaw, seconded by Councillor Dumas, that First Reading be given to 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.

FIRST
READING
BILL #11

MOTION CARRIED

MOTION
CARRIED

Moved by Councillor Shaw, seconded by Councillor Dumas, that Second Reading be given to 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.

SECOND
READING
BILL #11

Mr. McKinnon: Mr. Speaker, I find it extremely difficult to discover how this House can possibly debate any money bill before it when there is no presentation of the financial situation of the Territory before this House at this time. I can't debate it and I am not going to.

Mr. Shaw: Mr. Speaker, in discussing this particular Motion, this is an amount of money that Council requested be put into the Treasury to enable this Low Cost Housing Program to continue and I feel this is very necessary to get this on the road as soon as possible and if we looked at five thousand documents, it wouldn't alter the facts of the case as they require money to continue with this Low Cost Housing. That is why I have seconded this particular Motion.

Mr. Dumas: I would just like to point out that this is National Housing.....C.M.H.C. supplementary...supplementary to C.M.H.C. loans and because it has to do with housing, Mr. Speaker, I feel it is very important that we get it through.

Mr. Taylor: This is the point I wished to make...in respect that it was Low Cost Housing.

Mr. Speaker: Any further discussion on the principle of Bill No. 11? Would the House now be prepared for the question?

Mr. Speaker: (Calls the question). Does the House require a Division?

All: Division.

SECOND
READING
BILL #11

Mr. Speaker: Mr. Clerk, a Division has been called. Would you please ascertain the Division by asking the Member from Whitehorse North first to arise.

Mr. Clerk: The Member from Whitehorse North.

Mr. McKinnon: My vote on Bill No. 11 is negative.

Mr. Clerk: The Member from Whitehorse East.

Mr. Chamberlist: My vote on Bill No. 11 is negative.

Mr. Clerk: The Member from Dawson.

Mr. Shaw: Very positive.

Mr. Clerk: The Member from Watson Lake.

Mr. Taylor: Nay.

Mr. Clerk: The Member from Mayo.

Mrs. Gordon: Yea.

Mr. Clerk: The Member from Whitehorse West.

Mr. Dumas: Yea.

Mr. Clerk: Mr. Speaker, the House is divided three yea and three nay.

Mr. Speaker: In view of the fact that it is, I think, desirable that this Motion in connection with Low Cost Housing be kept open, I will cast my vote in favour of the Motion. I will declare the Motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: May I have your further pleasure.

Mr. Shaw: Mr. Speaker, I would move that Bill No. 13, An Ordinance to Authorize the Commissioner to enter into an Agreement with the Anvil Mining Corporation Limited, be given First Reading at this time.

Mr. Chamberlist: Mr. Speaker, point of order, please. I thought we were taking these in order, Mr. Speaker.

Mr. Speaker: If the Member desires to proceed with any Bill, it is his right to do so. Is there a seconder for the Honourable Member's Motion on Bill No. 13? May I have your further pleasure with regard to Public Bills and Orders? Bill No. 11 has been dealt with. Bill No. 13 has not been proceeded with and Bill No. 12 has not been called and we also have Bill No. 6 for Third Reading.

FIRST
READING
BILL #12

Moved by Councillor Shaw, seconded by Councillor Taylor, that First Reading be given to 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.

Mr. Speaker calls the question.

All: Division.

Handwritten initials

Mr. Speaker: A Division has been called. Would you proceed, Mr. Clerk?

FIRST
READING
BILL #12

Mr. Clerk: The Member from Whitehorse North.

Mr. McKinnon: Nay.

Mr. Clerk: The Member from Whitehorse East.

Mr. Chamberlist: Nay.

Mr. Clerk: The Member from Dawson.

Mr. Shaw: Yea.

Mr. Clerk: The Member from Watson Lake.

Mr. Taylor: Yea.

Mr. Clerk: The Member from Mayo.

Mrs. Gordon: Yea.

Mr. Clerk: The Member from Whitehorse West.

Mr. Dumas: Nay.

Mr. Clerk: The House is divided three yea and three nay, Mr. Speaker.

Mr. Speaker: Thank you, Mr. Clerk. I will give you the same reasons that I gave you on the previous Bill and I will vote in favour of the Motion in order to keep the question before the House. I will declare the Motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Shaw: Mr. Speaker, I would move 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 given Second Reading at this time.

Mr. Taylor: Mr. Speaker, could I have that Motion again? Is this adopting the title?

Mr. Speaker: No. Bill No. 12.

Mr. Shaw: I believe I moved Second Reading to Bill No. 12.

Mr. Speaker: That was my understanding.

Mr. Taylor: Mr. Speaker, I seem to be confused on that last vote. I thought we were voting Third Reading on Bill No. 6.

Mr. Speaker: Order. Order.

Mr. Taylor: Am I to understand, Mr. Speaker, that we are now dealing with Bill No. 12, an Ordinance respecting this Anvil.....

Mr. Speaker: We are at the moment dealing....we have passed First Reading and we are now dealing with 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. Now, this is the Bill we are dealing with. We have passed.....First Reading has been passed. We are now discussing Second Reading, and the Member for Dawson has moved Second Reading. We have yet to receive a seconder for the Motion. Is there a seconder for the Motion? If not, may we proceed with Public Bills and Orders and may I receive your directions.

Mr. Chamberlist: Mr. Speaker, I move that Bill No. 6, An Ordinance to Amend the Local Improvement District Ordinance, be given Third Reading. THIRD READING BILL #6

Mr. Taylor: Yes, this I will second, knowing which Bill I am seconding, Mr. Speaker.

MOTION CARRIED MOTION CARRIED

Mr. McKinnon voted contrary.

Moved by Councillor Chamberlist, seconded by Councillor Taylor, that Bill No. 6, An Ordinance to Amend the Local Improvement District Ordinance, that the title be adopted as written. TITLE ADOPTED BILL #6

MOTION CARRIED MOTION CARRIED

Mr. McKinnon voted contrary.

Mr. Speaker: I will declare the Motion carried and Bill No. 6 has passed this House. May I have your further pleasure.

Mr. Taylor: Mr. Speaker, I wonder if I might have the approbation of the House to point out a matter in relation to the Order Paper and ask that Motion for the Production of Papers Passed....that No. 6, Motion for the Production of Paper No. 6, still stand until the Administration provide the full answer to that question.

Mr. Speaker: Thank you, Mr. Taylor. Will the Clerk please take note. May I have your further directions?

Mr. Taylor: Mr. Speaker, in view of the fact that we only have Bills to discuss in Committee of the Whole today, I would move that Mr. Speaker do now leave the Chair and Council resolve into Committee of the Whole for the purpose of discussing Public Bills. MOTION TO MOVE INTO COMMITTEE

Mr. Dumas: I will second that, Mr. Speaker.

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: This morning, gentlemen, the only Bill we have is Bill No. 11 that being the Bill moved on Second Reading into Committee this morning. At this time I will declare a very brief recess while you get your Bills out.

RECESS

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Mr. Chairman: I will now call Committee to order. We will now deal with Bill No. 11, An Ordinance to Authorize the Commissioner to borrow a sum not exceeding One Hundred Housand Dollars from the Government of Canada and to Authorize the Commissioner to enter into an Agreement relating thereto. (Reads Bill No. 11). Would you proceed, gentlemen. BILL #11

Mr. McKinnon: Mr. Chairman, I find it very hard, as I stated in the House formally, to vote on any matter concerning money in this House until the financial position of the Territory is made public to the elected representatives of the people. How this Council can authorize the Commissioner to borrow a sum not exceeding One Hundred Thousand Dollars from the Government of Canada when the financial position of the Territory is not known to the people of the Territory, I find impossible and I have to stay with the principle I stated in the House that I will not vote on a money matter until this financial position is made clear for the people.

Mr. Chamberlist: Mr. Chairman, it seems to me bad business to attempt to borrow money when you don't know whether you've got enough to satisfy your needs. Nobody would do it in private enterprise....go and borrow \$100,000.00 before they know whether they have sufficient of their own funds to carry out the project that they have in mind. I cannot support it because of that simple business principle. This Council has asked and asked and asked, mostly through the Honourable Member from Watson Lake, for the status of our finance. The answer has not been forthcoming and until such time as this answer is forthcoming from the Administration, I will not support any money bill.

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, I would like to ask a question in relation to this. Is this another one of these agreements whereby the Commissioner borrows money to satisfy an agreement that the Federal Government have made with possibly the Central Mortgage and Housing Corporation or are we indeed a party to this existing agreement wherever this money goes?

Mr. Commissioner: Mr. Chairman, this specifically refers to an Ordinance that we have passed in this Council here and the purpose of this money is not for normal expenditures of the Territory, Mr. Chairman. It is specifically designed to provide monies for second mortgages up to the amount of \$2,000.00 if in fact a first mortgage is already outstanding under the National Housing Act up to a maximum of \$18,000.00 and the Central Mortgage and Housing Corporation do the collecting for us on this, along with the first mortgage payments, and reimburse the coffers of the Territorial Government with these collections. This money is not for the general purpose of the financing of the Yukon Territory. It is specifically involved with monies to provide second mortgage funds.

Mr. Taylor: Supplementary to this then, Mr. Chairman, it then appears as the Federal Government really want us to disperse on their behalf \$2,000.00 second mortgages and that is what this money is for. If this be the case, where do we find the money in order to repay this loan? Does this appear in our deficit grant?

BILL #11 Mr. Commissioner: This is a specific item and the monies to repay this with are collected by C.M.H.C. from the person who has the first mortgage. If you have a first mortgage loan and your repayment on this we will say is \$150.00 a month and the second mortgage money...we will say you have \$1,000.00, and this payment is \$6.00-\$7.00 a month...your total is \$157.00 and the \$7.00 is collected on behalf of the Territorial Government by C.M.H.C. to repay the monies that are advanced. We only take these monies as we need them. This is a specific account.

Mr. Taylor: My point is that...again...that if someone fails to repay this \$2,000.00, who is stuck to pick up the tab - the Federal Government or the Territorial Government?

Mr. Commissioner: This is cured, Mr. Chairman, by the charge against the particular piece of property that is involved and it would become a matter of civil litigation whereby the necessary Court procedures would be instituted so that the property on which the lien was placed was repossessed and whatever legal functions were involved in this particular matter.

Mr. Dumas: Mr. Chairman, I might point out that this is second mortgage money and as such, the support that it has is just about negligible. You have to have the approval of the holder of the first mortgage in order to collect your money, therefore I would say that we have no substantial backing, and what I think Councillor Taylor was interested in, and what I am interested in too, is whether we could possibly get stuck with these second mortgages.

Mr. Commissioner: I would say, Mr. Chairman, that subject to checking the actual contractual arrangement that is entered into here, it is possible and conceivable..... lost in this matter. I don't know whether Mr. Legal Adviser has had an opportunity to check out our C.M.H.C. Mortgage agreement to see just what our actual position is in this matter.

Mr. Legal Adviser: It is not quite correct to say that you must have the approval of the first mortgagee. A second mortgagee who is not paid can take proceedings independently to enforce his security if the property is secured by the second mortgage, but the monies realized thereby would have to pay off any debt to the first mortgagee in priority to the second mortgagee. As I understand the position...this isn't really a legal question grants are given under the scheme in use in the Territory at the moment whereby when a person has spent a certain number of years in the house, he is forgiven a proportion of the second mortgage by the Territory for each year he has been in the house. I don't think the Territory attempts in fact, providing the person stays in the house sufficiently long, to collect the whole of the second mortgage. What particular arrangement this is, I am not sure.

Mr. Taylor resumes the Chair.

Mr. Shaw: Mr. Chairman, in introducing this Bill and discussing it, we are fulfilling an obligation by which Council a number of years ago asked the Administration or the Federal Government to assist the people in the Territory in obtaining more money than they would normally be entitled to under the terms of the National Housing Act in the form of a second mortgage. It has been intimated by some Members, and it

Mr. Shaw continues:

certainly appears to be the feeling of some Members of this Council, Mr. Chairman, that this is the wrong thing to do... to introduce and process this particular Bill. I cannot agree with that. I do not think that we are by-passing any principles whatsoever when we process this particular matter. The monies that are involved in this particular amount are, in the first place, made as a grant to the Territory. The interest is also given to the Territory to repay the loans to assist people in constructing residences. I have heard quite some discussions....I have been involved in discussions relating to the acute housing situation in the Yukon and I agree that there is an acute housing situation. To pay for these houses requires money, requires loan money, and this is a means whereby we are fulfilling the obligations of previous Councils in asking for this and approving the money and I would certainly agree with this particular Ordinance.

Mr. Dumas: Mr. Chairman, in general I concur with the Councillor from Whitehorse North and the Member from Whitehorse East that we shouldn't be involved with money matters at this point in the Council Session, however, because of the critical problems that we have up here with housing and remember this is the same Council that last Monday or Tuesday passed six Motions on housing. I think we all agree that it is a critical problem. Because of this, I will go along with this; also because of the fact that the Territory is simply borrowing \$100,000.00 that stays in a special fund. If it is not used, it is returned to the Government, therefore not making the Territory liable. On the other hand, if it is used, it is collected again from fifty individuals if the total amount is used, comes back into Territorial coffers and is funnelled back into Federal funds to amortize the loan. Therefore, I believe myself that the risk involved here is minimal...one or two may duck out of their obligation.. one or two individuals, involving \$1,000.00, or \$2,000.00, or \$3,000.00 maybe, but I think that our first obligation as representatives of the people is to the people and certainly we all realize the very serious housing problem that exists in the Territory and this is one of the ways to help overcome it.

Mr. Chairman: Gentlemen, it now being ten o'clock, I will declare a short recess and continue this debate right after... eleven o'clock.

JK

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Friday, November 24, 1967.
11:00 o'clock a.m.

Mr. Chairman: Well, gentlemen, at this time I will call Committee BILL
back to order and we are discussing Bill No. 11, and what is your #11
pleasure?

Mr. Chamberlist: Mr. Chairman, I have heard two members speak this morning about obligations we have to our people relative to the housing situation in the Territory. I doubt whether there is a single member of this Committee that doesn't appreciate how critical the housing situation is, but it doesn't mean to say that because we support all those things that we feel should be done to alleviate the housing situation that we have to prostitute our principles, and I have no intention of doing just that. I believe that we have a far greater responsibility, a far greater obligation to the people of the Yukon to see that the administration provide this elected body with the needs and requirements to properly function and I say that in regards to finance they have not done this. This is why I say in principle, on the principle of that, I will not support any money bill. However, at this time I would also point out that a request has been made for a loan agreement to borrow \$100,000. In the explanatory note it says there are still a number of applications outstanding for a number of second mortgage loans. And \$100,000 based on \$2,000 second mortgage loan means 50 houses. From the information that I have received, there is certainly no 50 applicants that are waiting for second mortgage loans, so the suggestion that this bill is there for that purpose seems to be erroneous. At this time, Mr. Chairman, I would like to put a question to the Commissioner. Could the Commissioner tell this Committee how many applications are outstanding for second mortgage loans.

Mr. Commissioner: Mr. Chairman, I would have to determine that exact number but I could tell you that as of September 30, of the \$100,000 that was originally agreed to by Council that we could borrow for this purpose, we had either paid out or committed approximately \$75,000 and we have requested and have received from the federal government the last amount of money to make up this total of \$100,000. Would I be permitted to explain to Council how we deal with these monies?

Mr. Chairman: Proceed.

Mr. Commissioner: The Council originally authorized the borrowing of up to \$100,000 for this specific purpose and we have drawn from the federal government monies on an as and when required basis. In other words, we did not draw the full \$100,000 at one time. This has been brought forward in \$10,000 and \$20,000 units as we needed it, and as we have had approved applicants come forward under the C.M.H.C. agreement that prevails concerning the giving and the collecting of these monies, these monies have been advanced and the payments have been made. The situation is available to you in the Public Accounts of the Territory. It comes under, on page 5, it indicates here Non-Budgetary Disbursements During the Year and total so and so. The accumulative positions of these programs is reflected in the statement below and you will see that up until the 31st of March 1967, of the \$100,000 that you had authorized us to borrow, we had borrowed a total of \$70,000 up to that time and we had actually loaned out up to that time \$57,809 and we had a free balance at the 31st of March of \$12,191. Now, since that time we have brought forward a further \$30,000 to come up with a total amount borrowed of \$100,000, which is the maximum that we can draw on this, and up until September 30 we had loaned in gross figures \$75,000, leaving at that point a balance to loan of \$25,000, and this is what we are asking for here now, is

BILL
#11

that, as we are apparently practically at the end of our funds, we are asking for you to give us authority to borrow on an as and when required basis on the same standards as before, or the same basis as before, for up to \$100,000 for this specific purpose.

Mr. Chamberlist: Mr. Chairman, from the information given to us by Mr. Commissioner it would appear that there is still \$25,000 or so left in the fund which was obtained under the last agreement. I wonder if Mr. Commissioner would agree that this is correct.

Mr. Commissioner: Well, Mr. Chairman, with respect here, I'm referring to September 30. That is the last information that I was able to get at the time, but if Council want right up to this date information, this can be provided, Mr. Chairman.

Mr. Chamberlist: I think, Mr. Chairman, that this information should be provided because accepting that there is some money available in this loan fund. For instance, if there are just five applications and there are \$10,000 left in this loan fund, the immediate necessity for further funds is not here, and if this is the case, it would be all the more reason, and I would suggest to the Honourable Member from Dawson because I know his views are relative to the borrowing of funds without having the financial requirements that we have been asking for, but in view of this would not the Honourable Member consider that this indeed is a premature agreement. The funds are not required now. I am taking it on the basis that we have sufficient funds to meet the applicants, and I would think, Mr. Chairman, perhaps at this time we could perhaps have Mr. Commissioner inform us or obtain information for us as to this time what is available in this fund and how many applicants require to be satisfied for this fund.

Mr. Chairman: Would Committee agree that Mr. Commissioner attempt to provide this information? Would Committee agree to this proposal?

All: Agreed.

Mr. Shaw: Mr. Chairman, I think that we are kind of getting off of the track. Whether this is needed or whether it is not needed, is not the point of the debate this morning. It appears to me to be a point of principle. That's what the debate seems to revolve around. Now, whether something is urgent or not urgent does not take away or add any matter of principle. As far as I am concerned, Mr. Chairman, I am quite content to report progress on this Bill. I'm not insisting that this Bill go through at this particular time at all. That is not the matter in which I am concerned. It has been stated about obligations here and obligations there. Now, I feel I have obligations, Mr. Chairman. The government or the administration, or whatever you may call it, they also have obligations, but if their obligations are not fulfilled, it doesn't mean to say that I have to renege on my particular obligations. I feel that to introduce bills that are placed before us and to process them into Committee for debate cannot harm anything. When we can discuss the merits of the bill and we do not have to take any particular action on it, but at the present moment we are just about out of work. We have nothing to process beyond this that I am aware of, or very little, and I feel that if these bills could be put into the category and into the agenda of this Committee that we could discuss the merits of the bill, Mr. Chairman. The principles that go behind it are a matter of opinion. I hardly see that it is a matter of principle to bring it before this Committee and that is why I have introduced these and wished them for the discussion, Mr. Chairman. Whether they are reported out of Committee with amendments, without amendments, or just merely progress is quite satisfactory to me. I merely wish to process them so that we can continue with our work and not have to recess possibly after lunch.

Mr. Chairman: Is there anything further at this time?

Mr. McKinnon: Mr. Chairman, there was some indication made around this table that I think was completely unfair and unwarranted that people who didn't agree with this Bill at this time were against using money for housing. I think that all members of Committee are aware of the work that I have done in the housing area at this session and I think that the best way to resolve the matter would be just to report progress on this bill before the Committee.

Mr. Chairman: Is Committee agreed that I report progress on Bill No. 11?

All: Agreed.

Mr. Chairman: Gentlemen, I believe now we have some drafted amend- BILL
ments for your consideration to Bill No. 4, and with your concurrence #4
we can proceed to Bill No. 4. Mr. Chamberlist, would you take the
chair?

Mr. Chamberlist: Yes.

Mr. Taylor: Well, Mr. Chairman, there are two amendments here, one of which I have asked the administration to introduce in respect of public service vehicles, and this in history - this problem arose out of the practice and the problems surrounding the Yukon/British Columbia boundary on the southern highway. Now, I think, as all members are aware, Mr. Chairman, that under our Ordinance a person other than a licenced public service vehicle licence carrier who has a public service vehicle licence or indeed a permit is not permitted to haul through the Territory or drop off loads in the Territory or to pick up loads in the Territory and depart from there into the province of British Columbia or Alberta. Now, this season as a result of the completion of the Watson Lake/Ross River Road and as a result of the Anvil development there have been many truckloads of reinforcing steel and indeed other types of construction equipment required for the Anvil townsite. Some of the larger contractors who had bid the hauling of this steel were outside contractors, but they do in some cases have public service vehicle licence plates for the Yukon Territory. So, the practice is to have three or four or five or eight or ten trucks, whatever the case might be, sitting in Watson Lake in the Yukon ready to receive loads from the south, from British Columbia. Now, the practice then physically is that the B.C. licenced part of their fleet hauls the load to the boundary, theoretically, and the other truck, the Yukon licenced truck picks up the trailer and carries it on to Anvil. Now, unfortunately the boundary is in such a position that it would not permit the exchange of these loads at that point and, indeed, these people must go to the settlement of Watson Lake in order to make this exchange, and this is contrary to the Motor Vehicle Ordinance at this time, and so therefore, gentlemen, the proposal for amendment to the Ordinance that is now before you is to make this possible. In reading the amendment, the only change in the amendment from the way we have now to this point have it drafted would be to change the town of Watson Lake to the settlement of Watson Lake because we are indeed not a town, and at this point in time before I move the amendment I would be very glad to answer any questions in relation to this and I am sure Mr. Clerk, as Deputy Registrar-General, would be also able to answer questions that might be asked.

Mr. Dumas: Mr. Chairman, I think we all probably agree with this amendment of Councillor Taylor's and we go along with changing the word town to the word settlement.

Mr. Chairman: Any further discussion on this point?

Mr. Taylor: Well, Mr. Chairman, I would like to move at this time that Bill No. 4 be amended to include a new section which

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would read as follows: "Notwithstanding any other provision of this Ordinance or the Regulations, where a truck-tractor drawing a trailer is registered or licensed outside the Territory and is brought into the Territory at the south border of the Territory for the purpose of transferring the trailer to a properly licensed truck-tractor, the said first mentioned truck-tractor is exempt from the provision of section 6 of this Ordinance during the portion of the journey between the south border of the Territory and the settlement of Watson Lake and return to the border."

Mr. Dumas: I second that, Mr. Chairman.

Mr. Legal Adviser: Has Mr. Taylor got his copy of the Motor Vehicle Ordinance? There is a full section, section 6 dealing with public service vehicles. I have the office consolidated copy, which I think the Councillor has. Might it be convenient, subject to what the Honourable Member would suggest, if that was put in as a new section 15 in section 6? Then, that would mean exempt from the provision of this section, three lines from the end of the draft. This just occurred to me now. The provisions of this section - would that be agreeable to the Member?

Mr. Taylor: Yes, Mr. Chairman, I had hoped to keep it broad enough to permit this type of fitting in and forming. It will appear in the final draft that way. I'm quite agreeable to it.

Mr. Chairman: Is there any further discussion on this motion? Are you agreed?

All: Agreed.

Mr. Taylor: I'll resume the chair at this point, Mr. Chamberlist. Gentlemen, we have a further proposed draft respecting, I believe, crash helmets. I wonder if Councillor Shaw, at this time, might have something to say in this respect.

Mr. Shaw: I haven't anything particular to add, Mr. Chairman, except that this seems to be the general substance and objective of the motion which was presented, put in the formal manner. Perhaps you would care to read this, Mr. Chairman, being as it is going.....

Mr. Chairman: I wonder, Councillor Shaw, if it is your intention to propose this amendment in the form of a motion?

Mr. Shaw: Yes, Mr. Chairman, I would move that the amendments as laid out - do you want me to read this, Mr. Chairman?

Mr. Chairman: Yes, Councillor Shaw.

Mr. Shaw: I would move that the following amendments be made to the Motor Vehicle Ordinance as follows: This would be a new section to section 2. "'motorcycle". In this Ordinance "motor-cycle" means a motor vehicle mounted on two or three wheels and includes those motor vehicles known to the trade as motorcycles, scooters, and power bicycles. 61A (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) Sub-section (2) hereof does not apply to a person who is riding as a passenger in a side-car. (4) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless

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such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator. (5) A person operating a motorcycle shall not carry as a passenger thereon any person under the age of 7 years, except in a side car attached to the said motorcycle. Section 150 (1) (n) prescribing the type and specification of safety helmet, and when such regulations have been made, a "safety helmet" shall mean a helmet of the type prescribed in such regulations."

Mr. Chairman: Is there a seconder to this motion?

Mr. Dumas: I'll second the motion.

Mr. Chairman: Is there any discussion on the amendment?

Mr. Chamberlist: Mr. Chairman, I would suggest that wherever the word "scooter" is used, it should say "power scooter". There are scooters, of course, that young children use by just running along with one leg - I used to use one myself, so I think it should be defined. Otherwise, you might find that some little kid will be forced to run around with a helmet on his head. This applies in section 2 61 (1), wherever the word "scooter" is mentioned, and also where reference is made to a side car, I think there should be a description, either in the interpretation section or elsewhere. Somebody might have an argument about this. Otherwise, I have no other comment on this.

Mr. Legal Adviser: I have no objection to the amendment. I agree. It is more years than I care to remember since I rode a non-powered scooter myself, but I agree it's up to interpretations. Might I make a suggestion with regard to the amendment as such, that Section 2 (ii) should be inserted there to make it clear that motorcycle would come into its correct alphabetical position in the definition section 2. Now, it might be convenient if I mention some facts about this particular amendment, because there are other amendments in this besides the amendment proposed the other day by Councillor Shaw. During the discussion, discussions arose that we should tidy up some of the other dangerous factors of motorcycle riding, and this is the reason for sub-section (4) of Section 61A. This particular amendment is taken from the Statutes of Montana, which seemed to be suitable for the purpose because it was difficult to find a Canadian Statute which so concisely set out the thing we have in mind in one succinct phrase. Sub-section (5) is clearly on its face an attempt to get around the difficulty of people bringing very young children on the handlebars or the gas tank of a motorcycle or holding on behind them onto their belt or apron, and not strapped in, not secured and once the machine goes into any type of skid a child's hands are not sufficiently strong to hold onto the machine, and this risk has occurred elsewhere of children being flung off bicycles, power bicycles. We see no particular merit about the age being seven years, but it's just that we've put in the age of seven years because some particular age had to be thought of and the members might discuss at what age the prohibition should be relaxed. Now, so far as a safety helmet is concerned, from enquiries that were made by the administration last year when this apparently was discussed, at a meeting of the administrators of Motor Vehicles Ordinances, it was thought at that time that it was wrong to put in an amendment dealing with safety helmets, unless the particular safety helmet was specifically described either in the ordinance or by regulations, because if a safety helmet - and this proved to be difficult - because if a safety helmet is involved in one crash over a certain force, the part of the safety

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helmet which takes the blow becomes almost useless and at that meeting the consensus of opinion was that the various provinces would not attempt to insert this type of amendment. Now, as a result of the initiative taken by Councillor Shaw, further enquiries were made and the provinces that have adopted this legislation have reversed themselves and they came to the conclusion that any crash helmet is better than none, and until the time comes when we can describe exactly what is meant by safety helmet, it was thought best to put in this particular section, making it obligatory to wear a safety helmet without defining it during the initial period and if at some time in the future a standard is made in Canada for safety helmets, the Commissioner will be able to prescribe the type of safety helmet.....

Mr. Dumas: Mr. Chirman, I wonder why sub-section (3) is in this amendment. Why should a person riding as a passenger in a side car be exempt from wearing a safety helmet when a passenger isn't exempt nor is an operator? It seems to me that the head of the person riding as a passenger in a side car is just as soft as the head of the operator and the passenger on the motorcycle.

Mr. Legal Adviser: It is not considered that a passenger is liable to the same particular risk when he is in a side car because it then becomes a three-wheeled machine and the passenger tends to go with the side car and the side car to a certain extent can save him from a blow, but the actual reason appears here is not for this particular reason but it is just that in the section that we adapted to the Statutes here, sub-section (3) happened to be in and I just conclude that is how it got there.

Mr. Chamberlist: Mr. Chairman, would the side car have safety belts as well?

Mr. Legal Adviser: There is no provision for this any more than there is in a normal automobile.

Mr. McKinnon: Mr. Chairman, I'm not impressed with section (5) of this amendment at all. I'm against arbitrary age decision being made by legislators in any field that there are all kind of examples to prove where legislators can go wrong, but I know factually parents who have scooters and take their little kids after a year or two and just for a ride around the block and things of this nature with no harm at all, and the parent is doubly aware of being careful because he is just taking his kid for a little spin around the block and to stop this kind of thing, certainly we have to give some.... that we trust people that they're going to use their common sense in matters of this nature, but I don't think it is necessary - section (5) of this ordinance. I think it is going to cause more problems than it is going to solve.

Mr. Dumas: I agree with that, Mr. Chairman.

Mr. Shaw: Mr. Chairman, of course I didn't introduce this particular section, but it's a good matter for discussion I think at this time, and I have seen teenagers on a motorcycle with their little baby brother or sister sitting on the gas tank pattering around the roads and so on - it is not only the parents that may take the child, it is the brothers or perhaps sisters that might do this and, though it is restrictive, if it should save the life of a couple of children I think it will have served its purpose and be more beneficial than harmful. I'm not, on this particular section, dogmatic about either one or the other. I would like to go on to the section 150 though. This is something that perhaps the old bogey will rear its head again, where we have prescribing the type and specification of safety helmet.

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If a person doesn't wear one - there is no prescribed form - there may arise a problem, so I would ask the Legal Adviser if this would create a problem or not, by having this section 150 (1) (n)? BILL #4

Mr. Legal Adviser: The clear problem here, sir, is that we have not got the ability at this time of drafting the specifications for a safety helmet, but research is continually going on in this matter and federal government may come up with a specification. If they do, the Commissioner would then be in a position to prescribe it, but until there is clear, exact description specification it will be preferable to leave it in the air, so that at least they have some crash helmet, but when the specification comes up the Commissioner will have authority under this to then prescribe.

Mr. Shaw: A supplementary question - I appreciate the fact, Mr. Chairman, that maybe it is not possible at this time to prescribe the correct type of helmet, but the point is it would be necessary, it would appear to me by what has happened in the past month or so, that something will have to be prescribed that will indicate what a safety helmet is, let's put it that way, pending the time when we can come up with a really approved type. Will this be done, Mr. Chairman?

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: I'm willing to go with this, to attempt to do it, but our advice is that the other provinces have attempted it and pulled back, and the whole thing was put in the air by all the provinces something like a little over a year ago because of the difficulty of prescribing what is a safety helmet. It is an extremely difficult thing to do. I would be willing to make an attempt but it would be rash of me to suggest that I have more legal or descriptive wisdom than the attorney-generals of the 10 or 11 provinces.

Mr. Shaw: A supplementary question to the supplementary question - I believe the Legal Adviser missed my point. The point is that we do have.....that it should be prescribed and if it isn't prescribed does that throw out the rest of the section? That's what I'm trying to determine.

Mr. Legal Adviser: As the section reads at the moment - my understanding of it is clear - that once it is passed, everybody must wear a safety helmet. It can be a blue one, a green one, a big one or a small one, but he must wear a safety helmet, but it is left up to him what kind of safety helmet he goes out and buys. There are different brands and some are more expensive than others, some are more effective than others. It is up to the rider to go and choose. He must wear something, so a policeman seeing a motorcyclist riding without a safety helmet, with a bare head or an ordinary hat, can pull him in and then it is a question for the court to decide whether a hat is a safety helmet or whether a hanky is a safety helmet. It is for the court to decide this.

Mr. Dumas: I would like to point out to Councillor Shaw that sub-section (1) and (2) merely says you have to have a safety helmet not a prescribed safety helmet, in either case, or if that being the case, and keeping in mind what the Legal Adviser has said, I can't see much sense for section 150 (1) (n).

Mr. Chamberlist: Mr. Chairman, there are two points. First, with reference to 61A (5), the point that Councillor McKinnon took up is well taken. The only problem, of course, is that particular sub-section refers to the motorcycle and then the interpretation section says that a motorcycle includes a scooter. Now, the way

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that sub-section (5) reads now that a person operating a motorcycle should not carry as a passenger thereon any person under the age of 7, except in a side car attached to the said motorcycle. Now, if we ask what is a motorcycle? The interpretation section says that a motorcycle in this ordinance means a motor vehicle mounted on two or three wheels and includes those motor vehicles known to the trade as motorcycles, scooters and power bicycles, and consequently it excludes a person who wants to take his child for a ride on a motor scooter because a motor scooter is a motorcycle. This is like potatoes being tomatoes. I think perhaps there must be a method by which an actual motorcycle should be effected by it and I would agree, but where a motor scooter - I don't think there should be any objection to the parent taking the child on a motor scooter, so perhaps if it is the interpretation of the section itself which is the thing that matters. Now, the other point is this, that Councillor Shaw has raised properly, I think, section 150, because we have been through this definition of prescribe and the way it reads to me is that if this section says that something is going to be prescribed by regulation, it must be prescribed by regulation and that is a description. I don't know what that is in there for at all if we want to say that a helmet must be worn. Can we not make that section 150 to read in the manner that prescribing the type and specification of the safety helmet and each and every helmet is a safety helmet until such time as you have an absolute description of what type of safety helmet you want. As it is now, I would say it doesn't mean a thing.

Mr. Legal Adviser: In response to the Honourable Member, sub-section 5 does prohibit a parent or anybody else from taking a child on either a motorcycle, a power bicycle or a power scooter. It is the wish of the House what they want in there. Either strike it out entirely or limit it to one particular type. It's not a difficult drafting problem. As far as section 150 (1) (n) is concerned, this comes under section 150, where it says the Commissioner may make regulations. He doesn't have to. Therefore, I don't want to prescribe what a safety helmet is until we know what the Commissioner is going to do. The reason for the section is to cover us during the interval until the description takes place. During the interval, a safety helmet is just simply a safety helmet, but once the Commissioner makes regulations, which he may do but doesn't have to, safety helmet will then become a prescribed safety helmet.

Mr. Chairman: Gentlemen, it now being 12:00 o'clock, I think that possibly over the noon hour members could give a little thought to this and then arrive at something, so I'll declare Committee in recess until 2:00 o'clock.

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Friday, 24th November, 1967
2:00 P.M.

Mr. Chairman: We will now call Committee to order. And we are discussing Bill No. 4, and more particularly, an amendment which is now before you. Will you proceed, gentlemen? BILL NO.4

Mr. Chamberlist: Mr. Chairman, have we ascertained - Mr. Legal adviser, who will be amending to add the word "power" to this?

Mr. Legal Adviser: In Section 2, para. ii, put the word "power" in front of the word "scooter".

Mr. Chairman: Speaking from the Chair, would not amending the Section 2 cover all the rest? Because that is indeed the Interpretation Section.

Mr. Legal Adviser: That is so. It might be better to eliminate the words "power scooter" and "power bicycle" wherever they occur.

Mr. Chairman: What is your further pleasure in respect to this motion for amendment, gentlemen.

Mr. Chamberlist: Mr. Chairman, that sub-section 5, I think it should be made clear; is it permissible for a child to be taken on a motor scooter because of the interpretation that a motor cycle is a motor scooter.

Mr. McKinnon: Mr. Chairman, I would personally like to see in this 61A amendment, sub-section 3 and subsection 5 eliminated completely. I wonder what the Committee wish on this would be?

Mr. Chamberlist: If it is a Motion I would say

Mr. Chairman: Gentlemen, if we could just embody this into Mr. Shaw's motion if he so chooses - if you so wish by motion to leave it, I don't know. Councillor Shaw, this is your motion; how do you feel?

Mr. Shaw: Mr. Chairman, I have no strong feelings about this particular matter of controversy at the moment. It would appear to me quite sensible. It is restricted, but it is restricted for a very good reason because a seven year old is not capable of thinking for himself and quite frequently the persons who are taking the child are not thinking themselves. It is a measure whereby, it would in my estimation do much more good than harm but I haven't any strong feelings on it Mr. Chairman. I think it is sensible and I would not wish to enter into too long a debate as to - whether it has to be in there. I would have no serious objections to taking it out and I would actually prefer to see it in.

Mr. McKinnon: Mr. Speaker, I have quite strong feelings on it and I would like to move an amendment to the amendment that sub-section 3 and sub-section 5 to the amendment to the Motor Vehicle Ordinance be removed.

Mr. Shaw: I will second that motion.

Mr. Chairman: Councillor Gordon.

Mrs. Gordon: Mr. Chairman, I take exception to the inclusion of that amendment, and I would direct a question to Mr. Legal Adviser. In the event that a person under the age of twenty-one is operating such a motor cycle, they have the authority to have a driver's licence to operate this, and where a

BILL NO. 4 Mrs. Gordon continues.
youngster under the age of seven years pressures this young person under twenty-one years of age for a ride on such a motor cycle, what would then happen in the event that this child was seriously injured.

Mr. Legal Adviser: For the purposes of the sub-section it would not (inaudible) if it merely happens that a person takes a child of five for a ride. It might be that the particular accident ... prosecution under the section, but, as the section is drafted it is deliberately designed to remove the onus from the child, being the passenger, and to put the onus on the person operating the motor cycle on the grounds that a person is at rest when the passenger seeks the ride and if they want to breach the section; this section of law, well then they can do it but they have the option of saying I'm not going to ride this motor cycle until you get off. put the onus on the person not to operate the motor cycle with a child on it.

Mr. Chamberlist: Mr. Chairman, I think the point portrays another question - now the motor cycle, except for the fact the interpretation of a motor cycle is such that it includes - will include a motor scooter. This is the objection. I object to where a parent owns a motor scooter and takes his own child - what we would be doing would be restricting a parent from taking his own child for a ride. This is what we would be in fact doing and this is wrong because if I want to take my children for an outing and I haven't bought the scooter for my fun. I bought the scooter-out to have some fun and I'm not going to deprive my children of the right to be with their parent out for some fun. This is the point.

Mr. Chairman: Gentlemen, there is a Motion which....

Mr. Dumas: This brings it around to family togetherness. I think we must consider that when we are considering this amendment and if a family wants to be together on a motor scooter, far be it for us to stop this.

Mr. Chairman: Councillor Gordon.

Mrs. Gordon: Well, as a mother amongst this male gathering I think I could speak out. If the parent wants to be foolish enough to contravene this section, this is exactly up to them.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I see we have, as quite frequently happens in this body, we have something that we are attempting to do but there are certain restrictions, restrictive sections that - though the objective is sincere, there are certain sections that for certain reasons would nullify the whole matter. Before we take the drastic action at this present moment I would have suggestions; I think I could have suggestions, Mr. Chairman, it is not a Motion, suggestion that in this paragraph five, if we put at the front of it, no person other than the parent or guardian, would assuage the feelings of the members who proposed the motion that they feel very concerned about togetherness and of father or mother being able to take children on motor cycles and I would feel that in all fairness, that a parent or guardian would take great care of their children under such circumstances. However, a sixteen year old child, and I call a sixteen year old a child because I've had a number of them and I know they are still children when they

Mr. Shaw continues...

are sixteen and they are not, what you would call, responsible adults, only growing up. They, if this is restricted, could put their children on the motor cycle - children have been killed and you can't do anything when somebody is crippled up or killed. You can make all kinds of speeches and what not but it doesn't alter the fact that these people may be crippled up for life. So, therefore, I would feel that it would behoove either to take certain measures that would preclude the possibility of these things and if we have in the front of this - no person other than parent or guardian, I think that that fulfills the objections that have been raised by the members and we would be providing safety both for the sixteen year olds and below seven year olds.

Mr. Chairman: Mr. McKinnon.

Mr. McKinnon: Mr. Chairman you cannot legislate common sense and you can put into every law that you cannot do this and you cannot do that and there are going to be dunderheads that are going to go out and do it anyway. I would object most strenuously to parents and guardians being put in there. Now I take children of friends of mine in cars and boats and on motor bikes and I'm doubly careful of making positive that I obey all the safety precautions imaginable so that these children will not be hurt. I take extra precautions than I do when I am by myself and now you are going to preclude me from doing this under this section and I can no longer take children on a motor cycle ride even with their parents consent - put it cars and boats too and don't let me do anything any longer.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: I thought for one moment, and I was becoming quite shocked, I thought Councillor McKinnon was going to suggest he takes more care over other people's children than those who might be his own. The point, however, must be made - we are still talking about motor cycles and we are using that in the sense of the interpretation section; I think the answer to it would be if the Legal Adviser, if he has to tell us an Irish story about potatoes and tomatoes, would explain that particular thing because what has happened here - for the purpose of this Bill that is in front of us we are saying that a motor cycle includes motor scooters. Now, I would suggest that if Mr. Legal Adviser could perhaps find a way where the situation as regards to having a child under the age of seven on a motor cycle which excludes a motor scooter, then I think it would be satisfactory. My objection is to the two wheel motor cycle as up against a motor scooter which is usually used for taking ones young family around.

Mr. Chairman: Gentlemen, I have a Motion before me: It has been moved by Councillor McKinnon, seconded by Councillor Chamberlist that the amendment be amended to delete sub-section three and sub-section 5 of Section 61A of Bill No. 4. Are you prepared for the question. Are you agreed. Any contrary. (Two contrary and four agreed). I will declare Motion carried.

MOTION CARRIED

MOTION
CARRIED

Gentlemen, in consideration of the amendment, as amended are you prepared for the question or is there anything further on the amendment itself? Are you prepared for the question on the amendment?

Mr. Shaw: Just what are we voting on?

Mr. Chairman: We are now voting on the amendment as amended. Are you agreed gentlemen? Are there any contrary? I will declare the Motion carried.

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MOTION CARRIED

MOTION
CARRIED

Mr. Chairman: I would like, at this time, from the Chair, to ask Mr. Legal Adviser is yet prepared to present a further amendment which gives the right of appeal under Section 1 of Bill No. 4

Mr. Legal Adviser: I have given further consideration to the question of putting to this and I would ask the House not to deem it improper on my part to - not to comply with a further direction (inaudible). I have come to the opinion that as the Section stands, there is nothing whatsoever to preclude any person who has a grievance against any procedure to take his remedy to the Courts in the normal way but if we put in a section such as was suggested in discussion in the House that nothing in this Section shall be deemed to preclude the right of any aggrieved party to seek his remedy in court or words to that effect, it would have the overall policy in effect, which I would submit is not a good one but in similar types of sections ...it might give rise to a thought that unless they kept adding that type of section with the intention that we might be trying to pull the person back from his ...to courts-if the Councillor would agree with me that in this Section 6A as it stands "any person who is aggrieved can go to the Courts" well then the reiteration of this right by a further sub-section would not be necessary. So far as the Public Service Vehicle Advisory Board is concerned, basically it is an advisory body coming to a recommendation, not a decision. The Board does not give a licence or take away a licence. It is asked to enquire into certain matters and to give recommendations. The decision rests with the Commissioner and therefore to set up a special appeal procedure would not be within the spirit of a particular amendment. I would ask the Council to bear with me on this.

Mr. Chamberlist: Mr. Chairman, reviewing our discussions on that particular matter and taking into consideration the remarks that have just been made by Mr. Legal Adviser, I tend to agree with him that the necessity for an appeal section in there would be superfluous and it is-the proposed Board is an advisory board and I don't think it is...

Mr. Chairman: Does the committee concur in this regard.

All: Agreed.

Mr. McKinnon: When the official Legal Adviser and the ex-officio Legal Adviser of the Council agree I think we can only go --

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: There is one question I'd like to ask re the Motor Vehicle Ordinance that may well apply to other Ordinances and I wonder if Mr. Legal Adviser can answer this question. Who, Mr. Legal Adviser, in the end is responsible for either saying that a matter should or should not be prosecuted - who has the last say in that regard?

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: This is a very, very good question. It doesn't really arise on this amendment. I can come up with an opinion after discussion. I would like an opportunity to think over this before I give my decision. There are different things involved. You must remember Council that under the Criminal Code certain offences are grouped as offences which arise out of the use of motor vehicles. Other offences which arise (inaudible) Criminal Code under the Motor Vehicles Ordinance itself and one must be clear even Section by Section of offence (inaudible).

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal Adviser might, at his leisure, come up with an answer to that because I think it would be of paramount interest to the Council to know exactly where the responsibility for prosecution would lie.

Mr. Legal Adviser: Would the Councillor make sure - reduce it into writing so that I know exactly ...

Mr. Chamberlist: I'll make it a question, Mr. Chairman, perhaps on Monday - or another day.

Mr. Chairman: Are we clear then for the time being, and I imagine Mr. Clerk will draw up a new Bill containing the amendments. Councillor Shaw.

Mr. Shaw: I would like to ask a question, Mr. Chairman, if I may, on the Motor Vehicles Ordinance. For example, if a person wishes to get a driver's licence for to drive an automobile it is necessary, I believe, unless you had one before, to undergo a test to show you have qualified. I wonder if someone that wants to take a motorcycle out-do they first have to show that they can drive a car before they can get a motorcycle licence, operator's licence or - I mean are there any differences involved against one or the other. I wonder if the Legal Adviser could answer that.

Mr. Legal Adviser: I can't at this moment without looking up the Ordinance, I couldn't answer.

Mr. McKinnon: You'd need a crash helmet.

Mr. Shaw: Mr. Chairman, for example, driving a car and driving a motorcycle are two different things entirely. I think that I am qualified to drive an automobile. I have a licence for it and I have been driving for years but you know I would doubt as to my qualifications to drive a motorcycle and yet it appears that I am a fully qualified person to drive a lethal instrument like a motorcycle and I just wondered what the situation was in respect of that.

Mr. Chairman: Well, gentlemen, are we now clear on this point on Bill No. 4.

Mr. Shaw: This is the Motor Vehicle Ordinance. I wonder if any other member had any reservations or anything to add to that particular section.

Mr. Chairman: Just in speaking from the Chair, from my own experience I don't believe you require a licence to drive a bicycle, motorcycle, motor bike, a golf cart or skidoo. You must licence the vehicle itself.

BILL NO.4

Mr. Chairman continues.
I stand to be corrected

Mr. McKinnon: Mr. Chairman, I have had a question before Administration since the beginning of the Session concerning licence plates and I would like an answer before this Bill is reported out of Committee because it may be that there will be further amendments to the Motor Vehicle Ordinance, depending on the answer received from the Administration.

Mr. Chairman: Right. This Bill will not be recorded out of Committee, gentlemen, until it is finished in typed form.

Mr. McKinnon: Could we report progress on Bill No. 4?

Mr. Chairman: This I will so report. Gentlemen, this brings us to the end of our rope, so to speak; this concludes all the Bills that we have information on to deal with today. What is your further pleasure?

Mr. Shaw: Mr. Chairman, it seems a terrible waste of time to have to adjourn at 2:30 P.M.. We have a Bill here, I believe in relation to Labour Standards that is not fully processed and I am wondering what the feelings of the Committee are in respect of this particular matter of continuing to get in as many hours as we can.

Mr. Chairman: Councillor Shaw, there is no such Bill in Committee at this time - it would be a matter for Council to decide.

Mr. Shaw: Mr. Chairman, I quite realize that this Bill is not processed sufficiently to produce in Committee but if the Committee does not so wish that the matter be discussed whether we adjourn or whether we endeavour to process what we can. This Bill is not one that involves any money for the touchy Members of Committee; it is - it certainly involves Labour Standards which we have been trying to get through for quite some time.

Mr. Chairman: I would again rule that this is a matter for Council itself to resolve. Committee knows of no such Bill at this point and time.

Mr. Chamberlist: Mr. Chairman, I wonder if - this morning before we recessed the Commissioner said he would obtain some information re the amount of money left in the Second Mortgage Loan Fund and the number of applicants; I wonder if he could answer whether he has obtained the information.

BILL NO.11

Mr. Chairman: Well, would you be prepared to deal with that Bill at this time? Very good! Gentlemen, we will proceed with Bill No. 11. Mr. Commissioner, would you proceed.

Mr. Commissioner: The question this morning was how much money have we put out on this particular program and how many loans are outstanding and, effectively speaking, why are we asking for this kind of money now, with the apparent situation that we have not used up all the funds that we have on hand. As at the present time there has been no change since the 30th of September and the actual monies that we have committed to this program-it is a few dollars less than \$75,000.00. It is \$74,459.00. The number of loans that are actually now in process are actually none. These things come to us from C.M.H.C.

BILL NO.
11.

Mr. Commissioner continues.

We do not necessarily have prior notice of this and I am assuming this is where a person negotiated with C.M.H.C. and if they find they need a second mortgage they make application for it in conjunction with their original C.M.H.C. application. The total number of loans that are expected to be made between now and the 31st of March is estimated to be about \$14,000.00. Now, you will notice that these loans are not necessarily made in the sum of \$2,000.00; some are less than \$2,000.00. \$2,000.00 is the maximum on any particular loan and this is the estimate we have available here which would mean that we would have a fund down to approximately, about \$10,000.00-would be effectively available providing, of course, we don't get more applications than we anticipate and the idea of asking Council for this authority at the present time is so that we can advise the Department in Ottawa it is our intention to carry on with this program and that we have authority to do it and they will make provision in their 1968-69 Estimates to see that these funds are available.

Mr. Chairman: Thank you Mr. Commissioner. Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, this is exactly what I thought the position is because of the enquiries I have made. In fact the number of applicants and the applications and amounts that have been made are well within the amount of money that is still in the fund and available so that there is certainly no urgency attached to this Bill. The suggestion that we may be holding up the housing program is, I would submit with respect, is a bad suggestion. To go back again to what I say, it is a money Bill nevertheless and I think this Committee should show in no uncertain terms that until we have the information on which we can discuss finance with Administration, we should not be prepared to discuss finance with them. This is my stand. The money is not needed now and I would vote against it.

Mr. Chairman: Gentlemen, I might bring to your attention at one point in your proceedings today in Committee you asked me to report progress on this Bill. Is it your intention that we take any other action?

Mr. Shaw: Mr. Chairman, I'm very glad that we have got to the point where we can report progress - we have studied the Bill to some extent, together with extraneous issues but nonetheless we have studied the Bill and when we come to it later on we won't have another hour of debate on it. It is completed and it is finished!

Mr. Chairman: Gentlemen, again we are up to the end of our rope. What is your further pleasure? Mr. Legal Adviser.

BILL NO.
10.

Mr. Legal Adviser: What is the position with regard to Bill No. 10.

Mr. Chairman: Bill No. 10, the Legal Profession Ordinance. It is awaiting an amendment I believe.

Mr. Legal Adviser: The position is, there were two things raised in discussion. One of the Honourable Members raised the position of a person who does not want to take an oath but wants to make an affirmation. I draw the Council's attention to the provisions of Section 21, Chapter 37 of

BILL NO.
10

Mr. Legal Adviser continues.
the Evidence Act. In sub-section 3, which is found on
page 396 of the green 1958 Revised Ordinances. This
sub-section reads as follows:

"Where a person required or desiring to make an affidavit
or deposition in an action or on an occasion where or
touching a matter respecting which an oath is required or
is lawful, whether on the taking of office or otherwise,
refuses or is unwilling on grounds of conscientious scruples
to be sworn, the court, or other officer or person qualified
to take affidavits or depositions shall permit the person,
instead of being sworn, to make his affirmation in the
words, "I solemnly affirm" which affirmation is of the
same force and effect as if the person had taken an oath
in the usual form."

It is my opinion that this section would apply to the
taking of these two oaths by Council on admission. That
is if the particular individual intimated to the Court
Judge that he would prefer to be affirmed, he would then
take it at....by using the words "I solemnly affirm".
This is normal procedure throughout the whole country.
Now in that itself there would be no necessity to amend
the particular Ordinance since sub-section 3 of 21 is a
general section. Now, on the second point I would ask
the member-there is a mistype in the second line and the
word there should be "I _____, do swear that I will be
faithful and true allegiance bear".

Mr. Chairman: Does Committee agree?

All: Agreed

Mr. Chairman: Mr. Clerk, would you so have a copy of
the Bill typed for presentation? Gentlemen, what is your
further pleasure? The Chair would receive a Motion
that Mr. Speaker do resume the Chair at this time if you
so desire.

Mr. Dumas: I so move, Mr. Chairman.

Mr. Chairman: Is there a seconder.

Mrs. Gordon: I second that Mr. Chairman.

Mr. Chairman: I has been moved by Councillor Dumas and
seconded by Councillor Gordon that Mr. Speaker do now
resume the Chair. Are you prepared for the question.
Are you agreed. I declare the Motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker now resumes the Chair.

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

REPORT
CHAIRMAN
OF
COMMITTEES

Mr. Chairman: Mr. Speaker, Committee convened at 10:45 AM
to discuss public Bills. I can report progress on Bill
No. 11. It was moved by Councillor Taylor and seconded
by Councillor Dumas that Bill No. 4 be amended to include
the following: "that notwithstanding any other provision
of this Ordinance or Regulations, where a truck-tractor draw-
ing a trailer is registered or licensed outside the
Territory and is brought into the Territory at the south
border of the Territory for the purpose of transferring the

REPORT OF
CHAIRMAN
OF
COMMITTEES

Mr. Chairman continues.
trailer to a properly licensed truck-tractor, the said first mentioned truck-tractor is exempt from the provision of section 6 of this Ordinance during the portion of the journey between the south border of the Territory and the settlement of Watson Lake and return to the Border." This Motion carried. It was moved by Councillor Shaw and seconded by Councillor Dumas that Bill No. 4 be amended to include the following: "motorcycle in this Ordinance - motorcycle means a motor vehicle mounted on two or three wheels and includes those motor vehicles known to the trade as motorcycles, power scooters, and power bicycles. 61A (1) No person shall operate a motorcycle unless he is wearing a safety helmet securely attached on his head. (2) No person shall ride as a passenger on a motorcycle unless he is wearing a safety helmet securely attached on his head. (3) Sub-section (2) hereof does not apply to a person who is riding as a passenger in a side-car. (4) A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator. (5) A person operating a motorcycle shall not carry as a passenger thereon any person under the age of 7 years, except in a side car attached to the said motorcycle, and Section 150 sub-section (1)(n) prescribing the type and specification of safety helmet, and when such regulations have been made, "safety helmet" shall mean a helmet of the type prescribed in such regulations." Committee then recessed at twelve noon and reconvened at 2:00 P.M. It was moved by Councillor McKinnon and seconded by Councillor Chamberlist that the amendment be further amended to delete subsection 3 and subsection 5 of Section 61A of Bill No. 4 and this Motion carried. The Motion as amended was then carried in Committee. I can also report progress on Bill No. 4 and it was moved by Councillor Dumas and seconded by Councillor Gordon that Mr. Speaker do now resume the Chair and this Motion carried.

Mr. Speaker: Thank you Mr. Taylor. You have heard the report of Chairman of Committees. Are we agreed? May I have your further pleasure? Mr. Shaw.

Mr. Shaw: Did the Honourable Chairman mention that sub-section 3 and sub-section 5 were amended? I know sub-section 5 was but not sub-section 3.

Mr. McKinnon: That was my Motion, Mr. Speaker.

Mr. Chamberlist: That was the Motion I seconded, Mr. Speaker.

Mr. Shaw: For clarification, Mr. Speaker, a person then in a side-car has to wear a hard hat - helmet?

Mr. Chairman: This is correct.

Mr. Speaker: May I have your further pleasure.

Mr. Chairman: Mr. Speaker, Committee today concluded all the work they could do with their Bills and at the present moment this is all that remains in Committee on the whole at this time.

Mr. Speaker: The Chair awaits your directions.

FINANCE
OF
YUKON

Mr. Chairman: Mr. Speaker, I am, as you know, unalterably opposed to waiving rules to the House except in extreme circumstances and I feel that the matter of finances in the Yukon Territory are of utmost importance and in order that we may discuss these matters over the week-end I would like to suggest that possibly a member of Council may wish to move that we revert to Orders of the Day by special permission of the House in order that we can table a document which gives the financial picture of the Yukon Territory at this point in time so we might be able to study it over the week-end and debate it on Monday.

Mr. Chairman: Mr. Speaker, I would like to move by Motion at this time that the rules of the House be waived and we revert to Orders of the Day in order that Mr. Commissioner may table the document relating to the finances of the Yukon Territory.

Mr. Speaker: Under such circumstances I can advise you that that is all that is required that we do move to Orders of the Day and that this must of course be a unanimous decision of the House.

Mr. McKinnon: I will second the Motion, Mr. Speaker, that the Honourable Member from Watson Lake has made.

Mr. Shaw: Mr. Speaker, I wonder how someone can be unalterably opposed to something and make a Motion to do it.

Good Point -

Mr. Speaker: Order.

Mr. Chairman: Mr. Speaker, in reply I can only say that this is a matter of urgent importance to the Territory and this is the reason why at this time, though I disagree with waiving the Rules of the House, it is in the interests of the people to do so.

Mr. Speaker: If I may advise you, as I say I don't feel it is a necessity to waive the Rules of the House; all I feel you have to do is move a motion to revert to Orders of the Day in this particular case.

Mr. Chairman: I would like my Motion to stand as presented Mr. Speaker.

Mr. Speaker: I feel that I can only advise you on this. You set a precedent on this. What you are doing is waiving all the Rules of the House which isn't necessary. All you need to do is move a Motion that we revert to Orders of the Day to accomplish the same thing.

Mr. Chairman: I will then restate my Motion, Mr. Speaker. I would move that we revert to Orders of the Day in order to allow Mr. Commissioner to table documents relating to the financial position of the Territory.

Mr. Speaker: Thank you Mr. Taylor. Would the seconder agree?

Mr. McKinnon: Agreed, Mr. Speaker.

Mr. Speaker: The House agrees then that there was no Motion standing prior to the present one?

FINANCE
OF
TERRITORY

All: Agreed.

Mr. Speaker: Has been unanimously withdrawn.

All: Agreed.

Mr. Speaker: Are we prepared for the question on the Motion? Are we agreed. Any contrary. I will declare that Motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: I will now declare a five minute recess.

Page 473.
November 24, 1967.
3:30 o'clock p.m.

Mr. Speaker: I will call Council back to order, and would like to draw your attention to the fact we now have....it may not be on your copies, but it is on mine....Sessional Paper No. 54. I now table this document.

Mr. Dumas: Mr. Speaker, if it's in order, I would like to give notice of motion regarding Sessional Paper No. 54. SESSIONAL PAPER #54

Mr. Speaker: Is it your pleasure to accept notices of motion and resolution at this time?

All: Agreed.

Mr. Speaker: Is there a seconder for the Honourable Member's motion from Whitehorse West?

Mr. Chamberlist: I will second that motion, Mr. Speaker.

Mr. Speaker: It was moved by the Honourable Member for Whitehorse West, seconded by the Member for Whitehorse East, that there has been notice of motion given at this time covering **Sessional Paper** No. 54. Is the House prepared for the question on this motion? Are you agreed? I will declare the motion carried.

MOTION CARRIED MOTION CARRIED

Mr. Speaker: What is your further pleasure?

Mr. Chamberlist: Mr. Speaker, I wish to give notice of motion re Sessional Paper No. 53.

Mr. Speaker: I would like to draw to the attention of the Honourable Member for Whitehorse East that he already has three notices of motion on the order paper.

Mr. Chamberlist: My apologies, Mr. Speaker. The notice of motion is withdrawn.

Mr. Speaker: Thank you, Mr. Chamberlist. May I have your further pleasure?

Mr. Taylor: Mr. Speaker, at this time, in respect to the agenda, it was thought that possibly the Minister of Northern Affairs, the Honourable Arthur Laing, may wish to meet with Council on Saturday morning, and it would appear from the information I have received from other sources that the Minister's time is committed up until noon tomorrow with local groups in the City of Whitehorse. I would therefore move, Mr. Speaker, that Rule No. 2 of the Rules of the Council be suspended and that Council do not sit again until 10:00 Monday morning.

Mr. Chamberlist: I will second that motion, Mr. Speaker.

Mr. Speaker: It was moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Whitehorse East, that Rule No. 2 of the Rules of the House be suspended and that we do not sit again until Monday morning. Is the House prepared for the question of the motion? Are we agreed? Are there any contrary? I will declare the motion carried.

MOTION CARRIED MOTION CARRIED

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

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Page 474.
Monday, November 27, 1967.
10:00 o'clock a.m.

Mr. Speaker read the daily prayer. All Councillors 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 for tabling Sessional Paper No. 55, re question concerning issuing of new licence plates. Are there any Reports? May we then move to Introduction of Bills. I have for your attention Bill No. 16 and Bill No. 17. SESSIONAL PAPER #55

Moved by Councillor Chamberlist, seconded by Councillor Dumas, that Bill No. 17, An Ordinance to Authorize the Commissioner of the Yukon Territory to enter into Agreements with the Minister of Manpower and Immigration respecting the Occupational Training of Adults, be introduced at this time. BILL #17 INTRODUCED

MOTION CARRIED MOTION CARRIED

Mr. Speaker: Is it the intention of the House to introduce further Bills this morning? Are there any Notices of Motion or Resolution? Are there any Notices of Motion or Resolution? If not, 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 for your attention. May we now pass to Motions. No. 1, Mr. Chamberlist, is still in Committee. Motion No. 32, moved by Councillor Taylor, seconded by Councillor Gordon, reference Sessional Paper No. 35. The text reads, "That Sessional Paper No. 35 be discussed in Committee of the Whole." MOTION #32

MOTION CARRIED MOTION #32 CARRIED

Next is Motion No. 33, moved by Councillor Chamberlist, seconded by Councillor Shaw. The text reads, "That the Administration review the schedule of licences and fees as amended on April 12, 1961." Would the Member be prepared to discuss this Motion at this time? MOTION #33

Mr. Chamberlist: Yes, Mr. Speaker. Mr. Speaker, on examining the schedules of licences that exist now, I find that in many instances there is no, or very little, protection for Yukon business people. I feel that many of the licence fees tend to show that there is an equivalent structure of price tags on contractors licences especially and I would move, Mr. Speaker, that the schedule of licences be moved into Committee for discussion. MOTION TO MOVE INTO COMMITTEE

Mr. Shaw: I will second the Motion, Mr. Speaker. MOTION CARRIED

MOTION CARRIED CARRIED

Mr. Speaker: Motion No. 34, moved by Councillor Chamberlist, seconded by Councillor McKinnon, "That Commissioner's Order 1959-18 - Regulations cited as Yukon Government Contract Regulations be moved into Committee for discussion. MOTION #34

MOTION CARRIED MOTION #34 CARRIED

MOTION #35 Mr. Speaker: Motion No. 35, moved by Councillor Chamberlist, seconded by Councillor Dumas, "That this Council supports the contents and intent of the communication telegraphed to Mr. John Robarts, Premier of Ontario, by Councillor McKinnon." Is the Member prepared to discuss this question at this time?

Mr. Chamberlist: Yes, Mr. Speaker. Mr. Speaker, I would like to read at this time the communication forwarded by J.K. McKinnon, the Honourable Member for the Yukon Legislative Council for Whitehorse North. It reads as follows: "Premier John Robarts, Host, Confederation of Tomorrow Conference, Toronto, Ontario. Cannot understand how such a Conference can be held without representation from the Yukon which will certainly join the Confederation of Tomorrow as Canada's Eleventh Province." Mr. Speaker, I would ask that Council give unanimous approval to the contents and intents of this communication because it lets Premier Robarts at least know that the Yukon is very concerned that it hasn't been invited to so important a Conference of this nature where the future of the Yukon may well have been discussed.

Mr. McKinnon: Mr. Speaker, in furthering Councillor Chamberlist's remarks, I would like to read into the record the reply I received from Mr. John Robarts, Prime Minister of Ontario, in reply to the wire I sent. It reads as follows: "Thank you for your telegram. In calling the Confederation of Tomorrow Conference, the Federal Government and Government of each Province were invited to participate. Inasmuch as neither the Yukon Territory or Northwest Territories are presently provinces, my official dealings with these bodies can only be through the Federal Government. I would, therefore, suggest that if you wish to pursue further the matter of attendance at the Conference, you do so through the Federal Government." Mr. Speaker, I think that the attitude taken by Premier Robarts is constitutionally correct - that there is no Government of the Yukon Territory other than the Administration. I pursued this matter further as Prime Minister Robarts suggested and took it up with the Honourable Minister of Indian Affairs and Northern Development when he was in town this weekend. The results of this discussion were exactly as I expected and no representation from the Yukon will be at the Conference of Confederation of Tomorrow which opens today in Toronto. I think this is a shame and I think it is ridiculous for a conference on the Confederation of Tomorrow to be held at this time without the Yukon playing a very important roll in such a Conference.

Mr. Taylor: Mr. Speaker, I can only agree. I feel that it is again a deplorable situation when a part of Canada as big and as important as the Yukon is once again given no consideration at the time the other people in Canada gather around the Conference Table. This has been evidenced over the years. I don't think anybody doubts our desire towards making concrete steps towards the day when we can join Confederation. I think we will all recall our frustration at being refused, even on an observer basis, participation at Federal-Provincial Conferences in relation to finance, in relation to taxation, in relation to all things affecting Canada, indeed in relation to housing. I believe we are also excluded the right to send our Speaker, Mr. Speaker, to the annual Speakers' Conference in Ottawa and now we speak of Confederation for Tomorrow, this great Confederation which is Canada, and we are not invited to participate so that we might learn, so that even on an observer basis...so that it might give us an education and insight into what must be done in order that we keep pace with the rest of

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Mr. Taylor continues:

MOTION #35

Canada in terms of joining Confederation. I think it's deplorable and I think that the Federal Government, who I believe is through the Department of Northern Affairs, have failed again, once again, the people of the Yukon and I think that little of whatever we say here is going to go any farther than most things go but I say, Mr. Speaker, it is deplorable and it is my sincere hope that possibly the Federal Government will reconsider and start allowing the Yukon Territory to participate in these Federal-Provincial Conferences.

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

Mr. Shaw: I would just like to remark, Mr. Speaker, that I certainly concur with the telegram sent out. I might comment at this time that if we have a little patience, I think we will have room for to get in on this Confederation business. Quebec seems to want to get out and I suppose that that will provide room for us to get in at that time. It looks like the time is nearing when we could get into it and it also looks as if the time is nearing that the other outfit wants to get out of it so it just might kind of coincide.

Mr. Dumas: Mr. Speaker, this must be considered, once again, yet another of the long list of backhanded slaps to the people of the Yukon Territory. Those Gods of Power residing in the East have seen fit again to ignore this Territory as being part of Canada insofar only as it can contribute its mineral and other resource wealth to the whole of Canada. Politically we are a non-entity. This is what they are saying and let it be known that this Council realizes what they are saying to us and that this Council intends to try its best to do something about it.

Mr. Chamberlist: Mr. Speaker, in closing off discussion, more important than anything else is the lack of recognition of the people of the Yukon to equal rights as full Canadian citizens. This is a right that is not being given to us. The Department of Northern Affairs have shown, by their lack of co-operation towards the people of the Yukon in bringing them closer to the thinking and terminology with the rest of Canada, that it is apparently continuing to follow steps of long expressed colonial attitudes and it is the attitude of the Federal Government which in many ways can bring into disrepute the principles throughout the world that Canada has long been expounding - that it is truly democratic in all its ideals, but the ideology being shown to the people of the Yukon that we are in fact not fully fledged Canadian citizens is something that must be deplored and I ask that the Motion be accepted and that the feelings of this Council relative to this should be passed on by the Administration to the Department of Northern Affairs.

MOTION CARRIED

MOTION #35
CARRIED

Mr. Speaker: Motion No. 36, moved by Councillor Dumas, seconded by Councillor Chamberlist... "I move that Sessional Paper No. 54 be discussed in Committee.

MOTION #6

MOTION CARRIED

MOTION #36
CARRIED

Mr. Speaker: That would appear to take care of all the Motions on the Order Paper. May we now proceed to the question period.

Mr. Chamberlist: Mr. Speaker, would the Commissioner be available this morning?

Mr. Speaker: Mr. Clerk, would you see if the Commissioner would be available. Order. Order. The Commissioner will be here immediately. I will call a five minute recess.

RECESS. Mr. Commissioner and Mr. Legal Adviser enter the Council Chambers.

Mr. Speaker: We have the Commissioner with us and may we proceed. I will now call Council back to order. We are now at the question period. Would you proceed, please.

QUESTIONS
RE LAND
CARCROSS

Mr. Chamberlist: Mr. Speaker, I would like to address a question to the Commissioner. Mr. Commissioner, has there been any further progress re the release of land for housing in the Carcross area?

Mr. Commissioner: Mr. Speaker, I can report that there has been progress along these lines. I cannot specifically indicate at this point but I can confirm that there is progress in this matter at the present time.

Mr. Taylor: Mr. Speaker, I have a question....supplementary question to the previous question. In relation to the making available of land in the Carcross area, is it once again necessary that we purchase land from the White Pass and Yukon Railroad in order to achieve this?

Mr. Commissioner: Mr. Speaker, I don't wish to appear unwilling to answer a question in this regard, Mr. Speaker, but, with respect, I would ask if I could be excused from answering this question at this time because there is a considerable amount of negotiation that is involved in these matters.

Mr. Dumas: Mr. Speaker, I would like to ask the Commissioner if it is true that if this land is released to the Government, will the land not then come under the same rules and regulations governing other Crown land up there? I am referring primarily to the Tidewater Regulation as it is called whereby land can only be leased and in fact not sold to the public.

Mr. Commissioner: Mr. Speaker, I am in the same position in this matter. There is a considerable amount of problems with regard to the land at Carcross, not the least of which is an Order-in-Council which removes all of this land from distribution in connection with this tie-up project and in the process of endeavouring to take care of land requirements in the Carcross area, all matters in this connection are having to be considered and I would respectfully say, Mr. Speaker, that we are doing everything in our power and I have reported that progress is being made in this regard.

Mr. Speaker: Are there further questions?

QUESTION
#21

Mr. Taylor: Mr. Speaker, I have a question to which I would request a written answer which reads as follows: "Is it the intention of the Administration to provide for Council's consideration an amendment to section 50A of the Taxation Ordinance which would remove the levy of operation and maintenance tax on a per front foot basis in respect of sewer and water systems throughout the Yukon Territory?"

AA

Mr. Speaker: Are there any further questions?

Mr. Chamberlist: Mr. Speaker, a question addressed to the Commissioner. A verbal answer will suffice. Mr. Commissioner, at our meeting with Mr. Laing the other day, he told me, and he said it may be released, that funds would be made available for kindergartens. Would the Commissioner say whether there is to be...what the policy is to be in relation to these funds and when will the funds be made available?

QUESTION RE
KINDERGARTEN
FUNDS

Mr. Commissioner: Mr. Speaker, first I would make something very, very clear. Policy matters with regard to kindergartens will be the end result of consultations between the Administration and Council. I make this very, very clear that the policy matter will be decided right here, Mr. Speaker. Now, insofar as where the money is going to come from to give effect to this policy, whatever this policy decision may be, this will have to form part of our financial negotiations with the Federal Government.

Mr. Chamberlist: Mr. Speaker, supplementary to that question. The direct intimation by the Minister was that there would be a special grant from the Federal Government for kindergartens. How will...Mr. Commissioner...does this come in the fiscal arrangement?

Mr. Commissioner: This is something that would be handled outside the terms of the proposed Two Year Fiscal Agreement. I think that you will recollect in reading the yellow covered book that you have there that there is listed three or four items that say will be considered outside the scope of the Agreement. Now, I don't think that kindergartens are particularly referred to in this area, but this is something that would be negotiated outside the scope of the Fiscal Agreement. In other words, the monies that we are talking about in this Fiscal Two Year Agreement do not include, as I understand it, the special type of funds that the Minister was referring to when he was answering Councillors' questions.

Mr. Chamberlist: A further supplementary question in this matter. Would the Commissioner then say that the funds that will be made available will not in any way form any part of the Fiscal Agreement? I think that should be made clear.

Mr. Commissioner: I would say this, Mr. Speaker, that to the best of my knowledge what the Minister was referring to would be an item which is beyond the scope of the Fiscal Agreement. I say this...I repeat it...to the best of my knowledge.

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

Mr. McKinnon: Mr. Speaker, I would like to ask the Commissioner a question. I would like to know whether the Administration plans to bring amendments to the Low Cost Housing Ordinance at this Session to put into effect the Motions concerning Low Cost Housing that have been passed by this Council at this Session?

QUESTION RE
LOW COST
HOUSING
AMENDMENTS

Mr. Commissioner: Mr. Speaker, I cannot promise that this will be done at this Session. I was speaking with some Members of the Administration this morning and asked them if they would please give me a brief just as quickly as possible of what legislation it is reasonable to anticipate so that I can advise Council within the next day or so so that Council themselves will know just what we are able to give effect to on their behalf at this time.

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Wardlaw in
the. 28/11/67.

QUESTIONS
JUSTICE

Mr. Chamberlist: Mr. Speaker, a question to the Commissioner. Has the opinion of this Council re the administration of Justice in the Yukon been referred to Ottawa and has there been any reaction to that opinion?

Mr. Commissioner: Mr. Speaker, I think that I would have to ask to make inquiry about that specific question.

Mr. Chamberlist: Mr. Speaker, to Mr. Commissioner. A point dealing with Justice. I am somewhat confused as to who and where lies the final responsibility re prosecutions under Ordinances of the Yukon Territory. I am aware that the Crown Attorney is a...the Crown Prosecutor is an agent of the Attorney General but I presume this deals with matters under the Criminal Code, but who has the final say and the final responsibility re prosecutions under the Yukon Ordinances?

Mr. Commissioner: Mr. Speaker, I think I will have to refer this one to the Legal Adviser. I think that he is in a better position than I am to give that answer.

Mr. Legal Adviser: I would prefer to be able to consider that, Mr. Speaker...that type of answer.

Mr. Chamberlist: Mr. Speaker, if I may address my second question to the Legal Adviser. Surely Mr. Legal Adviser, you or somebody in the Administration must know who has the final say relative to prosecutions that may be made.....

Mr. Speaker: Order. Is this a question?

Mr. Chamberlist: Yes. I am preambing it, with respect, Mr. Speaker.....so that I must ask you Mr. Legal Adviser to say whether the responsibility lies with the agent of the Attorney General or whether it lies with the Legal Department of the Yukon Territory.

Mr. Legal Adviser: Again, Mr. Speaker, I wouldn't like to give a quick answer to this. It raises issues that would need consideration.

Mr. Chamberlist: Mr. Legal Adviser, would you be prepared to come up with an answer to this question during the next couple of days?

Mr. Legal Adviser: Well, I will consult on the question in the next couple of days but when the answer will actually arrive before the Council, I could not tie myself to a promise, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker...Mr. Legal Adviser, may we be certain that an answer will be forthcoming?

Mr. Speaker: Order. I think the question has been raised sufficient, gentlemen, and that the answers from the Legal Adviser have been to the effect that he needs a little time and I would, therefore, rule any further questioning on this particular question out of order at this time. Any further questions?

QUESTION
ELECTRICAL
INSPECTOR

Mr. Chamberlist: Mr. Speaker, a further question. A question, Mr. Speaker, addressed to the Commissioner: Mr. Commissioner, why are there further positions being advertised for, i.e. an Administrative Officer No. 2, an Accountant No. 1, Custodial Worker No. 2, when there has been no advertisement made for an Electrical Inspector under the Electrical Protection Ordinance?

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Mr. Commissioner: Mr. Speaker, the answer to this question is that the positions that are presently being advertised for are positions that either by attrition, promotion, transfer or the resigning of the present incumbent have become vacant and they are being advertised for refilling.

QUESTION
ELECTRICAL
INSPECTOR

Mr. Chamberlist: Mr. Speaker, supplementary to the last question...to Mr. Commissioner...when will the advertisement for the Electrical Inspector be made?

Mr. Commissioner: I am in no position to answer that question firmly or positively at this time, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, to the Commissioner...will an advertisement for an Electrical Inspector be made?

Mr. Commissioner: Mr. Speaker, may I take the liberty of answering this question in this manner. There is requirement, not only for electrical inspection service, but there are certain other traits of inspection services that are required under our Ordinances that at the present time are completely under review by the Departments that are concerned, and while one is not exactly tied into the other...in other words, I am not inferring that an electrical inspector as such would be called upon to perform other duties, nor am I saying that a person who is presently holding other duties, or conceivably could hold other inspection duties, will be called upon to do electrical inspection duties, but before we embark on further proliferation of the Territorial Public Service along these lines, I am requiring that my Administrative Officers present to me as comprehensively as possible the total picture as far as inspection services to give effect to all our Ordinances are concerned. I am hopeful that wrapping this up in a package that I can talk properly and intelligently to Council so that Council will know exactly what is involved and what we are talking about here, personnel wise, money wise, equipment wise and office space wise and other attended expenditures that are involved in this situation.

Comprehensive Report needed.

Mr. Chamberlist: Mr. Speaker, a question addressed to the Commissioner. Mr. Commissioner, on November 29, 1965, there was a question asked re Amusement Tax and the question read as follows: "Can the Administration inform Council as to whether or not the repeal of the Amusement Tax is included in the new Five Year Agreement as was indicated that it would be at the last Council Session?" The answer by the then Commissioner was, "The estimates for the next Federal-Territorial Financial Relations Agreement do not provide for any revenue to be received from Amusement Tax. It is intended to repeal the Amusement Tax Ordinance effective the 31st of March, 1967." Mr. Commissioner, could you say why this action has not been taken?

QUESTION
AMUSEMENT
TAX

Mr. Commissioner: Yes, I was made aware of this at the last Council Session that this had been promised by my predecessor. I personally was not aware of it until I had been appraised of it at that time and if this Act is going to be repealed, the funds that are presently part of the income package of the Territorial Government have got to be provided for by some other means and I would say that the decision along these lines is what we are going to do to provide these other funds in order to provide equivalent funds by some other taxation means or else draw up a budget for the next fiscal year that takes into account that this money is not going to be available to spend.

QUESTION
ELECTRICAL
INSPECTOR

Mr. Chamberlist: Mr. Speaker, a supplementary question. Mr. Commissioner, the answer given by the Administration then was that there is no provision to provide any revenue from Amusement Tax. Is it the intention now of the Administration to revoke on that particular statement?

Mr. Commissioner: Mr. Speaker, am I assuming that this statement was made in 1965? Is that correct? Well, I don't know just how we would answer the question...is it our intention to revoke this particular statement because very apparently this revocation has already come about. It has now been done.

Mr. Speaker: Is there any further questions? If not, may we proceed to Public Bills and Orders.

Mr. Shaw: Mr. Speaker, I would move 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 given Second Reading at this time.

Mr. Speaker: Is there a seconder to the Honourable Member's Motion with reference to Bill No. 12.

Mr. Shaw: Mr. Speaker, I will try the next one. I move that Bill No. 13, An Ordinance to Authorize the Commissioner to enter into an Agreement with the Anvil Mining Corporation Limited, be given First Reading at this time. This is the second time I have asked for it.

Mr. Speaker: Is there a seconder for the Motion of the Honourable Member from Dawson? If not, may we proceed to further Public Bills.

FIRST
READING
BILL #14
MOTION
CARRIED

Moved by Councillor Taylor, seconded by Councillor Dumas, that Bill No. 14, An Ordinance to Provide for Labour Standards in the Yukon Territory, be given First Reading at this time.

MOTION CARRIED

SECOND
READING
BILL #14
MOTION
CARRIED

Moved by Councillor Taylor, seconded by Councillor Dumas, that Bill No. 14, An Ordinance to Provide for Labour Standards in the Yukon Territory, be given Second Reading at this time.

MOTION CARRIED

FIRST
READING
BILL #15
MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Dumas, that Bill No. 15, An Ordinance to Amend the School Ordinance, be given First Reading at this time.

MOTION CARRIED

Councillor McKinnon voted Contrary.

SECOND
READING
BILL #15
MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Dumas, that Bill No. 15, An Ordinance to Amend the School Ordinance, be given Second Reading at this time.

MOTION CARRIED

Councillor McKinnon voted contrary.

Mr. McKinnon: Disagreed. Mr. Speaker, I rise to speak on the principle of this Bill No. 15....

Mr. Speaker: Order. I believe that the Motion has now been carried. May I have your further pleasure, gentlemen?

Mr. McKinnon: Mr. Speaker, I would ask that my vote contrary to the Introduction, First and Second Reading, of Bill No. 15 be recorded.

Mr. Speaker: May I have your further pleasure?

Moved by Councillor Shaw, seconded by Councillor Chamberlist, that Mr. Speaker do now leave the Chair for the purpose of convening in 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.

Mr. Chairman: Gentlemen, I would suggest that we proceed with the Motions on hand in Committee this morning so that they may be properly dealt with with your concurrence. The first Motion is Motion No. 33 respecting...moved by Councillor Chamberlist, seconded by Councillor Shaw, "That the Administration review the schedule of licences and fees as amended on April 12, 1961." Councillor Chamberlist.

MOTION #33

Mr. Chamberlist: Mr. Chairman, the schedule of licence fees that have been set up now or set up under an Ordinance, Chapter 3, An Ordinance to Amend the Business Licence Ordinance, assented to on April 12, 1961, are very unrealistic to say the least. Dealing specifically with Item No. 15 of that schedule dealing with contractors, it says as follows: "Contractors - Carrying on Business employing any building tradesman"...by having that in there and no other reference to contractors who do not employ people, there is no provision for a contractor without...who does not employ people...to pay beyond an amount of \$25.00. Now, this applies to resident or non-resident. Section 38 of that schedule says, "Any business of any nature whatsoever not referred to in this Schedule, and in respect of which the licence fees are not imposed herein, nor by the provisions of any other Ordinance..... \$25.00". There has been a number of cases of where contractors have come into the area, taken out a licence for \$25.00 because they are a one man operation, and then has employed labour on piece work, that is they pay so much for so much work that is being done. This way they don't have to pay any Workmen's Compensation because they have no employees. They are free of all liabilities as a contractor. This should be corrected immediately. Also, dealing with contractors again, there seems to be no division as between a general contractor or road construction contractor who might have a \$3,000,000.00 contract...he only has to pay \$100.00...or the non-resident contractor who perhaps comes in as a sub-contractor on a job that employs maybe two people. He also has to pay \$100.00. It would appear to me that, especially in view of the situation in regards to the attitude taken by outside contractors, we must have some sort of protection for those contractors who are local, pay their taxes here, carry on businesses from here, employ labour here, have their overhead money that they pay here circulating the area...that there should be a heavy recognition paid by them that it is a privilege for them to work here and I would suggest that in the case of contractors...

MOTION #33

Mr. Chamberlist continues:
that the contractors section be broken down to cover fees for different types of contracts. Other cases like an Auctioneer, \$25.00 is he comes in from outside. A local auctioneer also pays \$25.00. In the case of an Accountant, if he has an office in the Territory, he pays \$25.00. If an Accounting firm comes in from outside, he still pays \$25.00. A barber, he is penalized. He has to pay \$25.00 and then \$5.00 for each chair. To me this seems improper and the whole thing should be gone into because of it. Now, if we go down further to a Broker or Broker's Agent, \$50.00. We have Brokers in town here. They pay their \$50.00. Somebody else comes in....they pay only \$50.00 as well. A commercial traveller who takes out so much business out of this area, he is just billed \$1.00 for a licence. Now, it seems to me that in the case of electric power plants.... is this \$100.00 for each plant or is this \$100.00 for the whole utility? No. 19, which says, "Electric Light and Power Plant - Keeping an electric light plant and furnishing light or power for sale, or retailing electric light or power".....I think this should be made clear as to whether it applies to every location because if it does apply to every location, even based on \$100.00 a year, the Territory is losing about \$600.00 or \$700.00 in revenue right there. This is another source where we can raise some more money when we need it. Freighting by motor vehicle, \$25.00. Does this apply to firms who have their businesses here.... freighting here....or does it apply to firms who come in here to freight? Garage Keeper, \$50.00, and a Filling Station is \$10.00. Where is the definition of which is which? A Hawker or Pedlar, \$50.00. I think that is totally inadequate. The Municipality, they charge \$250.00, and the Territory certainly has a much larger area. Merchants selling petroleum products in bulk, \$50.00....totally inadequate. The prices that we are paying for petroleum products up in this country, they could afford to be hit for quite a lot more. General Merchant, \$50.00. Somebody calls himself a general merchant and takes in every category in the whole area...should be worked out on the basis of the size of the business and the type of business. Motor Vehicle Dealer, \$25.00. A photographer, \$25.00. Does this mean a photographer that is here or one of these photographers that come in every now and again, floating around and knocking on doors and taking photographs and selling photographs to the people of the Territory? There should be a special category for that and they should be hit heavily. Professions, "Practising any profession, the fee for which is not fixed by any other Ordinance....\$25.00." People in the legal profession might not like me for this but I feel quite sure that they could come up with a lot more than \$25.00. I think that that's a ridiculous amount for the practice of a legal profession in the Yukon Territory. Public Telephone System in the Territory, \$100.00. The costs that we pay... the charges that we pay for our telephone requirements, they could come up with more than \$100.00 as well. Let them pay a little bit towards the taxation in this Territory. Taxicab Operator, \$25.00. Now, does this mean the individual operator or does this mean for each taxi that is operated? Hotel or Rooming House...I am quite prepared to say that this is a lot less than what is charged for in the City because we are charged for so much per room and I think the same policy should apply. As I say, any business of any nature, \$25.00, and I think that's far too general. It should be broken down so

Mr. Chamberlist continues:

MOTION #33

that a source of income to the Territory would be provided by an increase in business licences. In dealing with business licences again, I might point out that where technical trades come into being, anybody without qualification can obtain a licence and they may continue with work which may well be of a danger to the public interest. Licences, in my opinion, should be subjected to very, very close scrutiny especially to who they are being issued to. I am of the opinion that the Business Licence Ordinance itself should be taken a very close look at with a view not only to increasing revenue via business licences issued in the Territory but to regulate in the proper manner the issuing of the business licences and that the monetary amounts to be paid for a licence in cases where specialized businesses are involved should come secondary to the need of assuring that those who are having the licences issued to them are properly qualified to fulfill the requirements that that business licence gives them.

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

Monday, November 27, 1967.

11:00 o'clock a.m.

Mr. Chairman: I will now call Committee to order, gentlemen, and MOTION we are dealing with Motion No. 33. I wonder, Mr. Commissioner, if #33 you'd care to comment?

Mr. Commissioner: Mr. Chairman, I would appreciate the opportunity of telling you what is going on at the present time with regard to the question that is raised here in this motion. The present business licence schedule of fees was the end result of a decision taken some time in the past that this would not be applied as a tax but would be simply applied as a means of identification of business that were being carried on in the Territory. Shortly after I came into the position of Commissioner, I asked that a review be instituted of not only business licence fees that are charged but also the schedule of fees that apply to all ordinances that are requiring of a fee schedule. Now, I don't have this list in front of me here at the moment, of the ordinances that have fees applicable to them, but if memory serves me correctly, it consists of one or two full-page pages with approximately double spacing. I mean, this is not just one ordinance we're talking about here. There are many, many ordinances. As a consequence of this, there has been up until now a considerable amount of work done and we are continuing to do more work on it. We are hopeful of presenting to Council at the spring session of 1968 a completely revised means of determining a fee schedule as they apply to ordinances, and a completely revised method of licencing businesses that are carried on in the Territory. I would ask Council's indulgence in the face of the work that we are doing now, and permit us to bring this forward in due time and have Council pass their judgement on the end result of the work that we have been able to do in this regard. I would like to make it clear to Council that we are well aware of the shortcomings that are involved here in this ordinance, and likewise I would like to bring to Council's attention that this is only one of many ordinances with these schedules attached to them that are very badly in need of review. In fact, there are two or three of them, Mr. Chairman, I would suggest to you, that were set up in the 1920's and have never been reviewed since and that are pretty much worse in need of review than what the Business Licences Ordinance is.

Mr. Chamberlist: Mr. Chairman, one further remark I will make on this is that what seems to be of a most annoying nature is that the Territorial Government themselves do business with people who do not hold licences. People come into town with equipment in their vehicles and they sell their equipment to the Territorial Government. A particular case of some typewriter equipment a short while ago where they have no licence. People come up and show the Territorial Government their wares and the Territorial Government does not inquire as to whether they're properly licenced and then do business with them. I think that the Territorial Government has got to make sure that they do not do business with unlicenced people.

Mr. Chairman: Gentlemen, we have the motion that the Administration review the schedule of licence fees as amended April 12, 1961. I wonder if you're prepared for the question at this time? Are you agreed? I declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

MOTION
#34

Mr. Chairman: Gentlemen, we will proceed to Motion No. 34 respecting regulations. This was carried in Council this morning. Mr. Chamberlist, will you proceed?

Mr. Chamberlist: Mr. Chairman, the Territorial Government is one of the largest, if not the largest purchasers by way of contracts for goods and services that is in this Territory, and it's necessary, in my opinion, that the Territorial Government abide by their own regulations in the issuing of contracts for the purchase of goods and the obtaining of services. Dealing firstly with the Interpretation Section of the Regulations, it seems they have a clause here dealing with a price that is fixed or estimated. I have yet to see a contract called from the Territorial Government asking for estimated costs on any particular project or for estimated costs on any particular supply. Time and time again, I have had inquiries made of me as to why certain firms have had the opportunity to make certain sales to the Territory without them having the right to bid on this procedure...to bid on these goods. On making inquiries, I am told, "Well, we just asked for an estimate of the cost of the materials or the goods supply." I believe that in the principle being that this is public money and that all funds expended for goods and supplies should be kept to the minimum, getting the best that can be provided for the money. I made some inquiries earlier in this session as to the furniture in this very Chamber and I was told that it was a higher bid that got it because the other people couldn't give a definite date as to its supply. I don't know whether the answer should be that the price comes first but certainly, it's my opinion, that wherever purchases are made, that firstly the local people should have the opportunity to bid, and if the prices are not available locally, then prices from outside should be obtained. And, where any piece of equipment or any particular type of equipment is asked for, there should be alternatives allowed. Where a specific named equipment is asked for, as in Federal bids and precisely it is declared in Federal bids, that an alternative is allowed but the name of the alternative piece of equipment shall be referred to when bidding. I, myself, have no objection to any firm in the Yukon Territory obtaining all the business that comes. I think it's good that they are able to do this. But, I strongly object when I see that business is being sent to any one specific firm without question. It's because of this that I feel that the Regulations that are in effect now, that is 1959 - 18, should be up-dated. There is a reference to day labour in the Competition Section and it finishes up by including in day labour that the equipment of the Government shall include rented equipment, and there are no bids called for rented equipment on specific jobs and arrangements are made with a large construction company when there are smaller companies who have equipment for rental who have taken objection to the fact that they have not been asked as to their price structure for renting their equipment. It should be noted as well that in Section 5 of these Regulations, that is except as is provided in these Regulations, that no contract shall be entered into without the approval of the Commissioner. I worry about this because of the part in the Interpretation Section which deals with estimates. It would appear that an estimated contract can be entered into by the Commissioner without estimated contracts being asked for. This has happened in the past. Section 6, dealing with construction contracts, shows three areas where there has been considerable abuse in the past. Dealing with 6A which refers as follows: "The work is one of pressing emergency in which delay would be injurious to the public interest," there is necessity, I would agree, for a clause of this description to be in because in cases of emergency we don't look to the dollar and cent, we have to look to the inconvenience to the public and if necessary to the saving of lives at times. But, too much of work has been

Mr. Chamberlist continued:

carried out under this particular clause, giving the Administration almost an expansive attitude when they pass out contracts just for a convenient method of getting it done quickly, and saying, "Well, we'll fall back on Section 6A." Now, No. 6, which preambles the three subsections, says, "Before any construction contract is entered into, the contracting authority shall invite tenders therefore by public advertisement except where...." Now, Subsection 6B says, "The work can be more expeditiously and more economically executed by day labour." In my experience in the construction field I have never come across any day labour that works out cheaper than a fixed price contract because people are bidding competitively where the Territorial Government are not competitive nor is any Government agency. I think that that section should be reviewed. And, in a case, which I think is the worst point of the law, where it effects small suppliers and small contractors because we are dealing with construction contracts which includes a supply of materials for so called construction done by day labour. 6C, "The estimated cost of the work is less than \$1,000 and it appears to the contracting authority, in view of the nature of the work, that it is not advisable to invite tenders." I would like to know why any amount of \$1,000 is not advisable to invite tenders, because there has been instances in the past, and I'm not referring to the immediate past, where jobs have been broken down which have a value of \$7,000 or \$8,000 and they have been broken down so that they can get under the \$1,000 amount so that these jobs can be given out without tenders. This is improper because in an area such as the Yukon where most people who are in business offering services are small business people who operate perhaps with their own individual vehicle, they operate perhaps with their own hand tools, and a contract of \$1,000 and under is substantially enough for them to bid on whereas they couldn't afford to bid on the larger jobs. They are being ignored just simply on the basis that this regulation says that it is not necessary, in fact, to ask for tenders. It would appear to me that, knowing as I do know the construction industry in the various ancillary electrical and mechanical trades that are concerned with it, that much work which is under \$1,000 are given just by call to an individual to carry out the particular work. Then it is found that extras are added to it which makes the job go far beyond the \$1,000. I believe that the principle is wrong. I agree that where it is a matter of emergency service calls, I think the amount should be limited to \$100 and that there should be provision for the Administration to act promptly. But, when we start talking about amounts of \$1,000 we are tending to have the Administration place upon themselves the right to give out and spend public monies without any control. Section 7 says, "Notice of invitation for tenders in a form approved by the contracting authority and containing particulars of a proposed work shall be published in a newspaper circulating in the area of the proposed work and a copy of the notice shall be posted in a public place in the City of Whitehorse, Dawson City, Mayo, Watson Lake, and Haines Junction." Now, I know that in most instances where a tender call is made that it is published in the newspaper, but I have received complaints from other areas where they have not seen the newspapers and have not known about the job until such time as the job is already gone. It is because that particular requirement, that a copy of the notice shall be posted, is not being followed. What is not happening again, and Section 8 refers, that the subcontractors do not always have their amounts listed on the contracts, that there is very little protection for subcontractors who are, to a great extent, bullied by some general contractors, and where some general contractors in fact place the small electrical and mechanical contractor and plastering contractors and painting contractors in the unenviable position of not being able to carry on because they have maintained and held back monies which, under regular Territorial contracts,

MOTION
#34

Mr. Chamberlist continued:

they are supposed to be turning over to the subcontractors....where they are in fact supposed to pay them before they receive their progress draws from the Territorial Government. This is not being closely looked at. Tenders have, in those major contracts in the Territory, and I'm referring to major contracts, have been properly taken care of. And, I would say this, that I'm not at all critical of the manner in which tenders which have been called are taken care of. They are properly opened. They are properly attended to, and I feel that gradually the procedure for calling of major contracts is gradually coming into a status equal to any part of the rest of Canada. It is the regulations that are not being closely followed... those sections of the Regulations that are not being closely followed, that I am opposed to. This is on construction contracts that I have dealt with. Now, dealing with purchase contracts, one of the problems that is involved...and I understand it is going to be taken care of....is they have so many purchasing agencies in the Territorial Government Administration. I understand that this is going to be remedied shortly. Now, in purchasing contracts, and this is a case....in Section 17, it reads as follows: "Before any purchase contract is entered into, the contracting authority shall invite tenders thereto except where...." And, again these exceptions: "(a) The need is one of pressing emergency in which delay would be injurious to the public interest." Now this is so vast an area. If it relates to equipment necessary for certain operations, this is fine. We recognize again, as I said earlier, that if there is some emergency attached to it, and again, and wouldn't hold strong opposition to this item. But, I certainly am opposed to Section 17B, "except when there is only one available source of supply." Now, there is never, in my opinion, one available source of supply. There is always alternative places to purchase. I think that that should come out completely, and at least that a tender call for major equipment put in, and that at least two prices be obtained. And, only if, after the tender is called and where there is only one price obtained, then I think it would be proper to make a purchase. In 17C, "except where the estimated expenditure involved is less than \$25 and the cost of any savings obtainable by competition would be outweighed by the administrative costs of obtaining prices." This may be alright when dealing with an individual item but when you have a bulk item list for 100 items as it was in the Education Department call of last year where, in one case, a bulk price for all the 100 items or so was given.....one business house in the City of Whitehorse, pointed out that the bulk price was less than the bulk price of everybody else and the argument put up by the department was that we have taken each individual item and have broken it down and have just purchased the items that we feel we can save a few pennies on. Now, the intent, I am sure, of that particular section, 17C, deals specifically where an individual item is required under the amount of \$25 and I would raise no objection. But, where there is a full list of supplies required and it is a bulk list, then it should apply to a tender call. In 18, and it is a contradiction I think in itself to Section 17.... 18 (1), "Subject to Section 17, tenders shall be invited from a representative list, or representative lists, of suppliers for purchases not exceeding \$500." This may apply to stationery, and again, it might be that these items might be less than \$500 as individual items but might be \$10,000 where it is a bulk list, and it must not be interpreted that the referring of the reference is to the individual list. In other words, my feelings are that all supplies that are required, when they are required in quantity, opportunities must be given to the business houses in the Territory first, and where there is a large saving, to business houses outside the Territory. The same thing applies with service contracts. It has been known that service contracts have been made available to individuals by them being telephoned and saying, "We want the price for servicing a certain piece of equipment, or for a period of six

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Mr. Chamberlist continued:

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months, to service some equipment. Give us a price." And, this might be called to two or three people, or two or three firms, but there are firms and individuals who are coming into business and who are operating businesses all the time in the Territory, and I don't mean just the City of Whitehorse because the unfortunate thing is that whereas it is easy for the Administration to pick up the phone and call local people in the City of Whitehorse, they don't usually call people in Watson Lake, or Dawson City, or Mayo, where they might be in business. I think this Territorial contract should apply to all people. It might be well possible that somebody in Dawson City might want to bid on some work or on some supplies that are needed in Whitehorse, and they should be given the opportunity to do it. And, the only way they can get the opportunity to do it is by reading in the local newspapers that there is a tender call for this and by the notice, as is required under these regulations be posted in their particular area. Generally, I feel that the... and I don't want to extend onto the rest as I would be repeating myself, onto the rest of the regulations....but, that the principle is, and I wish to put it this way, that the need for regulations of a nature which would be beneficial to all those in the Territory who wish to bid on contractual work or wish to bid on the selling of supplies to the Territory, should be given equal opportunity. I feel that the principle of picking up the telephone and calling a few of those that perhaps the Administration know of, should not be followed, and that only by public tender and public notice can everybody have a fair opportunity.

Mr. Chairman: Order, Councillor Chamberlist, I believe your time has now expired. You have spoken now for thirty minutes.

Mr. Chamberlist: Is there a ruling on this, Mr. Chairman?

Mr. Chairman: This is correct. Standing Order No. 59 (3), "No Member shall speak for more than thirty minutes at a time in any Committee of the Whole of Council."

Mr. Chamberlist: Well, can I finish?

Mr. Chairman: Do the Members agree?

All: Agreed.

Mr. Chairman: Continue.

Mr. Chamberlist: And further, that all tenders be made publicly and that where any special equipment is required that the equipment be asked to be called for this named equipment or its equivalent. Thank you, Mr. Chairman.

Mr. Commissioner: Mr. Chairman, I would just like to say that this is something else that is already in the process of review and has been for the past several months, and I would like to say that from a straight day-to-day operation point of view that the nub of the matter was hit upon by the Councillor when he intimated that the Territorial Government is saddled with multitudinous purchasing agencies. The internal problem in the Administration is that we do not have a central purchasing agency. As a consequence, it is not only difficult for the Administration to maintain any kind of supervision of purchasing, but it is also practically impossible for a person who wishes to do business with the Territorial Government to know who he's supposed to be doing business with. The answer to this, in fact, I would suggest that 95% of the problems that are inherent to what the Councillor has just said, are incurable

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Mr. Commissioner continued:
until such time as we can bring central purchasing about. I am very hopeful that I am going to be able to announce a date in the fairly near future when, in fact, this will have been brought about. And, at that time, I will suggest that it's not only going to be much easier, from an Administrative point of view, to supervise the purchasing activity but it's going to make it an awful lot easier for those who wish to do business with the Territorial Government to know who they are supposed to be doing business with, and get a fair shake and a fair shot at that business which is being offered.

Mr. Chairman: Have you anything further in this matter, gentlemen?

Mr. Shaw: No, except it appears to me that the question has been answered in a couple of paragraphs and I'm quite satisfied with it.

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Mr. Chairman: I would direct a question to the Legal Adviser at this time. The only remaining motion we have is Motion No. 1, respecting Summary Convictions Ordinance, and I'm wondering if information is yet available on this matter.

Mr. Legal Adviser: I was under the impression, Mr. Chairman, that that had been tabled some time ago. I tabled a Sessional Paper.... the Commissioner may have tabled it in my name....about ten days ago.

Mr. Chairman: Yes, this is correct. I'm wondering what action you gentlemen wish to take in this matter.

Mr. Chamberlist: Mr. Chairman, I would have no objection if it was voted on and reported out of Committee.

Mr. Chairman: Gentlemen, the motion reads, "Moved by Mr. Chamberlist, seconded by Mr. Taylor. I move that the Administration prepare a legislation similiar to the Summary Convictions Act of British Columbia."

Mr. McKinnon: Mr. Chairman, I think we've been advised by Mr. Legal Advier that it's impossible and beyond the accomplishments of this Council to do so. I think that if we vote on the motion, the thing we would be doing is ultra vires to this Council's prerogative.

Mr. Legal Adviser: I don't think I said it is ultra vires. I said it would apply to summary conviction procedure in relation to offences which the Territorial Government is responsible. It couldn't change the Criminal Code of Canada, but it could apply to our own ordinance.

Mr. McKinnon: I think, Mr. Chairman, in all respect, the motion would have to be amended to clarify the feeling of Committee. I would feel badly in voting against legislation to repair the Summary Convictions Act, but I could not vote for this motion as it now stands because part of it is implying an area which is outside our confidence to legislate in.

Mr. Chairman: Well, as a matter of direction from the Chair, gentlemen, it may be that possibly over the noon hour you may wish to consider matter and propose an amendment to this motion. This might offer you a solution to your problem. I believe at this time I would entertain a motion that we call it twelve o'clock.

Mr. Dumas: I so move.

Mr. Chairman: Is there a seconder?

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Mr. Livesey: I second that.

Mr. Chairman: It has been regularly moved and seconded that we call it twelve o'clock. Are you prepared for the question? Are you agreed? I declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Chairman: Committee stands in recess until two o'clock.

JH

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2:00 o'clock p.m.

Mr. Chairman: Well, gentlemen, at this time we will call Committee to order and I wonder if I could have your further direction in relation to notice of Motion No. 1, moved by Councillor Chamberlist, seconded by Councillor Taylor that the Administration prepare legislation similar to the Summary Convictions Act of British Columbia. MOTION #1

Mr. Chamberlist: I wonder if I might ask the Legal Adviser a question. Mr. Legal Adviser, I wonder if we put the words in "wherever possible". Would that suffice to bring in some legislation, bringing forth an ordinance here that would give us just the powers that we can have.

Mr. Legal Adviser: This is a different question now from the desirability for bickering. You see, the motion says bring in legislation similar to the B.C. jurisdiction. Why not eliminate the word B.C. summary convictions and say legislation for summary jurisdiction and then let the question discuss as to whether that is desired or not desired. That is a thing in itself. Because if we have power similar to a province in certain ways and less than a province in other ways and the Yukon should stand on its own as a territory and if it wants a particular summary jurisdiction, then let it have it within its own powers, and not tie us down to doing exactly what B.C. did or not as the case might be. This is just a suggestion from me.

Mr. Chamberlist: I would accept that suggestion, Mr. Chairman, if it could be amended leaving out the words similar to the B.C.....

Mr. Shaw: What number is that?

Mr. Chairman: Motion No. 1.

Mr. Chamberlist; Mr. Chairman, I wonder - I would move that the amendment to read as follows - I move that the administration prepare legislation dealing with summary convictions.

Mr. Chairman: I don't believe it is the right of the Member to amend his own motion. Is it the wish of Committee that someone wishes to propose an amendment to this motion?

Mr. McKinnon; Mr. Chairman, I would move an amendment to Motion No. 1 so that Motion No. 1 now reads, I move that the administration prepare summary convictions legislation.

Mr. Dumas: Second that.

Mr. Chairman: It has been moved by Councillor McKinnon, seconded by Councillor Dumas that Motion No. 1 be amended to read that the administration prepare summary convictions legislation. Are you prepared for the question?

Mr. Shaw: Is there any.....in this or is it just something to present at the next session or is it intended that this is to be for now?

Mr. Chamberlist: I would suggest, Mr. Chairman, as early as possible.

Mr. Chairman: Are you prepared for the question? Mr. Commissioner.

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Mr. Commissioner: Mr. Chairman, I don't want to raise any questions at all on Council's mind about this, but if my memory serves me correctly, the paper that was presented to Council, Mr. Legal Adviser advised against this particular thing so I don't know, as I say, I don't want to misread what has been said here or anything and place myself in the position of being misread or misunderstood.

Mr. McKinnon: Mr. Chairman, I wonder if I could ask Mr. Legal Adviser whether it is within our competence to pass such a motion as we now propose and whether this can be applied in the areas of justice that we now have legislative jurisdiction over?

Mr. Legal Adviser: Technical competence and desirability are two separate things. The procedure section of the Criminal Code are in force in the Territory by virtue of one of our own ordinances, so technically one comes to the conclusion that this can be changed. The desirability of doing this is a separate question.

Mr. Chamberlist: Mr. Chairman, Mr. Legal Adviser, if it is the desirability of this Council to have this done, that would be satisfactory, would it not?

Mr. Legal Adviser: Well, this isn't for me to say, it is for the Council. I don't want to get involved in a quarrel with the Council. It is for the Council to decide, a matter of discussion whether they desire something to be done. They ask me a question as to whether it is desirable or not - that is a different thing, but so far as their technical competence is concerned, it seems to be clear. The desirability is a matter for the Council.

Mr. Chamberlist: Question on the motion.

Mr. Chairman: Are you prepared for the question? Are you agreed to the amendment?

AMENDMENT
CARRIED

AMENDMENT CARRIED

Mr. Chairman: Gentlemen, are you prepared for question on the motion as amended?

MOTION
CARRIED

MOTION CARRIED

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Mr. Chairman: Gentlemen, we will proceed to sessional papers at this time. The first sessional paper we have for our consideration today is sessional paper no. 35 in relation to the Alaska Highway Handover. Councillor Chamberlist, would you take the chair a moment, please.

Mr. Chamberlist: Yes, Councillor Taylor.

Mr. Taylor: Mr. Speaker, this question of the takeover of the Alaska Highway by the Territorial administration has been a question, I think, that has been on the minds of all of us, Councillors and citizens alike, for quite some time, and I note that in the reply to a question asked by the Honourable Member from Whitehorse North what the target date was for the takeover of the highway that the answer was the target date of April 1, 1968 remains unchanged for the handover of maintenance of the Alaska Highway, and it occurs to me, Mr. Chairman, that if indeed it is the intention of the Territorial and Federal Governments to enter into an agreement on the first of April 1968, it seems to me it is jolly well time that we started considering this matter in this legislative Council, for if we do not discuss the matters relating to this, it is entirely possible that at the spring session that we may find ourselves with a problem of such magnitude we may

feel incompetent to make a decision prior to April 1, especially in view of the fact we will be sitting early in March, giving us a very few days to consider something of the import of this. Surrounding this we have many problems - the problem of the addition of virtually hundreds of personnel to Territorial employ, we have the problem of housing, indeed, possibly the take-over of Camp Takhini and all the services and all the utilities provided, we have many, many problems, possibly provision of legislation in respect of the administration of this highway, and we have the financial aspects, the financial considerations to determine, to agree upon or disagree upon, and in general we, as the legislators, we, as the representatives of the people, in conjunction with the administration, are just going to have to know something about this, in my opinion, before too long. These sessions are few and far between and too often these things are brought before us at the last minute and a gun is put to your head and said well, either you do it or you don't and I suggest that this would be the appropriate time to get a firm answer out of the federal departments involved - obviously the Territorial administration have no knowledge of this - as to just what their intentions are in relation to the takeover of this highway in light of what I have just enumerated. Now, I feel it is very, very important at this time - I see meetings going on between the federal employees of the highway, talking over the differences that may occur if they do come under Territorial employment in respect of their trade union or whatever it may be called. I hear discussions up and down the highway and out on the street and everywhere else about how different things are going to be when the change-over has occurred, administrative differences, and I hear that much planning and programming is going on in this direction and yet, for some strange reason, we, the legislators and representatives of the people, have no factual, physical or any other type of information in relation to this. I wonder, Mr. Chairman, if Mr. Commissioner could inform me if he has indeed at this point, or his administration, embarked on discussions with the federal government which would indicate that indeed we are going to take over this facility and, while I'm on my feet, my second question would be, have matters fiscal been discussed and will we have a bill before us at the spring session in regard to this?

Mr. Chairman: Mr. Commissioner, can you answer these questions, please?

Mr. Commissioner: Well, I will do what I can, but I think the opening remarks that the Councillor made, Mr. Chairman, wherein he intimated that he questioned as to whether or not Council was going to be able to unravel the various difficulties that could be conceivably involved - this is exactly why the matter is not before Council at the present time, because the federal departments that are involved are having this very difficulty right at the moment. They are unravelling the problems that are going to be involved and I think, as I have already intimated to you in this session, just as soon as there is a firm, hard situation that we can bring forth to Council for discussion, it will be brought forth. There is no interest, as far as my administration is concerned, in not bringing these matters forth because we find ourselves in exactly the same position as Council does right now, namely we would like to know what is going to be expected of us so that we can make necessary plans accordingly, and we have, ever since it was first mentioned to Council, and I have a file or had a file given to me here not too many months ago in which the vast majority of it consisted of sessional papers and questions that have been asked at the Council table over the years on this very subject, and there is no use of me trying to fool Council that I know any more than they do because quite frankly I don't. I can tell you that the financial implications on this matter between the

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federal departments seem to be or appear to be the stumbling block in this whole matter, who was going to finally accept the financial responsibility in the federal budget for those monies which are necessary to maintain the Alaska Highway. What is going to be done about an up-grading and improvement program, who is going to accept the responsibility for capital structure replacement that is needed on it. All these are the unresolved questions and I took the opportunity of asking the Minister and his Advisor who was here this week-end if they could give me any ideas as to when there might be something forthcoming that we could have for consideration, and it was suggested that there might be some information available in six weeks time. Now, I will do my best to answer any questions that Council has in this regard, but I don't want to leave any impression that we are knowledgeable in detail as to what the final outcome may be. There are things that are being proposed right now that are the very things that have been proposed and talked about on this subject over the two or three years that mention has been made of the highway. There is one thing that I think I should mention and that is, Mr. Chairman, the Councillor mentioned the possible take-over of Camp Takhini. Now, I'm subject to correction on this, but I do believe that this question was answered in Council here prior to my coming on the scene and the answer at that time was that Camp Takhini would not be a part of the package that would be considered for transfer, and to my knowledge I don't know of any change in this attitude.

Mr. Taylor: Well, Mr. Chairman, in relation to the matter of Camp Takhini, obviously many of the D.P.W. employees are housed there, and if these people become employees of the Territorial Government, they then come under our housing policy, as they effect the Territorial employee, and there are multi, multi problems in relation to this because they all live up there, and this is the only reason I cited this. However, it is an effort on my part to attempt to get to the bottom of this. Now, among the things I have been hearing consistently is that if we, the Territory, do not take over the Alaska Highway this coming April 1 next year, then the highway will not then be considered for take-over again for five years. Now, I don't know whether there is any foundation to this, but this is the current thought throughout the Territory. Where it stems from, I don't know, and we also hear that it may be possible that the D.P.W. or the Territorial Government, either before or after the take-over, will start apportioning proportions of it to private contractors to take sections of the highway and maintain it, somewhat like they are doing in British Columbia. I don't know again whether there is any foundation to this or not. This is what I'm endeavouring to learn, and the thing that I find most important of all in view of the fact that we are not getting too many bargains from the federal government these days or in recent times, I'm wondering whether this is going to be presented as a bargain to the Yukon Territorial administration or whether it is going to be a white elephant. These are things I am trying to determine and this is why, of course, I raised the question about the highway. If, indeed, the federal department concerned - I believe this would be initially an agreement between the Minister of Public Works and possibly the Minister of Northern Affairs - if, indeed, the senior administration's in hand on asking this Council to accept responsibility, then I feel it is very, very important that we know about it at this session in order that we can put consideration to it during the period that elapses from the prorogation of this session to the spring session, because if this is not done I would think, from my own mind as a Councillor, in view of the many complexities of the problem that it may be at that time I would feel that I would not have sufficient time to consider it and turn it down, so this is why I raise it at this time, to try and encourage some information out of the ground, so to speak, upon which we can base our thinking for next spring, and if we can also get an assurance from the government that indeed we have changed our minds and are not going to hand it over, well then we can forget about it and put our minds and thoughts to other more useful projects.

Mr. Chairman: Anything further on this matter?

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Mr. Taylor: No, I have nothing further at this time. I'll resume the chair. Are we clear for the moment on Sessional Paper No. 35, gentlemen?

Mr. Livesey: Well, I have one question, Mr. Chairman. I'd like to direct this to the Commissioner. I wonder if it is presently known whether we will be taking over the highway on the basis of an engineering agreement with the federal government on a similar basis to that which now exists covering the Dawson/Mayo Highway?

Mr. Commissioner: Mr. Chairman, I would want to review all the statements and correspondence and everything on this before I was absolutely firm in this reply, but I would say that this is one of approximately five or six different possible methods of take-over that have been suggested from time to time, and to my knowledge it is being considered along with all other possibilities, and that is as far as it has gone.

Mr. Chairman: Anything further, gentlemen? Are we clear then? The next sessional paper, gentlemen, is Sessional Paper No. 54, matters fiscal. Mr. Commissioner, was it your wish that Mr. Treasurer be here at this time or do you wish to proceed?

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Mr. Commissioner: Yes, Mr. Chairman, I would like to have Mr. Treasurer. I wonder if anyone would have any objection if I could bring him down and get him located here somewhere or else I'll move up there so that I can get access to his books and information.

All: Agree.

Mr. Chairman: I'll declare a short recess, gentlemen.

Mr. Chairman: At this time, we will call Committee to order and we are discussing Sessional Paper No. 54 related to finance and I wonder, Mr. Commissioner, if you would care to lead off this discussion?

Mr. Commissioner: Well, I don't know whether I would care to or not, Mr. Chairman, but..... Do you mind if I sit down while I carry on with this one, Mr. Chairman?

Mr. Chairman: Does Committee agree on this occasion?

All: Agree.

Mr. Chairman: Would you proceed, Mr. Commissioner.

Mr. Commissioner: Well, as this paper outlines here very clearly, the basis on which the fiscal agreement that was to start on the first of April 1967 for a period of five years did not come to pass. The end result of the initial investigations that were taken into the Territory's finances and a means of constructing a new fiscal agreement are contained in the yellow-covered book which you have that is entitled the Interdepartmental Committee Report on the Yukon Territory 1967. This indicates in a reasonable amount of detail what the situation was for the five previous years and outlines a course of action which conceivably would carry on under new terms and conditions for a further five year period. As a result of these presentations, certain meetings were held that involved the Territorial administration and the Territorial Council of the day and this resulted in a course of action which is also outlined in this book that brought back to Council for their consideration recommendations that were made on their behalf and after consultations with the Minister

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by the Minister of Indian Affairs and Northern Development to the Treasury Board and the Department of Finance, these were presented to the Council and they consisted of basically two documents - one an empowering ordinance to permit the Commissioner to enter into an agreement and the basis of the agreement itself which said for certain considerations on the part of the Territory, the Federal Government would undertake certain considerations and in Council's wisdom they saw fit to not give effect to those portions of the agreement which call for the raising of revenues to the amount of approximately \$1,200,000 in a period of two years. The picture at that time was given in the closing address that I made at the spring session of Council in which I intimated to Council that as a consequence of this particular approach to the financial agreement that it would be impossible to give effect to the full budgetary commitments that Council had seen fit to pass. After the arithmetic was calculated, we sent the end result of Council's action to the Minister, and when the reply was made to it we were faced with the Federal Government telling us that they were decreasing our deficit grants and also our capital grants in certain proportions which are outlined in this paper until such times as Council was prepared to give further consideration to these monetary requirements. As we have outlined in this paper, the financial picture of the Territory as it stands today, I think, is reasonably well outlined here when I say the Territorial financial picture today, we have endeavoured to give you this picture as it appears to us is going to be at the 31st of March 1968, because really this is a fiscal year that we are endeavouring to show here for you. We have not made any attempt to portray fiscal '68-'69 because we do not know what Council's wishes are with regard to these monetary matters, and literally speaking, as I see it, Mr. Chairman, the ball is now in our park here and we must make a decision as to how we wish to carry on, and possibly it would be as well at this point if I called off what I am saying and ask Mr. Chairman to have the opportunity of endeavouring to answer Council's questions, so that we may form the basis for further conversations or debate on this matter.

Mr. Dumas: I have two questions. On the unilateral decision of the Federal Government to withdraw from the new correctional program, is the figure here given a reduction in expenditure recoveries as estimated at \$246, 513, is that for one year of the program's operation estimated, or is it for a two year period or what?expenditure recoveries in regard to the new correctional program on a 50/50 basis. The \$246,513 figure given, is that for one year or two?

Mr. Commissioner: Mr. Chairman, this is 50 per cent of one year's operation.

Mr. Dumas: Sir, when we total the figures for the next two years we see that the additional revenue which the Council did not choose to raise last spring, totals \$1,328,068. The total cut-back from the operating deficit grant, a cut-back for the two years of \$1,830,000, investment loan capital, project and loan capital monies to the tune of \$2,780,000 over the two years and the withdrawal from the correctional program and the camp ground maintenance program which totals \$508,026. The total of these cut-backs comes to \$5,117,957, which is approximately just about exactly four times the amount of additional revenue which last spring session of Council did not wish to raise. It seems to me to be far out of proportion, especially in view of the fact that it says several times in this paper - it makes statements like in view of the refusal on the part of the Yukon Council to approve the collection of additional revenue, the federal government decided to reduce proportionately the operating deficit grant provided for the draft agreement. Well, in the operating deficit grant is in proportion, but then it goes on to say in the paper, in addition we have the

reduction in project and loan capital because again of this refusal of the last Council to take action, as the administration or as the Department of Northern Affairs thought that action should be taken. Further, this unilateral decision to withdraw from a program which the federal government had entered into in all good faith with the Territorial Government, with the Territorial Council at one point, they have decided to withdraw from an agreement they had already entered into, two agreements as a matter of fact - one the correctional program, two, the camp ground maintenance program, and the last sentence in that paragraph on page 2, paragraph number 2 "It is understood that the Federal Government has deferred sharing in these two programmes until such time as the draft Agreement is concluded." sounds very much to me, and I may be wrong, but it sounds to me like some sort of coercion - either you come through or else you're not going to see any of these monies for these programs. With that, I open the discussion on this paper, and I'm sure my colleagues will have something to say.

Mr. McKinnon: Mr. Chairman, I have always found that if one has any gumption to him when he gets backed into a corner by any party that his hackles are going to rise and he is going to fight back. I cannot adjust my thinking to accept the fact that because a prior Council saw it in their wisdom not to raise \$1,328,068 in revenue, the federal government in its wisdom turns around and cuts the expenditure over the two year period \$5,124,603 or almost four times the additional revenue that a prior Council refused to raise. I was not a member of that Council. I had no say in whether the Territory and the elected representatives of the people at that time would raise revenues or refuse to raise further revenues. I say that the federal government by a unilateral action has backed me into a corner and cut programs that this Territory needs, that the people of this Territory demand in a period of time when we are going through the greatest expansion that this country has ever seen magnified in this Territory. We were told by the Commissioner at the beginning of this Council that private enterprise alone in 18 months, in the six months passed, in the 12 months in the future will be investing \$180,000,000 in private funds in this Territory. We are told that in this period of time when services in the new townsites, in the new areas that will be springing up through private capital expansion, that because a prior Council did not accept their responsibilities, if indeed this was the case, then the whole of the Territory and the Council that now sits has to suffer for a mistake they made. Mr. Chairman, I cannot, I will not accept this type of thinking. I have been put in the corner, my hackles are up and I'm mad and I'm willing and I'm prepared to fight.

Mr. Chamberlist: Mr. Chairman, I am going to use a very harsh word. I think the federal government are blackmailing the present Territorial Council and I mean blackmailing in the absolute extreme. For them to come forward and say to them - you are going to be over five million dollars short if you don't raise \$1,300,000 or so, is blackmail. I can't express it in any other way. I don't think there would be any other expression that would fit the situation. The federal government are fully aware that they in turn sometimes are placed in the position where, during a change of administration, there is a change of thoughts and I don't know yet, I haven't quite decided, whether the last Council were not correct in the attitude they took, if they perhaps knew that they would be faced with possible pressures of a nature that is absolutely foreign to us. I'm going to suggest that the federal government place themselves in the position of being violators of the very principles that are held dear to most of the people in Canada. I want it made known and clear, Mr. Chairman, that I always seem to refer that the Commissioner should pass on my thoughts because I want the federal government to know my individual thoughts if not that of the Council or this Committee specifically as a whole, that they can't bully me into accepting what I think is not right, and I'm pleased to know that in this Council the federal government have very few people, if any, that they will be able to bully. Thank you, Mr. Chairman.

SESSIONAL Mr. Chairman: Councillor Chamberlist, would you take the chair?
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Mr. Chamberlist: Yes, Mr. Taylor.

Mr. Taylor: Well, Mr. Chairman, I think that this is possibly - it is certainly to date the most important matter before us at this session of the Council, and last year I took the stand when the matter of a fiscal agreement arose, that I felt that five years to commit the people of the Yukon Territory was too long a period. Indeed, other members felt the same way, and we've got the fiscal, or this proposal of last spring down to two years. We went to Ottawa, we negotiated, I think reasonably successful, although I think some people left with misconceptions that we had all agreed on this and agreed on that, arm in arm we came home to do the job that Ottawa wanted us to do, but this was not the case. We find ourselves now in the position, we mended the agreement, but the federal government refused to accept that agreement, and what the federal government did in essence was say, alright you naughty, naughty people in the Yukon, you will not do as we have told you to do, so consequently we are going to make you suffer, and suffer indeed until you do do what we tell you to do, and that is why the cut-backs of last summer, that is why there was no street maintenance of our streets last summer, that is why we did not get ahead with any of, or many, I should say, of the projects so required by the people - fire halls and hospitals and things of this nature. Cut-back here, cut-back there - all because the naughty, naughty people in the Yukon did not do what the federal government had asked us to do. They will go before the people of Canada if necessary and they will wave a figure before them and say this is the deficit grant we give to the people of the Yukon Territory - here it is, look at it, fabulous sum of money, but they don't tell you what comprises that deficit. They don't tell you, for instance, that involved in that deficit is the federal government's share and responsible share for the cost of educating those people who are in government employ. They don't tell you that indeed in many areas of our fiscal, or pardon me, our deficit grant that the federal government pay their bills, the money they owe for services rendered by the Yukon Territory through this deficit grant. Before us come innumerable bills. We have one in Council before us now for \$500,000 in respect of the Anvil agreement, where they come and say well, okay fellas, we're going to loan you \$500 and then propose a piece of legislation which will permit you to give that money to Anvil Mining Corporation because we made a deal with Anvil Mining Corporation, that you are not a party of, but we want you to do this, so if anything goes wrong, you fellas can take the blame, and then in order to see that you're not out of pocket in this affair we'll then loan you the money so that you can give the money back to us, and this is the way it goes. That appears in the deficit grant, so when we get right down to it, the people of the Territory and the people of Canada are absolutely dumbfounded by a bunch of figures all wrapped up in this nice little package that the federal government and Territorial government call the deficit grant. Now, when we went to Ottawa and we were told this is what your financial picture will be for the next four or five years, or the next two years, this is the money you are going to have to raise. Now, it certainly wasn't proven or shown to me when I was in Ottawa at that time what justified this original figure in the first place. We explored many areas of raising revenue and were turned down. At one point I think I enquired of the Interdepartmental Committee on Finance well, alright if we are such a high deficit area in the Yukon such as we are told we are, Canada's second poor cousins, why then do we not receive the same treatment as the Maritime Provinces, who are considered a high deficit area? In other words, why not give us an equalization grant - we can keep the tax level down and services that are normal in the Yukon Territory. They said no, no, no we can't do that because the

average tax rates that apply across Canada in all our taxing categories show that we have a higher per capita recovery. Well, in other words, we're making money. Well, I don't know. It completely baffles me, but I will agree with those who say that if we're going to go into this situation again, this is going to have to be re-negotiated by this Council. I do not think that the past Council in respect of the raising of the additional revenues by taxation are referred to in this paper, were wrong. I feel that they were right. It was the view I took at that time and I still take that view. I feel, as those Members who have so stated that they are prepared to fight, I feel that I go along with them. You will find me in their ball park. I'm willing to negotiate on reasonable grounds, but certainly negotiation must come, and if we are to resolve this problem in any way, shape, or form, we are going to have to sit down around the Conference Table and do it all over again, only this time we're going to have to get more information than we got the last time about it, and with those opening remarks I, too, wish to identify myself with those who have the courage of their own convictions to stand on their own two feet, on behalf of the people of this Territory, who are by now absolutely bewildered, and state my position in this affair.

Mr. Dumas: Mr. Chairman, I have heard the word game bandied about the last few days. This seems to me to be one hell of a serious game we're playing.

Mr. Chairman: Order there, Councillor Dumas.

Mr. Dumas: Excuse me. However, in the same vein I'd like to pass the ball over to the Commissioner and to Mr. MacKenzie and ask them if they can justify or take and explain why over five million dollars was cut back because of a lack of a raise of \$1,328,000, and do you think it was a fair cut-back?

Mr. Commissioner: Well, as far as passing comment or judgement on whether this is a fair cut-back, I don't think I should be called upon to express an opinion on that particular aspect of it, but the other part of the question is you are asking as to how this was arrived at. Now, the book that you have before you here explains this far more clearly than what I can explain. It starts on page 46. Up to that point it gives you an outline of those things which were proposed in the way of expenditures and recoveries, and at this point it explains to you what happened after the meetings with the Interdepartmental Committee and the Territorial Council in Ottawa, and in the second paragraph "The Council proposals dealt mainly with the desirability of a two-year agreement, financial responsibility for justice, cost-sharing of the corrections program and suggestions for increased territorial revenues." The Council's point with regard to the two-year agreement was accepted. There didn't seem to be too much difficulty in this. I think practically everyone we spoke to agreed that trying to project five years ahead in the state of flux of the, in the Territory's economic development, was just an unreasonable length of time to go. The next thing was the financial responsibility for justice. "Council asked to be relieved entirely from financial responsibility for the administration of Justice." and this was done. Apparently it was introduced in 1962. I don't know just exactly why, possibly some Members of Council that are here now know more of the background of this than I do. I'm not familiar with this, but "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.", so this one was taken care of. "The Corrections Program introduced during the course of the 1962-67 financial agreement has met with criticism in the Territory. Because of the more advanced concepts of prisoner rehabilitation in this program, Council

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is of the opinion that there is a degree of experimentation involved and that the Federal Government should share the cost of an initial period." and further "Council also took the view that no additional territorial taxes should be levied until a detailed study has been made to determine what revenues the Territory can and should raise. Council felt that the criteria used by the Committee in assessing revenue proposals were too closely associated with the provinces and did not recognize conditions peculiar to the Territory. Council urged moreover that a Commission be appointed to recommend on the political development of the Territory. As a result of this expression of the views by the Territorial Council to the Minister, it was agreed by the Minister of Indian Affairs and Northern Development that he would seek Cabinet approval for a two-year agreement which would meet Council's wishes on justice and corrections programs and which would not include the following increases in revenues proposed by the Committee: increased property taxes; increased diesel fuel; withdrawal exemption from fuel oil tax; increased truck and trailer licence fees. In total these represent a decrease in estimated territorial revenues of 2 3/4 million dollars over five years or \$715,000 in the two years of a proposed short term agreement. The revised proposals for a new financial agreement with the Yukon Territory as recommended by the Minister of Indian Affairs and Northern Development contained the following changes from the terms proposed by the Committee: (a) for two years only; (b) that the administration of Justice should not be a responsibility of the Territory financially; (c) that the Federal Government should share 50% of the cost of a revised Corrections Program; (d) the only new revenues to be raised by the Government of the Territory should be from a proposed 10% tax on accommodation and from an increase in the sales tax, or the sale price of liquor to provide for a 100% operating profit." This, by the way, in the period of two years as item (d) was, as I remember it, to raise somewhere in the neighbourhood of \$1,200,000 in the full period of time, or \$600,000 in the fiscal year. Am I correct on that now, Mr. MacKenzie?

Mr. MacKenzie: It was \$600,000 in a fiscal year, yes. I don't recall the two year figure.

Mr. Commissioner: "Accordingly, on April 25, the Cabinet, on the recommendation of the Minister approved that the Government of Canada enter into an agreement with the Government of the Yukon Territory for a period of two years, commencing the 1st of April for the duration of which agreement: (a) the Territorial Government undertake on its own part and that of its municipalities to abstain from the imposition of corporation taxes; (b) the Government to undertake to pay annually to the Territorial Government a subsidy equivalent to 80¢ per capita on the population of the Yukon Territory, etc. the amount of \$11,000; (c) the Government of Canada undertake to pay annually to the Government of the Yukon Territory a grant in aid of its Government and Council in the amount of \$30,000; (d) the Government undertake to pay an operating grant to the Government of the Yukon, in the following amounts: \$3,779,218 in 1967, and \$4,570,199 in 1968; (e) the Government of Canada undertake to pay the subsidy in item (b) and the grants in items (c) and (d) in monthly instalments." We have been encountering, as we pointed out to the federal people, we have been encountering very great difficulty in paying our bills promptly because many instances and many times these grant monies were coming in two and three months in arrears and it was becoming very difficult to present any kind of a proper financial responsible operating entity, and "(f) \$7,780,000 to be available during the two year period to be drawn down by the Territorial Government to meet cash requirements for capital expenditures." These capital funds were to be granted on the same basis as they had been in the previous five

years, namely the funds were to be provided as and when required, and monies to pay back the funds were to be granted as the pay-back was needed. In other words, capital funds are given to the Territory without any draw upon our own revenues to return these. "(g) the Government undertake to pay to the Government of the Yukon Territory in each year of the two year period funds in an equal amount to the amortization payment due." In other words, this is telling you here that whatever you are given in (f) is going to be made no charge against the Territorial finances under item (g), and "the forecast Territorial expenditures for the period as well as for the two-year period after giving effect to these adjustments are indicated in the tables shown in the various appendices that are attached." So, that the agreement that finally came before Council as related to the agreement that was proposed initially by the Interdepartmental Committee was a considerably different document.

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Mr. Taylor: Yes, I have a question I would like to direct to Mr. Treasurer at this point in time. At the spring session of Council we approved a means supply bill in the amount of \$17,694,552.53. To date, what portion of that money has actually been spent?

Mr. MacKenzie: I should have to ascertain that figure. I presume that you mean all sections of expenditure, not just operation and maintenance.

Mr. Taylor: Mr. Chairman, this was the whole budget. The only segregated portion was an amount in the amount of \$820,000 under project capital which forms another bill, and I would like that in addition to..... That was Bill No. 8 and Bill No. 9, and I would like to know from this figure how much money has actually been spent in relation to the budget on operation and maintenance and capital.

Mr. Shaw: Mr. Chairman, I have listened to the debate with quite some interest. I have heard various and sundry condemnations and otherwise. However, I'm not going to discuss the emotional factors of this but rather the facts that are on hand and the facts that have transpired, namely that the Council of the Yukon Territory and the administration or Northern Affairs, or whatever you may call it, got together to discuss ways and means of how we should finance the operations of this Territory. As is usual with situations such as that and quite to be expected, the federal government, being persons that were paying out money, the Council, who had the responsibility of seeing that this money was wisely spent, could not agree on some of the matters relating to this five year agreement. However, they did agree, Mr. Chairman, that perhaps if we could settle on a two year agreement, that would be a little more realistic because we could foresee, if it is possible to foresee at all, at least we could foresee two years expenditure much better than we could foresee five years. An agreement was arrived at in respect of this particular matter, and thereby it was felt that the financial details could likewise be agreed upon in view of the short term. However, that was not the case. Whether this is - who was wrong or who was right - I'm not prepared to discuss it at this time because I am trying to keep this to facts. The results were that when we concluded the session of Council last year, we agreed as to the state of the expenditures for the Territory and the revenues for the Territory, the agreements in relation to this were such as it left an imbalance in the budget of the Yukon. In other words, there was an imbalance in finances. Another fact, Mr. Chairman, was that there was no agreement between the federal government and the government of the Yukon Territory, and I say the government, I refer to the Commissioner in Council, as to how these finances could be made to balance. They could not agree, in other words. Unfortunately, and this is not a fact, that Council was performing its last duties or I should say it was the end of the term of the Councillors so that when we come

SESSIONAL PAPER #54 to the fall of 1967 another fact is established that we have a new Council here. I agree with the Member from Whitehorse North that whatever may have occurred in the spring of 1967 is no fault of the present Council. What happened before is history. What is happening now I think is what we should be more concerned with. I have no idea on where we can go from this particular point, Mr. Chairman. I can see the futility of getting up and being very irate on the matter because I think that what we should do, and I also feel the administration should do likewise, is to get down to brass tacks and find out what we can do with what we have. In other words, we have to face the future. Let's forget about the past and see if we can get down to some agreement of some sort that we can get this operation on the right road. There will no doubt have to be some give and take on this proposition, there always has to be, but certainly we must face up to the fact that we have to operate. Unless we can operate under some type of an agreement with the federal government, we can't get any place at all. So, I would suggest, Mr. Chairman, that - I don't know just at the present moment how it can be resolved, but I do feel that the time has now come whereas we must get down to the - I don't know whether you would call it the bargaining table - that might be the word, or the negotiating table, but we must get down to matters for the future of this Territory. We can forget about the past, that's all gone. Maybe I made a mistake, maybe somebody else made a mistake, but we can't get away from what has gone past, that is history now, and I would suggest that we use our efforts to try and get down to some type of an operation where we can reach an agreement with the government, that is an agreement that is going to be dependent upon what we want, what they want and what we can agree upon, but let's get down to that and I think we can make more progress.

Mr. Taylor: Mr. Chamberlist, I will now resume the chair. Gentlemen, I will declare Committee in recess.

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Monday, 27th November, 1967.
3.30 P.M.

Mr. Chairman: Gentlemen, at this time I will call Committee ~~to~~ **SESSIONAL**
to Order and we were discussing matters relating to finance. **PAPER #54**
Mr. Chamberlist. **FINANCE**

Mr. Chamberlist: Before recess Mr. Commissioner at some length read from the Fiscal Territorial Agreement and most of us are familiar with what he read because we obviously had read the paper ourselves, but it certainly didn't do what it should have done; the Commissioner should have done, and that is answer the question put by the Honourable Member from Whitehorse West, and I put it this way:- how can the justification for the cut-backs of over Five Million Dollars be because of a previous Council not going ahead and raising One Million Three Hundred Thousand Dollars or so. I think it is necessary to get an answer to the question of justification for this action because in our wisdom when and if this is renegotiated we might be faced with a situation where they come along and say; well, you won't agree so this time we will cut back Seven Million Five Hundred Thousand Dollars. Now, what I want to know is where this happened; who said it should happen and where lies the justification that you can say to us; because you are not collecting another One Million Three Thousand Dollars we are going to knock off another Five Million. Now, I could have appreciated it, very much if it was said to us, now you, we need you to collect another One Million Three Hundred Thousand. You haven't done it so we are going to deduct One Million Three Hundred Thousand. But you haven't said that. You said we are going to penalize you - we are going to penalize an ex-Territorial Council. This will teach you a lesson. Look, I don't want this to happen next time. I don't want it to happen any time. So, I want an explanation of why this happened and if the Federal Government is in error for doing that and I might say that the Honourable Minister for Northern Affairs seemed to be surprised this was so. He said it was an equal amount so it must have been somebody's authority- whose authority was it, why was it justified? Those are the questions the members here I am sure would like to have answered before we can go any further because the air has got to be cleared and on this particular situation there has been a form of blackmail and this question must be answered and I would ask Mr. Commissioner if he would answer that question. It is the same question that Councillor Dumas has asked.

Mr. Chairman: Mr. Commissioner:

Mr. Commissioner: Well, you ask me to show justification for this and also you ask where this cut-back was authorized or who said they were not going to pay the monies; perhaps this might be a better way of putting it- the people who have the final say in these money matters in the Federal government, as I understand it and have intimated to me is the Treasury Board in consultation with the Department of Finance and the Cabinet. These cut-backs that total this sum you are speaking of at the present time are made up of different forms of Federal assistance to the Yukon Territory. I think that before you can analyse what the impact of it is or how it is even been constructed I think you have to get down to the forms these cut-back monies originally appeared in. I wonder, Mr. Chairman, if I could ask Mr. McKenzie to delineate to Council those areas in which cut-backs were made and the manner in which we were informed

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Mr. Commissioner, -continues
that these cut-backs were going to take; the form they were
going to take.

All: Agreed.

Mr. McKenzie: We were of course informed in writing of
these changes and there was not much that could be done
about the suggestions that were made. This reduction of
expenditure recoveries of \$246,000.00 for Correctional
Program, for example - this was withheld by the Federal
Government, not with our consent and there is just nothing
that we can do about it except of course, pass legislation
approving the imposition of higher taxes which would
immediately restore this recovery of \$246,000.00. The
same thing applies to the \$7,500.00 recovery for campground
maintenance. Then again we did not agree to this but had
to go along with this - the same category as the Correctional
Program reduction.

Mr. McKinnon: Am I to understand it that any of these areas
that were cut-back that if the Territorial Government were
now to tell the Federal Government that they were willing
to supply the taxes that a prior Council saw fit to drop
from the budget that all the services would be restored and
reinitiated?

Mr. McKenzie: The position is that if this Council will
approve the imposition of additional taxes to produce this
\$600,000.00 income which has been rejected then all these
cut-backs will be reinstated.

Mr. McKinnon: Mr. Chairman, I agree now with Mr.
Chamberlist that the word is "blackmail".

Mr. Chairman: Councillor Chamberlist, would you take the
Chair.

Mr. Chamberlist: Yes of course Mr. Chairman.

Mr. Taylor: Mr. Chairman, this is the crux of the whole
thing; in other words the people of the Territory and
this Council are being virtually coerced by the Federal
government. I wonder, just before I continue, if Mr.
McKenzie would now be able to tell us how much money we
have spent to date out of our budgetted amount this Spring?

Mr. McKenzie: Not at the moment, Mr. Chairman (inaudible).

Mr. Taylor: Thank you, Mr. Chairman. I just want to say
this, that this points up the need for renegotiation by
all means because, clearly and simply we are being coerced
by the Federal Government. I would like to know who, at
the Federal level, wrote these letters ordering these
cut-backs, whether Departmental Committee on Finance, the
Deputy Minister, the Minister himself, or Treasury Board
or Cabinet, just who it was. I wonder if I could have
that question answered.

Mr. McKenzie: That of course I personally don't know; who
wrote the letters you referred to.

Mr. Taylor: I wonder if maybe Mr. Commissioner might have
received these letters, these directions; maybe he would
know who wrote them.

Mr. Commissioner: Well, Mr. Chairman, to tell you who
specifically in Ottawa composed the letters to which the
Deputy's or the Minister's signature is affixed when they
come forward to me; now I'm sorry I can't tell you. I just
don't know .

Mr. Taylor: Well, then I must conclude that this was by the Minister or Deputy Minister and it intrigues me, Mr. Chairman, who the Federal Government takes this attitude towards the people of the Yukon and the North in general. I have a statement made here, for instance, made by Arthur Laing, the Minister, Honourable Arthur Laing, which Minister states; and quoted in the Canadian Press in Ottawa the early part of this year that Northern Development Minister Laing has assured the Northwest Territories Council that his Department shares a common goal with it making the Territories a province. Appearing before the Council Mr. Laing said "there is plenty of evidence of sufficient resources in the Territories to support the people and local government-except for the difficulties of transportation and communication they would have been tapped long ago". It is these people who are dictating the fiscal policy to us. I would like at this time because it would be of great interest to Members of Council to cite briefly an excerpt from a text of an address delivered at Trent University on November 3rd, 1966 by possibly the best friend the Yukon Territory ever had, Gordon Robertson, who is now Clerk of the Privy Council and Deputy Minister of Northern Affairs. His position - he says one possible response to the difficulties, being finance, is to decide that the unqualified forces of cost price and profit should not be permitted to dictate the course or pace of development in the North. There would be ample precedent in this Country for such an argument. Canada itself is an expression of the proposition that economic considerations are not the sole determinant of national policy even in the realm of economic development. It is a cliché that Canada is a country established in defiance of geography; it is also to a substantial degree one established in defiance of economics. It was not economic calculations that lead to construction of the CPR; it was the decision of national policy and the application of public capital. they changed and hastened the course that economic considerations alone would have set. Even more clearly, the inter-colonial railway was an almost total defiance of economic determinance. The same could be said of many other applications of public policy to achieve results thought desirable in the long-term interests of Canada as a nation. Does this not suggest that if capital is needed to develop the north and if its competitive position is inadequate to attract the amount required, the right course is for government, as an act of national policy, to direct public capital there to stimulate private investment or, alternatively, to provide subsidies to offset the cost disadvantages of the area. The answer has, I think to be related to the circumstances". Now this in essence, is a philosophy that used to be enjoyed by our former Deputy Minister of Northern Affairs. The same gentleman who said that indeed the Department of Northern Affairs who create these things should exist only long enough to administrate itself completely out of business. Now, again this points up a change in policy at the Federal level and as far as I am concerned this is straight coercion, blackmail; it is putting the gun to the head of the people of the Yukon Territory; it is undemocratic, unconstitutional it is in violation of any civil rights that we possess as citizens of the Territory and we've got to make a clean start and I think that Ottawa is going to have to change their thinking because I'm not prepared to share any agreement which takes such a negative - to sign any agreement or lend my support to any agreement that does not offer some hope for the future. I just wanted to bring to light a few of these thoughts while we are discussing this subject.

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Mr. Taylor continues..

I think it has got to be made abundantly clear to the Federal Government that we are not going to stand here and be coerced. Thank you Councillor Chamberlist, I'll resume the chair.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: The question that has been asked; another question that hasn't been answered again. The question this time is: who gave instructions? Mr. Commissioner, you have said that you don't know who dictated the letter over the signature of the Minister or the Deputy Minister. I would like to know, and I am sure the members of the Committee would like to know who signed the letter. This is important so we know who dispatched it. Perhaps tomorrow I might ask in Production of Papers to have the letter brought forward but in the meantime, who signed it?

Mr. Chairman: Mr. McKenzie.

Mr. McKenzie: Perhaps the Commissioner should answer this question.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, I will have to find out. I couldn't tell you offhand.

Mr. McKinnon: Mr. Chairman, I am going to have to forget the preliminaries and go right down to the crux of this problem. Section 16 of the Yukon Act provides the legislative powers of the Commissioner-in-Council and the Commissioner-in-Council may, subject to the provisions of this Act and any other Act of the Parliament of Canada, make ordinances for the government of the Territory in relation to the following classes of subjects; namely direct taxation within the Territory in order to raise revenue for Territorial, municipal or local purposes. It is as clear and as concise as it can possibly be. The Commissioner acting by and with the advice of consent of elected members of this Council may raise money through direct taxation. Section 24 of the Yukon Act reads: It shall not be lawful for the Council to adopt or pass any vote, resolution address or Bill for the appropriation of any part of the public revenue of the Territory or of any tax or any impost to any purpose that has not first been recommended to Council by message of the Commissioner in the Session which such vote, resolution, address or Bill is proposed. Let's get down to what this exactly means. It means the representatives of the people of this Territory can pass laws increasing taxation to the people of this Territory yet have not one wit to say of how the revenues that they have imposed on the people of this Territory can be spent. I cannot see a more classic example of taxation without representation. This is what it is. This is why our friends to the south threw the tea over in Boston Harbour. This is why the chateau clique and the family compact and the emerging Canada were deposed and I strongly fear that if the Yukon Act is not changed so that this denial of the very basis of democratic principle is not changed that there are ominous days in store for the Yukon Territory. You cannot take a people who desire and propose to live under democratic institutions and deny them the principles, the very basis on which this democratic principle is founded. Now it has

Mr. McKinnon continues.
come full circle. We have all kinds of plans and projects initiated by the Federal Government. We are told that we have to raise extra revenue and taxation so that these plans and projects, initiated not by the representatives of the people of the Territory, but by the appointed administrators so that these programs can be put into practice. If I stand on principle and I believe I should, I cannot really understand why the people of this Territory have to raise one cent in taxation when they have no say at all in how this tax dollar has to be spent. And, Mr. Chairman, I certainly look forward to this and I hope the day is not too far off when this pernicious and insidious part of the Yukon Act that denies the representatives of the people the right to say how the tax dollars which they impose are raised forever struck from the Legislative book and from the Yukon Act.

All: Hear, hear, hear.

Mr. Chairman: Gentlemen do you care to proceed.

Mr. McKinnon: Mr. Chairman, we are faced with a problem of the moment. Politics is the art of the possible; cannot let the people of the Territory suffer because of actions that have preceded this period in time. I would move that in the opinion of this Council immediate steps be taken to renegotiate the two year Federal-Territorial Financial Relations agreement with the Federal Government.

Mr. Dumas: I'll second that Motion.

Mr. Chairman: Gentlemen, I'll declare a short recess while you prepare a copy of this motion. I have a copy of this so we will dispense with the recess. It has been moved by Councillor McKinnon and seconded by Councillor Dumas that in the opinion of this Council immediate steps be taken to renegotiate the two year Federal-Territorial Financial Relations Agreement with the Federal Government. Is there any discussion on the Motion?

Mr. Shaw: All I have to say Mr. Chairman, the colloquialism "now we are cooking with gas".

Mr. Chairman: Mr. Livesey.

Mr. Livesey: I have been sitting here this afternoon listening to all the members discussions on various points that have come to their minds about the problem that we are in and no doubt a good many things that they can say about the Yukon Act and other acts of parliament are absolutely correct. The problem is specifically there. We don't have the power to do what we would like to do and the worst part of the whole thing is that although we can say no we cannot supplant that no with a positive answer to cover any new position that we would like to take. However, I think that to a certain extent the arguments about more responsible government and a changing government in order that parliament may see fit, in its wisdom, to change the Yukon Act is somewhat separate from the acute position with which we are faced here this afternoon. I see the inter-relationship with regard to other discussion but at the moment we are faced immediately with this problem as it is set before us and the question I would like to raise Mr. Chairman, before we go any further with the Motion is; I would like to ask Mr. Commissioner with regard to the

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Mr. Livesey continues..
question of the complete renegotiation of the two year agreement. Is this what is contemplated because if this is so it seems to me that this is going to entail quite a little work and quite some time.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Well, Mr. Chairman, I can't foretell the future. If I'm being called upon to make some prediction as to what the end result of the re-negotiation with the Federal Government is going to be, Mr. Chairman, I'm in no position to pass any judgment on this and if it is Council's wish that renegotiations take place I can assure you that I will forthwith place Council's wishes before the Minister. This is the start and the finish of this conversation. However, I point out something to you and I say this from a simply straight administrative point of view and that is that the difficulties of operating the day to day finances of the Territorial Government without an agreement or without some firm knowledge of what kind of monies that we are going to have to operate the government with within the course of the next fifteen or sixteen months and I am quite confident that Mr. MacKenzie will bear me out on what I say in this matter. Literally speaking we are stalled on dead centre. Now, this is a simple fact of life. I'm not passing any judgment on this at all - what has gone in the past or what will happen in the future. I simply say that we are stalled at dead centre. At the present time we have placed before you the end result of the financial situation that is in effect at the moment. Now whether this financial situation is right or wrong I'm not passing any judgment on it but I simply have to place before you the factual situation of life and that is that up to and including the 31st of March, under our present ability to raise money by either deficit grants or taxes or any other means that we have at our disposal we are going to show a deficit in operation and maintenance of something in the neighborhood of \$800,000.00. It is a reasonable anticipation if we don't have any natural disasters in the course of the four months which are ahead of us that this may be something closer in the neighborhood of three-quarters of a million dollars, \$700,000.00 because our revenues are definitely higher than what we had anticipated and this is being brought about by greater economic activity in the Territory than what was conceivable for anyone to anticipate when these budgetary figures were being made up. And, if a decision is made that we are to live during the 1968-69 fiscal time, within the confines of those monies which appear to be available to us at the present time we are simply faced with the same situation we were only to a greater degree in May of this last year; namely that desirable programs cannot be proceeded with and many essential ones have to be cut back. There is - you can only spend a dollar bill once. Now I don't know if I satisfactorily answered the Councillor's question Mr. Chairman but if he wishes more detail I'll go into it.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Well, this is not a question; I'll have to preface this one a little to describe it. It seems to me that between 1958 and 1964 the average increase in the six years of the operation and maintenance of the Territorial government outside of the fact that Justice was at one time included

Handwritten initials

Mr. Livesey continues.. and another time excluded with something more than about a million and a half dollars for that entire period and looking at the figures that commence in 1964 up until the present moment it seems to me that the operation and maintenance costs have gone up One million dollars per year and further, looking at a projected estimate for further years from here on it would seem to me that the estimates are something of that nature. They are going to be costlier; they are going to go up One million dollars per annum each year and I think this is a most serious situation because I think it does not seem to me that the - until we get a different form of responsibility the Government of the Territory cannot have any control whatsoever over these increasing costs. Increasing costs, as you know, will absorb any productivity in taxation from the public purse and certainly absorb everything that comes along without doing what the public may require. This is the possibility that I am thinking about. I was wondering if this was the projected increase in estimated cost, could the Committee be given that understanding that it is going to go up One Million dollars a year; something similar to what it has done since 1964, over say the next two or five years. This seems to me a tremendous increase in costs of government.

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Mr. Commissioner: Mr. Chairman, there is absolutely no indication that I see and Mr. Treasurer can correct me if I am wrong but I see nothing to indicate any levelling off in anticipated expenditures of the Territorial government. The school population increases each year; we need more schools; we need more school teachers. The other aspects of our administration that call for large operation and maintenance monies; the highway system, the engineering and municipal affairs, we get more miles of road, more traffic on them, they simply call for more maintenance and I would say to you Mr. Chairman that in the construction of the Territorial budget the amount of money that is free to be applied on say the basis of, should we do this or that, is getting to be smaller and smaller each year because the first thing to be taken care of in the operation and maintenance budget of the Territorial Government are those things which the government is required to do by legislation. These are mandatory in most instances. There is no option as to whether we are going to do many many things and by the time these mandatory things are taken care of that are legislated and legislated by the Council the amount of money that is left that you may say, I was almost going to say disposable money; this isn't the correct word to use for it but by the time you get down to those monies which could conceivably be used on a discretionary basis you are down to practically nothing as far as your total budgetary requirements are concerned and I would say this that in other agencies of government who operate in a similar manner to what we are, are finding it no different than what the Territorial Government is finding it. They are finding that the - one of the biggest single items is salary costs and the Territorial Government at the present time, including contractual employees and by this I mean school teachers, is somewhere in the neighborhood of half a million dollars a month. Am I correct in this Mr. MacKenzie? Now it is conceivable that negotiations for next year's contractual employees, namely school teachers, and salary revisions or salary adjustments for other members of the Public Service are going to

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Mr. Commissioner continues.. increase that figure for that year; they are certainly not going to decrease. Now, when we are talking about half a million dollars a month for payroll alone, I think you will begin to see when you have a total operation and maintenance budget of approximately ten million dollars, six million of this is used up in salary figures before you start to do anything else at all. I think you will find, Mr. Chairman, and I am sure that Mr. MacKenzie and I would be very pleased to analyse the budget for you in anyway shape or form that you want it analysed to give you any information that you require and there is certainly no indication that I can see that any major changes in the pattern of past years is evident to us at the present time as far as the level of governmental expenditure is concerned and this, notwithstanding the fact that I personally am no more interested than any other member of this Council in seeing either one dollar of public money wasted nor am I interested in seeing one cent more in tax burden placed upon the residents of the Territory than is absolutely necessary in order to provide the level of government services that people are looking for. I happen to be a taxpayer just the same as everybody else and irregardless of how you cut the cake, there is only one dollar that you can spend once; there is no magic formula that I am aware of whereby you can get a dollar and a half for just one dollar.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: To continue this, Mr. Chairman, it seems to me then that we have three or four areas in which we may move and negotiate but to look at it from a practical point of view then the Motion that we are discussing before Committee this afternoon strictly means that we negotiate a two year fiscal agreement which commenced last March, at the end of last March, by the time we may have this negotiated over half of the agreement will already have passed and if we decide to be completely negative and leave the whole question in suspension why we don't do anything else in my mind but leave a bad atmosphere and also will look as if we are incapable of making decisions, and certainly necessary decisions. So it must seem to me that complete re-negotiation of the two year agreement, whether or not we like it, may not occur until the two year agreement has gone away beyond any necessary point and that you are immediately then in the area where you are going to start talking about negotiation of the following three years to make up your five year agreement - put ourselves in the same category of the provinces so it would seem to me this is a question - this is why I am raising this point with regard to the Motion before Committee - does it mean that we are attempting to renegotiate the two year agreement because if this is the case I feel that the whole thing is redundant because we will be more than half way through it before it even commences to operate which doesn't seem to be sensible. I think that the opportunity to negotiate the following three years is far more important than the two years in which we are at the present moment. Thank you Mr. Chairman.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I can only assume that in renegotiating an agreement consideration would be taken into the amount of money cut-back for the first year of the two year agreement and I am speaking in favour of the Motion because you have to be practical and realistic because we have been placed in a position that is not right, not proper

Mr. Chamberlist continues.
and I am unhappy about it. But I will say this, that if the Federal government come back and say that the basis of their negotiation will only be the basis which they can advise that unless we agree to their terms they will hold back Five Million Dollars and follow up with some more of this blatant blackmail, I'm not going to support it.

Mr. Chairman: Councillor Chamberlist, will you take the Chair?

Mr. Taylor: Mr. Chairman, I think it should be clearly understood that there is no agreement - there is one in existence and that is Bill No. 18 of the last session. That is the Ordinance Respecting the Financial Agreement between the Government of the Yukon Territory and the Government of Canada and that is the one that is referred to in the yellow book here. It was processed in the normal manner; it was given third reading, the title was adopted and the Commissioner assented to the Bill. The Federal Government refused to accept it and has not signed it. They have not agreed to any signing of any fiscal agreement over two years so therefore it can only be concluded that indeed there is no agreement in existence. There is none whatsoever so therefore when we consider the terms of the Motion before Committee at this point and time we are asking that a new two year agreement be negotiated. Now the reason Mr. Commissioner pointed up earlier in his remarks today that we will be without an agreement for the next sixteen months. This is not so! If Ottawa wished to continue their dictates in this particular direction maybe it might be, but if Ottawa are sincere in their determination to help the North which they tell all the people in the south they are doing then certain they would agree if we would negotiate a fiscal agreement this winter to have it take effect possibly the first of April and continue for two years. I think it is as simple as that. The Federal Government unfortunately are in somewhat of a snit because we approved the budget, which is also non-existent, incidentally because the budget was based on the agreement they failed to sign but the financial predicament that the Territorial Administration and the Federal Department of Northern Affairs find themselves in now is one of their own creating and of their own making. We passed the Bill and said OK we are prepared to go along on certain grounds and they said no - we approved it, the Commissioner assented to it so it is none of our making, it is of theirs otherwise the Commissioner would not have given assent to the Bill. So I think that this should be clearly recognized that there is no agreement in effect and as far as I am concerned this is a period fiscally of dead time. I see no proper authority whereby this Territory can function fiscally anyway. I don't see any Orders in Council from Parliament and I don't see any Governor General's grants involved. So I think it is reasonable to request the Federal administration that we sit down with this new Council and this new Council is going to deal with matters fiscal in the Territory for the next three years and I think that they should be each individually acquainted with the problems at hand; certainly myself, as a member of the former Council have learned a great deal since the days that we negotiated this and possibly in the whole we could come up with a good agreement. We've got to start somewhere. But to start does not mean to pick up the dregs of the old agreement necessarily. If the Federal government is sincere

DISCUSSION Mr. Taylor continues..

RE and this is our resource branch of government and we say
FINANCES why we are going to help all the resources of the north-
help develop them then they are going to have to start
thinking about the one resource they forgot all about and
that's the human resource and involved in and around the
human resource is the development of responsible government
in the Yukon and to ensure that it has the capital to
operate its affairs with; its investment for the future
for the Federal government but they obviously don't see
it this way at this point and time but I think through
negotiations with this Council they may. So I would
certainly support the Motion.

Mr. Dumas: Mr. Chairman, I think it might be a good time
to point out once again if it hasn't already been made
clear that this Committee and this Council will not submit
to this type of pressure in the future. It will not be
coerced by the Federal Government in the future and this
type of thing is passe in the Yukon Territory and we will
not put up with it. I suggest that the evolution of
responsible government can best be brought about by the
Federal Government and the representatives of the people
of the Yukon Territory working together. This is the
most desirable way that it can come. Let us hope that the
Federal Government in its wisdom is ready or willing, or
will be willing in the near future to start taking steps
towards the evolution of responsible government so that
this type of paper and this type of thing will not happen
again.

Mr. Taylor: Councillor Chamberlist, I'll resume the Chair.
Is there anything further gentlemen before we put the question
to this Motion? Councillor Livesey.

Mr. Livesey: Mr. Chairman, I think we have to face the
facts as they are. I think this is the reason we are talking
about more responsibility for the simple reason that we
don't have any. We have no responsibility and therefore
when you have no responsibility you are in a vulnerable
position. You are across a barrel if you ever could be
and as far as finances are concerned we don't relish it -
we don't like it but nevertheless I'm afraid we are going
to have to face it. And when you look at that Yukon Act
that is as plain as it can be. You have no power; we have
the power and we can use it and this is what the powers
that be say and it certainly says under Section 25 of the
Yukon Act where any sum of money granted to Her Majesty
by Parliament to defray any expenses for any specific
public service in the Yukon Territory, the power of appropria-
tion by the Commissioner in Council over that sum is subject
to the specific purpose for which it is granted. In other
words the grant comes from Parliament; it doesn't come from
us. This is a - there has to be some semblance of object-
ivity in our purpose here and the way I see it is; due to
the unfortunate position that we are in, that we have to
be far more practical than perhaps the M.L.A.s in the
Provinces and when it comes to money we put ourselves in
such a position that those who give, **may** take away. We
may be aiding and abetting the situation as well, which I
don't think is sensible under the circumstances so it would
seem to me that temporarily, under the circumstances, and
before we move into an area where we may discuss a new three
year agreement, although I think if we looked at the facts
I don't believe the Yukon Councillors meant it as being
a party to the agreement; that is another sad part of the

Mr. Livesey continues..
situation. They do discuss these questions but exactly in law where we stand with regard to being an absolute party to it I don't think puts us in too good a light so that we are in a very sad situation. There is no question or doubt about it in my mind and it seems to me. as I said before when I rose this afternoon, that if we say we want to renegotiate the two year agreement then of course we are tossing the ball back again to Ottawa and they are going to have to toss it back to us and so on and next year we are going to have to start talking about the following three years so it seems to me that the most reasonable way of going about this would be to make an attempt to come to some agreement on the present two year status ; irrespective of the fact that we may not like it I think that that would be the most sensible and most practical way of attempting to solve what is directly before us and make all these propositions and proposals that we have been talking about now in our discussions with the Federal Government next year.

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

Mr. Taylor: Well Mr. Chairman, I can't necessarily agree with the Honourable Member from Carmacks-Kluane. He seems to have two years and three years mixed up. He seems to be still thinking of the old days when we used to have a Five Year agreement. I wish the rest of Canada throughout, because they found, as we found, we of the old Council found that it was just a little too far into the future for us to commit the people of the Territory for five years; so, secondly he states we have no responsibility here and I beg to differ Mr. Chairman. I say we have one great responsibility here and that is a responsibility to the people of the Yukon Territory who put us here as guardians of the tax dollar. So in this I cannot agree with Honourable Member from Carmacks-Kluane and it is our duty and responsibility to ensure that we are not, and I say we, speaking of all the people of the Yukon, are not coerced by the Federal Government or by the Federal Department which has grown into a monster-like proportion, a bureaucratic-like monster, if you wish; one that has grown stronger than the political form of government in Canada itself and I speak of the Department of Indian Affairs and Northern what I call Retardation but I guess he calls it Development. I think that these matters should be understood by the Honourable Member because we do have a great responsibility; we have a big responsibility of standing up for the rights, any rights that indeed the people of the Yukon may individually or collectively retain - to stand up for those and that is exactly what we are doing when we talk about negotiating matters fiscal. We commit the people of the Yukon Territory for the next two years in any such agreement that we may create; and when we create an agreement - this is the Commissioner of the Yukon Territory by and with the advice and consent of the Council; that is the people of the Yukon. We allow him to enter into an agreement that we have agreed upon with the Federal government so the people do, though not to the fullest extent though they do indeed take a part of these agreements both in their negotiation and their implementation, apart from the fact that the Honourable Member from Whitehorse North has raised that we are not permitted to exercise any right in the spending of that tax dollar and I just wanted to make that clear, Mr. Chairman.

Mr. Livesey: Mr. Chairman, a point I would like to clarify

DISCUSSIONS Mr. Livesey continues...

RE
FINANCES

a statement made by the Honourable Member from Watson Lake. I don't believe I at any time disclaimed our responsibility as citizens of the Yukon Territory. What I was talking about was the fact that I don't believe in law that we are a clear-cut party to the agreement. The Council of the Territory is what I am talking about, not the Commissioner-in-Council but the Council. I wish we were.....

Mr. Taylor: Mr. Chairman, I can only say this will never come until such time as we have self-government in the Territory; that being the case.

Mr. Chairman: Any further discussion.

All: Question.

Mr. Taylor: Thank you Councillor Chamberlist, I'll resume the Chair.

Mr. Chairman: The Motion reads as follows: That in the opinion of this Council immediate steps be taken to re-negotiate the Two Year Federal-Territorial Financial Relations Agreement with the Federal Government. Are you prepared for the question. Are you agreed. Any contrary. I'll declare the Motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Livesey voted contrary.

Mr. Chairman: Well, gentlemen, what is your further pleasure in relation to finance. I wonder, Mr. MacKenzie if you have yet received any information on the question.

Mr. MacKenzie: Not as yet Mr. Chairman.

Mr. Chairman: Anything further on finance at this time, gentlemen? I wonder if Mr. MacKenzie may be excused.

All: Agreed.

BILL #10

Mr. Chairman: Thank you Mr. MacKenzie. Gentlemen, we have no more Sessional Papers so we must proceed at this time with Bills. I believe we have an amendment to Bill No. 10. I believe all members have a copy of the amendment. Mr. Legal Adviser, there was a Motion put forward, in your recollection in proposing this amendment or was this just a matter of course?

Mr. Legal Adviser: I'm not sure Sir.

Mr. Chairman: I don't recall such a Motion and gentlemen, it would be necessary for one of the Honourable Members to propose this as an amendment in order that it could be embodied in the Ordinance, or the changes thereof.

Mr. Legal Adviser: ----put in a typists error, instead of the word there truly put in bear true allegiance.

Mr. Chairman: This was a correction of a typing error then and there will be no Motion required. Are you gentlemen agreed on the final draft of this.

All: Agreed.

JA

Mr. Shaw: Just one thing, Mr. Chairman, for my edification. This last one, this was brought up "so Help Me God" I believe that the Legal Adviser advised that in the Interpretation Ordinance or some other Ordinance there was something that covered this.

BILL NO 10

Mr. Legal Adviser: Yes..... public section in Evidence Act which already takes care of this "any person who is required by law in the Yukon Territory to take an oath he may, with the same legal effect, make an affirmation instead.

Mr. Shaw: Thank you Mr. Chairman.

Mr. Chairman: Are there any further discussions.

Mr. Shaw: Mr. Chairman, I would move that the Bill be reported without amendment.

Mr. Chairman: Is there a seconder?

Mr. Chamberlist: Which Bill is that?

Mr. Chairman: Bill No. 10.

Mr. Chamberlist: What is the name of that Bill?

Mr. Chairman: An Ordinance to Amend the Legal Profession Ordinance.

Mr. Chamberlist: I'll second that Motion.

Mr. Chairman: Are you prepared for the question on the Motion? Are you Agreed? Any contrary. I declare the motion carried.

MOTION CARRIED.

MOTION CARRIED

Mr. Chairman: Next we have Bill No. 11, gentlemen, 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.

BILL #11.

Mr. McKinnon: I would suggest, Mr. Chairman, that we report progress on this Bill.

Mr. Chairman: Committee agree?

All: Agreed.

Mr. Chairman: Are we awaiting information in respect to this Bill? The next Bill is Bill No. 14, gentlemen, An Ordinance to Provide Labour Standards in the Yukon Territory. If it is your desire we can leave this Bill, in view of the time, and proceed with Bill No. 15 which is also a smaller Bill? Does the Committee agree to this?

BILL #14.

BILL #15.

All: Agreed.

Mr. McKinnon: Mr. Chairman, I would like to know if any of the Committee feels that witness will have to be called for Bill No. 14 and so advise Administration that such witnesses may be available at a certain time tomorrow for Committee's edification.

BILL #14.

Mr. Chairman: Do the Member of the Committee wish any witnesses in relation to Bill No. 14 and if so I wonder if you would direct them to the Chair.

Mr. Dumas: Mr. Chairman, I think Mr. Strong should be here.

Mr. Commissioner: Why, Mr. Chairman, Mr. Strong has nothing at all to do with this!

Mr. Dumas: Pardon me.

Mr. McKinnon: I would like to see Mr. Taylor who is the Labour Provisions Officer.

Mr. Commissioner: We are very pleased to make available applicable people on the situation and I can assure Committee Mr. Chairman that these people will be available on short notice.

Mr. Chairman: Is there anyone else that you require at this time? Would you gentlemen decide at what time you wish to discuss this; possibly Orders of the Day tomorrow. It is a matter that could be properly discussed under the Agenda period in Council this evening. Mr. Clerk would you so take note. May we proceed to Bill No. 15. An Ordinance to Amend the School Ordinance. (reads Bill No. 15).

BILL #15.

Mr. McKinnon: I would like a representative from the Yukon Teachers' Association present before Committee for discussion of this matter.

Mr. Chamberlist: I'm in agreement with Councillor McKinnon:

Mr. Chairman: Committee agreed?

All: Agreed.

Mr. Chairman: Did you have anyone specifically in mind Councillor McKinnon:

Mr. McKinnon: I would particularly like the President of the Yukon Teachers' Association and the Chairman of the Salary Negotiating Committee.

Mr. Chairman: Does the Committee agree to this?

All: Agreed.

Mr. Chairman: This is something gentlemen, you must decide on the Agenda - Committee in Council when you would like these people to be present. Mr. Clerk, will you so note.

Mr. Chairman: Gentlemen, this concludes all the Bills we have for our consideration at this time. We are now up-to-date on Motions, Sessional Papers and Bills.

Mr. Chamberlist: May I ask one question relative to the School Ordinance. I wonder if there is available a consolidated-office consolidation of this Ordinance for tomorrow?

Mr. Chairman: Mr. Clerk, would these be available?

Mr. Legal Adviser: I'm not sure there is one in existence. ... Education Department might have made one but I don't think ...

Mr. Chairman: Mr. Clerk would you see if these could be obtained?

Mr. Chairman continues...
What is your further pleasure?

Mr. McKinnon: I move that Mr. Speaker resume the Chair and hear Report of Committee.

Mr. Chamberlist: I second the Motion.

Mr. Chairman: It has been regularly moved and seconded that Mr. Speaker 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 resumes the Chair.

Mr. Speaker: I will now call Council to order. May we have the Report from Chairman of Committee.

Mr. Chairman: Mr. Speaker, Committee convened at 10.50 A.M. this morning to discuss Sessional Papers and Motions. Motion No. 33 carried in Committee. Upon Motion Committee recessed at twelve noon and reconvened at 2.00 P.M. It was moved by Councillor McKinnon and seconded by Councillor Dumas that Motion No. 1 be amended to read that administration prepare summary convictions Legislation. This Motion carried. Motion No. 1 was then carried in Committee. Mr. MacKenzie attended Committee to discuss Sessional Paper No. 54 related to Finance. It was moved by Councillor McKinnon and seconded by Councillor DLumas that in the opinion of Council steps be taken immediately to renegotiate the Two Year Federal-Territorial Financial Relations Agreement with the Federal Government. This Motion carried. It was moved by Councillor Shaw, seconded by Councillor Chamberlist that Bill No. 10 be reported out of Committee without amendment. This Motion carried. And I can report progress on Bill No. 11 and Bill No. 15. It was moved by Councillor McKinnon and seconded by Councillor Chamberlist that Mr. Speaker do now resume the chair and this Motion carried.

REPORT
FROM
CHAIRMAN
OF
COMMITTEE

Mr. Speaker: You have heard the Report of the Chairman of Committee. Are we agreed. May I have your further pleasure, gentlemen.

Mr. Chairman: Mr. Speaker, in relation to the Agenda we seem to have got caught up again for the moment with the exception of Bills and we have two which the members of Committee wished to have witnesses for; one being the Labour Bill and the other involving the School Ordinance. If - in view of the fact that we have some people from outside the Administration to attend, I would suggest that we proceed following Orders of the Day tomorrow if the witnesses can be here with the School Ordinance and get that cleaned up and proceed after that to the Labour Provisions Bill.

Mr. McKinnon: Agreed.

Mr. Speaker: Any further suggestions? Is there any further business? May I have your further directions?

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

Mrs. ordon: I second that Motion.

Handwritten initials or mark.

Mr. Speaker: Moved by the Honourable Member from Whitehorse North, seconded by the Honourable Member from Mayo that we call it five o'clock. Is the House prepared for the question; are you agreed; I declare the Motion carried.

MOTION
CARRIED

MOTION CARRIED.

Mr. Speaker: The House now stands adjourned until ten o'clock tomorrow morning.

all

Page 520.
Tuesday, November 28, 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. I have for your attention this morning the tabling of Sessional Paper No. 56 re Travecon Study. Any Reports? Introduction of Bills. May I draw to your attention, gentlemen, Bill No. 16 and Bill No. 18. SESSIONAL
PAPER #56

Moved by Councillor McKinnon, seconded by Councillor Dumas, that Bill No. 16, An Ordinance to Provide for the Granting of Assistance to Persons in Need, be introduced at this time. BILL #16
INTRODUCED

MOTION CARRIED

MOTION
CARRIED

Moved by Councillor Taylor, seconded by Councillor Dumas, that Bill No. 18, An Ordinance to Provide for the Registration of Brands to be Impressed Upon Stock, be introduced at this time. BILL #18
INTRODUCED

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: May I have your further pleasure? Are there any further introduction of Bills at this time. Notices of Motion or Resolution?

Mr. Chamberlist: Mr. Speaker, I wish to give Notice of Motion re the Whitehorse-Vangorda Transmission Line. NOTICES OF
MOTIONS
#37

Mr. Taylor: Mr. Speaker, I wish to give Notice of Motion this morning respecting Proceedings on Finance. #38

Mr. Shaw: Mr. Speaker, I wish to give Notice of Motion this morning respecting Communications. #39

Mr. McKinnon: Mr. Speaker, I wish to give Notice of Motion concerning the Legislative Programming Committee. #40

Mr. Speaker: Are there any further Notices of Motion or Resolution? Under Orders of the Day - Notices of Motion for the Production of Papers.

Mr. Chamberlist: Mr. Speaker, I wish to give Notice of Motion for the Production of Papers relative to Cutbacks in finance. NOTICE OF
MOTION FOR
PRODUCTION
OF PAPERS
#9

Mr. Speaker: Are there any further Notices of Motion for the Production of Papers? We have no Motions for the Production of Papers and several Motions for the Production of Papers standing on the Order Paper and no Motions. May we now proceed to questions. Mr. Clerk, I wonder if we could have Mr. Commissioner with us this morning too. I will declare a short recess until the arrival of the Commissioner.

RECESS. Mr. Commissioner enters the Council Chambers.

Mr. Speaker: I will now call Council to order and we will proceed with the question period.

QUESTION
RE FLAG

Mr. Dumas: Mr. Speaker, would the Commissioner advise if there have been any copies of the Yukon Flag ordered.

Mr. Commissioner: Mr. Speaker, I am advised that assent is required to the Bill before anything along these lines can be done and if it would please Council, I would be very happy to arrange for assent to be given so it would not hold this up.

Mr. Taylor: Mr. Speaker, in view of the fact...and I would direct this to Mr. Commissioner.....in view of the fact that we are only allowed to have five questions on the Order Paper at any given time, I wonder when I may expect an answer to some of my questions now on the Order Paper so that I may be able to pursue other matters.

Mr. Commissioner: Mr. Speaker, it would appear to me that some of the questions that Councillor Taylor has here, we have had to inquire of other agencies for to secure answers. The Jones Act...I can advise that inquiry has been made of the Department in Ottawa in this regard. Question No. 16.... I signed an answer to that this morning. I don't know whether it has come forward to Council or not. Question No. 17....this was not answered to Council's satisfaction and it has been sent to the Department in Ottawa to pursue this matter. The same applies to water pollution and the answer on the Taxation Ordinance...I think the question was, roughly speaking, are we going to present an Ordinance or are we going to revise the Ordinance....it was asked for a written answer. The answer is yes but I have not seen anything to sign yet in this particular regard. I may say, Mr. Speaker, that we are doing our utmost to keep up with these questions but we are dependent in many instances upon getting information from other agencies and it may well be in the face of this...or in the face of this explanation, that Council may well wish to delineate the number of questions that a Councillor may have on the Order Paper because he may find himself in the untenable position of having to wait on other agencies for a considerable period of time and this prevents him from getting other questions there. I merely pass this on to you, Mr. Speaker, for such information as I have.

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

QUESTION
CAMPER &
TRAILER
FEES

Mr. Chamberlist: Mr. Speaker, a question to Mr. Commissioner. Mr. Commissioner, on Wednesday I asked you a question relative to camper and trailer fees. I asked you again on Thursday. You said the answer would be forthcoming on Friday, and I am asking you again, Mr. Commissioner, when I may have your answer.

Mr. Commissioner: Mr. Speaker, I am advised by the Clerk that this matter has been followed up twice by wire to Ottawa and so far we have had no reply. You may wonder why we are making this inquiry, but I think I explained to Council that this was one of the items that was one of the terms of reference on the total package of investigation of a Territorial park system...was the fees for campers and trailers and this is why this delay. We are sorry but we will follow it up as quickly as we can. I think Council is entitled to an answer and I will do my utmost.

Mr. Taylor: Mr. Speaker, I have another question to direct to Mr. Commissioner this morning. In view of the determination of the Legislative Council and indeed Councils of the Territory over the past six years to provide the Yukon Territory and its people with a mace as a symbol of authority on behalf of the people and in view of the fact that many Motions have been enacted in order to have this program implemented, could Mr. Commissioner tell me why we do not have a mace at this time?

QUESTION
RE MACE

Mr. Commissioner: It's a very simple situation, Mr. Speaker. We don't have money to provide a mace. Council was told this on three occasions since I have been here. You can cure every problem in the Yukon, Mr. Speaker, if you've got enough money. No problem...what was it - \$7,000 was the last estimate of providing this and as far as the Administration is concerned, we will gladly include the item in the Estimates if it is Council's wish to do so. We would be very pleased to, Mr. Speaker.

Mr. Taylor: Supplementary to that question, Mr. Speaker, in view then of the fact that we seem to have money for some things and we don't have money for other things, I wonder if Mr. Commissioner intends to table before Council just exactly what we do have money to provide for and what we don't have money to provide for. That would be most interesting.

Mr. Speaker: I will have to rule that question out of order. I feel that that is too broad a question during the question period.

Mr. Chamberlist: Mr. Speaker, supplementary to the previous question. Would the Commissioner be prepared to cancel one of the advertisements for additional staff and use that money for supplying a mace to the Territory?

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

Mr. McKinnon: Mr. Speaker, I have a question that I would ask a written question for. The question is "What will be the estimated cost per year to the user on a 100 foot by 200 foot lot when the Porter Creek water system goes into operation?"

QUESTION
#22

Mr. Speaker: I feel that that is also a question which should be on the Order Paper.

Mr. McKinnon: That's where it's going. I asked for it to be on the Order Paper.

Mr. Taylor: One final question, Mr. Speaker, directed to Mr. Commissioner. In light of the discussions that we have had in respect of Local Improvement Districts and in view of the fact that we are now starting a pilot program at Watson Lake, is it the intention of the Administration to hold back the incorporation of any further Improvement Districts in the Territory until they have had an opportunity to see this work or not?

QUESTION RE
LOCAL
IMPROVEMENT
DISTRICTS

QUESTION RE LOCAL IMPROVEMENT DISTRICTS

Mr. Commissioner: Mr. Speaker, I wouldn't care to commit myself to a course of action one way or another. I don't think that it would be right that if there is a district in the Territory that by the nature or by virtue of its size wishes to proceed to Improvement District status, that by my answer at this time that I should prevent them from doing so until such time as we can assess the situation at Watson Lake. I don't think that would be quite fair, Mr. Speaker.

QUESTION RE U.S. POWER PROJECTS

Mr. Chamberlist: Mr. Speaker, a question addressed to the Commissioner. Mr. Commissioner, there has been a publication two days ago that the United States is now seeking power projects in the Yukon area again. Has Mr. Commissioner any information of any discussions taking place between the Federal Government and the U.S. Government in relation to this?

Mr. Commissioner: Mr. Speaker, I can say that I have no knowledge of this.

Mr. Speaker: Are there further questions? If not, may I have your pleasure with respect to Public Bills and Orders.

THIRD READING BILL #10

Moved by Councillor Taylor, seconded by Councillor Chamberlist, that Bill No. 10, an Ordinance to Amend the Legal Profession Ordinance, be given Third Reading at this time.

Mr. Speaker: I believe I should draw to the attention of the House that I believe this Bill No. 10...the Bill has been amended.

Mr. Taylor: Mr. Speaker, this Bill was not amended, however, there was a typing error in the Bill which required retyping.

MOTION CARRIED

MOTION CARRIED

TITLE ADOPTED BILL #10 MOTION CARRIED

Moved by Councillor Taylor, seconded by Councillor Chamberlist, that the title to Bill No. 10, An Ordinance to Amend the Legal Profession Ordinance, be adopted as written.

MOTION CARRIED

Mr. Speaker: I will declare the Motion carried and that Bill No. 10 has passed this House. May I have your further pleasure.

FIRST READING BILL #17

Moved by Councillor Chamberlist, seconded by Councillor Dumas, that Bill No. 17, An Ordinance to Authorize the Commissioner of the Yukon Territory to enter into Agreements with the Minister of Manpower and Immigration respecting the Occupational Training of Adults, be given First Reading at this time.

MOTION CARRIED

MOTION CARRIED

SECOND READING BILL #17

Moved by Councillor Chamberlist, seconded by Councillor Dumas, that Bill No. 17, An Ordinance to Authorize the Commissioner of the Yukon Territory to Enter into Agreements with the Minister of Manpower and Immigration Respecting the Occupational Training of Adults, be given Second Reading at this time.

MOTION CARRIED

MOTION CARRIED

~~11~~

Mr. Speaker: May I have your further pleasure? May I draw to your attention Bill No. 12 for Second Reading and Bill No. 13 for First and Second Reading. How do you wish to proceed at this time?

Moved by Councillor Taylor, seconded by Councillor Chamberlist, that Mr. Speaker do now leave the Chair for the purpose of convening into Committee of the Whole to discuss Bills, Sessional Papers and Motions. 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, we will be discussing this morning Bill No. 15, An Ordinance to Amend the School Ordinance. Mr. Commissioner has informed me that he would like to have here Mr. Fingland and Dr. Shields. Is this correct? I believe Mr. Choate and Mr. Boyd from the Negotiating Committee are also here and if it is your wish, I would ask these people to attend. I will declare a short recess.

Tuesday, November 28, 1967.
11:00 o'clock a.m.

Mr. Chairman: I will at this time call Committee to order. We are in a discussion centered around Bill No. 15, An Ordinance to Amend the School Ordinance. We have with us several witnesses to assist in these discussions. (1. W. Huebert, Chairman of the Yukon Teachers' Association Negotiating Committee, 2. H. Bugara, President of the Yukon Teachers' Association, 3. R. Choate, Former Member of the Teachers' Salary Negotiating Committee, 4. H. Boyd, Former Member of the Teachers' Salary Negotiating Committee, 5. Dr. Shields, Superintendent of Education, 6. F. Fingland, Assistant Commissioner (Executive)). Will you proceed. BILL #15

Mr. McKinnon: Mr. Chairman, it is with some sentiment that I rise to speak on this amendment to the School Ordinance. The original installation of this section in the School Ordinance was my first fillibuster in Council in 1962. Prior to this time there had been no recognition of the Yukon Teachers' Association at all, nor had there been any negotiating procedure set down where the Yukon Teachers' Association could negotiate with representatives of the Administration for salary schedules. What had happened in the past was that the members of the Y.T.A. would meet in open Council sessions before the Territorial Council and the finest dog fight ensued every year when this was the case. The Administration at that time had no intention at all of recognizing the presence of the Yukon Teachers' Association, nor inviting any procedure to be set up where salary negotiations could ensue. This was not written in to any part of the School Ordinance. It was a matter of principle for me at that time to make sure that the teachers were recognized and that some sort of procedure was set down where the annual fight before Council would not take place again. In the five years since this procedure has been laid down, as far as I know, the procedure has worked well. We have been able to operate in an area of mutual trust and harmony between the teachers and the Negotiating Committee of the Administration side. We have been very fortunate in obtaining the services from public spirited citizens who gave of their time gratis so that the people of the Territory would benefit. In this amendment to the School Ordinance there are two things to which I object at this time. Under the present ordinance, the Advisory Committee to be appointed under this section shall be composed of a Member of the Yukon Legislative Council, a member of the Department of Education and a member of the general public. In the amendment it reads, "There shall be an Advisory Committee composed of not less than three and not more than four members appointed by the Commissioner." Mr. Chairman, I don't agree with this amendment. I don't think that it should be in the hands of the Commissioner to appoint up to four members of any people of his choosing. I think that this will lessen the mutual trust and harmony that has been between the Y.T.A. and the Advisory Committee in the last five years. Section 6 of the amendment reads, "Any agreement reached by the Salary Committee and the Advisory Committee shall not be binding of the Commissioner, the association referred to in subsection (1) or any of its members." I think that this is a superfluous action. I don't think there is anything now in the ordinance that makes the negotiations between the Advisory Committee and the teachers' representatives binding on anyone. The final decision is still before this Council whether they want to accept the recommendations of the Advisory Committee or whether they want to refuse them. I don't believe that this section is necessary and I believe that it just opens up an area where in it could lie the respect between the both parties who negotiate now could be lessened. As I say, I'm open to hear discussion and debate from both the Administration side and the teachers' side, from those people who have been active in this negotiating

BILL #15 Mr. McKinnon continued:
procedure. And, I would at this time direct a question to both Mr. Bob Choate and Mr. Bert Boyd, who were on the Advisory Committee for the last four years I believe in negotiating with the Yukon Teachers' Association, and I would like to hear from them whether they felt that these procedures were satisfactory and whether the terms of the ordinance as they now stand are working satisfactorily.

Mr. Boyd: Mr. Chairman, in our negotiating arrangements with the teachers' negotiating committee we had their understanding and cooperation, and so long as we were able to come to Council with our recommendations this seems to work quite well. But, for the Administration to take it upon themselves to interfere with the committee I think is uncalled for and unnecessary. I think the committee, if they are appointed and confidence is placed in them, they should be allowed to function without interference from those who have not dealt with this type of negotiation. The teachers are typed in a class of their own and in no way compare with civil servants.

Mr. Chairman: Mr. Choate, do you have anything to add?

Mr. Choate: I think the committee functions very well. While this type of negotiation fringes on what we call collective bargaining, it still didn't go through the formal procedures that accompany this type of negotiation. I think it did give a proper balance between the teachers committee and the Administration and Council in that the three people that were talking to the teachers weren't really members of the Administration. They were interested in teachers' salaries both because the Department of Education was represented, the Territorial Council, and the tax payer. There was a fair amount of give and take at all times and I think that, when it comes right down to it, we're in a fairly captive position in the Yukon as far as teachers are concerned. These are people who come on a contract and are widely sought after throughout the Territory. I think you have to recognize this fact, and I think it has served its purpose to keep this type of negotiations on the basis rather than a more formal one where it's felt the teachers will have to come before, in the ultimate end, the Commissioner.

Mr. McKinnon: If I could just follow up with two further questions now before the others....I would like to hear from the teachers side whether they felt the negotiations in the past were fruitful and were conducted in what they felt was a good atmosphere, and next I would like to hear from the Administration's side of it and why they feel that these changes are necessary.

Mr. Huebert: I think at the onset I would like to make a remark regarding this whole procedure to begin with before I say anything else whether I'm in favour of....if there are instances of this or not. I think I would advise at this time that it would have been better for this particular legislation to have been brought before the Y.T.A. before it was....in other words, it should have been presented to the Yukon Teachers' Association in draft form rather than now in Committee form. I think that this would have been very helpful. We could have pointed out a few things at that time. However we appreciate this very much that we've been invited at this time and it's only through your prudence that this took place. I was talking to last year's negotiating committee, the chairman in particular, and he said the methods that were used in the past four years were adequate. There was a lot of give and take and this would be done in private discussion. I think that's all I'd care to say at this time.

Mr. Chairman: Mr. Bugara, do you have anything you'd like to say? BILL #15

Mr. Bugara: I don't think I could add anything except to echo Mr. Huebert's sentiments and those of Councillor McKinnon. This legislation as it reads in Section 97 of the ordinance did give recognition to the association as a group of people that could be represented by a committee, and I think the established procedure has worked well in the past in establishing relations between the Government negotiating committee and that of the teachers.

Mr. Chairman: Dr. Shields, would you care to comment at this time?

Dr. Shields: Well, I would only comment on the arrangement of this type. I wouldn't care to comment on who appoints the committee and so on. This is typical of the procedures in the other areas of Canada. Notice, these are not called negotiating committees because negotiating committees should be able to come to a decision. It's not usually the procedure in which either the teachers...yet I'm talking to the teachers...or the group that is meeting with the teachers come to a decision. Both have to go back to the body to whom they are responsible. I mean, they make certain recommendations but, in my experience with negotiations or with this type of procedure, it's also been very satisfactory.

Mr. Chairman: Mr. Commissioner, do you have any comments at this time?

Mr. Commissioner: Considerable. Mr. Chairman, this particular piece of legislation or this amendment to this legislation is the end result of a position that I found myself in shortly after I took office as Commissioner here last year, and was told one day at lunch time during a Council session that a teachers' salary advisory committee had to be appointed post haste because these negotiations had to get underway because whatever the end result was required the advisory committee's and Council's approval before a certain date, because this was the date the new teachers' contracts and the recruitment program for the following year was to take place. So, the salary advisory committee was appointed. I understand that it was almost of the nature of a standing committee because I believe that Mr. Boyd had been the Council's representative for at least one prior year, if not two prior years, and I believe that Mr. Choate had been the public representative on this committee on at least prior occasion. I'm subject to correction on this, gentlemen, if my statement is wrong, but this was my understanding. And, Mr. Thompson, who had been the Superintendent of Schools for a considerable number of years, was the appointee for the Department of Education. These talks took place and in the course of time the end result of these talks were reported to me. I think that Council will find that they have the content of the meeting that was held along with myself and the financial advisory committee and the salary advisory committee here just prior to us taking off for Ottawa to negotiate the projected to your agreement. Now, the position that had been taken, as far as I can determine from past history, was that whatever the recommendations that came forth from the salary advisory committee, they had been accepted by the Commissioner, and it appears to me that there was, literally speaking, this committee was acting on a premise and found themselves in a position which it was basically not designed to do. Namely, it had become a negotiating committee, not entirely an advisory committee. And, I thought that this thing should be spelled out to say as in number 6 here that, "Any agreement reached by the salary committee and the advisory committee shall not be binding on the Commissioner, the association referred to...or any of its members." Because, in the final analysis, really, it is up to the Council to decide if, in fact, these terms that have been discussed or negotiated, whatever

BILL #15 Mr. Commissioner continued: term you wish to apply to it, it is really up to the Council to say whether these are acceptable or whether they are not. So, in the spelling of this out in item number 6 here, I feel that this puts the work that has gone into this....into these salary discussions up to this point, in the proper light, namely, that these things are not binding to the point where Council decides that, in fact, this is what they are prepared to go for. Remember, when you are talking salaries and working conditions, you are conducting a form of collective bargaining and in the process of conducting this collective bargaining, you are attempting to do basically three things. You are attempting to set up terms and conditions that are going to permit the agency involved to recruit staff, to retain staff, and do it at a price that the public purse is prepared to accept. Now, this is, basically speaking, what we are saying here is that after this committee has reported to the Commissioner and the advisory committee on finance, there is nothing binding up to this point. It is not binding, it is up to Council to say that this is a price that is acceptable within the scope of the public purse. Up to this point, what has been said is that this is a package that will permit us to recruit and retain the desired caliber of teacher in our school system. This is basically what we are interested in trying to accomplish at this point. I also think that there has to be some flexibility in who can or who should be appointed to this committee. Now, the teachers' association has complete flexibility in this and I am sure that they endeavour to appoint people who, in their opinion, are in the best position to represent their association. This is proper to do so. It is also a situation where, I think, that we are getting into the area....I'm imagining Dr. Shields could correct me on this....but, I imagine that we are going to be having a teaching staff next year in the Territory of approximately 200 teachers. This is getting to be a very large segment of the total number of people in the public employ, and as a consequence of this, the amount of dollars involved, particularly as it is applied to getting a package assembled that is going to permit us to recruit and retain the very best possible teachers, means that we have to have a package that is comparable or better but at the same time justifiably comparable or better than what exists in jurisdictions in which we are competing for this labour force. Which effectively means, that we are almost to the point where we have to have professional advice in the field of what is being paid to school teachers in the way of salaries, fringe benefits, and whatever. And, Mr. Chairman, I am absolutely positive that the two school teachers that are here with me today would agree with me when I say that this package is changing so rapidly that even they themselves are not entirely sure of exactly what is going on in jurisdictions in which they could conceivably be candidates for employment. Would I be correct when I say that, gentlemen?

Mr. Chairman: Order, one at a time, Mr. Commissioner.

Mr. Commissioner: This question I will put to them when I finish. I think that this is a fair statement to say. You almost have to have a working knowledge of this in order to keep up with it, and for this reason I think that it is only right that if we did arrive at a point where the package is beyond our ability to completely comprehend to know whether or not this is the package that we have to construct to do the recruitment and the retention of a good teaching staff, we may find ourselves in a position of wanting to have the ability to have professional advice. It may not be necessary for negotiating purposes but it certainly might be very necessary for Council to satisfy themselves that what they are about to act upon is indeed the necessary and proper and correct thing for them to be doing. Now, with regard to these actual negotiations

Mr. Commissioner continued:
and the manner in which they are being dealt with, I think that what Mr. Boyd and Mr. Choate have said is absolutely correct. I think that they have been conducted in a very good atmosphere and believe you me, I have no intentions of making any attempt to change this atmosphere. And, if anyone feels that I have any ulterior motives or that any members of my Administration have any thoughts of changing this particular atmosphere, I want to publicly say that this is incorrect. We have no wish to change this at all. All that we are attempting to do here is to bring about a state of affairs that everyone will know exactly what the position of these particular conversations and the aspect of the advisory committee is, so that it is Council that are the people that pass the final say on this, and up to that point, nothing is really binding on anyone at all.

Mr. Dumas: Did Mr. Commissioner wish to put a question to Mr. Bugara?

Mr. Commissioner: I would just like to hear Mr. Bugara's observations as to whether or not I've got this thing reasonably assessed concerning what the rapidity of change as far as the content of teacher contracts is concerned.

Mr. Bugara: Well, certainly there is a rapid change in the agreements that are reached, but we do have access to these as soon as negotiations have been negotiated. We are able to get them and we're not too far behind the thinking that goes into these agreements elsewhere in the country. It is not a case of us not knowing what is going on outside, and I think that both committees that are involved in these proceedings or discussions relative to a salary scheduling and working conditions have access to this same information.

Mr. Dumas: This is the point I wanted to make. Quite frankly, I don't think that the reasons given for subsection (3) being in here are rather weak. I'm sure that professional consultation can be acquired without, in fact, having to appoint professionals to this advisory board. I really can't see any reason for changing the present system. If we need professional consultants or professional material, as Mr. Bugara has said, it is available and accessible.

Mr. Chamberlist: Mr. Chairman, my first reaction to this, and it's a reaction that I have expressed before, is that I'm opposed to wherever there's a possibility that further powers be given to the Commissioner. I have made it clear that I want to reduce the powers of the Commissioner not increase it. Section (3) of the bill that is before us will, in fact, take away the reasonableness of a committee who are appointed, one from the Territorial Council, one from the Administration and one from the public at large, to a committee that is appointed solely and wholly by the Commissioner. This, I believe, is contrary to the wishes that have been expressed by all Members of this Council. Dealing with section (6), which the Honourable Member from Whitehorse North has stated to be somewhat superfluous, it is obvious that it is because the acceptance of salary negotiations, and then a section in the ordinance which says, in effect, that notwithstanding the negotiations that have been agreed upon, the Commissioner doesn't have to accept them. Re: "Any agreement reached by the salary committee and the advisory committee shall not be binding on the Commissioner...." This, in itself, defeats the purpose of negotiation. It should be acceptable once the committee is appointed whether it be by the Commissioner or anybody else that it be acceptable. The suggestion that if it's accepted, the Commissioner would appoint a committee, his own committee, to negotiate and they come up with negotiations that were

BILL #15 Mr. Chamberlist continued:

satisfactory both to the teachers and the committee that he has appointed, and then he turns them down. This is ridiculous. I would also like to add in a special point with reference to subsection (5), "The advisory committee created under subsection (3) shall report to the Commissioner and the advisory committee on finance." I don't know if the Members of this Committee have noticed the cute way in which this has been put. There is no such thing as an advisory committee on finance unless it was proposed that within the Administration, they were going to set up their own advisory committee on finance. The previous section clearly stated that....and it referred to the financial advisory committee, which is a committee of the Yukon Legislative Council. I want Members of Committee to take particular note of the intent and alteration of that, because reading it as I do it refers to, "and the Advisory Committee on Finance." Now, note, and I repeat, the only committee on finance that really we recognize is the Financial Advisory Committee, which is entirely different. There is no way of us knowing whether the Administration is appointing their own committee. I notice that before Dr. Shield said that it was typical procedure in the rest of Canada. I wonder if Dr. Shields realizes that surely it cannot be typical because there is no other area in Canada except the Northwest Territories where almost totalitarian powers are placed in the hands of the Commissioner. So, therefore, it cannot be typical. I think that the atmospheric conditions that exist now under the present arrangement are such that they are satisfactory, and to me it would be retrograding to attempt to change to the wishes of the Administration at this time. I will have further to say as the debate continues.

Mr. Livesey: Well, I've heard a lot of discussion here this morning, Mr. Chairman, with regard to this, and I don't know how many Members sitting around this table have ever themselves sat in negotiation... as a negotiating committee, but, I can assure you that I have had that privilege and from my experience it seems to be that it is a far better principle to follow a direct form of negotiation between both primarily involved....on both sides of the fence. For instance, in any question in regard to labour conditions throughout Canada, we know that labour sometimes agrees with management and sometimes disagrees with management, but we're in a far better position if management meets labour at the table and discusses these questions in open forums so that they can sit back at times after they get more factual information from either side and come to a better, more rounded out decision than if they were meeting a buffer committee. This is what I view the present ordinance has....a buffer committee, not a negotiating committee. This is what it looks like to me. So therefore, if you'll notice the present section as it is written today, that is section (97), you have facing those who wish to discuss their future, which is 100% important to them, you have someone from the general public, one member from the Department of Education, and one from the Council of the Yukon Territory, and under these circumstances, I would say that there is some misunderstanding as far as this Committee is concerned because I don't see it anywhere in the ordinance where it says this is a negotiating committee. This is an advisory committee. It seems to me that this committee as it is set up, and I want to be as fair as possible on this....I don't want anybody to think that I'm saying anything that would depreciate from the value of the committee, but what I do feel is that that committee, as it is set up, is not in a position to be able to advise the teachers exactly on, shall we say, the financial conditions of the Territory or the prevailing aspects of Government and costs....and especially I was thinking in the line of costs to the tax payer of the Department of Education in the Yukon. Now, no one is going to turn around and say, certainly not

Mr. Livesey continued:

me as this is one of the most important departments in the entire administration of Government that we have here, and I think as much as anybody that I have always been in favour of pushing this to a degree that we have never seen before. This started in a number of years ago where we certainly did everything we could to move education. I believe when I started in Council, I got interested in it in 1958, the total cost to the Territory was I think somewhere around \$550,000 and by the end of six years it has risen to \$1,600,000, and I'm talking now of operation and maintenance. I believe now with certain occupational aspects in education, it up to \$3,400,000 or \$3,500,000, and we were told here yesterday that we can look forward to an increase of \$1,000,000 per year in costs and maintenance. Yet, there's still no rise in population. We are fifteen, sixteen thousand people. That's all we are. You have to consider this as well, although I don't wish to stress any limitations on the question of education as far as our young people are concerned. I am all for giving them the utmost that we can afford, absolutely the utmost. But, I'm wondering, as far as this section is concerned, does this section, Mr. Chairman, provide, as far as the Yukon is concerned, and as far as the responsibility to the tax payer is concerned, does this committee actually provide for us what we need in negotiation, and I speak generally here. I'm not particularly speaking about the school teachers in this regard. I feel that we should review this section because I think personally that we will come to a better agreement all around if we reconsider this section 97, Mr. Chairman.

Mr. Dumas: Mr. Chairman, with all due respect to the Member for Carmacks-Kluane, he did mention during the course of his talk that this committee, the way it's set up now in section 97, is not able or prepared to, or probably not capable of advising the teachers of the financial set up.....Well, I suggest that this is not what the advisory committee is for, to advise the Commissioner, and we must keep in mind also that this committee is responsible to the Commissioner and Council and it is the Commissioner and Council that have the final say on negotiations at present. As he says, it's not a negotiating committee as such. I cannot see, notwithstanding what I've already said and keeping in mind what the Honourable Member for Carmacks-Kluane said, I cannot see how this change would help to alleviate the problems that he presented, the possible problems that may arise.

Mr. Legal Adviser: May I just make one drafting point. A Member mentioned that there was some ulterior motive in drafting the new section....subsection (5).

Mr. Dumas: A point of order, Mr. Chairman, I don't think a Member mentioned that. I believe it was the Commissioner.

Mr. Legal Adviser: I'm sure that he had no ulterior motive in mentioning this. He may have not realized that the correct description of the advisory committee on finance is contained in the new subsection (5) It's incorrectly described in the old section 4, and the old subsection (4) is transferred directly across to the new subsection (5), the only change being to take the description of the advisory committee on finance directly from the Yukon Act. I can assure you that in making that change, I had no ulterior motive.

Mr. Chamberlist: Mr. Chairman, I would respectfully point to Mr. Legal Adviser that in the old section, the existing section of section (4), it refers to the financial advisory committee of the Yukon Legislative Council. Subsection (5) reads, "and the Advisory Committee on Finance." But, it does not read, the advisory committee on finance of the Yukon Legislative Council. This is the point that

BILL #15 Mr. Chamberlist continued:

I make, that the Financial Committee of the Yukon Legislative Council has been left out. Now, I don't think Mr. Legal Adviser will deny that this has been left out because it is not showing. Whether it was deliberately or not left out, I am not going to say, but needless to say, it is not there and, therefore, there is a difference I submit. One is clear. It says that it is the Financial Committee of the Yukon Legislative Council and this new section just says, the Advisory Committee on Finance. Now, I am suggesting that there is just a possibility that this could mean the Advisory Committee on Finance which may by regulation be referred to as an inside committee within the Administration. After all, you have such matters as legislative committees as well which is within the Administration. This is the point that I'm making at this particular time.

Mr. Legal Adviser: There's no point whatsoever. I just took the description from the Yukon Act and put it in here and that is it. Now, if the Member would like us to add in the words, of the Yukon Legislative Council, there's no objection to doing so. But, I think the words might better be the Advisory Committee on Finance of the Council, dealing with capital c's as in the ordinance. It's really a question in semantics.

Mr. Chamberlist: I don't want to get involved in semantics. I would be quite satisfied as long as there is recognition that the description is not complete. This is what I'm concerned about.

Mr. Shaw: Mr. Chairman, I don't know just what we are trying to get at particularly. There is quite a lot of disagreement with section 6, it seems. Well, under the Yukon Act there has been no group in the Yukon Territory that has been put to make any financial agreement without the consent of the Commissioner and if it's something that is without the approval of Council. That is, I think, a recognized fact. Whether it's in there or whether it's not in there, the effect is just the same. I don't feel that we can have any committee working outside of the government that can commit the government to expenditure of funds. It has to be an advisory committee any way you look at it. Now, the problem seems to be who is going to be on the advisory committee. Shall it be the way it is now or shall it be other persons. I would like to present a question, Mr. Chairman, to the representatives of the Teachers' Association. Do they have objections to a different form of committee that what has been in the past?

Mr. Bugara: Well, the composition of the committee does concern us somewhat. I think that under the terms of the amendment to this section, a committee of four professional negotiators could be appointed, which may work to our advantage or disadvantage. I think that the representation of the Council under the old section, and a member of the interested public, adequately serves to insure that the interests of the Territory are going to be preserved.

Mr. Huebert: Mr. Chairman, may I give an answer to this same question?

Mr. Chairman: Proceed.

Mr. Huebert: Well, starting out with subsection (5), which Council has already mentioned, is one of the first things we took note of... the Committee on Finance of the Yukon Legislative Council. I'm safe, I think, in saying that the Teachers' Association would like to deal with the Legislative Council in some shape or form because they are our elected representatives in the Yukon Territory. And, therefore, also in subsection (3), "four members appointed by the Commissioner." We don't feel that this is the democratic process.

Mr. Huebert continued:

We feel that this is a step in the wrong direction, that we're going in reverse rather than forward. Council Members should obtain more responsibility possibly than this. The more elected representatives that are on the advisory committee, I feel, the better. The people of the Territory will then be represented.

Mr. Shaw: In relation to that, is there any part of Canada where the employees or the contracted employees, or anything like that, negotiate with parliament in that particular province, or is there any precedence for direct negotiations with something like that?

Mr. Chairman: Who do you direct your question to, Mr. Shaw?

Mr. Shaw: Anyone who can answer it, Mr. Chairman. Mr. Chamberlist, I think, can answer it.

Mr. Chamberlist: Mr. Chairman, I'm sure the Honourable Member for Dawson must realize that in our status we cannot be compared to other areas. In other provinces, there's normally a Department of Education, and there's an elected person at the head of the department, and it's through him that the proper appointees are made for this type of thing. I don't think we can make any comparison on that particular point. It's the requirements that are needed today to satisfy our needs. The time will come along, I'm sure, when there will be a department with a direct representative through which to direct their negotiations on this matter. Right now I'm concerned, Mr. Chairman, that the sections which are in there and are repugnant to the Teachers' Association, shouldn't be in there in any event.

Mr. Shaw: Mr. Chairman, I have been on this Council since the time that the Commissioner could tell the teachers just exactly what they would get and how much they would get, and any other forms in which they were employed by the Yukon Territory. I have been in this Council and I have assisted and played my part to see that the teachers got every fair opportunity to negotiate with the government. And, I believe very much in collective bargaining or whatever you may call it....negotiations, or what have you. But, I also feel there are certain procedures which you go through and there are certain procedures which you do not go through. As an elected representative, I do not feel that I am qualified to either be a member of the Teachers' Association or to be a member of a negotiating committee because I feel that I do not understand anything about the profession. I'm a layman, so, therefore, I feel that I must get, on behalf of the people, the best possible advise that I can get so I can make up my mind in a clear manner. Though I feel that a Member of this Council should be on this committee, I feel also that if we restrict it to one person that you take off of the street....or a member of the public...perhaps that isn't the correct term....

Mr. McKinnon: You just called Bob Choate a street-walker.

Mr. Chairman: Order, please. Order.

Mr. Shaw: I'm on the street quite frequently and I put myself in the same category. What I'm trying to get at though, Mr. Chairman, is the fact that a member of the public is a member of the public, right? He may not be knowledgeable of all the facts that are concerned in the very, very important matter of negotiating where it involves millions of dollars. If one group of people in a dispute can pick who they wish to represent them, surely the other group is entitled to the same consideration. I'll just leave it at that for the moment, Mr. Chairman.

BILL #15 Mr. Dumas: Mr. Chairman, with all due respect to the Honourable Member for Dawson, there's no guarantee that we will have fully qualified people on the committee anyway, and I can't see the connection between qualifications and why this Council couldn't qualify, Members of Committee. Also, under the present set up, when we choose people, or when someone is chosen off the street as he has said, I think it has been the practice to choose those who are reasonably well qualified for this type of thing, and I think that any man who is a university graduate and is a proven business man, is certainly qualified to enter into these negotiations. Further, I would suggest that we have now on this Council people who are qualified to sit on this committee.

Mr. McKinnon: Mr. Chairman, I just want to enlarge on some of the Honourable Member's from Carmacks-Kluane remarks. He doubted whether some of the people sitting on this committee would have a very good idea of what the financing of the Territory was at the time. I would suggest very strongly that if the Superintendent of Education did not have an idea of what the financial situation was in the Territory at the time, then we had better look for another Superintendent of Education. I also say, that if a Member of the Territorial Council on this committee did not know the finances of the Territory, then the people of the Yukon Territory in his district had better get themselves another Territorial Councillor. I like both these members being on the committee. I like the idea of a member of the interested public, a tax payer of the Territory, being on this committee. This has always been a professional person. Prior to Mr. Bob Choate's appointment, it was Mr. Earl McArthur who is probably more experienced in compulsory arbitration and in negotiating committees than any other person in this Territory has, and he is interested in education in the Territory and interested in the Territorial purse as a tax payer. I think that probably it could be solved if, besides these three members which are now spelled out in the ordinance, the Commissioner could provide for a negotiator to be the fourth member of this committee from the government's view point. I think this would be advantageous both to the teachers and to the government. He would be aware and in full knowledge of all the latest negotiating procedures concerning governmental and teachers' salary negotiations. I feel that this would be a benefit to both the teachers and the government. I think that this Council has to accept the facts of life and the market of supply and demand. The teachers at this time in Canada are in demand. Pick up the newspaper at the time when school contracts with teachers are to be signed. A teacher with qualifications has the mobility to go anywhere across this country and command a salary commensurate with his education, and it's a good salary and getting better all the time. If we cannot have an area of mutual harmony, trust and satisfaction where the teacher feels protected and feels that his ability and his capability are both being appreciated and protected, and where the government feels that they are getting the best deals for the tax payer on the other side, then the educational process of this Territory are in for trouble. I think that possibly an amendment could be drafted to this ordinance which would satisfy all the various opinions that we have heard at this Council...at this Committee table this morning, that the three members that are now part of this committee for the government remain the same, with the possible addition of a professional negotiator if the Commissioner sees fit to so appoint. I would like to hear the attitude of the Yukon Teachers' Association on such a suggestion.

Mr. Bugara: I wouldn't think that the Teachers' Association would have any objection to this additional person being appointed.

Mr. Dumas: Mr. Chairman, I wonder if Mr. Commissioner would like BILL #15 to comment on this suggestion.

Mr. Commissioner: There is a question that I would like to ask. At some point in time when I was getting indoctrinated into the trials and tribulations of finding out what you do with some of these things lying on your desk, it was brought to my attention that while setting up the negotiating committee on behalf of the Administration that the last Superintendent of Schools was a member in good standing in the Yukon Teachers' Association. I was just wondering if the present Superintendent of Schools is in that unenviable position, or maybe the information given to me was entirely incorrect, at that particular time.

Dr. Shields: Mr. Chairman, I don't think they want me. Isn't that regrettable.

Mr. Chairman: Well, gentlemen, is it your intention to pursue this matter further this afternoon. I wonder if I would have your direction in this regard.

All: Agreed.

Mr. Chairman: I would entertain a motion at this time to call it twelve o'clock.

Mr. Livesey: I would move, Mr. Chairman, that we now call it twelve o'clock.

Mr. Dumas: I second the motion.

Mr. Chairman: Are you agreed, gentlemen?

All: Agreed.

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

Tuesday, November 28, 1967.
2:00 o'clock p.m.

Witnesses present were: Dr. R. Shields, Superintendent of Education; Mr. B. Choate, Past President of the Teacher Salary Negotiating Committee; Mr. H. Bugara, President of the Yukon Teachers Association; and Mr. W. Huebert, Chairman of the Yukon Teachers Association Negotiating Committee.

Mr. Chairman: Well, gentlemen, at this time I will call Committee back to order and we are discussing an Ordinance to Amend the School Ordinance. Mr. Boyd wished to be excused as he had a prior engagement this afternoon, so he will not be with us this afternoon. BILL #15

Mr. McKinnon: Mr. Chairman, I really don't believe that it is going to be of much use to really go into too much greater discussion. I think that possibly the real cause for the debate is centred around sub-section 3 to the proposed amendment to the ordinance. I can't get too excited about sub-section 6, although I disagree with it's conclusion initially. I don't think it really means anything one way or the other. Sub-section 3, I think that there is great debate on who should be on this committee and I believe that at this time we should report progress on this bill and try to get together to make an amendment that will satisfy most of the parties concerned.

Mr. Chairman: Does Committee agree?

Mr. Chamberlist: Yes, I'm agreed, Mr. Chairman. I have a comment to make with reference to the school ordinance which may or may not come into it. I have obtained, Mr. Chairman, a form called **Government** of the Yukon Territory Application for Leave. There doesn't appear to be any place in the ordinance itself where reference is made to this particular form. What concerns me is the manner in which this form is made out, especially a particular portion which reads "I certify on my honour I was ill and unable to perform the duties of my position during the entire period of absence for which leave is requested due to.....", and then the person who was sick is to fill in the nature of his or her illness. I think it is recognized that teachers are professional people and if it is intended that there is to be no method of trust through our teachers then I think there is something radically wrong. I would ask members of this Committee to take note of this form and I would move at this time that this form be not used by teachers, by the Government of the Yukon Territory or I should say the Department of Education, for application for leave. It is a form that tends to show that the administration doesn't trust at all the people who they have employed. Mr. Chairman, I will allow you to have this in case anyone would.....

Mr. Chairman: I am wondering if the Honourable Member would care to raise this under Orders of the Day?

Mr. Chamberlist: Yes, I'll do that.

Mr. Chairman: Thank you. Now, gentlemen, what is your further pleasure? Did you have any further questions you wished to ask of the witnesses here today?

Mr. McKinnon: I would like to ask either the representative of the administration or the Yukon Teachers Association - maybe I have two different sets of facts and figures - as it now stands, the pay scale in the Yukon Territory concerning teachers, how does it compare with the B.C. standard of payment?

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Mr. Commissioner: Mr. Chairman, you can't compare it to the B.C. standard. There is no such a thing. If we're going to get into any technical things, you have to relate it to one specific thing and the teachers that are here can verify the fact that if there is one standard in B.C. payment, there is at least 150 of them, or 250, I don't know, but there is no such thing as a B.C. standard of payment as related to a school district in Dawson Creek school district, Prince George school district, but the question has got to be asked on the context of which it is possible to compare.

Mr. Chairman: Mr. Huebert.

Mr. Huebert: I'm not too sure of what the question actually is. As the Commissioner just mentioned, depending on which school board one compares it to. There are 89 different school districts or divisions in British Columbia, some of which are higher than ours are at the present time. You have heard the announcements over radio - British Columbia teachers have been negotiating and these negotiations will come into fruition January 1st, and as of January 1st many school districts in British Columbia will have higher salaries than our own, particularly when one thinks of some of the added benefits that different teachers get in different areas, such as department heads and various other things. For example, for myself, if I went to some of the northern British Columbia school districts, my salary would be higher as of January 1st than it is here and it will be until the end of August.

Mr. Chamberlist: Mr. Chairman, I wonder if either Mr. Bugara or Mr. Huebert can say how many of the teachers in the Yukon Territory have read the School Ordinance.

Mr. Chairman: I think this would be a very difficult question to answer.

Mr. Chamberlist: Have either one of them read the School Ordinance?

Mr. Huebert: Yes.

Mr. Bugara: Yes.

Mr. Dumas: I wonder at the adviseability of passing this thing on to a further committee. If we're all here now, why don't we try and resolve it. Surely there aren't that many combinations of three people or four people on this committee that we can't come up with the right one.

Mr. McKinnon: To put it into proper legislative mind, Mr. Chairman, every time we try to put something on an amendment before Committee at the time we always find ourselves that we have left loopholes by being hasty about making legislative changes and not putting in the proper Parliamentary language, and I have seen it happen time and time again at this table in front of this table that this is what we've done by not taking proper consideration and hasty legislation is always bad.

Mr. Chairman: I wonder, gentlemen, if you have arrived at a philosophy on the debate of this legislation. This is something we should try and determine.

Mr. Livesey: Yes, I have, Mr. Chairman. I would move that we report progress on this bill.

Mr. Chamberlist: I'll second that motion, Mr. Chairman.

Mr. Chairman: Are you agreed? Any Contrary?

Mr. Dumas: Contrary.

MOTION
CARRIED

MOTION CARRIED

Mr. Chairman: May the witnesses be excused at this time?

All: Agreed.

Mr. Chairman: Thank you very much, gentlemen. The next bill, gentlemen, will be the Labour Bill, whatever number that is. This will be Bill No. 14, and I wonder, Mr. Clerk, if we could have Mr. Herb Taylor join with us, and I'll declare a short recess. BILL #14

Mr. Chairman: Well, gentlemen, I think at this time we will call Committee to order and we are now to Bill No. 14, An Ordinance to Provide for Labour Standards in the Yukon Territory. I will proceed with the reading of the Bill, section by section, so that we can deal with each section and clear it and move to the next.

Mr. McKinnon: Mr. Taylor, just according to that draft, whether this is all this bill does, is just replace the three ordinances - the Labour Provisions Ordinance, the Annual Vacations Ordinance, and the Yukon Labour (Minimum Wages) Ordinance, in one bill? It doesn't go further than this?

Mr. H.J. Taylor: You might say it goes slightly further than that. It makes a few changes from the previous legislation.

Mr. McKinnon: Would you be willing to point out these changes as we go along?

Mr. H.J. Taylor: Oh yes.

Mr. Chairman: "The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: 1. This Ordinance may be cited as the Labour Standards Ordinance." Clear?

All: Clear.

Mr. Chairman: "2. In this Ordinance, (a) "Advisory Board" means the Advisory Board established under subsection (1) of section 47; (b) "collective agreement" means an agreement in writing between an employer or an employer's organization acting on behalf of an employer, on the one hand, and a trade union acting on behalf of the employees in collective bargaining or as a party to an agreement with the employer or employer's organization, on the other hand, containing terms or conditions of employment of employees including provisions with reference to rates of pay and hours of work. (c) "day" means any period of twenty-four consecutive hours; (d) "employee" means a person employed to do skilled or unskilled manual, clerical, technical, operational or administrative work; (e) "employer" means any person who employes one or more employees; (f) "general holiday" means New Year's Day, Good Friday, Victoria Day, Dominion Day, Discovery Day being the Monday preceding the eighteenth day of August, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day and includes any day substituted for any such holiday pursuant to section 25."

Mr. Shaw: Question, Mr. Chairman. I would like to discuss this particular point at a later date.

Mr. H.J. Taylor: Mr. Chairman, Councillor McKinnon asked if I would let him know whenever there was a change made, and this particular definition of "general holiday", there is a change made there. There's three more been added just under the previous Labour Provisions Ordinance, there was only six, now there is nine.

Mr. McKinnon: What are the three additional?

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Mr. H.J. Taylor: I would sooner just tell you what the nine are. The six were, in the old ordinance, New Year's Day, Good Friday, Dominion Day, August the 17th, Labour Day, and Christmas Day. Victoria Day, Thanksgiving Day and Remembrance Day have all been added.

Mr. Chamberlist: Mr. Chairman, "general holiday", do you mean that to read statutory holiday?

Mr. H.J. Taylor: In essence, that's what it means. Yes.

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

Mr. Chamberlist: Yes.

Mr. Taylor: I'm a little confused over the Discovery Day being pegged as the Monday preceding the eighteenth day of August, and I'm wondering, in view of the fact that Discovery Day is on the seventeenth of August, why the Monday has been picked. In private discussion on this general subject it seems to me that if Discovery Day is to be celebrated in Dawson the only way you could possibly enable people to get to Dawson, working people, would be to consider having this holiday pegged on a Friday rather than a Monday. Possibly the Honourable Member from Dawson has some views on this.

Mr. Dumas: Is this a new innovation - Discovery Day on the Monday preceding the eighteenth?

Mr. H.J. Taylor: Yes, this definition of the - you might say the seventeenth was done in anticipation of a bill which we thought was going to be passed before this ordinance came up, but now this bill has not been brought forward, so it should properly read the seventeenth of August, rather than the way it is now.

Mr. Dumas: I think that the way it reads now is very good, and I think the Monday before the eighteenth day of August is a good idea because it gives a person the whole week-end.

Mr. Shaw: I was going to discuss this matter and bring it before Council on the various factors and that is why, at this particular time, we are going along agreeing to certain matters and I felt that in view of the fact that we are, let us say discussing, the Labour Ordinance, this is already a holiday in the Labour Ordinance and I wish to bring this up at a later date and discuss it as a matter by itself rather than bring it up right at this particular moment, and I would beg leave of the Committee, Mr. Chairman, to just leave this particular part in abeyance relative to Discovery Day.

Mr. Taylor: Mr. Chairman, it seems to me that if we are going to go through and resolve these problems that this would be the time to do it. However, just in answer to Councillor's Dumas' question in relation to the Monday, if you pegged Discovery Day on the Monday then you isolate - I think only the people of Mayo would be able to get down to celebrate Discovery Day in Dawson City, but if you pegged it on a Friday, you might be able to get away on Thursday night and be there for Friday and Saturday, and return home on the Sunday to be back to work on Monday. That's the only difference - is in relation to going to Dawson to celebrate this day, and that is why I suggest Friday.

Mr. H.J. Taylor: Mr. Chairman, this definition of a "general holiday" of course has to be tied in with the definition in the Interpretation Ordinance, and if the seventeenth of August is to read as it does here there would have to be an amendment made to the Interpretation Ordinance also, so this should be - you should decide this later on and the other amendment would have to be brought forward at the same time.

Mr. Taylor: I'll resume the chair.

Mr. Chamberlist: Mr. Chairman, I have one question to discuss. Discovery Day being the Monday preceding the eighteenth day of August, it may well mean that if the eighteenth day of August falls on a Monday, it is the Monday before that. It means it is seven days before that when Discovery Day is on the seventeenth, on a Sunday. It means Discovery Day is a week early. Why? I can't understand that.

Mr. Commissioner: Mr. Chairman, this was the end result of discussions that took place between the Member from Dawson and the Yukon Order of Pioneers and various citizens in the area and we were looking for a means of defining how this could be brought about, and we use the wording that has been used in the federal government as to the means of designating the holiday known as Victoria Day, and it is listed in the federal statutes as the Monday prior to the twenty-fifth of May. This is the way it was interpreted and this was the means of putting this down and we were contemplating a private members bill from the Member from Dawson before this was.....and this is why it happens to be put down this way.

Mrs. Gordon: Would it facilitate things to delete in that section (f) being the Monday preceding the eighteenth of August, in this particular section?

Mr. Chamberlist: I think it should read the Monday preceding the nineteenth day of August, then you.....

Mrs. Gordon: Let's just eliminate the whole thing.

Mr. Chamberlist: No, because if the nineteenth falls on a Tuesday, then it's the day before, the Monday. The idea of.....

Mr. Dumas: What if the nineteenth falls on a Monday?

Mr. Chamberlist: If the nineteenth falls on a Monday, then you've got it on the Monday before. This only gives a difference of six days whereas a whole week goes by. I mean, the idea is to have the week-end.

Mr. Shaw: The reason I wanted to let this go for the time being was I feel as far as I was concerned, or the people of the Dawson area was concerned, that Friday would be a better day and that is why I wish to leave it to a discussion of its own rather than bring it up at this particular time, but we are more concerned with the Labour section of this and it really doesn't make any difference as long as somebody gets a holiday at some time.

Mr. Chairman: I'd like to direct a question from the Chair to Mr. Taylor. In following the suggestion Councillor Gordon has made, would it not be advisable in view of the Interpretation Ordinance around to leave that as Discovery Day and take out the Monday preceding the eighteenth day of August?

Mr. H.J. Taylor: Well, Mr. Chairman, I would suggest that the best thing to do would be to leave it the way it is until you decide what you want and then change both this and the Interpretation Ordinance at the same time.

Mr. Chairman: May I proceed?

Mr. Shaw: Proceed.

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Mr. Chairman: "(g) "industrial establishment" means any work, undertaking or business of a local or private nature in the Territory and includes a branch, section or other division of such work, undertaking or business; (h) "member of a family" in respect of an employer means the employer's spouse, parent, grandparent, step-parent, child, grandchild, step-child, brother, sister, half-brother, half-sister, and a person who stands in loco parentis...." What does this mean, Mr. Legal Adviser?

Mr. Legal Adviser: That means in the place of a parent.

Mr. McKinnon: Can that be said in the Ordinance?

Mr. Legal Adviser: It's a term of art.

Mr. Shaw: A term of what?

Mr. Legal Adviser: Art. By a term of art, that means - Judges understand what that means. Legally interpreted, that's the meaning of a term of art, and definition.

Mr. McKinnon: Far be it for me to remove the esthetic qualities of this.....

Mr. Chairman: "to the employer or to whom the employer stands in loco parentis whether or not there is any degree of consanguinity between that person and the employer, and includes an illegitimate grandchild of the employer and the parents and grandparents of an employer who is an illegitimate child."

Mr. McKinnon: Mr. Chairman, could I ask for a translation of section (h) from the Legal Adviser, please?

Mr. Legal Adviser: This definition is taken from other statutes and it's an attempt to draft in technical language what a member of a family is and to include the ascendants and the descendants and the brothers and sisters, and in ease of the definitions then, it will include illegitimates up and down, so to speak.

Mr. Chairman: "(i) "overtime" means hours of work in excess of standard hours of work."

Mr. McKinnon: Understood.

Mr. Chairman: "(j) "shop" means a place or establishment where wholesale or retail trade is carried on or where services are dispersed to the public for profit; (k) "standard hours of work" means the hours of work described in subsection (1) or (2) of section 5, as the case may be; (l) "trade union" means any organization of employees formed for purposes that include the regulation of relations between employers and employees; (m) "wages", except as provided in subsection (2) of section 18, includes every form of remuneration for work performed but does not include tips and other gratuities; and (n) "week" means in relation to Part I, the period between midnight on Saturday and midnight on the immediately following Saturday." Are you clear on this section? I have noted the section (f) for further reference.

Mr. Chamberlist: Mr. Chairman, midnight on Saturday and midnight on the immediately following Saturday - midnight, are we referring to one minute a.m. on Saturday, or one minute a.m. on Sunday?

Mr. Legal Adviser: Mr. Chairman, time is always a very difficult thing to translate into law. The following actually would commence a moment after midnight, if a moment could be defined in point of time or law, but this is pure illustration. When a person becomes 21, he becomes 21 on the day before his 21st birthday because he is

deemed to have become 21 on that day, and that day then, working backwards, includes the whole of that day. That means he becomes actually 21 two days before that. He becomes 21 a moment after midnight on the day before his 21st birthday, so from that you can understand how difficult it is to write in law forms what time is.

Mr. Chamberlist: Yes, I appreciate it. It is very difficult. Now, can I know when does it start, a minute after Friday midnight, that is the first minute of Saturday morning or the first minute of the Sunday morning?

Mr. Dumas: I think you just said it yourself and explained it, a minute after Friday midnight or a minute after Saturday midnight.

Mr. Chamberlist: Well, which is the minute....

Mr. Dumas: It says here Saturday midnight, so it has got to be a minute after Saturday midnight.

Mr. Chamberlist: Well, I want Mr. Legal Adviser to say that.

Mr. Legal Advise : This appears clear to me. I agree that it is difficult to read, but it appears clear to me that midnight refers on Saturday and one moment, whatever that time may be, after that midnight the week commences.

Mr. Chamberlist: Alright, that's all I wanted to know.

Mr. Chairman: "3. This Ordinance applies (a) to employment in or in connection with the operation of any industrial establishment; (b) to and in respect of employees who are employed in or in connection with the operation of any industrial establishment; and (c) to and in respect of the employers of employees referred to in paragraph (b)." Are you clear?

Mrs. Gordon: No, could I have the definition of "industrial" as applied to the Yukon.

Mr. H.J. Taylor: Mr. Chairman, it is defined in the Interpretation section of the Ordinance which you have just read. In the definition there, I might add, means every industry that is not covered by the Canada Labour Code.

Mr. Chairman: Are we clear?

Mr. Chamberlist: No, I take it that this includes industrial and commercial as well. And I also take it then that this includes the employees of government as well. No, so that the - are we going to say that these Labour Provisions Ordinances, Ordinance, do not apply to people who are employed by the Territorial Government. They do not apply, they have separate regulations and labour provisions?

Mr. H.J. Taylor: Mr. Chairman, further to that, the definition itself reads exactly the opposite to what the application section of the Canada Labour Code reads. The Canada Labour Code applies to any - that is any of a local or private nature. This ordinance applies to any industry that is of a local or private nature, if you follow that. In other words, this ordinance picks up everything the Canada Labour Code doesn't cover.

Mr. Chamberlist: Mr. Chairman, later on I want to find out why the Labour Provisions Ordinance does not apply to people who are working by the hour, especially for the Territorial Government.

Mr. Chairman: I believe this is covered in the Public Service Ordinance.

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Mr. Chamberlist: This is a different proposition entirely,
Mr. Chairman.

Mr. Chairman: In any event, are we clear on 3?

All: Clear.

Mr. Chairman: "4. (1) This Ordinance applies notwithstanding any other law or any custom, contract or arrangement, whether made before or after the commencement of this Ordinance, but nothing in this Ordinance shall be construed as affecting any rights or benefits of any employee under any law, custom, contract or arrangement that are more favourable to him than his rights or benefits under this Ordinance. (2) Nothing in this Ordinance authorizes the doing of any work on Sunday that is prohibited by law."

Mr. McKinnon: Question. By section 4, could I take it to mean that if the employer had a more favourable contract from a union outside that the terms of this Labour Provision Ordinance would not apply?

Mr. Legal Adviser: This is a general thing. Any arrangement which is enforced by law between the employee and employer - if it is more favourable to the employee, will over-ride the Ordinance and this includes a contract which is in force between him, a group contract which applies to him and would also apply any rule of a common law whereby it is more favourably treated. There is a certain type of employee who may be entitled by a custom to a six month period before six months notice. That would apply too, even though a common law might not be invoked in the Yukon in 50 years. Still it would apply to it.

Mr. McKinnon: Correct me if I am wrong. It would seem to me that there has been a feeling expressed around this table that the Council is very much disturbed with the idea of employers with outside contracts which seem to be superceding what we would like to have them under control by laws of the Yukon and by this act we seem to be doing nothing but furthering this type of, I think, abuse of privileges that the Territory wants to see their people have.

Mr. Legal Adviser: I don't think so, with respect, Mr. Chairman. There is more than one way of skinning a cat, and this is merely to set up certain types of minimum labour standards, not to regulate the conduct of trade unions or the type of conduct, or **contract an employer** may enter into, except below minimum standards.

Mr. Livesey: Yes, I think on that, Mr. Chairman, the - quite obviously what the Legal Adviser has said, I would certainly agree with, but certainly it is not going to take away that which is already present but certainly is probably going to assist those who don't have those extra benefits. However, my question, that I was going to think about was, no matter how redundant it may be, I was wondering, Mr. Chairman, if I could have an answer as to just where the Lord's Day Act fits into sub-section 2, section 4?

Mr. Legal Adviser: If it applies, it applies, put it that way. I know that this is a double meaning answer, but if any section of the Lord's Day Observance Act applies here, well then, we don't attempt to revoke it by sub-section 2.

Mr. Dumas: Getting back to what you said before, Mr. Legal Adviser. Can I take it from what you said that there is some regulation somewhere that will apply to unions in the Territory so that the type of thing that Councillor McKinnon has suggested.....

Mr. Legal Adviser: I'm not suggesting that it is at present in force, I'm suggesting that if it is the wish of the Council at some future date to make laws regulating the conduct of trade unions and the employers in relation to bargaining power and the enforceability of their contracts, then such an ordinance would be the place to deal with this, not in a minimum labour standards ordinance.

Mr. Dumas: Thank you.

Mr. Chairman: Are we clear?

Mr. Dumas: Clear.

Mr. Chairman: "5. (1) Subject to this Part, the working hours of an employee shall not exceed eight hours in a day and forty-eight hours in a week. (2) The working hours of an employee who is employed in a shop shall not exceed eight hours in a day and forty-four hours in a week. (3) Subject to this Part, no employer shall cause or permit an employee to work in excess of the standard hours of work. (4) This Part does not apply to (a) employees who are members of the employer's family; (b) individuals who search for minerals; (c) travelling salesmen; (d) domestic servants; (e) farm labourers; (f) individuals whose duties are solely of a supervisory or managerial character; (g) members or students of such professions as may be designated by the regulations as professions to which this Part does not apply; and (h) such other persons or classes of persons as may be designated by the regulations as persons or classes of persons to which this Part does not apply. (5) Where there is a dispute as to whether this Part applies in relation to any person or class of persons the matter shall be determined by the Labour Standards Officer."

Mr. Chamberlist: Mr. Chairman, I find it difficult to see two different quantities of hours that are permitted. "5. (1) Subject to this Part, the working hours of an employee shall not exceed eight hours in a day and forty-eight hours in a week." and sub-section (2) contradicts this item - "The working hours of an employee who is employed in a shop shall not exceed eight hours in a day and forty-four hours in a week." Now, in the interpretation section (j) and (k) it says a shop means a place or establishment where wholesale and retail trade is carried on or where services are disposed to the public for profit. Well, services are disposed to the public for a profit on anything that is done. Garage work - if you're working in a garage, the services are being disposed of for a profit. I would say that one section there is redundant. It should be forty-eight hours a week and that's it. We've got two sections. One says forty-eight and one says forty-four.

Mr. Livesey: Mr. Chairman, that is copied from the old legislation in effect right now.

Mr. Chamberlist: Well, let's cut it out.

Mr. Chairman: Mr. Taylor, do you have any comment on this?°

Mr. H.J. Taylor: No, I just - Mr. Livesey brought the point out - this is just brought forward from our present ordinance.

Mr. Dumas: Mr. Chairman, I wonder how we arrive at forty-eight hours a week at all. It seems to me that the trend over the last several years in regard to labour has been forty-four hours a week, so why the forty-eight then? I can't see why this is in there. I mean, there must be a simple explanation.

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Mr. Legal Adviser: This occurs throughout the ordinance and it is the tendency in an ordinance such as this which is enforcing minimum standards. We are not attempting to say what a good employer would do or the best employer would do, but we will attempt to say that anything beyond this is a crime.

Mr. Dumas: Well, I suggest that the minimum should be forty-four.

Mr. Chamberlist: Mr. Chairman, it is a crime, I agree, to have two sets of standards in there, and I would agree that it should be forty-four and reference to forty-eight be removed.

Mr. Legal Adviser: With respect, without discussion or consultation with the wishes of an employee and employer throughout the Territory, and would ask that it not be changed at this time until consultations can take place. This is not unlike minimum insurance rates. You are attempting not to increase the cost of the operation. If it is reduced to forty-four, we don't know at this point what effect this may have. It shouldn't be a rash decision, merely for you to reduce it from what has been in operation and what is invoked throughout the Territory at the present.

Mr. Dumas: Mr. Chairman, he may be absolutely right in that. It just occurred to me that anybody who works over forty-four hours a week should be paid overtime.

Mr. Chamberlist: Mr. Chairman, at this time I will move that sub-section 2 of section 5 be removed from this ordinance. I beg your pardon, sub-section 1 should be altered to read forty-four hours in a week, and sub-section 2 should be removed. Sub-section 1 will then take care of all of it.

Mr. Dumas: I will second that and bring it open for discussion.

Mr. McKinnon: I can't move in this area, I have to go along with Mr. Legal Adviser because I realize that it may be the most proper motion that could be placed before this Committee, but I won't move rashly on it and I won't move without having - knowing more about it, and the one area that I would really like to investigate, and Mr. Taylor you may be able to help me on this, is what the minimum standards legislation reads in the provinces, in the separate provinces as far as the hours of the work week involve and if it is lower than forty-eight I think that probably through experience there they found that it could be, and if it is still forty-eight, there must be some reason for it. Can you enlighten me on this?

Mr. H.J. Taylor: Not off the top of my head, but I have all the statutes in my office and I could bring a report to Council giving you the minimum hours of every province in Canada.

Mr. McKinnon: Well, before we vote on this motion I would really beg that the mover and the seconder of this motion do allow such information to be placed before Committee before we act in this area.

Mr. Dumas: I certainly go along with that.

Mr. Legal Adviser: Provided, of course, that the mover and the seconder realizes that immediately decreasing the hours possibly of many employees outside immediately something like 12 per cent and I am not sure that the employees would like their wages reduced by 12 per cent straightaway.

Mr. Livesey: Mr. Chairman, these are things we surely have to think about more than just a mere shot in the dark and a five minute flash of something. This just isn't making any sense whatsoever, and something that could be detrimental to the Territory as a whole - we have

to think about it not only from the basis of the employee's side and the employer's side but the effect on the economy and every other aspect. This has to be given serious consideration.

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Mr. Chairman: Is it the intention of the mover and seconder to withdraw the motion?

Mr. Chamberlist: It is not my intention to withdraw the motion, but I am quite prepared to have it called 3:00 o'clock so that the statutes can be looked at.

Mr. Shaw: It is my opinion, Mr. Chairman, that something that hits you plunk just like that without having any prior information. Whether I agree with the philosophy of this or not is not the point. I won't have time enough to get the facts of the situation and when I don't have time enough to get the facts I'm always prepared to leave things exactly as they are so I will be forced to go against the motion. It is something that happens quite frequently in Committee and I object to it very strenuously if, when a motion comes up and puts a person on the spot to decide something when they haven't the full knowledge of what they have to decide on.

Mr. Chamberlist: I place my motion, Mr. Chairman, on the fact that I am familiar with labour regulations, and I can assure you that this is not so in any other province, that the one such standard, minimum standard relative to labour hours, and unless the - each specific type of labour is separated. In the meantime, I would suggest, Mr. Chairman, that we recess at this time.

Mr. Chairman: One moment here. Councillor Shaw.

Mr. Shaw: I would submit that there are certain differences, for example, an airline pilot is only allowed to work so many hours in driving an airplane; other people are restricted by certain hours which is a different category and it is not inconceivable that there wouldn't be two different sets set up for possibly good reason, I don't know, but I am prepared to listen.

Mr. Chairman: I am wondering if I have this motion correct here - section 5, sub-section: 1 be amended to provide for a forty-four hour work week, and to delete sub-section 2.

Mr. Chamberlist: That is my motion.

Mr. Chairman: I wonder if Mr. Taylor can manage to get this information over coffee break, otherwise there can be no further motions entertained at this table until this one is cleared. Well, I'll declare Committee in recess.

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Mr. Chairman: Gentlemen, we will call Committee back to Order. We have before us Motion, moved by Councillor Chamberlist and seconded by Councillor Dumas that section 5, sub-section (1) be amended to provide for a 44 hour work week and to delete sub-section 2.

Mr. McKinnon: Mr. Chairman, I must say that I agree with the philosophy behind this Motion but the practicability of it as it applies to the Yukon would just take so much consideration that I would really be worried about putting this motion into effect at this time until all the ramifications could be studied by this Committee.

Mr. Chamberlist: My concern for labour in the Territory is so strong that perhaps I was a little hasty and I think at this time I will withdraw the motion until I get some more information.

Mr. Chairman: Will the seconder withdraw?

Mr. Dumas: Mr. Chairman, I think that the minimum 44 hour work week across the board is a very desirable thing but in keeping with with my two colleagues I will withdraw.

Mr. Chairman: Does Committee agree that this Motion be withdrawn?

All: Agreed.

Mr. Chairman: The Motion is now withdrawn. Have you anything further on Section 5. Have you got some information Mr. Taylor:

Mr. H. Taylor: Yes, Mr. Chairman. The provinces seem to vary between 44 and 48; for instance Alberta is 8 and 48 but this is subject to exceptions for various industries by Order in Council. B.C. is 8 and 48 and these again are subject to exceptions. I think every province has an opportunity for different industries to vary their hours. The rest of them are: Manitoba 8 and 48 for males and 44 for females; New Brunswick is straight 44; Newfoundland is 8 and 40; Nova Scotia is determined by a Board of Adjustment, in other words every industry has a different number of hours I would imagine; Ontario basically is 8 and 48; Prince Edward Island is set by a Board; Quebec is set by Order in Council and Saskatchewan is 8 and 44 and again they are subject to exceptions.

Mr. Chairman: Have you anything further gentlemen.

All: Clear.

Mr. Chairman: Next Section is Section 6, sub-section 1. (quotes Section 6).

Mr. H. Taylor: Mr. Chairman, this Section is entirely new section and not in our present legislation.

Mr. Shaw: What is the Advisory Board essentially.

Mr. H. Taylor: In the Interpretation Section you will note that the first item says the Advisory Board is set up under sub-section 1 of section 47.

BILL #14. Mr. Shaw: Mr. Chairman due to the introduction of a motion a while back, there was a question I wished to ask and if I might be permitted to ask at this time; I didn't have the opportunity. It was under section 4 - hours of work. It says exemption - individuals who search for minerals. Would that just mean prospectors? I asked the question Mr. Chairman because it could have quite some ramifications and I wonder just what the interpretation of that would be.

Mr. H. Taylor: Mr. Chairman, the intention of that was that it was to be confined to individuals only and that means prospectors only. The old Ordinance read persons which could be interpreted as corporations, etc.; that's why the word individuals is used here.

Mr. Shaw: Thank you Mr. Chairman; I asked that because the previous one was much abused.

Mr. Chairman: Are you clear on Section 6. Seven (reads section 7).

Mr. H. Taylor: This is another new section Mr. Chairman.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: I wonder if we could have it clarified: does it mean where, if there is a 48 hour week, 96 hours involved in two weeks, does it mean one week 60 hours can be worked and the second week 36 hours worked without overtime? Is that the intent?

Mr. H. Taylor: That is the intent. It is what is referred to in the Canada Labour Code as averaging hours over a certain period.

Mr. Chamberlist: Mr. Chairman, I would have to raise objection to that.

Mr. Legal Adviser: May I speak, Mr. Chairman. A lack of this type of section has caused trouble elsewhere in places where, let's say a month's availability in certain areas because of geographical conditions then it might be six months. In particular I was involved in questions which arose in Alberta where - in the far north it was found to be impossible by the then existing law to give a man twelve months' wages for six months' work and unfortunately from the employees' point of view they could only get six months wages for six months work and then had to be dismissed and could not draw their pay for the remaining six months. So it enforced very great hardship against the employees although the employers wouldn't do this.

Mr. Dumas: Couldn't they work over-time in the six month period?

Mr. Legal Adviser: You see we are limited - they were limited to a 45 hour week but yet the employer was willing to allow them to work, say for the sake of argument, a 60 hour week for so many months, three or four months and then pull them out, in order to get a good job done and then the figures that came to us; this particular employer, was willing to employ them on certain types of tractor and heavy

Mr. Legal Adviser continues.
type mechanical type of work for six months of the year and to give them twelve months pay for doing this and let them get on with the job as fast as they could; if they wanted to work 60 hours so what - or 80 hours. But they were packing it out in the summer. The employees naturally loved this because they drew 12 months pay until they were stopped by the Labour Officer; they were able to draw 12 months pay for six months work and then have a couple of months leave and then do four months work for another employer and come back again in the summer to northern Alberta. The Labour Officer had to have the lawto have this practice cease so in this area they were allowed to work 48 hours which was the maximum and then had to stop.

Mr. Chairman: Mr. Dumas.

Mr. Dumas: Isn't this where abuse of this law came into effect whereby you have a company working out in a bush, prospecting or surveying or something, and rather than paying these people; they can only work in the summer anyway up here, primarily; rather than paying them overtime wages they say we'll give you time off - you work 12 hours a day for six or seven days a week and we will give you time off later on. It seems to me that there is a contradiction between the terms of overtime work and this.

Mr. Legal Adviser: It is clearly a contradiction in the sense we are saying on the one hand they only work 44 hours or 48 hours as the case might be and on the other hand here we are saying you can average, but it is subject to regulations and each individual approach by labour and employers would be looked at in the light of the prevailing circumstances and the necessity for this type of thing. It is not envisaged that a person work an 88 hour week for six months and then get the rest of the time off. Employees who are in this sort of business like this but even their wishes must be subject to control by law. You must not allow employees to work too hard even for high rates of pay as it would tell seriously against their health in the same way of an air line pilot is paid so high a rate that he might readily work a sixty hour week and then cause deaths. Bus drivers and long distance transport operators are in similar circumstances. They like to work long hours and get long time off but in the interests of the public it cannot be allowed; but where it can be allowed where it can be controlled by regulations; this says "in such manner and such circumstances as may be prescribed by the regulations". This is a question for the Labour Officer to advise in the circumstances of the particular case, to get over this particular difficulty.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, it seems to me we would be defeating the whole purpose of having a Labour Provisions Ordinance. One of the reasons, in my humble opinion, Mr. Chairman, in this type of legislation is to have protections for the majority of the people of the Territory and the majority of the people of the Territory are those people who work. It would appear to me the section makes provision that the hours can be spread over the two weeks and I am suggesting to you that it is left open for unscrupulous employers to abuse employees and so create a very unsatisfactory state of affairs to the whole economy. I would say this, I will give an example of this but I won't go to the extent as far as 80 hours or 90 hours; I will say you take 70 hours. Supposing just before Christmas which is a very very busy season and employers in stores say to their people this week

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Mr. Chamberlist continues..
we want you to work 70 hours and you will only work 26 hours next week. People who work just before Christmas like that extra over-time so they can have a little extra pocket money and at Christmas time are placed in the position of having to work 70 yours at straight time. Now after the weeks is finished and the employers start thinking of cutting down on their after Christmas staff they just give them a few hours a week on an hourly basis and then they are laid off. So the employer has used labour to obtain the labour to work 70 hours or more a week, given them a couple hours a week the following week and then fired them. There is nothing to prevent that.

Mr. Legal Adviser: Except regulations. I think Council must, to a certain extent be in the hands of the Labour Officer who drafts these regulations.... There are such things as nurses work a 90 hour fortnight. There are many classes of employee that for one reason or another work a fortnight instead of a week and it is necessary in their case to average their particular types of work and it has been customary since - for many, many years, but once in such manner and such circumstances as may be prescribed by regulation the Council can take it that the supervision of the regulations and the drafting of regulations will ensure that this type of averaging is limited to certain types of work and it would be scrutinized properly by the Labour Officer to see that abuses such as the one; which is only a possibility, mentioned by the Honourable Councillor will not in fact take place. If they do take place well then it will be outside the regulations and the person will be subject to prosecution.

Mr. H. Taylor: Mr. Chairman, may I interject a word here. I think I erred in my reply to Mr. Chamberlist. He asked in his original question concerning over-time. I see that the averaging section in the Canada Labour Code, and I think that if our Ordinance is read in its entirety it would be treated the same way. Even though they are allowed to average their hours that they work in excess they must still be paid over-time for every hour worked in excess of eight hours a day. And in the Canada Labour Code they must be paid over-time for every hour work in excess of forty hours a week or eight hours in any one day. This would apply here.

Mr. Chamberlist: Thank you Mr. Chairman. This was the point I was coming on to in the Canada Labour Code. But this section in itself would conflict with the statutes already in existence, taking, following your remarks which you had made. However, I still am of the opinion that subject to the regulations, I am not quite prepared myself to accept that because regulations are sometimes - I feel that regulations relating to that particular section should not be separate but be part of legislation.

Mr. H. Taylor: Mr. Chairman, the only reason they are not there is because if we started to put in what we thought might be industries which should be exempted and could be allowed to average, we would surely miss somebody and it will, I believe, have to be done by application but if it is Council's wishes that averaging be allowed only if over-time is paid these wishes will certainly be adhered to I'm sure.

Mr. Shaw: Mr. Chairman, am I to understand that a person cannot work eight hours one day without receiving over-time- he must receive over-time?- over eight hours.

Mr. H. Taylor: Yes, that is right.

Mr. Shaw: Mr. Chairman, how does that apply to firemen, for example - how does that apply to bus drivers. I know that bus drivers do work possibly six days in a week making a certain trip and then they take four days or five days off or whatever the arrangements are; which is - they have a very stiff union contract. That is the way they work it and seem to find it very satisfactory. Now by our law will we stop them from doing that. And firemen, I think firemen go on shift work of 24 hours, isn't that correct and take 3 days or a week off or some sort of time off. How does that work. There must be classes of industry, by mutual agreement, do these kinds of things. Is this going to stop this?

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, as I understand it these regulations do not apply to the Territorial government or to government or perhaps to municipal government; firemen guards at a correctional institute would not be implicated in this. I will ask questions on this later, but quite rightly I think that bus drivers and personnel of the transportation system I think would be. To me it gives - it's too broad. It doesn't tie down the very thing we want to do. I think it will help if we follow the suggestion of Mr. Taylor that, subject to the basic principle of minimum hours where overtime applies afterwards.

Mr. Chairman: Gentlemen, are you clear on this section?

Mr. Shaw: Mr. Chairman, just one thing; am I to understand that later on regulations will be prescribed for certain types of industries and jobs and so on and so forth so that these things will be workable. Is that right?

Mr. Chairman: Mr. Taylor.

Mr. Taylor: That is right.

Mr. Chairman: Are you clear on Section 7?

All: Clear.

Mr. Chamberlist: I reserve to come back to further debate later on.

Mr. McKinnon: Mr. Chairman, I have been trying to read ahead and find out what further duties the Advisory Board, created under section 47 are going to have other than under sections 6 of this Ordinance. I don't find any and I was wondering whether 7 wasn't an area in which they would be invaluable to decide which areas in which industries would come under these regulations.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: As a statement of law I see no reason why not but in a statement of policy I don't honestly know. I haven't considered it. I don't see why it shouldn't be as a question of law but as a question of policy I haven't had time to consider it and I just couldn't tell you.

Mr. McKinnon: We have set up an Advisory Board under 47 and the only area in which this Advisory Board acts and the Advisory Board under Section 47 is going to consist of a Chairman, a member representative of the interested employees and one member representative of the interests of employers.

BILL #14. Mr. McKinnon continues..

We set up this committee and they are going to act in one minor area as far as I can see - they are going to "where in the opinion of the Advisory Board the nature of the work performed in an industrial establishment or in a class thereof requires that the standard hours of work be exceeded,..". - this is where they are going to decide and it would seem to me that it would naturally be they would also be deciding what areas "where the nature of the work in industrial establishment necessitates irregular distribution" that the application would be made to them also and they would decide whether or not the, under the regulations

Mr. Legal Adviser: This would largely be the opinion of Council. If they want the Advisory Board put into that the same way as 6 well then there is no reason why it shouldn't be done. ...

Mr. Chamberlist: Mr. Chairman, I think that is covered in Section 6, sub-section 2 (a) the Advisory Board shall consider the nature of the industrial establishment or class thereof; and (b) the conditions of employment therein, and I think No. 7 would come into that and the welfare of the employee and again I think that Section 7 will come into that particular section. I think that Section 6 is a general authority as to what type of matters the Advisory Board will be asked to give advice on.

Mr. Legal Adviser: If it is the wish of the Council that we do this we could combine 6 and 7 in a section in some fashion to bring the averaging hours of work section within section 6 and make the two so where there appears (a) increase of standard hours and (b) averaging hours of work, then the Commissioner may so and so.

Mr. H. Taylor: Mr. Chairman, with respect, I might suggest that sub-section 2 of Section 47 sets out the functions of the Advisory Board and it would be a very simple matter to enlarge those, now states that the duties given to it under Section 6. You could, when you get to that section you may see other fields that you would like this Advisory Board to work in and you could make the recommendations then.

Mr. McKinnon: The point that I am making Mr. Chairman is that as the Section now stands, as I understand it, it would be upon application to the Labour Provisions Officer, I would imagine, the different categories of employment would be asking for regulations that would allow them to work this averaging of hours out. Now we have set up an Advisory Board that is going to describe what sections of employment can work over the allotted hours of work under the Ordinance would seem to follow that this would be another field in which the Advisory Board could function because it is going to have representation from both employees and employers on it and it is not going to be able to be said of it as it could be said of the Labour Provisions Officer that he is bending over towards the side of either employers or employees. And it would be a simple amendment to 7 that the words "in the opinion of the Advisory Board" were added, I would imagine.

Mr. Legal Adviser: This can be done but you see you've all the rest of the consideration of the Board. Sub-section 2 of Section 6, details, what the Advisory Board shall consider. And also it says "shall order" in Section 6(1). I'm not sure if the Councillor's wish that the Commissioner shall order something in Section 7 so it might mean a full section to itself - Section 7, bring in the Advisory Board

Mr. McKinnon: This seems to me would be a further area of protection for everybody all around, for the Labour Provisions Officer, for the employer, for the employee and for the representatives of the people of the Territory, in my humble opinion.

Mr. Legal Adviser: If this is the wish of the Council I would put up a section combining putting the Advisory Board into Section 6 and Section 7, some sort of legal fashion.

All: Agreed.

Mr. Chairman: Gentlemen, for the time being then I'll note that for further consideration. Next is Section 8 (reads Section 8). Is that Clear. No. 9 (reads Section 9).

Mr. Chamberlist: Question. I think, Mr. Chairman, you must be careful about putting this Section in because there is a shortage of miners now and if this was in there I think you might find that it would have a much greater shortage of miners because most of the miners come up here to put in as many hours as they can and this restricts them to the standard number of hours. This is the way I read it : it appears that no employer shall require or permit an employee engaged in mining operations underground in a shaft or tunnel to work or to be at his disposal for work in excess of the standard hours of work. So that if the standard hours of work are 44 or 48 no miner would be allowed to work even if it was for over-time purposes and over-time pay. He just would not be permitted to work. How can a mining area such as this - how can you restrict hours of work when the people might want to work over-time. I don't think this is a good section.

Mr. H. Taylor: Mr. Chairman, I might interject here that the only reason this is in here is that it has been in our Labour Provisions Ordinance ever since this Ordinance was passed and that is why it is left in here.

Mr. Chamberlist: Well then in that case Mr. Chairman I wonder why this hasn't been enforced.

Mr. H. Taylor: Well, the only reason why we don't enforce this on the mining industry is that they have a very strong mining union and the union has better benefits than they would get under our Labour Provisions Ordinance.

Mr. Chamberlist: I would suggest, Mr. Chairman, that because in the past it has been there and not been used and is certainly superfluous and should be withdrawn from there - from this present piece of legislation.

Mr. Chairman: Mrs. Gordon.

Mrs. Gordon: I disagree with the Honourable Member from Whitehorse East. I have lived most of my life in a mining community and have seen too many accidents happen where miners went underground and worked too long and endangered the life of others.

Mr. Chairman: Mr. Dumas.

Mr. Dumas: Mr. Chairman, would Councillor Gordon then suggest that this Section of the Ordinance should be enforced.

Mrs. Gordon: I certainly agree with that.

BILL #14. Mr. Chairman: Are we clear on Section 9?

Mr. Shaw: Mr. Chairman, did anyone say that it wasn't in force?

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Councillor Shaw, I understood from the reply given by Mr. Taylor that it was not in force because the unions are strong, or something to that effect. It doesn't matter to me whether they are strong or not; if it's against the law it's against the law! And if it hasn't been enforced obviously that administration recognize that the unions are objecting to themselves. Now if Labour is objecting to it why should we have it in there? I understand what Councillor Gordon said in reference to that. Is it the wishes of labour, is it the wishes of the employers that this should be out of there or that this should be in there? I don't think that any piece of legislation that is on the books and serves no purpose shouldn't be there. If we are supposed to put in legislation it has a purpose and if it doesn't have a purpose it just should not be there and it has already been stated that it was in previous legislation but nobody took any notice of it because the unions ... why have it there? I think it should come out.

Mr. H. Taylor: Mr. Chairman, before we pursue the matter further possibly I should explain to Council how the Labour Provision Officer has been functioning ever since the appointment has been made. Without staff we have been operating on complaint only and I may say that we have had no complaints from the miners that they have been working in excess of 8 hours. When we do then we would be forced into the position of auditing their books and bringing the matter to a head but this has not arrived yet. But it will in the very near future when we hire an auditor.

Mr. Chamberlist: Mr. Chairman, I didn't get the meaning of that. What will arrive - the answer, the objections to this being in there or prosecutions under it?

Mr. H. Taylor: All three. In other words the matter has never been looked at, Mr. Chairman.

Mr. Chamberlist: With respect, Mr. Chairman, have - I would like to put this question to Mr. Taylor, a direct question. Mr. Taylor, have you had any objections raised to you by labour or labour organizations relative to people having to work longer than the standard hours underground?

Mr. H. Taylor: No.

Mr. Chamberlist: Mr. Chairman, I know this is sufficient to show that there is no need for this Section in there at all.

Mr. Shaw: Mr. Chairman, it doesn't prove that they worked more than eight hours; that is what hasn't come out; that's purely supposition. There have been no complaints but I don't think it has been proven they have worked more or worked less. It would appear, on the surface, that they don't work more.

Mr. Chamberlist: Not on the surface, underground.

Mr. Shaw: Well, on the surface, underground.

Mr. Legal Adviser: Mr. Chairman, you are prescribing certain minimum things that must be done and we are trying to set guide lines for every assumption whether now or in the future. No matter how small it is, the fact that no complaints have come in, certainly in recent years, does not mean that no complaints will come in in the future. This is a standard practice throughout every part of this country where there are mines in operation.

Mr. H. Taylor: Mr. Chairman, possibly to assist Mr. Chamberlist, my Assistant who used to be employed in the only underground mine in the Territory tells me that their policy is no over-time for underground employment.

Mr. McKinnon: Is this in force.

Mr. H. Taylor: As far as I know it is.

Mr. Chamberlist: Mr. Chairman, I know that there are one or two mining companies that do not expect and they won't pay for over-time. This is why they are short of staff so often underground. But the way this is read it says "in mining operations underground in a shaft or tunnel", now drillers, and I'm sure I'm not too familiar with mining but I'm sure that Councillor Taylor who has more concern with a mining industry than I; I can only speak about the people that I have met from time to time. When people are drilling, driving into the side of a mountain they are making a tunnel. Now these people who are working in tunnels they have to beat the winter conditions and they work driving an adit, and they work long hours in this particular work. Now what I object to in this Section is that there is an absolute restriction, restricting any employer from having anybody work at this tunnel; there is nothing there that permits them to do it; there is not even permissive legislation in there at all. It simply excludes, it is just saying to the mining companies we are sorry fellows, you cannot have any of your people working longer than the standard hours, and if the standard hours for that particular work is 44 hours they just can't work any more and it is not fair enough, with respect, it has been remarked by Councillor Shaw because it is not fair to the miners that come up here and they want to because of the short period of time they can work and they want to work as many hours as they can, taking into consideration safety for themselves and safety for other people around them. Now this is a restrictive clause, as far as I am concerned it is a restrictive clause that restricts completely. Now this is a time when we not only require Mr. Taylor here but require a member of the mining people to answer that question and I would suggest that we leave this question aside and if possible we obtain somebody who is connected with a mining organization either from the mining companies or representative of the mining fraternity so that we can get this particular one answered. If it is bad legislation, there is no doubt about it, it should come out.

Mr. Chairman: Mr. Shaw.

Mr. Shaw: Just one remark, Mr. Chairman, I have been at this Council and heard three times representations from the unions affecting mining, the Mine Mill and Smelter Workers Union. At no time did I ever hear any complaint about this particular clause. Thank you Mr. Chairman.

Mr. Chairman: Mr. Shaw, would you take the Chair?

BILL #14. Mr. Taylor: Mr. Chairman, just in reply, this Section constitutes no difficulty in the mining industry whatsoever. Actually, in actual fact most of the miners who are working in the Territory; some of them are working on a contract basis and those who are working on wages are generally also working on a bonus basis and this is the way - they seem to be quite happy and I see no reason to delete this or exclude it. I think it is fair and reasonable. I see no problem here. I think we are making a big fuss over nothing.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, we may be making a big fuss over nothing but we are also being told that this section that was in previous legislation has not been enforced. I am going to put it this way. I am going to speak in favour of Councillor Gordon's argument. Supposing that a person who has worked under there without the statutory authority that has been given to them under the Ordinance works underground or in a tunnel for 50 hours or so and by so doing has created a hazard which has cost the lives of people and an investigation is made and the question is: why didn't the Territorial government enforce this Section? And the Administration comes up with the answer - well this is no problem, this is no trouble - we haven't ever had to enforce it before so we didn't do it. The mining fraternity seems to be happy. This isn't the point that must be considered. It is either right; it is either legislation that is enforceable or if it is legislation that you have no intention to enforce, don't have it then. That is my position on it and I'm not saying any more. I think I made my position clear.

Mr. Taylor: Mr. Chairman, I would just like to remind the Honourable Member that there is constant inspection in relation to this type of work, underground sinking or driving and this is done by the Safety Inspector and also by the Companies themselves, the companies concerned and if a problem does arise such as hypothetically suggested by the Honourable Member, it is usually caught at that point. Number two, I think it should be recognized that the Labour Provisions Officer has stated here that it is the lack of staff that meant in the past that they could only act on complaint and it would appear now that he will have an Assistant who will then be able to go out and enforce the provisions of this Ordinance. And I think that the matter is clear. I can't see any more argument.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Does Councillor Taylor suggests then that notwithstanding there is legislation which says that no employer shall require or permit an employee engaged in mining conditions underground to work for the stated 48 hours, notwithstanding this, that they can go ahead and work beyond that. Are you as a legislator saying that this is all right for them to do notwithstanding that it is in there and they can't do it? I don't know how you can stand by and say I know the legislation is there but it doesn't matter because there is safety inspection. We are talking about a labour provision and the labour provision is quite clear; that nobody shall work more than the hours as laid down. If we are going to follow this I have nothing more to say.

Mr. Chamberlist continues.

If we are not going to follow it then this is We must BILL NO.14 decide now whether this legislation is going to be followed. If it is not going to be followed then I am against it; if it is going to be followed, fine, leave it there.

Mr. Taylor: Well, Mr. Chairman, I can only say that this is a tempest in a teapot, as I said at the outset; we are wasting a lot of time and I am for leaving it in.

Mr. Chairman: Mr. Dumas.

Mr. Dumas: I think that Mr. Taylor has already indicated that the legislation is going to be followed. He said there is additional help coming and with that I think we should pass on to something else.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: With respect to the other members that wish to pass on to something else, I see here a very strong matter of principle. I do not like it referred to as a tempest in a teapot because it is not a tempest in a teapot as far as I am concerned and I would appreciate no further reference to that, that's for sure. My point is quite clear and I reiterate again; I'm saying this because I want it put on record and I'm going to say it further that if the time comes along where I see that this legislation, which it may be left in, is going to be left in, I would point out that it is not being taken care of because I know for a fact that right now where people are working 58 and 60 hours underground and you already have it in your existing legislation and nobody is making an attempt to stop this because the moment you try to stop those hours over the hours prescribed, you will have half of your miners leaving the country. Now, the Administration have not made any attempt up to now to enforce this legislation. What assurance can members of this Committee have that once it is left in a new legislation that it will be enforced. I say apparently none.

Mr. Legal Adviser: It has a certain rashness to suggest that half the miners in the country are constantly breaking the law and half the mining operations (inaudible) people underground. So far as I know there is only one major undertaking sending men underground at all. Our information is that this Section is in force; it is not being broken and in a sense it is not necessary because the law is not currently being broken in that regard but it is a good statute to have on the books for the miners' own interests as the same way as limitations placed on an air line pilot or a bus driver.

Mr. Taylor: Mr. Chairman, just in conclusion, before I resume the Chair, I can state that I am a Director of the Yukon Chamber of Mines and I am fairly well acquainted with the thoughts of Industry in such affairs and I am active in that business and as I say again I would like to see this section left as is.

Mr. Chairman: Mr. McKinnon.

Mr. McKinnon: I would like to ask a question of the Legal Adviser. Sir, if a union has a contract with an underground operation which allows miners by this union agreement to work

BILL #14. Mr. McKinnon continues...
in excess of eight hours a day underground and in fact there are no complaints from the miners and this agreement with the union is in force and then the miner becomes sour on the company or is fired, and is made aware of the Territorial law as it stands, what action would the Territorial government take?

Mr. Legal Adviser: I would assume that the person who is responsible in the Territory for prosecutions, whoever that might be, would have a prosecution brought against the miner for breaking the regulations itself and against the Company which aided and abetted him for allowing him to work.

Mr. McKinnon: Mr. Chairman, may I pursue this further. Under Section 4 of this Ordinance which says "but nothing in this Ordinance shall be construed as affecting any rights or benefits of an employee under any law, custom, contract or arrangement that are more favourable to him than his rights or benefits under this Ordinance". The man says, or whoever is being prosecuted says that he has better rights and agreement under the union contract than under this Ordinance.

Mr. Legal Adviser: In my opinion, for what it is worth, that would not affect it; this is an absolute prohibition and as such would be enforced.

Mr. Chairman: Mr. Livesey.

Mr. Livesey: I have been trying for some time to catch the eye of Mr. Chairman on this particular point. I have in years gone by taken exactly the same stand as the Honourable Member from Whitehorse East. However, I was told on most occasions that I was a black and white politician; I wanted everything clean-cut, razor sharp with no deviations, side breaks or anything else and, but however I have always thought of this type of legislation that is on the books and not enforced as more or less gopher hole legislation and just waiting for somebody to step in and break his leg which seems to be a most peculiar way of putting legislation on the book. However, I do feel that if we are going to go over all the legislation that we have got on the books of the Yukon Territory and I think at one time we went back to the legislation in connection with the operators of livery stables that we had when I first joined Council where they had to have hitching posts and bales of hay in their attics and all this sort of thing when there was no such thing in existence; I think that would create quite a process of search through practically all the legislation we have on the book. I still do think though that fair legislation should be that which is reasonably interpreted as being in a position of being reasonably enforced at all times.

Mr. McKinnon: Mr. Chairman I just say I await the day with anticipation that litigation and the example that I have placed begins. It will be very interesting.

Mr. Taylor: I will resume the Chair. Are you clear on Section 9?

Mr. Chamberlist: May I reserve the right to come back to this matter later?

Mr. Chairman: Section 10 (1) (reads this section).
Clear?

Mr. Chamberlist: Question. Mr. Chairman, I wonder if Mr. Taylor will inform the members whether this Section also is taken out of the previous legislation.

Mr. H. Taylor: Mr. Chairman, no, this section was not. It is a brand new section and it is in here because it parallels the Canada Labour Code. A similar section is in the Canada Labour Code.

Mr. Chamberlist: From that answer one would only assume that Section 10 (2) where the hours over the standard hours have been worked that there will be a report made to the Commission for prosecution under Section 9, sub-section 2; would that be right?

Mr. Taylor: This would appear to be so.

Mr. McKinnon: Mr. Chairman, could I ask Mr. Taylor this section is enforceable now or will ever be enforceable? Do you really believe that we are going to get every employer every time that there is an equipment breakdown to make a report within thirty days to the Commissioner of such equipment breakdown and the hours of work were exceeded? Boy oh boy I'm ..

Mr. H. Taylor: Mr. Chairman, I'm not putting my life at stake for this Section at all.

Mr. McKinnon: I just don't think an unenforceable law is good law and I just know so many small mining operations that people are forced to work above the 8 hours a day because of equipment breakdown and because of things of a different nature that aren't spelled out and I know that you aren't going to get reports from these people that there was an equipment breakdown and people have to work over the 8 hour day. I could tell you before it passed that you aren't going to.

Mr. H. Taylor: Mr. Chairman, I might say that this whole Ordinance is put here merely as a place for Council to start. We haven't any terribly strong feelings on this section, I can tell you, and I don't think I need to go any further.

Mr. Legal Adviser: I should say this, Sir; Section 10 (1) is necessary; Section 10 (2) could be permissive -"the employer shall on such request being made report in writing to the Commissioner" or something like that

Mr. McKinnon: That is much more sensible, Mr. Chairman. As it stands it is funny to the point of being laughable because you are just not going to get it.

Mr. Chairman: Gentlemen, is it your desire that Mr. Legal Adviser could possibly look at this and prepare an amendment or what is your wish?

All: Agreed.

Mr. Chairman: Mr. Legal Adviser will you kindly overhaul this and see what you can come up with? The next Section is Section 11, PART II, Minimum wages (reads this part). Are you clear.

BILL #14.

Mr. Dumas: Mr. Chairman, I would like to reserve the right to come back to this Section tomorrow as it is too late in the day to get involved in a long debate on a ridiculously low minimum wage in this Bill.

Mr. Chairman: Gentlemen, if we could deal with these as we come to them because if we hop skip and jump through this Bill it is going to be difficult to control.

Mr. Dumas: Mr. Chairman, I would like to propose, and I'll make it a motion, that the words \$1.25 an hour be struck out and the words \$1.65 an hour be inserted.

Mr. Chairman: Is there a seconder to this. I must declare then that there is no motion. Mr. Legal Adviser.

Mr. Legal Adviser: I was going to say that I would ask the members to remember that this is minimum wages, not desirable, but absolute minimum.

Mr. McKinnon: Mr. Chairman, I can't let this opportunity go without speaking on this. This is the whole danger of sitting in Committee and it has been mentioned before around this Committee of motions coming up and the philosophy behind the Honourable Member from Whitehorse motion - I can't agree with him more - the ramifications of what would happen if tomorrow the minimum wage went up forty cents in the Yukon I'm completely ignorant of; I have no idea if it would make the cost of living in the Yukon Territory boost 10%, 5%, 1%, I've no idea whatsoever what would be involved and these are things that I would have to have a good estimate and figures to support before I could responsibly legislate in this field. We get put in an extremely bad position from motions coming up in committee which we all agree with, I'm sure of with the philosophy behind the motion but are completely unaware of the ramifications that the motion would mean to the rest of the Territory if it were done hastily and I think that all Committee members should be urged to have motions like this with facts, figures, statistics with them and arguments to base their motions on when they are introduced because the whole of the Council gets put in a bad light when we all do agree with the whole philosophy behind some very good motions but yet because we are not aware of all the particulars of them we can't support responsibly at this time.

Mr. Dumas: Mr. Chairman, I would like to come back to this section at a later date with facts, figures and so forth.

Mr. Chairman: Gentlemen, are we agreed.

Mr. McKinnon: I would certainly have to agree with the Honourable Member's request because I see that we have done three pages and every page we are coming back to so far so how could we refuse giving him the same consideration.

Mr. Chairman: Are we temporarily clear on Section 11. Next is Section 12 (reads this Section).

Mr. Chamberlist: Mr. Chairman, it is quite often that the Department of Labour rates which are published are less than the rates which are in the immediate locality in some contracts where unfortunately local contractors have been placed at a disadvantage as for instance where they have to

Mr. Chamberlist continues... notwithstanding the contract specifications say the Department of Labour rates apply where they have to pay and make provision in their bids for labour rates on a local standard competitors outside are using the labour rates as laid down by the Department of Labour, especially where it is on Federal Department of Public Works jobs. Now I notice this refers to Public Works and I can only assume that they refer to Territorial Public Works. What happens in cases where it is the Federal Public Works where outside people are involved. Does this also mean that the outside firms must comply with contract work which has been entered into outside for and work which will take place up here. I wonder if Mr. Legal Adviser can expand.

Mr. Legal Adviser: I can't. I don't know what the meaning is, to be frank with you. I think a Public Work of the Territory means work for the Territorial government, but of course the Members will remember that the bulk of public work performed here are performed by the Territory as agent for the Federal government of Canada.

Mr. Chamberlist: Perhaps Mr. Legal Adviser is not aware that the Department of Public Works quite often contracts with private enterprise to carry out certain works in the area on various buildings; this building that we are in the Department of Public Works contracted to a private company on the outside so this isn't so; and also the Department of Transport, for instance, they contract with private enterprise, with companies outside. Just getting into the position very shortly, I already have a notice of motion in Council dealing with the Whitehorse Van Gorda transmission line - this very thing that I am going to speak about; that provisions are made for scale of wages in accordance with the Department of Labour and the Department of Labour structures are entirely different. I'll give you just a basic example. Under the Department of Labour heavy duty schedules, I think a Heavy Duty Operator receives \$3.75 or \$4.00. Local rates up here - a man wouldn't work for that. He is getting about \$4.25 or \$4.50, I don't know - pretty high on the Van Gorda area. I think we have to have a full understanding of what this Public Works refers to and I think it should not only have those items in there as prepared by the Director of Labour Standards, Department of Labour pursuant to the fair wage and hour labour regulation but it should also be, should also include any scales of labour, or there should be a scale of labour prepared for the Yukon Territory, to be a schedule forming part of this legislation and I hope that while I am speaking members do not show impatience because I am just as interested in what is going on as what other members are. But I feel that it should be - this type of legislation should be clear. This section 15 is not clear and I would wonder if Mr. Legal Adviser would be interested in obtaining the schedule for local labour.

Mr. Legal Adviser: I presume that Mr. Taylor will do this. As I see it this does not appear at first glance to me to cover a Public Work of the Federal Government - Public Work of the Territory is fairly specific. I don't think that there is any doubt that a Public Work of the Territory is included; whether it includes Public Work of the Federal Government I don't know. It is a question possibly for the Labour, the Territorial Secretary to say. He may be able to get you a schedule prepared by the Director of Labour Standards, Department of Labour.

BILL #14. Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I think I am fairly well acquainted with what the Member from Whitehorse East is discussing. He is perfectly right in my opinion, in what he is stating. There are people who obtain contracts in the Yukon and they in turn bring their personnel from outside of the Yukon and pay them at the rate established by the Fair Wages and Hours of Labour Regulations as set up by the Department of Labour. Now, that is set up as an over-all picture right across Canada I believe, as a standard and shall not be less. However, when one does work in the Yukon prices are higher, everything else is higher and as a result in many cases the hours of labour, the cost of rate is higher, the standards are higher in the Territory than in many of the cases where these people come from. Now, I know this for an absolute fact that it has a tendency to preclude men living in the Territory from working on the particular project because they would have to accept maybe 50¢ an hour less than what they are accustomed to getting on a normal job. Now how we are going to establish what is the going rate in the Yukon is something that perhaps is another subject. But I feel that this should be the Fair Wages and Hours of Labour in relation to the Territory rather than the overall picture of the Department of Labour. How we are going to do that is another problem but that is the way it should be.

Mr. Legal Adviser: I'm sure that now the Commissioner is here he hasn't heard what has gone on before and I'm sure there is no one more anxious than the Commissioner to see that any person who is capable and desirous of making a contract in the Territory should have every similar advantage to any person from the outside. If you would let this clause stand perhaps in consultation Mr. Taylor may be able to come up with something whereby a schedule of hours for the Territory could be produced. I'm not saying it can be but at least give him a chance to consult so that maybe something which might meet with the wishes of the Member, might be produced for this Section.

Mr. Chamberlist: This is an excellent idea. To further it I, as a reminder to the Members here, Poole Construction recently carried out a job in the Carmacks area and there was quite a lot of objection, especially from people working there and people trying to get work there when the rates paid to the crews there that were brought in from Edmonton were less than the rates of pay that were up here to the people that went there for work; went to Poole Construction were told, well we will either employ you on the Department of Labour scale or you can't work. I think that Mr. Commissioner had this brought to his attention and perhaps Mr. Commissioner can tell you about it.

Mr. Commissioner: This is exactly correct and we found at the time that it was, literally speaking, impossible for us to do anything at all about this and the fact remained that it was a direct Federal Government position right in the contract itself and at that particular point we just had to say well, it was nice talking to you and that was all.

Mr. McKinnon: I'd like to ask Mr. Taylor; the wage rates set up by the Department of Labour; do they vary in scale from province to province and area to area?

Mr. H. Taylor: I'll have to check that.

Mr. McKinnon: I'll pursue this further, then when a contract is sent out from the Territorial government office, the scale of wages included would necessarily be the ones that apply to the Yukon Territory, it doesn't mean that they say - the contract just doesn't read that the wages have to be according to the Department of Labour Wage Scale Rate and the person bidding on the contract bids on the rate applicable to their area.

Mr. H. Taylor: No, it would be the one set up for the Yukon Territory.

Mr. Chamberlist: ...It is one of the faults in our tender procedure so that a contractor from Edmonton, he is bidding on his normal labour standards, normal labour structure, so he has a bit of an advantage over the local contractors. This is quite often why outside contractors get these jobs as well because they have bid 5 or 10% less than the amount of the labour involved and when they come up here and find they need extra workers they have a little trouble because they have to take on local people at higher rates.

Mr. H. Taylor: Mr. Chairman, if you would leave that question with me I will bring you back the facts.

Mr. McKinnon: Mr. Chairman, with all due respect, we are hearing two different stories, and I would like to ask (inaudible).

Mr. Commissioner: Also, I too think the Councillors are talking about two different kinds of contracts here; contracts that emanate from the Territorial government - Territorial contracts are one thing and contracts that emanate from the Federal Government are another kettle of fish entirely as far as our ability to deal with the...

Mr. McKinnon: Mr. Chairman, the fact remains that I think that we can do more with Territorial contracts than we are under Section 12 and I am positive that we can come up with a better Section than Section 12 now stands.

Mr. Chairman: Gentlemen, I have noted this for further consideration.

Mr. Shaw: Mr. Chairman, it doesn't matter whether it is a Federal or Territorial; it would appear to me very reasonable to ask the Federal Government in this case that they have a clause in there in that particular section that will pay the same amount as is paid in the Yukon Territory and I can hardly see how they can refuse!

Mr. Chairman: The next Section is Section 13 (reads Section 13).

Mr. Shaw: Does that refer to baby sitting, snow shovelling and things like that, paper delivery and what not?

Mr. H. Taylor: Mr. Chairman, this is precisely what would have to be decided and prescribed in the regulations.

Mr. Shaw: Mr. Chairman, I wish the person who has the job of doing that the best of luck.

Mr. Chairman: Are you clear. Next is Section 14 (reads Section 14).

Mr. Chairman: Councillor Chamberlist.

BILL #14. Mr. Chamberlist: The only thing I was going to ask is what is the - should there not be, Mr. Chairman, any reference to apprenticeship. There is provided a training program but I think Mr. Chairman there should be reference to apprenticeship because of the period of time (inaudible). I wonder if Mr. Commissioner can speak on that.

Mr. Commissioner: Mr. Chairman, I would ultimately refer this question to Mr. Legal Adviser but I would say this, in this Section you are talking about specific situations and also I think what you are doing here - you are endeavouring to deal with those people who are employed who do not have the benefit of collective bargaining agreements or other reasonable means of securing these protections through their own type of organization and I would suggest, before asking the Legal Adviser to further answer this question that under apprenticeship training these very things would be dealt with as a specific part of the apprenticeship agreement that would be applicable to a person who Councillor Chamberlist has mentioned here at this time.

Mr. Legal Adviser: Sub-section (g) would include, by the very nature of its definition, an apprentice and an apprentice in the form of words used in sub-section g.

Mr. McKinnon: Mr. Chairman, I would like to ask the Commissioner is it the intent of the Commissioner only to make regulations if abuses under this Section were brought forward to him by employees. It would seem to me a rather large field to become involved in if by regulation it were not necessary that such regulations be made at the time.

Mr. Commissioner: I think, without getting into detail; I think it would be quite necessary to have general regulations, but certainly these regulations would be subject to continuous review as possible complaints and abuses were forwarded to the Labour Provisions Officer or such Officer as these type of things are reported to.

Mr. McKinnon: Mr. Chairman, how far are we willing to go in stating what the price will be for laundry, for uniforms that employees are required to wear. How much they are allowed to deduct if an employee loses a tool or is supplying any tools or equipment. How much of this is coming out of the employer's salary. We are getting into a dangerously close field akin to a big brother is looking after every aspect of private enterprise and I think we might be going just a little too far. I can see the regulations or the regulatory power being set up so that if there are specific abuses where employees haven't got the right of collective bargaining in a field then they can definitely move and the Labour Provisions Officer sees the danger, sees what is happening, sees that the employer is abusing the privileges that he has as a capital entrepreneur and the government moves in and cuts him off when this happens, but to restrict him before the fact to me is - we are going too far gentlemen, honestly!

Mr. Chamberlist: Mr. Chairman, I cannot but concur with Councillor McKinnon's remarks. There is a lot of difference between having a Labour Provisions Ordinance and having an Employers' Restriction Ordinance because this is what it sounds like right now. There appears to me to be the gross interference of a man running his own house. The business man is entitled to have certain things that are dear and close to him. Usually labour organizations provide in their own agreements of collective bargaining for cleaning of

Mr. Chamberlist continues...
laundry and the like - people have coveralls and such - having to make regulations is nauseating. This - regulations to require employers to do things. There is nothing in these regulations to require employees to do things. Now, I support Labour Legislation and I support provisions in Labour Legislation to take care of labour but I don't like to go up a one way street. We have got to have it two ways and it has to work both ways and we have to see that it is done. I am strongly opposed to any suggestion that the Commissioner can govern the charges for supplying uniforms and wearing apparel and the likes. We have to have - give the Commissioner power to make regulations pertaining to labour provisions but certainly not regulations to run the operation of somebody's business.

Mr. Shaw: Mr. Chairman, I agree very much with many of the remarks that have been made. On the other hand let's look out at these things - work in practice I think is something, the reasons for these regulations here. For example, to pay a person say somebody objects to paying the minimum of \$1.25 an hour so they can easily get around that by saying that I will pay you \$1.25 an hour for work and then at the end of the month charging an exorbitant amount for board to make up for what they were paying beforehand or for some of these other matters. In other words it appears to me, Mr. Chairman, that this is made, I think, more to stop some of the sharp practices that could be prevailed upon by an unscrupulous employer and if you did not have something like that it would take you back to the hungry thirties when I was working on a section gang for the C.P.R. where they paid me 25¢ an hour and took off 85¢ for board so they got half of my wages for board. Now if that were done nowadays it would be most unfair but it was quite acceptable in those times and I would not like to see us get back to that particular era so that I think, I am correct in assuming that this is to stop practices such as that. Perhaps the Commissioner could answer that, or Mr. Legal Adviser, Mr. Chairman?

Mr. Legal Adviser: This is basically a policing section to stop an unscrupulous employer - there is a bad apple in every barrel, from defeating the purpose of the Ordinance with over-charges for this and over-charges for that.

Mrs. Gordon: May I direct a question to Mr. Taylor, and ask the history behind this particular section and where it was taken from.

Mr. H. Taylor: Yes, Mr. Chairman, this is a new section or two or three of these points are new; there is only one that is in the present legislation and concerns the deduction of board and room but I could read you the section which lead to this being put into our Ordinance. It is part of the Canada Labour Code and these items are put in there to prevent evasion of the minimum wage rate are not set out specifically in the Code but may be dealt with by regulations. To prevent evasion of the minimum wage by unreasonable charges or deductions, the regulations may limit or prescribe the price that may be charged for board or living quarters furnished by, or on behalf of, an employer to an employee, the charges or deductions for furnishing uniforms or other articles of wearing apparel that an employer requires an employee to wear, and the charges or deduction for furnishing any tools or equipment that an employer

BILL #14 Mr. H. Taylor continues...
may require an employee to use, and for their maintenance
and repair. And this is primarily why it is in here.
Because it is a parallel to the Canada Labour Code.

Mr. Chairman: Gentlemen, may I draw your attention to
the time. I just wonder gentlemen if you wish to continue
tomorrow in view of the time.

Mr. Chamberlist: I have a question in my mind I would like
to know if any provisions are being made - Mr. Legal
Adviser might answer this - for any unscrupulous employee-
I'll put it to Mr. Legal Adviser this way: In this
Territory there have been many employees that have made
arrangements to, although they are not supposed to work
overtime and say they want the extra time, I don't want
double time, I just want straight time and worked for six
months and put in an extra ten or twelve or fifteen hours
because he wanted the extra work and the employers have
let them work. Now in six months' time they quit.
You know what they do the following day after they quit?
They go in to see Mr. Taylor to start action against the
employer for not giving them double time (inaudible).

Mr. Chairman: Gentlemen, I draw your attention again to
the time, I wonder if Mr. Taylor could be excused.

All: Agreed.

Mr. Chairman: Is it your wish that we discuss this follow-
ing Orders of the Day again tomorrow.

All: Agreed.

Mr. Chamberlist: Mr. Chairman, I move that Mr. Speaker do
now leave the Chair - Mr. Speaker do now resume the Chair.

Mrs. Gordon: I beg leave to second that motion.

Mr. Chairman: It has been moved by Councillor Chamberlist
and seconded by Councillor Gordon that Mr. Speaker do now
resume the Chair. Are you prepared for the question; are
you agreed; any contrary? I declare the motion carried.

MOTION
CARRIED.

MOTION CARRIED

Mr. Speaker: I will call Council to order. May I have
the report from Chairman of Committee.

CHAIRMAN
OF
COMMITTEE
REPORT

Mr. Chairman: Mr. Speaker, Committee conveyed at 10.35 A.M.
to discuss Bills, Sessional Papers and Motions. Messrs.
Bugara, Hubert, Boyd, Choate, Fingland and Dr. Shields
attended Committee to discuss Bill No. 15. Upon motion
committee recessed at twelve noon and reconvened at 2.00
P.M. It was moved by Councillor Livesey and seconded
by Councillor Chamberlist that progress be reported on
Bill No. 15. Motion carried. I can report progress on
Bill No. 14. It was moved by Councillor Chamberlist and
seconded by Councillor Gordon that Mr. Speaker now resume
the Chair. Motion carried.

Mr. Speaker: You have heard the Report of Chairman of
Committee. Are you agreed? May I have your further
pleasure.

Mr. Chairman: Mr. Speaker, in respect of the Agenda, I

Mr. Chairman continues..
believe it was the opinion of t he Members of the Committee
that we discuss the Labour Ordinance tomorrow,

Mr. Speaker: Does that conclude theAgenda?

Mr. Chairman: I didn't hear you Mr. Speaker?

Mr. Speaker: Does that conclude the of the Agenda?

Mr. Speaker: I would think that this would take up most
of our day. We have other Bills as we..

Mr. Speaker: Before the adjournment motion was called
as you notice the other day it was brought to your
attention the request of the Whitehorse Chamber of
Commerce for members of the house to attend a luncheon
on November 29th at noon. I wonder if you could indicate
to me now if you will be able to attend.

All: Agreed.

Mr. Speaker: Am I to understand that all members will
attend?

All: Agreed.

Mr. Speaker: Thank you gentlemen. May I have your further
pleasure.

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

Mrs. Gordon. I beg leave to second that motion.

Mr. Speaker: Moved by the Honourable Member from Dawson
and seconded by the Honourable Member from Mayo that
we call it five o'clock. Are you prepared for the question?
Are you agreed? I declare the Motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: The House now stands adjourned until
10.00 A.M. tomorrow morning.

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Wednesday, November 29, 1967.
10:00 o'clock a.m.

Mr. Speaker read the daily prayer. All Councillors 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 will table this morning Sessional Paper No. 57 re Carcross Cemetery and Sessional Paper No. 58 re J.P. Court, Watson Lake. I would also like to advise, with your co-operation, that I would like to set a target date for closing this Session as of December 6. Are there any Reports of Committee? Introduction of Bills. Are there any Introduction of Bills this morning? Notices of Motion or Resolution.

SESSIONAL PAPERS
#57
#58

Mr. Chamberlist: Mr. Speaker, I wish to give Notice of Motion re Sessional Papers No. 53 and No. 57.

NOTICES OF MOTIONS
#41

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

Mr. Chamberlist: Mr. Speaker, I wish to give Notice of Motion re Department of Education forms.

#42

Mr. Shaw: Mr. Speaker, I would like to give Notice of Motion in relation to Discovery Day.

#43

Mr. Legal Adviser enters the Council Chambers.

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. Motions for the Production of Papers.

Mr. Chamberlist: Mr. Speaker, moved by myself, seconded by Councillor McKinnon, "That all correspondence and communications re cut-backs in finance outlined in Sessional Paper No. 54 be tabled."

MOTION FOR PRODUCTION OF PAPERS
#9

MOTION CARRIED

Mr. Speaker: We still have under Motions for the Production of Papers on the Order Paper Nos. 4, 5, 6, 7 and 8. Under Motions we have Motion No. 37, moved by Councillor Chamberlist, seconded by Councillor Livesey, "That in the opinion of this Council, Tender Conditions for the Whitehorse-Vangorda transmission line clearing contract discriminate against Yukon labour." Would the Member be prepared to discuss the Motion at this time?

MOTION #37

Mr. Chamberlist: Yes, Mr. Speaker. Mr. Speaker, the Commissioner was requested a week or so ago to ask the Northern Canada Power Commission if they would reduce the area that had to be cleared in such small parcels that local contractors can benefit by being in a position to tender. Subsequent to that request, we were informed by Mr. Commissioner that he had asked and received assurance that this would be done. On the 27th of November, the day before yesterday, the first plans and specifications of this contract were made available to contractors in the local area. On November 15 was the original day that these plans and specifications were issued and for two days before that date, outside contractors have been viewing the site

MOTION #37 Mr. Chamberlist continues:

where this clearing is to take place. Consequently, outside contractors have had almost two weeks more in preparation of bids than those who are local. Consequently I am informed that the local people are unable to bid by the closing date of December 12 as it requires, according to the specifications, that details of the tenders be sent to Montreal Engineering for furtherance to Northern Canada Power Commission. Coming back to the clearing areas, the areas have been reduced from approximately 225 miles, broken down to one area of 55 miles, one area of 48.2 miles and the rest in another area. The tender documents show it as acreage but these are the lineal mileage for the amounts. Consequently we are placed in the position where very few contractors in the Whitehorse area are able to bid on these projects. Also, one of the conditions is that a \$20,000.00 cash deposit be made available. There is no time for local contractors to arrange for bid bonds. It is \$20,000.00 on the smaller areas of 55 or 48 miles and it is only \$50,000.00 on the balance and if these areas were sufficient for small contractors to bid, they have now included in the specification documents the following words: "Lump sum reduction to be applied if tenders for any two sections of line are accepted and lump sum reduction to be applied if tenders for all three sections of line be accepted." These specifications are simply tailored for large firms and deprive completely the ability of smaller contractors to tender. The main objection that I have, Mr. Speaker, is one that there was insufficient time given to local contractors whereas outside contractors knew the contents of this specification and received them in fact almost two weeks before. The larger area of clearing, which is 50 miles on either side of Carmacks, has been set up in such a way that an outside company that already has equipment there will be able to bid on that particular portion and no general contractor of the Yukon could possibly compete in that manner because they would have to move equipment into that area. This is a...what I say is....count against the contractors. Now, let us come to the labour conditions. On page 29 of the general conditions of the specifications, they set out the minimum wage rates as issued by the Canada Department of Labour, which we have already had some discussion on.. outside firms then are limited to that amount to pay and also there is no reference whatever to the labour rates that are applicable in this area. Under section 50 of the general conditions we read these words, "the contractor shall comply with the schedule of labour conditions applicable to the clearing of the right-of-way Whitehorse-Vangorda transmission line and permit to exceed the statutory hours of work up to a maximum of ten hours per day as issued by the Department of Labour." There is no reference whatever to labour conditions within the Territory. This time also, Mr. Speaker, it appears to me that the Department of Northern Affairs, who have I presume given instructions to Northern Canada Power Commission to proceed with this work, did not take cognizance of the fact that either for the supply of electricity or for the supply of the transmission line...they did not ask for a distributor of electricity which is operating in the Yukon today, the Yukon Electric Company Limited, to submit an alternate bid or offer a proposal. This in effect, again, Mr. Speaker, I would suggest is something that is not correct because Yukon Electric Company Limited, if they were able to supply the needs, they are a taxing company. The Yukon Territorial Government would get the benefits of Taxation. With Northern Canada Power Commission operating, there

Mr. Chamberlist continues:

is no benefits of taxation to the Territory. I would ask, Mr. Speaker, that the Department of Northern Affairs (1) be asked to reconsider the proposition that was made now in this specification through Northern Canada Power Commission, and (2) that at least the tender calls be withdrawn and sufficient time given for people who are locally interested in the construction of this work, the clearing of the ways and all ancillary work attached to it and the supply of electricity to the area, go up to tender, and it is in the interest of the Yukon Territory that a competitive form of tenders be obtained. Thank you, Mr. Speaker.

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

Mr. Taylor: Mr. Speaker, I can see the Honourable Member does make a few points but in relation to this contract, I certainly feel, and have always felt, that the first consideration in the clearing of this right-of-way should properly be given to the Department of Indian Affairs and we have continually experienced and heard of the condition of employment of many of our native people. They don't fare too well. Here is an area though in which they can work in the bush. I know that they cleared many, many miles of right-of-way on the Watson Lake-Ross River road...very satisfactorily done. The Department of Indian Affairs were the prime contractor and the Indians themselves were put into groups and became sub-contractors so to speak under the guidance of Indian Affairs and if we are to look at our native citizens and try to assist them in any areas we find possible, this is an area which I think would benefit our native people and I don't know why the Department of Northern Affairs has forgotten the Indian people because now they are joined with that very department of Indian Affairs. I don't suppose we will ever find the answer but those are my feelings on the matter. In relation to the power question, I certainly hope that the direction given today by the Honourable Member from Whitehorse East will not be accepted as a decision of Council. The Motion itself deals with one thing and any direction would have to be by further Motion. I certainly don't agree that the Yukon Electric Company should have the first option on this or whatever. I think if N.C.P.C. can provide this power then, indeed, N.C.P.C. should provide this power. It has always been, again, my contention that the utility costs in the Yukon are very high and it seems to me that the Federal Government should purchase, in my opinion, from Canadian Utilities or Yukon Electric, all the holdings that they now possess in the Yukon Territory and operate them under N.C.P.C. and hold these utilities in trust until the day that the Yukon can stand up on its own feet and take over this particular function. In relation to the Motion, where the contract discriminates against Yukon contractors, it certainly, as the Honourable Member has pointed out, there would appear to be some areas of dissent in relation to the contract. I really haven't seen the contract so I can't pass judgement but if indeed there is discrimination, I certainly would support the Motion but, as I say, I would have liked to have seen the contract prior to the discussion of the Motion.

Mr. Shaw: Mr. Speaker, it seems like this Motion...there are various matters that have entered into this besides the exact point of cutting a line and I am inclined to agree with the Member from Whitehorse East that when this work is being done in the Yukon Territory that it should benefit as much as it is reasonably possible the people of the Yukon Territory and

MOTION #37

Mr. Shaw continues:

though I am not familiar with all the ramifications of where the line is or the sections, it does appear to me that if we do have a clause in the contract that someone can bid on the whole works...on the whole line...then you might as well forget about the smaller sections because a larger company can also get in here and bid lower on a quantity job than they can on say ten miles of line or twenty miles of line. I agree with him very much on the terms of the contract as it is put out as far as labour is concerned. It does not state that the labour provisions should comply to what is customary or what is law in the Yukon so that is a part that is, among others, that he certainly has complaints about. Now, seeing as the conversation has drifted on to the matter of public power versus private power, myself, I am wondering why this transmission line is being built in the first instance. It appears from what I have read and what I have heard discussed that the potential of this particular dam that we have here is somewhat limited. The additional facilities that are being put up, we could almost say could be utilized very much in this area in very few years to its capacity. I did hear that they were going to install diesel power in this particular area to make up for this shortage of what might be. Now, I cannot see how you can transmit diesel power economically over a distance of about 180 miles when you could put the plant right where the particular power is to be used when it comes to diesel so there are many things such as this that I am beginning to wonder. I have always been a proponent of public power but I am beginning to have grave doubts now as to whether that is efficient or whether that serves the public as well as private power and I think that the true yardstick would be how much a company or even a public power corporation could produce power per kilowatt at a certain location and I would feel that the one that could provide the cheapest power should be the one that should have the opportunity of providing it, whether it be public power or whether it be private power but certainly I would feel that all concerned should have the opportunity of doing this particular thing.

Mr. Speaker: Thank you, Mr. Shaw. Any further discussion before the Member closes the debate?

Mr. Chamberlist: Mr. Speaker, I always try to make it a point of clarification where statements are wrongly interpreted. Councillor Taylor has suggested that he is not in favour of Yukon Electric getting the first option. With respect, Mr. Speaker, I did not say that. I said that they should be given the opportunity of bringing up a proposition in exactly the same way as Northern Canada are putting a proposition forward. Here is a proposition that was accepted by the Department of Northern Affairs for the Vangorda line without Yukon Electric being asked to bid or bring up a proposition and this is why it went into contractual relations. In this particular instance, as far as I am concerned, Yukon Electric Company Limited have the right to get an opportunity to bid on the contract. Many people know...I found Yukon Electric have been in a position where they should be criticized. Nobody has been more strongly critical of them than I have been. I believe that what the Honourable Member for Watson Lake says with reference to Indian labour being used on this project is quite right. It's a very very bad error on the part of the Department of Northern Affairs and I would like to point out that in these specifications there is no reference at all that Indian

Mr. Chamberlist continues:

MOTION #37

labour should be used wherever possible. They have completely left this item out. This is a further discrimination against those people who are local and can be made available for this type of work. I agree also with the Honourable Member from Dawson that from the practical point of view there doesn't seem to be a great necessity for this line but for temporary purposes, it has to go in because the eventual diesel loads that they put in will not be satisfactory for the connected load...for the used load. My whole point in bringing this forward, and I think Members of Council must realize that we have got to see wherever possible that the Yukon Territory itself benefits from any work that takes place here. I would like support of this Motion because of the principle involved that we must do whatever we can to give as much as we can to our local labour and also give whatever opportunities we can to Yukon contractors to be able to bid on these type of projects, but more than anything else, the information that was given to the Commissioner with reference to breaking down this contract into reasonable amounts so that local contractors could be benefitted, was not followed through so that in actual effect, Mr. Commissioner who said that Mr. Humphries, the General Manager of Northern Canada Power Commission, said that he would be breaking them down into reasonable amounts...has not kept his promise even to the Commissioner and it is worthwhile that Northern Canada Power Commission should be criticized for this. In finality, I hope that I will get support on this because, as I say, we must show...this Council must show that we are following closely whatever is taking place within the Yukon Territory.

MOTION CARRIED

MOTION #37
CARRIED

Mr. Speaker: We now have Motion No. 38, moved by Councillor Taylor, seconded by Councillor Dumas, "That in the opinion of Council, the Administration is requested to forward forthwith, to members of the Interdepartmental Committee on Federal-Territorial Financial Relations, copies of votes & proceedings, covering discussion on Sessional Paper No. 54, as discussed on November 27, 1967." I am wondering, gentlemen, if this Motion should not be better transferred to Notice of Motion for the Production of Papers.

MOTION #38

Mr. Taylor: No, Mr. Speaker. I am not looking for the production of papers. This Motion is a direction.

Mr. Speaker: Is the Honourable Member prepared to discuss the Motion?

Mr. Taylor: Yes, Mr. Speaker. on November 27 last, we got our first glimpse of the aspirations of the Administration in relation to finance, more particularly in relation to the Interdepartmental Committee on Federal-Territorial Fiscal Relations Agreement, and it has occurred to me that in the past, quite often utterances that we make in this Chamber do not go too very far...at least to the people concerned... and it was so with this in mind that I drafted this Motion and this Motion would ask that Votes and Proceedings of that particular discussion on that particular day do be immediately forthwith forwarded to the members of the Committee. Members of the Committee are Mr. Bolger from the Department of Indian Affairs and Northern Development, Mr. E. Gallant from the Department of Finance, Mr. J. Garner from the Department of Finance, J. L. Fry of Treasury Board, Mr. Davidson from the

MOTION #38 Mr. Taylor continues:
Department of Indian Affairs and Northern Development, Mr. S. Hodgson, the now Commissioner of the Northwest Territories, and Ken MacKenzie, the Territorial Treasurer of the Yukon, and I feel it very important, Mr. Speaker, that these people, being the people we are going to have to renegotiate with, should receive at the earliest possible moment the copies of our discussion in relation to finance and that is the reason for the Motion and that is why it sits before us today.

Mr. Dumas: Mr. Speaker, as seconder of the Motion, I would like to point out that quite simply what was said on the 27th of November regarding Sessional Paper No. 54 was of some importance I think in the development of the Yukon and some importance in the expression of the opinions of this Council and these Councillors. I think all of us feel that what we said was very pertinent and to some degree quite important. Because of this, it is necessary that what was said here become known in Ottawa, not only regarding the financial.... fiscal arrangements or the financial regulations....financial relations, pardon me....but also the more general opinions about responsibility and about coercion. If it were to go no further than this Council Chamber as most of what we say here does, it might not serve the purpose that many of us here wish that discussion to serve. For that reason, I seconded the Motion.

Mr. Shaw: Might I raise a question, Mr. Speaker. Is this paper that we had....I would ask that the Honourable Member for Watson Lake....I am not quite sure...was this a paper that was given to the Committee of Council that sat here in January?

Mr. Taylor: No, Mr. Speaker. This is the Votes and Proceedings on our discussions on finance on the 27th.

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

Mr. McKinnon: Mr. Speaker, I have always been of the opinion that if something is important enough and something is said properly that it will get the widest dissemination and people will certainly hear of it. I can't go along with the Motion... to put what Council has said, wrap it up as a present, tie it with ribbon, and send it down to make positive that it is heard in foggy bottom. I think it was said with enough clarity. It was reported with enough clarity that if people are interested in the Yukon and interested in what is happening in the Yukon, the message has already been heard and if it hasn't, it should have been.

Mr. Shaw: One more question, Mr. Speaker, which I would like to address to the Honourable Member from Watson Lake. Would I have a copy of these Minutes? I have so many papers that I can't keep track of them. Would I have a copy of this from that meeting....or should have a copy?

Mr. Taylor: Yes, Mr. Speaker, it's on page 496 to page 515 in the Second Volume of the current Votes and Proceedings.

Mr. Chamberlist: Mr. Speaker, I can't agree with the Honourable Member from Whitehorse North. This Motion is asking that we make sure that those people in Ottawa who are members of the Interdepartmental Committee on Federal-Territorial Financial Relations, will receive the information. We know

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Mr. Chamberlist continues:

MOTION #38

full well that those people here know...the Commissioner and his Administration know how we feel about the situation but we have a responsibility to make sure that the people out East get to hear about it too and there is always the danger that perhaps our Administration here want to withhold certain facets of the Votes and Proceedings back from them so that your feelings are not told to them. I support this Motion because it is asking to do the very thing that I want them to know about...the way the people here feel about the situation.

Mr. Shaw: Mr. Speaker, I have no objection to them having these particular forms so I will agree with the Motion but I would like to put in my nickels worth in this to the effect that if I were a Member of the Interdepartmental Committee making certain recommendations on what the future financial obligations and so forth would be with the Yukon for a five year period...that I think that if I were a member of that Committee, I would most certainly be most interested in knowing what the Council's reaction would be to the hard work that I had been putting forth and I would...I think I could say that all of those members must be very well aware of what transpired at that meeting. In fact, if they didn't hear twenty-four hours after the meeting, I would be very surprised but I have no objection to having them reminded of what...heard again.

Mr. Legal Adviser leaves the Council Chambers.

Mr. Speaker: Is there any further discussion before the Honourable Member closes the debate?

Mr. Taylor: Mr. Speaker, just in closing I did want to make one explanation in relation to the question raised by the Honourable Member from Whitehorse North and to a great extent I agree with him. This is the way it should be if these people attach any importance but I have become over the years in dealing with Northern Affairs, highly suspicious on occasion and in the first instance, these Votes and Proceedings will not be processed in any volume until after the Council Session is over and it is, I believe, a matter of such importance...the matters of the finances of the Territory...that this should be conveyed to these people and No. 2 is it seems that Administration, both here and in Ottawa, have a system of editing things and saying who can have what and who can't have that. I do know that in the great Ivory Tower in Ottawa there is a system and a list of who you are allowed to telephone and who you are not allowed to telephone if you are in the Government service and this type of thing so in order to break that ice and in order to expediently get this information to these people who are directly concerned, this is why I presented the Motion so that this doesn't get lodged in File 13.

MOTION CARRIED

MOTION #38
CARRIED

Mr. Legal Adviser enters the Council Chambers.

MOTION #39 Mr. Speaker: We will now move to Motion No. 39, moved by Councillor Shaw, seconded by Councillor Taylor, "It is respectfully requested that the Administration contact the Canadian National Communications Corporation for the purpose of asking them to continue the service of handling commercial messages through their radio terminal of 40-40 KC at Dawson, to service individual trappers and miners, etc." I wonder if the Member would agree that that should be Canadian National Telecommunications Corporation?

Mr. Shaw: Mr. Speaker, there may be a....I assumed it was a Crown Corporation, Mr. Speaker.

Mr. Speaker: You may proceed.

Mr. Shaw: Thank you. This is a service that has been provided...discontinued...is a service that has been provided and been in the Dawson area, Mr. Speaker, for about thirty years. It was carried on by private and then the Royal Canadian Corp Signals and then the Department of Transport and now the Canadian National Telecommunications. This is one of those situations where people are living 50, 60, 70 miles from Dawson. Some of the areas...they have communications by road in the summer time, but...or by water in the summer time, but in the winter time, they are completely isolated and it has been the practice over the years that they have a schedule around 4 o'clock in the afternoon in which the receiving agent in Dawson, whoever it may be, will receive these messages on a commercial basis and attend to their wants in the event of any accident or the event of getting supplies and so on. Well, as the country has become modernized and they have changed around all these kind of programs that have always been found so delightful and necessary in the North, they have decided to discontinue this. Now, as far as I am aware, Mr. Speaker, there was no additional cost to any of these people to provide this service because they provided it during the hours of work in which they tended to their normal duties of receiving and transmitting messages, however, in their wisdom and for the purpose of efficiency I suppose in some form or other, they decided to discontinue this service in the Dawson area and they sent a circular to the people that had been using this service, and there won't be very many...it may involve say half a dozen people, Mr. Speaker...that effective October 31, 1967, "we are discontinuing the use of our radio terminal of 40-40 KC at Dawson City for the handling of commercial telegraph traffic" and then it goes on and it states, "you should therefore make arrangements prior to that date to change your equipment where necessary or change crystals to provide single sideband communication to our Whitehorse toll centre. These frequencies are etc., etc.,". Now, to transmit a message 350 miles away I would say, Mr. Speaker, would require a fairly elaborate piece of equipment at a great deal of expense to so do. This communications has been going on, as I say, for all these number of years. I cannot see where there are any costs involved in labour because the labour is there. These people that are receiving these messages...sometimes it's pretty important...if they get a sickness and have to have an airplane in an awful rush or they have other means of needs for this that they have to call 350 miles south in order to get a message through if they are lucky. There are many many days, Mr. Speaker, when the finest equipment that is in Dawson of any of these signals, except by Morse Code, they cannot get through to Old Crow which is 250 miles north. Now we are asking these little fellows to try and get 350 miles south. Even if they had the money to put in this equipment or could afford it, it is doubtful if they

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Mr. Shaw continues:

MOTION #39

could make regular contact whereas this other system is a kind of a partyline proposition that has been in the North for years and years. It does nothing but good and certainly does not create any expense - certainly no more expense than sending it to here to the Canadian National Telegraphs. I feel, from my observations and certainly speaking personally, the Canadian National Telecommunications are doing a pretty good job up there. I personally am very happy. There are times that we have our little problems like you would in any public service, any utility service, but I do feel that this particular matter is somewhat arbitrary and it was certainly done without any consideration. The communication came from Dawson Creek so I don't suppose in Dawson Creek they understand the problems of about 1500 miles north and my Motion is asking the Commissioner to point out these things...or the Administration to point out these things to the Canadian National Telecommunications to see that this present thing can be continued. I think it is very good. It's something like these Tundra Topics they have on Radio Station KFAR in Fairbanks. They don't do those things in Montreal but it's pretty nice to hear that kind of communications going on between the far outflung outposts that they have in Alaska and I don't see why...it would be nice to have the same thing here but we haven't got that. This particular matter is a very small version of that and I would ask for Council's support in this matter.

Mr. Taylor: Mr. Speaker, as seconder of the Motion I wholeheartedly support this one. It occurs to me that C.N., who have taken over this facility as Councillor Shaw has pointed out, have failed to look at the conditions that exist in the area and at the very important service that this 40-40 operation provides to the people of the North. Indeed, it is with some nostalgia that I recall the days that I used to work into this system from Livingstone Creek out of Whitehorse here on occasion and every evening at sked time...the Army then operated the thing...the Army would call the net and everyone from Kirkland Creek to Livingstone Creek to all of us that were in the bush those days could call in and receive our messages and transmit our messages and it really was a bright spot when five o'clock at night rolled around and you got back to the cabin in order to get your messages back and forth and this is still done today. Unfortunately, people who live in modern times have forgotten that there are indeed still people who live in isolation and depend on this facility. It seems very little to ask of an organization such as C.N. to have a piece of mechanical equipment...receiving equipment available on full monitor during the day in order to meet a schedule or receive an urgent message from one of the people in the bush. It seems that there is no great inconvenience to the operator at that particular point to have to go over and pick up a microphone and answer a call or indeed meet a schedule. If, as has been suggested in this circular, the C.N. wish people to go off of A.M. and that is what is presently on 40-40 now...it will mean an investment in new equipment to the tune of at least a minimum of \$1200.00 to \$1500.00 to provide sideband equipment and also a change in frequencies...crystal frequencies which cost you about \$50.00 a channel for this type of thing. Obviously the little guy in the bush who is already set up with equipment is going to be pretty hard hit by this. There's another consideration too and I am not too sure how it is going to work but Canadian National Telecommunications I believe are now centralized in Winnipeg and the system that they employ on their sideband network is that when you call in there

MOTION #39 Mr. Taylor continues:
is a charge levied and you are billed monthly for each call that you make. This never used to be the case but it is now. Therefore, if your bills aren't paid in sixty days, then you are cut off and for the little guy in the bush who goes out in the fall and doesn't get out until spring, it's kind of difficult because he doesn't see a mail plane or possibly see anybody unless he comes in at Christmas and he may indeed even have to wait until breakup so this could cause him some difficulty as well. I certainly support this Motion. I think it is very, very important that this 40-40 frequency at Dawson which has existed for so long should be maintained so long as there are people who require the use of that facility.

Mr. Speaker: Any further discussion on the Motion?

Mr. Shaw: Mr. Speaker, it may be called progress this type of thing. They may say they are changing the face of the North in this but it's a case of where other outside customs... people are trying to get these customs to change the face according to their wishes rather than just keep things the way they are. There's no reason for it except rules and regulations that apply in Toronto or Montreal but they are going to have the same thing apply up here.

MOTION #39
CARRIED

MOTION CARRIED

Mr. Speaker: We now have Motion No. 40, moved by Councillor McKinnon, seconded by Councillor Chamberlist, "That a Member of the Yukon Legislative Council be appointed to the Legislative Programming Committee." Would the Member be prepared to discuss this question at this time?

Mr. McKinnon: Mr. Speaker, would the House be prepared to recess at this time?

Mr. Speaker: I believe the question was would the Member be prepared to discuss the Motion No. 40 at this time?

Mr. McKinnon: Mr. Speaker, I am trying to be gallant and keep the stenographic shift in its proper relationship. Mr. Speaker, if the House is not willing to be gallant, I am willing to proceed with the Motion.

Mr. Chamberlist: Mr. Speaker, I would agree with Mr. McKinnon's suggestion that we recess at this time.

Mr. Speaker: I believe the question comes under my prerogative and it is my intention to call a recess but I asked a deliberate question if the Member would be prepared to discuss the question at this time.

Mr. McKinnon: No, Mr. Speaker. After recess I will be fully prepared to discuss the question.

Mr. Speaker: Thank you, Mr. McKinnon. I will now call a five minute recess.

Wednesday, November 29, 1967.

11:00 o'clock a.m.

Mr. Speaker: I will now call Council back to order. Is the Honourable Member for Whitehorse North now prepared to proceed with Motion No. 40?

Mr. McKinnon: Thank you, Mr. Speaker. Motion No. 40, seconded by Councillor Chamberlist: "That a Member of the Yukon Legislative Council be appointed to the Legislative Programming Committee." This innocent looking little two line motion may, if effected, be one of the most important motions ever passed before this Council. I think that we may as well realize that the elected representatives of this Territory are nothing more than a sop to the people of the Yukon Territory and to the people of Canada, that some form of democratic institutions are being followed in the Yukon Territory. We have, of course, no function at all in the executive or administrative field and are, therefore, an irresponsible elected legislature. At this time in the Yukon Government there exists a Legislative Programming Committee which consists of: A chairman, the Assistant Commissioner, Mr. Frank Fingland; and on this Programming Committee are the other Assistant Commissioner, Mr. Keith Fleming; Mr. Herb Taylor, as the Secretary is the secretary of this Programming Committee; Mr. Ken McKenzie, the Territorial Treasurer, is also a member of this Committee. They meet with the relative department heads to give priority to legislative programmes that are to be presented to the Territorial Council, and also to decide what legislation is to be presented to the Territorial Council at any given session. Mr. Speaker, it is my firm belief that the only way that the elected representatives of the Yukon Territory can evolve into being a responsible government is for the Members of this Council to gain executive and administrative experience. I think it is absolutely ridiculous that none of the elected Members of the Yukon Legislative Council have any say whatsoever to what priority should be given to legislation that is brought before this Council or have any so whatsoever to decide what legislation the Yukon Territory really wants and what legislation should be presented before the Council of the Yukon Territory. I do not think that I can state my position any clearer. I am going to try, I have tried and will continue to try to get the Members of this Council involved in the executive and administrative functions so that this Council can evolve and follow along the lines of British constitutional practice and become a government body where the Members are in essence responsible to the people for the actions that they take. This is my whole purpose in being at this table and I will try, and continue to try, with any means that I think possible to get a footing where we, as elected Members, have some say in administrative and executive functions.

Mr. Chamberlist: Mr. Chairman, I have seconded this motion and I feel sorry that I didn't think of bringing this forward myself. I think the Member from Whitehorse North is to be congratulated on bringing forward to this Council the very, very situation that exists whereby the misnomer in the guise of the Legislative Programming Committee being used where in actual effect it is the administrative programming committee for legislation. To me there can only be one way that there could be legislative programming and that is when it is brought about by the legislature itself. It is obvious, Mr. Speaker, that the Administration once more place themselves in the position of saying, "Well, we don't need the legislators. We can prepare the legislation that we want and we will place it before Members of the Territorial Council when we want to place it before them and in what order we want to place it before them." The Administration has never yet come to the table

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Mr. Chamberlist continued:

and said, "Well, what legislation shall we present to you first." Or, "What legislation do you require to be placed before you first." Whether it's intended or not, this is another open handed slap in the face of the Legislative Assembly of the Yukon because it shows the disrespect that they have dealing with legislation. I think one of the best things, if there was real sincerity, which could have been shown by the Administration, is that when this new Council sat in these Council Chambers the Administration could have almost on the first day come forward and said, "We are forming, or we have a legislative committee and we want you people to participate and we want representatives from the Council on this legislative committee." But, it was omitted. It was omitted because it appears the Administration wants to maintain control over this Assembly. And, I echo the Honourable Member's from Whitehorse North sentiments when I say that I will do my utmost to assure that wherever we can take a step forward to that more responsible standard of government that we are searching for, we will. I would suggest, Mr. Speaker, that the Administration take note that this Territorial Council wants to take their responsibilities seriously and we want to accept those responsibilities and we want to participate in the responsibilities of legislation, and the responsibilities of legislation is when legislation is placed before Council in a manner that the Council deem...has priority to any other, because the Administration presents legislation which is of prior interest to the Administration. We feel....I feel that legislation should come when it is of prime priority to the people of the Territory. The time has come now when we must say to the Administration, "We're prepared to co-operate with you. You show us that you're prepared to co-operate with us. We want participation in a legislative programming committee. We don't want it next year or next session. We want you to start making arrangements for it to take effect now." Thank you, Mr. Speaker.

Mr. Dumas: Mr. Speaker, in the last few weeks and, indeed, even today I've heard the reference made to the fact that the Administration and the Council must work as a team and together form the Government of the Yukon Territory. If this is true, then as a team we must work together in all aspects of governing this Territory. As the Administration sits here with us here in Council, so Council should be represented in Administration to some extent. The idea that a person runs for Territorial Council for prestige, or sometimes the ludicrous idea, for personal gain is absolutely false. The only real satisfaction that one can get from being a Councillor is knowing that he has done his part in the service of his Territory or his community. I think that if this motion is passed and if the Administration accepts it in good faith, that we will have taken a first step towards the evolution of responsibility in the Territory. I ask the Administration to accept this motion in the vein in which it is offered....one of co-operation with the Administration....one of teamwork between Administration and Council. For this reason it's a most important motion, as has been expressed by the Honourable Member for Whitehorse North, and I give it my whole-hearted support.

Mr. Shaw: Mr. Speaker, I don't think that a blast-off to the Administration is really conducive to creating the team that we hear about. But, this particular matter, legislative programming, I think is quite important. In the past, Council has asked for certain amendments or creative legislation and many time this has been produced for Council....many, many times. However, when we get to a large ordinance or something that is really big, it appears to me that it's not the local Administration, but the blockage is right in Ottawa because drafting legislation is a very, very technical task. It's been proven to me that a layman has a very difficult job in drafting this. It almost has to be done by experts,

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Mr. Shaw continued:

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because there are always experts around in the same line that are trying to tear it apart at the same time. Now, I think, to have a Member of Council on this Legislative Programming Committee is a very, very good suggestion and I go for it 100%, but it does raise some questions in my mind, Mr. Speaker, as has happened in the past with a Member of Council being on a particular one-man committee, and that is that the end results, of this person being on this committee, which comes out is quite frequently the views of the Member on this committee and not the view of the whole Council. Now, that is something that I am wondering about in this particular instance. I am not quite sure of the amount of time that would need to be given to being a member of this committee, whether it is necessary that the representative would need to meet every two weeks, every two months, or every two years, so that the person that undertook this very important duty would need to be available, it would appear to me, quite frequently. This Member would also need to communicate back and forth with all Members of Council quite frequently to ascertain just what the individual views would be so that this could then be passed along to the Administration. And, I'm wondering, Mr. Speaker, if the mover of the motion has given consideration to the mechanics of this particular motion. Mr. Speaker, I believe a question to the mover of the motion does not close a debate. Am I correct in this assumption?

Mr. Speaker: That is correct.

Mr. Shaw: That would be a question, Mr. Speaker.

Mr. McKinnon: Mr. Speaker, I intended to let this go around the table once in Council and then move it into Committee to examine the mechanics of such a motion.

Mr. Shaw: Thank you, Mr. Speaker. That is quite satisfactory.

Mr. Taylor: Well, Mr. Speaker, during past Councils we have approached this problem and we have never been successful. We felt, as certainly we do now, that this would be a real step forward to being a part of the creation and programming of legislation. I would point out that it states in the Yukon Act under section 16, "The Commissioner in Council may, subject to the provisions of this act and any other act of parliament, make ordinances." I would assume that this is an area in which the Council could, indeed by the terms of the Yukon Act, participate. In section 18, "The Commissioner in Council may make ordinances." Section 19, "The Commissioner in Council may make ordinances," again for the borrowing of money and so forth. It seems to me that we're staying within the confines of the Yukon Act in doing this. I think that if we approve this and if the Administration agrees to this...as certainly this is an area where the Administration can indeed show their acceptance and willingness to allow the Council to participate in this event...in legislative programming. This is an area where they could show their good faith with the Council. I think that we would be making a major break through in our steps toward the development of responsible government in the Territory. My other comments have already been covered by other Members, and so I will leave it at that. I whole-heartedly support this motion, and it is my sincere hope that when the time comes and if the motion receives favourable consideration of Council, that the Administration will permit this to be done.

MOTION
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Mr. Commissioner: Mr. Speaker, I don't know whether I have the privilege of speaking in regard to the motion or not, but this along with many other things from my particular point of view is not an undesirable situation. I would like to say this, that the more that Council will find themselves getting involved in the other side of the coin than sitting around this table blasting the Administration for their actions, inactions, their insinuations in the leaving out of words and putting them in, and all the rest of it, the happier and easier the Administration's life becomes. I may say that if there is anybody who has ever held the Commissioner's job who has tried more to get Council's participation in the day-to-day routine, I don't know who it is. I don't see any particular light shine on any of my predecessors' actions, and I'm not going to stand here and, literally speaking, be accused of endeavouring to run some kind of a tyrant empire and leave Council out of it when in actuality it's the opposite case. This isn't the only area that Council as individuals have the opportunity of participation in and they have to do it on the basis of self-sacrifice as far as they themselves are concerned. With the Councillors in the past, they have been quite prepared to do this and I'm sure the present Councillors are quite prepared to do this. There are continually areas where the Administration is most interested in getting the advice of people who are not involved in the day-to-day mechanics of getting these jobs done. It gets to the point where you can't see the woods for the trees. As far as I am personally concerned, I think the multitudinous.....are far better than one in any of these areas. I may say that as far as legislation in itself is concerned, that the formulation and the construction of legislation has been one of the major problem areas insofar as the Administration and Council both are concerned for a long period of time. We have not been favoured in the past with a Legal Adviser who has been entirely on the Territorial payroll. This is the first time to my knowledge in the history of the Territorial Government that we have such.....

Mr. Taylor: A point of order, Mr. Speaker. Might I know from what electoral district comes the Member who is now debating?

Mr. Speaker: Order.

Mr. Commissioner: I'm quite prepared.....

Mr. Speaker: Proceed.

Mr. Commissioner: This legislation problem is a tremendous problem, and the construction of it is a very difficult one. We not only have requests from Council for legislation, we have the problem of getting this legislation dealt with in a uniform manner that applies with other areas and other districts which our legislation happens to coincide with or comes upon it. This particular committee that you are talking about now is a committee that was set up not too long ago to endeavour to try to correlate the various things in connection with legislative programming so that we can try to get the whole of legislation in some kind of an order and manner to the Council table that will be acceptable to all who are concerned. To the Councillors who have spoken, I commend you for your interest and your attitude, particularly Councillor Dumas for his reasonable approach to some of the trials and tribulations that the Administration has got, and as far as I am concerned I would be very hopeful that you can grease the skids and make this particular thing possible.

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

Mr. McKinnon: Yes, Mr. Speaker, I would move that this motion go into Committee for further discussion.

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Mr. Chamberlist: I second that motion, Mr. Speaker.

Mr. Speaker: Moved by the Honourable Member from Whitehorse North, seconded by the Honourable Member for Whitehorse East, that Motion No. 40 be moved into Committee for further discussion. Are you prepared for the question on the motion? Are you agreed? I'll declare the motion carried.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: May we now proceed to the question period? Are there any questions?

Mr. Chamberlist: Mr. Speaker, I would wish to put a question to Mr. Commissioner. Mr. Commissioner, would you please tell Members of this Council where you have the right to debate in a motion.

Mr. Speaker: Order. Order. I will have to move that question out of order.

Mr. Taylor: Mr. Speaker, I have a question I would like to direct to Mr. Commissioner this morning. In view of the fact that the Territory is apparently broke....I'm told that we don't have any money....where will we find the funds in order to maintain snow-removal on our Territorial roads and subdivisions this winter? QUESTION RE FINANCES

Mr. Commissioner: Mr. Speaker, funds will be made available for this purpose. Exactly what these dollar bills are, I'm sorry, I don't know. To my knowledge, provision was made for certain funds. I will endeavour to find out exactly what those funds are. I'm sure I can.

Mr. Taylor: Supplementary to that then, do I understand that there are sufficient funds available to insure that all Territorial roads and subdivisions will be maintained during the full course of the winter?

Mr. Commissioner: Well, Mr. Speaker, I can only give assurance after I have done some checking because I'm sure that Council wants accurate information, and I'm not prepared to give information that I haven't got accurate. I will definitely find this information.

Mr. Dumas: Mr. Speaker, could the Commissioner tell us if, to his knowledge, there are any more bills to be presented to Council? QUESTION RE NO. OF BILLS LEFT

Mr. Commissioner: I think maybe Mr. Legal Adviser might be in a position to answer this.

Mr. Legal Adviser: There is one ordinance that we would like to see come before Council. It's the Regulations Ordinance which, judging from the views of the Council so far, will meet with the wishes of Council. There is no other one. There's some amendments to ordinances.....which this Council has asked for.

Mr. Taylor: Mr. Speaker, I have another question to direct to Mr. Commissioner this morning and it's in relation to a motion approved by Council asking for a draft of the agreement with the Department of Fisheries to take over possibly next spring of the Fisheries function. I'm wondering if the Administration have now received communication in respect of this and if this draft will be ready for our preliminary look-over at this session. QUESTION RE DRAFT

MOTION CARRIED

MOTION CARRIED

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Mr. Commissioner: Mr. Speaker, the Court advises me that we have wired to our Deputy Minister on the 14th of November on this particular matter and no reply has been received up to this time.

Mr. Speaker: Thank you, Mr. Commissioner. Are there any further questions? Would the Honourable Member from Watson Lake please take the Chair?

Mr. Taylor: Yes. Mr. Livesey.

Mr. Livesey: Mr. Speaker, I have for your attention this morning three questions addressed to the Administration. What is the present feeling of the Administration toward the elimination of camp-grounds within twenty-five miles in either direction from a place of business on a Yukon Highway, where such business provides camp-ground facilities? And, the number two question this morning: Now that both the Snag and Aishihik Airports have been closed down, is the Administration aware of any proposed plans for their future use, and if not, are buildings and equipment going to be offered for sale through the usual government channels? And, my last question: What does the government propose to eliminate the problem of lack of dormitory accommodation for high school students from highway points where parents are unable to find suitable accommodation from private sources in Whitehorse? Thank you, Mr. Speaker.

QUESTION #23

QUESTION #24

QUESTION #25

Mr. Livesey resumes the Chair.

Mr. Speaker: May we now move to public bills and orders. I would... your question.

Mr. Dumas: I move that Mr. Speaker do now leave the Chair for the purpose of.....

Mr. Speaker: Order. Public bills and orders. Councillor Dumas, do you give contention to any question in relation to Bill No. 12, 13, 16 or 18?

FIRST Moved by Councillor Dumas, seconded by Councillor Shaw, that Bill READING No. 18, An Ordinance to Provide for the Registration of Brands, to BILL #18 be Impressed upon Stock, be given First Reading.

MOTION CARRIED

MOTION CARRIED

SECOND Moved by Councillor Dumas, seconded by Councillor Shaw, that Bill READING No. 18, An Ordinance to Provide for the Registration of Brands to BILL #18 be Impressed upon Stock, be given Second Reading.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: May I have your further direction?

Mr. Dumas: Mr. Speaker, I move that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss bills, motions and memorandums.

Mr. Speaker: Is there a seconder for the Honourable Member's motion?

Mrs. Gordon: I second that motion.

Mr. Speaker: Moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Mayo, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss bills, motions and memorandums. Are you prepared for the question on the motion? Are you agreed? I will declare the motion carried.

MOTION CARRIED

MOTION CARRIED

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Mr. Speaker: Will the Honourable Member for Watson Lake please take the Chair in Committee.

Mr. Chairman: Gentlemen, we will be proceeding today with Bill No. 14, A Labour Standards Ordinance. We will require the attendance of Mr. Herb Taylor, I believe. What is your pleasure at this time?

Mr. Dumas: Mr. Chairman, I move we call it twelve o'clock seeing that we have a luncheon engagement.

Mr. Chairman: Is there a seconder?

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

Mr. Chairman: It has been regularly moved and seconded that we now call it twelve o'clock. Are you prepared for the question? Are you agreed? I will declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

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Councillor Dumas not present.

Mr. Chairman: Well, gentlemen, I will at this time call Committee to order. We are discussing Bill No. 14 and we are now at Part III, Annual Vacations, Section 15. "In this Part, (a) "vacation pay" means four per cent of the wages of an employee during a year of employment in respect of which he is entitled to a vacation; and (b) "year of employment" means continuous employment of an employee by one employer for a period of twelve consecutive months beginning with the date the employment began or any subsequent anniversary date thereafter."

BILL
#14

Mr. H.J. Taylor: There is a change here, Mr. Chairman in that the four per cent has been inserted rather than 1/26th that is in the present Annual Vacations Ordinance. 15. (a) is four per cent. At the present time it is 1/26th. Four per cent is very little more, and easier to compute.

Mr. Chairman: Clear?

Mr. Chamberlist: Clear.

Mr. Chairman: "16. (1) Subject to this Part, every employee is entitled to and shall be granted a vacation with vacation pay of at least two weeks in respect of every completed year of employment. (2) For the purposes of this Part, a year of employment includes a year of employment begun before the coming into force of this Part and completed after that date. (3) Where an employee has completed a year of employment before the coming into force of this Part and had not been granted an annual vacation with vacation pay in respect thereof before that date, he shall be granted such annual vacation with vacation pay as he was entitled to under the Annual Vacations Ordinance. (4) This Part does not apply to employees who are members of the employer's family." Clear?

Mr. Chamberlist: One point, Mr. Chairman. Does the vacation pay in this mean four per cent of any portion of the year's pay because some employees, of course, leave their employment before they complete a year? I wonder if you can clarify this, Mr. Taylor.

Mr. H.J. Taylor: This is covered as you go through this section. It's covered further on.

Mr. Chamberlist: Thank you.

Mr. Shaw: Mr. Chairman, I would beg leave to be excused for about ten minutes. I have some people that are leaving on an aircraft.

Mr. Chairman: Does Committee agree?

All: Agree.

Mr. Chamberlist: I'll take care of your affairs, Mr. Shaw.

Mr. Shaw: Thank you, Mr. Chamberlist. I'm sure it's in good hands.

Councillor Shaw leaves the Council Chambers.

Mr. Chairman: The next section is section 17. "The employer of an employee who under this Part has become entitled to a vacation with vacation pay, (a) shall grant to the employee the vacation to which he is entitled, which shall begin not later than ten months immediately

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BILL
#14

following the completion of the year of employment for which the employee became entitled to the vacation; and (b) shall, at least one day before the beginning of the vacation or at such earlier time as the regulations prescribe, pay to the employee the vacation pay to which he is entitled in respect of that vacation." Clear?

Mr. Chamberlist: Mr. Chairman, a bit of clarification of this item. "The employer of an employee who under this Part has become entitled to a vacation with vacation pay" - the way it reads, it would appear it's 22 months because it says "which shall begin not later than ten months immediately following the completion of the year" - does this mean the vacation pay is 22 months after?

Mr. Legal Adviser: This isn't.....that he earned at that time, this is an employee with.....would then be entitled to a vacation. Now, he gets it in the following year. This is an attempt to make sure you don't go.....

Mr. Chamberlist: Would he be entitled to four weeks or is he just entitled to two weeks for the first year, and then no vacation paid in the ten months following.

Mr. Legal Adviser: He is entitled to take, at that point, that ten months point, during the same year, a vacation - that's after he's got a year. ".....which shall begin not later than ten months immediately following the completion of the year of employment for which the employee became entitled to the vacation". After a year, he is entitled to a vacation. Now, that vacation must be taken during the second year and this is merely a legal form of defining this. It seems clear to me. I can't quite see the difficulty. Then, his second year's vacation is the second year and he must take it during his third year, because he can't take it at any time earlier. This is as a last resort, the point of no return.

Mr. Chairman: Are we clear?

Mr. Chamberlist: Yes.

Mr. Chairman: "18. (1) Vacation pay shall for all purposes be deemed to be wages. (2) For the purpose of calculating vacation pay, wages include every form of remuneration for work performed other than bonus, incentive pay, overtime pay, shift differential, tips and gratuities."

Mr. H.J. Taylor: Mr. Chairman, in this section, the tips and other gratuities have been added.

Mr. Chairman: Are we clear? Are we clear on 18?

Mr. McKinnon: Is this standard procedure, Mr. Clerk?

Mr. H.J. Taylor: It's fairly standard. Some of the provinces do allow pay on overtime work, not all of them. It varies.

Mr. Chamberlist: Mr. Chairman, if Mr. Taylor can answer - is this the same section that was in the previous.....?

Mr. H.J. Taylor: It is. It is exactly the same except tips and other gratuities. That is an addition.

Mr. Chamberlist: But does it include overtime.....?

Mr. H.J. Taylor: Yes.

Mr. Chamberlist: Overtime pay was not subject to annual holiday?

Mr. H.J. Taylor: That's right. Just basic pay only.

Mr. Chairman: Are we clear?

Mr. Chamberlist: Clear.

Mr. Chairman: "19. (1) Where in the opinion of the Labour Standards Officer there is a shortage of labour, an employer and an employee may enter into a written agreement whereby the employee will not take annual vacation to which he is entitled under section 16 and the employer is not subject to the provisions of section 17 with respect to that employee. (2) Where an agreement referred to in subsection (1) is entered into, the employer shall within ten months after the date on which the employee became entitled to an annual vacation, pay to the employee in addition to any other amount due to him, his vacation pay for the year immediately preceding the date on which he became entitled to the annual vacation." Clear?

Mr. Chamberlist: Clear.

Mr. Chairman: "20. Where a general holiday occurs during the vacation granted to an employee pursuant to this Part, the vacation to which the employee is entitled under this Part shall be extended by one day, and the employer shall pay to the employee, in addition to the vacation pay, the wages to which the employee is entitled for that general holiday." Clear?

Mr. Chamberlist: Clear.

Mr. Chairman: "21. (1) Where the employment of an employee by an employer is terminated before the completion of the employee's year of employment, the employer shall forthwith pay to the employee (a) any vacation pay then owing by him to the employee under this Part in respect of any prior completed year of employment, and (b) four per cent of the wages of the employee during the completed portion of his year of employment. (2) Notwithstanding paragraph (b) of subsection (1), an employer is not required to pay an employee any amount under that paragraph unless the employee has been continuously employed by him for a period of thirty days or more."

Mr. Chamberlist: Question. Mr. Chairman, I note that this refers to where the employment of an employee by an employer is terminated. Let us look at it in reverse. What is the situation where an employee quits of his own accord? According to this he is not entitled to holiday pay. Mr. Taylor, perhaps you.....

Mr. H.J. Taylor: No, this is not right, Mr. Chairman. This merely states where the employment of an employee by an employer is terminated. It doesn't say terminated by either party. It means terminated by either party, as far as we're concerned.

Mr. Chamberlist: Well, it doesn't say that, with respect, Mr. Chairman. It reads "Where the employment.....", perhaps a comma might be right in here. "Where the employment of an employee by an employer is terminated...". Perhaps Mr. Legal Adviser could see what I'm getting at. There's a comma place.....short there.

Mr. Legal Adviser: Lawyers don't like commas. They lead to all kinds of problems. As I see it, though I may be misinterpreting it, the sentence could read where the employment is terminated, and then we've got to describe what employment we're talking about. We could say the employment of an employee by an employer. That is descriptive of employment. A comma wouldn't necessarily add anything to the meaning of that, but with the employment of an employee by an employer where the employment is terminated by the employer, you have to add in the word by an employer, or by an employee you would have to add in an extra by an employee. The description is descriptive of the main noun of the sentence which is the first place where employment

BILL #14 appears, and it's a subject descriptive clause of an employee by an employer.

Councillor Dumas enters the Council Chambers.

Mr. Chamberlist: Mr. Chairman, I agree with you that it is a descriptive clause describing where termination is by an employer or an employee, but I suggest there is no reference to termination by an employee of an employer. Now, you have read it in one light and I would point out, respectfully, that this thing is full of commas so another one wouldn't have made any difference. The point that I make here is where it reads, and this is the way I read it, "Where the employment of an employee by an employer is terminated, before the completion of the employee's year of employment, the employer shall forthwith pay to the employee....", but it doesn't say where the employment by the employee is terminated. This appears to me not sufficiently clear and I think there may well be some legal ramifications afterwards so why not let's make it clear. I think perhaps where the employment of an employee by an employer is terminated, and when an employee leaves his employment.

Mr. Legal Adviser: This is only adding confusion to confusion, with respect, if you add in..... It might make it clear if we eliminated about six words, and said it this way - where the employment is terminated before the completion of the employee's year - and then we know what we are talking about, but I would have to think of this to see the effect. We've got to use the definition of employment and the particular type of employment and everything else. Would the Honourable Member be satisfied if I said I'd think about it and if I felt there was substance in his complaint that I would make an amendment if necessary?

Mr. Chamberlist: Yes, Mr. Chairman, I would, though I would like to point out that this time there seems to be some agreement that there is some confusion because Mr. Legal Adviser said this is like adding confusion on confusion. There certainly was confusion there. Thank you.

Mr. Chairman: Are we clear? "22. Where any industrial establishment" Mr. Livesey.

Mr. Livesey: Mr. Chairman, this might sound like an exercise in symantics also, but I can assure you it isn't, that the question of forthwith. Now, the reason I bring this up, Mr. Chairman, is that when we may be thinking of employment in Whitehorse we musn't forget that employment in Whitehorse doesn't necessarily represent the employment throughout the Territory, and the law is the law, and as far as the question of law as far as this code is concerned between an employer and an employee, surely the law must be written so that it applies to everyone in the Territory, and this takes into consideration places miles from Whitehorse where an employer may have practically all his books in connection with his business carried on in the city of Whitehorse, but he may live 300 or 400 miles away from the city of Whitehorse, and the question of termination, I have heard this point come up time and time again, especially where individuals have, in some instances, not more or less arrived when they have quit, and this question of forthwith comes up as a rather worrying situation as far as the employer is concerned because his books are in Whitehorse and the action that has been taken is 300 or 400 miles away from Whitehorse, so where does forthwith come in? I'm just wondering if I could get some - an explanation on this, Mr. Chairman.

Mr. Legal Adviser: Sir, forthwith is a term of art and I think I explained what a term of art means. It means, to me at any rate, a word which has a meaning which we can definitely ascribe to it. Now,

*Such time as to permit
that which is to be done, to be
done lawfully & accords to the
practical & ordinary course
of things to be performed
or accomplished.*

*Such says
immediately, without
delay, directly, promptly
& with reasonable despatch*

JH

the word forthwith has been judiciously fought over ever since the word was invented around about 1300. It tends to mean, in the opinion of Judges, as soon as reasonably possible and this has an element of haste in it. It does not mean immediately. It means as soon as possible. It must be done straightaway, but the word forthwith and the word immediately are not interchangeable as far as terms of art.

BILL #14

Mr. Livesey: Thank you, Mr. Chairman.

Mr. Chamberlist: Mr. Chairman, with respect, I wonder if Mr. Legal Adviser would take note that recently there was a prosecution dealing with the word forthwith here and the police don't recognize that forthwith means as soon as possible, it means now, and they prosecute on that basis.

Mr. Legal Adviser: I have a feeling that I heard something about prosecution, but if the police were to ask me the meaning of this word and asked my advice as to whether a prosecution should be taken my advice and my direction to the police, my powers to give direction to the police, would be exactly as I have given the Council, that the person must be given a reasonable opportunity to comply with the legal order. It doesn't mean that they can delay it on an excuse, for if it's possible for them to do it there and then, then they should make an attempt to do it immediately, but it does not mean immediately.

Mr. Chairman: Are we clear, gentlemen?

All: Clear.

Mr. Chairman: "22. Where any industrial establishment in or in connection with which an employee is employed is, by sale, lease, merger or otherwise, transferred from one employer to another employer, the employment of the employee by the two employers before and after the transfer of the industrial establishment shall, for the purposes of this Part, be deemed to be continuous with one employer, notwithstanding the transfer."

Mr. Dumas: Agreed.

Mr. McKinnon: Mr. Chairman, I note there is only seven commas in that paragraph.

Mr. Legal Adviser: Commas are put in to make it easier to read, sir, not to change the legal meaning. There was a time when legal documents - not so very long ago - were written without either a full stop or a comma from beginning to end, and a good draftsman would use no commas, but modern times have made it impossible to do this, and for ease of reading it, commas are put in not to change the meaning.

Mr. Chairman: "23. The Commissioner may make regulations for carrying out the purposes and provisions of this Part and, without restricting the generality of the foregoing, may make regulations (a) defining the circumstances and conditions under which the rights of an employee under this Part may be waived or the enjoyment thereof postponed; (b) prescribing the notices to be given to employees of the times when vacations may be taken; (c) prescribing the time when vacation pay shall be paid; (d) defining the absences from employment that shall be deemed to have interrupted continuity of employment; (e) for the calculation and determination of vacation and vacation pay in the case of seasonal or temporary employees or in other suitable cases;

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(f) providing for the granting of vacation or payment of vacation pay in the event of temporary cessation of employment; and (g) providing for the application of this Part where, owing to illness or other unavoidable absence, an employee has been absent from his employment."

Mr. McKinnon: Mr. Chairman, I wonder if I may ask Mr. Taylor if section 22 was in the prior ordinance?

Mr. H.J. Taylor: No, there was no similar section in the prior ordinance, or section 23 are you referring to?

Mr. McKinnon: No, section 22, sir.

Mr. H.J. Taylor: I believe it was, yes. I would say so. I would have to take a look at that.

Mr. McKinnon: I just asked because it seems to be a philosophy that came out of the Friedman Report in Manitoba, and I was wondering if we had this philosophy prior to this report.

Mr. Chairman: The next section is Part IV, General Holidays.
"24. (1) Subject to this Part, every employer shall give to each of his employees a holiday with pay in respect of each of the general holidays falling within any period of their employment. (2) Where a general holiday fall....". I believe that is a typing error.

Mr. Legal Adviser: Yes.

Mr. Chairman: "(2) Where a general holiday falls on a Sunday, the Monday immediately following shall be a holiday with pay." That typing error is noted, is it?

Mr. Dumas: Question. How about where a general holiday falls on a Saturday, which is normally a day off for many employees.

Mr. Legal Adviser: That position has been taken care of in this ordinance.

Mr. Chairman: Clear?

Mr. Dumas: Could it be done or would there be any great problems, Mr. Legal Adviser?

Mr. Legal Adviser: There is no legal problem with the draft. What problem would arise with the administration of the ordinance, I don't know. I would prefer you ask that question of Mr. Taylor.

Mr. H.J. Taylor: Yes, Mr. Chairman, this section 24 was not in the old ordinance. The requirement to pay for a general holiday wasn't or isn't in the present ordinance.

Mr. Dumas: How about the requirement to pay where the general holiday falls on a Saturday which is normally a day off for many employees?

Mr. H.J. Taylor: Well, this is covered in my first statement. There is no requirement to pay for a general holiday no matter what day it falls on. The only requirement in the present legislation is that if an employee is required to work on a general holiday, he be paid at the rate of time and one-half.

Mr. Legal Adviser: Sir, may I point out that a day off for some people is not necessarily a Saturday. If a person has their day off on a Wednesday, then you would need to legislate each particular day of the week. In the administration of the ordinance, I can see that certain difficulties might arise because employees whose day was

Thursday off or Wednesday off would, with some justice, say we are losing our holiday and people who are working Saturday are not. It's not a section to jump into. BILL #14

Mr. Commissioner: Mr. Chairman, the normal method of stating this in a labour contract is to say that in a week in which a statutory holiday falls and the working hours for that week are 40 hours, the working hours for that week are reduced by eight hours. This is the means of getting around this. Whether or not you want to get into that close a detail in this type of ordinance, I don't know, but that is the method of dealing with it in a union agreement.

Mr. Chairman: Anything further in this section?

Mr. McKinnon: Mr. Chairman, I truly believe that this should be looked into in this ordinance. There should be some attention paid to where a general holiday does fall in a week that the person who does work it is compensated for it. Is he protected now?

Mr. H.J. Taylor: No, as I said now he is not protected.

Mr. Dumas: Mr. Chairman, I just want to point to the recent problem I had with the Post Office Department who didn't give their employees a day off and should have.

Mr. H.J. Taylor: Maybe I should explain myself a little further. In the present ordinance, there are statutory holidays listed and the only requirement is that the employee be paid time and a half if he works, but there is no requirement to pay him if he does not work on a statutory holiday. Theoretically, the employer could pay him one day less wages for that week.

Mr. Commissioner: Yes, but Mr. Chairman, is this not taken care of in this new ordinance.

Mr. H.J. Taylor: It is. This section here says he has to give him a day's pay. This is a new section, in other words.

Mr. Dumas: Later on?

Mr. H.J. Taylor: No, right here, section 24, the one you have just read says that "shall give to each of his employees a holiday with pay".

Mr. Livesey: Yes, Mr. Chairman, this was the problem that came up before the previous Council and the previous Council decided or at least they certainly discussed this question to the extent that it was my belief that it was their decision that they were not going to pay - give any payments or advise any employer to give any payment to an employee who had a holiday on any particular day, so in this case what they really were taking as far as holidays were concerned, they weren't having a holiday at all. All they were having was a day off, if they're not going to get paid, so on a statutory holiday if they're paid on a statutory holiday, that is correct. Not to be paid for a statutory holiday obviously is not correct.

Mr. McKinnon: Clear.

Mr. Chairman: Clear? "25. Any other holiday may be substituted for a general holiday in any of the circumstances following: (a) where a class of the employees of an employer is represented by a trade union and the parties to a collective agreement entered into with regard to the terms or conditions of employment of the employees notify the Labour Standards Officer in writing that a specified day has been designated in the collective agreement as a holiday with pay in lieu

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BILL #14 of a general holiday under this Part, such designated day shall, for those employees mentioned in the collective agreement, be a general holiday for the purposes of this Ordinance, or (b) where no employees of an employer are represented by a trade union or where a class of employees is not provided for under a collective agreement with regard to general holidays, and the employer applies to the Labour Standards Officer to substitute another designated holiday for any general holiday under this Part, the Labour Standards Officer may, if he is satisfied that a majority of the employees or a majority of the class of employees, as the case may be, who are not provided for under a collective agreement in regard to general holidays, concur with the application, approve the substitution of such designated holiday for the specified general holiday, and such designated day shall for those employees be a general holiday for the purposes of this Ordinance."

Mr. Dumas: Agreed.

Mr. H.J. Taylor: This is another new section, Mr. Chairman.

Mr. McKinnon: Just as a point of interest, how were these situations dealt with previously, Mr. Chairman?

Mr. H.J. Taylor: As I said, this is a new section.

Mr. McKinnon: There was no provision?

Mr. H.J. Taylor: No, there was no provision.

Mr. McKinnon: You certainly must have had complaints.

Mr. H.J. Taylor: Well, we might have had a few, but very few.

Mr. Chairman: "26. (1) An employee whose wages are calculated on a weekly or monthly basis shall not have his weekly or monthly wages reduced for a week or month in which a general holiday occurs by reason only of his not working on the general holiday. (2) An employee whose wages are calculated on a daily or hourly basis shall, for a general holiday on which he does not work, be paid at least the equivalent of the wages he would have earned at his regular rate of wages for his normal hours of work. (3) An employee whose wages are calculated on any basis other than a basis referred to in subsection (1) or (2) shall, for a general holiday on which he does not work, be paid at least the equivalent of his daily wages, based upon the average of his daily wages, exclusive of overtime, for the four weeks that he worked immediately preceding the week in which such general holiday occurs."

Mr. H.J. Taylor: This is another new section, Mr. Chairman.

Mr. Chairman: Clear? "27. Subject to section 31, an employee who is required to work on a day in respect of which he is entitled under this Part to a holiday with pay shall be paid, in addition to his payment made in accordance with section 26, at a rate at least equal to one and one-half times his regular rate of wages for the time worked by him on that day."

Mr. H.J. Taylor: This is another new section, Mr. Chairman.

Mr. Commissioner: Mr. Chairman, subject to what the Legal Adviser has to say, I think that this has got some possible misinterpretation here. I think the way that this ordinance is written infers that a person is going to get paid for not working on a general holiday. Now when he is called upon to work it says he is going to get paid time and a half and that is all, and I think that what this thing should say and should clearly spell out is if he is entitled to the day's

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holiday as a general holiday and he paid for it, and he is called upon to work, he in fact is going to get two and a half times his regular pay, and subject to what Mr. Legal Adviser says, I question very much if this is the interpretation that can be put on this. BILL #14

Mr. Legal Adviser: The section says "in addition to his payment made in accordance with section 26". I find that very clear, but we could make it clearer, but clearly anybody would be able to come to the conclusion that in addition to his payment made in accordance with section 26, a rate of at least one and a half times his regular wages. If it might make it possibly clearer if we said in addition to his regular payment made in accordance with section 26. Does Council think it is necessary to clarify it. The word regular then would make it absolutely clear.

Mr. McKinnon: Agreed.

Mr. Commissioner: Mr. Chairman, all I'm thinking about is our Labour Provisions Officer in this matter because I think that these things should be spelled out as clearly as possible so that he finds himself in a position where he has no difficulty at all in determining what is involved in this thing.

Mr. Chairman: Do you wish to have the word regular inserted here, gentlemen?

All: Agreed.

Mr. Chairman: Mr. Legal Adviser, will you take note of this.
"28. An employee who is not required to work on a general holiday shall not be required to work on another day that would otherwise be a non-working day in the week in which that holiday occurs, unless he is paid at a rate at least equal to one and one-half times his regular rate of wages for the time worked by him on that day."

Councillor Shaw Council Chambers.

Mr. Chairman: "29. Pay granted to an employee in respect of a general holiday on which he does not work shall for all purposes be deemed to be wages."

Mr. Dumas: Clear.

Mr. Chairman: "30. No employee is entitled to be paid in respect of a general holiday on which he does not work (a) where he is not entitled to wages for at least fifteen days during the thirty calendar days immediately preceding the general holiday; (b) where the general holiday occurs during the first thirty days of his employment by and....". I think there's a typing error here. Should this read by an employer?

Mr. H.J. Taylor: Yes.

Mr. Chairman: This is sub-section (b) of section 30. Do you so note the error, Mr. Legal Adviser - employment by an employer?
"(c) where he did not report for work on that day after having been called to work on that day; (d) where, without the consent of his employer, he has not reported for work on either his last regular working day preceding or his first regular working day following the general holiday; or (e) where during the four-week period immediately preceding the week in which the general holiday falls, excluding any period during which he has taken annual vacation pursuant to Part III, he has not worked an average of twenty-four hours per week."

BILL #14 Mr. McKinnon: Question. Mr. Chairman, what happens to section 30. (a) where you come in conflict with say a federal government ruling where you have to be working for thirty days where a federal government department in the Territory has it that you have to work thirty days prior to receiving paid holiday and the Territorial Ordinance says this is fifteen days?

Mr. Legal Adviser: This is asking a constitutional question. If this law is of local and private application, that is within the authority of the Territorial Council as such.

Mr. H.J. Taylor: Mr. Chairman, is that not covered by 30. (b) the thirty day question?

Mr. Chamberlist: I think it is, Mr. Chairman, with respect, I think it's also covered by 21. (2) "Notwithstanding paragraph (b) of subsection (1), an employer is not required to pay an employee any amount under that paragraph unless the employee has been continuously employed by him for a period of thirty days or more." This would apply as well with reference to how to be paid. So, this section is taken care of.

Mr. H.J. Taylor: It does, yes.

Mr. Commissioner: Mr. Chairman, this is basically designed to take care of the situation where Wednesday, the first of July, is a holiday and a person came on the payroll on the Monday, which is the 28th or 29th of June, when the first of July comes as a holiday, he has only been on the payroll for three days, he is not entitled to a holiday paid at that time. This is what this is designed for.

Mr. Chairman: Are we clear?

Mr. Shaw: Clear.

Mr. McKinnon: I wonder if I could have the distinction between (a) and (b) of section 30, Mr. Chairman?

Mr. H.J. Taylor: Well, I would say, Mr. Chairman, that (a) applies to somebody who may have been away for two weeks without pay prior to this day.

Mr. McKinnon: Clear. Thank you.

Mr. Chairman: The next section is "31. Where a person employed in or in relation to custodial work or essential services as prescribed by regulations is required to work on a day that is a holiday under this Part, he shall be granted a holiday with pay in accordance with section 26 at some other time, which may be added to his annual vacation or granted as a holiday with pay at a time convenient to him and his employer." Clear?

Mr. Shaw: Clear.

Mr. Chairman: "32. For the purposes of this Part a person is deemed to be in the employment of another person when he is available at the call of such other person whether or not he is called upon to perform any work therefor." Is it clear?

Mr. Dumas: Clear.

Mr. Chairman: "Part V, Administration and General. 33. Every employer shall post and keep posted in a conspicuous place on the premises occupied or used by his employees a copy of this Ordinance,

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the regulations and any orders made by the Commissioner. 34. (1) BILL
Subject to subsection (2) every employee shall be paid by his #14
employer no later than ten days after the expiration of each
calendar month. (2) Where the employment of an employee is terminated
at any time, that employee shall be paid forthwith."

Mr. Chamberlist: Question. Mr. Chairman, the question of forthwith
comes up again and I would suggest that should be paid within forty-
eight hours be placed in instead of forthwith so that there is time
limited in.

Mr. Legal Adviser: As I said before, forthwith is a term of art
that is understood in the legal profession and if it is forty-eight
hours then the people in Whitehorse, where the money is, may not be
paid for some reason until the end of forty-eight hours. This is
to enable the employer to pay as soon as possible. Sometimes it is
not possible to do it immediately, sometimes it is, and this is an
attempt to bring a certain amount of teeth into the ordinance.

Mr. Chairman: Clear?

Mr. Shaw: Clear.

Mr. Chamberlist: I'm not happy with it. I can't accept that
explanation because I have heard the courts here say forthwith means
now.

Mr. Legal Adviser: If a Judge says get out of this court forthwith,
it does mean now.

Mr. Chamberlist: Exactly.

Mr. Legal Adviser: He means as soon as possible, and it's possible
to go now.

Mr. Chairman: "35. (1) The Commissioner may designate any person
as an inspector under this Ordinance. (2) An inspector shall have
such powers under this Ordinance and shall perform such functions and
duties as the Commissioner may prescribe by regulation. 36. (1) The
Commissioner shall appoint a Labour Standards Officer to administer
this Ordinance. (2) The Labour Standards Officer may, for the
purposes of enforcing this Ordinance or the regulations, (a) inspect
and examine all books, payrolls and other records of an employer that
in any way relate to the wages, hours of work or conditions of employ-
ment affecting any employee; (b) take extracts from or make copies
of any entry in the books, payrolls and other records mentioned in
paragraph (a); (d) require any employer to make or supply full and
correct statements, either orally or in writing in such form as may
be required, respecting the wages paid to all or any of his employees,
and the hours of work and conditions of their employment; and (d)
require an employee to make full disclosure, production and delivery
to him of all records, documents, statements, writings, books, papers,
extracts therefrom or copies thereof or of other information either
verbal or in writing that the employee has in his possession or under
his control and that in any way relate to the wages, hours of work
or conditions of his employment. (3) The Labour Standards Officer
may at any reasonable time enter upon any place used in connection
with any industrial establishment for the purpose of making an
inspection authorized under subsection (2), and may, for such purpose,
question any employee apart from his employer. (4) The Labour
Standards Officer shall be supplied by the Commissioner with a certificate
of his authority and on entering any place used in connection with an
industrial establishment shall, if so required, produce the certificate
to the person in charge thereof. (5) The person in charge of any

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#14 connection therewith shall give the Labour Standards Officer all
reasonable assistance in his power to enable the Labour Standards
Officer to carry out his duties under this Ordinance and the
regulations."

Mr. McKinnon: Mr. Chairman, I would certainly like to hear an explanation of the duties of an inspector in relation to the duties of the Labour Standards Officer. A Labour Standards Officer, under section 36, has a list of powers delineated to him. Is it the intention that the inspector will work under the Labour Provisions Officer or is he under regulation to be given greater powers than the Labour Provisions Officer? Just what is the relationship of the two?

Mr. H.J. Taylor: Well, it may not be clearly set out, Mr. Chairman, but the intention is that the inspector shall work at the direction of the Labour Standards Officer.

Mr. McKinnon: I wonder, Mr. Chairman, wouldn't it be wise to spell this out, because as it stands here you're giving the Labour Provisions Officer certain powers which are right and which are needed by his office and yet you're giving a whole broad spectrum of any type of powers to the inspector where he can, under regulation, do anything that is so wished for him to do by the Commissioner which is a much broader aspect of power than the Labour Provisions Officer that he is going to be working under. It seems to me there should be something in the relationship of the two where it is understood that the inspector is working under and out of the office of the Labour Provisions Officer.

Mr. Commissioner: Well, Mr. Chairman, with due respect to the point that the Councillor has made, I'm afraid that there would be rather a great upheaval in the internal operations of the administration if any of the people who had delegated authority found themselves in the position of greater authority than what their superiors had, and on that basis I would say that you're quite safe.

Mr. Chamberlist: Mr. Chairman, I notice that the Labour Standards Officer will be supplied by the Commissioner with a certificate of his authority, but there is no reference that the inspector will be supplied with any such authority. Who has the authority to enter into the office, the Labour Provisions Officer or the inspector?

Mr. Legal Adviser: I wouldn't know exactly but this is spelled out what the Labour Standards Officer can do but not what the inspector shall do, but I would anticipate that the inspector would have regulations supplied with an identification card that would give him the necessary authority to act as an inferior officer in carrying out the functions subject to the correction of the Labour Standards Officer, but I think the inspector should at all times be subject to the Commissioner, as head of the administration, and only in his day-to-day activities be subject to the Labour Standards Officer, because all civil servants go right to the people, instructed in their duties by their superior administrative officer, the Commissioner himself.

Mr. McKinnon: I don't mention this as an administrative roadblock, I'm trying to get it to an ease of administration where I think it should be a fact that the officer or the inspector is working under the proxy of the Labour Provisions Officer. We have to have the concept that if you have a complaint against this ordinance when it is passed that you have a place to go which is the Labour Provisions Officer. Now, certainly he can't follow up every complaint that is going to be delivered to his door. He is going to have to delegate

to an inspector who is responsible to him. I would think that this would be the relationship in which it would work, and I would think that it would be simple if this were clarified in the ordinance and under regulations certainly that the inspector should have the delegated authority that the Labour Provisions Officer would have. BILL #14

Mr. H.J. Taylor: Mr. Chairman, it might be a simple matter for the Legal Adviser to insert in sub-section (2) of section 35 an inspector shall, under the directions of the Labour Standards Officer.

Mr. Commissioner: Mr. Chairman, with due regard to what is said here, one of the situations that you are going to have here in the Territory in the very near future is is a system of government agency. Now, it is absolutely impossible that we can exist without a system of government agents here because we cannot have people travelling all over the countryside for each specific thing that we are called upon to administer from the central government headquarters here, and I would wish to see that we proceed very carefully in making any changes in this with the thought in mind that this would be one of the powers that from time to time we may find it adviseable and desirable to put into the hands of a government agent who is resident in an area. We may wish to appoint him as an inspector under this ordinance. Now, for those things for which he would be called upon to do - yes, in that regard he would get his orders from the Labour Provisions Officer, but his actual superior may be the Chief Treasury Officer, he may be the Commissioner, it could be many depending on how this thing becomes organized, so I think that we should proceed here with a certain amount of caution, with due regard, gentlemen, before we make any changes in that, because it might be the very thing that we are endeavouring to get done so that we get as much government service available in the small communities as we possibly can. Now, don't misunderstand me. I'm not against the point the Councillor has made, but I simply say if we are going to make any changes, please let us put a lot of thought into it before we make them.

Mr. McKinnon: I agree wholeheartedly, and I think this could be drafted properly so that the intents of both of us can be met, and this is what I would like to see done. Just for the terms of this ordinance, the inspector is responsible to the Labour Provisions Officer. It seems to me that when you set up a list of powers under which the Labour Provisions Officer can act, and then you set up another power which can have greater authority than the Labour Provisions Officer, which is the chief officer that you're setting up for the effective policing of this ordinance, well you wonder who really does have the power under this ordinance.

Mr. Legal Adviser: I have no objection to adding something to limit the inspector, but I think it is essential that the inspector is responsible to the Commissioner and not the Labour Provisions Officer. This is essential to the good operation of this ordinance. The Labour Standards Officer has got broad powers lineated, so if some such section was added or words to section 35 as to ensure that the inspector in exercise of his power would exercise them in accordance with the - any limitations that you put on the Labour Standards Officer. The Labour Standards Officer could be given such powers, regulations and so on and try and think of a formal word that would limit them to not greater than those of a Labour Standards Officer. If the Honourable Member would be satisfied that we will consider this matter and see and the next time we come before Council something can be done, without making any promises as to what will be done, but I understand the wishes of the Honourable Member.

Mr. McKinnon: Agreed.

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Mr. Chamberlist: That would be fine, Mr. Chairman, as long as the Legal Adviser remembers that there are now designated in this ordinance two officers who apparently accept the duties to represent the Commissioner. One from the inspection branch and one administering the provisions of the ordinance itself. Now, where do they tie one in with the other. The way I read it, section 35 (1) reads the Commissioner may designate any person as an inspector under this Ordinance. This is one person. Alright, now further down we go to section 36 (4) the Labour Standards Officer shall be supplied by the Commissioner with a certificate of his authority. So, we have two separate officers. Now, which is the administrative officer, which is the regulating officer, or are they both one and the same?

Mr. Legal Adviser: I think the scheme of the ordinance seems to be clear, that the Commissioner shall appoint a Labour Standards Officer to administer the ordinance. He is the administrative officer in charge. Now, because of the small size of this community, he is given certain regulating powers, inspection powers, and so on, whereas in a wider, bigger community it might not be necessary for the administrative officer to personally go in a check whether a belt or fitting was on a piece of machinery. He might be a very high officer of state in Ontario with hundreds of inspectors underneath him, but here we're a comparatively small community and we've got to give him regulating powers, but these actual duties will be performed, at least in part, by one or more inspectors who will check from place to place and report to him what has happened. I agree with the sense of the motion of the Honourable Member for Whitehorse, but the inspector who is performing disputed functions to him, whoever disputes them to him, should not have any greater powers than the Labour Standards Officer, who is at the peak of the pyramid, so to speak. When I said I would attempt to produce a form of work that would meet with the Council's wishes, I was interpreting it in that fashion, but if it is possible to impose a limitation without destroying the government administration pyramid, or the hoped for functions of the ordinance, then I will do it, but it's consistent with that thought, that we will try and impose a limitation to the extent that the inspector will not have any greater powers than what in normal practice would be described as powers.

Mrs. Gordon: Is it possible to transpose these two sections? In section 36 it says the Commissioner shall appoint, which is mandatory. In section 35 it says that the Commissioner may designate, and I think that the idea behind my suggestion is that the Labour Standard Officer is a man who is definitely appointed, where the inspector is more or less designated to carry out the functions which the Labour Standard Officer in his over-all administrative function is unable to do.

Mr. Legal Adviser: With respect, I don't think I could agree with the Honourable Member. This particular problem arises from time to time with the administration. In dealing with the Game Warden, the Fisheries people and so on, it may be necessary from time to time to give people even outside the actual administration certain power to have something done, to save the cost of employing a special officer to do it. It may be necessary, for instance, to designate a customs officer or a police officer to be a game warden or a games officer, or an inspection officer to make a search or to see that something in particular is done. This is so designed that the Commissioner may designate a particular person, regardless of his day-to-day duties, and even outside the administration to perform a particular function, and I had thought it was very happily worded as it was, but as I said before, I can see the objection by the Council that the minister of the ordinance may have greater powers than the person who is administering. This, I will attempt to cure, but beyond that I would ask you not to press it too far.

Mr. Shaw: Clear.

Mr. Chairman: The next section is section 37. "The Labour Standards Officer may administer all oaths and take and receive all affidavits and statutory declarations required under subsection (2) of section 36 and certify to the administration or the taking thereof."

Mr. H.J. Taylor: It should say of the taking thereof.

Mr. Chairman: I believe there is another error here. This should be - the last line should read "certify to the administration of the taking thereof." Do you so note, Mr. Legal Adviser?

Mr. Commissioner: Which line is this?

Mr. Chairman: The bottom line on section 37. The or should read of.

Mr. Charbonnet: Mr. Chairman, may I bring the time to your attention at this time.

Mr. Chairman: I might draw the attention of all members to the fact that I am very well aware of the time and we will be recessing this afternoon at 3:15 in order that we give our stenos a little more even break. Is it the intention to remove the word entirely?

Mr. Shaw: Mr. Chairman, what does the Legal Adviser propose in this matter?

Mr. Chairman: Is it the intention that the word be removed entirely or the word of stand there?

Mr. Legal Adviser: I'll try and find out. It's not easy.

Mr. Commissioner: Can this wait until after teatime, Mr. Chairman?

Mr. Chairman: I'll note that for further consideration.

Mrs. Gordon: May I ask Mr. Taylor to expound on this section, whether it is new or old?

Mr. H.J. Taylor: Yes, this is a new section, Mr. Chairman.

Mr. Chairman: Are we clear on this, with the exception of the typing error?

Mr. Shaw: Clear.

Mr. Chairman: "38. (1) Where the Labour Standards Officer finds that an employer has failed to pay an employee (a) the minimum wage prescribed under this Ordinance, (b) any overtime pay to which the employee is entitled under this Ordinance, or (c) any vacation pay or holiday pay to which the employee is entitled under this Ordinance, the Labour Standards Officer may determine the difference between the wages actually paid to the employee and the wages to which the employee is entitled, and, if the amount of the difference is agreed to in writing by the employer and the employee, the employer shall, within five days after the date of the agreement, pay that amount to the Commissioner who shall pay it over to the employee forthwith upon the receipt thereof by him. (2) No prosecution

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for failure to pay an employee the full wages to which he was entitled under this Ordinance shall, without the written consent of the Commissioner, be instituted against an employer when he has made payment of any amount of difference in wages in accordance with sub-section (1)."

Mr. Chamberlist: I am wondering, Mr. Chairman, whether it would not be advisable to put in a section following 38 (c) where has failed to pay an employee the established rate for the Yukon. Now, I bring this particular point up at this time, and I think it is an appropriate time to read a copy of a letter that was sent to the Department of Public Works by the United Brotherhood of Carpenters & Joiners. This relates to this particular thing. This was addressed to Mr. R.E. Coates, District Director, Department of Public Works, P.O. Box 2706, Whitehorse. "Dear Sir; It has come to the attention of this local through various reports, that the wage rates paid by the contractors, to workmen, carpenters in particular, working on the Morely River, and Haines Junction Bridge projects, is far below the established rates for the territory. I am sure you will agree that it is not fair to our local contractors, when outside companies come into the area, and do not abide by the schedule of wage rates as set forth in government contracts. We would appreciate your attention in this matter as we believe it is of interest to you, as well as all labour organizations in the territory." Now, I think here we have an opportunity to have an established rate scale made up which could be as a schedule to this ordinance and placed in this particular section the words under (d) has failed to pay an employee the established rate of wages for the Yukon Territory. Now, this is something that I think should be given some thought to it because of the various matters that have come up from time to time on outside contractors paying less than the going rate here.

Mr. Legal Adviser: Mr. Chairman, may I say that to adopt the spirit of this motion - I have every sympathy with the spirit of what the Honourable Member says, but it is completely outside the purposes of this particular ordinance. It would need long consideration and as somebody said to me the other day, very little ever comes out of midnight amendments. If we do this we're into a tremendous amount of trouble with the whole ordinance. We've got to find out what established rates are, we've got to decide how they're going to be established, we've got to allow for representation of the employer and the trade union, and peoples who are not members of the trade union, and this bill would never, never be passed. I think, if you will accept my advice at this point, it is outside the spirit of the particular bill which is a minimum standards ordinance.

Mr. Chamberlist: Mr. Chairman, I understand that this ordinance is a labour provisions ordinance. This is why I speak on it. It is to make provisions for labour in the ordinance. Now, Mr. Legal Adviser may be quite right, Mr. Chairman, in saying that it would bring quite a lot of problems in getting this together, but I think some attempt should be made to have a wage schedule for the Territory brought about. This hasn't been done and I'm not suggesting that this should be done immediately, and I have no intention of asking for it to be done immediately, but if it is put in and while this new ordinance is being made out - after all, if there is no schedule, it cannot be enforced, but it will be there for a time when a schedule is brought about, so there wouldn't be the necessity of amending at a later date. This is only my suggestion.

Mr. Legal Adviser: It would be a very bad drafting thing to put out.

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

Mr. Shaw: Clear.

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Mr. Chairman: I think at this time I will declare a recess.

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3.30 P.M.

Mr. Chairman: Gentlemen, I will now call Committee to order. The next Section is Section 39, sub-section (1) (reads BILL #14. (1) and then (2). One question, Mr. Legal Adviser did you resolve the question of "or"?

Mr. Legal Adviser: Yes Sir.....

Mr. Chairman: Next is Section 40 (1). (Reads sub-sections 1 and (2)).

Mr. H. Taylor: This is a new section too Mr. Chairman.

Mr. Chairman: Mr. Shaw:

Mr. Shaw: I just wondered, Mr. Chairman, I would direct this to Mr. Legal Adviser, what would be the necessity, we'll say, of exempting anyone from something that everybody else has to do; is there any purpose in particular?

Mr. Legal Adviser: I'm not sure what the purpose of the possibility of exemption is; it is just possible it is an excess of caution. It's also possible that certain types of person in various occupations, I visualize say domestic labour or something like that, where people are in the habit of providing this pay roll information. I wouldn't imagine there would be many exemptions because a normal employee would get his wage sheet showing what it is for and has to be paid and accounts have to be kept.

Mr. Chairman: Clear?

All: Clear.

Chairman: Offences and Penalties, 41 (reads all of Section 41).

Mr. Shaw: Just one thing Mr. Chairman. I can see that that is a very good thing but say this fellow has told a whole bunch of lies about his employer, then what happens?

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: I don't know. This Section says "discriminated against for giving any information".

Mr. Shaw: Oh, any information.

Mr. Legal Adviser: It is not intended to cover the position of the I presume that is the-normal criminal law. The person who gives false information which leads a government servant to do anythinghe would be liable under the normal Criminal Law for public mischief and so on. If he happened to give evidence in a court that is false and this is brought home to him he would be liable, in the normal way, for perjury. This Section is designed not to prosecute an employee who gives false information but to make sure that when an Inspector or Labour Standards Officer asks questions of employees in the establishment, that they would feel free of any threats from the employer if they give information; this is what the Section is designed for - you want a different section if you want to take action against an employee who gives false information.

Mr. Chairman: Clear?

BILL #14. Mr. H. Taylor: Mr. Chairman, this is a new section.

All: Clear.

Mr. Shaw: Mr. Chairman, if a person tells a whole bunch of lies that should also be liable and considered as an offence, it would appear to me.

Mr. Legal Adviser: This may be so but this particular type of legislation is not designed for that purpose. I had a case myself about a month ago where an employee made a complaint to the Labour Office in - to the Board of Labour Relations in Edmonton about an employer and two prosecutions ensued which put the employer to tremendous expense. The information which is supplied to the Board of Industrial Relations was in fact that the employee was underpaid and hadn't got his holiday but in fact he happened to be a partner and the articles of partnership were introduced in Court and he was duly censured by the magistrate for his information and for his evidence but there is no way whereby the partner could do anything about it.

Mr. Livesey: Mr. Chairman, I have seen many cases in the Yukon where there is a difference of opinion between the employer and the employee whereby the employee feels that he is entitled to all kinds of wages and has a list which means nothing when compared to that which the employer carries and I would ask, surely there must be some safeguard here; if there is a safeguard in one direction there must be a safeguard in another? Could I have an answer Mr. Chairman?

Mr. Chairman: Order please!

Mr. Legal Adviser: No safeguard in the Ordinance and not intended to be in the Ordinance any particular safeguard. In every form of Ordinance which the Territory has in force it is possible for people to make a false complaint and to give false information to the police or to the particular investigating officer and all these things are left to the normal operation of law. If the person says something which is false then if action ensues that's public mischief. If he swears something is false and it can be proved, then it is perjury. Now, under the criminal code a prosecution for perjury can only take place with the consent of the Attorney General and even then no conviction can be had unless two independent witnesses give a specific evidence of the particular perjury that was involved. Now, we would be landing ourselves into a tremendous exercise to deal with this particular type of thing; - for this particular type of Ordinance as an exception to the general rule that a person should feel free of in making a complaint which he reasonably believes to be true or in saying something which he thinks is true. Sometimes a person will make a complaint, thinking it is true and it turns out not to be true but the person who makes the complaint should normally be punishable unless unless he has done it out of malice or something like that in which event then the ordinary law should be allowed to operate. I think it would be a very big exercise for us in this particular Ordinance to try to deal with that...., and might of the Ordinance if people felt afraid that the employer might turn around and have them dealt with for making statements that were false.

Mr. Shaw: Mr. Chairman, just for an example, if a person - in looking at this - if an employee was a person who liked to create a lot of trouble and maybe had one little valid complaint but had a lot of other things that made it sound

Mr. Shaw continues...

terrible and the employer was dragged in - under the Act he was censored or whatever you do, but this person had deliberately told a lot of lies; there is no question about it. Would that mean that the employer could then fire him as a mischief maker?

Mr. Legal Adviser: If he gives information and is fired as a result of the information then an offence has been committed; whether or not the information was false. If he's that kind of an employee there are other methods of dealing with him besides making the Ordinance difficult to carry out merely for that purpose. With respect, I would ask the House to leave the Section as it is because it is a good Section and it is of great help to the employees to feel free to make a complaint and would materially assist the inspector and the Labour Standards Officer in carrying out the Ordinance and this is basically the nub of the whole Ordinance that we get the information and then we can act on it. If there is any clog on the employee in feeling free to come in to complain then we find it very difficult to carry on.

Mr. Livesey: Mr. Chairman, I have a great deal of sympathy for what the Legal Adviser has brought to our attention. However, the situation remains that in some instances out in the rural areas where you have a sawmill operator, say, running against a contract and he has a limited time to make ... in the Yukon which is far more difficult than producing lumber well say in British Columbia where the supply is far more ready to have complaints brought about here in Whitehorse he must come in here to attend to and be taken away from his business is a rather serious thing. This is one of the reasons why I brought this question to the attention of the Committee.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, I normally don't like any legislation where the sections dealing, for instance with penalties, are one-sided but there are certain things that will have to be left to the discretion of the person who is administering the Ordinance and I think in this case the need for leaving the discretion with the Labour Provisions Officer who is certainly going to take a look at the complaint before he makes, takes any step. Certainly he is not going to go ahead and prosecute an employer when it is obvious to him that it is a - not only an unnecessary complaint but a complaint that may well be a vicious complaint. It must be left to the Labour Provisions Officer to decide. We must have some confidence in the people who are appointed - I'm saying this because I want to make it quite clear to everybody that I'm not really against the Administration all the time,

Mr. Legal Adviser: For those very kind words I thank the Honourable Member.

Mr. Commissioner: And I would thank you. Mr. Chairman, may I ask something here. I realize that this point has been I want to ask this point here - would I understand under Section 39 here the employer would be required to supply such information in a form that is acceptable to the Commissioner or the Labour Standards Officer? I'll tell you why I ask this question, Mr. Chairman - it may have

BILL #14.

Mr. Commissioner: continues already been asked, but many employers now have their pay roll form on data processing type of equipment and effectively speaking you have to have a reader; by this I don't mean a human being as a reader but a machine as a reader to decode and put into readable form this information and I am just wondering if the Legal Adviser could tell me here if an employer; if there is room here for the regulations to require that an employee supply this information in a form that is acceptable to the Labour Standards Officer I think this is quite an important point because if we get this in a numerical form that we cannot decipher, well he has provided it but it is of no value to us.

Mr. Legal Adviser: I think we can take care of it in Section 49 (a) if necessary, Mr. Chairman. (Reads Sec. 49 (a)). This doesn't meet the requirements - then we can add in words there "and prescribed forms".

Mr. Chamberlist: I think Mr. Chairman there is a difference between "in a form" and "on a form"; in a form can be any method as long as it is satisfactory but on a form is on a particular type of form and there is a decided difference between on a form and in a form.

Mr. H. Taylor: Mr. Chairman, I think that that is a very good point because we have tried to make sense from some employer's records and they were in such a horrible mess that we could hardly read them let alone determine what the rights of the employee were and I think a form could be prescribed by the Commissioner.

Mr. Commissioner: Do we have this ability Mr. Legal Adviser?

Mr. Legal Adviser: As I see it but I may be wrong, Section 49 (a) is not quite broad enough but if the Council would rely on myself and Mr. Taylor to add in the necessary words in Section 49 (a) to make sure that we have that power.

Mr. Chairman: Agreed?

All: Agreed.

Mr. Chairman: Gentlemen, the next section is Section 42 (reads Section 42). (reads also 43).

Mr. Chamberlist: I think Mr. Chairman this period of time is far too long. Two years after an employee comes and complains about a previous employer who may have misplaced his records to fall back on what he is talking about - this seems - that he misplaced his records - seems to be unfair to the employer. We've got to have a two way street on this. There might be the case where an employer completely forgot about an employee; what he looked like, what he acted like, what he is talking about and yet he can go and make a complaint to the Labour Provisions Officer about him two years after an alleged offence took place. I think it is totally unreasonable. I think it should be reduced.

Mr. Taylor: Mr. Chairman, this section has been changed - under the old Ordinance it was twelve months.

Mr. Chamberlist: Well Mr. Chairman, I wonder if Mr. Taylor could answer what is the reason for it being extended from twelve months to two years.

Mr. Commissioner: Isn't that part of the Canada Labour Code? BILL #14.

Mr. Taylor: It probably is two years.

Mr. Chairman: Mr. Chairman, with all due respect to what Councillor Chamberlist said and I agree with the basic principle of what he is talking about but fortunately, or unfortunately there are other Departments of Government senior to ours that require that people keep records for a lot longer than two years and it would appear to me that unless we could show that this was going to be an undue hardship on an employer to keep an employee's records for at least two years, I'm afraid that we are on pretty thin ground here and he is already required by the Income Tax to keep them for a period, I think of five or seven years and it would be difficult, I think, to justify any reason why he wouldn't have to have them readily available for two years.

Mr. Legal Adviser: A normal employer is going to keep his records for a year predicate 1966 an employer is going to keep all his records for 1966 and unless he is a very odd type of employer he would certainly keep his records until the end of the next year. There is no real hardship it is a two year period which any employer would under normal prudent circumstances keep his records.

Mr. Chairman: Councillor Livesey:

Mr. Livesey: Well, Mr. Chairman, one point that bothered me is what would actually be of any importance to any employee that say he didn't know about in the first six months what would he know in two years. This is the point that bothers me. Surely if there is going to be a complaint laid by an employee against an employer, surely he should reasonably understand what that complaint is going to be about I would think, within the first two weeks after he had been paid and it seems to me there are sections in the Labour Provisions Ordinance which point out that an employee must be paid by the employer within a specific period of time; I think it is ten days. So if there is any dispute then surely the employer is entitled to know what that dispute may be and the contents of the complaint within a reasonable time in order that he may keep his books straight.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, I would like to recall where there were amendments made to previous Ordinances on the same basis; one particular case in town here where a bartender, I think it was nine months afterwards, sued his employer for over-time and the employee of course won because he had to get over-time and I think Mr. Commissioner can recall the matter himself. And consequently there was an amendment to the Ordinance that said there should be that any action cannot be started after six months when the offence was committed. That was put in there and now it seems that the thing is being withdrawn and we are extending it. We cannot allow a position of abuse to take place against employees but we have got to be fair about this and I think it is totally unfair for an employer who perhaps released all his staff. I'm thinking perhaps in the case of some electrical contractor I know. He has released all his staff and 23 months later finds himself with 20 writs because he

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BILL #14. Mr. Chamberlist continues.
employed 20 people and there are claims for \$1,400 a piece from each one. What do we do about it. He can't get any witnesses because the people working for him at that time may well be in Timbucktoo or or Australia or Africa. It is a hopeless situation. I think it is reasonable to say that an employee should have the right to come back and make a claim as the Honourable Member from Carmacks-Kluane has pointed out there are time limits available when payments, etc. should be made. Surely the person knows when the payments will take place and if he doesn't cause an action to be made then; if I remember correctly and perhaps this is a point which Mr. Legal Adviser might take up, that I don't think there could be a suit in court for a debt after a certain amount of time has elapsed. I think there is six months -- six years - Statutes of Limitation - they limit that time and I don't think there should be any limitation allowing extension of time for an employee who comes back on an employer. We have ~~to say~~ 12 months is sufficient and when the time comes along I would move an amendment on that one.

Mr. Commissioner: The mere thought of an ex-electrical contractor, now a Territorial Councillor being served with twenty writs and having to absent himself from these august Chambers for a considerable period of time during which time the Administration will become very lethargic and probably would do nothing is just more than I can possibly stand. I can assure you that the Administration will be quite prepared to resort, revert to the one year status in that particular situation.

Mr. H. Taylor: Mr. Chairman, the old Ordinance did state that action had to be commenced within twelve months from date cause of action first arose and limited the recovery to six months back from the date of termination of employment.

Mr. Commissioner: I think what you are trying to do here Mr. Chairman, is that you are trying to bring in as much reasonable uniformity with similar legislation as applies in other parts of Canada as you can and this is why we have used, at the direction of Council, the Canada Labour Standards as a basis for these Labour Standards Ordinance so, with all due regard for everything that is involved here and subject to what the Legal Adviser has to say, I would certainly feel that the point that the Councillor has made here would be reasonably taken care of if we were to make this a one year period plainly instead of two years.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman I agree very much with this, having it one year because I think one year is enough for one person to know he has been wronged and time to bring it into court. However, there are circumstances that make we wonder and I would like to state more or less without naming any names a circumstance that happened a little while ago or is in the process now where this person complained to me that he didn't receive his wages from his employer. So I wrote to the Labour Relations Officer and made him aware of this fact and there was correspondence no doubt that went on regarding that where the Labour Relations Officer told him he had to pay up and this gentleman I believe said he would pay up on such and such a date and I believe the employee agreed this would be acceptable. However when that date came around he did not pay up. I believe that possibly this will get into proceedings and when I am referring to this Mr. Chairman I wish to stress that the Labour

Mr. Shaw continues.

Relations Officer is doing what he is supposed to do but the employer promised to pay and it was agreed to by everybody and everything was fine and then he reniged on his promise so this person let it go for two or three months figuring he would get the money and he didn't so he started all over again. Well in that period of time I think a year and half has gone by already. So I would not want to stop a person from receiving what was justly his by virtue of putting on a limitation but at the same time under normal circumstances; we will say this complaint - if this complaint is started with the Labour Relations Officer then we have a different situation entirely but from actually bringing it into court I think, Mr. Chairman, the Honourable Members will understand that quite often promises are made to pay and a fellow hasn't got the money - has gone out of business and these things could drag on until the employee, through no fault of his and is being reasonable, would lose all that he had coming to him.

Mr. Legal Adviser:the normal Statutes of Limitation which operates for minor offences under the Criminal Court is a six months statutes of limitation..... offence. This is another suggestion the Commissioner has agreed to meet the wishes of Councillors to reduce to one year. Now this means that the person can be prosecuted for a year back from the start of the proceedings so in the case mentioned by Mr. Shaw there would be recoupment of a year - these would be a series of offences of not paying a person over a period and it would extend back a year from the time proceedings took place so there must be some limitations. It is really a question for the Council to decide what the limitation should be; I think a year is just about right.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: That is precisely the point, Mr. Chairman, that I was going to bring up myself - the question of the institution of proceedings seems to me that once proceedings have taken place I cannot see how they can be eradicated ... would be the history of the case. One year would still be within the meaning of the Ordinance.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, you heard Mr. Taylor bring forward the old section where it was limited to six months back; it was twelve months for prosecution and the recovery amount was six months back. There was a reason there because I think that if an employee doesn't commence an action in that time he should not be entitled to a year's back pay because of his own neglect to prosecute.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Might I say that you get into the realm here of holiday pay and you must be very careful that you don't put in something here which would effectively make it impossible for a person, by this six month limitation that say at the end of 15 months they were quitting their job and they had 15 months holiday pay coming that you were not preventing them from getting that; in other words you might place the employer in a position of having to be taken to court simply to enforce him to pay the holiday that was due and he might try to get away with just six months holiday pay just on that limitation. In fact I think it has already been tried on one or two occasions. So I would be very cautious

BILL #14 Mr. Commissioner continues...
dealing with

Mr. Chamberlist: I see what point now --withdraw my
argument

Mr. Chairman: What is your pleasure in this regard?

Mr. Shaw: Mr. Chairman, if a person starts proceedings
it means that writing to the Labour Relations Officer
within one year, I think that is very good. I thought
it was for taking court action. Sometimes it takes forever
to get that going.

Mr. Chairman: Gentlemen, are you clear on this matter?

All: Clear.

Mr. Chamberlist: It is going to be amended to twelve months
from two years, I take it.

Mr. Chairman: Well this is what I would like to know.....

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal
Adviser will make it known that this will be corrected
from a two year period to a twelve month period.

Mr. Legal Adviser: I'm not sure what proceedings technically
mean in Section 43. I don't want to allow it to pass ~~that~~
I have consented to a meaning being merely an informal
report to the Labour Officer. Proceedings usually have a
technical meaning.

Mr. Shaw: Could the Legal Adviser report back on this
particular and finalize it?

Mr. Chairman: The next section is Section 43 (reads this
section). I think we have finished that. Now 44 (reads
section 44).

Mr. Chamberlist: There are some small businesses, Mr.
Chairman, very small business, especially those where
the business is taken care of by individuals who employs
part-time labour, that perhaps haven't got the records to show
that the person employed is part-time labour. It would
appear in this section that even if the employer says this
employee was employed as part-time labour and he has no
records to show it it would appear to me that he would
have to pay for the maximum number hours a week allowed in
this Ordinance. Now I don't think this is right. A man
can be working only part-time; puts in actually only about
four hours a week and the employer hasn't kept records or
has lost his records, so under the terms of this Ordinance
because there is a maximum number hours a week, 44 or 48
then he has to pay them. This is how it reads now. There
is no

Mr. Legal Adviser: This is how it reads. The House mustn't
forget that this is where a person has convicted of an
offence.

Mr. Chamberlist: Mr. Chairman, not only then is a person
who is convicted of an offence suffers the penalty of the
court; he also suffers the penalty of having to pay somebody
for work that he hasn't carried out because this says that
a man who does 6,8,10 or 12 hours work, I mean, he may as

Mr. Chamberlist continues...

well go after an offence to be committed, he may as well go after the Court just to try and get the Court to convict the employer so he will give him 30 hours or so a week pay without having performed any work. This is how bad it is. This I'm absolutely opposed to; this section placed in there like that.

Mr. Dumas: Mr. Chairman, I can't get excited about that being in there because if a fellow has committed an offence this is the price he pays for committing an offence.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, would this not work better if it- if the employee affected may be presumed to have been employed- in other words get the Court the option of deciding whether he should or shouldn't pay the whole amount rather than saying they have to. I wonder if the Legal Adviser would have any comment on that.

Mr. Legal Adviser: I'm in the hands of the Council. Councillor Chamberlist is accurate in saying that if a part-time worker informs and is the main witness and complainant you might say, and an order is going to be made to pay him wages for over-time, then either the man keep accurate records or he doesn't, this man is presumed to have worked the maximum number of hours. I'm not sure if the people who drafted this section had or had the perspicacity of Councillor Chamberlist in this but this is what it means. It is a question of whether Council wishes to have it - I don't know any way out of this.

Mr. Commissioner: Mr. Chairman, with due respect to what Councillor Chamberlist had said, quite frankly I can't help but agree with him but I certainly do feel that Council should strongly consider allowing this matter to stand as it is and if it results in abuses and completely untenable situations then I think would be time to try to change it. Now I think the Labour Provisions Officer from past experience I think could give us an accurate idea of how many times this situation is liable to arise and I would venture to say that it is pretty minimal.

Mr. Legal Adviser: My attention has been drawn to something which no doubt the Council would appreciate. There are cases arising from time to time where, as soon as a complaint is made, the records disappear while the Labour Standards Officer is on his way to the particular employer's premises and this particular section may well have been drafted to make sure that even though the records will go against the employer but to save the tremendous penalty of having no records in case he throws them down the sink, he would keep his records so if that is so and it appears to be, this is possibly one of the most valuable sections in the Ordinance because if ordered out of the Ordinance to keep records and if he doesn't comply with the Ordinance this is what happens; if he doesn't produce his records.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, in view of the seriousness of Section 44 I wonder if the Labour Provisions Officer will inform the Committee how this sort of it isn't or have, have not situation is settled between an employee and an employer when an employee says he has worked 40 hours over-time and the employer says he has only worked ten. Now

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BILL #14 Mr. Livesey continues...
just how do we get around settling something like that.
I wonder if the Labour Provisions Officer could give us the
benefits of his experience in this particular regard.

Mr. H. Taylor: Yes, Mr. Chairman, when we receive a
complaint the first thing we do is pay a visit to the
employer and we get the employer's side of the story. If
the employer doesn't have sufficient records to show that
his side of the story is right and still refuses to pay we
only have one alternative and that is to prosecute and
if there is any doubt; if it is merely the employee's word
against the employer's word it has to go to Court and the
Court has to decide but in most cases, and there are very
few cases I might say where we do not come to some agreement
between the employee and employer. We don't have to take
very many to court.

Mr. Chamberlist: Mr. Chairman, I would agree with those who
say this is a good section. I think the principle of the
Section is all right. The words that I take objection to
are "shall be conclusively" - now these are the words that
I take objection to. It is like saying you are guilty
whether you like it or not. This I can't see; I think the
whole matter of having to be proven guilty and you are
innocent until such time as you are must apply here. Now
I would be satisfied if for instance the employee affected
may be presumed to have been employed and then it is up to
the court to settle it. This is what I feel should be in
so I think it should read as I say again, all the regula-
tions: "the employee affected may be presumed to have been
employed for the maximum and is entitled for the full wages
thereof" but then I think it is up to the court to decide
whether - it should be part of the order of the Court, not
a carte blanche payment.

Mr. Legal Adviser: Would the Council allow me to take time
to consider with administration this because there may be
something in this, we don't know about.

Mr. Chairman: I will continue. The next section is
Section 45 (reads Section 45).

Mr. Chamberlist: Mr. Chairman, I'm opposed to this section
as it is written. If somebody is going to be accusing me
I want my accuser to face me. I don't want to be placed in
a position where somebody can go and make accusations against
me and not be prepared to stand in front of me and make
those accusations while I am there. I think if we are going
to talk about natural justice this is what I want. We can't
get natural justice if we don't know who is accusing us.

Mr. Dumas: Mr. Chairman, could Mr. Taylor or the Legal
Adviser advise us why this Section is in there- is it the
normal thing for these types of Ordinances?

Mr. Legal Adviser: For more years than my legal memory
runs it has been a standard practice that when a complaint
is made to an officer of the law his name is not disclosed
until proceedings are initiated and the person necessarily
becomes a witness because many people have complaints to
make and it would severely discourage complaints if on the
first moment of investigation that person's name is dis-
closed. Now in court when an informer, informant has
informed a police officer or crown witness of some particular
thing there is a privilege granted to the witness to refuse
to disclose the name of that person who has informed him of
something and this has been standard practice throughout

Mr. Legal Adviser continues...
 everywhere where British type of law is in operation throughout the world and this section is running with a thread of this particular doctrine for hundreds of years back that any person should feel free to make a complaint but then if after investigation something is held to be worthy of taking proceedings then at that point if a person is a necessary witness he is called before the Court and gives his evidence like anybody else. Anything else would be against the spirit of this type of legislation and criminal law in general from the investigating point of view and I would ask the House not to press the point too far.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, recently the administration posed a question to the R.C.M.P. with a reference to a matter in Teslin but the R.C.M.P. said give me a name of the complainant and then we will investigate. Now there was a case where the name was wanted by the R.C.M.P. and I suggest that it is no different now than if an employer would ask for that name. In other words I would like to see where this Ordinance does take care where an individual has a right to say to the Labour Provisions Officer very well, certainly you can examine my books; have you got a complaint and the Labour Provisions Officer says, yes, I have a complaint. An employer has got the right to say who is complaining. Here are my books; you can examine them but who is it you are complaining about because then I can find other matters which might interest you in the investigation. As it is now you don't know what the Labour Provisions Officer is looking for and you can't help him yet the Ordinance asks for you to help the Labour Provisions Officer. This is contradictory; one sections says you must help the Labour Provisions Officer yet the Labour Provisions Officer wants to hinder the help you want to give him by not telling who is being referred to. I'm against the principle of having a person being accused and not knowing who the accused is; I'm opposed to that section.

Mr. Legal Adviser: Well, they know who the accused is, sir, it is the accuser. This section is necessary in this form and I can say to the House quite frankly if this Section was taken out I would request the Commissioner by administrative direction to direct the Labour Provisions Officer to perform his functions in exactly the same way as section 45 And.....in making a simple direction to any officer under my direction I would direct him the same. It's a question of privilege. A person's name who makes a genuine complaint should be privileged....the proper exercise of the function of privilege that he should be so privileged.

Mr. Chairman: Councillor McKinnon:

Mr. McKinnon: Mr. Chairman, I think that it is a measure of Mr. Chamberlist's forceful personality that if I were an aggrieved employee of his I would cower before going to the Labour Provisions Officer if I knew that before my day in Court that my name was not privileged information as the accuser.

Mr. Chairman: Mr. Taylor.

Mr. Taylor: Mr. Chairman, this is a new section here and as the Commissioner said earlier, this is in here primarily because it is in the Canada Labour Code also and the only thing

BILL #14. Mr. Taylor continues..

I might add to Mr. Chamberlis's argument is that in any case where we came around to examine books the Labour Standards Officer would be the accuser if there was any accusing to be done. Afterwards in a prosecution the other person would be a witness.

Mr. Chairman: Are we clear. The next Section is Section 46. (reads Section 46). Clear. Advisory Board 47. (Reads 47). Clear?

Mr. McKinnon: Mr. Chairman, I believe the Legal Adviser is looking into the area that perhaps Section 7 of this Ordinance could also be applicable to the Advisory Board.

Mr. Legal Adviser: We were discussing Section 6 and Section 7 and Mr. McKinnon suggested that possibly, since the Advisory Board was only given functions under Section 6 and there was a certain amount of contest or debate in the Chamber as to what would constitute the standard hours when people were working two weeks or more and averaging over... Their advice might be sought as well and I suggested we might be able to give them some advisory function in relation to Section 7.

Mr. Chairman: Next Section is Section 48, Order of the Commissioner (reads this Section 48). 49. (reads Section 49.). I believe there was to be an additional item placed here.

Mr. Legal Adviser: The addition was to add some words to Section 49 (a) such as, I'm just suggesting these, I'm not giving you definitive things, perhaps the last thereof, part thereof and the form of such records; some words like that to allow us to make sure that we get intelligible easily read records from the employers.

Mr. Chairman: Mr. Livesey.

Mr. Livesey: Mr. Chairman, I have heard a great deal of discussion during this Session with regard to the question of responsibility and especially with regard to - especially the responsibility of legislature as compared with responsibility of administration and it seems to me one of the key points brought up in discussion in many parliaments, including the British parliament, although they have not been quite so vociferous in the parliament of Canada, the question here still remains and it is not a question directed at anything, it is a question of generalities with regard to responsibilities and that is that generally understood regulations are merely descriptions and facilities provide to place the Ordinance in operation. However, where we move into an area where the regulations supersede in volume, capacity and length, as compared with the basis of the Ordinance, then of course we are going in the opposite direction and although I am not making any specific remarks here this afternoon covering the question of length of those matters before us, it would appear to me that if we are not careful and that we do move into an area where we have more regulations than we do legislation then all those interested in forwarding the idea of responsible government will be missing a very serious point and this is not just simply a point that we have thought about here; this is a question down through history where it has been discussed in many areas and I would draw this to your attention at this time in order that you may be aware of that position. Thank you Mr. Chairman.

Mr. McKinnon: May I add Mr. Chairman that it has never been answered properly throughout history either.

Mr. Legal Adviser: Mr. Chairman, may I just add one point. The time has now come when regulations are beginning in fact in volume to exceed Ordinances and so on and I would say that in England today it is still a democratic country the volume of statutory material coming out from parliament is down to less than 10 percent of the physical volume of regulations but the Commissioner has directed that an Ordinance come before you which I think is the next Ordinance to come before you, which would provide that no statutory regulation shall come into force until it is published and I think this will be a very good Ordinance to have and will certainly keep the democratic train on the rails.

Mr. Chairman: The next Section is Section 50. The Labour Provisions Ordinance is repealed. 51. The Yukon Labour (Minimum Wages Ordinance) is repealed. 52. The Annual Vacations Ordinance is repealed, and 53. This Ordinance shall come into force on a day to be fixed by order of the Commissioner.

Mr. McKinnon: Mr. Chairman, I wonder if I may make a few suggestions before Committee at this time. The first thing I would like to say is that I would really like to commend all members of Committee for the work that they have done in going over this Bill. I don't see one page of it that really intelligent, sensible recommendations haven't come from all members of this Committee. I think that when we enter into the field of a comprehensive Labour Standards Ordinance that it is a difficult and highly technical and highly sophisticated field, particularly in this day and age and I think that we have done a fairly extensive and fairly good job in an initial cursory study of this Ordinance and that there are many changes and amendments and Mr. Legal Adviser is going to be kept very busy on in finalizing our study of this Ordinance. When this comes before Council again and before Committee and is studied in its amended form that then at this period in time the amended draft of the Ordinance should then be given to the public in the widest dissemination possible. It should go to all employers, all the labour unions and any people that we can think of that are involved in labour standards in the Territory. I am sure that as we did, they will have many and varied and valuable suggestions to make at this time. I think then we can examine these at the next Spring Session of Council and in the final analysis we are going to be able to come up with a Labour Standards Ordinance that will be second to none in the country.

Mr. Chairman: Gentlemen, is it your wish I report progress on this Bill.

All: Agreed.

Mr. Chairman: The next Bill is Bill No..... Are you agreed that we excuse Mr. Taylor at this time.

All: Agreed.

Mr. Chairman: Thank you very Much Mr. Taylor.

Mr. Chairman: Mr. Shaw.

Mr. Shaw: In view of the member's remarks from Whitehorse

OK

BILL #14 Mr. Shaw continues...
North I would like to commend him on the ideas that he put forth and point out that a number of years ago; not too many years, it was necessary to create legislation in respect to dredging. There was no legislation in respect to that and safety and things like this, and I had the pleasure of arranging a meeting with members of Administration, members with the union at Dawson and members of the employees affected and they all got together and hashed over the proposals and it was mutually accepted, put into law and I doubt if there was one complaint following that meeting, that agreement. I think it is a sensible way of going about it.

Mr. Chairman: Is it your wish that we proceed with Bill No. 17 at this time.

All: Agreed.

Mr. Dumas: Mr. Chairman, I suggest Committee give some thought to calling it five o'clock or getting Mr. Speaker back into the Chair for report on Committee.

FINANCES

Mr. Commissioner: This is not relevant to what has been going on this afternoon. We were asked a question when Mr. McKenzie and I were in Council in connection with the financial status of the Territory here the other day and I believe you, Mr. Chairman, asked that we table a statement concerning expenditures up to date. Now the statement of expenditures up to date was brought forward to me to present to Council and I was not satisfied with it because it did not give the outline of what the voted amounts were, what has happened about our cut-back and what have you, but I do have available here in sufficient copies for all Councillors the summary of expenditures to October 31st of this year and I will have available for Council promptly after the last day of this month a similar summary of bringing it up to date for the 30th of November and I don't know how you wish to deal with it Mr. Chairman but there are sufficient copies here for all members of Council.

Mr. Chairman: Very fine, I wonder if you could deliver those to Mr. Clerk and he will see that they are distributed.

Mr. Commissioner: Mr. Chairman, no doubt Council will want to ask questions concerning these papers and we are prepared to answer questions at any time.

Mr. Chairman: The matter of finances is now in Committee so at the appropriate time we will bring this up. What is your further pleasure, gentlemen.

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

Mr. McKinnon: I'll second that Motion Mr. Chairman.

Mr. Chamberlist: I suggest that we at least commence on another Bill. We have five or ten minutes.

Mr. Chairman: Gentlemen, I have a motion, regularly moved and seconded that Mr. Speaker do now resume the Chair and we must at this point pose the question. Are you agreed. Would those agreed please signify (2 signify). Would those contrary signify (4). Declare the motion defeated

MOTION
DEFEATED

MOTION DEFEATED

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

Mr. Commissioner: Mr. Chairman, I wonder if I may be excused now. If Council should want me for anything I will be available in my office.

Mr. Chairman: Gentlemen, we are at Bill No. 17, An Ordinance to Authorize the Commissioner of the Yukon Territory to enter Into Agreements with the Minister of Manpower and Immigration Respecting the Occupational Training of Adults. BILL #17.

Mr. McKinnon: Mr. Chairman, before I can proceed I would require the services of Mr. Harry Murphy the Director of Welfare and Mr. Ken McKenzie, the Territorial Treasurer.

Mr. Chairman: Does Committee agree?

All: Agreed.

Mr. Chairman: What is your wish in view of the lateness of the hour - that we have these gentlemen. If we have these gentlemen, Mr. Clerk would you so notify that Council requests the services of Mr. Murphy and Mr. McKenzie.

Mr. Chamberlist: Mr. Chairman, before we do this I am sure we can deal with the title of section 1 and interpretation Section 2 and we have about sufficient time for Mr. Speaker to then take the Chair so I wonder if Mr. McKinnon would like to withdraw his motion for having people come.

Mr. Chairman: We can resolve this from the Chair, asking that these gentlemen not be brought in now but tomorrow before Orders of the Day. We are now at Bill No. 17, gentlemen. An Ordinance to Authorize the Commissioner of the Yukon Territory to enter Into Agreements with the Minister of Manpower and Immigration Respecting the Occupational Training of Adults. (reads Bill 17 1 and 2). BILL #17.

Mr. Chamberlist: Mr. Chairman, I wonder if the definition of 2(a), that is the regular school leaving age in the Territory - what is the school leaving age in the Territory?

Mr. Chairman: Mr. Legal Adviser:

Mr. Legal Adviser: Mr. Chairman, this Bill is an Educational Bill to enable the Department of Education to obtain money; now there is a continuous program running at the moment and there still is an agreement in force which covers this year. The new agreement is in two forms; we can either continue the existing form of agreement or we can take a new one and all these definitions are taken very specially to mean certain things by agreement with the Federal Government and I would hesitate to tamper with them; this is standard form I presume for other provinces and it just means in this particular Ordinance this is what adult means. Maybe the school leaving age may change but I don't think it's important but I would hesitate to tamper with this in any way.

Mr. McKinnon: Mr. Chairman, I think I indicated that I would want Mr. Murphy for this Bill but the person that I would like is Dr. Shields and Mr. MacKenzie and I wonder Mr. Chairman, at this time if I could move that Mr. Speaker resume the Chair and hear report of Committee.

Mr. Dumas: I'll second that motion.

Mr. Shaw: To revert back to where we were, all I would like to know is the age, I-m not trying to

Mr. Chairman: Councillor Shaw, we have a motion on the floor and this motion is not debatable. Just before I do put the question, Mr. Clerk, would you note it is not Mr. Murphy who is required but Dr. Shields. It has been moved by Councillor McKinnon and seconded by Councillor Dumas that the 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 Council to order. May we have the report of the Chairman of Committee?

CHAIRMAN
OF
COMMITTEE

Mr. Chairman: Mr. Speaker, Committee convened at 11.45 A.M. to discuss Bills, Sessional Papers and Motions. Upon Motion Committee recessed at twelve noon and reconvened at 2:10 P.M. Mr. H.J. Taylor attended Committee to discuss Bill NO. 14. I can report progress on it. It was moved by Councillor Dumas and seconded by Councillor McKinnon that Mr. Speaker do now resume the Chair. This Motion was defeated. It was then moved by Councillor McKinnon and seconded by Councillor Dumas that Mr. Speaker do now resume the Chair and this Motion carried. I can report progress on Bill No. 17.

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

Mr. McKinnon: Mr. Speaker, I think the report failed to indicate that Mr. Dumas was 20 minutes late in arriving into Committee this afternoon.

Mr. Speaker: Order. May I have your further pleasure.

Mr. Chairman: Mr. Speaker, in respect of the Agenda I believe it was the intention of Committee to proceed with Bill No. 17 so the Agenda would consider Bills and Sessional Papers and Motions.

Mr. Speaker: Do we have any further business this afternoon?

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

Mr. Chamberlist: I second the motion.

Mr. Speaker: Moved by the Honourable Member from Dawson, seconded by the Honourable Member from Whitehorse East that we call it five o'clock. I declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: Order. The House now stands adjourned until 10:00 A.M. tomorrow morning.

Mr. Speaker read the daily prayer. All Councillors 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. This morning, gentlemen, after discussions with an Honourable Member of the House, I believe he has an item of importance to bring to our attention at this time. Would the Honourable Member for Watson Lake please rise.

Mr. Taylor: Yes, Mr. Speaker. I rise this morning, Mr. Speaker, to draw to the attention of all Members of the House yet another significant development in the growth of the economy of the Yukon and indeed the Nation as a whole. I am, therefore, Mr. Speaker, both pleased and privileged to announce on behalf of Mr. Fred Hall, President, that the Canada Tungsten Mining Corporation is now in official production following a long shutdown occasioned by the loss of the former mill complex by fire late last December. I am further informed by Mr. Hall that the mill contract was completed on the scheduled date of November 20 and although there is still some tuning up of mill circuits in progress, the Company expects to be processing a volume of 350 tons per day by mid December and I am sure, Mr. Speaker, that all Members would join with me in expressing our congratulations to the Company on this most splendid achievement.

CANADA
TUNGSTEN
ANNOUNCE-
MENT

Mr. Speaker: I have for tabling this morning Sessional Paper No. 59 re Motion No. 6, Administration of Justice; and Sessional Paper No. 60 re labour force, E. Lobe Contracting Limited. Are there any Reports? Introduction of Bills. Notices of Motion or Resolution. May we now pass to Orders of the Day - Notices of Motion for the Production of Papers.

SESSIONAL
PAPERS
#59
#60

Mr. Chamberlist: Mr. Speaker, I thought I put the Motion forward yesterday.

Mr. Speaker: We are not at that point as yet, Mr. Chamberlist. Under Motions for the Production of Papers.....

Mr. McKinnon: Did we pass through Notice of Motion for the Production of Papers?

Mr. Speaker: We can....do you have a Notice of Motion for the Production of Papers, Mr. McKinnon?

Mr. McKinnon: Yes, Mr. Speaker. I have a Notice of Motion for the Production of Papers concerning the Anvil Agreement.

NOTICE OF
MOTION FOR
PRODUCTION
OF PAPERS
#10

Mr. Speaker: Are there any further Notices of Motion for the Production of Papers? Under Motions for the Production of Papers, I have a correction for you on the Order Paper. No. 9 should be placed on your Order Paper under Motions for the Production of Papers Passed. Still standing on the Order Paper under Motions for the Production of Papers Passed would then be Nos. 4, 5, 6, 7, 8 and 9. May we now pass to Motions. No. 40, Mr. McKinnon, is now in Committee. Your

MOTION #41 Mr. Speaker continues:
next Motion is No. 41, moved by Councillor Chamberlist,
seconded by Councillor McKinnon, "That Sessional Papers
No. 53 and No. 57 be moved into Committee for discussion."

MOTION #41
CARRIED

MOTION CARRIED

MOTION #42 Mr. Speaker: Motion No. 42, moved by Councillor Chamberlist,
seconded by Councillor Dumas, re Department of Education
Forms, "That certification section of Leave Application
Form be removed." Would the Member be prepared to discuss
this question at this time?

Mr. McKinnon: Mr. Speaker, I wonder would the Honourable
Member be prepared to have forms in the type that he is
going to talk about distributed to the Members of Council
before this Motion is....

Mr. Speaker: Order. Mr. Chamberlist.

Mr. Chamberlist: Mr. Speaker, I feel that perhaps this
form should be distributed to individual Members of Council
before I speak on the matter so that they may be familiar
with the subject matter on which I will speak. Perhaps I
could put speaking to the Motion off until tomorrow morning.

Mr. Speaker: Is the House agreed?

All: Agreed.

MOTION #43 Mr. Speaker: The next Motion is No. 43, moved by Councillor
Shaw, seconded by Councillor Gordon, reference Discovery Day.
"It is the opinion of Council that the Friday preceding the
18th of August be declared Yukons official Discovery Day.
Would the Member be prepared to discuss the Motion at this
time?"

Mr. Shaw: Yes, thank you, Mr. Speaker. May I proceed?

Mr. Speaker: Proceed.

Mr. Shaw: Mr. Speaker and Members of Council. This is the
Yukon's own holiday and has been in effect now for just about
seventy years. At one time, when most of the population was
in and around the Dawson area, it did not make a great deal
of difference on which day the 17th fell because it was just
a few hours travel into the City in which the celebrations
have been conducted continuously for these number of years.
As time goes on though, we find that the population has
shifted to all areas of the Yukon. In view of the fact that
the main celebration has always been conducted in that parti-
cular area and to celebrate the Discovery and honour the
memory of the Pioneers, it has now got to a state of where
when this holiday falls on various and sundry days in the
week, it makes it somewhat difficult for people to congregate
where they have done for the last seventy years due to the
time factor involved. I have thought about this to quite
some extent. I have wondered how, if any changes were made,
how it would affect all of the people of the Yukon because
I think that the things that we pass here must be taken in
the light of how it affects all of Yukon's people, not just one
particular area, and before I embarked on this particular pro-
gram in deference to the pioneers of the Yukon...those who
belong to the Yukon Order of Pioneer Lodge...I did ask them
their opinion about having it changed to have the 17th on a
fixed day to which I did get unanimous agreement. Now it's
a case where many of the holidays that fall in Canada, it
has been the custom in many cases to put that holiday on a

Handwritten initials

Mr. Shaw continues:

MOTION #43

Monday because it provides a long weekend for most people which they get the most benefit from. I was also thinking of the same type of a situation however in relation to the way that Dawson is situated, that is pretty well very much in the north of the Yukon, requiring a day to get there and also a day to get back, to have a holiday on a Monday meant that the celebrations would need to be held under an arrangement like that on a Sunday. I think, Mr. Speaker, we are well aware that having a celebration on a Sunday does present quite some problems which I don't need to mention at this time. So, I felt that if we had it on a Friday, then there would be one day a person could travel north if they so wished to engage in this celebration which we hope to continue for many many hundreds of years yet, long past the time I am here. The Saturday could be celebrated and Sunday could be what is sometimes known as Recovery Day. Now, that does have certain drawbacks insofar as perhaps stores are concerned, Mr. Speaker. It seems that it doesn't matter what one comes up with, there are drawbacks but nonetheless I feel that there are also many advantages because in this day and age most people are not working on a Sunday so that would give a three-day holiday. I always like to be fair about things and make things as equitable as possible but I do feel that this would be the best arrangement. It may appear that why, to have a holiday on a Friday is ridiculous but we do have precedence for this so far as we do have a holiday on Good Friday and I haven't heard of anyone wishing to change the Good Friday. It is what you might call a statutory holiday or whatever term you have in reference to an Ordinance so I would ask your approval, Mr. Speaker and Members of this Council, of the Motion No. 43 in respect to having Friday preceding the 18th to be declared the Discovery Day holiday.

Mr. Commissioner enters the Council Chambers.

Mr. Speaker: Any further discussion?

Mrs. Gordon: As seconder of Mr. Shaw's Motion, I wholly concur that the official celebration of Discovery Day in the Yukon should be held on the Friday preceding the 18th of August. Although it is customary to have official holidays on a Monday in the rest of Canada, I think we need a particular day in Yukon where all Yukoners can gather together in one place and revel and enjoy our historic past and as seconder of the Motion, I hope that other Members will support me.

Mr. Taylor: Mr. Speaker, I wholeheartedly concur. It is difficult in the setting of a day but certainly for those people who live some distance from the City of Dawson which is the focal center of these celebrations at this time in our history at least, it gives us an opportunity to participate in these affairs and get home in good time to be back to work at the start of the week. I wholeheartedly support the Motion.

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

MOTION CARRIED

MOTION #43
CARRIED

Mr. Speaker: We will now pass to the question period.

QUESTION RE Mr. Chamberlist: A question to the Commissioner, Mr. Speaker.
MEDICARE Mr. Commissioner, have you any information relative to the Medicare program and will the Yukon Territory be participating in that program?

Mr. Commissioner: The Medicare program, to the very best of my knowledge...the last information that we have on it was the discussions that took place when Council was in Ottawa, Mr. Speaker. Perhaps Councillor Taylor or Councillor Shaw could bring me up to date on this but it seems to me that there was an indication made at that time that this was one of the things that would be negotiated outside of the proposed agreement. Could I have the opportunity of notice on this, Mr. Speaker, because I am quite confident that this is really the last time that this was....that there was any information along these lines and I am almost certain that this was one of the things that was listed in the proposed agreement that would be negotiated outside the proposed Two Year Agreement. I would be very happy to look this up and bring forth whatever I have to Council, Mr. Speaker.

Mr. Speaker: Are there any further questions?

Mr. Chamberlist: Mr. Speaker, to Mr. Commissioner. Mr. Commissioner, has there been any further information as to who is responsible for prosecutions on matters of a local nature?

Mr. Commissioner: Mr. Speaker, I would ask that we would put this to the Legal Adviser. Is he available, Mr. Clerk?

Mr. Speaker: May we pass to other questions while the Legal Adviser is obtained for the House.

QUESTION ROAD MAIN- Mr. Commissioner: Mr. Speaker, I was asked yesterday morning
TENANCE by Councillor Taylor about money to ensure maintenance and snow removal on all Territorial Roads and in all Territorial Subdivisions for the entire winter, and I can that I have been advised by the Engineering Department that there is money available for all regular and normal winter maintenance and snow removal on the main Territorial highways and community streets but not on recreational roads.

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

Mr. Taylor: I would like to thank Mr. Commissioner, Mr. Speaker, and ask a question supplementary to this. If we are to have a higher rate of participation this fall than normal, would we be able to get additional funds from Ottawa to ensure that these roads be kept open?

Mr. Commissioner: Mr. Speaker, I would say, like anything else in the future that is of an unknown nature subject to the whims and fancy of nature, we will simply have to cross that bridge when we come to it and I will simply do my best. I couldn't go any further than this, Mr. Speaker.

Mr. Speaker: Are there further questions?

Mr. Chamberlist: Mr. Speaker, in view of the inability to find Mr. Legal Adviser immediately, I will defer my question until tomorrow morning so that we can get on with the rest of the business.

Mr. Speaker: Thank you, Mr. Chamberlist. Are there further questions at this time? I wonder if I could direct a question to Mr. Clerk and ask if he could advise the House on a number of questions now still on the Order Paper, ranging from 12, 17,

CH

Mr. Speaker continues:
18, 19, 20 through to 25?

Mr. Clerk: Mr. Speaker, I believe the Commissioner intimated either yesterday or the day before that we have got inquiries out, mainly to other agencies of the Government, in order to get answers here as quickly as possible. We are doing everything possible to get the answers.

Mr. Chamberlist: Mr. Speaker, I notice that on the Order Paper under questions there is no reference to the question that I have been asking and waiting for from Mr. Commissioner that is re campground fees. This is not on the Paper.

Mr. Speaker: I have been advised by Mr. Clerk that this was not a written question.

Mr. Chamberlist: This is quite true, Mr. Speaker, with respect, but I let it not be requesting a written answer because I understood that the answer would be forthcoming and I have left it at that.

Mr. Speaker: Note will be taken of that Mr. Chamberlist. Are there any further questions?

Mr. Shaw: Mr. Speaker, I have a question for the Commissioner. Last fall I introduced a Motion which was passed by Council, Mr. Speaker, in relation to requesting a preliminary Engineering survey of the Dawson bridge site or a site for the bridge. My question would be, Mr. Speaker, I wonder if the Commissioner would have any intimation that this would possibly be done this winter.

QUESTION
DAWSON
BRIDGE
SITE

Mr. Commissioner: Mr. Speaker, I can't give any assurance that this will be done this winter but I.....one rather interesting sidelight of Mr. Shaw's Motion which was passed at the last Session of Council was we found that in the preliminary design location of the bridge across the Yukon River that one of the terminal piers was located in the middle of the new proposed cottage hospital so I don't know which we have moved. I think we have either moved the bridge or the hospital but I don't know which one but it served its purpose at that point and all I would say is that it might be a suggestion to Mr. Shaw to ask Council to pass this Motion again which will help continually strengthen my hand in dealing with the Federal Government in pressing for this most desirable and necessary access to the northern part of the Territory.

Mr. Chamberlist: Mr. Speaker, perhaps now that Mr. Legal Adviser is here, I can put my question to him.

Mr. Speaker: Proceed.

Mr. Chamberlist: Mr. Legal Adviser, have you any information as per the question that has already been asked of you re the responsibility for the laying of prosecution charges under any of our local laws?

QUESTION
PROSECUTION
CHARGES

Mr. Legal Adviser: I have been doing research on it but it is quite a complicated problem. I have no answer at this time for the Council. I will put in the answer through a Sessional Paper.

Mr. Chamberlist: Mr. Speaker, a further question on the matter. Can we take it that we will receive an answer before this Session ends?

QUESTION
PROSECUTION
CHARGES

Mr. Legal Adviser: Well, you can take it, Mr. Speaker, that I will endeavour to have an answer before the end of the Session but I can't guarantee it.

Mr. Speaker: Thank you, Mr. O'Donoghue. Are there any further questions? If there are no further questions, may we pass to Public Bills and Orders.

SECOND
READING
BILL #12

Mr. Dumas: Mr. Speaker, I beg leave to introduce 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 given Second Reading at this time.

Mr. Speaker: Do I understand that that was Bill No. 12, Mr. Dumas?

Mr. Dumas: Yes, Mr. Speaker.

Mr. Speaker: Bill No. 12 has passed introduction and has had First Reading. I believe that it is Second Reading that is required on this Bill.

Mr. Dumas: Mr. Speaker, that is what I said.

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

Mr. McKinnon: Mr. Speaker, I have a Notice of Motion for the Production of Papers on the Order Paper this morning asking that the Agreement between the Anvil Mining Corporation and the Government of the Yukon Territory....

Mr. Speaker: Order.

Mr. McKinnon:be tabled. This is Second Reading before the question is called. I believe I am able to speak on the principle of the Bill or do I get set down again?

Mr. Speaker: Yes, you most certainly have. I have not taken note of this situation as yet before the House. A Motion is not properly before the House until it has been read from the Chair. It has been moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Dawson, that Second Reading be given to 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. Mr. McKinnon.

Mr. McKinnon: Mr. Speaker, I have Notice of Motion for the Production of Papers before the House this morning asking that the Agreement between the Anvil Mining Corporation and the Government of the Yukon Territory be tabled. Mr. Speaker, I am accused on many occasions of being pretty naive when I enter into the field of economics and business, however, I don't see how anybody can be so naive to accept in principle a Bill which authorizes 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 when the agreement that is going to be entered into has never been seen by this Council and has never been tabled before this Council. Now, if this isn't putting the cart before the horse, I don't know what is.

BA

Mr. Chamberlist: Mr. Speaker, I seconded Mr. McKinnon's Motion relative to the Agreement with Anvil Mining. I concur with his remarks. I certainly cannot participate in bringing forward a Bill to borrow money on an agreement that I haven't seen and I don't think any Member of this Council should either.

SECOND
READING
BILL #12

Mr. Taylor: Mr. Speaker, I too am opposed to the principle of this Bill. The Honourable Members who spoke prior have brought out part of my opposal. I feel, as I am sure you will agree, that if there is an agreement between the Federal Government and Anvil Mining Corporation or, indeed, anyone else that the Yukon Territory is not a part of in its initiation, then I do not feel that we should be asked to borrow money and expend it and, in short, become the scape-goat if something goes wrong. What is being asked here is what was asked of this Council more particularly in 1962 in relation to the Dawson City Festival. The Federal Government made an agreement in respect of the Festival that the Territorial Government had no part in and in order that no embarrassment would fall upon the Federal Government at that time, on Thursday, July 5, 1962, the Legislative Council of that particular day approved under protest an Ordinance which would permit the...it was similar to this... the Commissioner to borrow \$150,000.00 to pay towards the Festival. Then, on Monday, July 23, we were again called back into special Session and asked to go for an additional sum of \$62,500.00...part of an agreement that this Territory was not a party to...and we refused it and then on Tuesday, July 24, with the gun at our heads, "Fellows, you will kill the Festival if you don't go along with this Bill", we finally agreed rather than see the people of Dawson let down and the Festival shut down as well. Here we have a Bill and it is the principle of this Bill that is wrong. I represent the Anvil Mining district or the district in which Anvil Mining operates and I think that this is a wonderful development, probably one of the most significant in the North, however, I cannot agree to a system whereby the Federal Government have come to us, as they do in this Bill, and say we want you to authorize the Commissioner to borrow \$500,000.00 so that you can then approve another Bill authorizing the Commissioner to give that money to Anvil because then immediately you wonder...where's the money going to come from. Where are we getting the \$500,000.00. Well, I think I know. It's not spelled out here but I think that if one was to approach the Treasurer, he would reply to you, "Well, now, if you will just do this...we will give you the money...it's a paper exchange...we will give you the money so that you can pay it back to us and then the matter is all settled", and I feel very, very strongly that if the Federal Government wish to make arrangements with mining corporations, with any type of corporation in respect of the development of the Yukon's resources and if we do not have a part in the negotiations or the construction of such agreements, that we should refuse to be a third party to an agreement of which indeed we are really not any party whatsoever and I think that if the Federal Government make a deal with these corporations that they should be able to say, "All right. Here Anvil... here is the money we agreed to give you" and I think it is that basically simple.

SECOND
READING
BILL #12

Mr. Shaw: Mr. Speaker, rattling of skeletons in historic closets is no criteria of this particular Bill. The Honourable Member from Whitehorse West moved this for Second Reading and I seconded it. We do not discuss Bills, or we have not in the past, Mr. Speaker, until we have given it Second Reading. At the time of Second Reading, then that is the time, particularly when it gets into Committee as it always does, to ask for all the information that is necessary to understand the Bill or the contents of the Bill as well as possible. If it were the purpose of this House that it didn't like some portion of a particular Bill and if it was the policy, Mr. Speaker, that we refused to discuss it because we didn't like certain sections of it, I would say that that would be a very dogmatic attitude. I would submit, Mr. Speaker, that we give...as I have in the past...that all Bills get Second Reading and be taken into Committee and then, and only then, is the time to discuss the particular merits or otherwise of the Bill. This is merely the method in which we are able to find out all the details and to discuss them in a sensible manner. Because one doesn't care for some particular section of a Bill, I would never turn it down. I would be most eager to get down to get at all the particulars. There has been intimations, Mr. Speaker, that there is something ulterior about this because the Federal Government has entered into an Agreement with Anvil, or the Commissioner has, or who did all the negotiating or what have you I am not aware of. I am certain that when I am situated at one of the far northern extremities of the Yukon that I am not able to drop down here and also get in on the meetings every week, every other week, or whenever it is required so this appears to me the only medium with which the Administration can bring to the notice of Council the particulars that are relating thereto. The Motion of Councillor McKinnon which was recently seconded by the Honourable Member from Whitehorse East is very good. I see nothing wrong with it. I was wholeheartedly in support of that, or will be.... I forgot now whether it was passed or not. That will give us the information. In Committee will be the time to discuss it but I am not afraid to bring this to Committee to discuss it and I really cannot see any justified reason why we should not discuss this in Committee because if we don't, it just throws the Bill out. If this Bill is voted against, Mr. Speaker, what happens then? We have the opportunity at this time, Mr. Speaker, to discuss the merits and otherwise of this Bill. If Council should turn this Bill down, that means that we do not approve of Anvil...of this Agreement with Anvil.... so there are two alternatives, Mr. Speaker, to that...one, that there is no agreement entered into with Anvil. That is one alternative. The other alternative may be that for the good of the people of the Yukon Territory an agreement should be entered into with Anvil. So what happens then? The Federal Government are forced to go ahead on behalf of the people and sign an agreement in which case Council is left out sitting in the cold. There is always the possibility that Council doesn't feel that the agreement is right, that it shouldn't be accepted and I wouldn't say that that was not their prerogative but I would maintain, Mr. Speaker, that it is not our prerogative to not sit down and discuss something that is of such vital importance to the Yukon. That is the position I would take in this matter, Mr. Speaker.

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

Mr. Dumas: Mr. Speaker, what the Honourable Member from Dawson has said I agree with completely. The point is I would like to see the Bill in Committee where we can discuss it and knock it about. I, too, think all of the information should be available and I, too, think that if there is an agreement now in existence that we should have it at our disposal. However, I don't think we can sit on this Bill and other Bills forever. One of the original arguments given for sitting on this Bill or not getting it through First and Second Reading was finance. We have had a paper tabled before us, Sessional Paper No. 54 regarding finance. We have had a breakdown of the cutbacks which we asked for regarding finance so that argument, I think, is dead. The other argument against this Bill is that there is a suggestion that there is an agreement now existing between the Commissioner and the Anvil Mining Corporation. If so, I think it should be presented to the Committee of the Whole when the Committee is discussing Bill No. 12. The fact that the Bill goes into Committee is no guarantee that it is going to get out of Committee, or no guarantee that it is going to be passed and I think that as responsible legislators, it is our duty to at least bring these Bills into Committee so that we can discuss them.

Mr. McKinnon: I rise on a point of order, Mr. Chairman. The information that the Honourable Member from Dawson placed before this House is not correct on the proceeding of this Bill and I wish that the Chair would correct it.

Mr. Speaker: That point of order is actually not a point of order but merely a question of debate over issues. Is there any further discussion?

Mr. McKinnon: The point of order was, Mr. Chairman, that the Honourable Member from Dawson has intimated that if the House rejects Second Reading of this Bill at this time that it cannot be brought up again. This information is not correct. That is a point of order. He has intimated that if Council votes against the Second Reading of this Bill that it cannot be brought up again. Under annotation 384 on page 277 of Beauchesne, you will find that this is incorrect. I think Honourable Members should be aware of this.

Mr. Speaker: Yes, that is true but that was not my understanding of the intimation from the Honourable Member for Dawson.

Mr. Chamberlist: Mr. Speaker....

Mr. Speaker: Point of order?

Mr. Chamberlist: Yes, it is a point of order, Mr. Speaker. Mr. Speaker, with respect, I wonder if Mr. Speaker could ask for the words that were used because they were indeed the words that Councillor McKinnon referred to...that the Bill would be cancelled out.

Mr. Speaker: My understanding was that he was raising a question of if...he was talking about hypothesis. He wasn't talking about a fact. That was my understanding.

Mr. Shaw: May I ask a question, Mr. Speaker?

Mr. Speaker: Is the question directed to the Mover of the Motion?

Mr. Shaw: No, it is not, Mr. Speaker.

SECOND
READING
BILL #12

Mr. Speaker: Is there any further discussion? Is the House prepared for question on the Motion? Are we agreed?

All: Division.

Mr. Speaker: Division has been called. Will you proceed, Mr. Clerk.

Mr. Clerk: The Member from Whitehorse North.

Mr. McKinnon: Nay.

Mr. Clerk: The Member for Whitehorse East.

Mr. Chamberlist: Nay.

Mr. Clerk: The Member from Dawson.

Mr. Shaw: Yea.

Mr. Clerk: The Member from Watson Lake.

Mr. Taylor: Nay.

Mr. Clerk: The Member from Mayo.

Mrs. Gordon: Yea.

Mr. Clerk: The Member from Whitehorse West.

Mr. Dumas: Yea.

Mr. Clerk: The vote is 3 - 3, Mr. Speaker.

Mr. Speaker: Thank you, Mr. Clerk. I will vote in favour of Second Reading of this Bill as I wish to keep this question before the House due to the importance of the measure. I will declare the Motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: May I have your further pleasure under Public Bills and Orders.

FIRST
READING
BILL #16

Moved by Councillor Dumas, seconded by Councillor Shaw, that Bill No. 16, An Ordinance to Provide for the Granting of Assistance to Persons in Need, be given First Reading at this time.

MOTION
CARRIED

MOTION CARRIED

SECOND
READING
BILL #16

Moved by Councillor Dumas, seconded by Councillor Shaw, that Bill No. 16, An Ordinance to Provide for the Granting of Assistance to Persons in Need, be given Second Reading at this time.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: May I have your further pleasure?

MOTION
TO MOVE
INTO
COMMITTEE

Moved by Councillor Taylor, seconded by Councillor Chamberlist, that Mr. Speaker do now leave the Chair for the purpose of discussing in Committee of the Whole Bills, Sessional Papers and Motions.

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, when we last rose, it was intended this morning that we deal with Bill No. 17. I am informed that the witnesses that you requested....Dr. Shields is not available possibly until Monday morning...so I wonder if it would be with your agreement, in view of the fact that we have with us Mr. Game Director, that we deal now with Bill No. 18.

Mr. Commissioner: Mr. Chairman, I am not suggesting what Council should do but if Council did wish to proceed with the Adult Education Ordinance, Mr. Mackenzie and myself are the....it's a financial situation, and while Dr. Shields and Mr. Baston certainly have some working knowledge of the thing, the information that Council is looking for is financial information as to how this thing works and I might say that it is just about the mystery of the age but we would do our very best to explain it to Council if they wish to proceed with it. I simply bring this to your attention that the fact that Dr. Shields and Mr. Baston are away from town at the present time would not necessarily hold up any answers for Council.

Mr. Dumas: Mr. Chairman, in view of the fact that Mr. Game Director is here, I suggest we proceed with Bill No. 18 and then go back to 17 later.

Mr. Chairman: Agreed?

All: Agreed.

Mr. Chairman: We will proceed then with Bill No. 18, An Ordinance to Provide for the Registration of Brands to be Impressed on Stock. I think at this time, gentlemen, we will call a recess.

AH

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Thursday, November 30, 1967.
11:00 o'clock a.m.

Mr. Chairman: At this time I will call Committee back to order. BILL #18
We are discussing Bill No. 18, An Ordinance to Provide for the
Registration of Brands to be Impressed upon Stock. I think we will
deal with this in the same manner that we do with large bills....
section by section.

Mr. McKinnon: Mr. Chairman, I wonder if we could hear from Mr.
Fitzgerald, the Game Director, the background to this bill and why
it is necessary.

Mr. Fitzgerald: There have been problems concerning the establish-
ment of ownership of horses in the past in the Territory. It's
probably not as wide spread as in a few particular areas where a
large number of horses belonging to different people have been
ranging and when rounded up, there were arguements concerning own-
ership and what have you and some suggestion of brands being tam-
pered with. I think a Member of Council questioned as to whether
or not it was possible to have a type of Brands Ordinance and par-
ticulars were obtained from Saskatchewan and British Columbia on
their **Stray** Animals Act and Brands Act. These were submitted to the
Legal Adviser and I understand the proposed ordinance was taken
from these three and melted down into what we have before us. I
might mention that almost, and probably all of the people who have
any number of horses in the Territory now have them branded. As
far as I know at this time, none of these brands have been dupli-
cated, and the suggested ordinance is an effort to prevent such
duplication as well. As you very likely are aware, the moving of
horses in British Columbia, from Alberta into the Territory, the
trucker or owner must be in possession of bills of sale with the
brands listed thereon, and so on, and horses moved from the Ter-
ritory into Alaska also have to be listed and, of course, along
with this, a bill of health that this doesn't cover. This is being
done now to some degree and if the ordinance that is being approp-
riated at this time is passed, it would more or less go along with
what is taking place in other parts of the country.

Mr. McKinnon: Mr. Chairman, I wonder if I might ask Mr. Fitzgerald
if the big game outfitters society is aware of this ordinance and
whether they have commented on it.

Mr. Fitzgerald: I understand that the majority are in favour of
this.

Mr. McKinnon: Thank you, Mr. Chairman.

Mr. Chairman: May I proceed?

All: Proceed.

Mr. Chairman: This is, An Ordinance to Provide for the Registration
of Brands to be Impressed upon Stock. (Reads section 1 of Bill No. 18)

All: Clear.

Mr. Chairman: In section 2....(Reads section 2 of Bill No. 18)

Mr. Chamberlist: Without any smart remarks from the Members of
this Committee....included under 2 (d)....donkey. Is that **included**
or does that come under "ass or mule?"

BILL #18 Mr. Legal Adviser: I have had no great personal experience with asses and donkeys, but they are more common in the country from which I originate than in this country. In that country it is generally taken to mean that ass and donkey are both interchangeable words.

Mrs. Gordon: Is it an oversight that stud has been left out of 2(d)?

Mr. Legal Adviser: Stud....that's a specific.....

Mrs. Gordon: Well, so is a mare.

Mr. Chairman: Those types covered means any horse. Would this not cover it, Mr. Legal Adviser?

Mr. Legal Adviser: Horse is generally taken to mean a male horse.

Mrs. Gordon: Then why would they put gelding in there?

Mr. Legal Adviser: Well, I'm not sure if a gelding is a male or not to be honest with you.

Mr. Chairman: Are we clear on this section 2?

All: Clear.

Mr. Chairman: Section 3....(Reads section 3 of Bill No. 18) Clear?

Mr. Chamberlist: Mr. Chairman, are we intending to include pets of children....a little pet donkey that a child might have, or any pet animals that a child may have. Are we including that in the branding?

Mr. Legal Adviser: I thought, Mr. Chairman, that he was going to raise another question about whether a person shall, or may..... and, that would cover it if he's going to raise that point.

Mr. Chamberlist: This is what I'm raising. Is it not unnecessary to have a mandatory request in there? Could it not be permissive? Mr. Legal Adviser, perhaps you.....

Mr. Legal Adviser: Well, I'm in the hands of the House. As it stands here, it's a mandatory provision. Every person who is the owner of any stock shall make a written application.

Mr. Dumas: Mr. Chairman, isn't this the purpose of the bill, so that people will brand their stock. You see, if it's "may", and somebody has numerous heads of cattle, they don't have to have them branded, do they, if it's "may".

Mr. Legal Adviser: As it's drafted here before the House, it's definitely mandatory and if you have a donkey, then you have to brand it on his....on his hide. Any horse or pony has to be also branded. That's mandatory. The question that I'd like the advice of the House on is, whether the House wants to make it permissive in the sense that those people who have herds of horses, if they want to brand them, they have the right to do so....to register that brand and then this register is presumptive evidence, or prima facie evidence when produced in court, that this is their horse and this is their brand, and that they then will take care in conjunction with the Director of Game that the type of brand that they register will be of such a nature as to not be easily duplicated, and that the brands used in the rustlers and cowboys stories....the running "w's" and so forth....will not be available for registration.. This is a question on which I think the House is better qualified to advise us than the Administration....whether it should be permissive or whether it should be compulsory.

JH

Mr. Chamberlist: Mr. Chairman, I feel that we should have legis- BILL #18
lation which gives the right to those who wish to protect their
ownership of their own animals by making it permissive for them to
register their brands. This way, their registration acts as a
patent for that particular brand and no other person can use it or
anything similiar to it. But, certainly the intent of this ordin-
ance is not to have animals which are usually kept for domestic
purposes....for pets for children....to be branded in this manner
and that they shall have a special brand. This is not the intent-
ion. I think we should alter the word "shall" to "may", and in
this manner, it would release the responsibility of those who have
pets to have them registered. Or, as a further thought, an extra
session....subsection be placed in that the intent of this ordin-
ance excludes pets of individuals.

Mr. Dumas: Mr. Chairman, I wonder if the Game Director could tell
us if it was the intention of his department to make it mandatory
that all stock be branded or that, in fact, they just wanted to
make it possible.


Mr. Fitzgerald: I was of the opinion that it would be permissive
and that the word "may" be used instead of "shall".

Mrs. Gordon: I believe, in this ordinance, that it should be
mandatory, and with regard to people with pets, I'm quite sure that
in the first instance, that a person who buys a pet, it has already
been branded. And, in the case where it may be a mare in foal,
when she drops her colt, if that person wants to register a new
brand, it would be mandatory under this to establish a brand for
their stock.

Mr. Chairman: There's one question from the Chair that I would
like to direct to Mr. Legal Adviser. Could this be overcome by
going back to the interpretation section and interpreting the word
animal to mean livestock, or something of that nature?

Mr. Legal Adviser: I think a better way would be to not shirk at
the responsibility involved. The centre of the discussion appears
to be the Council prefers to have it permissive and this certainly
would meet with my general approval as a lawyer because if you
have this compulsory, it means policing is necessary. It means
there will be extra work involved for everybody. It means the
possibility of charges against the people who accidently offending
this act. So, I myself would prefer if this is a permissive sec-
tion. I think the Game Director would prefer a permissive section,
and I think the owners of stock would probably prefer the same,
rather without prosecution, and if we are assured from the Game
Director that the ordinance is operable and that the intent of what
we are trying to achieve is possible with the permissive section,
I think that we could redraft section 3, and I would then ask that
the mover of this particular amendment would bring in a second one
and that is to have every person....or any person may register a
brand, not necessarily limited to owners of stock. Just any person
can register a brand, because it may be we might have dude ranches
and such like things where people might want to have a brand as a
brand, and if, **with** any demand for this, then it might be possible
to raise revenue or to have a distinctive mark and so on. I don't
think the Game Director would have any objection to this. Then we
will have a final register rather like a patent register.

Mr. Shaw: Thank you, Mr. Chairman. I'm not much of a horse
wrangler, or claim to understand the intent of this. I have lis-
tened at previous Councils to discussions on this, and it appears
to me, Mr. Chairman, that this is a request from people that....
from the outfitters that like to take care of their stock and pro-
tect their stock. As I recollect, the stock of some of these people


BILL #18 Mr. Shaw continued:
were subject to intrusion by stallions and as a result, they had foals and what not that came at the wrong time and jeopardized their whole operation and they didn't have any proof....couldn't gain any proof who this stallion belonged to, and this was one of the means in which they would have a certain measure of protection. In other words, if they could get this particular animal, that would be proof that this belonged to Joe Blow, or whoever it may be, and therefore it would work in that particular sense. Now, I myself have no strong feelings, Mr. Chairman, as to whether it's "may" or whether it's "shall" because I'm not as conversant as I would perhaps like to be in order to know just what was required. It appears to me that they did want brands, and in view of this, I wonder if it would be possible, Mr. Chairman, if there is any means of finding out the general concensus of opinion as to what these people desire before we either made it permissive or mandatory. If we could perhaps leave that for later reference and proceed with the balance of it. Would that be helpful, because at the present moment....I wish to be quite honest....I don't know just what is most desireable for the people in the industry....the people who are concerned in the industry.

Mr. Dumas: Mr. Chairman, I think maybe the Game Director could answer that question for us. He probably knows better than any of us as he is in touch with them all the time, and could give us a good idea of their opinion.

Mr. Shaw: Mr. Chairman, I would be very pleased to listen to his advice.

Mr. Fitzgerald: I have reason to believe that these people want to register their brands. The majority are making use of them right now. A few of them have already sent in letters with a diagram of their brands, wanting to know if we could possibly place it on file so that it could be referred to later on in case it was necessary. Well, of course, it couldn't be done because we didn't have an ordinance at that time. But, I am sure that they are all in favour of the brand....having a brand registered, and I also feel that they are in favour of having it done in a permissive manner. For instance, there's quite a few horses running at large, and you could probably refer to them as wild, in the Aishihik area that belong to native people. I have a feeling that if this was made mandatory that there would be nothing to prevent some unscrupulous people moving in there, rounding up these horses and placing their own brand on them. That's one reason.

Mr. Chamberlist: Mr. Chairman, I have just made a cursory glance through this ordinance and I find it's quite interesting to note that the only permissive thing here....rather, the only mandatory thing here is that a written application must be made for the registration of the brand, but nobody needs to brand their animals under this ordinance. There is no reference here where the animals have to be branded. I don't know if this has been left out, but if Mr. Legal Adviser can point out to me where there's any legislation that requires that an animal be branded, I'd like to have him show it to me.

Mr. Legal Adviser: My recollection on this....and don't tie me down to this and call me a liar if I'm not quite accurate....but, my recollection on this is that there was a section in the ordinance that came up for discussion which said every animal shall be branded not later than the 31st of January, 1968. The ordinance was to come into force on the 1st of January and they would have to brand every animal in the Yukon by the 31st of January. The Game Director pointed out that in the circumstances of the Yukon, this was a most oppressive piece of legislation. The discussion then went on to, would we fix a date, and the trend of the discussion was to cut out the

Mr. Legal Adviser continued:

BILL #18

compulsory nature of putting it on the animals at all, as it's not an easy thing either to do or to enforce.

Mr. Shaw: Mr. Chairman, in view of the statements of the Director of Game, I would say that permissive would be the action to take in that case.

Mr. Dumas: Mr. Chairman, I wonder if we amended subsection (1) of section 3 to read, "Any person resident in the Yukon may make a written application to the Director for registration of a brand," if that would solve our problem.

Mr. Legal Adviser: Would it be necessary to say "resident in the Yukon"?

Mr. Dumas: I can't see much....

Mr. Legal Adviser: A company may nominate a person, and you may.... and I can just visualize this....have land running over two sides of a boundary. I think that it is an unnecessary restriction. Would the House be agreed on saying, "Any person may make a written application to the Director for registration of a brand," and accept that as the amendment now.

Mr. Chairman: Is Committee agreed?

All: Agreed.

Mr. Chairman: Is there anyone wishing to so propose an amendment?

Mr. Dumas: I so move.

Mr. Chamberlist: I will second that motion.

Mr. McKinnon: Mr. Chairman, as I understand it, all the Yukon is open range. Is this correct, and what is the....maybe I've been watching too many late cowboy movies on television....but, the point is, what's the procedure where a horse or animal is not branded and is in a Territory usually ranged by a certain outfitter, and how do they know which is wild and what isn't. What is the protection against other people who have horses ranging in the same area, and what is to stop an outfitter who has branded animals in the same ranging area from branding these other animals....and then starting a range war.

Mr. Fitzgerald: Well, these people are quite familiar with their own stock, of course, and in this country I know personally that a colt, to grow to be a proper type of horse, must range with his mother for two years, and a colt is never branded, or shouldn't be branded under two years of age....maybe even three, because the brand grows with the animal sort of thing and it would disfigure the animal. But, there doesn't seem to be much problem there in identifying these animals because the colts ranging from one, two or three years of age will be travelling with the mother....with the mare, and these people are all quite familiar with their animals and where they range and so on. But, an unbranded animal could easily be pushed in with some other person's animals and end up with a brand on it belonging to somebody else. This has happened.

Mr. Chairman: Gentlemen, I have a motion before the House. It has been moved by Councillor Dumas, seconded by Councillor Chamberlist, that section 3, subsection (1) of Bill 18 be amended to read, "Any person may make a written application to the Director for registration of a brand." Are you prepared for the question? Are you agreed? Any contrary? I will declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

BILL #18 Mr. Chairman: The next section is section 4.

Mr. McKinnon: Mr. Chairman, may I ask Mr. Fitzgerald if there really is any other purpose to this ordinance than if people want to put a brand on their horses and cattle, they can do so. Is this really all the ordinance does?

Mr. Legal Adviser: It's so that you can present the register in court in a dispute. The register is there, rather than just have the present informal method which appears to be that somebody writes to Mr. Fitzgerald and asks him to register his brand. So, if there's a dispute then Mr. Fitzgerald can say, "He wrote me a letter two years ago and said this is his brand." This is to put in on an official basis, plus a few other things.

Mr. Chairman: Section 4, subsection 1....(Reads section 4, subsection (1) of Bill No. 18)

Mr. Legal Adviser: Mr. Chairman, would one of the Honourable Members move that the last six words be removed in view of the amendment in section 3, subsection (1)?

Mr. Chamberlist: I will so move.

Mr. Shaw: I'll second the motion, Mr. Chairman.

Mr. Chairman: It has been moved that the last six words be deleted. Are you prepared for the question? Are you agreed? I'll declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Chairman: Subsection (2)....(Reads subsection (2) of section 4 of Bill No. 18) Is it clear?

Mr. Shaw: I just wondered....has the R.C.M.P. any horses up here?

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

Mr. Shaw: I would assume that this is used in most of these Brand Ordinances.

Mr. Fitzgerald: Yes, Mr. Shaw.

Mr. Shaw: Thank you, Mr. Fitzgerald.

Mr. Legal Adviser: It's a carry-over from the old days, sir.

Mr. Chairman: Next is section 5....(Reads section 5 of Bill No. 18)

Mr. Chamberlist: Mr. Chairman, I don't see any reason why a corporation cannot have these certificates registered in its name. It has a separate identity.

Mr. Legal Adviser: This is correct, but it's customary in this type of thing to do this so that the Game Director will know exactly with whom he is dealing at a given time. The company....it might be a non-Yukon company, it might be a corporation of various sorts, but then there is a person who can be written to conveniently, for the office. It occasionally happens that a brand comes in that might closely resemble another brand and the Director might want to have the consent of the person or it might carry the wrong implication and then you have a clear person to write to. It's a matter of administrative convenience. We're not trying to stop

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Mr. Legal Adviser continued:

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companies from having brands. We're trying to make it easy for a small department of this Administration to do their work.

Mr. Chamberlist: Mr. Chairman, might I suggest that the words... instead of to designate an individual, a corporation may designate its agent, because there is a difference. An individual that the corporation designates has no legal authority, but the appointed agent of a corporation has the authority. In other words, if the corporation is being sued, then an agent can act for them, not an individual. I mean, I think it should have an agent.

Mr. Legal Adviser: I appreciate the spirit in which this suggestion is made, but I wouldn't like to see this thing pressed too far because an agent can be anybody. An agent can be another corporation. You're then into a stream of language, that a corporation shall designate an agent, which said agent shall not in itself be a corporation nor so and so. Whereas, individual means a human person in this sense and whether they are an agent or not doesn't make any difference. The foreman of the ranch owned by say, King Ranches in Texas, might be the person who was so designated, but they may not want that foreman to be their agent. It's a question of allowing a corporation to choose anybody without limiting the corporation to a particular type of individual or corporation again.

Mr. Chairman: Are we clear?

All: Clear.

Mr. Chairman: Section 6....(Reads section 6 of Bill No. 18)

Mr. Chamberlist: Question. Can I have an explanation from Mr. Legal Adviser on subsection (2), "There shall not be entered in the register any notice of any trust."

Mr. Legal Adviser: Mr. Fitzgerald saw this arising about ten minutes ago. This is a common provision that you put in registers such as this or company registers in order to avoid the person keeping the register to be embroiled in legal proceedings of various sorts. In other words, when a brand is registered, he deals with the person in whose name that brand is registered. If that person dies, and it's handed over to a person who represented him, then questions of the ownership of the brand or the corporate involved therein might very well come to the fore. But, so far as he is concerned as the registrar of brands, he can continue unless he gets a court notice to deal with that individual. Otherwise, he would be responsible in law for dealing with the wrong person or making a transfer from the wrong person. He would have to maintain a legal adviser of his own from time to time. This is a common provision in company and that type of register where shares are in joint names....three or four names....you have to register the name of the shares in a single individual, and the trust would be that that individual would hold it either as a person representing somebody else or as a form of partnership or a form of limited partnership in various forms, and company registrars don't like it, and it would save us a tremendous amount of trouble, and I think that in ease of Mr. Fitzgerald whose knowledge of law is not equal to that of some of the Honourable Members I think we should accept this subsection.

Mr. Chamberlist: It's because of some of the remarks made by Mr. Legal Adviser, and his remarks with reference to a corporation and an individual that I raise that particular point. I mean, there's a conflict right there. Now, I can see that section in if the

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BILL #18 Mr. Chamberlist continued:
registration was in the name of a corporation per somebody's name. Then I could understand it being there, but if the name of the owner, if it's owned by a corporation, is left out and there was a matter of a trust situation that came up afterwards, there may well be an argument as to whether the individual whose name has been given by a corporation as the brand owner, is actually the owner of the animal. Now, this is why I raise this. If it is satisfactory as in section 5, it is not satisfactory as in section 6 (2). If it is satisfactory as in section 6 (2), it is not satisfactory the other way, because I would suggest that there is a conflict between those two sections and that should be clarified.

Mr. Legal Adviser: With respect, Mr. Chairman, in my opinion subsection (2) of section 5 and subsection (2) of section 6 are mutually disjunctive and are not interdependent upon one another. This particular subsection was put in for the specific purpose to enable the Director to deal with an individual. If you have notice of trust allowed to be put on, you then make it into sort of a land registrar. If a man has foreclosed or he has mortgaged his horse or something, then you don't know what notices of various sorts start coming in to the Game Director. There is a whole series of types of applications that can be made to the Land Registrar say caveats of various sorts and notice of a trust in a particular animal or in the ownership of a brand and so on, and it's to avoid this and to lead people to the normal remedies if they have disputes over ownership of the animals or brands that this is put in, just leave the Game Director to deal with individuals and not groups.

Mr. Chairman: Is it clear? The next section is section 7. (Reads section 7 of Bill No. 18)

Mr. Chamberlist: This raises exactly the same question along that line again. It begins "A brand shall remain registered in the name of its owner...." Now, how can we say in one section that a brand shall remain registered in the name of its owner and in another section, again coming back to corporations, a corporation may appoint an individual, and the individual is not the owner.

Mr. Legal Adviser: He may not be but for our purposes he'll be regarded as the owner under section 6 because that's the name the brand is registered under, and the name has to be the owner and the name answers the question under whose name the brand has been registered....(b) and (c)....the owner has to deal with it. The corporation may write in about it and having designated a certain person to hold it, and the corporation may, in case of liquidation or something, write in and say, "Cancel that brand." They are the owners of the brand but not the person under whose name the brand is registered....not the everyday person. Now, (b) is when a brand is sold, notice comes into the Director and he transfers the name to the new owner. (c) is when he is satisfied that the owner does not have a bona fide intention of using the brand in respect of stock, well then if it is permissible to use a brand without necessarily at that time having to have stock then that could come out but the owner of a dude ranch, I would expect, would have a bona fide intention of at some time using it in respect of stock. It isn't necessary to tie him down to that one time.

Mr. Chairman: One moment here....just for the edification of Committee in case we get off the direction here, "owner" means any person in whose name the brand is registered and it includes the agent of such a person. That is in your interpretation section. Proceed.

Mr. Chamberlist: Thank you, Mr. Chairman.

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Mr. Dumas: Mr. Chairman, in reference to subsection (c), I think it should be removed and so should subsection...or subsection (a) in view of the fact that we are going to allow anybody to apply for a brand whether they are going to actually use it or not.

Mr. Legal Adviser: Subsubsection (a) would have to stand because the owner registers his brand and it's his until he makes the request, and it is his or...you see, if the owner makes a written request, or...so and so, or...so and so.

Mr. Chairman: Section 8....(Reads section 8 of Bill No. 18)

All: Clear.

Mr. Chairman: Section 9....(Reads section 9 of Bill No. 18)

All: Clear.

Mr. Chairman: Section 10....(Reads section 10 of Bill No. 18)

All: Clear.

Mr. Chairman: Gentlemen, I would draw your attention to the time.

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

Mr. Livesey: I second the motion.

Mr. Chairman: It has been moved that we now call it twelve o'clock. Are you agreed, gentlemen?

All: Agreed.

Mr. Chairman: I will declare Committee in recess until two o'clock.

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Thursday, November 30, 1967.
2:00 o'clock p.m.

Witness present: Mr. J.B. Fitzgerald, Director of Game Branch.

Mr. Chairman: Well, gentlemen, at this time we will call Committee BILL back to order and we are at Section 11. "(1) Where an owner wishes #18 to transfer a registered brand, he shall deliver to the transferee (a) the brand certificate issued to him under paragraph (b) of section 5; and (b) a declaration in a form prescribed by the Commissioner. (2) Where a transferee receives a certificate and declaration referred to in subsection (1), he shall forthwith forward that certificate and declaration to the Director accompanied by (a) a written application for registration of the brand that was transferred, if at the time of application he is not an owner; or (b) a written application for cancellation of the brand that was transferred, or the registered brand of which he is an owner, if at the time of application he is an owner. (3) An application made pursuant to paragraph (a) or (b) of subsection (1) shall be in a form prescribed by the Commissioner and shall contain such information as he may require. (4) Where the Director receives an application made pursuant to paragraph (a) of subsection (2), he shall (a) register the brand in the name of the transferee; (b) deliver to the transferee a new brand certificate; and (c) cancel the registration and brand certificate of the transferor. (5) Where the Director receives an application made pursuant to paragraph (b) of subsection (2), he shall cancel the registration and brand certificate requested by the transferee."

Mr. Chamberlist: Question. Sub-section (2) (b) requires some clarification - "a written application for cancellation of the brand that was transferred, or the registered brand of which he is an owner, if at the time of application he is an owner." What does that all mean?

Mr. Legal Adviser: I can't say definitely what it means, but what it appears to me to mean is that the person who gets the new brand, the person who buys it or has it transferred to him, has the option of either keeping his existing brand or keeping the new brand. He can apply for cancellation of one of the brands, in particular the one he wishes to cancel.

Mr. Chamberlist: Mr. Chairman, if the learned Legal Adviser says that he doesn't know what it means, how can anybody who is supposed to follow the law know what it means. It's far too confusing, and it should be corrected so that the language is clear.

Mr. Legal Adviser: It's clear to me.

Mr. Chamberlist: Oh, that's different.

Mr. Legal Adviser: And when I say this is what it appears to me, it's in deference to the fact that no lawyer likes to say absolutely what a thing means because there is two sides to every dispute and if this got into dispute in the high court, I'm not sure what the Judge would say, but what I would submit it means, if I was on one side or the other, is that the person who buys and brand or acquires another brand has the right of cancelling either brand. This appears to be reasonably clear to me.

Mr. Chairman: Clear?

All: Clear.

Mr. Chamberlist: It's not clear to me, but I don't care.

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Mr. Chairman: "12. (1) Where any stock is sold, the vendor thereof shall deliver to the purchaser a signed memorandum setting forth (a) the place and date of sale; (b) the number of stock sold; (c) the kind, age, sex and colour of each head of stock sold; and (d) a full description of and the location of all brands impressed on each head of stock. (2) Every person who ships or moves stock impressed with a brand other than a brand registered in his name, shall, at the request of the Director or his representative, produce a memorandum of sale listing the stock and signed by the owner of that brand."

Mr. Chamberlist: Question. I understand in this ordinance that brands would be on the skin or the hide. What does it suggest, "a full description of and the location of all brands impressed on each head...?"

Mr. Legal Adviser: Head of stock has a meaning which is well understood in Texas and other cowboy areas - it is not in the Yukon.

Mrs. Gordon: In section (1) (c), the description, I think, should be extended a bit to give a more descriptive picture of a particular animal, because I am quite sure in a large herd of stock there could be the same kind, age, sex and colour. I have seen a lot of bay horses, but some have white feet and some have white blazes.

Mr. Chamberlist: Mr. Chairman, there certainly is a difference as to sex of horses.

Mr. Legal Adviser: I'm not sure how much you can do this. In some places they have a system of ear tagging by number. In other places they have a system whereby you can put on a hot tattoo or a cold tattoo, but the purpose of this is it's the brands that will tell the ownership and the individual animals don't matter that much. It's the animal with the brand we're trying to delineate.

Mr. Dumas: Mr. Chairman, this isn't the Texas of the north. We don't have to worry about all these heads of stock. I'm sure we can't have more than a thousand or so in the Territory. I don't think it's going to be that great a problem.

Mr. Chairman: May I proceed?

Mr. Chamberlist: Yes.

Mr. Chairman: "13. (1) No person, without the written authority of the Director or his representative, shall obliterate, alter, deface or remove any brand on the hide of any stock whether that stock is dead or alive. (2) No person shall remove the hide from the carcass of any stock that is found dead, unless that person is the owner of the stock or an agent of the owner. (3) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not less than two hundred and fifty dollars and in default of payment thereof, to imprisonment for a term not exceeding two years." Clear?

Mr. Livesey: Clear.

Mr. Chairman: "14. (1) Where the Director or his representative finds any stock with a mutilated brand or any hide that he believes has been improperly removed from a carcass, he may seize and, where he deems necessary, take away such stock or hides. (2) The Director or his representative shall deliver up possession of any stock or hides seized under subsection (1) to any person who (a) supplies evidence of ownership of the stock or hides that is satisfactory to the Director or his representative; (b) at the request of the

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Director, pays the complete cost and expenses incurred for seizing, taking away and detaining the stock or hides; and (c) undertakes to indemnify the Director or his representative in respect of all claims by other persons having a superior claim to the stock or hides. BILL #18
(3) Subject to subsection (2), the Director may at any time sell by public auction any stock or hides seized under subsection (1).
(4) Where money obtained from the sale of stock or hides seized under subsection (1) is not claimed within six months following the date of sale thereof, it shall be paid into the Yukon Consolidated Revenue Fund."

Mr. Dumas: Question. Mr. Chairman, sub-section (b) is particularly repugnant in so far as the Director might seize some hides which he believes to have been defaced and then when it is indicated to him that in fact the fellow who owns these hides is entitled to them he then has to turn around and pay the Director for seizing them.

Mr. Legal Adviser: That is only if the Director makes such a request. The Director would not - if a civil officer does something of that nature it is not normal that he would force the owner who had justified his action to pay costs, but sometimes the action cannot be justified. It may be - I can visualize a case where hides are defaced or found under certain circumstances where a crime cannot be proved to have been committed, but nevertheless highly suspicious circumstances. Under those circumstances, I can visualize where the Director might say well, you can have them back if you pay the cost, but I would ask that the section remain in because it leaves a certain amount of discretion to the Director in cases where it may be necessary.

Mr. Chairman: Is it clear?

Mr. Shaw: Clear.

Mr. Chairman: The next section is section 15, Offences and Penalties. "(1) Every person who (a) impresses or assists in impressing upon any stock a brand that is not registered, (b) impresses or assists in impressing upon any stock a brand other than the registered brand of the owner of the stock, (c) being the owner of a brand, permits the use of his branding-iron by a person who is not his agent or servant, or (d) is the owner of or has in his possession any stock on which a registered brand has not been impressed, is guilty of an offence and liable on summary conviction to a fine not exceeding eight hundred dollars and in default of payment thereof, to imprisonment for a term not exceeding two years. (2) Where a person is charged with an offence under paragraph (a) of subsection (1) and it is shown that he was the owner of or in possession of any stock impressed with a brand that is not registered, that fact shall be received as prima facie proof that he impressed or assisted in impressing that brand upon such stock. (3) Where a person is charged with an offence under paragraph (b) of subsection (1), the onus of proving that he is the owner of the stock alleged to have been impressed with a brand other than the registered brand of the owner shall be on the accused."

Mr. Chamberlist: Question. Well, 15. (a) "Every person who impresses or assists in impressing upon any stock a brand that is not registered" - there is nowhere in this ordinance where it says it is compulsory to register a brand. Well, let me first express my thoughts on it and I will argue with you later. This is the first point there. There is no mandatory requirement that a brand be registered. Now, if there is no mandatory requirement that a brand be registered, how can he be guilty of doing something that is not required? Therefore, how can he be penalized? This applies also to section (1) and (2). These are my main points and perhaps Mr. Legal Adviser can say why.

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Mr. Legal Adviser: Well, if the Honourable Member cannot get it quite straight - it is difficult for me to explain. We don't require that a person who owns stock should impress his brand on his own stock, but we do make it an offence if he goes off and impresses his own brand on somebody else's stock. This is - one of the objectives of the ordinance is to stop this. Now, with regard to sub-section (c) "being the owner of a brand, permits the use of his branding-iron", this is a necessary section because as at least one of the Honourable Members is familiar with certain types of crime which is called rustling - it is really difficult to get the man who wears the black hat and the bowtie, because you can get the person very often from the act, but the man who organizes it and who allows one of his men to impress his brand on another man's stock - it is very, very difficult to prove the link between the man who uses the branding-iron and the person whose branding-iron he is using, so this whole section is designed to bring it right home to the person who is going to get the financial benefit from rustling.

Mr. Chamberlist: Mr. Chairman, could I follow this up? Mr. Chairman, since the time we have been at this Council I have come to the conclusion that Mr. Legal Adviser can bend when errors are shown to him and I am going to ask him to bend again because he said, Mr. Chairman, that the idea of it is so that nobody will use a brand on somebody else's stock. Now, I come back again to 15 (a) and this says "impresses or assists in impressing upon any stock a brand that is not registered.", so, in other words, a man cannot brand his own stock. Is that what Mr. Legal Adviser is suggesting? I have some cattle, I don't want to register my mark but I put my mark on my own cattle. Now, I do that and according to section 15 (a) I am liable to a fine of \$800. This section (a) says any stock and this is my point.

Mr. Legal Adviser: The Honourable Member has a very good point but we do not want people going around using unregistered brands. We will only allow a certain type of brand. Now, the Game Director is much more familiar with this type of thing than I am, but he was able to draw for me a series of brands which had been designed for nefarious purposes which, linked to other brands, running w's and running m's and o bar o's and stars of various sorts which, when linked to another brand will make up a third brand. Now, this is the thing we do not want to happen. We do not want a brand registered, and then somebody else using an unregistered brand which may be able to link it up and destroy the whole purpose of the ordinance. If this section is taken out, the whole purpose of the ordinance is destroyed.

Mr. Chamberlist: I'm not concerned whether the section is taken out or not. All I'm concerned about, Mr. Chairman, is that if I have my own cattle and I want to put my mark on my own cattle, I don't want to be penalized by \$800 for doing what I want to do to my own cattle. Now, this is the main point. The other two points that I've made, and I've already said that in this ordinance there is no compulsion to register. According to what we have in this bill before us now, it is not a mandatory requirement that anybody register their brand. This is just more or less an ordinance to prepare a register of brands. Now, this is the way I read this ordinance. Not only is there no compulsion to register the brands, there is also no compulsion to brand an animal. In other words, if you don't want to brand it, there is nothing here that says you have to. If you don't want to register, there is nothing that says you have to register. Now, how will a court look at this. If anybody gets prosecuted under that, me, as an ordinary layman sitting on a bench - I would just look at it and laugh at it for the simple reason that nobody can commit an offence if it's not restricted in there. If Mr. Legal Adviser can point out where it's compulsory to register, where it's compulsory to brand, then I say section 15 (a) would come into effect, but where these

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compulsions are not there, I say that I can do what I like with my own cattle. This is the way I read it.

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Mr. Legal Adviser: I agree, this is a limitation on what you can do with your own cattle. There's no question of that. The purpose of this ordinance is to register a brand, and if nobody had to register a brand, nobody had to own any cattle, and nobody had to brand any cattle, but if you do brand cattle, any cattle, even your own, then you must first register your brand, because otherwise the purpose of the ordinance is defeated.

Mr. Chamberlist: I would like to follow this point because again Mr. Legal Adviser says even if you register your own cattle then you have to register a brand, but it doesn't say so. If Mr. Legal Adviser would point out to me in this ordinance which section he is referring to that says you must register a brand, that it is a compulsory requirement to register your brand - if you can point that out, I will withdraw my whole argument.

Mr. Shaw: That points it out there.

Mr. Chamberlist: This is every person who impresses. This is the offences and penalties on their own vehicle.

Mr. Shaw: Well, that's it.

Mr. Chamberlist: No, this is not it. Mr. Legal Adviser knows well what I'm talking about and I want Mr. Legal Adviser to show me in this ordinance which particular section makes it an act contrary to the ordinance not to register a brand and which makes it compulsory to brand an animal and by so doing where is it illegal under this ordinance for anybody to brand their own stock. If you can point this out to me, I'll withdraw my whole argument.

Mr. Legal Adviser: There is no compulsion in registering. There is no compulsion in branding, but anybody who does want to brand must use a registered brand and this is the whole flux of the ordinance.

Mr. Chamberlist: Mr. Chairman, where does it say it. I want Mr. Legal Adviser to specifically point out to me the section under which he is talking about. Now, this is a simple matter.

Mr. Legal Adviser: The section we are dealing with says any person who impresses upon any stock a brand that is not registered commits an offence.

Mr. Dumas: That's it.

Mr. Chamberlist: Mr. Chairman, this is the point I am making. Are you suggesting that a person who has his own horse, an individual that has his own horse, a child that has it's own donkey, whatever country it comes from, has to spread it's own stock. This to me seems ridiculous. I can't follow that at all.

Mr. Legal Adviser: The donkeys who come from Ireland are still there. They're not here.

Mr. Dumas: Mr. Chairman, it seems to me that if a child wants to brand his donkey, then he has to register the brand.

Mr. Shaw: Mr. Chairman, I would like to request of the Legal Adviser the implications of sub-section (d) of section 15 - "Every person who is the owner of or has in his possession any stock on which a registered brand has not been impressed." I can see, in

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#18 branding before this particular time or didn't feel this was the
age to brand them according to what somebody else may think,
apparently that would be an offence. Am I correct in assuming this?

Mr. Legal Adviser: I agree with Councillor Shaw. I think (d)
should be taken out.

Mr. Shaw: Mr. Chairman, I would move that sub-section (d) of
section 15 be taken out of this ordinance.

Mrs. Gordon: I will second that motion.

Mr. Livesey: Mr. Chairman, under section (3) it says distinctly -
sub-section (1) of section 3 - every person who is the owner of
any stock shall make a written application to the Director for
registration of a brand. Isn't this what we were talking about on
page 1?

Mr. Legal Adviser: Council agreed to amend sub-section 1 of
section (3) to read any person may make a written application.
The compulsion was taken away from section (3).

Mr. Livesey: Then, Mr. Chairman, it seems to me that the argument
is an argument against itself. First we want it, then don't want it,
then we argue against the Legal Adviser asking him why we don't want
it.

Mr. Dumas: Mr. Chairman, it seems to me that the distinction here
is not as to whether you have to brand the stock but if you are
going to brand, the brand must be registered. This is what is
compulsory.

Mr. Shaw: Agreed.

Mr. Chamberlist: Mr. Chairman, I agree with Councillor John Dumas,
and this is why I am making my argument, that if you may do it,
this means you don't have to do it, and if you don't have to do it,
how can you be penalized for doing what you don't have to do? Now,
this is the point that I'm making, and this is what I want Mr. Legal
Adviser to get at. This is exactly - Councillor Dumas has brought
it right forward.

Mr. Legal Adviser: If Councillor Chamberlist agrees with
Councillor Dumas then I have nothing more to add.

Mr. Chairman: Well, gentlemen, I have a motion before me. It has
been moved by Councillor Shaw and seconded by Councillor Dumas that
Bill No. 18, section 15, sub-section (d) be deleted. Are you
prepared for the question?

Mr. Chamberlist: Mr. Chairman, I would move an amendment to the
motion. I would move that section 15 in toto be removed from the
ordinance.

Mr. Chairman: Is there a seconder? I must then declare that there
is no motion. Are you agree

Mr. Chamberlist: Contrary. May I have my vote registered, please.
Recorded, rather.

Mr. Chairman: The next section is section 16. Do you have anything
further on 15? Councillor Gordon.

Mrs. Gordon: Looking ahead in this, and back, I think one of the things we ran into here and hasn't been delineated as far as it should be is where a head of stock has been sold. It has been legally branded but the buyer has one head of stock and he shouldn't necessarily have to impress his own on it. There should be means whereby the transfer of the title of this is taken into account without it having to be a new registered brand, and this is where I took exception to section 12 (c) where there should be a clear and full description of a particular animal. BILL #18

Mr. Legal Adviser: I would take it that when a person is making out a bill of sale they have under sub-section (d) of Section 12 to give a full description of and the location of all brands impressed on each head of stock - a description and location of the brand so that if a person buys cattle or horses from a man who has his own brand he has them for awhile and then he transfers them to somewhere else. He may or may not at his wish impress his own brand, but if he does the description of that animal is changed and in his bill of sale he will say is impressed with the x bar o and now has a running wire and that would go on the new bill of sale. This is what I would expect is the meaning of this.

Mrs. Gordon: I don't think the Legal Adviser quite understood what I meant. In the case of where one head of stock is sold, which will be a pet, it shouldn't be mandatory that this person must create a new brand to register. This should be taken into account in a sale of which it has been registered or is to be registered.

Mr. Legal Adviser: Yes, but when a person buys a head of stock either for pet purposes or for breeding purposes or for grazing purposes or for slaughter, he doesn't have to, as this bill is now before the House, he does not have to impress any brand at all on the animal.

Mr. Chamberlist: Well, I might be placed in a position of filibustering on this particular section because legislation which is contradictory is not good legislation, and where it is clear that it is contradictory we, as legislators, before it goes into force should have it corrected or thrown out all together. I'm wondering why the necessity now for this piece of legislation at all, I must revert again and ask - Councillor Dumas as already referred to section (3) (1) - and I will read it again - "any person may make a written application to the Director for registration of a brand" - and Mr. Legal Adviser will, I am sure, agree with me that may being permissive - it cannot be subject to a penalty in any event where it is permissive, so that if a person wishes to have a registered brand, he may; if he doesn't wish to have a registered brand, he may not. Now, this I think should be fair to everybody in Committee. We're a very intelligent group of people here today. Now, 15. (a), the penalty section goes on to say "Every person who impresses or assists in impressing upon any stock a brand that is not registered" and then comes in the penalty. Now, section 3. (1) says it doesn't have to, but this says that notwithstanding that you don't have to do it, if you dare to do it we're going to fine you \$800. This is ludicrous! It is! And Mr. Legal Adviser has got to sell me on the point that something that you don't have to do you can be penalized for. This is the point I want Mr. Legal Adviser to assure me that this is good legislation.

Mr. Legal Adviser: It seems to me to be good legislation. If a person wants to brand his stock he can do it, but he must register the brand. This is not unlike trade marks. If you want to use a trade mark and put it on your article you must register that trade mark and then you have got the unrestricted sole right of using a trade mark, but if you don't register your trade mark and then you

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pretend that you have or use something that is supposed to be a trade mark and pretend is a trade mark as a brand would but, in effect, by putting it on your stock pretend to be a registered brand, it then becomes an offence. This is clear from the whole tenor of the ordinance.

Mr. Dumas: Mr. Chairman, if a man owns a brand and he doesn't register it, that means he can have the brand but he cannot in fact use it or he can use it on a letterhead or something like that, but once he goes to use it then he has to have it registered.

Mr. Chairman: Well, gentlemen, may we now proceed? "16. Any person who obstructs or interferes with the Director or his representative in carrying out any provision of this Ordinance is guilty of an offence. 17. Every person who violates any provision of this Ordinance for which no penalty is prescribed is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment. General. 18. The Director may publish in the Yukon Gazette from time to time a complete list of registered brands together with the name and address of each owner thereof and the area within which each owner's stock is usually found. 19. The Commissioner may make regulations (a) prescribing forms required under this Ordinance; (b) prescribing fees for registration and transfer of registration; and (c) generally for carrying out the purposes and provisions of this Ordinance. 20. This Ordinance shall come into force on the first day of January, 1968."

Mr. Chamberlist: Question. I would like to move that section 20 read as follows: This Ordinance shall come into force on the first day of January, 2001.

Mr. Chairman: Is there a seconder? I'll declare that there is no motion. Mr. Legal Adviser, would you be prepared to take note of the amendments and changes.

Mr. Legal Adviser: There is only one that I know of, sir - two. To take out sub-section (d) of section 15, and to change sub-section (1) of section (3).

Mr. Chairman: There is also section (4).

Mr. Legal Adviser: Yes, sir, there is six words to come out.

Mr. Shaw: Mr. Chairman, I would move that progress be reported on this bill until we have the amendment.

Mr. Chairman: I shall report progress on this bill.

Mr. McKinnon: Mr. Chairman, I've spent a very interesting afternoon listening to the Members of Committee who seem to be well steeped in the folk-lore of the range. I am not an expert in this category at all. However, it does seem to me that I know of only one problem that has been faced by having the open ranges of the Yukon as they are now. This is that there are wild stallions who are running about the open ranges mongrolizing the breed that the outfitters have using the same range. All this ordinance seems to do is if a person decides he wants to have a brand he can so devise a brand and can register it. This is nice if he wants to do it, if he doesn't want to do it, he doesn't have to do it, and if he does make a brand then the brand is registered and the cattle and horses are registered also, but it doesn't seem to solve the one problem that I know of that the Yukon is facing because of the open range that they have, and the ordinance, to me, doesn't

do a blessed thing. I think our statute books are just full of ordinance that don't do a blessed thing, don't mean anything, are extraneous, are superfluous, and just useless, and I can't in all conscience see the point of putting this ordinance on the statute book at this time. I don't think it solves anything and I would like Mr. Fitzgerald's comments on this.

BILL
#18

Mr. Fitzgerald: Well, the matter of stallions running at large in areas where several different outfitters horses are ranging has always been a problem in the Territory, but at this time I have to agree that it's becoming more pronounced. Quite often an outfitter has his horses ranging where they're in an isolated area and he can regulate breeding by placing a stallion in there with them at certain times of the year but he naturally has no control over a stallion that has been dropped off there by some other owner in that range then, and this is happening in the Territory right now. The only way in which this ordinance can help possibly is the man checking his horses and finds a strange stallion with his horses and this animal is branded, he could probably be in a position to contact the owner and ask him to move the animal.

Mr. McKinnon: But the person who is going to allow this stallion to run at large is exactly the person who is not going to brand the darn thing anyway.

Mr. Fitzgerald: There is probably quite a few remedies that I think probably are practiced that could be questionable from a legal point of view, I understand, but the only way that this can be controlled, in my opinion, is that we have something in the near future or suggest something in the near future whereby stallions would have to be fenced or kept within fences, or to activate or declare pound areas under the Pounds Ordinance where a stallion could be picked out of this range and taken to this pound and left there in accordance with the Pounds Ordinance, but in the Territory where, due to the sparse population, it is quite difficult to find a proper area where a person is set up with corals, feed and water to hold animals. There's a few places here now where this can be done, but the only other solution would be to have pound areas established and proper pound keepers appointed and the government possibly supply corals, feed and water.

Mr. McKinnon: The only way that this ordinance could help solve the problem that is being brought before this table now is for this ordinance to be mandatory that everyone who has cattle have to have them branded with a distinctive brand. Now, we've already agreed that it is going to be permissive if a fellow wants to brand his cattle, he can do it; if he doesn't want to do it, he doesn't have to do it, so we've got a very nice ordinance where a guy can brand his stock if he wants to, he can register them if he wants to, and it doesn't do anything to solve the only problem that we know that we're having with the open range in the Yukon. It doesn't do a thing.

Mr. Chamberlist: Mr. Chairman, this ordinance is mandatory permissiveness because he may do it but then if he does do it he gets penalized. The need for the ordinance to be there at all, as I have already said, is ludicrous. Quite frankly, it is just a waste of time to have an ordinance brought forward that is just a lot of jibberish as far as I am concerned, because it just - I don't know who drew this up, but there's contradiction after contradiction. It's just been a waste of Council's time.

Mr. Shaw: Mr. Chairman, there have been representations from the various people that own stock that there should be a brands ordinance.

HA

BILL #18 I am not one to say there should or should not be because I don't hand livestock. However, I would point out that we had made an effort to create an ordinance and in so making this ordinance we may have not done things exactly the way they should be, but what we have done we have done, we made an ordinance that is not too restrictive at this time and perhaps in so doing not as effective as it might be. However, it is a start on something that is the desire of certain segments of the ranchers' wishes and it is something that if it doesn't work out, if we find that in practice it doesn't work out, that it requires changes, it will not be the first ordinance that has had to be changed as it went along and, as I pointed out, this is not too restrictive. It is a start, I think, in the right direction according to the thinking of some of these people who are concerned with this industry, and if we let it go at that I think later on amendments could be made if and when required.

Mr. Dumas: Mr. Chairman, it seems to me that this ordinance is designed to provide for the registration of brands, not to provide brands in themselves but to provide for the registration of brands when they are used on stock and as Mr. Fitzgerald has said some of the stock owners in the Territory would like his office to register the brands that they have used and this is what we're allowing his office to do when we pass this ordinance.

Mr. Chairman: Gentlemen, are you agreed that Mr. Legal Adviser make the necessary amendments as per your instructions today and that we proceed to another bill at this time?

Mr. Chamberlist: Contrary. Will you record my contrary motion, please.

Mr. Chairman: The next bill on our list is Bill No. 12, An Ordinance to Authorize the Commissioner to Borrow a Sum not Exceeding \$500,000 from the Government of Canada. Is it your wish that we wait for information on this bill?

All: Agreed.

Mr. Chairman: The next bill.....oh, may Mr. Fitzgerald be excused at this time.

All: Agreed.

Mr. Chairman: Thank you. Order, please. The next bill is Bill No. 16, An Ordinance to Provide for the Granting of Assistance to Persons in Need. Will you require any witnesses in relation to this Bill?

Mr. Dumas: Mr. Chairman, I wonder if Mr. Murphy shouldn't be here. What is the Committee's feelings?

Mr. Chairman: Does Committee agree?

All: Agreed.

Mr. Chairman: Mr. Clerk, would you ascertain if Mr. Murphy is available, and I'll just declare a short recess.

It was ascertained that Mr. Murphy was home sick and therefore not available.

MOTION #40 Mr. Chairman: Well, at this time, gentlemen, we will call Committee back to order and we have for our consideration Motion No. 40 - Moved by Councillor McKinnon, seconded by Councillor Chamberlist that a Member of the Yukon Legislative Council be appointed to the Legislative Programming Committee.

Mr. Chamberlist: Question. Mr. Chairman, when this matter was discussed previously, apparently some were of the opinion that I was too harsh in my remarks with reference to the administration. Mr. Chairman, it is not my intention to attack the administration or any individual in the administration as some might think. It was to show my abhorrence that after all this time, all these many years, there isn't a person, a member of this Council to be attached to that Legislative Planning Committee, and I understand now that the Commissioner is quite willing to do that and I'm sure that the Commissioner will accept my apologies if there is an apology needed that it was not intended to cast any aspersions against him but for the fact that I am quite adamant that I will do whatever I can to make sure that members of this Council are consulted in all matters of a legislative nature.

MOTION
#40

Mr. Chairman: Are you prepared for the question on the motion?

Mr. Livesey: Mr. Chairman, I think that there is a lot more to this question that is before us in Committee this afternoon, at least such that we shouldn't pass it by. This is only a small step in the direction, I think, that eventually we may need to take towards the question of legislation in the Yukon. For many years, in fact perhaps for all times since the passing of the Yukon Act in 1898, the question of legislation has emanated rightly or wrongly from those who have been running the government of the Yukon and managing the store, as you will, for the Territory, and the question of personal and residential acquaintances and influence from the general public has never been there in the question of legislation. My view upon this has been for many years that the people of the Yukon have had no attachment whatsoever to the question of legislation. No question, no influence, so what has happened is, I feel, in a good many instances under those circumstances has been that a free society of the residents of the people of the Yukon have been living under laws, not those laws that they would like to have made for themselves in order to facilitate the smooth movement and operation of such a free society, but those laws that have been found most necessary and expedient to operate a government administrative department. I feel, Mr. Chairman, in this move here, although it is only a small one, towards what eventually we may require, we will now, if the request is granted, I feel that we will have some influence on future legislation. I do believe, of course, that we will be outnumbered but this isn't really the point. The point, I think, about the motion is that we will have started upon an influence which has been long overdue and I feel that if we're moving in any direction at all then we must move towards those things that we require in the Territory which will influence legislation, that people who come here, live here, and have lived here for many years will feel that they can live. I think legislation is something like having things in your home. You either feel that you can live with them or you can't and the ones you can't live with you usually throw out, but we haven't been able to do this. We haven't been able to create the type of influence we need over legislation and I think, Mr. Chairman, that this will give us that opportunity. I thank you.

Mr. Chairman: Are you prepared for the question?

Mr. Shaw: Mr. Chairman, are we at this particular time going to discuss any of the mechanics of this particular motion? I quite agree with the motion but, at the same time as I did point out as it was brought up before Council, is the Member appointed to this particular function going to be reflecting the views of all Members of Council or will he be reflecting his own view on the matter? That is the question that I would like answered also.

Handwritten mark in red ink at the top left of the page.

MOTION #40

Mr. McKinnon: Mr. Chairman, this is a simple statement of philosophy of principle that we feel that the elected Members of this Council should have some say in the executive administrative branches of government. If this principle is accepted by the administration then comes the time at the meeting of the minds between the administration and the members that the mechanics of the motion are worked out. We must have agreement in principle before both parties before we can get down to the mechanics of such a motion.

Mr. Chairman: Are you agreed?"

All: Agreed.

MOTION CARRIED

MOTION NO. 40 CARRIED

SESSIONAL PAPER #53

Mr. Chairman: Gentlemen, the next item of business are two sessional papers. The first sessional paper is no. 53 respecting self-serve liquor store.

Mr. Chamberlist: Mr. Chairman, I wonder if we can go into recess now so I can make some notes?

Mr. Chairman: Gentlemen, it has been in order to aid the stenographic staff that we do not recess until 3:15.

Mr. McKinnon: Mr. Chairman, I would like to ask the Commissioner whether he has all the facts and figures at his tips concerning the - whether he has all the facts and figures at his fingertips concerning sessional paper no. 53, the self-serve liquor store, or whether Mr. Vars will be.....?

Mr. Commissioner: Mr. Chairman, I would be hopeful that I could satisfy Council's questions on this matter. I cannot verify this for sure, of course, until the questions are asked of me, but I think that I am in a position to answer them. Mr. Vars, in company with the Whitehorse liquor vendor, are at the moment on their way to see how Mr. Bennet deals with the fine points of this particular problem.

Mr. Chamberlist: My first point, Mr. Chairman, I take it that there is an error in this sessional paper because it appears that some conversation will cost \$20,000. "Advice from a firm of Stores Engineers places the approximate cost of conversation at not more than \$20,000...."

Mr. Commissioner: Mr. Chairman, this is the first error we ever make.

Mr. Chairman: Gentlemen, do you have anything specific in relation to the sessional paper no. 53?

Mr. Chamberlist: I wonder, Mr. Chairman, if the Commissioner has obtained any local costs as to the conversion of the area?

Mr. Commissioner: No, Mr. Chairman, all we have at the moment is engineering costs and if Council see fit to give their approval to this move, these matters will be getting called on tender in the normal way. I have no tenders, there has been no tender called. What we have is engineering estimates. There are two engineering estimates, one from a store of engineering - a firm of store engineers who we brought in to give us the proposed layout and possible cost figures, and our own engineering department in turn gave us their approximate cost figures for the necessary internal

partition booths that have to be made in the building in question, and these total what you are told here, irregardless of the word "conversation" if we can tun this into "conversion" to be not more than \$20,000.

Mr. Chairman: I might ask a question from the chair. Where is the money going to come from for this in view of the fact that we don't have any?

Mr. Commissioner: This is available in the unallocated building fund - I believe this is a part of the capital estimates that were passed at the spring session.

Mr. McKinnon: Mr. Chairman, I would like to ask Mr. Commissioner about the staffing of employees when this new store goes into operation. I notice by the paper that it's anticipated that, in fact, there might well be a reduction in staff of possibly two or more employees. Will the employees now at the liquor store be laid off, two employees, or will this come about through attrition?

Mr. Commissioner: Through attrition, Mr. Chairman.

Mr. Chamberlist: While on this I would like to have the Commissioner answer, if he can say where has the power the government has to even be in the liquor business. Where the administration has a right to be in the liquor business, I have often wondered that. I thought perhaps this is a good time for Mr. Commissioner to be able to get an answer from the administration where this power is available, and the other question I would like to ask at this time is whether the liquor ordinance is a regulatory thing or a profit-making thing. I'd like to have it clear in my mind the normal facet of liquor control and sales in the Territory, and this is a good chance to get those answers.

Mr. Commissioner: Well, Mr. Chairman, I would have to pass the technical answers on to the Legal Adviser for this observations for the benefit of the Council, but I would say this that if anything happened that legal or otherwise that the Territorial Government found that they could not be in the liquor business for profit, our financial position would deteriorate to an even worse state than what it is at the present time. Could I ask Mr. Legal Adviser if he would pass comment on this?

Mr. Legal Adviser: I don't want to give a quick answer because I haven't even got the ordinances with me, but as of basic law we have the power to buy and sell as part of the normal administration. What we do is irregulate the power of anybody else to buy and sell liquor. This is basically a form of taxation apart from the sale.

Mr. Chairman: Is there anything further on this paper?

Mr. Dumas: No.

Mr. Chairman: The next sessional paper then, gentlemen, is sessional paper no. 57, the Carcross Cemetery.

Mr. McKinnon: Before we go on to this paper, I wonder whether this Committee could give approval in principle to the idea of sessional paper no. 53 of a self-serve liquor store?

Mr. Chairman: Oh, I didn't note that it was.....

SESSIONAL PAPER #57 Mr. Commissioner: Excuse me, Mr. Chairman, due to a further error on my part as well as the "conversation", we should have finished the paper off here by saying that Council's approval is respectfully requested. I wonder if that could be included.

All: Agreed.

Mr. Chairman: Would someone so move?

Mr. McKinnon: I would move that sessional paper no. 53 be agreed upon.

Mr. Dumas: I'll second that.

Mr. Chairman: It has been moved by Councillor McKinnon and seconded by Councillor Dumas that Committee agree with recommendations in sessional paper no. 53. Are you agreed, gentlemen?

All: Agreed.

MOTION
CARRIED

MOTION CARRIED

Mr. Chairman: We will proceed to sessional paper no. 57, the Carcross Cemetery.

Mr. Chamberlist: There is just one question I would like to have Mr. Commissioner answer and that is could you advise, Mr. Commissioner, where does the money come from to take care of this new historical sites policy? Is it a federal grant or is this expected to be Territorial funds?

Mr. Commissioner: Mr. Chairman, this was an item that Council - a program that Council gave assent to at the spring session and funds were voted and had been used in a minimal amount since that time, I believe mainly in getting the initial meeting of the historic sites board established and set up, and this program that we are referring to here is not to supercede or take priority over the federal program of National and Historic Sites, but to take care of those things in the Territory that the National Board does not accept as national in scope. In other words, these are items of purely Territorial interest and this is our means of bringing about a program that will preserve them in a similar manner to what the National Board does for national historic sites.

Mr. McKinnon: I understand that there is a study being undertaken to give a priority to what sites should be chosen as historical sites. Is this correct and is such a report available?

Mr. Commissioner: There are two such programs - one on the national level and, as you know, the National Historic Sites Board held a part of their annual meeting in the Territory this year, and I believe that they either have or are in the process of making recommendations to the Minister with regard to historic sites in the Territory, particularly as they apply to the gold rush period and the Trail of 98 from the B.C./Alaska/Yukon Border right through to Dawson City. In so far as the Territorial program is concerned, we intend to undertake a similar program, but this will be an item that we hope will be in the next year's budget and that Council will see fit for the administration to go ahead and conduct this program.

Mr. Chairman: Are we clear on this paper, gentlemen?

Mr. Chamberlist: Clear.

PA

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Mr. Chairman: The only remaining sessional paper that I have, or anything for that matter that I have for you this afternoon, is the matter of finance. Is it Mr. Commissioner's wish to proceed at this time?

Mr. Commissioner: If Council so wish, I personally would have to absent myself at about ten to four today, but if it is Council's wish to proceed with that, I can have Mr. MacKenzie here available.

All: Agreed.

Mr. Chairman: Well, I will declare Committee in recess at this time

Thursday, 30 November, 1967.
3.30 P.M.

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PAPER #54.

Mr. Chairman: At this time I will call Committee to order and under Sessional Paper No. 54 under Finance, I believe you have all been provided with a spread sheet respecting the current position of the Territory in relation to finance. I wonder if you would proceed. Mr. Commissioner, I wonder if you'd like to kick this one off.

Mr. Commissioner: Yes, this is further to the discussions we had on Sessional Paper No. 54 a day or so ago, Mr. Chairman and you specifically asked to be informed as to the monies which had been expended so far in the fiscal year; what the element of cut-back has been where it was applicable and what funds were still available or what funds were unexpended and I think we have been able to supply you with information as of the 31st of October and in a few days time we will have a similar situation which will bring you up to the 30th of November. So, perhaps the best thing Mr. Chairman would be for Mr. MacKenzie and myself to endeavour to answer Council's questions. I am sure that they have questions on these things. If there is anything further we will be happy to help.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I would like to know if the increases shown in expenditures are primarily due to wage increases. I would like to have some idea of what the increases are for as shown on the front page.

Mr. Commissioner: In other words the two figures that you are referring to, Mr. Chairman, would be the 1966-67 April to October would be \$3,980,000.00 compared to the same period of \$4,645,840.00. Well, Mr. MacKenzie, what is the biggest element of increase here, approximately three-quarters of a million dollars.

Mr. MacKenzie: Now, let me get these figures straight - \$3,980,000.00 as compared to \$4,645,840.00. There is no doubt that salaries and wages will be a factor in that; no doubt about that whatever. Approximately \$760,000.00 increase which is about 20%. I would say very largely that increase is due to higher salary and wages. That is as close as I can go to it - very largely.

Mr. McKinnon: Mr. Chairman, as far as I can understand from the spread sheets before us that we have a cut-back of \$587,403.00 in the operation and maintenance part of it and we have a cut-back of \$3,428,650.00 in project capital. I think that Council and the people of the Territory would be very interested in learning how these cut-backs are going to be affected - what programs are going to be curtailed.

Mr. McKenzie: Well, the cut-backs were achieved by deleting provision in the Main Estimates for particular expenditures such as, for example, new positions on the staff. Wherever possible these have not been filled and they represent quite a substantial saving.

Mr. McKinnon: Mr. Chairman, we take an expenditure like Health. We have a cutback of \$100,287.00. Is the Treasurer able to break that down and what will the cut-back consist of as far as salary goes and what the cut-back consists of as far as Health programs in the Territory; what portion of each.

Mr. MacKenzie: The health cut-back was achieved by apply-

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Mr. MacKenzie continues.:

ing a percentage of 25% to the money provided in the Main Estimates and that represented an average percentage of lapsing balances over the preceeding three years. It would seem to me to be safe to take off 25% for the fourth year.

Mr. McKinnon: Am I to understand that under Operation and Maintenance then that there is actually no cut-backs in any programs considering health in the Territory; that this is just money that had been over-estimated previously and now it is in proper relationship.

Mr. MacKenzie: That is the hope, yes - hope that the 25% cut-back will represent over-estimated funds by the Department of National Health and Welfare.

Mr. McKinnon: And if it doesn't Mr. Chairman.

Mr. MacKenzie: Well, if it is unavoidable to spend this money we shall have to spend it and put up with a reduced cut-back. Instead of a cut-back of \$100,000.00 it would be somewhat less.

Mr. Chamberlist: Mr. Chairman, Mr. MacKenzie, looking at the project capital sheet, it appears that the main vote for capital project was \$6,161,838.00. The cut-back on that is well over 50%. There is a cut-back of \$3,284,198.00. I wonder Mr. MacKenzie if you could tell us, all those cut-backs that are involved in that amount?

Mr. MacKenzie: Yes, I can supply that information, but I think perhaps I should confine my reply to the principal items because if I go into detail it will involve a bit too much.

Mr. Chamberlist: Mr. Chairman, I would ask you to go into detail because the question that was asked by the Honourable Member from Whitehorse North dealt with health and I would want to know if there are any of the cut-back items in that particular section.

Mr. MacKenzie: Now I will give you the large items first and if you wish I will give the detail after. The first large item which has been cut-back is the Senior Secondary School in Whitehorse. We provided \$785,000.00 in the Main Estimates for that and we expect to spend only \$15,000.00 on it; so that's a cut-back of \$770,000.00.

Mr. Chamberlist: Can I interrupt here a moment, please?
Mr. Chairman, Mr. MacKenzie, this \$785,000.00, this is normally a capital expense that is almost all supplied by the Federal government.

Mr. MacKenzie: It is borrowed entirely, Mr. Chairman, from the Federal Government and the money with which to repay the loan is provided by way of a grant from the Federal Government.

Mr. Chamberlist: Yes, Mr. Chairman, this is what I am getting at Mr. MacKenzie, so that in actual effect, when you say it is borrowed from the Federal Government and paid back as a grant by the Federal Government, it really is no item in a Fiscal Agreement as far as money is concerned that comes from the local taxpayer himself. This is an out and out grant that would be given in any event if we were a province. This would apply to any province - it is Federal Government policy.

Mr. MacKenzie: No, Mr. Chairman I don't think this would

Mr. MacKenzie continues...
apply to the provinces at all. Capital arrangements are quite simply these. I'd better state it clearly: any capital needs we have we borrow from the Federal Government; it doesn't matter what and the money to repay is provided by grant from the Federal Government, Territorial funds are therefore not affected.

Mr. Commissioner: Yes, but Mr. Chairman, to supplement Mr. MacKenzie's remarks here, this is down on a priorly agreed basis with the Federal Government; this isn't something that we wake up tomorrow and decide we want to borrow a Million Dollars to put up a glue factory at the end of Strickland Street and they give us a million dollars. This is done on a priorly arranged basis.

Mr. Chamberlist: Well, I'm opposed to the Territorial Government getting into the glue business in any event.

Mr. Chairman: Councillor McKinnon. Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I have asked for some information - Mr. MacKenzie was giving me the information.

Mr. MacKenzie: The next large reduction was the new Whitehorse Dormitory, provided \$806,775.00 in Main Estimates for that and we expect to require only \$15,000.00. That means a saving of \$791,775.00 this year.

Mr. McKinnon: This Mr. Chairman, was for dormitories accommodation for out of town students attending high school in Whitehorse?

Mr. MacKenzie: That is so. For new classroom constructions we provided \$298,500 in the Main Estimates and we expect to require only \$12,500.00. That is the reduction of \$286,000.00.

Mr. McKinnon: Mr. Chairman, I wonder if I could ask Mr. MacKenzie if this Estimate was given by the Department of Education to Treasury Department that would be the amount they felt would be needed to be expended on new classrooms to house the growing school population, this \$298,500.00?

Mr. MacKenzie: This was the provision in the Fiscal Agreement. We had seven classrooms for the year 1967-8 and the cost per classroom was estimated at \$40,000.00. That is \$280,000.00 and the difference of \$180,000.00

Mr. McKinnon: Mr. Chairman, these Estimates are generally in the Estimates because the Head of the Department of Education feels these classrooms are going to be needed to meet the needs of the expanding school population, is that not correct.

Mr. MacKenzie: Yes, that is correct.

Mr. Commissioner: Could I supplement that by one further thing, Mr. Chairman. One element of this involves the construction of the school at Clinton Creek and we were advised, approximately May, about that time, by the Clinton Creek Company, that they would not have any families in residence at the mine site this Fall and this was one of the places we did not proceed with a school. This one is in the

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Mr. Commissioner continues... category of a delayed expenditure and also there was the possibility of having to do something greater than we found necessary to do at Ross River in connection with the Anvil property. I think we had to bring in one, Mr. Chairman, was it one further classroom? And we estimated that we might have to bring in more than that. This is the basic reasoning behind this unallocated classroom construction.

Mr. Chairman: We might say that Classroom was at Ross River, not Anvil.

Mr. Commissioner : Excuse me, I'm sorry.

Mr. Chamberlist: Carry on Mr. MacKenzie.

Mr. MacKenzie: The next substantial cut-back was in teacherage constructions. We provided \$120,250.00; we expect to need only \$12,500.00; that means a reduction of \$107,750.00.

Mr. McKinnon: Mr. Chairman, could Mr. MacKenzie explain what he means when he says we expect to need, has it come about that the additional teacherage accommodation is no longer needed.

Mr. MacKenzie: I'm just being cautious, Mr. Chairman, we haven't reached the end of the Fiscal year yet, shan't know exactly how much we need until we do.

Mr. McKinnon: Well, I wonder if I could address a question to Mr. Commissioner. Mr. Commissioner, was there a need for a new teacherage when the estimates were brought before Council in the Spring Session?

Mr. Commissioner: The need existed then and it exists today. We are getting by by continuing to use in Whitehorse here two teacherages that I am told by the Department of Education are not properly organized for our needs; one of them being the old CPA Staff House on Fourth Avenue and the other one being the old T.C. Richards home directly behind the Federal Building. This applies to Whitehorse only and I understand there are other situations, at Dawson particularly, where I understand the teacherage **construction** is not satisfactory.

Mr. Chamberlist: Mr. MacKenzie, will you carry on?

Mr. MacKenzie: The Dawson Cottage Hospital - \$600,000.00 provided, only \$21,394.00 estimated now as being required. That means a cut-back of \$578,605.01. General Health Services - Voted \$198,800.00 and expect to need \$97,747.00 only and that means a cut-back of \$101,052.88.

Mr. McKinnon: Can this be broken down further?

Mr. MacKenzie: Yes, I think so - allow me to get some papers.

Mr. McKinnon: While Mr. Treasurer is out I would really like to have this detailed information of the cut-backs documented before this table.

Mr. Chairman: Does Committee agree?

Mr. Shaw: Isn't this going into the records?

Mr. MacKenzie: I think you had better allow me to prepare a statement of this. It is complicated - the cost-sharing arrangements. If you don't mind I'll prepare a statement this afternoon, after this meeting and provide it for you tomorrow morning.

Mr. McKinnon: Mr. Chairman, I would very much appreciate it if the members of this Committee get a detailed break-down of both the operating and maintenance cut-backs and the project capital cut-backs.

Mr. Chairman: Is this just in relation to this one Department?

Mr. McKinnon: It is in relation to all the cut-backs of \$3,284,198 in Project Capital and in the Operation and Maintenance \$487,403.00 cut-back.

Mr. Chairman: Committee concur?

All: Agreed.

Mr. MacKenzie: I will have the statements prepared for you - do you wish to cover everything in the cut-backs or just the large items; it is quite a major operation if you want everything.

Mr. Chamberlist: Well, with respect, Mr. Chairman, if it is a major operation it should have been recognized earlier. Administration knew we wanted this...

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

Mr. McKinnon: Mr. Chairman, I believe it would be very edifying for Committee to have this information available and as far as Mr. Commissioner had asked to be excused at ten to four this afternoon; whether we should continue on finance without the break-down figures I have asked for without the Commissioner's presence, I'm at the will of the Committee.

Mr. Chairman: Well, would Committee agree then that we leave the matter at this time and proceed with it at some other time when we have the information?

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, may I ask Mr. MacKenzie if the total cut-backs that have been provided bear a direct proportionate relationship to the amount of taxes which were denied to the negotiators of the fiscal agreement by the previous Council.

Mr. MacKenzie: Well, I don't see how they relate at all. The taxes which were rejected total \$660,000.00. Whereas the cut-backs are, or course, substantially more.

Mr. Livesey: Mr. Chairman, my question, I believe, is directly related to the question of taxes raised in the Territory as compared with the amount of money supplied by the Federal Government for operation and maintenance and perhaps even for capital; if capital is included, to cover the entire cost of government in the Yukon. I feel sure that there is a relationship to what we raise herein in comparison to the over-all cost and my question relates to this proportionate relationship.

SESSIONAL
PAPER #54

Mr. MacKenzie: I am unable to say at the moment exactly whether that is the case. I would doubt it very much. We have not reached the stage where we govern expenditures by income provided in the Territory.

Mr. McKinnon: Mr. Chairman, we already have an answer to this question provided in a paper tabled by the Administration saying that the reduction in operation and maintenance is equivalent to percentage of the original revenue - original revenue represented by the additional revenue rejected by Council. But in addition to this relationship, and there goes the project capital out the window - no relationship at all; it's just a unilateral cut-back of Territorial funds.

Mr. Chamberlist: Mr. Chairman, this is a point that must be recognized. These major items read out by Mr. MacKenzie showing for instance the Senior Secondary school here of \$785,000.00; all we need is \$15,000.00 - a couple of us here can get a loan and put up an extra building then, in that case. This is the point here that for a matter of \$180,000.00 and the amount has already been expressed, that is nearly two and one-half million in money cut-backs; this is the point that there has been no relationship at all and I think Mr. MacKenzie has been quite truthful. He is somewhat surprised too apparently, by the look on his face that there should be cut-backs like this.

Mr. Chairman: Gentlemen, I believe the Commissioner does have an appointment and he did ask to be excused at this time. Can Mr. MacKenzie also be excused? Thank you gentlemen.

Mr. Chairman: Since we have run out of work again, what is your further pleasure?

Mr. Legal Adviser: Mr. Chairman, I should say that there are a lot of Bills on which I have drafts and are in the process of going through the pipe line at the moment so this may cause some hold-up. I think the Councillors have still got the Insane Persons Ordinance, Bill No. 1; I'm not sure what stage that has reached.

Mr. Chairman: That is dead in Committee.

Mr. Chamberlist: It would be insane to continue with it, Mr. Legal Adviser.

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

Mr. McKinnon: Mr. Chairman, I would move that Mr. Speaker resume the Chair and hear the Report of Committee.

Mrs. Gordon: I second that motion.

Mr. Chairman: It has been moved by Councillor McKinnon and seconded by Councillor Gordon 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.

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

Mr. Chairman: Mr. Speaker, Committee convened at 10.55 A.M. to discuss Bills, Motions and Sessional Papers. Mr. Fitzgerald attended committee to discuss Bill No. 18. It was moved by Councillor Dumas, seconded by Councillor Chamberlist that Section 3, sub-section (1) of Bill No. 18 be amended to read: "any person may make a written application to the Director for registration of a Brand". And this Motion carried. It was moved by Councillor Chamberlist, seconded by Councillor Shaw that Section 4 sub-section 1 of Bill No. 18 be amended to delete the last six words. This Motion carried. Upon Motion Committee recessed at twelve noon and reconvened at 2.00 P.M. It was moved by Councillor Shaw, seconded by Councillor Dumas that Bill No. 18, Section 15, sub-section 15 be deleted. This motion carried with Mr. Chamberlist opposed. I can report progress on Bill No. 18. Motion No. 40 was carried in Committee. It was moved by Councillor McKinnon, seconded by Councillor Dumas that Committee agrees with recommendations contained in Sessional Paper No. 53 and this Motion carried. Mr. MacKenzie attended Committee to discuss Sessional Paper No. 54. It was moved by Councillor McKinnon and seconded by Councillor Gordon that Mr. Speaker do now resume the Chair. This Motion carried.

Mr. Speaker: Are we agreed with the report of the Chairman of Committees. May I have your further pleasure?

Mr. Chairman: Mr. Speaker, with respect to the Agenda for tomorrow, if Mr. Murphy could be available we could proceed with one of the Bills and I believe there are some amendments being prepared by the office of the Clerk so I would suggest Bills, Sessional Papers and Motions for tomorrow.

Mr. Speaker: Are we agreed?

All: Agreed.

Mr. Speaker: May I have your further directions.

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

Mr. Chamberlist: I second that Motion.

Mr. Speaker: It has been moved by the Honourable Member from Dawson and seconded by the Honourable Member from Whitehorse East 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

MOTION
CARRIED

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

Page 660.
Friday, December 1, 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. Are there Reports? Introduction of Bills.

Moved by Councillor Dumas, seconded by Councillor Shaw, that Bill No. 19, An Ordinance to Provide for the Central Filing and Publication of Regulations, be introduced at this time.

BILL #19
INTRODUCED

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Are there any further Bills for introduction at this time? Notices of Motion or Resolution.

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion this morning respecting Law Enforcement Policies, Teslin.

NOTICES
MOTIONS
#44

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

Mr. Shaw: Mr. Speaker, I would like to move Notice of Motion in relation to Dawson Bridge.

#45

Mr. Speaker: May we pass to Orders of the Day - Notices of Motion for the Production of Papers. If there are no Notices of Motion for the Production of Papers, we will now move to Motions for the Production of Papers and we have here for our attention this morning Motion for the Production of Papers No. 10, moved by Councillor McKinnon, seconded by Councillor Chamberlist, "That the agreement between the Anvil Mining Corporation and the Government of the Yukon Territory be tabled."

MOTION FOR
PRODUCTION
OF PAPERS
#10

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Motions for the Production of Papers standing on the Order Paper remain Nos. 4, 5, 6, 7, 8 and 9. May I direct a question at this time to Mr. Clerk and ask him if he has any news for us regarding these Motions.

Mr. Clerk: No, Mr. Speaker. Nothing more.

Mr. Speaker: Thank you Mr. Clerk. Under Motions, we have Motion No. 40, Mr. McKinnon, moved into Committee, and No. 42, we have Mr. Chamberlist, Department of Education forms.

Mr. Taylor: Mr. Speaker, Motion No. 40 was carried in Committee yesterday.

Mr. Speaker: Yes. I was about to ask this question of Mr. Clerk. As we are now passing to the question period, I wonder, Mr. Clerk, if we could have the Commissioner with us this morning.

Mr. Chamberlist: Mr. Speaker, point of order. Motion No. 42.

Mr. Speaker: Oh. Do I understand that this is in Committee or not in Committee?

Mr. Chamberlist: Not in Committee. Notice of Motion was yesterday and the Motion is to be read today.

Mr. Speaker: Thank you, Mr. Chamberlist. I don't have a copy on my Orders of the Day this morning.

Mr. Taylor: Mr. Speaker, this was under yesterday's Orders of the Day.

MOTION #42

Mr. Speaker: Yes, this is the Motion that was held over from yesterday. Motion No. 42, moved by Councillor Chamberlist, seconded by Councillor Dumas, reference Department of Education Forms. "That certification section of Leave Application Form be removed." Would the Member be prepared to discuss this question at this time?

Mr. Chamberlist: Yes, Mr. Speaker. Since the Motion was put forward, I am pleased to advise that the Administration have removed the form from use and have replaced it with another form which is quite satisfactory and, therefore, I would ask permission of Council to withdraw the Motion as it is not now applicable.

Mr. Speaker: Are we agreed unanimously that this Motion No. 42 be withdrawn?

Mr. Dumas: Mr. Speaker, I will withdraw as seconder.

Mr. Speaker: Does the House agree unanimously that this Motion be withdrawn?

All: Agreed.

MOTION #42
WITHDRAWN

MOTION WITHDRAWN

Mr. Speaker: I am given to understand that Mr. Commissioner will be here immediately. I wonder if I could ask Mr. Clerk, with regard to questions standing on the Order Paper, Nos. 12, 17, 18, 19, 20, 21, 22, 23, 24 and 25, if he has any further information on when these questions will be answered for the information of the House.

Mr. Clerk: Mr. Speaker, we are making every effort to get these questions answered as quickly as possible. We are doing everything I am sure in our power to answer these questions as soon as possible.

Mr. Speaker: Thank you, Mr. Clerk. I will call a five minute recess.

Mr. Commissioner enters the Council Chambers.

Mr. Speaker: I will now call Council to order. We are in the question period. You may proceed, gentlemen.

QUESTION
LIQUOR TAX
IN MINI
BUDGET

Mr. Taylor: Mr. Speaker, I would like to direct a question to Mr. Commissioner this morning in relation to the Mini Budget in which a 10% tax has been levied on liquor across Canada. My first question this morning is in relation to the levying of this tax. Will this tax be placed at the purchasing level? In other words, when the Territorial Government buys the liquor, the tax is paid, or is this tax to be placed on retail sales after the liquor is sold?

AA

Mr. Commissioner: Mr. Speaker, I have no ability to answer this question. I know just exactly as much about it as what the man who asked the question, namely what I heard on the radio. Until I hear more detail about it, I haven't got a clue.

QUESTION RE
LIQUOR TAX
IN MINI
BUDGET

Mr. Taylor: Supplementary to this then, Mr. Speaker, may I assume that the Federal Government have not communicated this matter to the Territorial Administration as yet?

Mr. Commissioner: Not to my knowledge, Mr. Speaker.

Mr. Dumas: Mr. Speaker, just as a matter of interest and information, could the Commissioner tell us if there have been any major developments in the shopping centre across the river...or any decisions made?

QUESTION RE
SHOPPING
CENTRE

Mr. Commissioner: Not that I am aware of, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, a question to the Commissioner. It is my understanding, Mr. Commissioner, that you had an informal meeting with the City Council last night where four senior members of the Administration took part. Could you give a report to Council as to what happened during that meeting re the shopping centre?

Mr. Commissioner: Mr. Speaker, this was a meeting that was called by City Council. I was invited to it and Mr. Mayor was the Chairman of the meeting and I think that as a matter of due courtesy, I think that whatever is to be reported from that meeting should come from the Chairman of the meeting.

Mr. Speaker: Thank you, Mr. Commissioner.

Mr. Chamberlist: Mr. Speaker, a question to Mr. Commissioner. Will the Commissioner be making any statement for the interest of Territorial Council re the discussions that took place last night at this meeting?

Mr. Commissioner: Mr. Speaker, I would be waiting to hear directly from City Council and as soon as there is some direct communication from them, then I would be in a position to analyze that.

Mr. Chamberlist: Mr. Speaker, a question to the Commissioner. Am I allowed to preamble this question, Mr. Speaker? It relates to the same subject.

Mr. Speaker: Well, according to the rules of the House in making a question, observations which might lead to debate cannot be regarded as coming within the proper limits of a question and the purpose of a question is to obtain information and not to supply it to the House. Bearing that in mind, Mr. Chamberlist, you may proceed.

Mr. Chamberlist: Mr. Commissioner, the land with reference to the shopping centre is in Territorial area. It is in my Territorial constituency. I would ask Mr. Commissioner this question. During your discussions, have any decisions been made or have there been any agreements as to whether those lands within my Territorial constituency are being allocated for the purpose for which the Metropolitan Plan area provides, that is a shopping centre?

QUESTION RE Mr. Commissioner: Mr. Speaker, do I take the question to
SHOPPING be has any decision been made about the granting of a land
CENTRE application to put it to the use for a shopping centre? Is
this what I take the question to be?

Mr. Speaker: I will get clarification, Mr. Commissioner.
Mr. Chamberlist.

Mr. Chamberlist: Mr. Speaker, that is not the suggestion.
The question relates to the fact that the land is within
my constituency and I wish to know what discussions Mr.
Commissioner had with the City Council relative to that
land which lies in my constituency and the discussions
relating to the shopping centre that it has been proposed
will be on that land.

Mr. Speaker: I will have to rule that question out of
order. I believe the Honourable Member has been answered
as far as the Commissioner can go at the moment. Are there
any further questions?

Mr. Commissioner: Mr. Speaker, may I have the opportunity
of answering as well as I can a question that was put yester-
day morning concerning Medicare.

Mr. Speaker: Proceed.

MEDICARE Mr. Commissioner: The question was asked if there is any
further information on hand regarding Yukon's participation
in Medicare and I find that the situation at the moment in
the Administration is that we are endeavouring to determine
what legislation, if any, has got to be constructed to permit
the Territory's participation in the Federal program. Also,
we are endeavouring to get some kind of estimates on the
costs of this program and possible sources of funds to secure
these costs are being examined but the whole situation is so
preliminary at this point that even at the Senior Government
level, that it is practically impossible for us to come up
with any firm recommendations to Council at this time.

Mr. Taylor: Mr. Speaker, I have one question to direct to
Mr. Commissioner. In view of the imposition of a Federal
liquor tax being effective today, I wonder if Mr. Commissioner
would consider taking my two previous questions on this sub-
ject as notice and possibly being able to give us an answer
on Monday.

Mr. Commissioner: Mr. Speaker, I will do my very best but
I would suggest that possibly Tuesday might be a lot better
because my ability to get information out of Ottawa today...
they are practically now at the end of the working day, Mr.
Speaker. I would suggest that it would more than likely be
Tuesday before I can give you this information.

Mr. Speaker: Are there further questions? If not, may we
now proceed to Public Bills and Orders.

FIRST Mr. Dumas: Mr. Speaker; I move for First Reading Bill
READING No. 13, An Ordinance to Authorize the Commissioner to Enter
BILL #13 into An Agreement with the Anvil Mining Corporation Limited.

Mr. McKinnon: Mr. Speaker, on a point of order. Was this
not given First and Second Reading yesterday?

Mr. Speaker: Not to my knowledge.

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

FA

Mr. Speaker: Moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Dawson, that Bill No. 13, An Ordinance to Authorize the Commissioner to Enter into An Agreement with the Anvil Mining Corporation Limited, be given First Reading at this time. Is the House prepared for question on the Motion? Are we agreed?

FIRST
READING
BILL #13

All: Division.

Mr. Speaker: A division has been called. Mr. Clerk, will you proceed.

Mr. Clerk: The Member from Whitehorse North.

Mr. McKinnon: Nay.

Mr. Clerk: The Member from Whitehorse East.

Mr. Chamberlist: Nay.

Mr. Clerk: The Member from Dawson.

Mr. Shaw: Yea.

Mr. Clerk: The Member from Watson Lake.

Mr. Taylor: Nay.

Mr. Clerk: The Member from Mayo.

Mrs. Gordon: Yea.

Mr. Clerk: The Member from Whitehorse West.

Mr. Dumas: Yea.

Mr. Clerk: The vote is tied 3 - 3, Mr. Speaker.

Mr. Speaker: Thank you, Mr. Clerk. I will cast my vote in favour of the Bill in order to keep this before the House and I will declare the Motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: When will the Bill be read for the second time? Now?

Mr. Dumas: Now, Mr. Speaker. I move for Second Reading Bill No. 13, An Ordinance to Authorize the Commissioner to Enter into An Agreement with the Anvil Mining Corporation Limited.

SECOND
READING
BILL #13

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

Mr. Taylor: Mr. Speaker, speaking to the Motion in relation to the principle of the Bill.....

Mr. Speaker: Order. It has been moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Dawson, that Bill No. 13, An Ordinance to Authorize the Commissioner to Enter into An Agreement with the Anvil Mining Corporation, be given Second Reading at this time.

SECOND
READING
BILL #13

Mr. Taylor: Mr. Speaker, in speaking to the Motion, I am not in favour in relation to the principle of this Bill on the grounds that I gave yesterday in relation to a prior Bill. I know of no agreement which even presently exists between the Anvil Mining Corporation and the Territorial Government because it is my information that no such agreement...at least a draft form...has been submitted to that Corporation. I feel, again, that until a copy of that Agreement is available for Members of Council that we should reject this Bill and allow the Federal Government to continue with their own private agreement.

Mr. Chamberlist: Mr. Speaker, I will vote against the Motion because there is already a notice for the Production of Papers for this Anvil Agreement that has been referred to to be tabled and until such time as I get an opportunity to examine the contents of an agreement, I will be opposed to it.

Mr. Speaker: Thank you, Mr. Chamberlist.

Mr. McKinnon: Mr. Speaker, I would like to draw the Honourable Members' attention to Annotation 381 of Beaudesne which reads, "The second reading of a Bill is that stage when it is proper to enter into a discussion and propose a motion relative to the principle of the measure." Mr. Speaker, I find it very hard even though this agreement when it is tabled and when it is signed may be of mutual benefit to both the Anvil Mining Corporation and to the Government of the Yukon Territory, I fail to see how a Member can accept the principle of this Agreement when such Agreement is not before us and hasn't been seen by anybody.

Mr. Speaker: Is there further discussion.

Mr. Shaw: Yes, Mr. Speaker. For quite a number of years, I have given Second Reading to an appropriation bill for the expenditure of public funds...every spring...a small amount of 8, 9, 10, 12, 15 million dollars...and there were many expenditures in that Bill that we didn't have any particulars whereof until we got the particular portion, yet I never seemed to have...or feel any problems where it didn't pass. There were many things that perhaps some people could say, some Members could say, or I could say, or somebody else could say, that they were against the principle of spending public funds in this particular amount so I fail to see any lack of principle whatsoever in proposing this for Second Reading.

Mr. Dumas: Mr. Speaker, the way this Ordinance reads.... it says it's "An Ordinance to Authorize the Commissioner...."

Mr. Speaker: Order. One cannot discuss the clauses of the Bill at this moment. We can just discuss the principle.

Mr. Dumas: At any rate, I am not convinced that there has been an agreement as such entered into. It may be that there has been but according to this Bill, we are authorizing the Commissioner to enter into an Agreement, to start to negotiate for an Agreement. The principles, the technicalities of that Agreement can be discussed in Committee if there has been an outline for the Agreement made already. We can go into discussion of this in Committee. It's difficult to go into discussion of it if there hasn't been an Agreement drawn up.. and we don't know if there has. We can't have it presented to us and we certainly can't discuss it unless this Bill gets to Committee.

#

Mr. Speaker: Thank you, Councillor Dumas. Is there further discussion? Is there any further discussion on the Motion before the House that Bill No. 13 be read for the second time? Is the House prepared for the question on the Motion? Are we agreed? SECOND
READING
BILL #13

Mr. Speaker: Does the House require a division?

All: Division.

Mr. Speaker: Mr. Clerk, would you please proceed.

Mr. Clerk: The Member from Whitehorse North.

Mr. McKinnon: Nay.

Mr. Clerk: The Member from Whitehorse East.

Mr. Chamberlist: Nay.

Mr. Clerk: The Member from Dawson.

Mr. Shaw: Yea.

Mr. Clerk: The Member from Watson Lake.

Mr. Taylor: Nay.

Mr. Clerk: The Member from Mayo.

Mrs. Gordon: Yea.

Mr. Clerk: The Member from Whitehorse West.

Mr. Dumas: Yea.

Mr. Clerk: The vote is divided 3 - 5 Mr. Speaker.

Mr. Speaker: Thank you, Mr. Clerk, and in accordance with the Rules, I will vote in favour of the Motion in order to keep this Bill before the House. I will declare the Motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Gentlemen, may I have your further pleasure.

Moved by Councillor Shaw, seconded by Councillor Dumas, that Mr. Speaker do now leave the Chair for the purpose of convening in 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: Gentlemen, we have before us several Bills. Unfortunately Mr. Murphy will not be able to attend with us. He is still ill....in relation to the Bill we were to discuss this morning....and Dr. Shields is not available as he is still travelling today from Dawson to Whitehorse. However, you have four Amendments which we received this morning and possibly we could proceed with these.

Mr. Commissioner: Could I ask, Mr. Chairman, is there anyone else in the Welfare Department that might assist Council with their deliberations on this Bill? Which one was it that you were referring to?

Mr. Chairman: This is the Bill referring to the Canada Assistance Act and we requested Mr. Murphy. The first amendment is an amendment to the Motor Vehicles Ordinance which is Bill No. 4....Bill No. 4.

Mr. Shaw: Mr. Chairman, you just took off from that particular Bill. You didn't give any Member an opportunity to say that they would be satisfied with somebody else to answer the questions.

Mr. Chairman: I believe this was resolved last evening, Councillor Shaw, however, if there is any further direction to that, the Chair is ready to receive it.

Mr. Shaw: Well, Mr. Chairman, we have one on needy persons. Is there no one else in the Administration...the Assistant Welfare Chief or whatever his name may be...or the Commissioner...to explain what is in this Bill. It is mostly concerned with agreement between the Federal Government and the Territorial Government. I don't know whether that is something that is applicable necessarily to only a Head of a Department.

Mr. Chairman: Well, this matter was decided in relation to this Bill, however, as I say, if there is someone else... apparently Mr. Murphy is the man and the only man who can answer our questions in this regard.

Mr. Shaw: Whose decision would that be, Mr. Chairman?

Mr. Chairman: That was decided by Council last evening for those who were with us on that occasion.

Mr. Shaw: Mr. Chairman, it was asked that Mr. Murphy be here. Mr. Murphy is ill so I would surmise that if Mr. Murphy was ill or should die or was took away for a month that the operations of the Territory wouldn't cease...that somebody else could probably come along and provide some of the answers.

Mr. Dumas: I am sure the Honourable Member from Dawson isn't wishing any ill health on anybody but it is possible that maybe there is somebody else in the Department that can help us and the Commissioner could probably tell us if there is.

Mr. Commissioner: Could I have the opportunity to make an inquiry here, Mr. Chairman?

Mr. McKinnon: Mr. Chairman, the fact of the matter remains that we have other work available in front of us that we can go through prior to getting to this Bill. Let's proceed with what we may do at this time.

Mr. Shaw: Mr. Chairman, the reason I made this suggestion was that these are amendments that we have made to Bills, that we have discussed at great length, and those particular amendments and so forth that we have before us are something that we can possibly use a half an hour of time for, or fifteen minutes of time, before twelve o'clock or before five o'clock...because the Legal Adviser is present and we know the contents and the details that's more or less of a form and a Bill such as this requires witnesses and it would appear to me that the time to do that would be first thing in the morning or the afternoon and pick up the short ends towards the end of the day.

HA

Mr. Commissioner leaves the Council Chambers.

Mr. Chairman: I am at your direction, gentlemen.

Mr. Dumas: Mr. Chairman, I suggest that we go on to Bill No. 4 and come back to this as soon as we find somebody that can be a witness....a suitable witness.

Mr. Chairman: Are we agreed?

All: Agreed.

Mr. Chairman: We have Bill No. 4, An Amendment to the Motor Vehicles Ordinance. Mr. Clerk, have these Amendments all been moved in Committee? Mr. Legal Adviser?

BILL #4

Mr. Legal Adviser: So far as I know, yes, Mr. Chairman. There is nothing new here that I know of but there is one mistake....section 3, the last word in the new amended 6A. should be "thereto". In other words, the last line of the new Section 6A should read, "and any matters incidental thereto." This was decided in Committee before...I have a note on my copy but apparently it was overlooked in the typing.

Mr. Chairman: This is a typing error then?

Mr. Legal Adviser: That's a typing error. Now, I am not sure with regard to the new Section 6. I made one incidental change in this and I am not sure whether I made it before it went through Committee or after Committee. In the 4th last line of the new Section 6, subsection (15)...it appears here as section 2....I have "is exempt from the provisions of this Section" and the original amendment proposed was "from the provisions of Section 6 of this Ordinance". It's the same thing...the same effect.

Mr. Chairman: What is your pleasure in respect of the Amendments to this Bill?

Mr. Legal Adviser: Mr. Chairman, the last paragraph on page 2 should be in inverted commas....quotes.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal Adviser can give a clear and concise interpretation of a traffic control device.

Mr. Legal Adviser: It is defined in the Ordinance as far as I know, Mr. Chairman. Whether that is clear and concise I don't know but the intent of the meaning of "traffic control device" is to cover everything artificial which is put up for the control of traffic.

Mr. Chairman: How do you wish to proceed with these Amendments, gentlemen?

Moved by Councillor Shaw, seconded by Councillor Dumas, that Bill No. 4, An Ordinance to Amend the Motor Vehicles Ordinance, be reported out of Committee as amended.

BILL #4
MOVED OUT
OF
COMMITTEE
MOTION
CARRIED

MOTION CARRIED

Councillor Chamberlist voted contrary to the Motion.

BILL #5

Mr. Chairman: The next amendment, gentlemen, is an amendment to the Taxation Ordinance which is....order, please....Bill No. 5. Has this Amendment been moved.

Mr. Legal Adviser: May I speak on this, Sir, before there is any discussion? In discussing with the Treasurer, I was drafting an Amendment to cover the Alberta practice as was the wish of the Honourable Members....a person who was influenced against his interests by a mistake in a notice would not be penalized therefor. It then appeared that so far as a tax notice is concerned...this covers both assessment notices and tax notices....so far as the actual tax notice is concerned, if an invalid tax notice is sent...in other words a person is sent a notice for \$100.00 and he only owes \$10.00 or something like that, or it's the wrong name, there is no normal court procedure for this other than normal courts. Either he owes the money or he doesn't owe the money. It is up to the Government then to institute proceedings against him under normal form for the amount of money he owes and it would be a good defence in that to say, "I don't owe the money", or "I've been surcharged", or "It's a different person", or all these various legal defences; but where an assessment notice is concerned, this right of appeal is of some importance as a special assessment court sits and if a person received an invalid notice, he might be misled into not appealing against the assessment. In that event then, the assessment would have to be valid and he would have no escape later on because having passed by the assessment court, it would be held against him that he had to pay regardless of the error in the assessment slip and this could cause an injustice so there didn't appear... since the normal court rules as to whether or not a man owes a debt or doesn't owe a debt....apply to the question of the tax notice. I put in a section dealing with the assessment notice....as this was the important one and the other one didn't in fact need any change. This is the explanation as to how this particular subsection (2) came to be drafted. The Members will recall that the other subsection, which they objected to in the original Bill, read, "where an individual assessment tax is found to be invalid, such finding shall not affect any other assessment". That has been taken out entirely and is not now found in this.

Mr. Chairman: Gentlemen, I will proceed with the reading of this new Amendment. (Reads Amendment). It would be necessary, gentlemen, for someone to move this amendment.

Mr. McKinnon: Mr. Chairman, I was of the opinion that section 29 subsection (5) of the Alberta Assessment Act would replace section 98(a) of the Amendment to the Taxation Ordinance. In my estimation it says exactly the same thing but says it so much nicer.

Mr. Legal Adviser: If the Honourable Member will look at the Alberta section, this subsection (2) is copied exactly therefrom, but the Alberta Act deals with a thing called an assessment slip. In the Yukon, they call the same document an assessment notice.

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

Friday, December 1, 1967.
11:00 o'clock a.m.

Mr. Chairman: Gentlemen, I will call Committee to order at this time and we are discussing the proposed amendment to Bill No. 5. What is your pleasure? BILL #5

Mr. Chamberlist: Mr. Chairman, when I spoke on this original bill which is before us, I objected on the basis of 98A, sub (a).... made reference to the Court of Revision, the Collector or any officer or employee of the Territorial Government, and it was my understanding that the basis of the amendment would be in a similar vein to that of the Alberta Assessment Act. Reading the original bill which is before us and the amendment which is now brought before us, I find that there is very little if any difference in the intent and content. I therefore don't see how I could possibly support this amendment as it is.

Mr. Dumas: Mr. Chairman, what was Mr. Legal Adviser's response to the Honourable Member for Whitehorse North when he asked about the insertion of the Alberta.....

Mr. Legal Adviser: My recollection is that the Alberta Ordinance had a procedure whereby if a person got an assessment slip and there's a mistake on that assessment slip and this led him in any way to worsen his position, then in the Alberta Ordinance or Act it says this shall not effect the person who receives it. In other words, if he allows an appeal time to go by or did something to be prejudice, the particular example was, the Alberta Assessment Act which deals with the assessment....the original assessment....which could seriously worsen the person's position, and if a person allows an assessment period to go by without paying and the Assessment Court finds, by his absence....by the fact that he hasn't put in an appeal, that the assessment was correct, he must then legally pay the taxes even though he has been over-assessed though an error of the Clerk or somebody in the office. So, they put in, in Alberta, this section which is now reproduced here just changing very few words....the main change being that assessment notice was put in our ordinance because we call it an assessment notice where Alberta calls it an assessment slip. Now, I discussed the matter with the Territorial Treasurer and he pointed out to me that sofaras a tax notice is concerned, that we're dealing with a separate horse.... a different thing altogether. A tax notice is sent to a person and if it says the wrong person well then the person doesn't have to pay until it's legally due, and this is all controlled by the normal law. There's no normal method of appeal against the tax notice, you just don't pay and if you....the government thinks you should pay, well then they take it to court and they have the normal court remedies. So, there's nothing being taken away from or added to this. It appeared then that it would be wrong and unnecessary to provide that if a person was prejudiced by a tax notice on the amount due in a particular year but the assessment was, in fact, correct, that he will be in any way worsened. So, it would be awkward to put it in when such a remedy already existed. The remedy does not exist in relation to the tax assessment notice but it does exist in relation to the tax notice. So, this is how this comes in exactly from Alberta with merely a change from assessment slip to assessment notice.

Mr. Chamberlist: Mr. Chairman, I opposed on the principle that.... these were the words that I used: "You should remember that ordinances are made primarily to regulate and protect, specifically to protect the public who must abide by the terms and conditions of the law placed before them." I was opposed because in that subsection (a), it excuses errors, informalities or irregularities

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 BILL #5 Mr. Chamberlist continued:
 on the part of too many government people. It excuses the Assessor, the Court of Revision, the Collector or any officer or employee of the Territorial Government. The amendment...the subsection (2) that has been put in now would appear to me to only correct where the notice itself...only correct when there's an error in the notice itself. But, there may be other errors. There may be errors in the actual assessment. There may be errors by the Collector. There may be errors by the Court of Revision, and there may be errors by the other employees or officers of the Territorial Government. To me, it is these errors that I feel most be protected for the public so that they have the right of appeal on these errors. The way it reads right now, it appears to me that the only additional thing that has been given is just in case there's a mistake in a notice...in an assessment notice. This is where I beg to differ; with the intent that was originally requested as to an amendment and what has been given now. In my opinion, there's no application at all to the amendment that was asked for.

Mr. Legal Adviser: With respect, Mr. Chairman, the basic position that the Administration of the government must take at this is either a person owes the money or he does not owe the money. If, in fact, he does not owe the money, then he needn't pay it and he can defend against any action that the government may care to take against him. But, if, in fact, that man does owe the money, this section makes it clear that merely because of an error in the spelling of his name or some informal error like that, not effecting the real validity of the debt between the government and the individual, that that alone does not allow him to escape without payment of his debt. This is not intended and it does not, in fact, say that the government can do what it likes...that it can make as many mistakes that it likes...that it can over-charge people or under-charge people at will. It merely makes it clear to the person who is called upon to pay the tax, that a mere informality, a misspelling, a wrong amount, does not excuse him from the payment of his tax, and this particular section has been in deference to the Honourable Member but this section was taken verbatim from the law as it stood in the Yukon Territory up to 1958. Now, it was omitted in 1959...I don't know why it was omitted...possibly in an error in the revision of the new Tax Ordinance of that time. But, subsection 2 of 98A in deference to the wishes of the Member, has been taken out. We have made it clear that so far as an actual assessment is concerned, the person will not in any way be prejudiced. He still has his right of appeal. The only thing we make clear in section 98A, subsection (1), (a) and (b), is that an informal error will not allow a person who really owes the money, on some fiddling excuse like the fact that's taken...has happened in one of the municipal districts that a tax notice was dated 1967 when it should have been 1968, or it was 1968 when it was to be 1967, and then people say, "Is it due." Doubt is created in a person's mind, and the average member of the public does not like to pay taxes. We must face this. And, if he sees a notice with a wrong year on the top right-hand corner, he may say to himself, "Possibly I can escape on this." Well, we want to make it clear that that type of error does not allow a person who already owes the money, to escape.

Mr. Chamberlist: I refer to page 60 of the Votes and Proceedings where Mr. Commissioner suggested...he says as follows: "Mr. Chairman, I would like to draw the Council's 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 ought 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

Mr. Chamberlist continued: notice, and on return of the assessment roll at the time specified." He goes on to say, "In other words, any defect in form is not to create an invalidity on the part of the municipal assessment." At that time I pointed out that in the taxation section of the Municipal Ordinance, spelled out the grounds for invalidating the taxation notice, but there's no reference even in the taxation section of the Municipal Ordinance which holds free from any responsibility those people who make these assessments. And, I said, "I beg to differ with the Commissioner. The Municipal Ordinance spelled out what defects will not be interfered with." This is what I wanted done and this was why I objected to it at that time. I wanted, spelled out, the errors. I didn't want the officers of the Territorial Government to be held free from errors and mistakes that they make. I say again, they are not placed in the position of people who can do no harm. If they harm our people, they should also be in a position of being brought before a court to be dealt with. I see no reason at all why the tax payer who perhaps wishes to point out that there is error on the part of the Assessor, the Court of Revision, the Collector or any officer, that he can object to those things. But, according to this section here, any errors or informalities of these people...that's excused. They have no higher privileges than the ordinary tax payer in this Yukon Territory. This is why I object, and no other words can say to me that there's any other way of explaining this. I'm opposed to it and I'll vote against it as it is under any circumstances. It just can't be there.

Mr. Shaw: Mr. Chairman, in this particular section it appears to me that it states that...shall be invalid solely because of. Now, if all people never made mistakes, we wouldn't need anything like this. Everyone would be perfect. It would appear to me that this could either go for or against a person. A mistake is a mistake. It can either be either for the person who makes the mistake or against him. If, for example, we did not have something like this, what effect would that have I wonder. Would this create a lot of court actions and things like this. If, for example, a mistake were made, it could be a mistake in the actual name...one letter could be left out. Could one say, "That's not me. I didn't get the notice." And, as a result, refuse to pay taxes? I mean, these are the things that can happen and do happen. I get correspondence from various and sundry people, and people who should know better.... "My initials are wrong, the name is wrong, the address is wrong," and various and sundry other mistakes are in there. But, I know what the intent is. Well now, when we come to paying taxes, if a letter was sent to me and says there's a wrong initial or wrong box number, could I say, "I never received it. It wasn't mailed to me." Just because someone makes a mistake, it doesn't appear to me that they can force you to make an unjust payment. I don't understand the point...the objection to this, because you're going to get mistakes and each one must be on its own merits, and I will assume it can be decided at law in any event, but if a person should perhaps not get around to this Court of Revision as quite frequently happens, many people...and this is a very common occurrence, Mr. Chairman,...they get their assessment notice and in the notice it states when the Court of Revision is going to sit, and there are many...and I say, many, many taxpayers that do not attach too much significance to that but they certainly attach significance to a tax bill. That spells it out in dollars and cents. It would appear to me, if a mistake were made, this would give that person the opportunity of say, pointing out the mistake and getting it rectified. Otherwise, it appears to me that he couldn't because it was in error, that's the way it sits, that's the way the Court of Revision has accepted it. Ipso facto...swish... you pay it.

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BILL #5 Mr. Livesey: Mr. Chairman, I draw a distinct difference between an ordinance to amend the Taxation Ordinance and an ordinance for public service. It seems to me, we're talking about an ordinance to amend the Taxation Ordinance, and this section specifically refers to a question of someone trying to get out of paying his taxes which are due. In other words, everyone of us has to contribute towards the cost of government. What the amendment appears to be doing here is to make sure that mistakes in the forms supplied to each tax payer by the government towards what may be their allotment and what they owe the government for any period during any part of any year or for a whole year. These matters shall be paid according to what they are properly assessed, and the fact that there's a mistake on the assessment, doesn't mean to say they don't owe the money as required by the assessment. Now, I believe the Honourable Member for Whitehorse East brought up the question as part of this debate, Mr. Chairman, that there was nothing specifically here relating to the actual mistakes made by government employees, and perhaps I could refer the Honourable Member to the Public Service Ordinance under Suspension of Employees, where it says, under section 30 in the old Public Service Ordinance....I believe this is being amended, but this is a form of clarification, that under subsection (a) of section 30, and subsection 1, "The Head of a department and in respect of officers, clerks or other employees employed in a remote district, any officer authorized in that behalf by the Commissioner may suspend from the performance of his duty any officer, clerk or other employee guilty of misconduct or negligence in the performance of his duties." Now, I merely bring this to the attention of the Committee, Mr. Chairman, as I feel there should be a clarification between the Taxation Ordinance and the question of public service. I do feel that this amendment specifically refers to the Taxation Ordinance. Public service would come under a different amendment altogether if such was desired by the Committee. Thank you, Mr. Chairman.

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

Mr. Shaw: Yes. Mr. Taylor.

Mr. Taylor: Mr. Chairman, as I stated when last we discussed this bill, this arose out of a problem at Watson Lake and I think that it should be clearly understood, at least to me, that there's no area of taxation in the Yukon Territory where a tax can be levied upon people other than having the prior consent of Council, except this one. This is where the Administration can levy tax on the people without having the specific prior concurrence of Council that the tax levied is, indeed, correct. Now, I stand to be corrected. There may be some other area where the Administration can levy a tax upon the people. Now, bearing this in mind, therefore, taxing the sewer and water systems....I think that the people should have more protection than what is offered in this bill in relation to 98A, (a) and (b). Because, as I have stated, the Administration, indeed, all governments, when public inquiries are sought or people are asked to fill out forms for various things....applications.... they are asked to be exact in the information they give to the Administration. It seems to me, so, if the game is to be played fairly, then the Administration must then ask to be exacting in the documents they produce, particularly in the forms of tax levy upon the people. I don't think it's a question of the people wanting to get out of taxes. I think it's a question of people not wanting to pay what is, indeed, an unjust tax, and this is what happened in Watson Lake. It is simple, if there's an error on the form or even if it was an attempt to raise more revenue....in other words, if it was meant to be that way, the Administration can merely say, "Well, it was an error," and change it. I think the people

Mr. Taylor continued: need more protection here. Either that, or then these tax levies upon these people within our outlying districts in relation to sewer and water, should be first cleared through the Legislative Council for their insurance that the people are, indeed, being charged a just and fair tax. This is what it's all about, and as far as I'm concerned, I'm very pleased to see the new section 2... I'm very pleased with that indeed, because it does give the little guy a chance if his appeal is received. But, I'm still having difficulty with 98A, (a) and (b), for the reasons that I have just now stated. I would just ask a question. Is there any other area in which the Administration can levy a tax without first clearing that specific tax levy before the Council?

Mr. Chairman: To whom to you direct the question, Mr. Taylor?

Mr. Taylor: To Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, with all respect, I'm wondering just how that question could be answered. You say there could not be a tax levy without the prior consent of the Legislature? Is that what I understand, Mr. Chairman?

Mr. Chairman: Well, it was two questions in one. Just a moment here....that was my inference. Perhaps you would like to explain that more specifically....the question.

Mr. Taylor: Maybe I can best explain it, Mr. Chairman, by pointing out our former fiscal agreement, and all these things are relevant. We go back and we say that we will not impose any more tax upon the people than what is contained here, but here we get into an odd area. We find that the Administration levy taxes upon the people in relation to the sewer and water systems in Dawson....pardon me, in Mayo, and in Watson Lake. Now, the amounts levied have never been cleared by Council to determine whether, indeed, those levies are fair and equitable or not. It seems to me, to my knowledge, this is the only tax form that the Territorial Administration can levy without necessarily having this cleared through Council. And, I'm asking, is there any other form of taxation the Territory can apply....where the Administration can levy a tax upon the people without first coming to the Council.

Mr. Legal Adviser: May I answer?

Mr. Chairman: Proceed.

Mr. Legal Adviser: I would not accept the implication of the question that there is any tax the government can impose, that's the Territorial Government, without the consent of Council. I would not consider that when the government puts in a line of sewer and water and then levy, and the people want to accept this....and they do. The government is attempting to service certain municipal types of service. If the people want to take them over or not, that's it, but we wouldn't regard this as a form of a tax in the sense that we would if we were taxing the people for something. This is a charge for a service. This is universal throughout the world and does not necessarily come before the government of this nature in any way.

Mr. Taylor: Mr. Chairman, I certainly cannot agree with Mr. Legal Adviser here. This is a tax under the Tax Ordinance. This is why I'm asking for a further amendment to this bill. This is why I have been asking. It states, "Where a water or sewerage system has been installed in an area of the Territory, the Commissioner, for the purposes of defraying the operating and capital costs"....that is operation and maintenance and capital...."of the system, shall on or before the first day of February in each year, levy a tax at

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Mr. Taylor continued:
a uniform rate per foot of frontage." Now, that is a tax defined in the Taxation Ordinance. We have under the agreement, which we don't have now, but under our normal agreements with Ottawa, we levy a school tax...we levy a fuel tax...and we levy taxes here and there throughout our agreement. But, these are preordained taxes. It shall be two cents on fuel, or it shall be something else, or it will be so many mills here, and this is decided by the Legislative Council...the people. Now, here is an area, as I say, where the permission to levy a tax is given to the Administration. The Administration, call it...it's still a tax...must then say, Well, we think we want to get about 63¢ per front foot for this, or 76¢ for that." It's an arbitrary thing. This is never brought before the people, that is the Legislative Council, for their concurrence that this is a just, fair tax. This is my very point. Relating back to this bill, I say that unless we adopt a procedure on this basis, then we had better change (a) and (b) to insure that the rights of the citizens are fully protected. This is my argument, and this is why I wanted to know if there was any other area in taxation where the Administration can tax the people without coming to the Council first.

Mr. Chairman: Proceed, Mr. Chamberlist. Oh, just a moment. Did you get your question answered, Mr. Taylor?

Mr. Legal Adviser: No, I would not accept the implication of this. The tax they impose on the people is a service charge, and as such we vary with the cost of the service which is rendered, and it's an easily fixed...it's not arbitrary in any way. It's fixed in relation to the capital cost of the service which is rendered. Now, sofaras I know, even assuming that that was regarded in the normal sense of the word of tax, but whatever it's called there, it's a service charge and it's collected through tax procedures... this is true, and that's why it has to be called a tax, for the purpose of the Taxation Ordinance. But, sofaras I know, there's no other tax, even assuming the implication in the Honourable Member's question is correct, there's no other tax which could be imposed that the Commissioner or I am aware of.

Mr. Taylor: Mr. Chairman, then it would appear that the government should not have sent out a tax notice in relation to this, because I'm just told now that the Ordinance says it's a tax... Mr. Legal Adviser has just informed me that it's not a tax at all, it's a service charge. Well, it's not expressed, it's not implied, Mr. Chairman. It says "a tax," and I don't consider a capital expenditure to be considered as a service charge. I don't know what the Taxation Ordinance defines as a tax but I don't think it talks about a service charge. I cannot accept this interpretation. I feel that the matter is squarely as I have placed it before you. This is a tax imposed upon the people of an area, an unorganized area, for the provision of sewer and water. It is not expressed here. It is not expressed as being a service charge, and I would like to know if there is any other area other than this where the Administration can levy taxes without first coming to Council.

Mr. Legal Adviser: I'm not aware of any other area where they can make a charge on the people, whether you call it a tax or a service charge. It would have to come into Council.

Mr. Chamberlist: Mr. Chairman, I am very pleased that the Honourable Member from Watson Lake stood up and made his remarks because he has intimated my thoughts exactly, and this is the reason why... he has given the very reasons why this 98A, sections (a) and (b) should not be accepted as they are. The suggestion that notwithstanding that the Taxation Ordinance calls an improvement, a sewer

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Mr. Chamberlist continued:

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and water system improvement, one that is taxable and clearly the point that Mr. Legal Adviser suggests is, notwithstanding what it says in the ordinance it shouldn't be considered as such but should be considered as a service charge. I always ask direct questions, and this I would like to know....where, in any ordinance, Mr. Legal Adviser can show that a service charge can be made by way of taxation.

Mr. Legal Adviser: The government have the power to impose this charge. It's charged by way of tax, and it's collected by way of tax, and therefore comes under the Taxation Ordinance.

Mr. Taylor: As I say, I can't understand why the Administration would recognize my point. It is therefore a tax, and it is a tax... Put it this way, that in levying these taxes against the Mayo sewer system and water system and the Watson Lake sewer system, this tax impose was not first discussed in the Council for their approbation for the Council to insure that this was indeed a fair tax levy upon the people. And, that is taxation by the Administration and not by the people, which is contrary to the B.N.A. Act.

Mr. Legal Adviser: The Commissioner has drawn my attention to an ordinance in the 1967 (1st Session), section 42A of the Taxation Ordinance: "Where a person has a complaint in respect of a tax that has been levied pursuant to subsection (2) of section 50A, that person, on or before the first day of September in the year in which the tax is levied, may appeal to the Commissioner in such manner the Commissioner may prescribe." The purpose of subsection (a) of 98A is to deal with informalities, errors and irregularities, not to effect the substance of whether the tax payer owes the money or doesn't. If he feels he doesn't owe the money, he has his method of appealing. The courts are available for him in the normal way. But, if he owes the money he should not be allowed not only to escape, he should not be allowed to think he can escape and not pay the tax by virtue of some technical irregularity. Supposing, say in an ordinance, that all tax notices had to be sent out, say, by the first of January and through an error they weren't posted until the second of January. The question would arise; was the whole of that tax collection invalid or not. Now, how was it to be done. You'd need a fresh ordinance to avoid minor irregularities, and that would be a minor irregularity. But, this section is there. We're not attempting to protect the servants of the Crown in any way. This is not here to protect them. It merely means than an error in the part of an official in posting something, filling out a name or something, should not effect the true question between the government and a particular citizen; does he owe the money? And, if he does, why shouldn't he pay. That's the basic question of substance.

Mr. Taylor: Well, again, Mr. Chairman, I might point out that in the matter that brought this amendment to the Council table in the first place....this arose out of the fact that there was an improper tax notice sent out and people were taxed an arbitrary price on operation and maintenance on a system for a period of five months instead a period of seventeen months. This is what I'm getting at. This is an improper tax notice. To the man on the street, the tax payer who receives this and has to dig in his pocket and pay that.... I know some of them who paid. Some of them paid the thing, thinking, "Well, it's just like anything else. The government always has their hand out. I'll pay it." And there are people like this and they pay these bills, and yet it's still an improper tax notice. I would compromise to this degree, that if the Administration say, "Alright, we will not impose any further taxes on the people until we have

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BILL #5. Mr. Taylor continued:
first cleared this through a session of Council." Then I might consider leaving this here, but I want to see protection for the public somewhere, because this whole thing is in a proper mess. And, for the information of the Administration, taxes include all taxes on property assessed or assessable under this ordinance. This is not a service charge, this is a tax.

Mr. Livesey: Am I correct, Mr. Chairman, in assuming that this amendment to the ordinance relates specifically to a clerical error in the question of taxation as definitely apart from the question of assessment. This is where I feel we're getting mixed up here in Committee, Mr. Chairman, this morning. We have two distinct things. This is a question of, I feel, a clerical error and how to avoid it and get around it, and the questions raised by the Honourable Member from Watson Lake regarding the question of wrong assessment or assessments that are made without, in his view, the proper backing by Legislation. I feel these things are separate to that extent, and I think this is where the confusion arises.

Mr. Chairman: Did you impose a question, Mr. Livesey. You said you would like to know....

Mr. Livesey: Yes, I wonder if Mr. Legal Adviser would give me his views on the statements I have just made?

Mr. Legal Adviser: That is correct, Mr. Chairman. This section is proposed merely to see that an error in posting a letter, in filling out the details on a particular form, or some similiar informality as to the content of the letter by reason of date, spelling of name, or the posting of a letter on a particular date does not thereby, as of that mistake alone, invalidate the tax.

Mr. McKinnon: Now, if there is a mistake made in the monies levied through the ordinance, how has the person who receives this error in the monies that are levied on him through a mistake in the Taxation Ordinance, where is his recourse? He has it through the Taxation Ordinance itself?

Mr. Legal Adviser: Well, he has it in two different ways. He has it...the amount that's going to be levied on him will be assessed on him, so he will know, or should know, about the mistake in assessment. He can appeal that assessment in the Court of Revision. If he doesn't appeal it, merely by reason of the error in the amount, because in fact if he happens to be...if he properly should pay \$100 tax, and is assessed for \$10, now a person looking at that will say, "Well, that's very nice. I won't appeal that." But, if he realizes suddenly by reason of the notice that in fact he is assessed for \$100 whereas last year it was \$50, he can then, with truth, say, "I was prejudiced, and I would have appealed if I had known you were putting me up \$50." If he then puts in his appeal, then by reason of the new subsection, he is allowed thirty days from the date of the corrected slip, to appeal. So, this is curing the case of a wrong assessment which might affect a tax payer to his deed to it. But, sofaras the actual payment of the tax is concerned, after the assessment is organized, then the clerks are sending out tax notices. They may either send out a notice that is too big or too small. This is where it's going to affect him. Or, they may send it out on a wrong date, if the date happens to be fixed in a particular tax. They may send it to a wrong address. They may do 101 odd, minor details like this. The man may never receive it. Now, if in fact, the man owes the money and he hasn't even received his tax notice, and somebody comes

Mr. Legal Adviser continued:
 along and says, "We're serving documents on it." Then at that point in time, the question is, either he owes the money or he doesn't. Merely by reason that the delivery of that letter was in a wrong post office box, does not cancel the debt. Now, as a matter of practice, when this type of error comes in the person is automatically given time. There's no harshness involved. People realize that an error has been made, so they send them out.....and give them 31 days or less. Now, forms of this occur. If in fact he's wrongly calculated, he has his revision procedures. He can appeal in respect of the tax....that's the tax now that we're talking about that the Honourable Member from Watson Lake was talking about. He has a system of appealing.

Mr. McKinnon: Under the Taxation Ordinance..

Mr. Legal Adviser: Under the Taxation Ordinance. And, if he doesn't owe the money at all....supposing he really only owes \$10 and the tax notice comes for \$100, well then he knows, or should know that he only owes \$10. So, he sends them a cheque for \$10, and a normal person would pick up the telephone or send a note saying, "You've made a mistake." But, in case he doesn't, the machine of the law may grind on and some clerk makes a note that he's \$90 short and then they send another notice to say, "You're \$90 short." Or, begin to operate the procedures along. At that point, it's an issue of substance. It's not just an error. This is an error of substance. He says, "I owe you \$10." The government say, "You owe us a balance of \$90." Now, that's an issue that's going to be tried, and if he's correct then he wins. Now, only a very uncautious government would, in the fact of a man who says, "I only owe you \$10," would not check back on the original assessment and find out the clerk made a mistake. But, if the government goes ahead in that, they do so at their peril. They are subject to the decree of the court as to whether the man owes \$100 in the first place or \$10, and this is what courts are for - to stand between arbitrary actions of the government, and the people, outside of the normal law. So, in my view, this is a section which doesn't help the government very much, even in legal status, but it does make it clear to the tax payer that if his name is spelled wrong, there's not much use in contesting this in court, because what the judge will do, and he has the power to do in all normal actions, to amend the procedures. When a case comes to court, and a man's name is spelled wrong one way or the other, the judge will turn to Council and say, "Have you any objection to changing this?" and the man say, "no". If he says, "I have," the judge says, "Okay, I'll adjourn the case for three days and I'll amend it anyway." Courts, nowadays, are being more liberal in their points of law, and the points that can be taken by either party. The courts, everywhere throughout Canada, have been very liberal in their interpretation of errors, omissions, misdescription and so on. The Land Titles Office is the same way. If a misdescription comes in, it can be cured by an affidavit by the person who made the mistake, they put in a certain declaration and so on. Right throughout the whole of government service, the people are trying to get away from the old fashioned, legalistic method of doing business whereby if a dot is in the wrong place or a comma was in the wrong place, then the whole structure of the contract, the agreement, and everything else collapses. The courts, nowadays, look to the spirit of what is done and they will make amends. And, I would anticipate that even though there was a error, informality or irregularity on the part of the Assessor or the Court of Revision, it could be cured by the court if it ever came before the court. This is mainly to make sure that in the earlier stage of the game, each party would understand that an error, a comma, a dot, a misspelling, a wrong

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BILL #5 Mr. Legal Adviser continued:
posting date, a wrong post mark, sending an ordinary letter when
it should be a registered letter, or all of those 101 different
things that can happen, do not affect the substance of the debt
between the tax payer and the government.

Mr. Taylor: Councillor Shaw, I shall resume the Chair at this
time, and declare Committee in recess until 2:00.

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Friday, December 1, 1967.
2:00 o'clock p.m.

Mr. Chairman: I will now call Council to order and we are discussing an amendment to - or Committee, pardon me, and we are discussing an amendment to Bill No. 5, the Taxation Ordinance.

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Mr. Chamberlist: Mr. Chairman, it is my suggestion that the following amendment be made and I will so read - that all that part of sub-section (1) (a) in section 98A following the first words "any error" reading as it is now "informality" and ending "Territorial Government; or" be removed so that that section (a) will be out completely and the (1) will read "No general or individual assessment made, or tax or rate levied, distrained for or collected shall be invalid solely because of any error" and then the sub-section (b) can then remain "any error in any notice or omission to give any notice required by this Ordinance." and then section (2) will then be satisfactory. The motion would simply move out of this new bill reference to the Assessor, the Court of Revision, the Collector or any officer or employee of the Territorial Government.

Mr. Chairman: Is there any seconder? There would appear to be no motion.

Mr. McKinnon: Mr. Chairman, I objected to this bill initially and my objection still stands under section 98A. To me, I agreed with the principle right from the beginning that it's a typographical error or a mistake in date or something along this line, but certainly this shouldn't make it a valid point for the person not to pay the taxes that he owes. I said, however, that it sounded so arbitrary on the government's part, the section as it stood, that even though it wasn't really this arbitrary decision it appeared to that to the public, and my objection still stands that this hasn't been removed and I think that the Alberta Ordinance gets around it in very diplomatic language and much easier language for the layman to understand, and now you say this corresponds only to an assessment slip, but certainly this is just a simple matter of wording to bring our intentions under the Alberta Ordinance or Alberta Act.

Mr. Legal Adviser: I haven't now got the Alberta Act, I gave all my copies.....

Mr. McKinnon: Well, section 98A. reads "No general or individual assessment made, or tax or rate levied, distrained for or collected shall be invalid solely because of any error, informality or irregularity on the part of the Assessor, the Court of Revision, the Collector or any officer or employee of the Territorial Government" and section 29 of the Alberta Assessment Act reads "an error, omission, or misdescription in any assessment slip or the non-receipt of the slip by the person to whom it was addressed or by the person named on the roll whose exact address is unknown does not invalidate an assessment or confer any right to exemption from taxation". Now, it's a simple, concise, clear and self-explanatory and non-arbitrary and I think that this is what we should be trying - the type of language that we should like to have in our ordinances also.

Mr. Dumas: Mr. Legal Adviser, would that change the sense of the amendment at all?

Mr. Legal Adviser: I think it would make it slightly narrower but I can't see, for myself, much difference between saying an error and so on and so on does not invalidate an assessment or confer any right to exemption from taxation, and saying that in the sense of it or the good manners of it saying no general assessment made or tax or rate levied shall be invalid solely because of any error in

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formality. The one that we have before us, section 98A, is more precise and it sets out greater clarity what we are attempting to do, is see that an assessment of tax is not invalid solely because of an error. It may be invalid from other things, but not solely because of an error in formality. The Alberta one says an error, omission or misdescription or non-receipt does not invalidate an assessment. It's hard to see an awful lot of difference. It's basically a question of language, but I don't necessarily agree with the Honourable Member that this is more clearly understood by the public than our one.

Mr. McKinnon: This is the thing exactly. You've hit it right on the head. It's simply a matter of language. When I look at this taxation ordinance, the first thing that hit me as a layman paying taxes was oh boy, here goes the government again with moving into any field that they want to, and where's the rights of the public and I was all enthused, and you're correct, when you do read it, it doesn't say that much, but when I read the Alberta Assessment Act it sounded so nice in saying the same thing that it was perfectly clear to me as a simple layman unlearned in the law, and this is what I think our ordinance should be in the best language that will make them understandable to the public.

Mr. Legal Adviser: I wouldn't object to reversing around section 98A so that our particular section would read no error, informality or irregularity on the part of the Assessor, the Court of Revision, the Collector and so on shall invalidate solely because of that cause any tax or raise levied. I wouldn't object to switching it around. This is a question of the beauty of English rather than it's legality and if the House would like me to sort of be an amateur Shakespeare and make it read nice, I could, if the House wishes, I could convert it into verse, I'm sure.

Mr. McKinnon: This is why I was so disappointed, because I thought Mr. Legal Adviser was going to produce this as a work of art.

Mr. Chamberlist: Every now and again I join in, Mr. Chairman, in a little enjoyment of a laugh but I think this matter is so darn serious that I can't even try and crack my face on it at all. As far as I am concerned, here is an opportunity to let people know that we are protecting their rights up against the protection that they haven't had so far. Notwithstanding what Mr. Legal Adviser said, section 98A. (1) "No general or individual assessment made," - you see they have commas in here - "or tax or rate levied, distrained for or collected shall be invalid solely because of" - and then it goes on to show which people are excused from making any errors. Now, if this came before a court, and I have seen the courts work here and I have heard the expressions by the court here that they would immediately say well, this is a mistake of maybe \$300 or \$400 by the collector but you have made a mistake but I can't declare it invalid because the law says I can't declare it invalid. It can't be invalid because one of them has made a mistake of \$300 or \$400, so the court can't declare it invalid. Now, I agree that where there has been an error in notices and the like, that they are simply errors, and I think that section (2) covers it, but I cannot see how, why we need this sub-section (a) in there at all, because this appears to be just to protect the mistakes of employees of the government. Now, I am not concerned about protecting the mistakes of the administration. I'm concerned about protecting the people. I am prepared to accept the amendment but not with that section in because I don't care how reciprocal Mr. Legal Adviser can be on this matter, he cannot convince me that it means anything other than exactly what it reads.

Mr. Chairman: Councillor Chamberlist, would you take the chair?

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Mr. Chamberlist: Yes, Mr. Taylor.

Mr. Taylor: Well, Mr. Chairman, I just wanted to say that I would not, given an opportunity to vote on this amendment, I would not accept it as long as sub-section (a) is indeed in there for the purposes I have stated this morning, and again I say that this tax is kind of an arbitrary thing in the first place that we're referring to here, and it is not a tax levied by a responsible government, and I cannot see where we should allow, at this point in time, this sub-section to stand in relation to - just two aspects I am concerned about - one is if the assessment period on the tax notice is incorrect then it is my intention firmly that the tax is invalid. If the tax to be levied - the levy is wrong, if it reads 85 cents when it should have read 75 cents, or indeed it is 55 when it should have read 75, the tax notice must be invalidated, and a new tax notice issued, and it's as simple and basic as that, and that's my approach to the problem. You note that the provinces have taken a certain position in relation to this, but remember that these taxes that they are referring to are levied by the people's representative through a form of responsible government. The tax we're referring to here, the part that bothers me, is a tax not being levied by the people. It's levied by the administration and consequently the people must have protection somehow, and I stand on this and I refuse to accept this bill or this amendment on these grounds when I do have an opportunity to vote upon it. It's as simple as that. Remove sub-section (a) and I'm happy. Thank you, Councillor Chamberlist, and I'll resume the chair.

Mr. Legal Adviser: Mr. Chairman, there's just one point on what you said....there is an amendment coming up to section 50 (a) and that will meet the point raised by the Honourable Chairman where 50 (a) is the point which we will ask for leave to make variable taxes, as I understand, but this is coming up. This is not intended to meet this procedure at all. This is merely to cover every form of tax and everything else where an error may occur, but if it meets with the wishes of the Honourable House, I will be prepared to reverse section (a) and (b) in so as to make it read in the same sense as the Alberta one. In other words, starting off with saying - no error, informality shall invalidate the tax, rather than saying - no general tax shall be invalidated by any error, if this would meet with the House, if it is their wishes.

Mr. McKinnon: Agreed.

Mr. Shaw: Agreed.

Mr. Chamberlist: Contrary.

Mr. Chairman: Councillor Chamberlist, would you take the chair again, please.

Mr. Chamberlist: Yes.

Mr. Taylor: I'm sorry to keep passing the chair, but this is a matter of great concern to me because it started in my constituency and that's where it will no doubt end. Just before we proceed, I would like to say in the last matter that I am in disagreement on the grounds as stated. Now, in relation to the next proposed amendment to this bill, section 50 (a), I would like to see what the amendment states in the first instance, but in relation to that I would like to see a further amendment to the Taxation Ordinance which would provide that before any tax levy is levied upon any community for a sewer and water service that that rate of levy first

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be approved by this legislative council, and I think that has to be, thereby giving people the control on taxation again. If we've got to raise the money then we should also have the right to decide how much we are going to raise from these people. We must have the facts and figures. There's got to be some control somewhere, and that's what I would like to see written in as a further amendment to the Taxation Ordinance wherever it may fit.

Mr. Legal Adviser: That opportunity will probably come when we are discussing section 50 (a).

Mr. Taylor: Yes, I'll resume the chair again.

Mr. Chamberlist: At this time, Mr. Chairman, I will move that the whole of paragraph (a) in sub-section (1) be removed.

Mr. Chairman: Is there a seconder? There is no motion at this time, gentlemen. We will have another go around at this item. The next amendment is.....

Mr. McKinnon: Mr. Chairman, I would like to comment before we leave this bill. I can't see how any administration can get along through an error in a simple matter of date or a typegraphical error in name and I am becoming more convinced all the time that there are people in this world who would use things like this so they could get out of having to pay taxes. Mr. Legal Adviser brought two ordinances of provinces just below us, B.C. and Alberta, where certainly exactly the same problem is faced and they have to be met just to provide that the administration wasn't in a hopeless fungle all the time. Now, I agreed with the Honourable Member from Watson Lake when he makes the stand that though we have the power to raise taxes, we don't have a say in how they're spent, and I agree with him. This principle is wrong, but, Mr. Chairman, if you're going to continue with this line of thinking through the whole session, this means that any money bill you're going to have to stand on the same principle, and the whole business of the Territory could come to a complete halt if this thinking is taken by every member of this Council, and there is no one in this Chamber who will agree with you more on the principle that when you have the power to raise taxes and you haven't got the power to say how those taxes are spent, it's wrong, but I can't, in all responsibility, see the business of the Territory come to a complete halt because I disagreed so violently with this principle, and I think if you are going to be consistent that you're going to find yourself in a pretty sad situation as the different bills come before this House for our consideration, and I honestly can't see how we're getting so excited about what I would think would be an administrative clean-up in this Taxation Ordinance. I don't think the language is the way that I would like to see it and I think that this is a simple matter of solution, too. I'm not convinced that we're not building a mountain out of a molehill here.

Mr. Chamberlist: Mr. Chairman, I agree with what Councillor McKinnon says and everything he says has been taken care of in sub-section (2) of this particular bill, but he hasn't commented at all on the objectionable attitude that is adopted in paragraph (a). I am in full agreement that there are people that would like to evade their responsibility of meeting their taxes, and section (2) deals with that, but I cannot agree that a carte blanche excuse should be given to every one of these people who are named in that section (a), and this is the thing that I'm objecting to.

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

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Mr. Shaw: Mr. Chairman, I wonder if the Committee has agreed that, at least by majority, that the Legal Adviser do put this in more flowing, as has been reputed more simple terms as in the Alberta Act? BILL #5

Mr. Chairman: Yes, Councillor Shaw, this has been agreed by the majority.

Mr. Shaw: Thank you, Mr. Chairman.

Mr. Chairman: Now, do you have anything further on this bill at this time? We will then proceed to Bill No. 9. I believe this was moved - this amendment has been moved, but I'm not too sure. BILL #9

Mr. Chamberlist: Mr. Chairman, I understood there was a further amendment coming to this.

Mr. Legal Adviser: No, if the House would take an amendment now, I have had an opportunity of going to the Commissioner and switching around the sense of this. It would read as follows: an error, informality or irregularity on the part of the Assessor, the Court of Revision, the Collector or any officer or employee of the Territorial Government or an error in any notice or omission to give any notice does not invalidate any general or individual assessment made or tax or rate levied, distrained for or collected.

Mr. Chairman: Mr. Legal Adviser, we have left that bill. We're on Bill No. 9

Mr. Legal Adviser: I'm sorry, I thought the Honourable Member suggested that there was another amendment coming.

Mr. Chamberlist: Yes, I was referring to No. 9.

Mr. Legal Adviser: I'm sorry.

Mr. Chairman: I believe someone will have to move this amendment, that is in relation to section (1) of the bill.

Mr. Shaw: Well, I would move, Mr. Chairman, that the amendment to Bill No. 9, An Ordinance to Amend the Evidence Ordinance, be accepted.

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

Mr. Chairman: I have a motion before me. It's been moved by Councillor Shaw, seconded by Councillor Dumas that Bill No. 9, section (1), new section 68 be amended to read "The Commissioner may, be 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, and unless he is either a resident of the Yukon Territory or a servant of the Government of Canada or the Government of the Yukon Territory." Are you prepared for the question? Are you agreed?

Mr. Livesey: Mr. Chairman: This is the question I brought up the other day and apparently it's still in there, that we are going to allow by this then that whether a person is a resident of the Yukon or not as long as he has the qualification of being either an employee of the Territorial Government or the Federal Government - he could still live in Ottawa - and be a notary public of the Yukon Territory. Am I correct, Mr. Chairman?

Mr. Legal Adviser: This is so but this is what I had understood the Committee had decided that there is nothing to change. A federal officer or a government officer can be appointed a notary public if he is resident outside. This is as I understood the sense of what the House said.

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Mr. Shaw: Mr. Chairman, I think I had the objections to the original one because I felt a notary public should be a resident and then it was explained to me how due to the various ramifications of the government and the fact that there are other matters involved that an employee of the Territory or the Government of Canada, it would make it very difficult under many conditions for him to take this oath so I felt that I could understand that portion and it has been changed to my satisfaction. I don't know what other objections were. This satisfies what I brought up in the first instance.

Mr. Commissioner: Mr. Chairman, might I ask a question here? I was just looking in the Evidence Ordinance itself and in the Interpretation Ordinance - what is the definition of a resident of the Yukon Territory?

Mr. Legal Adviser: There is no special secret about who is a resident. A person is a resident who resides and resides would have an ordinary meaning of a person who habitually lives in the Yukon Territory used in counter-distinction legally to a person whose domicile was in the Yukon Territory. A person could move to Alberta as a government officer and intend to come back here or take up a temporary job there, he would not then be residing in the Yukon while he was in Alberta because his actual residence was down there, but his domicile would be in the Yukon. That's how it comes to be used income tax-wise and for the purposes of deciding what jurisdiction a person's estate falls to be administered, or on what jurisdiction he or his wife may apply for divorce, they use the expression domicile. Income tax-wise they'd use both, they use resident to do with a person's - the expression in the income tax rules are ordinary residence.

Mr. Commissioner: I'm thinking about the day-to-day workings of this thing here. I'm not concerned about the changes that have been suggested here, but what I am wondering about here is in the Legal Adviser's opinion is this liable to cause any trouble where we do not have resident of the Yukon Territory defined anywhere in any of our ordinances? Is this liable to cause a problem at any time in the appointment of these people?

Mr. Legal Adviser: A person can be said to reside where he maintains his normal address.

Mr. Chamberlist: There is a definition of a resident in the Election Act, which resident, for the purposes of an election that he shall reside within the Territory one year prior to the election date. There is a definition.

Mr. Legal Adviser: That is the definition for the purpose of the Election Act, whereas for income tax purposes they usually take a person who has resided in a place for six months, and then they apportion it under.....to that point. It'll vary from statute to statute, but viewed in the run a resident means a person who resides at a particular place, even though he resides there only for a day. Once he arrives he commences his residence. For....., taxation and so on very often they bring it down in Alberta they bring it down to two months. Here, they bring it down to one day, so that if you arrive here with the intention to reside, you become liable to pay taxation on your motor car, trailer andeven one day after you arrive.

Mr. Shaw: Mr. Chairman, that's a very interesting question and to prevent any mistakes in such a thing like this, I would like to ask the Legal Adviser if perhaps if there was a notation to the effect that one year's living in the Yukon was resident so that there would be no problems. You have established what normal residency qualifications were.

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Mr. Legal Adviser: It would need a section to do this. Of course, he has either been a resident for six months or a year, it doesn't matter, but each statute tends to put its own qualifications. The Clerk has just informed me that for the purpose of the hospital, a person has to be a resident for three months. For the motor tax, it is apparently one day, once you've formed the intention of continuing to reside. For income tax purposes, six months, for some other statutes it might be 12 months, and you've got a resident is a person for the Game Act, I think, if he has been residing here for six months. So, from statute to statute you go, but this just says resident and either the person is a resident or he is not. It's an easy thing to ascertain, because this is something the Commissioner does. The Commissioner has the duty of appointing a commissioner for oaths or a notary public and he will know administratively whether the person is or is not a resident at that time.

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Mr. Shaw: I know there are differences, Mr. Chairman, but if there was in the Interpretation Ordinance a clause to the effect that if it were not stated otherwise in any ordinance, a resident shall mean a one year period, two years or whatever it was, so that it would clarify matters that were left open or is that necessary?

Mr. Chamberlist: Mr. Chairman, for the purposes of the ordinance, it can be in the interpretation section of the ordinance itself. It could say for the purposes of this ordinance a resident shall be a person who resides six months, 12 months. There's no problem. I don't see any problem.

Mr. Chairman: Have you anything further, gentlemen? What is your further pleasure in relation to...

Mr. Chamberlist: Mr. Chairman, I understood that - I recall that I asked for a further amendment of another section to the Evidence Ordinance relating to giving evidence by an accused person. Now, weren't we supposed to have an amendment brought forward on this?

Mr. Legal Adviser: I haven't had time. This is true. In answer to a question by the Honourable Member, I just haven't had the time to prepare the actual amendment.

Mr. Chairman: Well, gentlemen, on the motion on the amendment, before we get carried on to something else, are you prepared for the question on the motion? Are you agreed?

All: Agreed.

MOTION CARRIED

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Mr. Chairman: Now, what is your further wish for this bill?

Mr. Shaw: Well, Mr. Chairman, if there were nothing else coming I would probably move it out of Committee, but if there are other matters coming to the bill, I would feel the Chairman would report progress. I don't know what the situation is.

Mr. Chamberlist: If we don't pass this bill, is it holding up the appointment of any notary publics at the moment? Well, I think we should pass this because it places us in the position of having a Legal Adviser who can have the power of a notary public until such time as this has been approved, and I think we should approve this.

Mr. McKinnon: Well, Mr. Chairman, it might be beneficial to have something on the Legal Adviser.

Mr. Dumas: I agree, Mr. Chairman.

BILL #9

Mr. Chairman: May I have your direction in this matter?

Mr. Shaw: I move, Mr. Chairman, Bill No.9, an Ordinance to Amend the Evidence Ordinance, out of Committee as amended.

Mr. Livesey: I'll second that, Mr. Chairman.

Mr. Chairman: Are you agreed?

All: Agreed.

MOTION CARRIED

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BILL #18

Mr. Chairman: Your next amendment is to the Brands Ordinance, Bill No. 18. These amendments have all been moved. Is there any further additions, Mr. Legal Adviser, other than the amendments moved in Committee?

Mr. Legal Adviser: Not that I can recall at the moment, but one of the Honourable Members did inform me that he proposed to accept the amendment.

Mr. McKinnon: Mr. Chairman, Mr. Legal Adviser and I - my stand on the bill was that in it's form it really isn't necessary if it's going to clutter up the statute books, and we did have a real problem in the fact that wild stallions are roaming the ranges of the Territory and are interbreeding and there is some harm coming to stock as a result of this and I am wondering, Mr. Legal Adviser, if the wording that we were talking about yesterday, would you be prepared to give it to Committee?

Mr. Legal Adviser: What the Honourable Member wished to do was to overcome the problem, the particular problem that wild, or half-wild horses are roaming the ranges and some control should be had over them. We discussed an amendment which would run - any person may make a written application to the Director for registration of a brand and then put in as a next sub-section or as a revisal, provided that any person who is the owner of a male horse above the age of two years shall brand his horse. Exactly in what section it would come, I'm not sure, but it would mean that we would put in a section the sense of which would be to make it compulsory to brand any male horse over the age of two years.

Mr. Dumas: Does that include gelding?

Mr. Legal Adviser: The expression that we use in the racing world is an entire horse.

MOTION CARRIED

MOTION CARRIED

Mr. Chairman: Might I have your direction, gentlemen, as to which way you wish to proceed with this amendment?

Mr. McKinnon: Mr. Chairman, when we have the proper wording that would give some real effect to this ordinance and provide some reason for it being in the statute book, and also help to solve the problem that is presently in the Territory, I would like to have time to prepare such an amendment and present it and then I would have no objection to the ordinance because it actually would be accomplishing something then which it isn't now.

Mr. Dumas: Mr. Chairman, I disagree with the Honourable Member from Whitehorse North. I think it accomplishes the setting up of a central registry for brands in the Territory which is apparently what the stock owners want.

Mr. McKinnon: Well, Mr. Chairman, it might be beneficial to have something on the legal adviser.

Mr. Dumas: I agree, Mr. Chairman.

Mr. Chamberlist: Mr. Chairman, my opinion is that the ordinance itself is supercilious in the extreme. The need for it to be on the statute books as it is now is nil. It's been a waste of time even going through it, except for the fact that it has showed up how this Council's time can be wasted. I think the need for registration of brands is there. It could be a simple ordinance that can be prepared. I doubt whether Mr. Legal Adviser had anything to do with the preparation of this ordinance because I have already gotten used to the way he thinks and talks - it is very short. So, I would suggest we let it die a natural death. I will not support any part of the ordinance going through as it is.

Mr. Shaw: Well, Mr. Chairman, I don't think that I would like to take that attitude because I have had these horse ranglers up here wanting these kind of things. It doesn't apply to me. I have nothing to do with horses, except under a hood and a bonnet, and I don't pray either, Mr. Chairman, but these people do want this. They are the people in that industry. This is quite an industry, this stock industry by virtue of the fact it is an outfitters and all this other kind of stuff. It's one of the few industries we have in the Territory and it's one of the few departments that show a profit, and provide a lot of employment to people that have difficulty getting employment elsewhere, and I would feel that I - though I have no interest in livestock myself whatsoever - I would certainly do my utmost to comply as much as possible with the requests of the people that are interested in this industry up here, and they have asked for it, not once, but I have seen them up here on various occasions complaining that there are no regulations. So, this is the time. As far as what the Member from Whitehorse North has just mentioned, I think that is also a good suggestion, that will get at the nub of the situation, and then the rest will balance it off, and I would be quite prepared to hold this in abeyance until the Honourable Member has come up with the appropriate, or give him time for the appropriate section that he wishes in there.

Mr. Chairman: Well, gentlemen, a Member has indicated the possibility of a further amendment to this bill. Is it your wish that I report progress on the bill at this time, and stand the bill aside for information?

Mr. Dumas: Agreed.

Mr. Shaw: Agreed.

Mr. Chamberlist: Mr. Chairman, with respect, I think you should report lack of progress because that's what it was.

Mr. Chairman: I shall report progress on this bill. Gentlemen, we seem to have run out of bills at this moment. We have one bill I believe was moved into Committee this morning, that being Bill No. 13. Shall we proceed with Bill No. 13?

Mr. McKinnon: Mr. Chairman, in all honesty, if we're going to discuss this bill before the agreement that I have asked for for the production of papers comes before this House, I will not discuss it and will not be a party to this discussion and will not be present in the Council Chambers when discussion takes place without the agreement being here prior.

Mr. Chairman: Are we agreed?

Mr. Shaw: Agreed.

Mr. Chamberlist: Mr. Chairman, could Mr. Commissioner be asked to come in so that these remarks can be heard by him, because I would like to add to it?

Mr. Chairman: I don't know if it would be wise to have Mr. Commissioner here if you're not going to be discussing the bill at this time.

Mr. Shaw: Mr. Chairman, I'm very happy this bill is here and I shall look forward to getting the information that Council no doubt requires, and I would suggest that we ask for the information, and possibly call a short recess and see if we can get the Commissioner, if he is able to be here, and provide the necessary data and then we can determine, if that is possible, and then we can proceed.

Mr. Chairman: I believe, Councillor Shaw, that this matter is to be tabled in reply to a notice for the production of papers which can only be done at the morning Council.

Mr. Shaw: Mr. Chairman, we have gone on to this bill and we have asked for the presence of the Commissioner. Is that refused?

Mr. Chamberlist: I don't think, Mr. Chairman, we need the Commissioner. I'll withdraw my request.

Mr. Chairman: The reason for the Commissioner's attendance was stated to be that the one Member wanted the remarks to be noted by the Commissioner. Now, may we proceed? The only other matter that we may possibly be able to deal with for the balance of the day is this bill on persons in need and apparently Mr. Murphy is still ill. Mr. Commissioner has informed me that Mr. Fingland may know something about this.

Mr. Legal Adviser: Mr. Chairman, I think the Commissioner indicated that Mr. Fingland would probably know just as much about this particular bill as Mr. Murphy would. Mr. Fingland is available.

Mr. Chairman: Is Committee agreed?

All: Agreed.

Mr. Chairman: Mr. Clerk, would you so notify Mr. Fingland that we would like his presence here. I will declare a short recess.

Friday, 1st December, 1967
3:30 P.M.

Mr. Chairman: Gentlemen, I will now call Committee to order at this time. We are dealing with Bill No. 16, An Ordinance to Provide for the Granting of Assistance to Persons In Need. Mr. Fingland is here this afternoon to assist us in this endeavour. I will proceed with the reading of the Bill Section by Section as is our normal practice. (Reads Bill No. 16, Sections 1, 2, 3, 4, 5, and 6 (a) and (b).) BILL #16

Councillor Shaw: Mr. Chairman, I don't quite understand "unless such services are provided" We do have a Welfare Department, and is that a case that somebody else provides welfare, or just what does that last paragraph mean?

Mr. Chairman: To whom do you direct this question Councillor Shaw?

Mr. Shaw: To whomever will answer, Mr. Legal Adviser?

Mr. Chairman: Mr. Legal Adviser.

Mr. Commissioner: Which paragraph is that Mr. Chairman?

Mr. Chairman: Section 6.

Mr. Shaw: "are liable to become persons in need unless such services are provided" - "unless such services are provided" I just wondered what that meant?

Mr. Legal Adviser: This, Sir, as I understand it, is basically a policy question and I would ask the indulgence of the House in not interfering with this Section because there are certain persons who, through other Departments of the Federal Government are obtaining assistance and this particular section is extremely carefully drafted, and it is the same in a number of Provinces to meet this particular problem. I would ask your indulgence in not interfering with this particular section.

Mr. Shaw: I was just wondering what it was all about, Mr. Chairman. I understand now. Thank you.

Mr. McKinnon: Mr. Chairman, I would like to ask Mr. Fingland a few questions. Number one; this Ordinance is a vehicle to provide for further assistance under programs sponsored by the Federal government; is that correct?

Mr. Fingland: Yes essentially that is correct, Mr. Chairman. It broadens the areas of social assistance under which we can recover a proportion of the cost from the Federal Government.

Mr. McKinnon: This Ordinance as it is, would it be the same in effect in the Provinces who wish to broaden these assistance programs also. Would this Ordinance be a standard Ordinance prepared by the Federal Government through the Provinces?

Mr. Fingland: Well I can't say that the Provincial or Territorial Legislation will be standard because the Provinces will be drafting their own legislations but the legislation must be drawn in this particular manner to include the items which are included in this Bill in order to be eligible under this legislation, so to that extent it must be standard.

BILL #16 Mr. McKinnon: In other words if we start drafting amendments to this Ordinance all over the place if we so desire we may be cutting off our nose to spite our face.

Mr. Fingland: There is a real danger of this, Mr. Chairman.

Mr. Chairman: Mr. Livesey.

Mr. Livesey: Mr. Chairman, may I ask if this program is one which is already, or has already been anticipated through the finances which have been allotted through the budget this year of \$810,000.00 towards the cost of the present welfare program in the Yukon or is this going to be something which is going to create additional revenue to be provided on top of \$810,000.00.

Mr. Fingland: No, Mr. Chairman, it will not involve any additional expenditures. What it will mean is we will be able to recover a greater proportion of expenditures than we have been able to in the past by passing this legislation. Previously the Federal government would share only certain programs and now they are prepared to share in the cost of additional parts of programs that we are already engaged in.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Fingland could say whether this is one of the items that has been cut-back out of funds that have been made available subject to the fiscal agreement that has not been signed.

Mr. Fingland: No, no cut-back involved here, Mr. Chairman. The level of expenditures in this particular area of social assistance and welfare are almost the kind that are irreducible. They fall into the category pretty well of being essential and there is no cut involved here. The primary purpose of the legislation is to enable us to recover additional sums of money from the Federal Government so that there will be an increase in revenues for recoveries - however you wish to describe them - but it won't affect the level of expenditures.

Mr. Chairman: May I proceed, gentlemen?

All: Proceed.

Mr. Chairman: Section 7 ... (reads Section 7, Section 8, Section 9, Section 10, (1), (2), (3); Section 11, (1), (2), (3)...

Mr. Chamberlist: Question.

Mr. Chairman: Mr. Chamberlist:

Mr. Chamberlist: Clarification as to why we need Appeal Committees and Appeal Boards. What is the difference?

Mr. Legal Adviser: Mr. Chairman, this is by reason of the Federal-Provincial nature of this legislation. We have got one and we have to have a second as well in order to fit into, knit into the scheme of things that have been organized elsewhere and I confess it is a little difficult to understand. I say that I don't completely understand it but I would ask you to bear with this - this will work out in practice. We are assured by Mr. Murphy that this will work out in practice.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Fingland can give an explanation as to why these situations arise where we need an Appeal Committee and an Appeal Board. BILL #16

Mr. Fingland: Mr. Chairman, I'm afraid I'm at a loss to answer that one too because when I first read the Bill that was my reaction. It was exactly the same as Councillor Chamberlist's and I was also told just pretty much just what the Legal Adviser has told you that the provinces with the nature of their organizations whereby municipalities in many cases participate in the distribution of social assistance and in fact contribute a part of the cost make it necessary for them to have more than just the single Appeal Board; there must be provision for more than one but I can't really see why it should be necessary to have both an Appeal Committee and an Appeal Board under the circumstances here in the Yukon. However if the legislation has to be drawn this way in order to fit in with the Federal requirements this is the only solution I can think of.

Mr. Chairman: Mr. Dumas.

Mr. Dumas: Do these Appeal Boards or Committies cost us anything?

Mr. Legal Adviser: In practice, Mr. Chairman, we may not, in fact, be using both. There shall be a Board and the Commissioner may establish one or more social assistance ...committies, so there is a certain amount of discretion in the Commissioner's hand as to whether or not he sets up a dual system, but to meet with the general trend of legislation where you have a series of local committies in various places, which may not be necessary here; still due to an Ottawa point of view they wish to have the Committee as well as the Board.

Mr. Chairman: Thank you. Any question Councillor Dumas?

Mr. Dumas: No.

Mr. Fingland: Mr. Chairman, I think the answer to Councillor Dumas' question is in Section 13 "they are to serve without remuneration but they are entitled to expenses".

Mr. Chairman: Yes, we will be coming up to this.

Mr. Chamberlist: Mr. Chairman, I am not clear on 11, perhaps that section can be held in abeyance because of the attempt in Section 12 to show that an Appeal Committee can be appealed to an Appeal Board from that decision.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Before the legislation was brought forward to Council there were some questions raised internally in this matter and this appeal situation was one of them and the situation basically is this, according to the notes I have from Mr. Murphy here is that an agreement shall provide now when we are talking about an agreement they are talking about the agreement that effectively we are authorizing to be entered into here shall provide that the Province will ensure the provision by law not later than one year of the effective date of the agreement of the procedure for appeals from decisions of provincially approved agencies with respect to applications for assistance by persons directly In other words, I doubt very very much if in fact we will have anything more than just one Appeal Board here because in this case the Territorial Government is the welfare age.

BILL #16

Mr. Commissioner continues... in the Yukon Territory whereas in provincial jurisdictions this is mostly handled at the municipal level and the idea of this whole Canada assistance plan is to provide an equal standard of assistance throughout Canada for persons in need and in order to qualify for this you have to be able to do certain things and one of these things being that there is an appeal provision here where, if the local Board was prepared to pay say less than the standard acceptable by the Appeal Provision Board and they want to pay more, the Director of Social Welfare in turn has the ability to appeal that decision as well. I could read further here. You will have noted that there is a provision for the constitution of two appeal boards in Saskatchewan which was the first province to bring in new social legislation relative to the Canada Assistance plan and which legislation was used to a large extent as a basis for the Social Assistance Ordinance in the two territories. There is provision for a number of appeal boards. This will also be the case in the other provinces. There has to be a provision for a local appeal committee for each particular area in the province where social assistance agencies are located and there has to be one welfare appeal board which is the final authority and to which a decision of the local appeal committee may be referred; either by the applicant or recipient or by the Director of Social Welfare, depending upon who wishes to take issue with the local committee decision. It may be the decision of the local committee to increase the local recipient's allowance where the Director feels this cannot be justified; therefore the Director will file an appeal with the Welfare Appeal Board for any final ruling on the matter. In the Yukon it would be necessary to set up local committees in Dawson, Watson Lake, where we have welfare district offices, and in Whitehorse. The Welfare Appeal Board is the final authority to be set up in Whitehorse. I would think that there would be very few appeals to deal with and in most cases these will undoubtedly be settled at the local level.

Mr. Chairman: May I proceed.

Mr. Chamberlist: It is not clear, though. I would come back to that after Number 12. Mr. Chairman, with respect, I wish Mr. Chairman, wouldn't show impatience with me. I want to make sure Mr. Chairman that I understand fully all sections and 11 to me is simply something that appears to me a contradictory need and I, with respect, would ask you not to show impatience.

Mr. Chairman: Are we now clear?

Mr. Chamberlist: I'm not clear.

All others: Clear.

Mr. Chairman: 12, sub-section 1 (reads 1, 2, 3, and 4 of Section 12). Clear, gentlemen?

Mr. Chamberlist: Yes, Mr. Chairman, you may realize now my reason why According to this there may be something like 20 appeal committees and an appeal board because it refers to an appeal committee for the area in which the person resides. Now is it the intention of the administration to set up areas whereby there will be an appeal committee in each area. I wonder if somebody could answer that question.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, as I understand it from the Director of Social Welfare, it would be necessary to set up local appeal committees in Dawson and Watson Lake and in Whitehorse. I am assuming from what he has said here that these would be the three districts in which these appeal committees would be set up; at least in the initial stages. Now, Mr. Chairman, this does not preclude the fact that if a necessity arose of creating one in another district, for matters of the convenience of the people living there, this does not preclude

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, my question is still related to the question of finance. It seems to me that there is every possibility that the cost structure could rise and it could fan out to any given amount. It seems to me a most appalling thing where we only have 15 or 16 thousand people that we have to envision the costs which are already involved in welfare. Surely there is something wrong with our approach or we haven't done anything about the matter to rectify the situation so that instead of having welfare we have people working and contributing towards the cost of government in the Yukon Territory. Surely there must be something wrong there and I would like to address a question to Mr. Fingland on this point Mr. Chairman and ask him if he or the administration consider if the adoption of this new program will in any way contribute towards the cost of operation and maintenance of the welfare department and the increasing of personnel and staff. Thank you.

Mr. Chairman: Mr. Fingland.

Mr. Fingland: Mr. Chairman, I can't answer your question in detail. It is my understanding this new plan will not cover the cost of regular staff. There are certain things that can be done under the National Welfare Grants scheme for surveys and so on but it won't cover regular normal continuing staff costs.

Mr. Chairman: May I proceed? Section 13 (reads this Section). Section 14. (Reads section 14). Clear?

Mr. Chamberlist: Question.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Fingland could perhaps answer this for me. If a person were given assistance and I would take it that he would be granted assistance by a Social Services Officerhis need was one of these at the time the request was made.

Mr. Fingland: That is correct.

Mr. Chamberlist: Well, would it not appear Mr. Fingland that if a Social Service Officer came to the conclusion that the need was there, paid this person an amount of money and then at some later date the Social Service Officer would appeal to a Local Appeal Committee that this money be refunded after he had made the decision to give this money; would that not be an improper action to take against a person that he had given the money to in the first place?

Mr. Fingland: Well, I doubt very much, Mr. Chairman, if it

BILL #16

Mr. Fingland continues...
would run for any great length of time because normally the way this thing works is that the Welfare Officer authorizes a certain level of assistance and this is known almost immediately to the Director and if he at that point felt it was being authorized at too high a level he would then say this must be cut back, at which point then the appeal mechanism would come into effect.

Mr. Chamberlist: Mr. Chairman, under what circumstances Mr. Fingland would this section come into being where a person has received assistance for which he is not eligible or assistance in excess of that amount - I'm just dealing with that first portion where a person has received assistance for which he is not eligible. Now what makes him eligible and what makes him ineligible. Surely if he has been examined by a Social Service Officer who comes to the opinion that he is eligible and pays him that much, now when does he become ineligible? For the payments or for that particular payment - does he have to pay back that particular payment that the Social Service Officer, at his discretion has already issued to him?

Mr. Fingland: Well, I think, Mr. Chairman, it would depend on the circumstances. It could very well be that a person received a level of social assistance or indeed received social assistance at all and was subsequently found not to comply with the need requirements, for example it could be found that the recipient was paid social assistance when in fact he had a source of income which had not been revealed or subsequently came into funds which he previously didn't have access to. For example he might be the recipient of a legacy at which point he would cease to be eligible. In the meantime his Social Assistance cheques had continued to go to him and I think we would want to be able to recover.

Mr. Chamberlist: Mr. Chairman, Mr. Fingland, are you suggesting that if a person came into a legacy a month after you had given him one or two payments, he would have to return those payments?

Mr. Fingland: No, I'm not suggesting that if he was eligible up until the time he came into additional sources of money he would have to pay back anything he had got previously because he would have been eligible for those up until that time.

Mr. Chairman: Section 15 (reads Section 15). Section 16. (reads Section 16).

Mr. Dumas: When did the other sections come into force?

Mr. Legal Adviser: I would anticipate they came into force with the normal rule on assent. There is no other measure provided...

Mr. Chairman: What is your further pleasure in relation to this Bill, gentlemen?

Mr. Dumas: I suggest that this Bill be reported out of Committee, without amendment.

Mr. Chairman: Is there a seconder.

Mr. Shaw: What is the motion, Mr. Chairman.

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Mr. Chairman: He moves that Bill No. 16 be reported out of Committee without amendment. BILL #16.

Mr. Shaw: I second that motion.

Mr. Chairman: Are you prepared for the question on the Motion? Are you agreed? Contrary? I will declare the motion carried.

MOTION CARRIED

MOTION CARRIED

Mr. Chairman: Gentlemen, you are once again out of work. We have gone as far as we can go, gentlemen, with matters before committee at this time.

Mr. Fingland: May I be excused at this time?

Mr. Chairman: May Mr. Fingland be excused at this time?

All: Agreed.

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

Mr. McKinnon: Mr. Chairman, I move that Mr. Speaker resume the Chair and hear report of committee.

Mr. Dumas: I second that motion.

Mr. Chairman: Moved by Councillor McKinnon, seconded by Councillor Dumas that Mr. Speaker resume the Chair. Are you prepared for the question? Are you agreed? Any contrary? I declare the Motion carried.

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

Mr. Chairman: Mr. Speaker, Committee convened at 10.50 A.M. to discuss Bills, Sessional Papers and Motions. It was moved by Councillor Shaw and seconded by Councillor Dumas that Bill No. 4 be reported out of Committee as amended. This motion carried. Committee recessed at twelve noon and reconvened at 2:00 P.M. I can report progress on Bill No. 5. It was moved by Councillor Shaw and seconded by Councillor Dumas that Bill No. 9 Sec. 1, New Section 68 be amended to 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 or other British Subject, and unless he is either a resident of the Yukon Territory or a servant of the Government of Canada or the Government of the Yukon Territory". This Motion carried. It was moved by Councillor Shaw, seconded by Councillor Livesey that Bill No. 9 be reported out of Committee as amended; this motion carried. I can report progress on Bill No. 18. Mr. Fingland attended committee to assist in discussions related to Bill No. 16. It was moved by Councillor Dumas, seconded by Councillor Shaw that Bill No. 16 be reported out of Committee without amendment and this motion carried. It was moved by Councillor McKinnon; seconded by Councillor Dumas that Mr. Speaker do now resume the Chair. This motion carried.

Mr. Speaker: Thank you Mr. Taylor. You have heard the report of the Chairman of Committee. Are we agreed. May I have your further pleasure?

Mr. Chairman: Mr. Speaker, in relation to the agenda, possibly following the week-end we may have more information on Bills, but I would suggest Bills, Motions and Sessional Papers for Monday.

Mr. Speaker: I wonder if Mr. Chairman would check on the report to see if Bill No. 4 was moved out of Committee.

Mr. Chairman: Bill No. 4, Mr. Speaker, as reported, was reported out of Committee as amended.

Mr. Speaker: Thank you Mr. Chairman.

Mr. Chamberlist: Mr. Speaker, I wonder if on Bill No. 4 the House would record my opposition.

Mr. Chairman: Mr. Speaker, I don't believe that is possible - it can only be done in Committee. I believe the member will have his opposition possibly, to register on third reading.

Mr. Speaker: That is correct.

Mr. Shaw: Mr. Speaker, I wonder if a member in Committee asks to be recorded as either abstaining or voting contrary to passing of a bill out of Committee, is that something that should be recorded or not. Does a person have that right?

Mr. Speaker: The usual procedure is that those things which happen in Committee are reported in Committee and those things which happen in the House are recorded in the House.

Mr. Chairman: Just as a point of clarification the rule in Committee of the Whole in this matter, to assist the members is that no votes, individual votes are recorded in Committee of the Whole unless specifically asked for.

Mr. Chamberlist: Mr. Speaker, I had during Committee requested that my vote 'contrary' be recorded. When Mr. Speaker asked if we agreed I said then I was contrary.report to the House I am opposed to that Bill.

Mr. Speaker: Mr. Chairman will take note, Mr. Chamberlist. May I have your further advice covering the agenda?

Mr. Chairman: Well, Mr. Speaker, possibly you didn't hear me. I said that we have Bills, Motions and sessional papers for Monday.

Mr. Speaker: Thank you Mr. Taylor. Before the adjournment motion is called I believe the Commissioner has a message of importance for the House.

ASSENT TO
BILL #7.

Mr. Commissioner: Mr. Speaker, I beg to advise the House that I am happy to give my assent to Bill No. 7, being an Ordinance to Adopt a Flag for the Yukon Territory.

All: Hear, hear, hear, hear!

Mr. Speaker: Thank you Mr. Commissioner.


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Mr. Speaker: May I have your further directions?

Mr. Chairman: Mr. Speaker, I would move that Rule No. 2 be suspended and that we do not sit again until Monday.

Mr. Chamberlist: I second that motion.

Mr. Speaker: It has been moved by the Honourable Member from Watson Lake that Rule No. Two be suspended and seconded by the Honourable Member from Whitehorse East that we do not resume until Monday morning. Is the House prepared for the question on the motion? Are we agreed? Any opposed? I will declare the Motion carried. The House now stands adjourned until 10:00 A.M. on Monday morning.

Page 699.
Monday, December 4, 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. I have for your attention this morning, gentlemen, the tabling of Sessional Paper No. 61, Fire Marshal's Services, Yukon Territory, and Sessional Paper No. 62, Proposed New Senior Citizens' Home. Introduction of Bills.

SESSIONAL
PAPERS
#61
#62

Moved by Councillor Dumas, seconded by Councillor Shaw, that Bill No. 20, An Ordinance to Amend the Interpretation Ordinance, be introduced at this time.

BILL #20
INTRODUCED

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Are there any further Introduction of Bills at this time? Notices of Motion or Resolution. Are there any Notices of Motion or Resolution? May we pass to Orders of the Day. Notices of Motion for the Production of Papers.

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion for the Production of Papers this morning respecting the Watson Lake and Mayo Sewer Systems.

NOTICE OF
MOTION FOR
PRODUCTION
OF PAPERS
#11

Mr. Speaker: Are there any further Notices of Motion for the Production of Papers? There are no Motions for the Production of Papers and remaining on the Order Paper under Motions for the Production of Papers passed are Nos. 4, 5, 6, 7, 8, 9 and 10. We will now pass to Motions. We have Motion No. 44, moved by Councillor Taylor, seconded by Councillor Chamberlist, reference Law Enforcement Policies, Teslin. The text reads, "The Administration is respectfully requested to communicate to the Department of Justice in Ottawa the desire of Council that an investigation be undertaken into complaints by members of the Teslin native community respecting law enforcement policies in that settlement." Would the Member be prepared to discuss the question at this time?

MOTION #44

Mr. Taylor: Yes, Mr. Speaker. The need for this Motion has arisen out of a letter received by myself on November 11 from informants in the Teslin native community in respect of law enforcement policies in that community. The members of the community felt that they were being somewhat hard done by. I have copies of this letter for information purposes which Mr. Clerk now has which he may wish to distribute to Members. The letter basically states, "I would like to mention to you about the R.C.M.P., the Corporal and the Constable here in Teslin. They are going a little too much picking up drunks and prisoners here in Teslin. Some people are picked up in cafe and in the tavern when they do not cause any harm towards others. People who leave the tavern to go home are picked up when they are not drunk enough to be picked up by policeman. The policemen patrol in front of the tavern 'til someone comes out of the tavern and take them to jail and the ones that get picked up complain that the R.C.M.P. kick and fist them around. We want something done about this soon before this goes any further." Now, at the outset, I would like to say that this may or may not be correct information. I really don't know but as a representative of these people, it is up to me as their elected

MOTION #44

Mr. Taylor continues:

representative, the one they went to the polls to vote for, to find out if this is indeed right or wrong. So, as a result of this, I forwarded a request, in the normal channels the way we have generally done it, to our Legal Department and asked them if they would contact the R.C.M.P. and see if we couldn't get some information on this and have this looked into. A reply came back to the effect that there would be no investigation launched into this thing unless the informant's name was disclosed. Well, in the first place I was quite willing, as I have the letter here, to disclose the name of the informant, but if this was the reaction from the Police Department, then I felt that well then I had better maybe consider this..the author of this particular letter...to be privileged and that I would withhold his name. Now...then a further letter brought the same results so that is why it comes before us at the Table today. We have a bit of a quandry, Mr. Speaker, in respect that we do not have any part of the Administration of Justice, and that, as was proposed in the former Five Year Agreement now expired, "that a senior legal officer of the Crown be appointed to supervise the administration of Justice in the Territory and 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, the administration of jails." Well, as we know, this didn't come about. At this same time I would like to draw to your attention, Mr. Speaker, the fact that a survey has been made in respect of this very thing, a survey made I believe by the Canadian Corrections Association, and this survey was prepared for the Honourable Arthur Laing, our Minister of the Department of Indian Affairs and Northern Development, a copy of which I believe all Members have. I think I would like to draw this morning your attention to a paragraph on page 36 which states, "In general, relationships between the Police and Indian people in these parts of Canada are less amicable and in many areas have reached a stage where bitterness prevails on both sides. This is particularly true where police officers have rural detachments containing many metis settlements or Indian reserves. The constant surveillance sometimes required by the Indian and Metis people can, under these circumstances, harden into open dislike on the part of the police. Where this occurs, the Indian people in return may respond by being withdrawn and uncommunicative when sober and highly belligerent and aggressive when drunk." And, further, on page 37, "On the other hand, they state that the feeling is widespread among the Indian and Metis people that the police push them around and arrest them on the slightest provocation. However, in many areas the police show a good spirit of friendliness with the Indian people. Indeed, often the local police officer is active in social and recreational work among the Indian and Metis people." Well, Mr. Speaker, it is not my intention today to say, as I say, who is right and who is wrong but when you consider that one-third of the people that we represent in this Territory, that is I should say 25% to 30%, of the people in the Yukon are indeed native people, then I think it behooves us as a Council and as their elected representatives to assist them in such matters whenever they do have grievances and this is the reason why I rise today. It was best stated in the report in the closing comments of the report where they state, "the responsibility to see that these changes are made rests squarely on the shoulders of all Canadians, including the Indian and Eskimo themselves. These issues must not be allowed to fade from our group consciousness and specific steps must be taken to inform all interested Canadians as to

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Mr. Taylor continues:

MOTION #44

the situation that exists and to seek further solutions." So, Mr. Speaker, in conclusion at this time, I would like to say that these people have indeed forwarded a letter to me as their representative asking for some relief to a situation which may or may not exist. I have asked for an investigation and I have been refused on the grounds that I will not disclose the name of this informant and I say that I cannot disclose the name of this informant for this reason. One is that if indeed the accusation in the letter is correct, it is entirely possible that repercussions could be had against these people so, consequently, I will keep that name known only to myself and Indian Affairs, and I would ask that I have support of this Motion. I think that it is a perfect time and a perfect place for the Department of Justice to start looking into the problems as outlined in this report and I am sure that not only Teslin could use a good look at. I think the whole Territory could but Teslin kicks the ball off and I would ask for full support of this Motion in order that an investigation may proceed.

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

Mr. Chamberlist: Mr. Speaker, I seconded the Motion because of the need to recognize that law enforcement policies must be applicable to all people whether they be Indian, Metis or White. It is unfortunate that this must be brought to the table but wherever any of our Citizens feel they have abuse thrown at them by our law enforcement agencies, some steps must be taken to correct them. I recognize that the need for supporting our police forces is of primary importance to all of us because the only way that we can maintain law and order is by supporting those people who are placed in the position to enforce law and order. When a complaint is made, whether the complaint is founded or unfounded, I feel that the R.C.M.P. have a responsibility to examine that complaint and report on it to the person that has asked for it. In this particular case, a complaint was made by an elected Member of this Council who has every right to look into the information given to him by those in his constituency, and I think when it is refused, it perhaps shows a lack of recognition of this Body. I am well aware that many of the Indian population try the patience of law enforcement officers but this is no reason why, if this complaint as it is written has any grounds at all, why this should continue. The Motion asks for an investigation to be made. It is a justifiable Motion. It should be supported. I would also point out a section, to me, which is most important when dealing with Indian people, of the report called "Indians and the Law" which has already been referred to by the Honourable Member for Watson Lake that Indian people have an attitude towards the police and law because of the confusion that has taken place in the manner that they are treated when coming into contact with the law. On page 40, fourth paragraph, it reads as follows: "It appears that most Indian people enter guilty pleas either because they do not really understand the concept of legal guilt and innocence or because they are fearful of exercising their rights. Access to legal counsel is seldom possible for them. In remote areas the Indian people appear confused about the functions of the Court, particularly where the Royal Canadian Mounted Police officers also act as Crown Prosecutors or where the Magistrates travel about in police aircraft." One of the problems that arise from complaints of this nature is that an Indian is reluctant

MOTION #44 Mr. Chamberlist continues:

to have his name brought forward. Quite often he may take a beating and not say anything about it but where the natives, one of our natives, feels sufficiently strong enough and has come to what you might say is the end of the row, when he goes to his Territorial Councillor and he says to his Territorial Councillor, "I am being treated in a rough manner", and the Territorial Councillor takes that complaint up, I think there is a responsibility upon the R.C.M.P. to look into that complaint and so, notwithstanding that I feel that we have to maintain support for the R.C.M.P., we must also recognize that if the R.C.M.P. are in fault, they must be criticized. The only criticism I have to offer, and I haven't seen the reply that has been forwarded as a result of the request for an investigation, but I take it that my colleague from the Watson Lake district is correct, that there must be an immediate request made for an investigation and also, Mr. Speaker, it only shows that the need for a head of a Legal Department to be in charge of police administration and the need for the administration of Justice in the Yukon is a responsibility of the Legal Adviser to the Territorial Government is all the more pronounced.

Mr. Speaker: Does the House require any assistance from the Legal Department on this question?

Mr. Dumas: Mr. Speaker, I would like to hear Mr. Legal Adviser's comments.

Mr. Legal Adviser: Mr. Speaker, what Councillor Taylor says is correct in that at the first opportunity he came to me and asked me to investigate the complaint which he had received from one of his own constituents. I wrote to the Commanding Officer of the Police and asked him to investigate the matter and was in turn asked for the name of the complainant and investigation was being held pending this name. I did in fact communicate this to Mr. Taylor who took the view that at that time he was not in a position or not willing to give the name of the complainant and the complainant in fact, of course, in this instance, was the Councillor himself but, unfortunately, the police took the view at that time that no investigation would be made unless the name was forthcoming, but I am advised that this in fact was an error and that the Commanding Officer was not present at that time and I received a letter from him concerning this and in it he states what is the policy of the Royal Canadian Mounted Police in matters such as this. He says, "For many years the Royal Canadian Mounted Police have strictly adhered to the policy of thoroughly investigating all complaints received concerning the activities of its Members, regardless of the origin of the complaint." He then goes on to say that in fact he had on November 24, some six days before this, "A senior Member of my staff was directed to conduct the investigation of this complaint. He will report the results of the inquiry to me in due course." He goes on to say that the letter which was written over his typewritten signature but not signed by himself refusing to order the complaint was in fact unexplainable and due to an error of the particular Member who signed the letter. I can inform the House that investigation is in fact being made by the Police into this particular complaint and a report will be made in due course. The Honourable Member is correct in saying that the investigation of such matters, the control of prosecutions, the control of the administration of Police, is in the hands of the Attorney-General and does not rest in this Government. Prior to this,

Mr. Legal Adviser continues:
 these matters were more easily resolved in that the person holding the post of Legal Adviser was in fact also subject in part of his duties to the Attorney-General and in that way a liaison may have been possible but even apart from a financial agreement dealing with the cost of the administration of Justice, I have formed the opinion that legislation in the House may be necessary and possibly part of this legislation may be necessary in Ottawa to see to a transfer of Justice. It is not enough to transfer administration merely in every case by administrative direction. This can be done in such a case as Fisheries and so on but I don't think, without legislation in either one or two places, it would be possible to see that the actual responsibility for the administration of Justice viewed in the whole, is possible. I don't know what view the Honourable Members will take on this Motion but I can assure them that this matter is being investigated.

Mr. Speaker: Thank you, Mr. O'Donoghue. Is there any further discussion?

Mr. Shaw: Mr. Speaker, I have heard the discussion in relation to this and it certainly surprised me that the R.C.M.P. would not make an investigation as it was put out and it does appear that some subordinate answered the letter which he apparently should not have answered and certainly not in the tone in which he answered it because I have always been of the impression that they will certainly deal with any complaints from any particular section of the Yukon Territory, particularly in relation to the Members of the R.C.M.P. They are pretty fussy and particular about that and they have in the past, I know although I haven't had any direct connection with this, Mr. Speaker, they have certainly gone over it with a fine tooth comb and sometimes there have been some very erroneous charges made, but whoever is responsible, they seem to have followed them up and this attitude just absolutely shocks and surprises me, however, it does seem to have been a mistake of some subordinate and I think that the Member from Watson Lake has certainly done his duty in respect to getting this looked in to and it does appear that it is on the way. I don't know what we will do with the Motion now.

Mr. Speaker: Any further discussion.

Mr. McKinnon: Mr. Speaker, I feel that if the intent of the Motion is already being followed by the R.C.M.P. that perhaps the Motion should be withdrawn and we should wait a report from this investigation before we carry it further.

Mr. Taylor: I would like to direct a question before I rise in conclusion, Mr. Speaker, towards Mr. Legal Adviser and ask him if it is his feeling that the results of this report will be communicated to Council or not.

Mr. Legal Adviser: Mr. Speaker, I cannot say that. The terms of the letter to me are, "A senior Member of my staff was directed to conduct the investigation of the complaint. He will report the results of the inquiry to me in due course." I don't know whether he would report to me. As the matter stands, I am not in the position to direct this.

Mr. Speaker: Is there any further discussion before the Honourable Member closes the debate?

MOTION #44 Mr. Taylor: Mr. Speaker, in closing, I am very pleased to hear that the R.C.M.P. will be investigating this, however, unless I was to receive, on behalf of these people, results of such a study, I would not be able to determine for my own whether any good has come out of this on their behalf or not. I was, at one point, thinking of withdrawing the Motion in view of it possibly being redundant at this point in time with a study being made but it does occur to me that occasionally studies are made by administrative functions which are very rarely ever critical of themselves. That is like the Minister of Northern Affairs making a study of his Department in order that his Department be criticized, or any Department for that matter, and I am wondering if possibly we shouldn't proceed with this Motion in order that then we may expect to get a reply and so I would ask for the concurrence of Members in respect of this in order that we may receive a reply and that we may then be able to convey this reply to the people of my constituency involved.

Mr. Speaker: Is the House prepared for question on the Motion? Are we agreed?

Mr. McKinnon: Contrary.

Mr. Speaker: Gentlemen, there is a Motion before the House. We must have a decision.

All: Division.

Mr. Speaker: Mr. Clerk.

Mr. Clerk: The Member from Whitehorse North.

Mr. McKinnon: Contrary.

Mr. Clerk: The Member from Whitehorse East.

Mr. Chamberlist: Yea.

Mr. Clerk: The Member from Dawson.

Mr. Shaw: Contrary.

Mr. Clerk: The Member from Watson Lake.

Mr. Taylor: Yea.

Mr. Clerk: The Member from Mayo.

Mrs. Gordon: Nay.

Mr. Clerk: The Member for Whitehorse West.

Mr. Dumas: Nay.

Mr. Clerk: The count is 2 for and 4 against.

Mr. Speaker: I will declare that the Motion has not carried.

MOTION #44
DEFEATED

MOTION DEFEATED

Mr. Speaker: The next Motion is Motion No. 45, moved by Councillor Shaw, seconded by Councillor Chamberlist. The text reads, "It is the opinion of Council that it is desirable and economic that the Minister of Indian Affairs and Northern Development be approached with the object of having all river soundings, foundation investigations and all pre-engineering work completed this winter that will give all the information necessary for the construction at some future date of a bridge at Dawson spanning the Yukon River." Would the Member be prepared to discuss the question at this time?

Mr. Legal Adviser leaves the Council Chambers.

Mr. Shaw: Thank you, Mr. Speaker. This particular Motion, Mr. Speaker, is the same as what I put in last fall - 1966. It is with exactly the same objective. I say desirable because it is desirable and necessary that a bridge be constructed over this river and I say economic, Mr. Speaker, because the winter is not a very busy time for all the engineers that we have and possibly the Department of Public Works. The summer time is the busy time. Now is the time that they can do this. It is also economic for this particular project insofar as they can set up their equipment on the ice and do the necessary drilling. It may be, Mr. Speaker, that the Government is very hard up at the present time and have an austerity program but when it comes to building bridges in the Yukon Territory, they always seem to have an austerity program in effect and it takes years and years and years and years before they get around to it and after they have these bridges completed, well, it is accepted as a normal course of events. They should have a bridge. Naturally they should have a bridge. So that when they do decide that they do have the money, I think that it is certainly sound that they know exactly the conditions in which they will have to build a bridge...the type of ground, the type of foundation, the type of bridge, and also the cost of this so that...this is not asking for them at this moment to build a bridge...but I cannot see why all the data and information to do this...because eventually it has to be...a bridge has to be across that. It's inconceivable that this type of transportation by a ferry, by these skylines, all this kind of stuff to transport vast quantities of tonnage out of the Clinton Creek area..when you figure 80,000 tons a year that has to go across on ferries and has to go across on skylines and so on...it's really something that...you think you were looking at something in about the days of '98 because it hasn't advanced very much in this respect, but the first thing that must be done is to get all the data necessary and this is all I am asking for at this time, Mr. Speaker...is to get the engineering data so that when the time comes along we can go right ahead with the project. It won't cost any more now than it will in ten years. In fact, it will probably cost a great deal less and I feel sure that we must have the qualified persons on hand to do this job.

Mr. Chamberlist: Mr. Speaker, as seconder of the Motion, I support the principle of this Motion because the need for the pre-engineering work to be done as early as possible is so obvious. The longer this is put off, the longer the time will elapse before the bridge across the river at Dawson will come into effect. With the need and production of the Clinton Creek Mine, it is fairly obvious that the existing method of the tramline will not be satisfactory. In a very short period

MOTION #45 Mr. Chamberlist continues:
it will be outmoded. The need for a bridge is going to be very very necessary in a short while. I would suggest that Council Members support this Motion. As I say, the quicker the pre-engineering work is done, the quicker a bridge will be forthcoming.

Mr. Dumas: Mr. Speaker, I very gladly rise to support this Motion. I think this work should have been done before now. I think the bridge should have been started before now. I believe that the Government will recover the cost of this bridge and then some within the first two years of full production of the Clinton Creek operation as has been pointed out in the past by Councillor Shaw.

MOTION #45 CARRIED Mr. Speaker: Is there any further discussion on the Motion.
MOTION CARRIED

Mr. Legal Adviser enters the Council Chambers.

Mr. Speaker: I will declare a five minute recess until the arrival of the Commissioner for the question period.

RECESS.

Mr. Speaker: I will now call Council to order. The delay, gentlemen, was caused by the fact that we were not sure whether the Commissioner could arrive or not and he will not be available to us until eleven o'clock or after. You may proceed with your questions at this time please.

Mr. Chamberlist: Mr. Speaker, who may I address my questions to if the Commissioner is not here?

Mr. Speaker: Written questions, Mr. Chamberlist.

Mr. Chamberlist: Mr. Speaker, could one of the Assistant Commissioners be here at this time?

Mr. Speaker: I wonder if it wouldn't be better if we proceeded to Public Bills and Orders and then return to the question period with your unanimous approval in order to carry on at this time.

All: Agreed.

Mr. Speaker: May I have your further instructions?

FIRST READING BILL #19 Moved by Councillor Taylor, seconded by Councillor Shaw, that Bill No. 19, An Ordinance to Provide for the Central Filing and Publication of Regulations, be given First Reading at this time.

MOTION CARRIED

MOTION CARRIED

SECOND READING BILL #19 Moved by Councillor Taylor, seconded by Councillor Shaw, that Bill No. 19, An Ordinance to Provide for the Central Filing and Publication of Regulations, be given Second Reading at this time.

MOTION CARRIED

MOTION CARRIED

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

FIRST
READING
AMENDMENT
BILL #4
MOTION
CARRIED

MOTION CARRIED

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

SECOND
READING
AMENDMENT
BILL #4
MOTION
CARRIED

MOTION CARRIED

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

THIRD
READING
BILL #4
MOTION
CARRIED

MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor Taylor, that the title to Bill No. 4, An Ordinance to Amend the Motor Vehicles Ordinance, be adopted as written.

TITLE
ADOPTED
BILL #4
MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: I will declare the Motion carried and Bill No. 4 has passed this House. May I have your further pleasure, gentlemen?

Moved by Councillor Shaw, seconded by Councillor McKinnon, that First Reading be given to the Amendment to Bill No. 9, An Ordinance to Amend the Evidence Ordinance.

FIRST
READING
AMENDMENT
BILL #9
MOTION
CARRIED

MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor McKinnon, that Second Reading be given to the Amendment to Bill No.9, An Ordinance to Amend the Evidence Ordinance.

SECOND
READING
AMENDMENT
BILL #9
MOTION
CARRIED

MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor McKinnon, that Third Reading be given to Bill No. 9, An Ordinance to Amend the Evidence Ordinance.

THIRD
READING
BILL #9
MOTION
CARRIED

MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor McKinnon, that the title to Bill No. 9, An Ordinance to Amend the Evidence Ordinance, be adopted as written.

TITLE
ADOPTED
BILL #9
MOTION
CARRIED

MOTION CARRIED.

Mr. Speaker: I will declare the Motion carried and Bill No. 9 has passed this House.

Moved by Councillor Dumas, seconded by Councillor Gordon, that Bill No. 16, An Ordinance to Provide for the Granting of Assistance to Persons in Need, be given Third Reading at this time.

THIRD
READING
BILL #16

MOTION CARRIED

MOTION
CARRIED

Moved by Councillor Dumas, seconded by Councillor Gordon, that the title to Bill No. 16, An Ordinance to Provide for the Granting of Assistance to Persons in Need, be adopted as written.

TITLE
ADOPTED
BILL #16

MOTION CARRIED.

MOTION
CARRIED

~~AA~~

Mr. Speaker: I will declare the Motion carried and Bill No. 16 has passed this House. At this time I will call a ten minute recess for coffee.

AA

Page 709
Monday, 4 December, 1967
11:00 A.M.

Mr. Speaker: I will now call Council to order. We were discussing public Bills and Orders and would you advise me if you wish to continue with public Bills and Orders or revert to the question period.

Mr. Shaw: Does this require a Motion Mr. Speaker?

Mr. Speaker: No.

Mr. Shaw: I would suggest we revert back to the question period.

Mr. Speaker: Are we agreed.

All: Agreed.

Mr. Taylor: Mr. Speaker, my first question is to Mr. Commissioner this morning in relation to Anvil Development. I am wondering if as yet he has anything to report with respect to the transportation of product via Haines or via Skagway.

ANVIL
DEVELOP-
MENT

Mr. Speaker: Mr. Commissioner.

Mr. Commissioner: Yes, Mr. Speaker, I will advise Council that there has been a joint press release by the Anvil Mining Corporation and White Pass and Yukon Corporation at 11:00 A.M. this morning at which the Anvil Mining Limited and the White Pass jointly announced that they have signed a contract covering the transportation of Anvil's concentration to tidewater. The contract covers the initial operating period of eight years commencing in 1969. This goes on into considerable detail and it further says that will involve the movement of 30,000 tons of concentrate per month. They will be transported 230 miles from the mine site to Whitehorse by truck and 110 miles to the Port of Skagway, Alaska from Whitehorse, by rail and further that these transportation plans include the construction of a \$4,000,000.00 bulk loading and storage terminal at Skagway by the White Pass and Yukon Route and these facilities will be used to store and transfer lead and zinc concentrates to deep sea vessels. There is further detail in this press announcement but that is the major import of it Mr. Speaker.

Mr. Speaker: Thank you Mr. Commissioner.

Mr. Taylor: Mr. Speaker, I wonder, another question, if Mr. Commissioner would have this morning information that I requested he take notice on regarding to the increase of liquor. I have two questions: one is, are these tax increases in effect and the other question was; at what level are these tax increases to be levied?

LIQUOR
TAX
INCREASE

Mr. Speaker: Mr. Commissioner.

Mr. Commissioner: Now, I don't know, Mr. Speaker, whether I have the answers exactly and precisely the way that the Councillor has asked the question here but, basically, the tax increase, when it becomes effective, goes on at the Federal level and will be reflected in our buying prices and will ultimately be reflected in our selling prices. It will not be going on to old stock and actual dollar and

Mr. Commissioner continues. cents that may ultimately become involved in this is some- that which I am in no position to quote at the present time as we would have to see the actual cost changes that are affected by the suppliers of the product in the first instance before we can carry it right through to our final selling price.

Mr. Speaker: Mr. Taylor.

Mr. Taylor: Supplementary to that, I wonder then if the Commissioner is aware - I'' restate this. In view of the fact that this tax is 10% increase in the cost of liquor to the Territory will be placed at the Federal or purchasing level and in view of the fact that we have a 100% mark-up on the landed cost of liquor to the Territory, would the Commissioner not feel that this would effect a double taxation to the people of the Yukon after applying a 100% mark-up.

Mr. Speaker: Mr. Commissioner.

Mr. Commissioner: Well, Mr. Speaker, this is exactly the area that I can't answer Council properly on because - 10% of what, Mr. Speaker; in other words on the proof spirit content of liquor may not result in anywhere near a 10% increase in all our actual purchase price of this product. This is something that we just have to see what the end result of this is. I just haven't got the detailed information, Mr. Speaker, at the present time.

Mr. Speaker: Mr. Chamberlist.

RIVERDALE
SHOPPING
CENTRE

Mr. Chamberlist: Mr. Speaker. This question is addressed to Mr. Commissioner. Has the Commissioner processed the land application made for the proposed shopping centre in the Riverdale District of the Metropolitan Whitehorse area and if not, when will this be done?

Mr. Commissioner: The land application has not been processed, Mr. Speaker, and I am collecting all the necessary data and information in connection with this before I have the matter completely analysed and am prepared to make a decision on it.

Mr. Chamberlist: Mr. Speaker, supplementary to the previous question. I wonder if Mr. Commissioner can say how long it will be before the land application will be processed.

Mr. Commissioner: I can't say exactly, Mr. Speaker, but I would say as soon as possible. I am not interested in delaying things and matters of this nature any longer than I have to. I have enough unfinished business on my desk at the present time.

CENTENNIAL
CO-
ORDINATOR

Mr. Chamberlist: Mr. Speaker. A question for Mr. Commissioner. Would the Commissioner advise whether the Centennial Co-Ordinator is still on the payroll of the Yukon Territorial Government and if so, at what rate of pay is he being maintained?

Mr. Commissioner: To the very best of my knowledge, Mr. Speaker, the Centennial Co-Ordinator's services were terminated with the necessary termination pay, holiday pay and whatever such things were part of his termination - salary, and his termination date has passed.

Mr. Speaker: Thank you Mr. Commissisner.

Mr. Chamberlist: Am I to understand from Mr. Commissioner that the Centennial Co-Ordinator is no longer in the employ of the Territorial Government?

Mr. Commissioner: Mr. Speaker, to the very best of my knowledge this is the situation. He is no longer in the employ of the Territorial government.

Mr. Speaker: Are there further questions.

Mr. Chamberlist: Question, Mr. Speaker, to Mr. Commissioner. Mr. Commissioner, I have put this question before with reference to uniforms for the Correctional Institute. I have learned that the morale of the staff of the Correctional Institute may be suffering because of the lack of uniforms. Would the Commissioner make the necessary funds available as has been budgeted for to obtain uniforms for the guards and officers as there is very little difference now between the inmates and those who are in authority - as far as dress is concerned.

CORRECTION-
AL
INSTITUTE
UNIFORMS

Mr. Commissioner: Mr. Speaker, no doubt the great levelling process is taking place. I have a hard time knowing the people individually by name who are on the payroll but any time I go near the place all those who are incarcerated seem to know me by my first name so that maybe the point that the Councillor makes is a very good one. I cannot make any promises. I go back to the original statement that I made on this and I will say that just as soon as this is possible and practical to be done it will be done.

Mr. Speaker: Mr. Taylor.

Mr. Taylor: I have another question related to finance Mr. Speaker, and that is in view of the fact that the Territorial government have the right to take our dollars and invest them in securities or short term loans, I am wondering if indeed at this point and time, if we have any money loaned out in short-term loans and securities, and if so to what extent?

Mr. Commissioner: Mr. Speaker, I don't know the exact amount of money that we have. We have considerable Territorial funds that there is not immediate use for. These funds consist mostly of funds that have been advanced to us by the federal government to take care of capital projects, contracts which have been let and for which progress payments are not due on; also amortization monies which have been paid to us in advance to us of their need and we have these monies on term deposit with the two banks in Whitehorse, earning a very satisfactory rate of interest, which helps considerably our money position until these monies are actually needed. The actual, the firm dollar amount of these monies I would be glad to supply to Council, Mr. Speaker. I just don't have it on hand but I would certainly be very happy to provide this information.

FUNDS NOT
IN
IMMEDIATE
USE

Mr. Speaker: Mr. Chamberlist.

Mr. Chamberlist: Mr. Speaker, supplementary to the previous question, would the Commissioner agree that the amount is in the region of a million and a half dollars?

Mr. Commissioner: Yes, it certainly is.

Mr. Speaker: Mr. Chamberlist.

Mr. Chamberlist: Mr. Speaker, to the Commissioner. Would the Commissioner consider taking about Two thousand Dollars for the purchasing of uniforms for the Correctional Institute?

Mr. Speaker: Order.

Mr. Speaker: Mr. Shaw.

Mr. Shaw: Yes, Mr. Speaker, a supplementary question, to Mr. Chamberlist, Mr. Speaker, regarding uniforms. Is it the intention of the administration to start up a tailor shop in this institution as an economy measure.

Mr. Speaker: I'll have to rule that question out of order. Are there any further questions? If there are no further questions is it your desire to continue with public bills and orders at this time?

All: Agreed.

Mr. Speaker: May I have your further pleasure?

Mr. Shaw: Mr. Speaker, I will move that the Speaker do now leave the Chair and that Council resolve itself in the Committee as a Whole to discuss Bills, Sessional Papers and Motions.

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

MOTION TO Mr. Speaker: Moved by the Honourable Member from Dawson and
MOVE INTO seconded by the Honourable Member for Whitehorse West that
COMMITTEE Mr. Speaker do now leave the Chair for the purpose of convening
in Committee of the Whole to discuss Bills, Sessional Papers
and Motions. Is the House prepared for the Question on the
Motion. The question has been called. Are we agreed? I
will declare the Motion carried.

MOTION
CARRIED

MOTION CARRIED

COMMITTEEMr. Speaker: Honourable Member for Watson Lake will please
OF THE take the Chair in Committee of the Whole
WHOLE

Mr. Chairman: We have this morning some amendments to Bills.
I'm not sure which is the first. I believe Labour is the
BILL #14. first Bill. Is that not correct. That would be Bill No. 14.
I wonder, Mr. Legal Adviser, if you could give Committee
your direction as to where these amendments are and whether
they have yet been introduced?

Mr. Legal Adviser: I did the amendments and am I correct
Mr. Clerk in thinking the amendments are retyped now.
Perhaps Mr. Clerk has a better record than I have as to where
the amendments are. They are not marked on the copy I have
Mr. Chairman.

Mr. Chairman: I believe the first amendment was sub-section
f of Section 2.

DISCOVERYMr. Legal Adviser: This amendment is just to put in Discovery
DAY Day in the definition section without giving any definition
as to what Discovery Day is which Council will recall was
fixed by a Motion of Council and would appear in different
Legislation.

Mr. Chairman: Are we clear, gentlemen?

All: Clear.

Mr. Chairman: I believe the next amendment I have noted is Section 10.

Mr. Legal Adviser: Mr. Chairman, is that an amendment to Section 7? This is re a point raised by Councillor McKinnon. The Advisory Board should be given more work to do and therefore in Section 7 I inserted "where in the opinion of the Commissioner after consultation with the Advisory Board the nature of the work". The members will recall a discussion about the averaging out of a fortnight instead of standard hours per week in certain trades and professions and it was thought that if the matter on which the Advisory Board could advise the Commissioner.

Mr. Chairman: Has this amendment been moved as yet, I wonder.

Mr. Legal Adviser: I'm not sure how it stood.

Mr. Chairman: Mr. Clerk.

Mr. Clerk: I believe that all the amendments were moved Mr. Chairman.

Mr. Chairman: Are we clear then on Section 7.

All: Clear.

Mr. Chairman: The next amendment I have noted is No. 10. Is this amended, Mr. Legal Adviser?

Mr. Legal Adviser: It's in sub-section 2 of Section 10, Sir. This was to make the point that - I think it was Councillor McKinnon made - to eliminate unnecessary, unenforceable legislation. I think Mr. Chamberlist joined in this comment so I inserted "that the employer shall report to the Commissioner and shall, upon request, report to the Commissioner so if he is not asked to he doesn't have to, but if he is specifically asked to then he has.

Mr. Chairman: All clear? I believe page 7 was a typing error. Was this correct?

Mr. Legal Adviser: Yes, the "s" was not typed in sub-section 2 of section 24 "holiday falls on Sunday", and the "s" was put in.

Mr. Chairman: Does this follow on page 8 with another typing error?

Mr. Legal Adviser: Yes.

Mr. Chairman: Sub-section b of Section 30?

Mr. Legal Adviser: Yes, the word "an" instead of "an". Now to me a point which I didn't understand at the time and which was raised by Councillor Gordon which I was a little bit obtuse in understanding. To meet the objection that the Inspector might have more power than the Labour Standards Officer Councillor Gordon suggested that the order of dealing with the Inspector's powers should be reversed so the effect of that was that section 36 because section 35 and the section dealing with inspectors which was the old 35 was put in its proper or a better position and became Section

BILL #14. Mr. Legal Adviser continues...

38. Now in conjunction with that, to make the point which was forcefully raised by Councillor Chamberlist about the power of the Inspector that they could be very very wide whereas the powers of the Labour Standards Officer were delimited in the Ordinance, I inserted the words in sub-section 2 of Section 38 as it is now, new, "such powers under this Ordinance and shall perform such functions and duties". The effect of that would be to bring him back to base. I didn't insert them actually; we discussed this with the Labour Officer, the Territorial Secretary, and if he has the powers under this Ordinance well then he will be limited of the powers under the Ordinance which he can give to an Officer and they will be not in excess of the Labour Standard Officers powers.

Mr. Chairman: Clear.

Mr. Legal Adviser: In Section 36, Sir, that is the new section 36 which was the old page 10, now page 9, the word on or or, I'm not sure which it was, in the last line of the old section 37, now new 36, to change the word, fourth last word in the Section to "of" instead of "or", a typing error. Now the next change that is made Sir is in Section 43 to meet a point raised by the Honourable Members, the period of limitation within which proceedings would have to be brought was reduced from two years to one year. That is old page 11 and new page 11, Section 43; it is the second section from the top of the page. Now the next change is on page 12, Section 44 in the second last line of sub-section 4 I have made an attempt to meet an objection which was raised by Councillor Chamberlist. I'm not sure if this was the subject of a motion or not but the point was made to me after Council rose that some provision should be made to deal with a part-time worker who would not even alleging in his complaint that he had worked a full maximum hours of work; he might go into Court and say I worked one hour a day for the employer. Then the Court would be coerced under the terms of section 4 that was to giving him a full week's pay although he only worked say five hours in that week. I have put in the ~~employee~~ effect shall be contrusively presumed to have been employed for the maximum number of hours a week allowed under this Ordinance and then my insertion is "or the number of hours deposed to by the employee, whichever is the less. So that if the employee goes into Court and says I worked five hours well then he gets the five hours. This is in the event now of no records being kept. I think Councillors will recall this and I did agree, on reconsideration with Councillor Chamberlist that it is basically unjust that a man says he worked for 5 hours a week and this is what he swears and nevertheless the Court should be coerced to give him 44 hours. So this will meet that particular objection; that is the maximum number of hours a week or the number of hours deposed to; whichever is the less. If he claims 5 hours he gets five hours. Now, the next change is in sub-section 2 of Section 47, the old sub-section 2 said the Advisory Board shall perform the functions and duties given to it under Section 6 and shall advise the Commissioner. To cover the point which was earlier raised by Councillor McKinnon that the Advisory Board ~~....powers~~ under Section 7 and to meet the possible case that the Commissioner might see fit to ask the Advisory Board to advise him on other matters we took out the limitation of Section 6 and just said simply "the Advisory Board shall perform the functions and duties given to it and shall advise the Commissioner with respect to any matter. This makes it quite a broad section

JA

Mr. Legal Adviser continues.
and might be useful to the Commissioner in giving the
Advisory Board other powers. Now the next change is in
paragraph (a) of Section 49. This was to meet a point
which I think was raised by the Commissioner himself during
the debate as to the difficulty of dealing sometimes with
machine-kept records which would need trained staff in the
administration for dealing with the reading and interpreta-
tion of them, and people who wouldn't fill in their records
correctly and he suggested that it might be inserted in the
Ordinance that the administration could require certain
forms of record being kept; so the words "and the form of
such records and the forms that may be required" is inserted
into paragraph (a) to make this point.

BILL #14.

Mr. Chairman: It is just the punctuation there I suppose.

Mr. Legal Adviser: I beg your pardon, Sir.

Mr. Chairman: It is just punctuation error after sub-section
(a)? An omission?

Mr. Legal Adviser: Yes, it should be a semi-colon.

Mr. Chairman: What is your further pleasure?

Mr. McKinnon: Mr. Chairman, I'm not sure that I am satisfied
with Section 44, sub-section 4. I believe the intent of the
Committee was that the discretionary powers as to what hours
were actually worked would be left in the hands of the Court
because actually even through the amendment the power to
swear as to what hours were actually worked are all in the
hands of the employer; if he says it was 40 hours this is
what the Court is going to hold to whether the employer
wants to object or not.

Mr. Legal Adviser: This particular Section, as it was
previously drafted, was in fact passed by the House and
it was passed on the old spelling out that if a person
doesn't keep his records and throws them away, then it is
held against him that the employee works the maximum
number of hours. This in fact was passed by the Commissioner
--by the House and it was my - I took it on myself really
to go with Councillor Chamberlist in case of the part-time
employee who wasn't dealt with in the particular section.

Mr. McKinnon: Well, Mr. Chairman, I'm sure that if you
look into Votes and Proceedings you will find that there was
quite some discussion about the changing of the shall to
mandatory, to the discretionary may, in the hands of the Court.
If you will give me a few moments I am sure that I can find
that section.

Mr. Dumas: Mr. Chairman, I have crossed out the word "shall
be" and inserted "may be".

Mrs. Gordon: I also.

Mr. Legal Adviser: I am advised Mr. Chairman that this is
necessary at "shall" because of this danger that as soon as
the investigation starts - it has happened already in a few
cases - that the employer has just thrown away his books ..
the Investigating Officer has felt, has believed that the books
have been thrown away so that the employer could then say I
have no books. I have no records. I am not sure what the
House will say but I think my understanding was, it was
passed as it was in the old draft, although I agree there was
a lot of discussion on it.

BILL #14. Mr. Chairman: I believe there is some discussion on it on page 609, Votes and Proceedings.

Mr. Chamberlist: Well, Mr. Chairman, I see no objection to the amended sub-section as it is now and it would appear to me that it serves the purpose for which the objection was made, and at the same time leaving in the word "shall" it leaves to the Court that prerogative to go for the whole amount of wages if an employer does destroy his records. The discretion is still in the hands of the Court which would be judicially used, I am sure. I have no objection to that Section.

Mr. McKinnon: As it now stands, Mr. Chairman, I understand that the Court is mandatory forced to pay the employee the amount of money that he swears he worked. If he swears he worked 45 hours a week. The employee could have records even to say he worked only 20 hours a week and yet they shall give him the amount of hours deposed to by the employee.

Mr. Legal Adviser: As the thing stands now this is a penal section and this only comes into operation if in fact the Court is a convicting court; in other words if a complaint is made by an employee and the Labour Standards Officer decides, having accepted the evidence before him, in the complaint, to make a formal complaint to the court and put it before the Magistrate, the Magistrate then holds a formal hearing and he either believes the employer or he believes the employee. If then, at the end of the case he convicts the employer of an offence under this Ordinance in relation to not paying his employee the correct amount of hours worked; whatever this happens to be, at that point then the Magistrate must make an Order that the employer pay, as a result of this, a fine or imprisonment, plus the pay which is due to the employee. Now at that point the employer says I have no record, I never kept any records, the Magistrate then has to make a finding of fact as to what is to be paid to the employee and this sub-section then comes into operation. He then finishes the dispute on the hours by saying "very good, I convict you and I order you to pay the maximum number of hours under the Act". Now, this was discussed in detail in explaining the ... It only comes into operation if it is a conviction against the employer for not paying the wages due. It is a penal section and it is intended to be a penal section to stop the iniquity of employers throwing away their books to stop a prosecution at source. But, it appears to me from the report of the proceedings on page 611, the last word on it was said, after Mr. Chamberlist had spoken, was: I am reported as saying "would the Council allow me to take time to consider with Administration this because there may be something in this. We don't know. And it was on that note that the discussion finished. Immediately afterwards, shortly afterwards there was an adjournment and I did in fact consider it and I spoke to one of the Councillors and this is the result of the discussion that came up. In other words, to keep the penal nature of the Section because it only comes into operation on a conviction but to reduce its ardor and effect in case the employee said "I worked only 20 hours or 5 hours; well then give him that because it would be unjust to give him more.

Mr. Chairman: What is your further pleasure gentlemen?

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Mr. Chamberlist: Mr. Chairman, I would suggest that before we go any further on this Bill, that we have representatives of management and representatives of Labour to view what Council has brought about so far and have them bring any of their recommendations to us. I feel that it is important. This is so important a piece of legislation that both management and Labour should have the right to be heard in these matters. BILL #14.

Mr. Chairman: Mr. Shaw.

Mr. Shaw: I was of the understanding that this Bill is a Bill that, after being studied by the Council, would be then left at that stage for management and Labour to discuss over the winter time - to have copies of the amendment we had and therefore something must come out of this Council to get this procedure started. In other words Mr. Chairman, I would say that the Council, or the Committee, whichever you have would study this Bill as we have done; come up with our recommendations and then turn it over to the public before final assent. I note in Section 53 "this Ordinance shall come into force on a date to be fixed by order of the Commissioner". And it is a matter of letting this out to the public and not accepting it until the spring-at the next spring session, if we can finalize it. Now I would be quite prepared to report this out of Committee Mr. Chairman but I wonder, it seems the one objection is that Councillor McKinnon has, I wonder if he is satisfied to wish to pursue this further.

Mr. McKinnon: Agreed.

Mr. Shaw: Mr. Chairman I would therefore report this Bill as amended out of Committee.

Mr. Chamberlist: I second that Motion.

Mr. Chairman: It has been moved by Councillor Shaw, seconded by Councillor Chamberlist that Bill No. 14 be reported out of Committee as amended. Are you prepared for the Question. Are you agreed? Contrary? I declare the Motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Chairman: There was a further amendment this morning. What Bill was that to Mr. Clerk? I guess it was just a new Bill.

Mr. Dumas: I move we call it twelve o'clock, Mr. Chairman?

Mr. Shaw: I second that Motion.

Mr. Chairman: You have heard the Motion. Are you prepared for the question? Are you agreed. Any contrary? Motion carried. Committee is now adjourned until two o'clock.

Monday, December 4, 1967.
2:00 o'clock p.m.

Mr. Chairman: I will now call Committee to order and we are now to Bill No. 17. We have with us Dr. Shields, Superintendent of Education, and Mr. Baston, Principal of the Vocational and Technical Training School, to assist us in this regard. I believe there was a question in relation to section 2 of this bill. I believe Councillor Chamberlist had a question in view of education here. BILL #17

Mr. Chamberlist: Mr. Chairman, I wonder if I could address my question to Dr. Shields. Dr. Shields, I wonder if you could, taking into consideration section 2, subsection (a), "'adult" means a person whose age is at least one year greater than the regular school leaving age in the Territory;", I wonder if you could give us an explanation of what the regular school leaving age is.

Dr. Shields: According to the ordinance, it is the day before the students sixteenth birthday.

Mr. Chamberlist: According to which ordinance are you referring to?

Dr. Shields: The Educational Ordinance.

Mr. Chairman: Have you anything further on section 2, gentlemen? May I proceed?

Mr. McKinnon: Mr. Chairman, as far as I can see, the bill, and it's stated in the explanatory note, is to enable a change form of payment to be made by the Federal Administration for occupational training and the change is going to be that it will be a payment per institutional course calculated on a formula taking into account the number of places occupied by nominated subsidized students, where it had previously been on a basis calculated as the proportion of the cost per place occupied by a student qualifying for a subsidy. The note says, "The Administration considers the new method to be more beneficial", and I wonder if Dr. Shields or Mr. Baston could tell me why this would be more beneficial in the form of payment.

Mr. Baston: Well, gentlemen, there is actually a phase out agreement which is referred to. I think this was a little bit mixed up in this statement here in the fact that they're referring to the Vocational and Technical Training Agreement which was a means of sharing the costs of operating a training centre under the regulations of the agreement, whereas the new one now is on a straight purchase basis by a Manpower referring to that consultant, and they will then pay 100% of one space for each student.

Mr. McKinnon: Which was prior a cost sharing between the Territorial Government for the operation of vocational training. Now this says that this will be a more beneficial deal for the Territory. Is this correct, and why so?

Mr. Baston: Well, it can be. If you get an assurance of at least 50% of the spaces of the training centre being contracted by Manpower, then we would get a 50% share the same as we did previously. At the present time we have over 50%. There's 196 spaces at the training centre and they have contracted to take 108, so we stand to gain a little bit this year. I say this year, because the agreement is on-going but the schedule is year by year.

Mr. McKinnon: And this could change quite dramatically the other way in the future, of course.

BILL #17 Mr. Baston: Depending upon Manpower needs, but there is a sort of verbal assurance, or at least we have a letter to that effect, that it will never drop below 50%.

Mr. Legal Adviser: May I say something, Mr. Chairman? Basically, there's an agreement which is the father of this operation, and then there's a child each year which is the schedule and is organized around about January for the following March. So, at the point in time when it would look black from the Territorial point of view, we would have a certain amount of leeway in juicing up the Federal Ministry to put us back on the 50% if necessary. But, apparently in the foreseeable future we would stand to gain. We can't predicate beyond that point, but in the immediate foreseeable future we stand to gain and we could attempt to renegotiate if it was worse. But, they cannot give a firm undertaking by contract that they will not worsen the position in case it dropped below the 50%, but all they can say is that they will assure us. I'm afraid, like lots of other things, we must take a certain amount on trust.

Mr. McKinnon: Now, the original Vocational Agreement when the original school was built....I remember the idea of the theory behind the trade school curriculum would be that it wouldn't be that restrictive at the beginning because they wanted to get people in who had left school and perhaps didn't have too much formal education, but they felt they could at the beginning of the program bring them into this system, give them a trade and put them into the business community as functioning individuals in the business area or in the trade area. Then the idea was, as it progressed you would find less of this and more of the type of student who found that he had the vocation for it rather than an academic for it and would be going right from the school system into the vocational school. Now correct me if I'm wrong. This is the way it was explained to me when I sat on this Council prior. Now, if this so follows....this trend in this type of operation....then eventually the Territory will suffer under this type of agreement, and you can almost see the position when we'll be saying, "Well, no, we'd like you to come straight in from the high school into the vocational training, but because we're going to suffer so much financially if the majority of the people in there are not under the adult scheme that you'll have to sit out a year before you can come into the training school." Is this ridiculous or could.....

Mr. Baston: Well, I imagine if we don't watch it we could transpire into this area, but in the main the vocational training program is an adult training situation. The people you are training are to go into the trades and they should be mature. The thinking that students under the age of sixteen coming into the vocational school, what we are doing then is luring them away from the academic, and they should get their academic. If they are fifteen or sixteen, they've had nine grades of school. Most trade courses require grade ten, so consequently sixteen is just sort of a normal cut-off. Anybody within the ages of sixteen to seventeen is eligible in the training centre as a Territorial responsibility. Anybody in excess of seventeen, or seventeen and over, then can be qualified under Manpower who then share or purchase the space for this person to be trained in.

Dr. Shields: If you would like to project a bit into the future, a gentlemen by the name of Johnson did a survey in 64 throughout the United States on adult education and projected certain things that were already functioning, and one of his major points was.... this was called "Volunteers for Learning"....that every ten years we are going to have to either retrain or be training on the job every adult that is going to be on a job. If he isn't being retrained on his job continually to sit in to the next day, he is

Dr. Shields continued:

going to have to be taken out and retrained. So, adult education will always be a major retraining program or projection on the job through the school apprenticeship program under the direction of Mr. Baston, retraining on the job. It will have the intention of being adult re-education all the time, not because of inadequacy in education, but we don't even know the names of 10% of the jobs that a high school graduate is going to take because the jobs have not started yet. There's some things about adult education that will just astound you what has to happen. In this survey, they found nine million people being trained they didn't even know about out of twenty-five million. That's how far it was out. This adult education is probably going to be one of the gravest facets of education through responsibility. We're just tapping it now. Knowledge doubles now every seven years. I don't know what it will double ten years from now....maybe it will be three.

Mr. Chamberlist: I wonder, Dr. Shields, if you could say what age would people be able to commence this adult education under the terms of this agreement?

Mr. Baston: Well, it would be sixteen to qualify under Territorial but he would have to be seventeen to qualify for Manpower finance.

Mr. Chamberlist: As I understand it, Mr. Baston, at the moment most courses require grade ten education. Do you agree to that? Well, don't you think it's almost impossible for the majority of those who, let's say, reach the age of sixteen to comply with that?

Mr. Baston: Right.

Mr. Chamberlist: They cannot comply with it.

Mr. Baston: For this purpose, those that are still not going to continue on in their academic stream, they have upgrading courses provided for them to bring them up to a grade ten in four subjects which are required for trade courses. In other words, a person can be out of school five years with a grade nine takes six months of upgrading and then qualifies himself with a grade ten standing in the four subjects required for trade purposes.

Mr. Chamberlist: So that, Mr. Baston, the first year for those people who are taking an upgrading course....it isn't any occupational training because they're not being trained in a particular occupation. Isn't that correct?

Mr. Baston: It's occupational preparation.

Mr. Chamberlist: It's occupational preparation, but it's not occupational training.

Mr. Baston: Not in that sense, no.

Mr. Chamberlist: There's a separate identity for those two.

Mr. Baston: That's right.

Mr. Chamberlist: So, in other words, this agreement then would do no good at all to any person that wanted to take adult training, and even with the supposition that they failed in the upgrading, they would still be prevented from taking occupational training. Is that what you say now?

BILL #17 Mr. Baston: Well, not really. The occupational training is simply provided for those which are not qualified at the present time. Should they come to us with a grade nine education and with, say, ten years of work experience or life experience, then this is also a ruling situation and some allowance must be made for the fact that they have lived outside of education for ten years, and are now prepared to take a particular training course.

Mr. Chamberlist: I understand that, Mr. Baston, but I'm referring to those youngsters who, because of necessity cannot perhaps continue with their academic training or perhaps they're not sufficiently mentally able to continue with their academic training, find themselves in a position of having completed grade nine and find that they cannot, or are unable to pass an upgrading course that is in the vocational school, after the end of a year they have still got their grade nine and they're debarred from taking adult training. That is the purpose which this is laid out for.

Mr. Baston: Well, they are barred from those courses that require as a prerequisite the higher education, but there are trades that do not, namely, heavy equipment operators. A grade nine would be acceptable.

Mr. Chamberlist: How long would these courses take, Mr. Baston?

Mr. Baston: Which one....the upgrading?

Mr. Chamberlist: No, I know the upgrading. How long are the courses to complete the adult training? How many years?

Mr. Baston: I'm not quite sure what you mean by that.

Mr. Chamberlist: Well, is it....

Mr. Baston: A trades course is ten months.

Mr. Chamberlist: Yes. Well, this is what I'm putting to you, that a man of sixteen who takes a trades course....if he's sixteen and he's got the grade ten education....he takes a trades course, a ten month trades course in, let's say, heavy equipment....

Mr. Baston: The operators is only five months.

Mr. Chamberlist: Only five months.

Mr. Baston: Right.

Mr. Chamberlist: Are you suggesting that he would find employment at sixteen and a half to be an operator of heavy equipment? Who would employ him?

Mr. Baston: No, I wouldn't say that at all because one prerequisite is that he must be able to get a licence which means he must be eighteen or over.

Mr. Chamberlist: He had to be....then what is the point, Mr. Baston, of this type of course for a lad of sixteen who would be unable....

Mr. Baston: It wasn't prepared for a lad of that type. It was prepared for one that's at least one year out of school...seventeen or over.

Mr. Chamberlist: This may be so, but nevertheless, **adult** means a person whose age is at least one year greater than the school leaving age.

Mr. Baston: That is Manpower's regulation.

BILL #17

Mr. Chairman: Could we have it just a little slower, gentlemen, for the stenographer? One at a time, please.

Mr. Baston: Manpower had to define the area of their responsibility in the training of.....Now, they took the word "adult", and then they defined the word "adult" by giving it certain meanings and the meaning here is, an adult in their consideration would be a person who is one year past the school leaving age, and one year out of school incidently.

Mr. Chamberlist: Yes, Mr. Baston. This is the point that I'm trying to get at with you. We're dealing with this Manpower agreement... we're dealing with Manpower, so then every facet of it must be thought of in connection with the terms of reference within this ordinance as laid down by the Manpower people. Now, this is why I bring these questions forward to you. It appears, to me at least, impossible for it to apply to those people who are termed an adult, that is one year after school leaving age. Would you not agree with this?

Mr. Baston: No, I don't follow that....sixteen.

Mr. Chamberlist: School leaving age is fifteen.

Mr. Baston: Sixteen.

Mr. Chamberlist: Well, I have just looked at the ordinance and the school leaving age is fifteen. I mean, this is why I asked this question right at the beginning.

Dr. Shields: The school leaving age is the day before the sixteenth birthday.

Mr. Chamberlist: It doesn't say that in here. "The age of a child, for the purpose of this ordinance, a child shall be deemed to be of given age when the anniversary of his...." Oh no, it's not that particular one, it's down here. It gives you the age as between seven and fifteen.

Mr. Legal Adviser: Mr. Chairman, I think the age is fifteen years. He comes past the complete fifteen years and I think Council will recall a minor law lecture I gave about when a person reaches sixteen, he is deemed by law to have reached that the day before his sixteenth birthday, and that would mean the moment immediately after midnight following two days before his sixteenth birthday.

Mr. Chamberlist: Well, then I would suggest that this ordinance be changed. I'll just find you the particular clause I'm dealing with. Now, in section 85 it says that, "Every parent, guardian or other person having the care or control of a child that is seven years of age or over but not over the age of fifteen...." That says not over the ages of fifteen. Now, you reach the age of fifteen full years on your fifteenth birthday.

Mr. Legal Adviser: Not over the age of fifteen.

Mr. Chamberlist: This is how it is written here - not over the age of fifteen. Now, if there's any different....

Mr. Legal Adviser: The wording is....subject to subsection (2), "Every child that is seven years of age or over but not over the age of fifteen and is resident has to go to school." Not over the age, but if a person is over the age of sixteen he does not have

BILL #17 Mr. Legal Adviser continued:

to go to school, but if he's not over the age of fifteen he does have to go to school. I think that would mean that a person who is fifteen would have to go to school, as long as he's fifteen, and then he becomes sixteen immediately after midnight, two days before his sixteenth birthday.

Mr. Chamberlist: Well, Mr. Legal Adviser, I have to come into contact with you again because if a person is fifteen, Mr. Legal Adviser, I suggest that he could leave school of his own violation. He doesn't have to stay in school once he reaches the age of fifteen. As a matter of fact, I know of cases right here in the Territory where two particular boys, the day they reached the age of fifteen, they were fired out of the school, because they couldn't be before. They couldn't be put out of the school system before they reached the age of fifteen, and when they reached the age of fifteen, then the Superintendent of Schools was able to expell them from the school completely....from the school system completely, and they couldn't do it before. This matter was taken up about seven years ago.

Mr. Legal Adviser: Yes, but the ordinance was amended to deal with this. Section 85 was amended in 1966 (Second Session).

Mr. Chamberlist: And what does it read now?

Mr. Legal Adviser: I think that the Councillor may be reading from an earlier edition.

Mr. Chamberlist: I'm reading from the original. I'm not reading from the amendment. I'd like to follow this up, Mr. Chairman.

Mr. Legal Adviser: Page 68 on Chapter 9.

Mr. Chamberlist: Second session or first session /66?

Mr. Legal Adviser: Second session. I'm not sure if this is an academic question or not. We're dealing with adult education and adult education is something for the Canada Manpower to fix what they think it is, because we're in a position of getting a grant from them under conditions laid down by them. This condition has been constant throughout the provinces as to under what circumstances the Federal Power will give us money, and any amount of discussions as to what is or isn't an adult doesn't really affect the basis of the thing that we can't get money unless we follow their definition.

Mr. Chamberlist: Mr. Chairman, it is correct, I always, especially in view of our recent problems with finance with the Federal Government, when I read somewhere where the Federal Government are going to give us money, I take a double look at it, because there's a reason why. Now, if you don't mind, I will just check this. Perhaps you could help me Mr. Legal Adviser. Which....

Mr. Legal Adviser: Section 1 of Chapter 9, page 68 of the 1966 (Second Session) book. It's amending section 85 which then reads, "Subject to subsection (2), every child **that** is seven years or over but not over the age of fifteen shall attend school."

Mr. Chamberlist: It's no different to what....we're dealing with the age of fifteen and what is in the original one. It still says the age of fifteen. However, I'm not going to continue on that basis. It's just a strong thought I have that the possibility of satisfying me with reference to how the vocational school can, in fact, take into the school these people that are between the age of even sixteen and seventeen. Let us suppose, and I don't agree

Mr. Chamberlist continued:
with, let us suppose that a student finishes his grade nine, say, a day before he's sixteen, and let's say, at seventeen he takes a five month course as a heavy equipment operator. The course itself is just a course and it doesn't help him to get his situation or employment.

Mr. Baston: He could not take the course because he's not of age.

Mr. Chamberlist: I think that satisfies me.

Mr. Baston: He would not be able to take the course because he's not of age at seventeen for the course required in itself. The operators course requires you to be at least eighteen or older, because you're required to have a driver's licence which you're responsible for.

Mr. Chamberlist: Well, in that case, Mr. Chairman, I would like to know then whether there are different restrictions for adults then. What would take precedence, the regulations and the rules in the vocational school or the agreement under which we would obtain this money. Now if this agreement says that an adult is one year over the school leaving age, would he not be able to take the courses that an adult, as an adult, was allowed, or are you saying now that notwithstanding this agreement, our rules at the vocational school will apply.

Mr. Baston: Right. The rules of the training centre will apply. All that they're doing is indicating where they will purchase space and for what reasons. The person who qualifies under that, at least one year greater than the regular school leaving age, then they will purchase space for that person.

Mr. Chairman: Have you anything further in section 2, gentlemen?

Mr. McKinnon: Mr. Chairman, certainly this is one of these arrangements that come before this table all the time, where the Federal Government will arrange to enter into a financial agreement if the governments of the separate provinces or of the Yukon Territory, and they will provide this money on the conditions that the provinces and the Territory follow certain stringent lines of rules and regulations in the legislation that are laid down by the Federal Government. If I understand that this is the case and the Federal Government has given certain directions as to what things have to be followed for the territories and the provinces to be able to be recipients of these grants. Correct me if I'm wrong, but if we go about changing their definitions and changing the stipulations that they have said we have to accept, then we just don't get the money. It's just as simple as that. Is this correct?

Mr. Commissioner: This I will verify, Mr. Chairman.

Mr. Chairman: Gentlemen, can we proceed? Councillor Shaw.

Mr. Shaw: I would like to ask a question, Mr. Chairman. I don't know... Mr. Commissioner could probably answer it. I believe a year ago, the provinces and the Federal Government did set down certain agreements in relation to education, of grants. And, I believe the Federal Government... their proposition was to provide more money for university education and the provinces would in turn absorb some of the vocational training costs in the provinces. Now, I recollect having some discussions with this in Ottawa, and the Yukon Territory is quite concerned insofar as there's no university here to take advantage of the higher grants given to them, and this would affect our vocational training system. I wondered, Mr. Chairman,

BILL #17 Mr. Shaw continued:

if Mr. Commissioner would know whether this is the same program that applies all over Canada, of if this vocational program has some additional advantages to the territories who have no universities for this agreement.

Mr. Commissioner: That's a pretty hard thing to actually define, Mr. Chairman. I think the question is, does the effect of this new agreement here as it applies to vocational training, would any disadvantage that accrues to the Territory be reciprocated in an other manner that would permit other secondary education grants to be made available, and I don't know just exactly where the matter is stated in the proposed agreement, Mr. Chairman, but on page 45 of the yellow book, item H, it says here, "The agreement may be reopened if substantial need can be demonstrated for revision resulting from changes in Federal vocational and adult occupational training programs." The idea being here that the vocational training scheme in its first instance was a Federally inspired project. Now it is being oriented so that it becomes part of the provincial educational system and the end result financially, if it works to any detriment to the Territory compared to what it did under the old agreement, there's definite provision here that the Federal Government will consider what the Territory's need is in the light of this, and this is definitely part of the proposed agreement. So that, I think that while your question, Councillor Shaw, is practically directly unanswerable, I think that if you are wondering if there is going to be any financial detriment to the Territory, I think that this should set your mind at ease, that the Federal Government recognizes that if a detriment is going to occur or does occur that they are prepared to reopen negotiations with the Territory to see what can be done to alleviate that problem.

Mr. Shaw: Then, Mr. Chairman, I could assume that the agreement would be the same all over Canada by the Department of Manpower, however, the Department of Northern Affairs would come to the rescue in the event that it did cause situations of disagreement.

Mr. Dumas: Mr. Chairman, this was the thing I wanted to ask. Is this the same as the type of agreement that is presently in existence between the provinces and the Department of Manpower across the country? Well, then it seems all we can do is ratify this thing. On looking through it, I see that it states in several places that the Commissioner may, on behalf of the Territory, enter into a contract with the Minister to provide for the payment by Canada to the Territory. It says the same thing on the second page in two locations; payment by Canada to the Territory. So, all we're being asked to do is to go along with the stringent or otherwise demands they make and they will help some of our people to become educated. I think we can do this. They don't ask us to sell our souls or our birthrights...they ask us to do this in the financial agreement...I think it's just up to us to ratify this...to go ahead with it.

Mr. Chairman: Will there be anything further on section 2 of this bill? Section 3....(Reads section 3 of Bill No. 17) Is it clear?

Mr. Chamberlist: Mr. Chairman, the beginning of this section refers to the cost incurred by the Territory as determined pursuant to the contract. Now, without the contract, I don't know how these costs are being determined. I don't know if they're going to be determined on a cost sharing basis or not. I wonder if Mr. Commissioner would make it clear that the cost will be wholly by the Department of Manpower and Immigration.

Mr. Commissioner: Mr. Chairman, could I answer this by asking a BILL #17 question, please? I think that this is the area that basically we are in at the present time. Is it not, Mr. Baston?

Mr. Baston: Right.

Mr. Commissioner: That we have established with the Department of Manpower an accepted cost program. In other words, our Treasury Department has listed all the costs that accrue in our vocational training program...the cost of operating the school, the teachers, all these costs....and this would be the accepted schedule of fees. Would that be the way you would put it, Mr. Baston? Is that right?

Mr. Baston: The acceptable chargeable fees, or chargeable costs rather, yes.

Mr. Commissioner: Would that be acceptable?

Mr. Baston: Chargeable costs.

Mr. Commissioner: Chargeable costs....and it is on that accepted list of chargeable costs that we accept this type of people into our training programs.

Mr. Chairman: Are we clear?

Mr. Chamberlist: No. Mr. Chairman, the question has been answered in part but the part that has not been answered is to whether the contract will determine that it will be a payment from the Government of Canada to the Territory or whether it will be a payment for X dollars from the Government of Canada to the Territory, or a percentage of those costs. Again, we asking to agree to a contract that we have no knowledge of at the moment. Can the Commissioner assure us that he will not enter into a contract unless it is clear that there is only a one-sided proposition. In other words, that the Government of Canada will pay the costs involved in this program.

Mr. Commissioner: Mr. Chairman, as it applies to those students that we are talking about, yes. Am I not correct when I say this, Mr. Baston?

Mr. Baston: Right. 100% of each space cost.

Mr. Commissioner: I think that it is important that we clarify this though, Mr. Chairman, and that is we're not talking about 100% of the school, we talking about 100% of the cost of one individual who goes into that school.

Mr. Chamberlist: Well, Mr. Chairman, this brings another question forward. Is this to be the cost for the education for this person and does this not include any capital expenditures that might be involved. For instance, if Canada Manpower decided they have.... they're going to have 20 or 30 children a year going to the vocational school and then the Department of Education come along and say, "Well, we're not now large enough to take care of these people." What's the position as far as the capital expenditures to expand the facilities of the school to take care of these additional people? This is what I'm referring to. This is what I want to have cleared up.

Mr. Commissioner: The capital costs situation with regard to the school is handled in the capital side of our budget, whereby 100% of the funds are made available by the Federal Government and we are given 100% of the costs we pay.

Mr. Chairman: Are we clear?

BILL #17 Mrs. Gordon: I would ask Mr. Baston to qualify 3(a) and 3(b).

Mr. Baston: They are referring to areas of trained personnel. The first is the student coming into the training centre to receive training to become a tradesman or to start on his way to become a tradesman under a vocational training or occupational training program. This means then that these people will be referred to us from the Manpower Office. They will do the screening, the interviewing, the counselling, and from their wisdom this person will benefit from taking a course in that particular program, then they will arrange it and pay such costs as the person qualifies for. The (b) part is whether an apprenticeship program is in effect. Those students who are on an apprenticeship contract, indentures to employers, will qualify under Manpower financing again on the same arrangement they had for occupational training, but they must be indentures to employers to qualify therein.

Mr. Chairman: Are we clear? Section 4....(Reads section 4 of Bill No. 17).

Mr. Chamberlist: I must proceed with the thing I was trying to find out before, and now it appears that we have to come up with 50% of some money as part of this program. Are we carrying on.... perhaps Mr. Baston can let us know now....are we in a program of research in respect of occupational training now or will we be going into this program after this agreement is signed. If we are going into this program after this agreement is signed, it means that we have to find 50% of the money. Is this right, Mr. Baston?

Mr. Baston: This has been an ongoing agreement clause even from the old T.V.T. Agreement, whereby research I think was program 10... The same financing arrangement has now been extended to continue into the new Manpower agreement that if there is any research being conducted, the cost thereof will be shared 50% with Manpower. Well, this research may involve such things as taking a survey of a certain area then looking into the materials to be required to satisfy this, and the time and labour involved, this will be shared 50%.

Mr. Chamberlist: I don't think that answers my question. It's an explanation, but my question is, and I'll repeat it, is there now any research program in respect of occupational training? If there is, where does that money come from?

Mr. Baston: At the present time, the research that is being conducted is by myself in trying to find needs and to find the sources of supplying the need, and at the present time, it's just being charged against myself. But, if we were to set up a total research effort where it involved a number of people, which we have not planned at the present time, no.

Mr. Chamberlist: Well, Mr. Chairman, this is the point I'm making and again I will address the question to the Commissioner. It would appear to me, Mr. Commissioner, that under section 4, we would be required to find 50% of the costs of research in respect to occupational training which we are not paying for now, but on the signing of this agreement and of bringing this ordinance into force, we would then have to find the 50%. Now, from what we hear, Mr. Commissioner, from Mr. Baston we would necessarily have to employ staff to do that because it would certainly be more of a job than what Mr. Baston is able to do with his present duties. This is the question that I ask: Does this mean we have to find funds to do this. According to this, we have to find 50% of the costs. It would be like having another department. Before you know where you are, the cost of this might exceed all the amount

Mr. Chamberlist continued:

of monies that can be paid in by the Department of Immigration and Manpower. I would suggest that if Manpower wants to do that, they should pay the costs of research as well, but they will not at the moment. Would Mr. Commissioner say if there has been any thoughts in this regard.

Mr. Commissioner: This...essentially, what you say, Councillor Chamberlist, is definitely correct, that if we do wish to embark on research projects we would be expected to pay 50% of the costs of them and projects also for the bill of occupational training courses and the material for such courses, and projects for the development of occupational training aids, examinations for the standard course. This is the field that until now, to the very best of my knowledge, and I stand to be corrected on this by Mr. Baston, we have done nothing more than those things which we do in the normal course of administrating the vocational program in the Territory. In other words, we have not had any special research projects. Now, if there was a recommendation from the Vocational Training Department to me that we did something along these lines, or Manpower came and said that we should conduct such a research project, there would be two things that would have to be done here. First I would have to see if the Government of Canada was prepared to enter into an agreement to share these costs with us, and secondly the Territorial share would have to have Council's okay as a separate budgetary item.

Mr. Chairman: Is that clear, Councillors?

Mr. McKinnon: Mr. Chairman, I agree full-heartedly with this section no. 4. I think one of the failures of occupational training in the Territory so far is that we're not adjusting the training to the needs of the economy. I think that there's no doubt that the future of the Territory lies in the field of mining and exploration. I think this is an area in which occupational training should be moving and an area in which the trade school could promote education in this branch of the economy to a very great extent, and as I read section 4, if such projects should be undertaken...projects for the development of occupational training courses...I think that this is an occupational training course that possibly would be indigenous to the Yukon and the Northwest Territories because there is such a crying need for trained men in these fields at this time here. I believe that then the Federal Government would share in the 50% of the costs under this section of setting up such a course, and then once the course was accepted, in the other areas pay 100% in the adult training programs when this course is acceptable by the Federal Government. I would certainly like to here comments from both Mr. Baston and Dr. Shields if they do not feel that research should be on now, if not started in the field that I mention.

Mr. Baston: In the past we were very fortunate in borrowing all the materials from the provinces. They have been most gracious in handing them to us free of charge. But, the areas that you're discussing now not too much has been done in the provinces and there is the possibility that we may have to develop some of our own materials. The fact that Ottawa will finance 50% of this program for us is more than adequate, but the urgency will come from the Territory. We realize it, we need it, we would possibly do it without any help but now we're going to get 50% of it paid for.

Mr. Chamberlist: Mr. Chairman, I would like to make it clear to my friend from Whitehorse North that I'm not opposed to the principle of research but, at the same time, we cannot blindly accept the fact that we're going to pay 50% of an unknown amount of money. I am

BILL #17 Mr. Chamberlist continued:
satisfied with Mr. Commissioner's remarks that if there was to be any money spent on this research, it would come before Council for it to be entered in the budget consistently. In this regard, I'm satisfied as long as this will be done. I raise no objection to it.

Mr. Chairman: May I now proceed? Section 5....(Reads section 5 of Bill No. 17)

Mr. Chamberlist: I think we're going to have to have Mr. O'Donoghue's thoughts on this.

Mr. Legal Adviser: Any contract depends on the consent of the two parties before you enter into the contract. Some contracts provide that when people fall out and they wish to do something about it, they put in a clause enabling a consent to be arrived at by an arbitrator or by some third party or some other procedure, and this merely sets that out in detail. Where you agree to do it, you don't have any formality. If the contract provides for a formality and you do disagree, you operate under section 5, subsection (a).

Mr. Chairman: Clear? Section 6....(Reads section 6 of Bill No. 17)

Mr. Chamberlist: Well, this is something that seems to be to me a little bit contradictory to the answer we got for the 100% payment of capital costs because it refers here, "provide for the payment by Canada to the Territory of such contributions as may be determined pursuant to the agreement." So, it would appear that the agreement may well have some secret holes in it which none of us can foretell now. I think that we would be giving, by accepting this as is and not knowing anything about what's in the agreement or contract, that we would be allowing the Commissioner to enter into the agreement without us knowing the contents of it. I think it would be a dangerous thing to do. Perhaps if the Commissioner was willing to bring the agreement forward for discussion of Council, so that we can look at those particular points because this section is certainly not at all clear. It appears to me that the agreement may provide for only part of the amount of capital expenditure.

Mr. Chairman: One point here. This is not a direction to the Administration. This is only one Member of Council and matters such as these must be decided by all Members of Council.

Mr. Legal Adviser: May I draw the Member's attention to the words, "such contributions as may be determined." This is something in the future time. The Commissioner brought the Member's attention to the book, the yellow book, which was proposals, and I don't think that it's very proper to make suggestions of bad faith in answers that are made of the best of intentions and, in fact, state the truth in the best way the Commissioner can.

Mr. Chamberlist: Mr. Chairman, now I notice that Mr. Legal Adviser read part of it and then left the part that appeared necessary to be read. i.e. he said, "such contributions as may be determined." But, it doesn't stop there. It says, "contributions as may be determined pursuant to the agreement in respect of the capital expenditures incurred by the Territory on occupational training facilities." Now, Mr. Legal Adviser, with respect, stopped there in error because it is subject to what it is in the agreement that matters, and we haven't the agreement, and this is why I raise the point.

Mr. Commissioner: Mr. Chairman, the point raised by the Councillor BILL #17 is a good point. However, I wasn't here at the preliminary remarks that were made in connection with this, but I want you to understand that this is a form of agreement that is, effectively speaking, available to all provinces and territories in Canada, and the manner in which it is written is to apply to all parts of Canada. Now, the provinces get their funds not in the way that we do, but by means of its own revenues and its own borrowing powers and so on down the line. We get our capital funds here in the Yukon Territory from the Federal Government under part 5 of our agreement here. I don't see a number on the page....page 42, and while this item number 6 is here in the agreement, the Councillor's question is a very valid one. Our source of capital funds, the Manpower agreement notwithstanding, is under our Territorial-Federal Fiscal Agreement, and I can assure Council that if there was to be any departure from our source of capital funds it would be written, in the first instance, into our fiscal agreement with the Federal Government. It would not be written into any subsidiary agreement such as this Manpower agreement.

Mr. Chairman: Are we clear? Section 7....(Reads section 7 of Bill No. 17) Section 8....(Reads section 8 of Bill No. 17) That, gentlemen, is the text of the bill.

Mr. Chamberlist: Mr. Chairman, the Vocational Training Agreements Ordinance is to be repealed, and this is Chapter 107 in the 1958 Consolidated....there's been no amendments to it. I would like to know, and perhaps Mr. Commissioner can tell us, whether this would lose for us completely the grants that are already paid to us for vocational training from the Federal Government.

Mr. Commissioner: Mr. Chairman, it is my understanding that the old methods of payments are completely gone by the boards and the new methods of payments as instituted here are the one that take their place. Am I correct on this, Mr. Baston?

Mr. Baston: This is providing for a continuation of the old T.V.T. Agreement for those courses which started prior to March 31st, 1967, and in the main, most of the courses the training centre terminated on June 30th of this year. Those programs will still be qualified under the old T.V.T. Agreement plus one other course which goes until the 8th of December, which is the nursing assistants. They started on February the 2nd or 3rd and they go until December 8th. That will also be still under the old program. You might put it this way, that the new Manpower agreements do not take effect until September the 18th this year.

Mr. Commissioner: Yes, but at that particular point, though, I think the Councillor's question is....is a proper question here.... and that is at that particular point, the old system of grants, etc., terminates at that particular point.

Mr. Baston: Right.

Mr. Commissioner: And, the method that is described in this ordinance here is the method of our recoveries from that point on from the Manpower people on the agreed upon scale of accepted charges at that particular point. I may say that if the situation continues as it is at the present time, and I think that Dr. Shields and Mr. Baston can verify this, it is working out to be more favourable financially to the Territory than what the old agreement did.

Mr. Chamberlist: I wonder, Mr. Chairman, if I can put a further question to Mr. Commissioner. I note in section 3, paragraph (a),

BILL #17 Mr. Chamberlist continued:
sub (3), that there is a section dealing with a grant for capital expenditure in the time between April 1st, 1955, and 1966, which at that time was to be of an amount not exceeding \$10,000,000. I suppose that there has been no amendments to that and this is long gone by, and anything dealing with capital expenditures of that nature is outside of the realm of the ordinance.

Mr. Commissioner: This I would verify to be good. In the first instance, I think that Councillor Shaw and Councillor Livesey would remember this, that in the first instance the vocational training program that was initially offered to the Yukon Territory was turned down on two separate occasions by Council because they felt that while the capital grants side of the situation was very satisfactory, who was going to pay the bill for operation and maintenance afterwards, was entirely unsatisfactory. The third time around resulted in this particular ordinance we are now repealing, and I think it could be said that it has worked out in a reasonably satisfactory manner. Now, on the capital aspect of it, since the time element expired that those capital funds were available, any capital monies that has been spent since then have no longer come from the vocational training scheme under the Federal Government. They have come from Indian Affairs and Northern Development through our own fiscal agreement.

Mr. Chamberlist: A further question, Mr. Chairman. The old ordinance refers to an agreement, the vocational training agreement. Is that vocational training agreement in existence now?

Mr. Commissioner: Mr. Chairman, it had a terminal date. I would have to determine what that terminal date was. Do you remember, Mr. Baston, by any chance?

Mr. Baston: March the 31st of this year, except for this continuation phase out which I just mentioned a few minutes ago. That same agreement is still in effect for those courses that were started prior to March the 31st have completed.

Mr. Chamberlist: Thank you, Mr. Chairman.

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

Mr. Shaw: Mr. Chairman, I will report this bill out of Committee without amendment.

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

Mr. Chairman: It has been moved by Councillor Shaw, seconded by Councillor Dumas, that Bill No. 17 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? Any contrary? I will declare the motion carried.

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CARRIED

MOTION CARRIED

Mr. Chairman: I'm wondering if Dr. Shields and Mr. Baston could be excused at this point?

All: Agreed.

Mr. Chairman: Thank you very much, gentlemen.

Dr. Shields and Mr. Baston leave Council Chambers.

BILL #19 Mr. Chairman: The next bill for your consideration, gentlemen, is Bill No. 19, An Ordinance to Provide for the Central Filing and Publication of Regulations. I will proceed with the reading of the

Mr. Chairman continued:

BILL #19

bill. (Reads section 1 and 2 of Bill No. 19) I have one question from the Chair in relation to subsection (b) to Mr. Legal Adviser. Would it not be wise at this time to include villages with municipalities and local improvement districts to save some embarrassment at a later date and having to change the ordinance. I believe the Municipal Ordinance provides for three types of local authority, municipalities, villages and improvement districts.

Mr. Legal Adviser: Could I have time to look into this, Mr. Chairman?

Mr. Chairman: Anything further on 2? Section 3....(Reads section 3 of Bill No. 19) Clear? Section 4....(Reads section 4, subsection (1) of Bill No. 19)

Mr. Shaw: Question.

Mr. Chairman: Councillor Shaw, can you just hold your questions until I complete the section?

Mr. Shaw: Yes. Go ahead.

Mr. Chairman: Subsection (2)....(Reads section 4, subsections (2) and (3) of Bill No. 19) It seems to me there's a spelling irregularity here somewhere. Oh yes, I see.

Mr. Shaw: Thank you, Mr. Chairman. Now, there is a matter that has been bothering me for some time and that is in relation to public notices to be published in the Yukon Gazette. I think that that is fine. That's the way to have it....published in the Yukon Gazette, but I think we must remember, Mr. Chairman, that there are many of these places that are not in Whitehorse that do not get these papers....the Gazette....do not subscribe to them, and the only way they can get public information is, not counting what comes over the radio....I don't believe regulations do....is the fact that they have to go inside, and I'll quote Dawson City for an example, the liquor store to find out what is going on. It would appear to me that outside these places in the Territory that the information that you get is contained in the liquor store, that outside each one of these Territorial buildings, it would be no problem at all to set up a bulletin board that had a glass case over it that the agent could, from time to time, put notices in to let the public know what's going on. If I heard it once, Mr. Chairman, I've heard it many time, "I didn't know anything about this," and I say, "Well, it was up in the liquor store," and the person says, "I don't want to go in the liquor store. Do I have to go in there just to find out what's going on?" If they want to buy some liquor, of course, they will go in, but not everybody does. It appears to me that surely the object of this is to notify the public, not just complying with the law that the public is notified in the newspaper, but actually letting the public know what is going on in matters such as this and other government matters whether it be contracts or anything that pertains to public from a Territorial point of view. I feel, Mr. Chairman, that this would not be a great expenditure to have a board and have a glass cover over it that these notices could be tacked on and left up for what is considered a reasonable space of time and then make room for the other ones that are coming along. And, people going by that can see that just the same as they could see a notice there that says there will be a ball game at three o'clock. I think that this is equally important. But, you don't go in the liquor store to find out where there's a ball game. There's no real bother to go in there to find that out. They would see this on the notice outside. That is why I feel that a simple thing like this would be a decided improvement in informing many

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BILL #19 Mr. Shaw continued:
people of what is going on which is not readily, I say readily,
available to them at the present time.

Mr. Dumas: Mr. Chairman, I wonder if a town crier might not serve
this purpose to these interland communities.

Mr. Shaw: I would feel, Mr. Chairman, that at 70° below, his
voice would freeze and wouldn't thaw out until spring, and it would
be too late. I think the notice would serve.

Mr. Chairman: Gentlemen, I think..... Order, please. We'll
declare a short recess.

Monday, December 4, 1967.
3:30 o'clock p.m.

Mr. Chairman: Well, at this time we will call Committee back to order. Are we clear on No. 4?

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Mr. Chamberlist: No. Mr. Chairman, the suggestion made by Councillor Shaw to have notices posted in the smaller communities, or rather the regulations posted in the smaller communities is well worth considering, giving consideration to. However, I must point out that if there was one set of regulations with forty sheets, the sheets being 8 x 14 approximately, we would require a notice board of 34" x 2'4". Now, this is in the case of just one regulation, and if we have three or four regulations like that, we would certainly need a scaling ladder and other equipment so that people can read. I think that what is required more than anything else is a notice that regulations have been made on a small standard notice board about 2 x 2, and a notice to the effect that the regulations in full may be seen at the local library. Certainly, the small communities should have an opportunity of knowing what regulations there are, but I know that after a time, in communities like Dawson City, not too many people are able to read there and it has to be explained to them in any event. However, I think that I would support that a notice board be made for Dawson City especially so that irregularities can be made.....

Mr. Shaw: Mr. Chairman, the suggestions from the Honourable Member from Whitehorse East that there wouldn't be room on the notice board, well if the regulations are going to be of the size he is suggesting, then of course I suppose we would have to turn the Yukon Gazette into the London Times so that would work out the same way. As far as people asking questions, I would refer to the reports of Council to see who asked the most questions on what goes on.

Mr. Dumas: I'm still wondering just what is the Yukon Gazette.

Mr. Commissioner: This is the official publication of notices that are prescribed in ordinances that are to be published in the Yukon Gazette and our method of publishing the Yukon Gazette is to use the local newspapers and you will see columns from time to time headed up in the local newspapers Yukon Gazette, and Mr. Taylor and one of his appointments makes him the official - his Queen's Printer appointment makes him the official editor of the Yukon Gazette. Provincial governments, the federal government, in most instances I do believe, publish their own official gazette. There is no regular date of publication. It is as and when required or from time to time, but this is where the public is required to take an official notice of those things which, by virtue ordinances, are required to be so published.

Mr. Chairman: Anything further on section 4?

Mr. Livesey: Yes, Mr. Chairman. Mr. Chairman, this question of regulations always does bother me, always has and probably always will, and it seems to me that when we talk about regulations we almost always must realize that the regulations are supposed to complement legislation rather than anything else. Now, just looking at section 4, it would appear that the ordinances are not going to be advertised, but the regulations most certainly are, and I'm wondering, Mr. Chairman, if this means that by regulations in the future that we're looking for more regulations than we have now and that the meat is to be stripped from the body corporate and

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the legislation is to become the skeleton and the regulations the meat. Now, this to me is a real reversal of what I think we are talking about when we are talking about democracy in the north, we're talking about responsibility, and as I said the other day it was a question of regulations. If we go too far with regulations those regulations will, without perhaps any intention being there, they can strip and supplant the meaning of this democratic institution or every institution where the public participate in the meaning of legislation and the only way they can participate at the present moment is through the nebulous contact of those elected in the Council of the Yukon Territory at the present moment which merely has a second look at legislation rather than a first look, and I think we talked about this the other day when we were discussing the question of having one of our members be appointed to the Legislative Programming Committee. Another thing that bothers me is the cost. I haven't heard anything this afternoon mentioned with any relation towards how much this is going to cost the tax payers of the Yukon Territory, and further to that just what would we do with, say regard to regulations covering the Joint Stock Companies Ordinance which I think is a real volume in itself. I mean, just how far do we go? What will be considered necessary for publication, and what will not be considered necessary for publication? That seems to be an intimation here when they make certain statements in sub 3 of section 4 "No regulation is invalid by reason only that it was not published in the Yukon Gazette." Now, does this mean that some are going to be published and some not published, Mr. Chairman? Could I have that answer, please.

Mr. Commissioner: Mr. Chairman, can I have the benefit of that question again. Now, some to be published and some not to be published?

Mr. Livesey: Yes, Mr. Chairman, I asked several questions but the one important one was covering sub-section 3 of section 4 under publications where it says "No regulation is invalid by reason only that it was not published in the Yukon Gazette". Now, does that mean to say that some regulations will be published and others not?

Mr. Commissioner: Well, no, I think what you are doing here is going right back to item 1 under number 4. You say "the Registrar shall, within one month of the filing thereof, publish every regulation in the Yukon Gazette." In the interim it indicates here that it is not invalid by reason that it was not published in the Yukon Gazette. I think this is basically what you are referring to here, and also let us put it this way, this is made available to the Yukon Gazette to be published, something transpires, maybe there wasn't enough room in the last issue of the paper to put this in, maybe it will have to wait until the next issue of the paper, something along these lines. I think this is what you are endeavouring to say that this point and I am subject to further clarification on this from Mr. Legal Advisor.

Mr. Legal Advisor: Mr. Chairman, when the Honourable Member mentions stripping the flesh from the bones I'm not sure whether he means the administration as surgeons, anatomist or butchers, but this ordinance is in it's intentions, I would suggest, an exceptionally fine ordinance in that it's an attempt by the administration to bring the law to the people in an intelligent, clear and precise manner and as it appears here it's a clog on the making of regulations because every regulation or the fact to it's being made must be published and doesn't come into force until it is filed with the Registrar, and if I had been in private practice and dealing with this, I would welcome the measure very much. I'm not so sure that as a Legal Advisor to the government I could extend such a hearty welcome to it because it does create quite a lot of trouble for the administration, quite a lot of

trouble for the officers of the administration and will even, in fact, make it a bit more difficult to prove any case in court where an offense is charged under any regulation. So, I think the Commissioner is to be congratulated on an extremely liberal policy in producing this as an ordinance to the Council at all. Now, the intention is that the regulations come into force when they are filed with the Registrar. Now, there has been a question of controversy for many years and in many countries when does a regulation come into force? Is it on the day it's signed or do you provide the day in the ordinance or can a regulation by itself without more provide the day on which it comes into force? Now, this removes this particular matter from the field of controversy by providing that it comes into force on the day it's filed. Now, so far as publication is concerned, it is provided in case something happens or in case of immediate urgency, that no regulation is invalid by reason only that it was not in fact published. It may be necessary to file a regulation today to bring it into force tomorrow. This is not too uncommon with regard to regulations, but the provisor was there that unless the fact of the regulation being made is brought home to the person who is going to be charged if a criminal offense is created under the regulations of the statute that the person cannot be charged or convicted unless this fact is brought home. Now, retrospective legislation would be effected by this. It would be impossible by reason of this to introduce retrospective criminal legislation of any sort by way of regulation and this again is a safe-guard from arbitrary conduct on the part of the administration, and I can say that I am not absolutely happy with all the exceptions that are made. I think that I would prefer to see the exemptions clause broadened when we come to that because it may be possible, and I would ask the assistance of the Honourable Members in this because many heads are better than one, to consider whether or not it might be advisable to broaden the exemptions power because there may be types of rule, order or regulation which the Commissioner may have to make which it might not be in the interest of the person concerned or the public that should, in fact, be published. They may only apply to private matters and one in particular or series that I can think of is an order made under adoption orders and such like things that should be private to the individuals. It's a Commissioner's order and the Commissioner's rule, but there is no particular necessity whereby this should be known and the facts possibly recited into the particular order, why it should be known to the public. Now, this, I suggest, is an exceptionally liberal piece of legislation for the administration to produce, but in view of that I would ask the Members in helping us to try and save the government of the whole, and I think as Mr. Dumas has said more than once that I said to him, this basically is a team that we're trying to produce here in making legislation. This idea is put up to the Council and we ask Council's assistance as members of the same team to get this into law in a reasonable, intelligible and workable fashion.

Mr. Chairman: Have you anything further on section 4?

Mr. Chamberlist: Yes. Mr. Chairman, it appears that from section 4 the old adage that ignorance of the law is no excuse or would no longer be sufficient because the way this is set up now you can be ignorant of the law if it has not been published for some reason in the Yukon Gazette. Now, you can also be ignorant of the law if it is published in the Yukon Gazette but that Yukon Gazette is not made available for the people of the Yukon Territory. Councillor Shaw, the member for Dawson, has made a point in principle that I think is correct. Most people up there do not necessarily have the opportunity to read what is in the Yukon Gazette. Now, dealing firstly with section 1, I'm going to try and dissect this to the way I think it should be. "The Registrar shall, within one month

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of the filing thereof, publish every regulation in the Yukon Gazette." Now, here's a mandatory requirement. Then "The Commissioner may, by order, extend the time for publication of a regulation and a copy of the order shall be published with the regulation." In that whole sub-section, they have permissive and mandatory. I will ask members of Committee to note that again, that the Commissioner may, by order, extend the time for publication of a regulation and a copy of the order shall be published with the regulation. Then we go to (3) again, "No regulation is invalid by reason only that it was not published in the Yukon Gazette, but no person shall be convicted for an offence consisting of a contravention of any regulation that was not published in the Yukon Gazette, unless it is proved that at the time of the alleged contravention reasonable steps have been taken for the purpose of bringing the purport of the regulation to the notice of the public or the persons likely to be affected by it or the person charged." I think there's sufficient there to confuse anybody. So liberal is it that it's certainly not even progressive in it's attitude towards a piece of legislation that every man in the street has to understand. It, in fact, gives the right in some instances to those who have not read the regulations to say well, how do I know whether it has been published in the Yukon Gazette? It's not even, there's nothing in there that says that it has to be published in a particular community in this Territory, and I would suggest that included in this section that provision is made for publication of the regulations being in the Yukon Gazette and posted on a notice board in an area of a public building or published in all areas of a public building. I'm sure Mr. Legal Advisor could work it out, but as it is right now, it is not liberal in as much as it doesn't let all those people in the Territory have an opportunity of knowing what the regulations are, and they can inadvertently be guilty of contravening one of the regulations although it is published in the gazette. Let me take you to an instance where in small communities such as Haines Junction, Beaver Creek, Mayo and all these places, if in a public building there was, as I said earlier, a notice board put up to the effect, and call it the Yukon Gazette Publications and just a run-down of the regulations, the regulations for an ordinance to prevent marriage is now available and can be seen in full at the public library. I think there should be a clause in there which would make it quite clear to everybody that they are available. As it is now, I don't think it's giving people a fair chance. It's not liberal. Not at all.

Mr. Chairman: Is there anything further on section 4?

Mr. McKinnon: Mr. Chairman, I've heard this analogy of this big team effort twice now from Mr. Legal Advisor and this isn't the place for me to disagree with him, but I'm not a member of his team, I am not playing ball with him. If the government comes up with something that I feel is going to be of benefit to the people of this Territory I will co-operate with him. I am not going to go any further but don't draw me into this analogy because I disagree completely with it.

Mr. Chamberlist: Mr. Chairman, by putting my argument up to Mr. Legal Advisor I'm sure Mr. Legal Advisor recognizes that I'm not on the same team but I'm prepared to bat.

Mr. Chairman: Gentlemen, have you any further questions on section 4?

Mr. Legal Advisor: Might I answer that point on section 4? Sub-section (1) of section 4 says shall publish every regulation in the Yukon Gazette. Would the feeling of the house agree with me if we reduced the onus of publication because to publish every regulation may involve publishing ten or fifteen pages of closely

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written type. If they would allow me to try and re-organize section 4 so as to allow us to publish the title of every regulation and the resume of it's contents and then, I'm not sure whether by putting it in the ordinance or by administrative direction, we could arrange that a copy of this was posted in a government office if such existed. It is something that I would have to enquire about in each of the electoral districts although publication in a newspaper is usually the most efficient method of bringing it home to the people, but as I understand it, there is in process or organization some thoughts about having a sub-government office or a government agent or a local commissioner in other areas than Whitehorse, who would take over various functions, who would, in fact, undertake the duty of publication within his own district or the government's district there, and it can be arranged that a notice board be put up in these places where what would be much more intelligent to unlettered people a resume of the contents of the regulations could be posted so that people would understand it fairly easy and then if they were interested if they want to come and get the legal text then they would be at liberty to do so.

BILL #19

Will the same thing

Mr. Chamberlist: I must remark that, Mr. Chairman, the very fear that Mr. Legal Advisor has put in my mind is that a possibility of more commissioners be appointed, and I think one is too much for the Territory.

Mr. Chairman: Is there anything further on section 4, or should we leave this to the Legal Advisor to toss around?

Mr. Shaw: Mr. Chairman, not being facetious about this, the object of having these notices not only apply to something like this, but would apply to contracts. For example, these are published in a newspaper and quite frequently it takes ten days to go from here into Dawson. I can prove that. Ten days! Now, let's reverse that situation, Mr. Chairman, and say that you couldn't find out any information from that in Whitehorse in ten days and what was going on someplace else, but you could if you went down to the liquor store and looked for that information. Now, there you have a complete reversal which is exactly the same and I wondered what the members who happen to live in Whitehorse would feel about a situation like that, that they heard ten days later unless they happen to go down to the liquor store to find out. Now, there's the answer. However, while I'm on my feet I will say that I must agree that this particular bill is a very good bill. It does and will in the future, presuming it is passed, it will make people more aware of just what is going on and though like many other things it might not be perfect, it is certainly a step in the right direction.

Mr. Chairman: May we now proceed?

Mr. Chamberlist: Mr. Chairman, I think Mr. Legal Advisor was asking for some direction. I think I would be satisfied if he would alter that in the tones he prescribed.

Mr. Shaw: I would agree too, Mr. Chairman.

Mr. Chairman: Does Committee agree that Mr. Legal Adviser take this.....?

All: Agreed.

Mr. Chairman: "5. (1) A regulation that has been published in the Yukon Gazette shall be judicially noticed. (2) Production of a certificate by the Registrar that the regulation was filed on a specified date is prima facie proof that it was so filed. (3) In addition to any mode of proof, evidence of a regulation may be

BILL #19 given by the production of (a) the Yukon Gazette purporting to contain the text thereof; or (b) a consolidation or supplement of the regulation published pursuant to paragraph (d) of subsection (1) of section 9. (c) a copy or extract of the regulation certified as a true copy or extract by the Registrar." I believe Mr. Legal Advisor did want to get your impression as to expanding this a little further.

Mr. Shaw: Mr. Chairman, I can't think of anything offhand, but perhaps the Legal Advisor might have some ideas in relation to what he would propose.

Mr. Legal Advisor: I'm not sure yet, but I can remember in discussions, but I don't know what came out in the wash, so to speak, a discussion concerning the powers of the Commissioner under adoption legislation and whether or not this should be exempt and my feeling was that if agreed to this certainly should be exempt, and I'm surprised, that's why I mentioned it, I'm surprised that it hasn't come in here in some fashion. It may be somewhere else that I'm not aware of, but once there is one omission, it seems to me to conclude that there may possibly be others, and that's why I say if I come up with anything else, I will suggest it when the bill comes before you again, but in the meantime any Councillor has any ideas on this, I'd certainly be grateful for them.

Mr. Chamberlist: Mr. Chairman, a question for the Legal Advisor. Why exemption orders under the Workmen's Compensation Ordinance?

Mr. Legal Advisor: Well, this is just something as far as I remember I think I dreamed this up. These are individual exemptions when a person wants an exemption for a particular purpose or a particular reason. It seems unnecessary to have to publish it. Very often the reason for the exemption is over. There are certain things he doesn't have to do, if you look at the ordinance. They're not very important and are only individual items. Like the exemption from returning a certain type of form.

Mr. Chamberlist: Mr. Chairman, I'm thinking in terms of exemption orders that are given to employers from outside of the Territory who may be carrying Workmen's Compensation and they can be exempted from the Workmen's Compensation Ordinance of the Territory if they make that type of application. I feel that it's necessary that they should not be exempted because of the right for a person to enquire as to whether they are indeed covered by Workmen's Compensation.

Mr. Legal Advisor: The exemption ordinance here - there was 160 of them last year, and it seems a bit unnecessary for us to publish the exemption each time it occurred during a period of three or four weeks.

Mr. Shaw: Agreed.

Mr. Chamberlist: Well, when you say these exemptions, are you, Mr. Legal Advisor, are you referring to exemptions of companies who are employing people, 160 of them?

Mr. Legal Advisor: You see, they're exempted if they have adequate cover beforehand, then we may exempt them from our ordinance provided our man is satisfied with their coverage. It's just a question of producing a policy for insurance, or something like that, and then we give them the exemption order, but it's still the Commissioner's order.

Mr. Chamberlist: Well, I noticed in a news letter that was sent around that the number of licences that were issued - am I to understand that there are 166 or 160 firms exempted who have been

doing business in the Yukon Territory? Are those exemptions extended to the licences as well?

BILL
#19

Mr. Legal Advisor: By reason of a reciprocal agreement between us, British Columbia and Alberta, there are people who have a temporary man employed here for a short period then, by reason of a reciprocal legislation, we will exempt theirs if they exempt ours, and so on.

Mr. Chamberlist: Mr. Chairman, I didn't get my question answered there. Are we exempting these people from following our regulations? This seems to have gone a little bit away from here but it brought the subject up. Are we exempting these people from the rest of our regulations as to business operations, business licences.....?

Mr. Legal Advisor: No, just Workmen's Compensation privileges....

Mr. Chamberlist: Thank you.

Mr. Commissioner: Only in those areas in which, where this reciprocity is previously arranged. If somebody comes in here from the state of Pennsylvania or something, why it is another matter all together.

Mr. Chairman: What is your feeling with respect of the inclusion of adoption under this section?

Mr. Chamberlist: Agreed.

Mr. Shaw: Agreed.

Mr. Chairman: Mr. Legal Advisor, will you be reviewing this section?

Mr. Legal Advisor: Yes, we will be having another look at this section.

Mr. Chairman: The next section is "7. The Commissioner shall appoint a Registrar of Regulations who shall, under the control and direction of the Commissioner, be responsible for the recording, numbering and indexing of all regulations filed with him and for the publication thereof in accordance with this Ordinance."

Mr. Dumas: Agreed.

Mr. Chairman: "8. (1) Regulations made after the coming into force of this Ordinance and filed with the Registrar shall be numbered in the order in which they are received and a new series shall be commenced in each calendar year."

Mr. Shaw: Clear.

Mr. Chamberlist: Clear.

Mr. Chairman: "8. (2) The regulations referred to in subsection (1), may be cited as "Commissioner's Order" followed by the year, followed in turn by a vertical stroke and the number of the order."

Mr. Chamberlist: Question. I understand that all the other orders are followed by a horizontal stroke. Is this being changed now?

Mr. Legal Advisor: I'm at a slight loss here because the system that is being used in the United Kingdom and Ireland and any country I have served in have always numbered 300 and an oblique stroke 1967. Here, it's reversed around.

BILL
#19

Mr. Chamberlist: I notice that all our orders at the moment, Mr. Chairman, are all with a horizontal stroke.

Mr. Chairman: Section 9.....

Mr. Chamberlist: Well, just a moment, Mr. Chairman, may I have an answer whether it's going to be the same as the others or whether it's going to be vertical, so that we can follow it.

Mr. Legal Advisor: I honestly don't know. I admire the precocity of the Honourable Member, but I just don't know because there is a horizontal stroke in use at the moment, and this is a vertical stroke and I think this is a matter upon which you had better consult.

Mr. Chairman: My bill reads vertical stroke.

Mr. Chamberlist: I know, but the orders we have had so far are all with a horizontal stroke. I'm only bringing this up in case you might, for some reason or other, add another index to it, which has been done quite often.

Mr. Dumas: Mr. Chairman, might I suggest we stroke out the word vertical and insert the word horizontal.

Mr. Commissioner: Could we have the privilege of answering this question the next time the bill comes before you?

Mr. Chairman: May I proceed? "9. (1) The Commissioner may make regulations (a) prescribing the powers and duties of the Registrar; (b) prescribing the form and arrangement of regulations; (c) prescribing a system of indexing regulations; (d) providing for the publication of consolidations of regulations filed pursuant to this Ordinance at such intervals or times as he deems advisable and for the publication of supplements to the consolidations; (e) prescribing fees that may be charged by the Registrar for the inspection of any regulation; (f) generally for the carrying out of the provisions of this Ordinance. (2) Publication of a regulation in any consolidation or supplement thereto shall be deemed publication within the meaning of this Ordinance. 10. This Ordinance shall come into force on a day to be fixed by the Commissioner. 11. Every regulation in effect when this Ordinance comes into force shall be filed with the Registrar forthwith." Now, is it your wish that this bill be turned back to the administration for further reading at this time?

Mr. McKinnon: Mr. Chairman, I just rise to say that the control of delegated legislation is probably one of the most difficult areas facing legislative bodies at this time as the government goes into more and more areas, more and more regulations come into effect and trying to control them as filled volumes that would fill libraries. It's even more difficult in an area to control delegated legislation where the executive and legislative branches are government are completely separate, at least where under normal constitutional democratic development, the two are one and the same. The government brings in regulation that follows the thinking of the legislators. It has been my experience at this table and I can quote an exact ordinance, the Low Cost Housing Ordinance, where the intent of the legislative body was completely perverted through regulations, and a whole different aspect of what those selected legislators wanted came about through regulation, and it took another whole session of Council before the legislative body got it straightened around and into a working position. Now, anything that is going to help ease the problem of this delegated authority, I'm all in favour for. I'm in complete accordance with this ordinance, The Central Filing and Publication of Regulations Ordinance. I feel, though, that it should include chapter 5 of the ordinances of the Yukon Territory 1959, first session, and Ordinance to Amend the Interpretation Ordinance which states that a copy of every

order, rule or regulation made by the Commissioner pursuant to any ordinance shall be laid before the Council as soon as conveniently may be after the making thereof. I feel that the proper place for such a piece of legislation is in this bill no. 19.

Mr. Legal Advisor: With respect, I wouldn't agree with that because this is a bill for a central filing and publication of regulations. The other is a bill dealing - laying these documents on the table of the House. It's already in force. It's being operated by the administration and all the regulations which were made between the last session of Council and this session of Council were laid on the table the first day that the Council sat, and although it might appear to be convenient to put it in this, the correct place for such a section is in a law dealing with that particular purpose.

Mr. Commissioner: Mr. Chairman, just in case Councillor McKinnon had any misconceptions about this, there is nothing in here which in any way, shape or form permits us by anything to contravene the meaning and the intent of that section in the Interpretation Ordinance concerning the laying of these regulations on the Council Table. I want to assure him of this in case he feels that something in here gives us the authority to do this. This is not.....

Mr. McKinnon: No, Mr. Chairman, I am completely aware of this. It just seems to me that an ordinance dealing with regulations would entail all aspects of regulations.

Mr. Legal Advisor: But this is not dealing with all aspects of regulations I think, but I am not sure. If there had been no ordinance in force dealing with the tabling of regulations for the House, I think I would see more merit in the Honourable Councillor's suggestion, but since it's already the law I think we might let sleeping dogs lie because I hate to get into a debate as to what the effect of tabling a regulation is.

Mr. Shaw: Mr. Chairman, I would move that progress be reported on this bill.

Mr. Chamberlist: I'll second that motion, Mr. Chairman.

All: Agreed.

Mr. Chairman: Well, gentlemen, this concludes all the work you have before you. I would ask one question before we leave Committee of the whole. There was a question in relation to sessional paper no. 28 some time ago involving tourism and it was decided to leave this matter over until the Director of that department would be available to join discussions on a supplementary estimate, and it has been brought to my attention that it is unlikely that we will have supplementary estimates and I am wondering if you would possibly like to pursue this matter tomorrow morning?

All: Agreed.

Mr. Chairman: Mr. Clerk, would you, if at all possible, attempt to get hold of the Director of Travel and Publicity for tomorrow morning for sessional paper no. 28. What is your further pleasure, gentlemen?

Mr. Chamberlist: Mr. Chairman, I move that Mr. Speaker do now resume the chair to hear the report of the Chairman of Committee?

Mr. Chairman: Is there a seconder?

Mr. Dumas: I'll second that.

MOTION
CARRIED

MOTION CARRIED

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

REPORT
FROM
CHAIRMAN
OF
COMMITTEES

Mr. Chairman: Mr. Speaker, Committee convened at 11:35 a.m. this morning to discuss bills, sessional papers and motions. It was moved by Councillor Shaw, seconded by Councillor Chamberlist that Bill no. 14 be reported out of Committee as amended and this motion carried. Upon motion, Committee recessed at 12:00 noon and re-convened at 2:00 p.m. Dr. Shields and Mr. Baston attended Committee to discuss Bill no. 17. It was moved by Councillor Shaw and seconded by Councillor Dumas that Bill no. 17 be reported out of Committee without amendment and this motion carried. I can report progress on Bill no. 19. It was moved by Councillor Chamberlist and seconded by Councillor Dumas that Mr. Speaker do now resume the chair and this motion carried.

Mr. Speaker: You have heard the report. Are we agreed.

All: Agreed.

Mr. Speaker: May I have your further pleasure?

Mr. Taylor: Mr. Speaker, in relation to the agenda for tomorrow, we have one sessional paper that has been outstanding in Committee for sometime which I believe members wish to discuss following orders of the day. It may be that we may have some bills processed into Committee or further amendments to other bills by tomorrow so I would suggest bills, sessional papers and any motions that may arrive in Committee.

Mr. Speaker: Thank you, Mr. Taylor. Are there any further comments?

Mr. Shaw: Mr. Speaker, I would move that we call it 5:00 o'clock.

Mr. Speaker: Is there a seconder for the motion?

Mr. Taylor: I'll second the motion.

MOTION
CARRIED

MOTION CARRIED

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

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Page 744.
Tuesday, December 5, 1967.
10:00 o'clock a.m.

Mr. Speaker read the daily prayer. All Councillors 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 and for tabling Sessional Paper No. 63, re Question No. 19; Sessional Paper No. 64, re Snag and Aishihik Airports; and Sessional Paper No. 65 re Question No. 20, Welfare. Introduction of Bills. Are there any Bills for Introduction this morning? Notices of Motion or Resolution.

SESSIONAL
PAPERS
#63
#64
#65

Mr. McKinnon: Mr. Speaker, I have a Notice of Motion concerning the introduction of additional programming to the Vocational Training program of the Yukon Territory.

NOTICES
OF MOTIONS
#46

Mr. Shaw: Mr. Speaker, I have a Notice of Motion in relation to Sessional Papers Nos. 59, 61 and 62.

#47

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

Mr. McKinnon: Mr. Speaker, I have the granddaddy of all Notices of Motions concerning the paving of the Alaska Highway.

#48

Mr. Speaker: Thank you, Mr. McKinnon. May we now pass to Orders of the Day - Notices of Motion for the Production of Papers. Are there any Notices of Motion for the Production of Papers? May we then proceed to Motion for the Production of Papers No. 11, moved by Councillor Taylor, seconded by Councillor Gordon, reference Watson Lake and Mayo Sewer Systems. The text reads, "That the Administration provide Council with information related to the recent sewer and water assessments at Watson Lake and Mayo."

MOTION FOR
PRODUCTION
OF PAPERS
#11

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Still remaining on the Order Paper under Motions for the Production of Papers Passed are Nos. 4, 5, 6, 7, 8, 9 and 10. Mr. Clerk, may we have Mr. Commissioner this morning for the question period. I will call a five minute recess.

RECESS. Mr. Commissioner enters the Council Chambers.

Mr. Speaker: I will now call Council to order. We are in the question period and you may proceed.

Mr. Taylor: Mr. Speaker, I have a question I would like to direct to Mr. Commissioner this morning and I would like to know, in relation to a question I asked yesterday, if a system has been worked out whereby we can avoid double taxation on liquor.

QUESTION RE
LIQUOR TAX

Mr. Commissioner: I don't know what the Councillor means, Mr. Speaker....double taxation.

Mr. Speaker: Would the Member care to explain?

QUESTION RE LIQUOR TAX Mr. Taylor: Yes, Mr. Speaker. It relates to the question I asked yesterday morning. In view of the fact that a 10% tax is going to be levied on liquor by the Federal Government at the Federal level and in view of the fact that we have 100% mark-up on our landed product in the Yukon, I am wondering if a system has been worked out whereby there will not be a 10% tax imposed on the people of the Yukon... that is double taxation.

Mr. Commissioner: You mean has there been a system worked out whereby we are not going to add this 10% tax to the selling price of the liquor.....

Mr. Taylor: The additional 10%, Mr. Speaker, is what I refer to. The 10% will be paid at the Federal level but I am wondering about the additional 10%...by the 100% mark-up.

Mr. Speaker: Yes, I believe the Member's question strictly refers to the matter of whether any additional levy will be made on liquor in the Yukon because of the new Federal move towards taxation on liquor. Am I correct?

Mr. Commissioner: Well, Mr. Speaker, I would see no alternative.....I don't see what the alternative would be.

Mr. Shaw: I would ask, Mr. Speaker....the Commissioner.... is there any other tax on liquor but the 25¢ a bottle or so much per dozen beer or something? I didn't think there was. Is there any tax other than that?

Mr. Commissioner: Our liquor setup here, Mr. Speaker.... there is only one basic tax and that is the 25¢ per bottle and 10¢ per dozen on beer and this is apportioned out on the paper here and I think it's \$1.50 on a keg, Mr. Speaker, and the rest of our liquor profits, which revert to the Yukon Consolidated Revenue Fund, are made from the mark-up on the product.

Mr. Dumas: Mr. Speaker, I think the point that the Honourable Member from Watson Lake is trying to get at is this. If I go and pay \$2.00 for a bottle of wine now, after this tax increase am I going to pay \$2.20? I am assuming that the Government buys it here for \$1.00 we will say and now has to pay \$1.10 for it because of the 10% increase. Do I have to pay twice that now, \$2.20...or \$2.10? In other words, is it a 10% increase on the price that the consumer gets it at or will that increase just be made on the price that the Territorial Government buys it at?

Mr. Commissioner: Well, Mr. Speaker, when you are getting into this realm of Federal taxation on liquor, you are getting into an area which the Federal Government taxes on what they refer to as proof spirits and until you see each item or each product analyzed and priced from the manufacturer on the basis of these proof spirits, I couldn't even tell you if it is going to go up 2¢ a bottle or 10¢ a bottle. There's exactly the problem that we are faced with and furthermore, it hasn't become law in the Federal Parliament as far as I know, Mr. Speaker. It still has to be debated and I believe there is a vote of confidence on it in the Federal House so it may never become law at all.

QUESTION PROCESSING OF LAND Mr. Chamberlist: Mr. Speaker, a question to the Commissioner. What is the policy of the Administration, Mr. Commissioner, with reference to the processing of land, either Territorial or Federal?

BA

Mr. Commissioner: Mr. Speaker, could I ask to be referred to a specific case and I would do my best to answer the question because there are various kinds of land...you know, there is surveyed land that we have ready for sale and there is a price on it and so on down the line.

QUESTION
PROCESSING
OF LAND

Mr. Chamberlist: Mr. Speaker, the question relates to the process of application for lands, Federal or Territorial, surveyed or unsurveyed.

Mr. Speaker: Mr. Chamberlist, I believe....this question seems to be quite an involved one. I wonder if it would not be better on the Order Paper.

Mr. Chamberlist: Well, Mr. Speaker, I could ask two questions. What is the policy with reference to application of lands for unsurveyed land?

Mr. Commissioner: Mr. Speaker, when I am asked what is the policy.....may I, with respect, ask the Councillor to elucidate a little bit more and if I can answer, I will be happy to and if I can't, I will have to ask for time to get the answer.

Mr. Chamberlist: To explain the question, Mr. Speaker, I wish to know the processing...the way the applications for land that has been applied for is processed by the Administration.

Mr. Commissioner: Mr. Speaker, I will have to bring forth the answer to this because there are different methods, dependent upon the manner in which the land has been asked for and I would ask if I could bring forth the answer to this question. I will bring forth the whole package.

Mr. Chamberlist: Mr. Speaker, to the Commissioner. May I take it that you will bring forward with reference to surveyed land as well.

Mr. Commissioner: Yes, Mr. Speaker. I will be pleased to.

Mr. Shaw: Mr. Speaker, may I ask a question of the Commissioner and that is could not the land agent supply this information by going up and asking him. Doesn't he know anything about it?

Mr. Chamberlist: What's this?

Mr. Shaw: Does the land agent have this information? Have you someone that could provide this information at a public desk or whatever you call it...in a public office?

Mr. Chamberlist: Mr. Speaker, I rise on a point of order because the Honourable Member from Dawson should realize that I, as a Territorial Councillor, have the right to ask the Commissioner that question here. I should not be told to go and visit somebody's desk for that information.

Mr. Shaw: Point of privilege, Mr. Speaker. I did not say, neither did I infer, that the Honourable Member from Whitehorse East shouldn't ask that question. I merely asked if land information such as has been asked could be obtained from the land agent, Mr. Speaker. I don't know as if I have had my question answered.

Mr. Speaker: I don't see any point there at all because.... I think the question is clear enough.

QUESTION
RE LAND
SHOPPING
CENTRE

Mr. Dumas: I would like to ask a further question regarding lands. Could the Commissioner tell me if the land that is proposed to be used for a shopping centre...what the price will be for the land for the shopping centre in Riverdale... proposed selling price. I ask the question here because there has been suggestions made that the land is going to be given away as sort of a bonus for building this project. I would like to have it clarified publicly.

Mr. Commissioner: Well, Mr. Speaker, I am in no position to answer this question definitively at the present time. I think I was asked a question yesterday morning...if this application has been processed...and the answer is no and until it has been fully processed, I am in no position, Mr. Speaker, to answer the question definitively.

Mr. Dumas: Mr. Speaker, surely the Crown or the Territory has put a price on this land and I just want to know what it is.

Mr. Commissioner: I can answer definitively that we have not a price on this land.

Mr. Shaw: With respect, Mr. Speaker, I do not believe that I had my question answered as to whether the land agent can give information in relation to lands in a public office.

Mr. Commissioner: Yes, Mr. Speaker.

Mr. Shaw: Thank you.

Mr. Chamberlist: Mr. Speaker, a question to the Commissioner arising from the last question. Mr. Commissioner, would the prices of land be available at the land office?

Mr. Commissioner: Mr. Speaker, depending upon what land it is that you are concerned about...where it is located... a hundred and one things enter into the situation...also, the means of disposing of land has to do with the price which it is disposed of.

QUESTION
UNEMPLOY-
MENT
INSURANCE
FACILITY

Mr. Taylor: Mr. Speaker, I have a question to direct to Mr. Commissioner this morning in relation to the Unemployment Insurance function in the Yukon and I am wondering, in view of the desire of the labour force and the increased labour force in the Yukon to have this facility in Whitehorse, is it contemplated that a facility will indeed be here. Would the Commissioner be knowledgeable?

Mr. Commissioner: Mr. Speaker, as a consequence of considerable discussions that we had at the last Council Session, I have made representations through my Minister to the appropriate Federal Minister in this regard and I am sorry to report that we have got absolutely nowhere, Mr. Speaker. My own Minister regrets this just as much as I do and there is no anticipation or hope as far as I can see, nor that I have been able, nor my Minister along with me, have been able to do to change the governmental agency's policy with regard to the establishment of an Unemployment Insurance Commission office here in the Yukon Territory. I am very sorry, Mr. Speaker, that I have to report this but this is very definitive and my latest information and reply on this is a matter of only a few weeks ago of time.

Mr. Taylor: Supplementary to that question. As a point of interest...in negotiations, I wonder if Mr. Commissioner could tell me whether or not it was suggested that the Yukon Territory withdraw from this scheme in view of the lack of facilities to look after these people.....was this suggested?

QUESTION RE
UNEMPLOYMENT
INSURANCE

Mr. Commissioner: Mr. Speaker, the Yukon Territory....I speak of the Government of the Yukon Territory....is in no position to you know make any statement on that...of that nature, Mr. Speaker. I would say that discussions along those lines were definitely not part of conversations.....

Mr. Chamberlist: Mr. Speaker, a question to the Commissioner. Mr. Commissioner, have you heard anything further from the Northern Canada Power Commission re the Motion of this Council requesting an extension of time for local contractors and also a review of the contractual documents regarding the Whitehorse-Vangorda transmission line?

QUESTION
RE NCP&C &
TRANS-
MISSION
LINE

Mr. Commissioner: Mr. Speaker, although I am not aware of you know the answer to this question, could I have the opportunity of inquiring to see if in fact there has been anything come in.....excuse me, Mr. Speaker....this was the Motion of Council which was dealt with here approximately ten days ago?

Mr. Chamberlist: Mr. Speaker, a question to the Commissioner. Mr. Commissioner, has any request been made to the CBC re standby generating equipment for the Whitehorse area because when there is a power failure, the CBC automatically goes off the air.

QUESTION
CBC
STANDBY
GENERATING
EQUIPMENT

Mr. Commissioner: Mr. Speaker, I am not aware of any request having been made to them but...I am using my own knowledge at this point now, Mr. Speaker, and if Council wanted me to look into this to see if at any time such a request had been made, I will definitely try. I just speak from my own personal knowledge here at this point and it seems to me that there was something brought up about this here about a year or so ago and I thought that something definitive had been done about it, Mr. Speaker.

Mr. Chamberlist: The matter had been brought up, Mr. Speaker, but if Mr. Commissioner would like the date and information, I would gladly give it to him.

Mr. Commissioner: This would assist me to find out what inquiries have been made.

Mr. Speaker: Are there any further questions?

Mr. Chamberlist: One further question, Mr. Speaker, to Mr. Commissioner. Mr. Commissioner, have you any information yet on licence fees re campers and trailers?

QUESTION
LICENCE FEES
CAMPERS &
TRAILERS

Mr. Commissioner: I am sorry, Mr. Speaker, that this matter has not come in as yet and I would ask Mr. Clerk to see if he would please check further to see if we can't get this because we made it a point to have this included in the terms of reference with regard to Territorial Parks and I am very disappointed that this answer is not back here for Council, Mr. Speaker.

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

JA

FIRST READING BILL #20
MOTION CARRIED
Moved by Councillor Shaw, seconded by Councillor Dumas, that Bill No. 20, An Ordinance to Amend the Interpretation Ordinance, be given First Reading at this time.
MOTION CARRIED

SECOND READING BILL #20
MOTION CARRIED
Moved by Councillor Shaw, seconded by Councillor Dumas, that Bill No. 20, An Ordinance to Amend the Interpretation Ordinance, be given Second Reading at this time.
MOTION CARRIED

FIRST READING AMENDMENT BILL #14
MOTION CARRIED
Moved by Councillor Taylor, seconded by Councillor Shaw, that the Amendment to Bill No. 14, An Ordinance to Provide for Labour Standards in the Yukon Territory, be given First Reading at this time.
MOTION CARRIED

SECOND READING AMENDMENT BILL #14
MOTION CARRIED
Moved by Councillor Taylor, seconded by Councillor Shaw, that the Amendment to Bill No. 14, An Ordinance to Provide for Labour Standards in the Yukon Territory, be given Second Reading at this time.
MOTION CARRIED

Mr. Speaker: When shall the Bill be read for the Third time?

THIRD READING BILL #14
Mr. Taylor: Now, Mr. Speaker. I would beg leave to move that Third Reading now be given to Bill No. 14, An Ordinance to Provide for Labour Standards in the Yukon Territory.

Mr. Shaw: Mr. Speaker, I will second the Motion if I may speak on the.....

Mr. Chamberlist: Mr. Speaker, I will vote against the passing of Third Reading of this Bill for I feel that this Bill should not be passed until such time as both labour organizations and management have an opportunity to view the construction of this Ordinance. I feel that it is in the interest of both labour and management that they have an opportunity to see the Ordinance and come up with any recommendations and I would suggest that this be left until next Session before it is given Third and final reading.

Mr. Taylor: Mr. Speaker, I cannot agree with the Honourable Member from Whitehorse East. I am going on in my seventh year in this Chamber and for every year I have fought very, very hard to get labour legislation for the people of the Yukon, even by Private Member's legislation, and this is the first constructive piece of labour legislation that we have had in the time that I have been in Council and as far as I am concerned, the sooner it is implemented, the better off it is in my opinion; and if there are any parts of this Ordinance that are wrong, or improper, or unworkable, then it seems to me that at the Spring Session we can change it. No. 2 is that the Bill only comes into force on a day to be proclaimed by the Commissioner and as far as I am concerned, anyone who would vote opposed to Third Reading of this Bill would do a great disservice to the working force and the people of the Yukon Territory.

Mr. McKinnon: Mr. Speaker, I would like to move an Amendment to the Honourable Member from Watson Lake's Motion. My Motion would be that the word "now" be left out and the words "this day six months" added at the end of the end of the question.

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

Mr. Shaw: Mr. Speaker, I seconded the Motion of the Honourable Member from Watson Lake. I would also be prepared to go along with this other Motion. I think during the discussions on this, if we will revert to the records, we will find that it was the intention of Council and the intention of the Administration, by the Commissioner's words, that this would be made available to the public during the course of this winter, both to management and to labour, and that this would again be brought before Council in the spring. As you will note in section 53 of this Ordinance it states that it shall come into force on a day to be fixed by order of the Commissioner and I, Mr. Speaker, heard the Commissioner say very, very clearly that this was a far reaching Bill and that he was not going to assent to this, if I recollect, until he had the opportunity to get representations, if any, from both management and labour and would present the findings to Council at the next Session. That was my understanding in seconding the Bill. With the persons...the Members who object to this being passed at this moment, I will agree with their objections very much because if I felt that this was to come into force right now, I would object to that. I seconded the Motion, Mr. Speaker, by virtue of the period of six months when it could again be discussed pursuant to whatever communications were received in respect to it. I would be quite amenable to the Amendment although I didn't really feel that it was necessary.

Mr. Speaker: Order. I wonder if the mover of the Amendment would provide the Chair with a written copy of the Amendment to the Motion that this Bill be now read for the Third time.

Mr. McKinnon: Mr. Speaker, the Amendment reads that the word "now" be left out and the words "this day six months" be added at the end of the question. It's Amendment No. 92 under Forms and Formulae of Beauchesne, which is known more commonly as the Six Months "Hoist".

Mr. Speaker: I am sorry but due to the noise I didn't get that. I wonder if the Member could provide the Chair with a written copy of his Motion.

Mr. McKinnon: Could the House go into Recess while I prepare this Motion?

Mr. Speaker: I will call a five minute recess.

RECESS. Mr. Legal Adviser enters the Council Chambers.

Mr. Speaker: I will now call Council to order. I wonder, in view of the fact that I have a changed Amendment, I wonder if the Movers of the previous Amendment would withdraw.

Mr. Taylor: As Mover of the Motion, Mr. Speaker.....

Mr. Speaker: Order.....the Mover of the Amendment....the previous Amendment as stated by the Members....

AMENDMENT
TO MOTION
RE THIRD
READING
BILL #14

Mr. McKinnon: Mr. Speaker, as far as I knew, there was no Amendment before the House because it was not written and hadn't been read from the Chair. As far as I know, this is the original Motion and the original seconder of that Motion.

Mr. Speaker: Are we agreed unanimously?

All: Agreed.

Mr. Taylor: To which.....

Mr. Speaker: I have an Amendment now to the Motion that the Bill be now read a third time and the Amendment is moved by the Member for Whitehorse North, seconded by the Member for Whitehorse East, and the text of the Amendment reads, "That the word 'now' be left out and the following added at the end of the motion, 'at a day certain to be fixed during the First Session 1968 of the Yukon Legislative Council'." That, gentlemen, is the Amendment to the main Motion that this Bill be now read a third time.

Mr. McKinnon: Mr. Speaker, I would like to speak to this Amendment to the Motion. Since this Bill on labour standards has been before the House and the discussions that we have had on it, and I think that we did quite a thorough job in investigating all the ramifications that we could of the legislation before us, however, this is not nearly enough when you are dealing in a highly technical specialized field which is labour standards legislation at this time. None of the Members at this table that I know off are competent and experienced and professional in the field of labour negotiating. Since we discussed this Bill in Committee, I have had at least three phone calls from both labour and management asking what the content of this Bill was and why they were not consulted prior to this legislation coming before the House. I told them exactly what I told this Committee and this Council that all we were doing was a cursory study of the Labour Standards Legislation so that we would have the t's crossed and the i's dotted before the Legislation went before them for examination. I thought, and I could be wrong, that this was the feeling of all the Members of this House. Evidently I was wrong. I think the only sensible way for this Legislation to be passed so that it is effective is for all the different interested groups and organizations to be able to sit down and examine it and present briefs and present amendments to this Council so that when we finally do pass this Ordinance, we are going to have some of the best labour standards legislation in the country, and if we do this hastily in a field like this, we are not going to have this kind of legislation. Now, if we had given Third Reading to this Bill, we would have just given away the responsibility that we are always talking that we want in this House by putting the onus on the Commissioner to bring it into effect. It would have been really a terrible position for this Council who is always crying for added responsibility to put the Commissioner in. Here we have a Labour Standards Ordinance that was just given a study by unprofessional people in this House in this field and we passed the ball on to the Commissioner for the date that he should make this legislation effective even though we know it's not the best legislation that we could possibly come up with and I move this Amendment, Mr. Speaker, and I hope that Council will accept it because I think that we've completely missed the boat by trying to push this Bill through the House at this time.

Mr. Chamberlist: Mr. Speaker, as seconder of the Amendment to the Motion, I concur with Mr. McKinnon's remarks. It is obvious that haste is going to do more damage right now to the labour provisions that we are preparing than any good. Since this Bill first came to the attention of Council and because of some publicity that has been given this re the discussion, Mr. Speaker, of this Bill, many employers and two labour unions in my constituency have approached me to make sure that there would be no passing of this Bill until such time as they have had an opportunity amongst their own organizations to view what has been passed in Second Reading and get the opportunity to present to this Council any congratulations or any brickbats and I agree that the necessity for labour legislation is very, very important. The suggestion that has been made by the Honourable Member for Watson Lake...that if we don't pass this Bill immediately as it is, we would be failing in our duty, I would suggest is a wrong attitude to adopt. There isn't a Member on this Territorial Council who is not concerned with labour provisions, not concerned with the benefits that good labour legislation will bring to the people of the Territory. I support the Amendment to the Motion because I feel that there must be a time factor for this legislation to be completed and we must also keep faith with the employees and employers in the Territory.

AMENDMENT
TO MOTION
RE THIRD
READING
BILL #14

Mr. Dumas: Mr. Speaker, I would like to read from the record, Monday, December 4, page 717. The Honourable Member from Whitehorse East rose, speaking to Bill No. 14, after we had discussed some of the details of the Bills. He said, "Mr. Chairman, I would suggest that before we go any further on this Bill, that we have representatives of management and representatives of Labour to view what Council has brought about so far and have them bring any of their recommendations to us. I feel that it is important. This is so important a piece of legislation that both management and Labour should have the right to be heard in these matters." We agreed at that time to do this amongst ourselves. There seems to have been a misunderstanding, however, I am going to ask the Honourable Member from Watson Lake to reconsider the possibility of withdrawing the Motion so that the Council can once again show unanimity and to urge him to do this, I would like to read further from the records. Mr. Shaw rose to say, "I was of the understanding that this Bill is a Bill that, after being studied by the Council, would be then left at that stage for management and Labour to discuss over the winter time - to have copies of the amendment we had and therefore something must come out of this Council to get this procedure started." It seems from this that the Councillor from Dawson I would say possibly inadvertently seconded the Motion...the original Motion I am speaking of... and that being the case, withdrawal I think would be an indication of unanimity and of courtesy.

Mr. Taylor: Mr. Speaker, in relation to this...the remarks that have gone on before, I can say that it was definitely not my understanding that the Bill be left in this position. It was my understanding that assent would be given...Third Reading, Adoption of the Title, and indeed assent...and it would not come into force as stated in the Ordinance until the day proclaimed by the Commissioner. As I have stated before, I was not a party to this understanding. Had it been, I would have passed the Chair and made comment at that time rather than waiting for Third Reading. As I have stated, we have worked very hard...this Council...the Councils before

AMENDMENT
TO MOTION
RE THIRD
READING
BILL #14

Mr. Taylor continues:

us have worked very hard on this piece of legislation...as I state...even to the degree of producing private member's legislation and chewing and biting away at the existing Labour Provisions Ordinance which is, indeed, completely inadequate. I cannot in conscience withdraw on the grounds that, in my opinion, this is the wrong thing to do at this particular time. If we come here to legislate and to produce legislation, then this is what we are here to do. I cannot agree that we are giving away any responsibility by asking the Commissioner to do what he does with other Bills and to say that we cannot trust the Administration would be a vote of non-confidence in the Commissioner in reality. There's two ways of looking at this. I, quite frankly, will not withdraw my Motion because I want to see this labour legislation on the rails as soon as possible and if it is possible to implement this between now and the Spring Session, after labour and management have had a chance to view it, and if their recommendations are favourable, then I feel it should be implemented at the earliest possible moment beyond that time and that might be two months from now. It might be a month or, indeed, it might be the Spring Session and if further amendment is needed, it can be made at the Spring Session so I will not withdraw.

Mr. Speaker: May I draw the Honourable Member's attention to the fact that we are now discussing the Amendment to which the Honourable Member for Watson Lake is not a party.

Mr. Shaw: Mr. Speaker, I must admit at this time that I was a little hasty in seconding this Motion insofar as.... the original Motion I should say....insofar as I felt that section 53 of the Bill covered my intention. In the meantime it has been brought to my attention the possibility of the... the Commissioner may not be around six months hence to look after this. There were two persons that died two days ago that I didn't expect they would so...these things we all accept and face up to.

Mr. Speaker: Order.

Mr. Shaw: The same might apply to myself or any of us here so....I mean I wasn't taking these things into consideration, Mr. Speaker. I regret the fact that I did second the Motion because it wasn't the intention, as might be implied, to pass it and have assent given to it at this time. I make mistakes from time to time and that's one of them. I think it's irrevocable at the present time....it appears....so that all I can say is that I do wish this not to come into force... that was my intention...until this has been thoroughly vetted by all parties concerned and I will, therefore, have to support the Amendment.

Mr. Speaker: Question has been called on the Amendment to the Motion that this Bill be now read for the third time. Are we agreed on the Amendment?

Mr. Taylor: Contrary.

Mr. Chamberlist: Division on the Amendment.

Mr. Speaker: Division has been called. Mr. Clerk.

Handwritten initials

Mr. Clerk: The Member from Whitehorse North.

Mr. McKinnon: Yea.

Mr. Clerk: The Member from Whitehorse East.

Mr. Chamberlist: Yea.

Mr. Clerk: The Member from Dawson.

Mr. Shaw: Yea.

Mr. Clerk: The Member from Watson Lake.

Mr. Taylor: Nay.

Mr. Clerk: The Member from Mayo.

Mrs. Gordon: Yea.

Mr. Clerk: The Member from Whitehorse West.

Mr. Dumas: Yea.

Mr. Clerk: The vote is 5 - 1 in favour of the Amendment.

Mr. Speaker: Thank you, Mr. Clerk. I will declare that the Amendment has carried.

AMENDMENT
TO MOTION
RE THIRD
READING
BILL #14

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Is the House prepared now for the question on the Motion? Are we agreed?

MOTION CARRIED

MOTION
CARRIED

Councillor Taylor voted contrary.

Mr. Chamberlist: Mr. Speaker, that is the Motion as amended?

Mr. Speaker: That is correct. We are still in Public Bills and Orders, gentlemen. May I have your further pleasure. I will call a ten minute recess.

Mr. Speaker: I will now call Council to order. We are discussing Bills on the Order Paper. May we proceed.

Moved by Councillor Dumas, seconded by Councillor Gordon that Bill No. 17, An Ordinance to Authorize the Commissioner of the Yukon Territory to Enter Into Agreement with the Minister of Manpower and Immigration Respecting the Occupational Training of Adults, be given Third Reading at this time.

THIRD
READING
BILL #17

MOTION CARRIED

MOTION
CARRIED

Mr. Chamberlist: I am contrary.

Moved by Councillor Shaw, seconded by Councillor Gordon, that the title to Bill No. 17, An Ordinance to Authorize the Commissioner of the Yukon Territory to Enter into Agreement with the Minister of Manpower and Immigration Respecting the Occupational Training of Adults, be adopted as written.

TITLE
ADOPTED
BILL #17

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: I will declare the Motion carried and Bill No. 17 has passed this House.

Mr. Speaker: May I have your further pleasure?

Mr. Shaw: Mr. Speaker, I would move that Mr. Speaker do now leave the Chair and Council resolve itself in Committee of the Whole to discuss Bills, Sessional Papers, Motions and Memoranda.

Mr. Taylor: I second that motion.

Mr. Speaker: Moved by the Honourable Member from Dawson, seconded by the Honourable Member from Watson Lake, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills, Sessional Papers, Motions and Memoranda. Is the House prepared for the question on the Motion. Are we agreed. I will declare the motion carried and the Honourable Member from Watson Lake will please take the Chair in Committee of the Whole.

MOTION TO
MOVE INTO
COMMITTEE

MOTION CARRIED

MOTION
CARRIED

Mr. Chairman: It had been intended that we discuss Sessional Paper No. 28 this morning. However, Mr. Gibson is not available; I believe he has gone to Dawson. I wonder if we would be prepared to discuss Bill No. 20 which is now in Committee.

SESSIONAL
PAPER #28
BILL #20

All: Agreed.

Mr. Chairman: This is an Ordinance to amend the Interpretation Ordinance. (Reads Bill No. 20).

Mr. Dumas: Mr. Legal Adviser, could he advise what this general fast means?

Mr. Legal Adviser: Which, Sir?

Mr. Dumas: General fast or Thanksgiving.

Mr. Legal Adviser: I don't think it is any relation to fast. I think it might be feast. For the edification of the Honourable Member, with all due respect, I would say it's abstinence

Mr. Legal Adviser.....
from food.

Mr. Dumas: I hardly think this is something to be
celebrated, Mr. Chairman.

Mr. Chairman: Order, please.

Mr. Legal Adviser: As I advised, there is nothing new
about this. This is exactly as it was in the
and if the Yukoners were used to fasting from time to time
I think they should be allowed to continue. For the good
of the general population I certainly think some people
should fast.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal
Adviser knows whether it refers to the Hebrew Day of
Atonement.

Mr. Legal Adviser: It might refer to the feast of
Ramadan, which is a month's fast, which is worse than

Mr. Chairman: Gentlemen, may I have your direction in
relation to this Bill.

Mr. Dumas: Mr. Chairman, I move that Bill No. 20 be reported
out of Committee.

Mr. Chairman: Is there a seconder.

Mr. Chamberlist: I second that motion.

Mr. Chairman: It has been moved by Councillor Dumas and
seconded by Councillor Chamberlist that Bill No. 20 be
reported out of Committee without amendment. Are you pre-
pared for the question? Are you agreed? Any contrary?
I will declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Chairman: I believe the only other item we have today
is an amendment to Bill No. 5, Taxation Ordinance. I shall
read the amendments (reads the amendment). BILL #5.

Mr. Legal Adviser: Well, Sir, this is my attempt in sub-
section (1) to render the terms of the amendment into more
manipulous English which flows from the tongue easier and
it's easier to understand and might persuade people to pay
their taxes by the use of soft language rather than harsh
order.

Mr. McKinnon: I wonder if I could ask Mr. Legal Adviser
what is the legal definition of informality and irregularity?

Mr. Legal Adviser: It's difficult to give a quick answer
to what informality or irregularity would be. It might be
a notice a day late - that would be an informality and
irregularity might be - if something must be done not later
than ten days and earlier than twenty days it would be pretty
much the same thing. Supposing a tax notice was signed by
the Deputy Treasurer instead of the Treasurer or supposing
it was rubber-stamped instead of a signature; that might be
an irregularity. It is harder to give a definition of what
they are; it is easier to think of instances from time to time

Mr. Legal Adviser continues as to what would be an informality or what would be an irregularity. It is constantly occurring in Court cases and it is overlooked by the Court where necessary. Addressing a letter to a Mrs. John Jones instead of Mr. John Jones, various things of that type would be an irregularity. Say a thing had to be mailed and is sent by hand that would be an informality. BILL #5

Mr. Chairman: Question from the Chair, if I may. If a tax was levied at 30¢ and indeed the tax notice set it at 45¢, what would this be called?

Mr. Legal Adviser: That would be an error. But in that case of course the tax would not be due. A person would not have to pay the tax. That could not be cured by an irregularity. That would be something more. That would be an attempt to levy an unjust tax and possibly you will recall Johnson's definition of an excise tax in the first English dictionary which was, so far as I recollect, excise - the definition was a hateful tax levied by the same wretches to whom it is paid.

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

Mr. Taylor: Mr. Chairman, this is my very point. It states here that an error does not necessarily invalidate it and of course I've argued all through this that I feel that it should invalidate a tax; an error such as I suggest.

Mr. Legal Adviser: Assuming an error in sending out a tax demand for \$40.00 when only \$30.00 was due - the meaning of this Section would be not the \$40.00 was due merely by sending out a notice of \$40.00 but that the sending out of a notice for \$40.00 would not invalidate the \$30.00 which in fact was due. In other words he owes \$30.00 and gets a notice for \$40.00; if he pays \$30.00 he's fine. He doesn't have to pay \$40.00 but without this section there is a certain risk that when you owe \$30.00 and you get a notice for \$40.00 the person will think that he owes nothing at all really because the demand is wrong but he still always owes that \$30.00 because that is what the Council found to be his tax due and they are entitled to levy that.

Mr. Chamberlist: Mr. Chairman, the amendment we now have before us cures my objections. The objections that I had raised was in the preamble to the previous section 98 (1) which referred to the general or individual assessment made or taxable rate levied, distrained for or collected, shall be added on solely because...and it went on. Now, this time it has limited the area to errors, informalities and irregularities so that if indeed there has been an alteration and mistakes made in the levying of an actual amount of tax, this is remedied so that only the true amount of tax is payable and the wrong amount of tax is not payable. I am satisfied, as I say, that the amendment is correct, has corrected the fault that was there before.

Mr. Chairman: Mr. Taylor.

Mr. Taylor: Mr. Chairman, my difficulty in acceptance of this is based, again, on the premise that Administration has the right to tax the people without prior approval of Council in relation to sewer and water systems and more particularly Section 50 (a) of the Taxation Ordinance.

BILL #5

Mr. Taylor continues...

as amended at the Spring Session. If Administration were to bring in an amendment to 50 (a) which would in addition to the amendments required to 50 (a), which would state that before a tax is levied upon any of these areas outside of municipalities and villages, then I would have no qualms about this but I still say that the little person living in the outlying districts must have some protection under the Ordinance and it is in this area I am having my difficulties. If this was spelled out in the Taxation Ordinance that indeed no tax of any nature would be levied on the people of the Yukon without first having had the consent of Council this would satisfy my objection.

Mr. Legal Adviser: Mr. Chairman, this is the position as it is today - no tax can be levied except with the consent of Council. This is enshrined in the law of the Yukon. But with regard to Section 50 (a), this is presently under discussion and the Administration are in some difficulties as to how to put up this amendment 50 (a) and I think I might as well tell you now. The position is that as the law presently stands, so that an amendment made to the Taxation Ordinance by the Council of the last Session on what appeared to be the last day of the Session. Now, I wasn't here at the time so I'm not too familiar as to what happened except that it appears to be generally accepted that the amendment to the Taxation Ordinance at that time was not within the spirit of what was agreed to by the tax payers at Watson Lake would be done in order to collect the cost of the sewer and water charges that already exist at Watson Lake. As the law stands the Administration is entitled to collect charges in a certain manner but does not wish to go against what was the expressed wish, now that it has become obvious, of the tax payers at Watson Lake. On the other hand tax payers in other small areas will have, or about to have sewer and water, wish to have different methods of collection and we will shortly have to bring before the Council legislation to enable a different method of charging to be adopted. For instance the tax payers in Watson Lake as opposed to the tax payers in Dawson Creek and the tax payers in Mayo in respect of specific charges for services given to them. Now the human brain can only encompass a certain amount and my brain is a little bit befogged as to how we are to bring to the Council these differences as to not only a different height of tax or amount of tax but a different method of charging a tax year by year in Porter Creek, Watson Lake and the various other communities. This is a problem which might well tax the ingenuity of Mr. McKinnon's friend Solomon who was called in for advice occasionally and it is causing me great difficulty. It doesn't mean that we are trying to do anything unjust - it just means that I don't think the Council wants to be bothered with fixing, year by year, the rate of sewage and water charges in each of these small communities. On the other hand, I'm not sure if the Council will agree to allow these to be fixed by a regulation or by some other person because if there are no established municipalities in the area then who is to fix these charges and what are the amounts? Now this is quite a difficulty but I'm just saying this because of the point raised by the Honourable Member from Watson Lake. This is presently causing me great difficulty but so far as section 98 (a) is concerned this is a different matter. By whatever means a tax amount is fixed for Watson Lake or Porter Creek is in

A8

Mr. Legal Adviser continues..

fact fixed; that amount is then legally due, and only that so if there happened to be a clerical error in the amount billed for the tax payer does not have to pay that. He just pays the correct amount but merely by reason by a mistake in his name or something else, it does not destroy the validity of the tax which is legally then due; whether it is \$30.00 or \$40.00; the amount he owes he always owes, no more and no less and if we try to collect more than is his share of the tax then he has the normal right as a citizen to resist in court and if we are so foolish or misguided as to follow him to court then we will be defeated. BILL #5

Mr. Taylor: Mr. Chairman, I can only say that I cannot agree with Mr. Legal Adviser on this point. I think that these two are related. Because here we are talking about an error or informality or an irregularity and it must be pointed out that when you go to the people and you say OK these are the terms. We'll give you a sewer system but these are the terms; now this is what it is going to cost you. Then you come back to them with a tax notice some months later after this system is installed, or a year or so later and where you promised them taxation on one basis - you tax them 76¢ a front foot for operation and maintenance charge, this is not only an error or an informality; certainly irregular, but it is also not a just and fair thing to do to the people. Now I say that it should invalidate that tax unless somewhere in the Taxation Ordinance you provide the people with an element of protection through this legislative council. Now in Section 50 (a) which slipped by us in the final days of Council, permitted the Commissioner to levy operating capital - capital taxes on a per front foot basis; this was not intended by Council that people will be charged a service charge, if we wish to call it that way, on a per front foot tax basis. The capital side is paid by everybody but certainly not the operation and maintenance on this basis. Now, the people have no recourse other than to ask me as their representative to come up here to Whitehorse and try to straighten the thing out and undo this injustice. Tax notices were sent around; that is what occasioned this. When people complained - this is how this amendment came. So I feel that before an assessment is levied on any community in respect of sewer and water or any form of taxation for that matter, that first the Council should have a look at it to ensure that the tax is just and fair; then I think if there is to be any change in that tax from what was originally agreed upon, the ratepayers in those communities should be consulted, Council advised and the matter set even set by legislation until such a time as these communities develop into self-governing areas. That is simply my point.

Mr. Chairman: Mr. Dumas.

Mr. Dumas: Mr. Chairman, I can agree with the Honourable Member from Watson Lake on his principle of taxation. However I and I am sure many of the other Councillors are getting a little tired of discussing Bill No. 5. We have had an Ordinance to amend the Taxation Ordinance. Then we had an amendment to amend the Ordinance to amend the Taxation Ordinance. Now we have an amendment to amend the amendment to amend the Ordinance - the Taxation Ordinance.

BILL #5

Mr. Dumas continues..

This is a very simple thing which was inadvertently left out of the last revision or the last printing of the Taxation Ordinance. I think it is a straight forward thing that most of us are now agreed on. Mr. Chamberlist has said that he agrees with the Legal Adviser. This is a step forward at any time in our discussions and with that I would like to move that Bill No. 5 be reported out of Committee as amended.

Mr. Chamberlist: I will second that Motion.

Mr. Taylor: Well, Mr. Chairman, I thought it was agreed by Council. We have another amendment to come to this Bill yet before moving it out of Committee. The amendments to Sections 50 A (1) and (2) to come; if we move it out of Committee now it is dead.

Mr. Legal Adviser: The amendment to Section 50 A, if I may interject, is, on the surface it would appear ...but it is basically a different thing in principle altogether. This is to cure a defect and it was not anticipated that this Bill would sort of get lost half way between Watson Lake and Whitehorse, as it has, but ...has been found and I would suggest that it be passed through and then when 50 A comes up then I would come up with a separate Bill all on its own and the whole thing could be thrashed out and if then whatever Mr. McKinnon says about it being the same thing, then we will need the co-operation of members to try and find some solution to the problem raised by ...

Mr. Taylor: Mr. Chairman, the only logical conclusion I can come to - I've been told by the Administration outside of this Chamber - just get that thing through and we'll look after you later. The inference I'm starting to get here is that this thing is going to be sluffed off until the spring session and I've got a whole bunch of tax payers sitting at Watson Lake waiting for an answer to this problem. I've asked since this session first started to have this matter laid on the table and I get information in the halls, information in the Commissioner's office, little bits and questions and everything else but nobody is willing, the Administration appear not to be willing to face this issue at this table. Now, what do I go back and tell my tax payers - the people at Watson Lake?

Mr. Legal Adviser: What I suggest you tell them is that we have a file now running about an inch thick or two inches thick with telexs between here and Ottawa attempting to get back here the final draft of section 50A as recommended by them. It has been going up and down, up and down and there came a point on the Legislative Programming Committee when we agreed to a final draft, or thought we had. We sent it back and said "this is what we agreed". From that point on the final draft has just not come back. It is purely an administrative - it is out of our hands and until that comes back no amount of telexing - every day we send out a telex and ...promise from the administrative officers up there who are genuinely doing their best. They come down and say we will try and get it out of them tomorrow; we will try and get it out of them tomorrow. This is purely administrative delay over which we have no control. I can tell you that administration consists of, in this case Mr. Fingland is in

Mr. O'Donoghue continues.. charge of this particular matter and the Commissioner and myself have been walking in and out of that office saying has 50A come back - has 50A come back and we are not particularly concerned about the fact that the tax payers are hounding the Honourable Member for Watson Lake but certainly hounding Ottawa and we just can't get it; why I don't know. There is no question of basic policy involved; there is nothing. It is just one of those things over which we have no control. And if the Honourable Member isn't prepared to accept our word for this we can show him a file of telexes every day, what's happening, what's happening, what's happening? There is nothing we can do so I would ask you to let this go through - this is merely an amendment in form. 50A has certain difficulties attached to it and will be frank; it really is a difficult problem and I ask your assistance on it. But it comes as a separate Bill. It may be tomorrow..... maybe today, I don't know.

Mr. Taylor: Mr. Chairman, this being the case, we have a problem with the Taxation Ordinance. We have a Bill to amend the Taxation Ordinance. Now, that Bill can remain, it seems to me, in Committee until such time as the session is over. At that point it is the right of members of Council, or it used to be, to propose an amendment if the administration didn't propose an amendment, to what I say, take away an improper tax. The people have been improperly taxed. Now, a further amendment to this Bill, Bill No. 5 An Ordinance to amend the taxation Ordinance is all that would be required and I cannot understand why this Bill must be rushed out of Committee at this time when the Commissioner has assured me that he is thinking very seriously about repealing completely these two sections. As a matter of fact he wants to do this by regulation, which is worse, which I don't agree with either but there is a Sessional Paper, written on October 3rd to Mr. Speaker and Members of Council. I got wind of that around from the Commissioner the other day but he won't send it to Council. As I say, quite frankly, this should not be put off to the Spring session and if we put this Bill out of Committee-I can see it going that way; I feel that we should sit here and get this matter resolved and that is why I'm afraid to see this Bill moved out of Committee at this time. If administration are sincere in their intent, and that is all I've heard from administration that they are sincere and that they are going to amend or repeal this, then this is the Bill we do it in and I can see no reason to have it moved out of Committee at this time and this is why I asked in prior discussions on the Bill that it remain in Committee. If it is moved out I can't amend it and if I want to produce a Private Member's Bill, which I'd then have to do I'd have to go down and get advice down the street and here and there and every where - it just wouldn't work and this is why I want to see this Bill in here until we resolve the problem.

Mr. Legal Adviser: I'm not trying to rush this through but so far as Section 50A is concerned I attended a meeting this morning dealing especially with 50A and this is the information I get and I retain.... except that we are in a bind over this to be honest with you and we were trying hard to avoid having to get ...final draft from Ottawa. It was suggested to me that I go away and I cook up something

BILL #5

Mr. Legal Adviser continues to try and get a draft of 50A to find out what we do want or what the Council want. This is the position, and I left that meeting to come into Council so I don't want the Honourable Member to get the idea that we are trying to conceal something from them. I'm telling them exactly what took place at the meeting this morning. When I say this I think that the members should at least accept that I'm probably true when I say this is the position. All I'm anxious to get is some amendment to 50A because we need that amendment. This is relevantly unimportant but we do need 50A and we are trying to get it but as you know we have only one lawyer in our office - you can't be everywhere. We're not like Boyle Rochford's bird - we can't be everywhere.

Mr. Livesey: Mr. Chairman, I don't know much about Boyle Rochford but it seems to me that when the Honourable Member was speaking about the question of an amendment to the Bill I think that certain amendments are within the jurisdiction of this Committee and the Council as a whole but any matter or any question which in any way, shape or form may contravene the Yukon Act I think is beyond the jurisdiction of Council and therefore if it is a question of tax or taxation, simply means to me that this matter is beyond the question of jurisdiction of the Council and therefore must be left to the Administration to bring forward any amendment to taxation in this regard. Thank you Mr. Chairman.

Mr. Chairman: Councillor Taylor.

Mr. Taylor: Mr. Chairman, I can't agree to this. If it is beyond our competence to propose an amendment to Bills then what are we doing legislating on Bills.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: This is, I think, within our competence to legislate on Bills. I think Section 24 said that it is against, is now lawful for Council to raise any question with regard to any question of tax imposed upon the people but we can certainly legislate but only beyond this sphere.

Mr. Chairman: Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, the constituents of Porter Creek whom I have the pleasure of representing are very concerned about 50B of the Taxation Ordinance and I'm collecting information now and have a Notice of Motion which I hope to be able to present before the House tomorrow to amend the Taxation Ordinance to a more equitable system of taxation. They are not trying to get out of their taxes at all but they feel that this is inequitable as it now stands, 50B, and I think when the paper that I produce before this Council is studied that the Council is going to agree with me that 50B is not properly constituted now and should be changed. And I would like to see this done at this Session if possible. And this, to me looks like a minor amendment. Perhaps when it gets before administration it may become a major and then I don't know. I can't look at all the ramifications of it but on the surface it looks simple enough but I certainly wouldn't like to see this Bill out of Committee before I am able to present arguments to have 50B of the Taxation Ordinance ...

HA

Mr. Legal Adviser..

BILL #5.

We'll bring in an amendment to - I hope it is to 50A. I see I meant 50B... but there will be a Bill as soon as we can draft it and at which all these things can be discussed. I doubt if there is any particular point for that purpose in retaining this particular Bill when we are definitely going to bring up a Bill for the special purpose of 50A which is going to deal with the methods of taxing community dwellers for the services such as sewer and water which they are receiving. Now remember, we may have seven different ideas about this but certainly whatever the Council wish will be done. We are trying to find out a proposal which will meet the wishes of the communities involved; that is Dawson City, Mayo, Watson Lake and Porter Creek.

Mr. Chairman: Councillor Gordon.

Mrs. Gordon: May I pose a question to Mr. Legal Adviser. Is there anything in the administrative level that is affected by 98A (1) and (2) at the moment.

Mr. Legal Adviser: Not that I know of, no. This is a question of tidying up legislation and get it on the books. There is no urgency about it anyway.

Mrs. Gordon: Thank you Mr. Legal Adviser. Subsequent to that I think I am at the other end of the scale. Mr. Taylor, who has-represents the Watson Lake area, is only concerned with sewer. Mr. McKinnon is concerned with either one or the other forthcoming, but in Mayo we have both so our problem has been compounded and I think that since Mr. Legal Adviser has said there is nothing that is being held up with this amendment, there is no reason in the world why it couldn't lie on the table at this time until something is forthcoming until 50A.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, this has been very enlightening. Has the Honourable Member for Whitehorse North mentioned this before in discussions about this Bill. The Honourable Member for Mayo didn't mention anything and it is the third time this thing has been up before us and we have been discussing it for hours and all of a sudden we get all this information sprung on us when the Motion comes up. Out of respect for what they said and what they want to do I'll withdraw my Motion but if they had spoken up sooner the Motion would not have been there.

Mr. Chamberlist: Mr. Chairman, I am one of these people who takes a step backwards and although this doesn't happen sometime from the Honourable Member from Watson Lake, he doesn't do this but in deference to him I will withdraw my seconding of the Motion.

Mr. Chairman: The Motion that Bill No. 5 be reported out of Committee has been withdrawn by the mover, Councillor Dumas and the seconder, Councillor Chamberlist. Are you agreed to accept withdrawal of the Motion? Any contrary? The Motion is withdrawn. Mr. Taylor, I will turn the Chair over to you.

Mr. Livesey: I move we call it twelve o'clock.

AA

Mr. Chairman: Is there a seconder.

Mr. Chamberlist: I second that motion.

Mr. Chairman: I declare Committee in recess until two o'clock.

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Tuesday, December 5, 1967.
2:00 o'clock p.m.

Mr. Chairman: I will now call Committee to order, and I'm wondering is you would be prepared to discuss Bill No. 15 again at this time. This is Bill No. 15, An Ordinance to Amend the School Ordinance, BILL #15 and you gentlemen were contemplating an amendment to this bill. I wonder if there's been a decision in this regard.

Mr. Dumas: Mr. Chairman, I would like to know if there is an amendment being brought forward by the Administration. They've been advised of the way we would like to have it written....the amendment.

Mr. Commissioner: The total information I have is what was imparted to me by this Committee, Mr. Chairman, and I am not aware as to whether this is presently being prepared but I gave a memo to Mr. Fingland this morning and asked him to have the Legal Adviser consult with Members of Council in this matter. Now, I'm sorry I can't answer any closer than that right at the moment. Am I answering the question in the manner in which you requested?

Mr. Dumas: What I'd like to know, Mr. Chairman, if the amendment isn't being drawn up now, well then I'd like to suggest that it be drawn up when we such wording here pretty well to be part of subsection (3) as to how we would like this ordinance amended.

Mr. Commissioner: Mr. Chairman, were you in touch with the Legal Adviser? May I be excused? I'll see if I can find the answers to the questions, Mr. Chairman.

Mr. Commissioner leaves Chambers.

Mr. Dumas: Mr. Chairman, it was my understanding....just to be perfectly clear as we ran into this problem this morning.... it was my understanding that section 6 was to be deleted from this amendment. Is that correct?

Mr. Chamberlist: Yes, Mr. Chairman. I have suggested that it should be amended because once an agreement is reached it would be improper to have the Commissioner placed in a position of not to honour the agreement that had been reached.

Mr. Chairman: Was Committee agreed on this point?

Mr. Commissioner and Mr. Legal Adviser enter Chambers.

Mr. Commissioner: Mr. Chairman, Mr. Legal Adviser has done some work on this.

Mr. Chairman: Mr. Dumas, would you care to put your question to Mr. Legal Adviser?

Mr. Dumas: Yes, Mr. Chairman. I'd like to know from Mr. Legal Adviser what progress has been made on amending Bill No. 15.

Mr. Legal Adviser: Mr. Chairman, I was under the impression that the Members, outside Council, would discuss the details of this and I would get an opportunity, and I tried to make time but it wasn't possible to get some of the Members to discuss this. But, I can say that I have regretfully been hardening my thinking on this. The Commissioner has advised me of something that he has under discussion, and it approximates to my thinking on the subject.

BILL #15 Mr. Dumas: Well, just to be sure that we're both on the same track, subsection (3) was agreed to, amongst the Members of Committee, that it should read approximately like this: There shall be an advisory committee composed of one Member of Territorial Council, one member of the general public and two members appointed by the Commissioner. Was this the information as you have it, sir?

Mr. Legal Adviser: Well, this is the first time this information has come to me. I can say that my feeling on this matter is, just like there's a basic concept in American law, the Commissioner is entitled to the company of his choice. My feeling is that when an advisory committee is appointed to negotiate any particular individual, he should have the right to nominate the members of that advisory committee. The school people have that right, and the Commissioner should have it the same way. If any Member of the Council is a member of that committee, well then the position is that we don't know whether or not the Councillor is bound by the findings of that committee when the findings come back to Council, or whether he's actually completely in an independent capacity or not. This makes for a certain amount of difficulty. I'm not saying it would happen with individual personal Members of this Council, but it's a very awkward position and if I were the Member of the Council myself, I would refuse to accept an appointment because it would bind my hands when speaking in public afterward about the finding.

Mr. Commissioner: Mr. Chairman, it was conveyed to me that Council wished to have this written up so that Council would have one appointee to the committee and the Commissioner would have up to three appointees to this committee, and I would advise you that this is a very acceptable situation as far as I can see.

Mr. Dumas: Yes, that is correct. This was the decision of Committee and I think it's a fair compromise.

Mr. Chairman: Would Committee agree to this proposal?

Mr. Chamberlist: Mr. Legal Adviser, Mr. Chairman, has referred to the basic concepts of America. Now, I would rather refer to the basic concept of the British Commonwealth. I find it's more applicable. Legislation is made by legislators. It was decided that there would be a Territorial Councillor being a representative on this committee and I'm not going to oppose the original idea that ...rather, I will not speak strongly in favour of the original idea of being one member of the public and two members appointed by the Commissioner, if all the Members are quite satisfactory with three by the Commissioner...as I say, I think I'm not too keen on following basic American rules.

Mr. Chairman: Well, gentlemen, could I have your concurrence or otherwise to the proposal that one representative on this committee be a Territorial Councillor, I believe it's usually a committee of one appointed by the Council for this purpose, and the other three appointed by the Commissioner.

Mr. Shaw: Does this require a motion, Mr. Chairman?

Mr. Chairman: I wouldn't think so. I think agreement at this time would be sufficient as the amendment was brought forth.

Mr. McKinnon: I would like to speak on this motion, Mr. Chairman.

Mr. Shaw: There is no motion.

Mr. McKinnon: There isn't? I thought there was.

Mr. Dumas: You can speak anyway.....

Mr. McKinnon: This is one of the basic reasons why Mr. Legal Adviser and I find ourselves on different teams. If it were a normal type of government set up where the executives had to have the support of the majority of the House to be able to conduct government business, I'd have no objection whatsoever to the Commissioner or the Chief Executive Officer of the Territory picking four of the hardest, toughest negotiators he could possibly find to protect the public first. However, we're nowhere near this status in government, and until that time, this is one of the few areas where a Member of the Territorial Council had an actual function in the administrative affairs of the Territory. To take this away from us I feel, Mr. Chairman, would be extremely retrograde and I would oppose this amendment to the Ordinance absolutely if such were the case. The facts of life are, that we now have representation on this committee and we're going to keep him there.

Mr. Legal Adviser: Could we dictate the form of the amendment now?

Mr. Chairman: Could we dictate the form of amendment now to this? Can we amend subsection (3): "There shall be an advisory committee composed of not less than three and not more than four members appointed by the Commissioner, one of whom shall be a Member of Council."

Mr. Dumas: No, Mr. Chairman. The Territorial Member shall be appointed by Council itself. The Member of Territorial Council shall be appointed by the Councillors.

Mr. Legal Adviser: I'm not trying to compose it. It's just a question to get the thing finished with. I'm not opposing the spirit of it...four members appointed by the Commissioner. If somebody can think of a formula of words, or would we need to make another subsection.

Mr. Dumas: Mr. Chairman, I would suggest: "There shall be an advisory committee composed of one Member of Territorial Council, appointed by that Council, and three members appointed by the Commissioner.

Mr. Shaw: Mr. Chairman, I think, in most of these cases, that the Council does not appoint anyone to a committee. Council recommends the appointment and the Commissioner does the appointing. I think that's the technical way that it works. In a subtle vocal voice I heard, "what", and I will state why, Mr. Chairman. I think that if you look at the Yukon Act you will find that there shall be a member of the Advisory Committee on Finance recommended by the Council and appointed by the Commissioner. I think the Commissioner has the authority under the act to do the appointing and we have the authority to do the recommending, and I'd sooner do the recommending than the appointing. Thank you, Mr. Chairman.

Mr. Chamberlist: Mr. Chairman, with all due respect to the Honourable Member from Dawson, I think he must have dozed off while we were having the discussion because we're dealing with the Advisory Committee as in section 3, not with the Advisory Committee on Finance. Perhaps, I think, Mr. Shaw just inadvertently omitted to note what particular section we were dealing with.

Mr. Shaw: Mr. Chairman, I did not inadvertently know what section it was, neither was I asleep. That is my belief. If I'm wrong, I'm wrong. It wouldn't be the first time, but I wouldn't necessarily feel that the Honourable Member from Whitehorse East was always right.

BILL #15 Mr. Chairman: Well, gentlemen, could we get back on the track at this point in time. I'm wondering if you would like to leave this with Mr. Legal Adviser for drafting or what.

Mr. Legal Adviser: Could I get two things clear before it's left to me for drafting, sir? Is it necessary (a) that the person appointed by the Council be a Member of Council, and (b) that there's some formula of words that it's a person coming from the Council at the Council's wish....

Mr. Chamberlist: An elected Member of Council.

Mr. Dumas: A Member of Territorial Council.

Mr. Chamberlist: I would like now to deal with sections 5 and 6. It was my understanding that section 6 was to be removed completely, and section 5, I would ask that the Advisory Committee on Finance be referred to as the Advisory Committee on Finance of the Yukon Council....of the Council, so that is clear.

Mr. Legal Adviser: Would it be alright if I use the name and add on "of the Council"?

Mr. Livesey: With reference to the wording that we are discussing, Mr. Chairman, I have a suggested wording here: "There shall be an advisory committee composed of not less than three and not more than four members appointed by the Commissioner, one member of which shall be a Member of the Council of the Yukon Territory."

Mr. Dumas: Mr. Chairman, that in essence is exactly the same thing that the Legal Adviser gave us here a few minutes ago, and my suggestion is this, once again, the same thing I gave last time: "There shall be an advisory committee composed of one Member of Territorial Council, appointed by that Council, and up to three members appointed by the Commissioner."

Mr. Shaw: Mr. Chairman, this might add....when we refer to the Member of Council...."upon the recommendation of Council" I think would....

Mr. Chamberlist: I move that we report progress on this bill.

Mr. Chairman: Well, are we perfectly clear, gentlemen? We seem to be having difficulty with who does the appointing, the Commissioner or the Council. Might I have you direction in this regard?

Mr. Dumas: Mr. Chairman, I would like to remind Members of Committee that we came to a decision of what we wanted. We wanted one Member from Territorial Council, appointed by Territorial Councillors, not appointed by anybody else, and we wanted three appointed by the Commissioner....up to three appointed by the Commissioner. We agreed to this. I suggest we stick with it.

Mr. Legal Adviser: I agree with the Honourable Member, but I also agree with the Honourable Member for Dawson City. It would be better if the Commissioner can appoint four members, than one of those four members....he has to make an appointment of four members. One of the members then would be a person who would be a name which is a Member of Council....shall bring forward their names and you say, "That is the Member that we want to appoint." But, he's appointing the committee, so you don't want a double appointment. An appointment is a formal thing. Provided that the Council pass a motion, forwarding a particular name to the Commissioner, then the Commissioner will include that name in the list for that appointment. So, there'd be no point in both. You see, you would

Mr. Legal Adviser continued:

pass a motion, the same as you do with the advisory council, and forward it. Actually, it's the Commissioner who appoints the members of the advisory council, with a formal document with a beautiful gold seal and what have you. You see? So, we could leave it in that spirit that the Council will, by motion, nominate a person and then the appointment will be made as one of the four members, by the Commissioner. Then it would be a simple thing to come up with something in the draft.

Mr. Chairman: Shall I report progress on this bill?

Mr. Chamberlist: I didn't hear, Mr. Chairman, whether Mr. Legal Adviser is going to remove number 6....section 6....subsection 6.

Mr. Legal Adviser: Well, if it's the wish of the Council, yes. I agree it's, in a sense, bad drafting in that it's redundant, but we're dealing with ordinary people and this particular section is an unusual section in any event, because the whole section doesn't get us anywhere because the Teachers' Association always has, independently of legislation, had power to appoint three members to negotiate and the Commissioner has the power, without any legislation, to negotiate three people in his behalf. So, this would be what is normally in a proclamation or a newspaper announcement for a press release. So, once you do go to the step of putting it into legislation, there's a lot to be said in making it quite clear to the members who are meeting that anything they agree upon is not binding on the Commissioner. When a person is appointed from either side, he will read the section under which he is appointed and the last thing he sees is that anything he agrees upon as a member of the committee is not binding, and there are some things which have a wholesome and salutary effect when you actually read them, and this might be one of these wholesome sections.

Mr. Chamberlist: Mr. Chairman, I cannot go along with the explanation given by Mr. Legal Adviser. As far as I am concerned, if the Commissioner has three of his appointees on the committee and with the teachers' committee and the Member of Territorial Council that has been appointed, and there has been agreement reached, I think it is redundant and it would be improper, I would suggest, for the Commissioner after they have come to an agreement, especially in view of the agreement being reached by those who he has appointed, that he disregards the recommendations made by that joint committee and not accept the recommendations. I don't think this power should be given to the Commissioner in this regard and I will not support section 6.

Mr. Dumas: Mr. Chairman, just a question for information....doesn't the whole agreement have to come to the Commissioner in Council at any rate?

Mr. Legal Adviser: Yes, it must come to the Committee in Council on a recommendation by the Commissioner. I think that the Members must realize that even if....whether that section is in or that section is out....even if the whole seven members or eight members of this committee do come to an agreement or to what they consider to be an agreement....whether that's in or it's out....it's not binding on the Commissioner, and the whole spirit of this particular ordinance is such that it's not binding. Because, when you have this sort of thing....if it's binding on one party, it must be binding on both, and if the feeling is that this must be binding on the Commissioner, if these people happen to go outside the terms of reference or through foolishness or through allowing a misunderstanding to develop at their meetings if they're going to put across

BILL #15 Mr. Legal Adviser continued:

an agreement....you know, in good will by a piece here and a piece there, and in the overall picture, standing at the back, this comes to the Commissioner for his decision, I could not advise the Counciland I'm advising the Council now....that the Council should be bound, that they more or less would be bound, to pay out money on foot of an agreement reached by this subcommittee, even if the Commissioner did not accept their advice. It's a horse of another colour if you're going to make it obligatory on the teachers to be bound by the advisory committee as well as the Commissioner, but I would not like the understanding to go out from this meeting that the Commissioner is bound by these negotiations.

Mr. Dumas: Mr. Chairman, whether number 6 stays in or not I don't think is too, too important, because as I said before it must come to the Commissioner in Council. I, for one, do not want an advisory committee committing the Yukon Territory to the spending of additional hundreds of thousands of dollars. I want that power left with the Commissioner in Council and nowhere else.

Mr. McKinnon: Mr. Chairman, I think that possibly we should look at the other side of the coin too, and look at the Y.T.A. As section 6 now stands, and if it's left in, it is protection for the Yukon Teachers' Association if they have given the powers of negotiation to four people, and these people who are supposed to be representing them turn around and sell them out, then the association still has the power through section 6 not to accept the recommendations of their negotiating committee. It's protection for the teachers of the Territory actually, as well as the Commissioner. It works on both sides.

Mr. Legal Adviser: Protect your teachers at all costs.

Mr. Shaw: Mr. Chairman, under the rules and regulations which we live under it's necessary to have that. In practice, having been through one of these ordeals, if you call it as such....it's always an ordeal you know when one has to pass out more money than you think you have. The committee, this committee will meet and they will negotiate and they will haggle back and forth, and that's the way it usually goes, and then they will report back to the Commissioner in Council. The Commissioner in Council....I should say, the Commissioner in the Finance Committee, they will then hash it out. Then they will see if it's possible to meet these particular things, and I suppose common sense will be shown in such a matter, and from there on the Commissioner then presents that to Council on the whole. I've never seen negotiations where there's a decrease in money. It's always an increase in money, let's face it. So, when that has been agreed to with all these parties, then it lands on the table, and there's nothing, absolutely nothing that can be done until it lands on the table, because it requires Council's approval to spend the money. But, to cover any matters that may get out of hand in the committee....I don't suppose they will get out of hand, but just in the event....you must have something that will not bind the people of the Yukon Territory to something that is maybe out of line or out of reason, and this will pass through, besides the meetings, it also goes through the Commissioner and the Finance Committee of the Council and then later on into legislation. I don't see as how you can have any more protection than that. If you set up anymore bodies or....and that seems a pretty workable solution in practice.

Mr. Chairman: Is it clear, gentlemen?

Mr. Chamberlist: I object to section 6, but go ahead.

AM

Mr. Chairman: Well, I shall report progress on this bill at this time. Mr. Legal Adviser will put in an amendment to this. Gentlemen, this concludes all the matters we have before us in Committee at this time. BILL #15

Mr. Dumas: Mr. Chairman, do we have any Sessional Papers?

Mr. Chairman: I'm afraid not. We have one Sessional Paper, No. 28, but Mr. Gibson is apparently in Dawson City.

Mr. Shaw: Mr. Chairman, I did introduce a motion this morning to introducing discussion on Sessional Paper No. 59, 61, 62. It is only three o'clock. There might be a possibility that we could process this. I wonder if we could have a recess for coffee at this time?

Mr. Dumas: Mr. Chairman, do we not have to go into the House to waive the rules?

Mr. Chairman: Well, gentlemen, in order to deal with this matter it will be necessary that you must decide what you wish to do in Council state, and we have seemed to reach an impass in matters now in Committee, and it would be in order that someone move that Mr. Speaker do now resume the Chair.

Mr. Dumas: I move that Mr. Speaker do now resume the Chair to hear the report of Committee.

Mr. Chamberlist: I second that.

Mr. Chairman: It has been moved by Councillor Dumas, seconded by Councillor Chamberlist, 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 now call Council to order. May we have a report from the Chairman of Committees?

Mr. Chairman: Mr. Speaker, Committee convened at 11:25 a.m. to discuss bills, motions, and sessional papers. It was moved by Councillor Dumas, seconded by Councillor Chamberlist that Bill No. 20 be reported out of Committee without amendment, and this motion carried. Upon motion, Committee recessed at 12:00 noon and reconvened at 2:30 p.m. I can report progress on Bills No. 5 and 15. It was moved by Councillor Dumas, seconded by Councillor Chamberlist, that Mr. Speaker do now resume the Chair, and this motion carried.

Mr. Speaker: Thank you, Mr. Chairman. You have heard the report. Are you agreed?

All: Agreed.

Mr. Speaker: I'll await your further pleasure.

Mr. Shaw: Mr. Speaker, I would move that the rules be waived and that we revert back to orders of the day..... Mr. Speaker, I got a few extra words in the last motion I made. I would move that we revert to orders of the day.

Mr. Chamberlist: I will second that motion, Mr. Speaker.

Mr. Speaker: Is it unanimously agreed that we revert to orders of the day?

All: Agreed.

Mr. Speaker: Proceed, gentlemen.

Mr. Shaw: Mr. Speaker, I would move that the rules be waived so that we can process Sessional Papers No. 59, 61, and 62.

Mr. Chamberlist: I will second that motion, Mr. Speaker.

Mr. Speaker: You've heard the motion. Are you prepared for the question? Are we agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Shaw: Mr. Speaker, I would move that Mr. Speaker do now leave the Chair and that Council resolve itself in Committee of the Whole to discuss sessional papers.

Mr. Chamberlist: I will second the motion, Mr. Speaker.

Mr. Speaker: Due to the noise, gentlemen, can I have the text of the motion again?

Mr. Shaw: Mr. Speaker, I move that Mr. Speaker do now leave the Chair and Council resolve itself in Committee of the Whole to discuss Sessional Papers No. 59, 61 and 62.

Mr. Chamberlist: And, I repeat, I will second that motion, Mr. Speaker.

Mr. Speaker: Thank you, Mr. Chamberlist. Moved by the Honourable Member from Dawson, seconded by the Honourable Member from Whitehorse East, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Sessional Papers No. 59, 61 and 62. Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: The Honourable Member for Watson Lake will please take the Chair in Committee.

SESSIONAL PAPER #59 Mr. Chairman: The first sessional paper is Sessional Paper No. 59. In this paper the Commissioner of course asks that a select committee of Council be appointed and want direction. Councillor Shaw, will you take the Chair a moment?

Mr. Shaw: Yes.

Mr. Taylor: Mr. Chairman, here the Commissioner asks that a select committee of the Council be appointed to sit down and discuss details respecting the matter of Justice becoming a function of the Territorial Government, and it is my opinion that all these matters should be discussed by Committee of the Whole House, so this would be my particular stand in this matter. I feel the matter of Justice is so important that anything relating to it should more properly be done by all Members of Council, and in Council. So, I just wish to make that point clear. I will resume the Chair, Councillor Shaw.

Mr. Shaw: Well, Mr. Chairman, speaking on the paper, I cannot see what is wrong with this select committee. It would hash over many

Mr. Shaw continued:

of the details which take up quite some time. In turn they would report back to Council and we would proceed from that. I would assume the select committee would not finalize or come to a definite agreement on what should be. I would feel that this select committee would be a group that would meet, discuss the matter, and in turn report to Council, and we would go on from there. This would not be as large or perhaps as formal as what a normal Council meeting would be. I think this is a good suggestion.

Mr. Chamberlist: Mr. Chairman, I see no objection to the request made in Sessional Paper No. 59. It's obvious that the Administration will require certain details before they could make a fairly sound proposition to the Federal Government for the purposes of taking over the administration of Justice. I think that perhaps the request for a select committee to be made up, mustn't be read into it as if there's an attempt for the Territorial Council or for the Administration to keep the discussion in the matter in a small circle. For instance, if there was a request for a small committee to do with mining, I wouldn't expect for one moment that I would want to participate when I knew there would be other Members who would be more familiar with that particular aspect. It would appear to me that, if everytime there's a subject matter that must be discussed with the Administration and there's a committee set up for that purpose, that if we were to maintain the stands where the whole of Council must sit and discuss every matter, indeed, we would never be free of any of our Council responsibilities as a whole or as a committee responsibility as a whole. I would suggest that those people who are directly interested with the details in transferring the administration of Justice from the Federal Government to the Territorial Government be permitted to form part of that committee and that other Members, if they feel that the choice of the small committee is satisfactory, support this particular request by the Administration. There shouldn't be any reason why we cannot have some trust in each other's capabilities, and I would therefore support the situation that a small committee be appointed by Council to work with the Administration in this regard.

Mr. McKinnon: Mr. Chairman, I rise with whole-hearted support of the spirit of this Sessional Paper No. 59. This one motion of Council, Motion No. 6, has gone further than practically any other motion that I know of that has been passed before this Council. The majority of motions in respect of the transferring of administrative powers from the Federal authority to the Territorial authority have been in the main run ignored completely. Here we have a motion where the Administration is willing to sit down and discuss the technical aspects of such a change-over in Administration, which in my estimation is a real step forward. Also, this motion has been brought before the House of Parliament in Ottawa by the Federal Member from the Yukon, and Mr. Trudeau, the Minister of Justice, was very receptive to the idea. He said in the House that he was aware of the problems facing the Territory in the administration of Justice, and wanted something done about it. So, I think that this Motion No. 6, as I say, has gone a lot further than most of the motions around this table, and I'm certainly in complete agreement with the select committee of this Council sitting down with the Administration and ironing out the details. Terrific.

Mr. Dumas: Mr. Chairman, I concur with the Honourable Member from Whitehorse North, the Honourable Member from Whitehorse East, and the Honourable Member from Dawson, and I would like to know who ... of a select committee the Members think would be feasible. Would it be three or four or what? Or, how are we going to arrive at the choosing of this committee? I ask for information on this.

SESSIONAL PAPER #59 Mr. Livesey: I can assist the Committee, Mr. Chairman. If Committee refers to chapter 9, Standing and Special Committees of the Rules of Council, they will find under section 51, sub (1), "No special committee may, without leave of the Council, consist of more than three Members. Such leave shall not be moved without notice, or in the case of Members proposed to be added after the first appointment of the committee, a new notice shall be given including the names of the Members proposed to be added." And, further instructions towards any formation of any committee are to be found under Rule 52, 53...and 53 has four subdepartments, so the Council is well equipped.

Mr. Shaw: May I ask a question, Mr. Chairman? In the administration of Justice, apparently, to my knowledge, there has been some change. At one time it did include the law enforcement. I am of the feeling or the understanding that at the present moment the administration of Justice just applies to courts, and I wondered if I am correct in that, that the law enforcement, namely the R.C.M.P. have nothing to do with this particular matter.

Mr. Legal Adviser: The administration of Justice is not a term of art in the sense that it's an exact definition known to the courts and the judges. The administration of Justice can include, and would normally include, all of those law enforcement agencies - that is, police, prisons, courts, sheriffs, bailiffs, as well as, prosecutors, Crown Council, Attorney General, and so on, in one big word. If you're talking now about the people who are administered by it, but so far as the administration of Justice is in a narrower sense, it is normally taken to mean the responsibility for seeing to the direction of these particular functions in their dealings with people. So far as the police are concerned, arresting people, prosecuting people, bringing them to court. So far as the prison is concerned, is that the prison officers obey the rules and so forth, relating to prisons. It would not necessarily mean in it's narrower aspect, the pay, promotion, and posting from place to place of police officers, nor would it involve the pay, postings, control and everyday affairs of a prison in relation to the prison officers themselves, nor the pay and promotion of court clerks, or the appointment of judges, and so on. It merely a question of making of the meaning of the phrase what is wished to be made of it, having regard to the subject you are talking about at that particular time.

Mr. Shaw: A supplementary question, Mr. Chairman. I appreciate very much the explanation of the learned Legal Adviser, but in this particular matter I'm trying to get at something perhaps a little more specific. In other words, under the Canadian jurisdiction which is now in effect as far as Justice is concerned, and we may include Justice as the judges, the law enforcement, and the jails, they have made a separation of these two branches so that we have a Department of Justice now. Another department that handles the R.C.M.P. and possibly another department handles the penal part of it. My question is in relation to this ~~administration~~ administration of Justice, are we referring to, now at the present time, the actual Justice administration and the policing at the same time.

Mr. Legal Adviser: I'm not in a position to say. The movers of the motion are possibly in the best position expand on the other meanings of the words administration of Justice. But, the function of the Attorney General of Canada is a double function. He's appointed as Minister for Justice and Attorney General, and in the act setting up the Department of Justice there's a list of about six or seven powers of the person who is the Minister for Justice...another list of six or seven powers which are the

Mr. Legal Adviser continued:
functions of the Attorney General, and another section then says that the Minister for Justice shall be ex officio the Attorney General and thereby links them. Now, in the provincial acts, they don't do this. They don't create a Minister for Justice, they create an Attorney General, who, in Alberta, is the Prime Minister. It is their function again. But, he has certain set powers and these are linked crosswise by a section in the Attorney General Act which says the Attorney General shall deal with the administration of Justice in Canada, notwithstanding the administration of Justice in the provinces, and the provincial power then says the provincial Attorney General shall be responsible for the administration of Justice in the province other than those powers reserved for the Attorney General. The two are linked. You could go on and on in this regard. I think the best thing to do, and my suggestion would be to allow the select committee to narrow or widen their terms of reference depending on what the wishes of the committee were at the particular time and having regard for the discussions which might eventually ensue with the Ministry of Justice or the Ministry of Northern Affairs and the Ministry of Justice in Ottawa.

Mr. Shaw: I was merely looking for information, and I understand that there is a Minister of Justice and then there is a Minister of something I can't get my mind on right now that is looking after the police enforcement. In other words, they are separated now, whereas they used to be together. I was just merely trying to get facts. I have no objections to this motion, Mr. Chairman.

Mr. Chamberlist: Mr. Chairman, in bringing this motion forward originally, Mr. Chairman, I noted then that the administration of Justice has a fairly wide scope. We have certain powers under the Judicature Ordinance in matters of a civil nature, but it's been my hope that in putting this motion forward that the Federal Government would consider in toto the application of the transferring of the administration of Justice and therefore the request itself in the final paragraph of this sessional paper asks, in fact, for a committee to sit down with the details, and I think Mr. Legal Adviser has expressed it quite properly when he says that it's up to the committee to be able to narrow down or expand those areas of the details that will be required. Of course, we understand that there may be a separate policing agreement as part of the overall administration of Justice, but there again, this is another detail. I would support the intent and content of the sessional paper.

Mr. Chairman: In order to expedite this matter, is there any Member or group of Members who could prepare a motion in this regard to be submitted under orders of the day?

All: Agreed.

Mr. Chairman: Do I have it that the Honourable Member from Whitehorse North will undertake this matter?

Mr. Shaw: Mr. Chairman, I would move that we concur with the contents of Sessional Paper No. 59.

Mr. Chairman: Is there a seconder to this?

Mr. Dumas: Mr. Chairman, is the motion necessary?

Mr. Chairman: No, I don't believe so, but, however, it's been made so if there's a seconder, why....

Mr. Livesey: I second it.

DA

SESSIONAL Mr. Chairman: It has been moved by Councillor Shaw, seconded by PAPER #59 Councillor Dumas, that Committee concur with Sessional Paper No. 59. Are you prepared for the question? Are you agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Chairman: I will declare Committee in recess.

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Tuesday, December 5, 1967.

3:30 o'clock p.m.

Mr. Chairman: Well, at this time we will call Committee to order SESSIONAL and we have before us for our consideration Sessional Paper No. 61, PAPER #61 Fire Marshal's Services, Yukon Territory.

Mr. Chamberlist: Mr. Chairman, I think that the need for the fire marshal's office to be located in the Yukon is one that has been so obvious over the years that it is with great pleasure that I accept the contents of this sessional paper. Although it somewhat gets me a little bit confused when I see that there's an urgency for some action to be carried out with reference to the fire marshal's duties and there is no action with reference to that of an electrical inspector being appointed from where many fires start. Now, if the administration recognizes the need for the appointment of a fire marshal's office here, I want the administration to recognize as well that the need for an electrical inspector is equally important, and I wonder if Mr. Commissioner can say, and it's the same question that I keep asking, or similar question, now that he intends to have a fire marshal's service in the Yukon Territory, when does the Commissioner propose to have the electrical inspection department to work concurrently and alongside the fire marshal in the Territory?

Mr. Commissioner: Mr. Chairman, we are working at the present time on a total presentation concerning inspection services and we are hopeful that we will be able to come up with a package of inspection services not only in the technical field but also in such areas as licence inspection, liquor inspection and things of this nature that will satisfy the requirements of the ordinances and likewise do them at a price that is acceptable to the public first. This last item I would underline, Mr. Chairman, because this is really one of the predominating factors and I would like to assure Council that I concur very much with what Council says in connection with an electrical inspector as well as a fire marshal and I would add two or three others as well which will be part of the total inspection package.

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

Mr. Shaw: Mr. Chairman, it seems to me that \$48,000 is an awful lot of money for a department of fire inspection for the Yukon Territory for the amount of buildings and people that we have. It seems these inspectors are running around and just about closing up half of the businesses with some of the rules and regulations that they have. They just about closed up the Dawson area entirely because the people have not the money to put into effect all of these things and it has to be done according to this standard and that standard and the other standard, and every standard is so that the standard of - is it possible for these people to put out this kind of money for this kind of a thing. Well, then we have those people, the fire inspector coming around. He no sooner gets out of town and along comes the licence inspector and he gives the gears there, and then the sanitary inspector comes along. He makes a few more regulations, then the liquor inspector comes along. He makes a few more. You know we're really getting absolutely lousy with inspectors in every form it seems. Why it requires \$48,000 when it would appear to me that one man is all that you require for a fire inspector for the Yukon Territory for all you have, unless they are busy making up ten forms and rules and regulations and so on, I think that it appears to me that they're getting a

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little bit carried away with some of these inspections that they have. Oh yes, I forgot, we need an electrical inspector too. I must put that down. Now, one, two, three, four, five. Five inspectors, five cars; well, I think they need two apiece, I think, so that's ten cars. I mean this is really running into a lot of money. It would appear to me that we could save an awful lot of money if we had an inspectors department so that at least all these inspectors could get together and they wouldn't be duplicating their various and sundry efforts. We have, until we'll say a couple of years ago, we didn't have any fire inspectors and, in fact, I think you'll find that most of the fires we had were buildings that belonged to the Territorial Government. That's where we had the fires, not in the private end of it, and \$48,000 for fire inspectors is an awful lot of money for a department. It would appear to me that if there was one fire inspector and one steno, that ought to be adequate for the Territory. I would probably say about \$16,000 and one car, and here we have two of them - two fire inspectors, two cars. What in the sam hill are they going to do with their time? It appears to me, Mr. Chairman, that I would feel that \$48,000 is a lot of money to have an inspector or inspection service on fires, and you will remember that we've got all these others, four or five of them. Now, if we had a fire inspector and then we had an electrical inspector as part of his staff, look at the money you would save right there because they go hand-in-glove very much. One could help the other, and that's the way I would look at it, and \$48,000 for a bunch of fellows coming around telling you what you can't do all the time, it just seems a little bit out of reason.

Mrs. Gordon: I think the Honourable Member from Dawson is missing a little bit of the point and he didn't do his addition very well. This is closer to \$60,000 which amounts to \$4.00 a head for everybody in the Territory. I think it's just about time that we had a steno pool and a car pool so some of these inspectors could be able to cut back on the cost to the public's purse.

Mr. Chairman: Would you take the chair, Councillor Shaw?

Mr. Shaw: Yes.

Mr. Taylor: Mr. Chairman, I think that there's two areas that we must view when we talk about this matter. First of all, the fire marshal - his purpose in life in the Territory and his assistant is not solely restricted to investigating fires, but indeed he has the responsibility of more or less administrating and training our volunteer fire departments throughout the Territory. This, of course, is aimed at reduction of the incidence of fire in the Territory, and when you consider that in this field there is very much to be done and when you consider also that involved in these fire fighting units throughout the Territory is a great deal of money sitting laid out in smoke masks, specialized equipment, resuce equipment, this type of thing aimed at saving lives - lifesaving equipment and property saving equipment - then it seems no small consideration if someone very knowledgeable in training and operating this function should be in the Territory to ensure that this is used to it's best advantage. His specific purpose in life is, of course, to reduce the incidence of fire. Now, it's all very well to reflect and hindsight and recall that we have burned down several schools and other buildings - industry have lost buildings and indeed the loss by fire of property in the Yukon is reasonably high by comparison with the population. You must also remember that this is affecting our fire insurance rate and everybody in the Yukon Territory is having to pay increased fire insurance rate every time there is a fire in the Yukon it would seem. So, in other words, when you're paying out \$40,000, \$50,000, \$60,000 you've got to also look at the benefit side and find out what the saving would be as a result of the work

he does in his department. Now, this is just one point of view. The other point of view is as has been expressed, it is further proliferation of government, but, and I really would like to know what this function is costing us now - I believe it's in our budget. I just don't have the figures on hand. It's an essential service and it would appear that Northern Affairs or whoever is involved here, I believe Northern Affairs, Indian and Northern Affairs, are not prepared any longer to continue this service, and this is what I get from reading between the lines, and it seems we are just going to have to accept this so, as I say, when you consider this, don't forget to weigh the benefits in the balance.

Mr. Dumas: Mr. Chairman, I agree that if we can cut costs we can save money, especially at this time we certainly should. If we can incorporate an electrical inspector into this department or under the fire marshal's auspices, fine, I think we should do that too. However, notwithstanding what I have just said, I feel that the appointment of a fire marshal here in the Yukon on a full-time basis is absolutely essential, and if by having a person like this appointed, one life is saved in the Yukon then he will have earned his money and the expenditure of \$60,000 a year will have been justified.

Mr. Taylor: I will resume the chair.

Mr. Shaw: Mr. Chairman, I don't think that I said that we shouldn't have a fire marshal. I think we should have a fire marshal. Yes, by all means, but I feel that we don't need one for \$48,000. That's what I'm referring to. I think this is a little bit high. I know it has been mentioned about what the fire marshal has done in the Yukon, and I think if we total up what recoverments for next year and the recommendations, we will probably be faced with about \$150,000 of capital costs too. That also goes to the office of fire marshal. I would feel that an electrical inspector, as the Honourable Member from Whitehorse East has mentioned, very, very much fits in with fire because I think the chief thing about electrical inspection is the very nature of it creating fires, so therefore it has to be safe. So, that would fit in very much with the fire marshal's office, so you get two qualified men, an electrical man and a fireman. One steno could do the works, and I feel that they could incorporate their duties together that we could save quite a little bit of money on that one thing alone. I certainly feel that \$48,000 for that - it doesn't appear necessary to me, and I'd sooner we start up in a small way and get this other man incorporated in that department. Those are my feelings, Mr. Chairman.

Mr. Chamberlist: The Honourable Member from Dawson has, I think, misread the paragraph 7 and 8, and it appears perhaps again that Mr. Shaw, oh, I wouldn't say dozed off, but certainly didn't read what is in there. The \$48,000 is not for a fire marshal alone. The \$48,000 is for the position of fire marshal, fire inspector, together with clerical staff. It would also include such things as side salaries and wages, travelling expenses, removal expenses, freight, express, cartage, telephone, telegraph and all the other incidentals that go with opening up an office. There is no suggestion that this high amount will continue but knowing the government as government is, Parkinson's Rule will take effect and I'm sure it may be in the region of \$100,000 next time around. This, of course, we have to wait until the time comes for it. The need for a fire marshal's department is so important that, as I said earlier, it cannot come too soon as far as I am concerned, and I don't think we should hesitate at all. It seems that a fire marshal's department here is another step toward that responsibility of managing our own affairs that we're looking for. It means that we will have our own fire marshal's department here. It means also that when somebody wants to construct a building, he doesn't have to send his plans to Ottawa and wait for it to be accepted by the fire marshal there

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before he can continue with the construction in the Territory. He can now - he will be in the position where he will be able to pick up the telephone and call the fire marshal right here and say, I have my plans; I'd like you to have a look at them; Can I come over and show them to you, and he can get almost immediate attention and have the authority to go ahead or not with his particular project. In fact, it is going to speed up the whole matter of construction. The reference that the Honourable Member from Dawson has made very quietly that insurance companies - that insurance do not come down, the rates go up is quite true but we must appreciate the fact, and when I make my next remark that I'm not referring to the local agents that do business with insurance companies there acting under the insurance companies' policy, that the insurance up in this country is an absolute racket. The people up here are being beaten to death, both for all types of insurance. We have no way of fighting against it because we haven't yet got any firm legislation that will restrict these insurance companies from hitting us over the head without us knowing about it, so I'm in agreement with that, but certainly we can do whatever we can to bring as much responsibility within the Yukon for managing our affairs and by God every time something comes up like this where Ottawa is releasing a little bit of it's hold on this Territory by taking away it's claws and fingers from our throats, I say let's go for it and accept it because I still feel the claws and fingers on my throat from the Minister of the Department of Northern Affairs and I'd like to get rid of that too.

Mr. Shaw: Mr. Chairman, could I ask a question of the Honourable Member of Whitehorse East? Could you tell me whether a fire marshal can do the duties of a fire inspector, and can a fire inspector do the duties of a fire marshal? I don't know the difference between either one except that one has a different title, between a sherrif and a marshal.

Mr. Chamberlist: Well, a sherrif wears a brass star, a marshal wears a gold star, but a fire marshal is the head of the department and, as has already been explained very well by the Honourable Member for Watson Lake, he is responsible for the over-all supervision of training and the conduct of all fire departments in the area. A fire inspector, as I would interpret it and Mr. Legal Advisor, if he were here, might perhaps agree or disagree with me, a fire inspector is for the purpose of assuring that premises are safe from fire, and he would probably have the right to report any matters where he thought that on inspection there was a danger to the public to the fire marshal for the appropriate action to be taken, and this I think - what I would give as the difference between both those particular people.

Mr. Shaw: Mr. Chairman, I feel that possibly one ~~m~~ could do the inspecting and the marshalling at the same time. One question I would like to direct to the Commissioner, Mr. Chairman, is that could not an electrical inspector be in this same department? Would that be reasonable, unreasonable or is that practical at all? I seems to me that it would be. I would like to have the Commissioner's.....

Mr. Commissioner: Mr. Chairman, this is exactly what I intimated to you in the first point that I answered that the total package of the inspection services in the Territory is under complete and utter review and revamping at this time, so that we can institute these things and maintain the inspection services that are required under our ordinances and endeavour.....and a price that is acceptable to the public purse, and there are certain technical services which I am not aware of any reason that cannot be incorporated into a central inspection services, and there are certain administrative type of inspection services that certainly can be brought in under

one wing so that we don't have 19 different individuals travelling around the Territory and 19 different individual cars to administer 29 different ordinances, and I give you my assurance that before any of these items appear in the budget that we are going to present to you a means of packaging as many of them as are practical. Now, there are some things that are completely impractical, Mr. Chairman. It is hardly a practical situation to try and wrap up the position of fire marshal and workmen's compensation payroll auditor. This is practically impossible, at least I would assume it would be, at least on the surface of it it looks that way, but there are many other things that are perfectly practical to wrap up and it would be our idea, at least the way things are shaping up at the moment, to have a chief inspector under these various inspection services would function for administrative purposes, they wouldn't necessarily be responsible to him for their actual recommendations. They would be responsible to the practical department and would operate under these various ordinances that call for inspection services.

Mr. Livesey: Mr. Chairman, due to the meagre crumbs that the present finance minister's table in the Yukon Territory, due to the lack of alms that that have come from the tax payers of late, I wonder if Mr. Commissioner could inform Committee what difference will be the cost when we take over this department as compared to the present cost.

Mr. Commissioner: I can secure this information for you and I'll get it on the basis of what this year's costs are. I'll get the information on the basis of actual costs.

Mr. Shaw: Mr. Chairman, if this is the intent which this question has produced that there is a possibility of getting some of these services incorporated like building inspector, fire inspector, electrical inspector and those that are possible within the framework of an inspection service and this is the start of it, it isn't just exclusively for the fire marshal. I think that that is quite sensible and I would go along with it on that basis.

Mr. Chairman: Might I ask from the chair a question of Mr. Commissioner, is it understood here that this matter would have to appear first in the spring estimates before this change is affected?

Mr. Commissioner: There are two things that are involved here. We are asking for your approval on the basis that the fire marshal's services that we are presently getting will cease on the 31st of March and if we get your approval to this the idea would be that we would have the situation ready to go as of the first of April, but it certainly would require budgetary approval prior to us actually expending any money on this.

Mr. Chairman: What is your pleasure in respect of this paper?

Mr. Dumas: Agreed.

Mr. Commissioner: Mr. Chairman, would Council like me to get the actual costs so far as.....? I think I could do this.

All: Agreed.

Mr. Chairman: I'll declare a recess.

Mr. Chairman: I'll call Committee to order at this time.
Mr. Commissioner.

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Mr. Commissioner: Mr. Chairman, during fiscal 1966-67 the total cost of fire marshal's services in the Territory was \$1,319.55, and so far during 1967-68 direct charges on the fire marshal \$957.43 and fire investigations \$306.00. These are actual extractions.

Mr. Chamberlist: Mr. Chairman, what do we need \$48,000 for? Do I understand that we're not paying for the fire marshal's services at all now?

Mr. Commissioner: Mr. Chairman, this is the portion of the fire marshal's cost that are charged to the Territory by the Department of Public Works in Ottawa who make available the services of Mr. Whatmough.

Mr. Chairman: Might I ask one question from the chair? Is any part of the, for instance this \$48,000 that's itemized here, is any part recoverable for services rendered to, say the D.P.W. or other government departments?

Mr. Commissioner: No, there is nothing recoverable on this at all, Mr. Chairman. The Department of Public Works will continue to come under the Dominion Fire Marshal. This is apparently the law of the land, and this has nothing to do with us at all.

Mr. Livesey: Well, Mr. Chairman, this is the reason for my question, and I think generally that in view of the fact that we are at present faced with a rather uncomfortable situation with regard to the possible increase in taxes in the Yukon Territory and at present over-all costs of what I have referred to many times is a very large and expensive form of government. I do believe, really and honestly, we have to take this situation into consideration and I think the comparison with the costs we are faced with between \$48,000 and \$2,582.98, I think surely we must realize that this is a tremendous difference and I'm quite sure that the \$48,000 given all the blessings of all other departments of government over the next five years will no longer be in the bracket of \$48,000 but may be in the \$100,000 bracket. We've got to really look at this from a sensible point of view, and I would suggest, Mr. Chairman, that at this time and before we have come to any conclusion on what we may have to do to balance the budget in order to bring back all these other costs and predetermined costs that had been taken away for existing services, that we should take a second look before we say ok, go another \$48,000 or \$50,000. I thank you, Mr. Chairman.

Mr. Dumas: Mr. Chairman, I would like to know if it is the opinion of the Commissioner that we have up to now been receiving adequate and satisfactory fire marshal and inspection services in the Yukon.

Mr. Commissioner: Mr. Chairman, from a technical point of view I'm not competent to answer that question.

Mr. Chamberlist: I wonder, Mr. Chairman, if Mr. Commissioner could say who made the assessment of this figure of \$48,000?

Mr. Commissioner: The head of the Department of Engineering and Municipal Affairs.

Mr. Dumas: Mr. Chairman, I would suggest that we haven't been receiving adequate marshalling services, more adequate inspection services than \$1,300 a year. I don't care how you cut the pie, it's absolutely impossible and there's a very general break-down of what this \$48,000 and to me it seems fairly reasonable when you consider you have two semi-professional men on the staff, plus one or two clerical staff, plus everything else that goes with it, we would expect under this sessional paper, if we agree with the

thing if the fire marshal's services are set up in the Yukon to have adequate marshalling services and adequate inspection which is the important thing here.

Mr. Chamberlist: Mr. Chairman, I wonder if the Commissioner could answer as to whether Mr. Swanson who is acting fire marshal at the moment, is receiving any payment for his inspections in the Territory that he is doing on behalf of the Territory and whether he is receiving any expenses while he is doing these inspections for the Territory?

Mr. Commissioner: Mr. Chairman, I can look into this money matter further but this is what I am told at the moment from the Treasury Department that the fire marshal's costs are to the Territory and, I am subject to correction on this, but my assumption is that this would be in total what we are paying out. In fact it's an item in the public accounts which definitely indicates fire marshal's services. I am quite prepared to look into it further.

Mr. Chamberlist: Mr. Chairman, I would like to follow this particular line up. Now, the figures that you have given so far just deal with fire marshal and I take it that these are fees that have been paid directly to the fire marshal's office. Is that?

Mr. Commissioner: Now, as to where they have been paid to, now, Mr. Chairman, I would have to check that but I would say that this is a reasonable assumption that these are the assessments that come through on our present arrangement with the Dominion Fire Marshal's Office.

Mr. Chamberlist: Mr. Chairman, I know there is a lot of correspondence that is done in the Territory with reference to fire inspection and fire marshal and the fire marshal's office. Now, obviously then there is clerical staff that are used for this purpose. Now, is the clerical time and staff that is used for this purpose, is this being charged to the fire marshal's office or is this being just incorporated in the general operational cost of the Yukon Territory?

Mr. Commissioner: I would have to have time to answer that question properly, Mr. Chairman, because I just don't have that answer right off the top of my head.

Mr. Chamberlist: Then I wonder, Mr. Chairman, if Mr. Commissioner will be able to now look at all the aspects, i.e. those charges that are made and concealed - when I say concealed I mean charges for services that are rendered and there is no separate item shown for it, thus that would include the fire marshal's services, the fire inspection services, the clerical staff in that, travelling expenses, any telephone and telegraphic charges, stationery and office supplies, and rental of any equipment, insurance for vehicles that are used by the fire marshal's office, unemployment insurance, superannuation and death benefits and everything else that comes to it, so that we can have a true figure as to what it is costing the Territorial Government at this time.

Mr. Commissioner: Given an opportunity, yes, absolutely, I will bring it forth before the Council.

Mr. Livesey: Mr. Chairman, I would respectfully submit that to go ahead and adopt this question carte blanche without any further investigation into the balance of what we are going to have to pay for government in the Yukon over the next year is just as fool-hearty as a good many other things that have come before this Committee in years gone by, and I am quite sure in my thinking on this that this is part of the over-all picture and not something to

SESSIONAL PAPER #61 be picked at as a piecemeal item. This is how we've gotten into the present position, in my view, and I would respectfully suggest, Mr. Chairman, that Members of this Committee take a second look at anything the likes of this nature that is going to cost us in the neighbourhood of \$50,000 and be prepared to take on the responsibilities for finance in the future to the extent that we know how much money we can extract from the tax payers of the Yukon Territory of the percentage of the total cost of government in this area and until we start thinking along these lines we're never going to be able to attempt to get responsible government, not to mention get on the first rung of the ladder. This is what we have got to do; take a look at the entire picture, and I don't think we're doing this, and I would suggest, Mr. Chairman, that this is not the time for this Committee to say that they're going to accept this sessional paper no. 61.

Mr. Chairman: Councillor Chamberlist, would you take the chair a minute, please?

Mr. Chamberlist: Yes.

Mr. Taylor: Well, Mr. Chairman, though I see merit in the suggestion from the Honourable Member from Carmacks-Kluane, I think we must also recognize the fact that here you are dealing with human lives, you're dealing with the protection of those lives and property, and it seems to me if this service was going to cost the Territory \$100,000 it still is an essential service, if you look at it in that respect. I would certainly like to see our fire departments in good shape before seeing the vocational school because I think the fire department is more important, and if your house catches fire and you lose some members of your household, I think then it will ring home to you how important this is. In relation to the question of who pays the fire inspector, it is noted in the report of the fire marshal for last year, 1966, the calendar year, that an agreement was made with the Territorial Government to assume the responsibility for payment of travelling expenses which were incurred while performing the duties, that is for Mr. Swanson, but I don't believe any reference is made here in relation to payment. I think he is actually paid by the D.P.W. I think another fact that should be noted that in the sessional paper no. 61 it states that Mr. R.G. Whatmough, Fire Marshal, has requested to be relieved of his duties and responsibilities. He has asked for this, and his reason is given as a result of reorganization of the Department of Public Works in Ottawa and that they have a great need for additional professional people such as Mr. Whatmough. In other words, Mr. Whatmough is not going to be around and we first must recognize that we are going to have to find a fire marshal because we're not going to have Mr. Whatmough, and we found we noted as well that this position to appoint a resident fire marshal is supported by the Dominion Fire Commission. It is also noted - I believe Councillor Dumas raised the point and it's a very valid one and a very important one - that we haven't gone near as far in terms of fire inspection, in terms of development of local fire brigades, and all these things are what we properly should have in the Territory. Again one school loss, \$400,000, and this type of thing. That's a lot of money every time we lose a school, and it's a lot of money every time you lose your own home and there's no money that can replace a human life that is lost as well. The main duties of the fire marshal for the edification of the Committee specifically are to specify the necessary fire safety requirements for all public buildings, to the inspection of federal, territorial and public buildings to insure adequate safe-guards are maintained, investigation of fires, maintenance of records, the establishment of fire brigades, and advising the Commissioner, I should say, on the establishment of fire brigades, provision of adequate water

supplies for fire fighting purposes, installation of fire alarms and fire extinguishers, storage and sale of inflammable material, the enactment and enforcement of by-laws for fire prevention in municipal districts, the whole operational control of the fire ordinance and you can go on and on and on and there's several pages here breaking those down. Indeed, it is a full-time job for a fire marshal and a fire inspector. Now, we get down to matters fiscal and there's not one of us at this table that doesn't recognize the bad financial position we're in. However, if priorities must be established in dispensing those monies which we do have to dispense, I would say that it should be directed in this direction in the first instance. Now, I don't want to see the Territory left without a fire marshal. I think our fire departments throughout the Territory, with the exception of Whitehorse, aren't in too good a shape because we are looking for more equipment, we're looking for more assistance, more training, and something to keep this thing alive, and when you consider the import of the fire marshal's office and its effect upon our way of life here in the Yukon, it's just something that we have to have.

Mr. Livesey: Mr. Chairman, I think we could sit here all afternoon extolling the benefits of practically every department of government we've got here in the Yukon Territory. I'm not talking about this display of benefits. This is not what I'm talking about. What I'm talking about is, quite obviously, the question of the ability to pay. That's what I'm talking about. Now, I think that's quite clear, and if we're going to talk about priorities then we have to take all the question of the cost of all other departments and all other services in the Yukon Territory and compare them, and put the priority list in order first before we start taking one on a separate piecemeal basis and just puffing it up and blowing it up one at a time every day of the week. This just isn't going to get us anywhere. As far as finances are concerned, I think it has been brought home to us surely as clear as we could possibly make it that we are in no position to take on at the moment any extra Territorial expenses until we have finally come to the conclusion of how we're going to balance the current budget, not to mention the next. Thank you, Mr. Chairman.

Mr. Taylor: Well, Mr. Chairman, in all logic if this is the case then it certainly is a matter of finance we shouldn't discuss these papers until we resolve the financial position which we must resolve at this session.

Mr. Livesey: Agreed.

Mr. Taylor: So, the only thing we can do is defer it until this fiscal matter is clear.

Mr. McKinnon: Mr. Chairman, I would just like to remark that it's very satisfying and gratifying to read that the Department of Indian Affairs and Northern Development are going to anticipate no great difficulty in the proposed transfer of functions of the fire marshal to the Yukon Territorial Government next year. I would think that if I were handing someone a \$48,000 bill, I wouldn't see any great difficulty either.

Mr. Taylor: I'll resume the chair.

Mr. Shaw: Mr. Chairman, I still feel that if there was a fire inspector or fire marshal, or whatever category you put him in, we need an electrical inspector and we need a building inspector. Now, one department could handle all three of them, but it shouldn't cost \$48,000. I feel that regardless of what we think about it, if the federal government are not going to do this function, then we just have to take over and do it. Mind you, when you feel that

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SESSIONAL PAPER #61 all the buildings that have been condemned for \$2,000, I hesitate to think of what is going to happen with \$48,000 worth. There'll hardly be any buildings left in the Yukon, but none the less we have to have an inspector of some sort on these three phases. We must have them, and the Commissioner has stated that he is trying to figure out ways and means where these could be incorporated and if that can be done I would be very happy to see it, but I also feel that \$48,000 for a fire marshal and an inspector and a sub-inspector and a few more, and umpteen cars and stenographers is too much.

Mr. Dumas: Mr. Chairman, I would just like to point out to the Honourable Member from Dawson City that the fire marshal does not work on a commission and I suggest that we report progress on this bill, or this Sessional Paper.

Mr. Chairman: Is it your wish that we defer these papers pending further financial information?

All: Agreed.

Mr. Chairman: Well, gentlemen, that brings us again to the end of our rope.

Mr. Shaw: What about sessional paper no. 62?

Mr. Chairman: Well, this is another matter financial. I should assume that you would wish to put that in the same category.

Mr. Dumas: Agreed.

Mr. Chairman: What is your further pleasure?

Mr. Dumas: Mr. Chairman, I move that Mr. Speaker do now resume the chair to hear the report from the Chairman of Committees.

Mr. Chamberlist: I'll second the motion.

MOTION CARRIED

MOTION CARRIED

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

REPORT OF CHAIRMAN OF COMMITTEES

Mr. Chairman: Mr. Speaker, Committee convened at 3:00 p.m. this afternoon to discuss sessional papers no. 59, 61 and 62. It was moved by Councillor Shaw and seconded by Councillor Dumas that Committee agree with Sessional Paper No. 59 and this motion carried. It was moved by Councillor Dumas and seconded by Councillor Chamberlist that Mr. Speaker do now resume the chair and this 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?°

Mr. Taylor: In respect of the agenda, Mr. Speaker, Committee have concluded all the work that they can do at this time and the agenda would largely depend upon what new items arise tomorrow morning. So, I would suggest we leave the agenda open until tomorrow morning.

Mr. Speaker: Thank you, Mr. Taylor. Any further suggestions?

Mr. Shaw: Yes, Mr. Speaker, I would move that we call it 5:00 o'clock at this time.

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Mr. Speaker: Is there a seconder to the Honourable Member's motion?

Mr. Chamberlist: Yes, excellent suggestion, Mr. Speaker.

MOTION CARRIED

MOTION
CARRIED

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

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Wednesday, December 6, 1967.
10:00 o'clock a.m.

Mr. Speaker read the daily prayer. All Councillors 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 don't know whether this would be rising on a matter of privilege or not but I would like to bring to the attention of Council the unfortunate passing away of a real oldtimer of the Yukon, a person that has gone out and done things in the way we like to see people do them, namely Clyde Wann, and I wonder, Mr. Speaker, if perhaps a representative of Council would be able to attend the funeral which I believe is this afternoon...if that would be in order in proposing such a thing at this time.

Mr. Speaker: I would be very pleased to follow your wishes if you so desire. Are we agreed?

All: Agreed.

Mr. Speaker: I have for your attention this morning the tabling of Sessional Paper No. 66 re Motion No. 23, Availability of Land. Are there any Reports of Committee? Introduction of Bills. Notices of Motion or Resolution.

SESSIONAL
PAPER #66

Mr. Dumas: Mr. Speaker, I would like to give Notice of Motion regarding the appointment to select a Committee of Council.

NOTICES OF
MOTIONS
#49

Mr. Legal Adviser enters the Council Chambers.

Mr. McKinnon: Mr. Speaker, I would like to give Notice of Motion re the Low Cost Housing Ordinance.

#50

Mr. Speaker: Are there further Notices of Motion at this time?

Mr. McKinnon: And I would also like to give Notice of Motion re the Taxation Ordinance.

#51

Mr. Chamberlist: Mr. Speaker, I would like to give Notice of Motion re Sessional Paper No. 66.

#52

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion respecting the Salary Negotiating Advisory Committee.

#53

Mr. Legal Adviser leaves the Council Chambers.

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. There are no Motions for the Production of Papers to be presented. We have under Motions for Production of Papers passed still Nos. 4, 5, 6, 7, 8, 9, 10 and 11. I wonder if I could inquire from Mr. Clerk as to whether he may have at this time any indication that we will be receiving these answers soon.

Mr. Clerk: Mr. Speaker, the situation still remains the same however I do know that two of them for sure will be answered tomorrow morning. Sessional Papers are now being typed in our office for two of them.

MOTION
#46

Mr. Speaker: Thank you Mr. Clerk. May we now proceed to Motions. We have for our attention this morning Motion No. 46, moved by Councillor McKinnon, seconded by Councillor Dumas. The text reads, "That in the opinion of this Council the Administration investigate the feasibility of initiating occupational training courses in those areas of the mining industry that would prove to be beneficial additions to the vocational training program of the Yukon Territory." Would the Member concerned be prepared to discuss the Motion at this time?

Mr. McKinnon: Yes, Mr. Speaker.

Mr. Speaker: Proceed, please.

Mr. McKinnon: Mr. Speaker, I think there is no doubt in any of the Councillors' minds, and certainly it is a fact, that the economy of the Yukon is and is going to continue to be based largely on the mining industry. I think that it is rather a shame that here we have an area whose future is based primarily on such an industry and yet, to this point, we don't seem to have been doing too much in training our young people and re-training adults to where they are going to be able to fit into this economy to great benefit. I think that it would be very wise for this Council to go on record as gearing occupational training courses to the economy of the area in which the Vocational Training programs are being offered. I think it would be very fine for this Vocational Training program in the Yukon Territory to be looking into the fields of mineralogy, the fields of mining, and the fields of prospecting as courses that are to be offered under the Vocational Training program of the Yukon Territory. It has come to my attention that the Yukon Chamber of Mines have a committee that is studying the feasibility of initiating such courses into the Vocational Training system. I think that under the Manpower Bill that we passed the other day that possibly they could look forward to some financial help in this area and I think that this Council should do everything in its power to hasten the day when the Vocational Training program of the Yukon Territory will be geared to what will be the basis of the economy of the Yukon Territory. Thank you, Mr. Speaker.

Mr. Speaker: Thank you, Mr. McKinnon. Is there further discussion on Motion No. 46?

Mr. Shaw: Mr. Speaker, as a matter of interest, I have frequently thought about the matter of training people in this particular request and it seems to me that in most cases...I am informed that this requires years of university to be knowledgeable in these matters other than the training that is had as far as training prospectors to know minerals and things. I am just wondering, as a matter of curiosity and interest, just what courses can be fitted into the curriculum of the Vocational School. I think it would be wonderful if this can be done and I would be most interested to know what courses can be fitted into such a training program as this. Anyone can answer the question that is knowledgeable on the matter, Mr. Speaker.

Mr. Taylor: Mr. Speaker, in reply to the question, I might prefix my remarks by saying that indeed a meeting was held of the Chamber of Mines Executive a few short days ago and they are of the same opinion as expressed by the Honourable Member in his Motion and it was felt that, much as the Honourable Member from Whitehorse North has said, that this would be most beneficial both to the general economy and the industry as a whole in the Yukon. Incorporated in such Vocational

Mr. Taylor continues:

MOTION #46

Training programs could be the machinations of mining, that is the physical aspects of mining...the course has been mentioned, the courses of mineralogy, and in general, geophysics and this type of thing. There is a school in Ontario which looks after this thing and they graduate what are called practical mining engineers. They are not university trained people but, for instance, they'll take a class out and these are Grade X...I think Grade X is the qualification for entry...they will take a class out and if they are going to plumb a shaft, well they go to a shaft and they will plumb it, and give them a little bit of this and a little bit of that...diamond drilling, running mucking machines, geology and in effect, after two years or two winters, these people graduate as practical mining engineers and throughout the industry, many of your leaders in the mining industry, got their start at this Haileybury School of Mines and it is this type of thing that we feel, both the industry and without the industry, would be beneficial to the Yukon and this is the general type of program that should be offered. Geophysics are playing a big role in exploration, particularly in areas of the north that are overburdened and covered. This in itself is a field into which the layman can participate. I won't go into the inner workings of this but this is the type of thing we feel should be offered at the Vocational School and for those who are not academically inclined to any extent, certainly diamond drilling, the operation of underground mining equipment, would be most beneficial. This type of thing is what is envisioned.

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

Mr. McKinnon: Mr. Speaker, in closing discussion on this Motion, I think that possibly if such courses were initiated into the Vocational Training program that I can see the day when they would prove to be so in demand and so valuable that this could in essence be the beginning of a Junior college type of program for the Yukon Territory. I think it would behoove the Government of the Yukon Territory to be looking into fields of the liberal arts and basic sciences in initiating any type of Junior college program for the Territory, however, I think that in the field of mining and mineralogy, it is an area from which could grow the basis for a Junior college foundation in the Yukon Territory. Thank you, Mr. Speaker.

MOTION CARRIED

MOTION #46
CARRIED

Mr. Speaker: I believe that No. 47 is an error on the Order Paper. May we now move to Motion No. 48, moved by Councillor McKinnon, seconded by Councillor Dumas. The text reads, "That in the opinion of this Council immediate negotiations should take place with the Federal Government with a view to paving the Alaska Highway adjacent to populated areas." Would the Member be prepared to discuss this question at this time?

MOTION #48

Mr. McKinnon: Yes, Mr. Speaker. Mr. Speaker, Motions dealing with the paving of the Alaska Highway are becoming almost as great a chestnuts as the Dawson City Bridge or the Klondike Visitors' Association grant that the Honourable Member from Dawson brings before Council at every Session. When I first sat before this table, naive in the way of politics, I of course presented Motions asking for the paving of the Alaska Highway in its totality. They have got me beaten down to the point now that the Motion reads that I would like to see the

MOTION
#48

Mr. McKinnon continues:

Highway paved adjacent to populated areas. This is for some good reasons and I would refer Honourable Members to the Engineering Study of the Alaska Highway Canadian Section prepared by the Department of Public Works, Development Engineering Branch, in March of 1966. Now, the Geometric Design Standards which provide for the traffic volumes on the highway and.....considerations is a Rural Arterial Undivided Highway. This accommodates between 1,000 to 3,000 vehicles per day with 20% trucks. According to these designed Standards, a two-lane highway, having a 24 foot pavement and six to eight foot shoulders, is envisioned. Mr. Speaker, this is the type of highway that specifications call for, where there are between one to three thousand vehicles a day. There was a traffic count done in 1965 on the Alaska Highway in the Whitehorse area and I would like to give Honourable Members the results of that study. Mr. Speaker, the results of the study in any case showed that the volume of traffic in the 920 to 925 area of the highway in the Whitehorse area, that there was already more than 1,000 vehicles per day in this area and that it was already of the standard that should have pavement on a 24 foot wide basis with an 8 foot shoulder. The projections of the Department of Public Works study show that traffic to 1984 indicate that in the Whitehorse area, "traffic likely to exceed an average daily traffic of 3,000 vehicles per day". It is also in the Whitehorse area possible "that an average daily traffic for the summer months may reach as high as 5,000 vehicles per day by 1985." Mr. Speaker, the facts remain that in the Whitehorse area there is already the traffic flow that would call for the Rural Arterial Undivided type of highway, with 24 foot wide pavement service and six to eight foot shoulders...should already be initiated. Mr. Speaker, the Stanford Report on the paving of the Alaska Highway, which seemed to put the nail in the coffin as far as paving the total of the Alaska Highway, it should be noted that in this Report it does not preclude at all the paving of the Highway around populated areas. It states in the conclusion....in conclusion No. 5, "that it is apparent that a very significant proportion of all projected cost saving benefits would be realized by a partial improvement program that concentrates on those stretches of the Highway where traffic densities are higher than average and, Mr. Speaker, this definitely is true in the Whitehorse area where it has already been proven that, with the flow of traffic, paving should be on the Highway. I think that if any Member's have travelled from Whitehorse out to the Mayo cut-off during the summer months, particularly through the populated areas of Porter Creek in particular, that there is such a danger hazard involved going through the Rabbit's Foot Canyon with the sun shining in your face and the dust when there is no wind during the day never settles. It's probably the most dangerous stretch of highway that anybody could ever envision.. envisage....anywhere. The dust just moves up in clouds and doesn't move throughout the day because it settles right in the Canyon and it's just impossible to see two feet in front of you. The Department of Public Works went on a program of providing some kind of emulsified surface on that area of road this summer but I am afraid that their program.....I have no idea what the cost figures were....but it wasn't satisfactory at all. The surface of course went into potholes immediately as soon as the first snow fall of the season came... it went to glare ice and they had to grade it all up and put gravel back on it so that cars could remain on the road. Mr. Speaker, there is no logical, reasonable explanation why the Department of Public Works, even with the results of the Stanford Report, the results of the Department of Public Works

Mr. McKinnon continues:

Report, do not pave the Highway adjacent to the populated areas. The Government specifications that specify what the road surface should be for certain volumes of traffic say that paving for the amount of traffic in the Whitehorse area is necessary and, Mr. Speaker, I have come a long way in...down to Motion No. 48...where I first sat around this Council and I thought that the whole of the Alaska Highway should be paved immediately. I now have facts, figures and statistics and can prove that there is no reason whatsoever why the Highway should not be paved out of populated areas and at this time, in particular, the Whitehorse area. Thank you, Mr. Speaker.

Mr. Commissioner enters the Council Chambers.

Mr. Taylor: Mr. Speaker, I can say no more on this subject than what has been said. It certainly would be beneficial, for many of the reasons stated and certainly there are many more reasons in support of such a Motion, and once again, I wholeheartedly support this type of Motion.

Mr. Chamberlist: Mr. Speaker, the question of paving the Alaska Highway indeed is a perennial question. It has sometimes been shot down by suggestions that dust control is more important than paving of the Alaska Highway. It is unfortunate that our Commissioner has seen fit to make that expression and it certainly doesn't help our situation up here. Probably the expression that was made by Mr. Commissioner publicly was an expression that he echoed on behalf of his Minister. Certainly it is not an opinion that I heard Mr. Commissioner express long before he was Commissioner. I heard him express in no uncertain terms that the paving of the Alaska Highway was a requirement that should be carried out. Now, the Motion itself deals primarily with the paving of the Alaska Highway and those portions adjacent to populated areas. It would indeed be an almost necessity now, because of the population growth that has taken place, because of the construction that has taken place, and the help that it would be to those people who live in those areas, the help it would be to those people who have gradually helped to build up the area to a situation where it looks like a community. The dust and the danger that that dust brings to those people that make use of the Highway in those areas where population is large is indeed high. It is almost a necessity now for people who are coming within proximity to a populated area to try and check to find out whether they are indeed in a populated area because in the summer time they can't see for dust. Now, this is a well worthwhile Motion. It is a request that has been made for....I think some years ago....that at least ten miles on either side of each populated area be paved. I recall that when the paving was put in from just past the airport entrance to the top of the hill at Whitehorse, it took a matter of six or seven days. That asphalt there, that paving, has lasted for almost fourteen years. The cost of maintenance has been almost negligible. It has stood up very, very well indeed and I think that in support of this Motion there should be 100% agreement on the part of this Council that we require, in all parts of the Yukon Territory where there are communities, that the Highway be paved at least ten miles on either side of the entrances to the Communities.

MOTION
#48

Mr. Dumas: Mr. Speaker, in 1964, I headed a crew for DPW in anticipation of the preparation of the DPW report that the Honourable Member from Whitehorse North has just referred to. It was my job to take a binkleman beam through from Mile 867 on the Alaska Highway to Mile 925, testing the porosity of that Highway. We did this back and forth for weeks on end and we found that the present Highway is suitable for paving, with some surfacing to upgrade it, would be suitable for paving. The road bed itself, in other words, would take paving in this area. Now, this covers the greater municipal area of Whitehorse. It covers the road down to the Carcross cut-off and the road up to the Mayo cut-off. There would have to be no major relocation of roads in order to pave that section of the Highway. In 1963 I worked on the same type of a study through the Watson Lake area and the results there were exactly the same. The present road bed going through the Watson Lake area would take paving with minimal upgrading. With these facts in mind, and they are all reported in the DPW Study, and in recognition of what has been said in the Stanford Report, I wholeheartedly support this Motion and we request that Administration make presentation to Department Heads and to Ottawa that some paving be carried out.

Mr. Shaw: Mr. Speaker, this particular Motion is a very good one. It just amazes me why they have not paved all the sections which go through communities on the Alaska Highway as a gradual upgrading of the whole system. I certainly must concur and agree with this Motion very much. That is a very bad stretch of road. I became acquainted with Rabbit's Foot Canyon for the first time this fall when I got stuck....I didn't get stuck but I had to go rescue somebody that couldn't make it up the hill one time. That was this fall and the cars were just piled up there. It is a very poor situation and certainly....particularly the areas that have a lot of traffic...the amount of traffic that they have there....it seems just utterly ridiculous to ignore it but this is the way this type of thing has been going on for years. The Honourable Member from Whitehorse North states that when he first came into Council he was very naive in politics and that now he is getting to the stage of where he feels, with his experience, that to get a half a loaf is better than no bread at all. Well, I must be inclined to disagree with him a little in that respect because I have been trying to get an airport for Old Crow for some considerable time and I have even tried to get it down to initial stages of brushcutting but I haven't got that far. On the bridge, I have asked in Dawson that they see if they can put a bridge up there...if the ground will hold up the bridge. I haven't got that far so I couldn't really say that that would be the answer to the problem. Now, it would appear to me that the best way to get this road paved adjacent to Whitehorse where we have all this traffic, is to take a lesson from history and that is I seem to recollect somewhat vaguely that a number of years ago....quite a number of years ago....the people were complaining bitterly about the dust on the Highway...the dust out here...so it happened that a dignitary happened to be coming to visit this area so that in view of that, they decided that they would pave this particular section of highway so that this person and party would have a dust free trip in the Whitehorse area. So, I would suggest that the best way to get this paving is that if you could possibly get another dignitary, perhaps the President of the United States...to visit around here or something like that that you might have much better results than even will come from this Resolution but I certainly support the Resolution.

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Mr. Speaker: Any further discussion on the Motion?

MOTION #48

Mr. McKinnon: Mr. Speaker, there were two basic complaints against the paving of the Alaska Highway. One, of course, was that the large transport trucks which now have a load of 92,000 g.v.w. wouldn't be able to transverse a paved highway. This would be taken care of in the areas just adjacent to Whitehorse. If such sections were paved, they could be brought up to a paving standard that would handle 72,000 gross vehicle weight and with the speed limit on these trucks reduced to 20 miles per hour, there would be no problem at all and the road surface would take it and the transportation companies would have no complaint because for those two miles, a 20 mile per hour speed limit would not make that much difference in time. Of course we have heard much now...the Honourable Minister of Indian Development and Northern Affairs has gone down to Juneau and has reported in various parts of the country that what the Highway does not need is paving. It needs dust control. It seems to me that there is no communication between the Department of Northern Development and the Department of Public Works because this is what the professional Engineering Study of the Department of Public Works has to say on dust control...."Dust conditions on the Highway are a considerable hazard at present and make driving very unpleasant. As the traffic volume increases, some dust control measures will be essential. Calcium chloride has been found to be unsatisfactory because of the arid climate. If a bituminous dust layer is used, the cost is estimated at approximately \$3,000 per mile per year. The application of dust layer would decrease the amount of gravel replacement required and would result in a net estimated increased cost of \$2,000 per mile per year at the end of 20 years." Mr. Speaker, I don't know exactly what the Honourable Minister of Northern Development's dust control measures are but anything that has been tried in the past has been extremely unsuccessful. Thank you, Mr. Speaker.

Mr. Speaker: Thank you, Mr. McKinnon. Is the House prepared for question on the Motion?

MOTION CARRIED

MOTION #48
CARRIED

Mr. Speaker: That brings us to the close of discussions on Motions and we now enter the question period.

Mr. Chamberlist: Mr. Speaker, I have a question I would address to the Commissioner. Mr. Commissioner, it is my understanding that the volunteer firemen are resigning in quantity because of a reduction in their allowance from \$100 to \$50.00 a month. Could Mr. Commissioner let us know whether this is a temporary measure or otherwise.

QUESTION RE
VOLUNTEER
FIREMEN
ALLOWANCE

Mr. Commissioner: Mr. Speaker, this is a firm measure. These were the monies that were...this was the firm amount of money that was voted in the Territorial Budget by the Council and these are the monies that are being paid. There is nothing temporary about it as far as I am aware, Mr. Speaker.

Mr. Speaker: Are there any further questions?

QUESTION
TRAVECON
STUDY

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Commissioner if there is any word on when the Travecon Study will be tabled for Council.

Mr. Commissioner: No, Mr. Speaker. I am sorry I have no further information on this than what I have already given and that is that as soon as it is available, it will be made available to Councillors whether Council is in Session at that time or not, Mr. Speaker.

QUESTION
CORRECTION
INSTITUTE
VISITORS
FORMS

Mr. Chamberlist: Mr. Speaker, a question addressed to the Commissioner. Mr. Commissioner, in the Whitehorse Correctional Institute, there are forms for those visitors that are visiting inmates and two of the questions on the forms are as follows: Have you ever been arrested for a criminal offence? If yes, give details. I wonder, would the Commissioner consider altering this form so that it is not repugnant to anyone who does not wish to disclose his past?

Mr. Commissioner: Mr. Speaker, could I answer the question in this manner that I would be very pleased to consider the request that has been made by the Councillor and I would see just what could be done in that particular regard, Mr. Speaker, but I would not care to go any farther at this time.

Mr. Speaker: Any further questions?

QUESTION
YOUTH
CONFERENCE
RESOLUTION

Mr. Chamberlist: Mr. Speaker, a question to Mr. Commissioner. Mr. Commissioner, has any consideration been given to a proposal made by the...rather a Resolution passed by the Youth Conference re Day Care Centres.

Mr. Commissioner: Mr. Speaker, I must admit personal ignorance on this particular situation. A Report on this Conference certainly has come to my attention but I simply have not had any time to deal with it. I think it would be a reasonable answer to the Councillor's question to say that no action has been taken up to this point.

Mr. Shaw: Mr. Speaker, I would like to inquire of the Honourable Member from Whitehorse East...who are we caring for in respect of the question he just asked? Who is caring for who? I mean...I don't understand the subject matter.

Mr. Speaker: Is that a question directed to the Member for Whitehorse East, Mr. Shaw?

Mr. Shaw: Yes, Mr. Speaker, my question...let us put it this way...the Honourable Member asked something about what the Government was doing, or was the Government doing anything in respect of care of some person or persons and I am just inquiring as to what persons the Member is inquiring... as to who is being looked after.

Mr. Chamberlist: Mr. Speaker, my question was addressed to the Commissioner. The Commissioner has acknowledged that he had a report on the matter but hasn't had time to study it. I wonder whether the Honourable Member from Dawson will be satisfied to wait until such time as the Commissioner has time to study it and he will be able to report fully on what is meant by it.

Mr. Speaker: Thank you, Mr. Chamberlist. Any further questions? Mr. Dumas.

HA

Mr. Dumas: Mr. Speaker, I would like to ask the Commissioner if he has been contacted recently regarding the boundary between the Yukon and B.C. - contacted from Ottawa for information or advice?

QUESTION
YUKON -
B.C.
BOUNDARY

Mr. Commissioner: Mr. Speaker, I am talking from memory on this question now but it seems to me that there were two items in connection with this boundary question that came to my desk several months ago and one had to do with the boundary between the Territory and the Northwest Territories and the other one had to do with an item...I believe it was going to the Senate...in connection with the re-affirmation of the boundary between the Province of British Columbia and the Yukon and as I recollect these matters, Mr. Speaker, they were advising the Administration that if any questions came up in connection with these boundary matters that they were receiving the Federal Government's attention.

Mr. Taylor: I have a supplementary question, Mr. Speaker, in relation to this. I don't know how to phrase it without having it dubbed out of order, but I would like to ask the Commissioner if it is the thinking of the Administration that in future matters such as this...will be brought before the Legislative Council for their comments in the future.... matters of such import to the Territory?

Mr. Commissioner: Mr. Speaker, if these matters are coming where they are seeking advice or confirmation, absolutely, Mr. Speaker. This was simply...as I say, I am talking from memory now, Mr. Speaker, and I would not absolutely guarantee that this was the way the matter was but it seems to me that it was worded as a matter of advice from the Federal Government that this in fact was what was going on...if any questions came up, as I understand it...I think the question might possibly have been raised by exploration permits..... where they would be overlapping the two boundaries.

Mr. Speaker: Are there any further questions this morning?

Mr. Commissioner: Mr. Speaker, yesterday I was asked about emergency power for the local Canadian Broadcasting Corporation Radio Station and the most recent information that we have here in the Administrative offices on this was a letter received from Mr. Cowan, the Director of Northern Services, addressed to my Administrative Assistant on the 3rd of January, 1967, in which he says in part, "Under the Emergency Broadcasting plan, the provision for emergency power for essential stations is being studied and a priority list prepared. CFWH is included in the list. Top priority is given to communities which would be prime targets for nuclear attack. To date the Corporation has been authorized to provide emergency power for seven of our 50 KW transmitters in key target areas. No provision is being made for emergency power at studio locations. I hope this explanation of our policy will reassure the Members of the Chamber of Commerce." Apparently the inquiry had been made through our office on a recommendation of the Whitehorse Chamber of Commerce that the Corporation be approached to provide an emergency power for CFWH. This is the most up-to-date information that I can give Council on the matter at the present time. A further question was asked of me yesterday concerning camper and trailer charges. We have sent a further telex to the Deputy Minister of Indian Affairs and Northern Development this morning asking for an answer to this. This, I think, is

REPLY TO
QUESTION RE
EMERGENCY
POWER CBC

Mr. Commissioner continues:
about the third one on this. The Northern Canada Power Commission, we have sent a further telex to these people as a follow-up on this question that was asked yesterday morning and the two land questions....I understood I was to have papers available this morning. I have not received them yet but they should be forthcoming very shortly and I will bring them to Council's attention as soon as I have them.

Mr. Speaker: Thank you, Mr. Commissioner.

Mr. McKinnon: Mr. Speaker, may I ask the Commissioner... is this the...will this be a paper concerning the transferring of Crown lands?

Mr. Commissioner: No. I signed a paper on that this morning though and it should be forthcoming very shortly for Council.

QUESTION : Mr. Chamberlist: Mr. Speaker, Mr. Commissioner...the last
CBC reply on CBC....do you interpret from that reply that there
EMERGENCY will be no emergency generating sets in case of power
POWER failure made available to the CBC station here?

Mr. Commissioner: Mr. Speaker, my apologies. I should have no doubt read the whole letter. I have read the opening and closing of it. The middle paragraph states, "The general policy of the Corporation is not to provide emergency power for stations unless there is a history of numerous power outages in a locality. The power failure of December 6" ...now this would be December 6, 1966....."to my knowledge was one of few to have occurred in the Whitehorse area in recent years. If numerous power failures occur there in the future, you may rest assured that the Corporation will take the necessary steps to maintain the continuity of services of CFWH." My apologies, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, a question arising out of the answer. Mr. Commissioner, have you informed CBC that there have been some power failures since that time...since they maintain an historical sheet on the matter?

Mr. Commissioner: I couldn't factually answer that question either in the affirmative or in the negative, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, a further question. Will you be writing to the CBC to inform them that there have been some power failures since that time?

Mr. Speaker: I will have to rule that question out of order. I believe it is approaching the question of debate which I feel the Honourable Member realizes would be out of order. Are there any further questions? May we proceed then to Public Bills and Orders, gentlemen.

THIRD Moved by Councillor Shaw, seconded by Councillor Taylor,
READING that Third Reading be given to Bill No. 20, An Ordinance
BILL #20 to Amend the Interpretation Ordinance.

MOTION
CARRIED

MOTION CARRIED

AA

Moved by Councillor Shaw, seconded by Councillor Taylor, that the Title to Bill No. 20, An Ordinance to Amend the Interpretation Ordinance, be adopted as written.

TITLE
ADOPTED
BILL #20
MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: I will declare the Motion carried and Bill No. 20 has passed this House. May I have the directions of your further pleasure?

Mr. Commissioner leaves the Council Chambers.

Mr. Taylor: Mr. Speaker, apparently, in respect of the Agenda, are out of work again, however, I note that this morning we have one Amendment which could possibly be considered in Committee so I would move that Mr. Speaker do now leave the Chair and Council resolve into Committee of the Whole for the purpose of discussing Public Bills, Sessional Papers and Motions.

MOTION TO
MOVE INTO
COMMITTEE

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

MOTION CARRIED

MOTION
CARRIED

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

Mr. Chairman: Gentlemen, this is Bill No. 15, An Ordinance to Amend the School Ordinance. The Amendment I believe is to subsection (3) of the Bill. It will be necessary for a Member to move this Amendment as well.

BILL #15

Mr. Dumas: Mr. Chairman, I move that subsection (3) read as follows: "There shall be an advisory committee composed of not less than three and not more than four members appointed by the Commissioner one member of which shall be a Member of Council and appointed upon the recommendation of the Council."

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

Mr. Chairman: I might...just before reading the Motion... it has been brought to my attention that a further amendment to this Bill was the addition in subsection (5) of the words "of the Council". Do you wish to include this in your Motion?

Mr. Dumas: Right.

Mr. Chairman: It has been moved by Councillor Dumas and seconded by Councillor Shaw, that subsection (3) of section 97 of Bill No. 15 be amended to read, "There shall be an advisory committee composed of not less than three and not more than four members appointed by the Commissioner one member of which shall be a Member of Council and appointed upon the recommendation of the Council."...and that subsection (5) is amended to include the words at the end thereof "of the Council".

AMENDMENTS
TO BILL
#15

MOTION CARRIED

MOTION
CARRIED

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

Page 799.
Wednesday 6th December, 1967.
11:00 A.M.

Mr. Chairman: We will call Committee back to order.
I would like your direction in relation to Bill No. 15. BILL #15.

Mr. Dumas: Mr. Chairman, I move that Bill No. 15 be reported out of Committee as amended.

Mr. Shaw: I'll second the Motion.

Mr. Chairman: It has been moved by Councillor Dumas and seconded by Councillor Shaw that Bill No. 15 be reported out of Committee as amended. Are you prepared for the question? Are you agreed? Any contrary? I declare the Motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Chairman: Gentlemen, this concludes work before Committee. I am informed that some further information may be available this afternoon. What is your pleasure?

Mr. Shaw: Mr. Chairman, there was a matter I did bring up first thing this morning in Council and that is that a member of this Council, on behalf of the Council attend the funeral service of the late Mr. Clyde Wann as a token of respect, who was a very good Yukon citizen and I wonder Mr. Chairman if perhaps Mr. Livesey, our Councillor from Carmacks-Kluane could attend. He was a neighbor and a very good friends over the years, I suppose with some of us, but he was a neighbor for a number of years in that particular area.

Mr. Chairman: Councillor Livesey?

Mr. Livesey: I would be very pleased to accept the honour.

All: Agreed.

Mr. Chairman: What is your further pleasure.

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

Mr. Chamberlist: I second the motion.

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

AA

Page 800

Wednesday, December 6, 1967.
2:00 o'clock p.m.

Mr. Chairman: Gentlemen, at this time I will call Committee to order. Although we have no business in Committee at this time, it is expected that further information may be coming from the Administration this afternoon so with your concurrence I will recess Committee until 3:30.

All: Agreed.

Mr. Chairman: Committee stands in recess until 3:30.

Handwritten initials in red ink.

Mr. Chairman: I will call Committee back to order and in view of the fact that there is still nothing for us at this time, what is your further pleasure?

Mr. Dumas: I move that Mr. Speaker do now resume the chair.

Mr. Chamberlist: I'll second the motion.

MOTION CARRIED

MOTION CARRIED

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

Mr. Chairman: Mr. Speaker, Committee convened at 11:00 a.m. this morning to discuss bills, sessional papers and motions. It was moved by Council Dumas, seconded by Councillor Shaw that sub-section (3) of Section 97 of Bill No. 15 be amended to read: "(3) There shall be an advisory committee composed of not less than three and not more than four members appointed by the Commissioner one member of which shall be a Member of Council and appointed upon the recommendation of the Council." And Section 5 is amended to include at the end thereof the words "of the Council" and this motion carried. It was moved by Councillor Dumas, seconded by Councillor Shaw that Bill No. 15 be reported out of Committee as amended and this motion carried. Upon motion, Committee recessed at 12:00 noon and reconvened at 2:25 p.m. Committee then again recessed at 2:25 p.m. and reconvened at 3:35 p.m. It was moved by Councillor Dumas and seconded by Councillor Chamberlist that Mr. Speaker do now resume the chair and this motion carried.

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

All: Agreed.

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

Mr. Shaw: Mr. Speaker, I would move that we revert to orders of the day.

Mr. Speaker: Is there a seconder?

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

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: I have for tabling at this time sessional papers no. 67, 68, 69 and 70, and papers covering answers to questions on land policy.

Mr. Chamberlist: Mr. Speaker, I would like to give notice of motion that sessional papers no. 63 to 70 inclusive be passed into Committee of the whole for discussion.

NOTICE OF MOTION #54

Mr. Speaker: Thank you, Mr. Chamberlist. Are there further notices of motion? May I have your further pleasure, gentlemen?

Mr. Taylor: Mr. Speaker, in respect of the agenda it would appear that we will be having sessional papers to deal with tomorrow, and in the event that further amendments to bills are received, I would suggest bills, memorandums and sessional papers for tomorrow.

CA

Mr. Speaker: Are we agreed?

All: Agreed.

Mr. Speaker: Is there any further business?

Mr. Chamberlist: Mr. Speaker, I move that we call it 5:00 o'clock.

Mr. Speaker: Is there a seconder?

Mr. Shaw: Second the motion, Mr. Speaker.

MOTION
CARRIED

MOTION CARRIED

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

44

Page 803.
Thursday, December 7, 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. I have for your attention this morning the tabling of Sessional Paper No. 71 re Question No. 23. Are there any Reports? Introduction of Bills. Notices of Motion or Resolution. Are there any Notices of Motion or Resolution this morning? If not, may we proceed to Orders of the Day - Notices of Motion for the Production of Papers. There are no Motions for the Production of Papers. Still standing under Motions for the Production of Papers Passed are Nos. 4, 5, 6, 8 and 9. Under Motions, we have Motion No. 49, moved by Mr. Dumas, seconded by Mrs. Gordon, and the text reads, "That Councillors Chamberlist, McKinnon and Livesey be appointed to a select committee of Council to discuss with the Yukon Administration details pertaining to a proposal to be made to the Federal Government regarding the takeover of the administration of Justice by the Territory." Would the Honourable Member be prepared to discuss the Motion at this time?

SESSIONAL
PAPER #71

Mr. Dumas: I am, Mr. Speaker.

Mr. Speaker: Proceed.

Mr. Dumas: I can only add that this Council has unanimously decided that these three Members, Councillors Chamberlist, McKinnon and Livesey, could best represent us in negotiations pertaining to this issue.

Mr. Speaker: Thank you, Mr. Dumas. Any further discussion?

MOTION CARRIED

MOTION #49
CARRIED

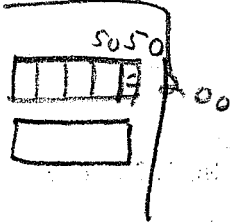
Mr. Speaker: The next Motion is Motion No. 50, moved by Mr. McKinnon, seconded by Mr. Dumas. The text reads, "That in the opinion of this Council the title of the 'Low Cost Housing Ordinance' be changed to read 'The Territorial Housing Ordinance'." Would the Member be prepared to discuss the Motion at this time?

MOTION #50

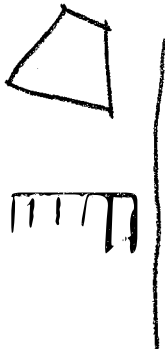
Mr. McKinnon: Yes, Mr. Speaker. Mr. Speaker, I first came in contact with this Low Cost Housing Ordinance the first time I sat in Council in 1961. At that time, it was the intention of the Administration that this Ordinance be specifically for houses that were definitely in the low cost bracket and for people that were not making too great an annual salary. I think the original legislation called for the home not to be of more than \$7,000.00 upon completion and there were by regulation a maximum on the salary that a person could make....I think it was in the area of \$4,000.00 a year....to qualify to build under the Low Cost Housing Ordinance. Since that time, the legislation for this Low Cost Housing Ordinance has certainly changed and has certainly come to fit a much needed gap where C.M.H.C. loans are not available yet a person wants to build a good home. If the Motions that were passed by this Council in this Session are passed, it means that a prospective home owner who wants to build under the Territorial housing program will be able to borrow a maximum of \$10,000.00 on the first mortgage and also be eligible for \$1,000.00 second mortgage, to the total of \$11,000.00 that he is able to borrow from the Territorial

MOTION #50

Mr. McKinnon continues:
 Government. He will be able to put any of the monies that he has saved into the home that he wishes to build so, in essence, what we are going to have is a Territorial housing program which will allow a prospective house builder to build a house in any bracket that he so desires and be able to borrow up to \$11,000.00 from the Government to be able to do this. I think that the Low Cost Housing Ordinance... the title of this Ordinance is a stigma from very mediaeval thinking along the Territorial housing program lines that was evident around this Council in 1961. I think the housing ordinance has become very much more sophisticated since that time and has been a program to fit a need of not low cost housing program but to fit housing programs where the person is not eligible to receive monies under any other program now in existence, and I think it would be very well if this Council went along and showed that they no longer have the thinking of the original legislation in respect of this Low Cost Housing Ordinance and that the title be changed to the Territorial Housing Ordinance.



Mr. Dumas: Mr. Speaker, the term low cost housing is reminiscent of the type of project that is used elsewhere to provide housing for indigents and people on welfare. In cities, slum areas are cleared and replaced by what are commonly called low cost housing developments. This certainly is not the case in the Yukon. The people who are making use of low cost housing loans are not people that are accepting handouts but are people that are borrowing money and paying it back. They are fine Yukoners...important members of the Yukon society and contribute to it as much as do any Yukoners anywhere. In light of this, I wholeheartedly support the Motion by Councillor McKinnon and hope that all the other Councillors will do so also.



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

MOTION #50
CARRIED

MOTION CARRIED

MOTION #51

Mr. Speaker: The next Motion is No. 51, moved by Mr. McKinnon, seconded by Mr. Taylor. The text reads, "That in the opinion of this Council the Taxation Ordinance should be amended so that a more equitable method of taxation of real property abutted on two or more sides by a water or sewerage system be followed." Would the Member be prepared to discuss the Motion at this time?

Mr. McKinnon: Yes, Mr. Speaker. Mr. Speaker, this resulted from 50B of the present Taxation Ordinance which states, "For the purpose of computing the frontage of real property abutted on two or more sides by a water or sewerage system, the frontage shall be deemed to be 60% of the aggregate length of the abutting sides." In the constituency that I represent, namely...part of which is Porter Creek which is having a water system installed at the moment...there are many instances where the water line has to go down both sides of a corner lot to be able to service people beyond that corner lot yet the person who is on the corner lot, for taxation purposes, is going to be deemed to be...is going to be taxed on a frontage deemed to be 60% of the aggregate length of the abutting sides. To me there is no reason that I can see to be this inequitable system of making a frontage tax on a person who happens to be on a corner lot where people beyond him are going to be serviced by this water pipe that had to go past both sides of his corner lot to be able to service lots beyond. At a meeting with the Territorial Administration yesterday, they seemed to have ironed out an amendment to the Taxation Ordinance which will be before this

Mr. McKinnon continues:

Council which will take care of this problem which is before Council now and what we hope to do is to make the frontage taxation for those people who are not being....who the water system is not being forced to make extra feet just to service that corner lot....are going to be charged on the same basis as anybody else on the system. They are not going to be penalized for being on a corner lot where the water system has to go past them on both sides to service people beyond them. I think that as it was it was quite unfair to people who happened to be on a corner lot.

Mr. Shaw: Mr. Speaker, I wonder if I may ask a question. Am I to understand then that in relation to the Taxation Ordinance relating to water and sewer...that this is coming before Council....the amendments...and will include the matters relating to this particular subject? Perhaps the Member from Whitehorse North can answer that.

Mr. McKinnon: I hope that will be the case, Mr. Speaker.

Mr. Speaker: Is there further discussion before the question is called?

Mr. Shaw: Mr. Speaker, speaking on the matter, I certainly believe in equitable methods of taxation in relation to this but could this not be carried along until we have gone through the Taxation Ordinance to see how it all works out?

Mr. Speaker: Is there any further discussion?

Mr. Taylor: Well, Mr. Speaker, as the Honourable Member has pointed out, this matter has been threshed out to the point of....between the Administration and the communities or representatives of the communities involved in the present crisis, and this will be coming before the table. This is a good thing. The Motion asks for a more equitable method of taxation and, as seconder, I naturally support the Motion and I think it should receive the wholehearted support of Council.

Mr. Chamberlist: Mr. Speaker, although I agree with the Motion, I am wondering why the Member for Whitehorse East, who may in the near future have communities who will be concerned with the same problem in his constituency, why he wasn't brought into the discussion with the Administration however I will support the Motion.

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

Mr. McKinnon: Mr. Speaker, just to satisfy the Honourable Member from Dawson City, the idea of wanting this Motion passed prior to the Taxation Ordinance and the Amendments being brought before this table is that I am of the opinion that there is an inequitable system of taxation being followed under the Taxation Ordinance as it now is. If this Motion is passed by the Council, then I will have no qualms at all in asking that the amendment that I hope to see in the Taxation Ordinance is in essence placed before this Council. If this Motion is defeated by Council, then there would be reason, taking the indication of Council on this Motion, to even ask for the amendment in the Taxation Ordinance that I want to see put before this Council table.

MOTION #52 Mr. Speaker: The next Motion we have is No. 52, moved by Councillor Chamberlist, seconded by Councillor McKinnon. The text reads "That Sessional Paper No. 66 be passed into Committee for discussion."

MOTION #52
CARRIED

MOTION CARRIED

MOTION #53 Mr. Speaker: The next Motion before us, No. 53, moved by Mr. Taylor, seconded by Mrs. Gordon, reference Salary Negotiation Advisory Committee. The text reads, "That Councillor John Dumas be appointed as representative of Council on the Salary Negotiation Advisory Committee established pursuant to Sec. 97 of the School Ordinance." Would the Member be prepared to discuss the Motion at this time?

Mr. Taylor: Yes, Mr. Speaker. As you know, we have cleared Committee a Bill which provides for continued participation on the Salary Negotiation Advisory Committee and the Motion follows that a Member of the Council, of course, be appointed, this being Councillor Dumas. I certainly have every confidence in Councillor Dumas's ability to be able to face this chore with experience and intelligence and so, therefore, I propose the Motion that Councillor Dumas be appointed to this Advisory Committee.

Mr. Speaker: Is there further discussion on the Motion? Could we have order please. Is there further discussion on Motion No. 53?

MOTION #53
CARRIED

MOTION CARRIED

MOTION #54 Mr. Speaker: The next Motion is No. 54, moved by Mr. Chamberlist, seconded by Mr. Dumas. The text reads, "That Sessional Papers numbered 63 to 70 inclusive be passed into Committee of the Whole for discussion."

Mr. Chamberlist: Mr. Speaker, it appears that there has been an error. At first, of course, I introduced Sessional Paper No. 66 and then after reverting to Orders of the Day yesterday, we introduced in bulk Sessional Papers 63 to 70 so that we find we are in the position of having Sessional Paper No. 66 introduced twice.

Mr. Speaker: Would the House be prepared to allow me to correct this situation?

All: Agreed.

Mr. Speaker: So that the essence of the text will be 63 to 70 less Sessional Paper No. 66. Is the House agreed?

All: Agreed.

Mr. Speaker: Is there any discussion on Motion No. 54?

MOTION #54
CARRIED

MOTION CARRIED

Mr. Speaker: That concludes all the Motions we have this morning on the Order Paper. This morning the Commissioner will not be available until eleven o'clock so I was wondering, gentlemen, if you would have any written questions you want to place on the Order Paper, other than oral questions this morning.

AA

Mr. McKinnon: Mr. Speaker, I have a very important question. I really didn't know whether to raise it as a question of privilege or not and it's to the Honourable Member for Dawson City. Mr. Speaker, I have been always a strong supporter of the Honourable Member for Dawson City. I support him every Council Session on the Old Crow Airport. I have supported him on the bridge at Dawson City and now I find out that the people of Dawson City aren't going to allow the people of Whitehorse to see the Barkerville Follies Show...the Gaslight Follies Show.

QUESTION
GASLIGHT
FOLLIES

Mr. Speaker: Order. I believe you...this is entirely out of order. I believe the Honourable Member realizes he cannot make a speech in the question period.

Mr. McKinnon: Mr. Speaker, it was just a statement - not the question. The question proper is does the Honourable Member from Dawson City think that the people of Dawson City will be able to see the Gaslight Follies Show....of Whitehorse will be able to see the Gaslight Follies?

Mr. Shaw: The question, Mr. Speaker, is can the people of Whitehorse see the Gaslight Follies show?

Mr. McKinnon: In Whitehorse.

Mr. Shaw: Well, Mr. Speaker, to answer that question at this time is somewhat premature for me to even attempt. In the first instance, I was not at this particular meeting. I am not aware of the circumstances that are involved in it. This is a decision....if in fact it is a decision...of the Visitors' Association and I would have to inquire from them in order to give an answer to that. I don't always believe everything I hear and half I see but it may be so and it may not be. I would really need to go back there to find out, Mr. Speaker, to give a correct answer to that. I will admit that the news was a very abrupt piece of news. There is no question about that.

Mr. Chamberlist: Mr. Speaker, a supplementary question to the Member from Dawson. I wonder whether Councillor Shaw would say whether he is personally in favour of the people of Whitehorse seeing the show in Whitehorse?

Mr. Shaw: The answer to that question, Mr. Speaker....I wouldn't give an answer at this time.

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

Mr. Taylor: Mr. Speaker, it is unfortunate that Mr. Commissioner cannot be here but it seems that written questions, if you ask them, very seldom get answered or it takes a long time. I am wondering when we might expect the answers to those written questions we have. For instance, No. 12 which has been on the Paper since November 16, and 17, 18, and 21 which have been on there for some considerable time...half a month I believe. I wonder if Mr. Clerk might answer that.

Mr. Clerk: Mr. Speaker, I have been asked this question every morning I think for the last week and the answer still remains the same. Question No. 12, No. 17...are both questions that require answers outside the Yukon Territory. We are dealing with these things by telex. Question No. 18 is going to be answered by Dr. Sprenger, the Medical Health Officer, who is out of Whitehorse and will not return until next Monday. Question No. 21 and No. 22 are being answered

Mr. Clerk continues:

by Mr. Mackenzie who is primarily worried with getting the financial picture...the Motion for Production of Papers No. 9 to you, and Question No. 25 is being answered by Dr. Shields.

Mr. Chamberlist: Mr. Speaker, I would like to address a question to Mr. Clerk. Mr. Clerk, when will the papers that have been requested in Notice for Production of Papers No. 9 be available to Council in relation to cutbacks and finance?

Mr. Clerk: Mr. Speaker, I would suggest that this is a proper question for the Commissioner. I cannot speak for the Administration on this.

Mr. Speaker: Are there any further questions?

Mr. Dumas: Of course we will be able to have the Commissioner here sometime this morning...for questions?

Mr. Speaker: I believe I have already announced that, Mr. Dumas. Are there further questions?

QUESTION #26

Mr. Taylor: Yes, Mr. Speaker. I will try one more written question. It would be, Mr. Speaker, "What will the effects be in relation to the recent tax increase on liquor to the citizens of the Yukon? What types of spirits will be affected and by how much? What portion of any increase would accrue to (a) Federal Government (b) Territorial Government?"

QUESTION #27

Mr. Chamberlist: Mr. Speaker, I will present two written questions. Question No. 1 is to the Administration and is as follows: "Since the Public Service Ordinance incorporates provision for the Commissioner to extend collective bargaining to Territorial Government employees and since the Yukon Territorial Public Service Association has requested that collective bargaining be extended to Territorial employees, will the Commissioner commit himself to introduce comprehensive legislation concerning collective bargaining at the 1968 spring session of Council?" Question No. 2 is "Since the second paragraph of the section pertaining to the extension of collective bargaining, as it appears in the Public Service Ordinance now in force, refers to a Board which will determine units of employees appropriate for collective bargaining, etc., will the Commissioner give assurance that membership on the aforementioned Board will equally consist of nominees from the Administration and Employees representatives and a Member of Territorial Council?"

QUESTION #28

Mr. Speaker: Thank you, Mr. Chamberlist. Are there further written or oral questions? I wonder then, gentlemen, if we could pass at this time to Public Bills and Orders.

FIRST READING AMENDMENT BILL #15 MOTION CARRIED SECOND READING AMENDMENT BILL #15 MOTION CARRIED

Moved by Councillor Dumas, seconded by Councillor Shaw, that the Amendment to Bill No. 15, An Ordinance to Amend the School Ordinance, be given First Reading at this time.

MOTION CARRIED

Moved by Councillor Dumas, seconded by Councillor Gordon, that the Amendment to Bill No. 15, An Ordinance to Amend the School Ordinance, be given Second Reading at this time.

MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor Dumas, that Bill No. 15, An Ordinance to Amend the School Ordinance, be given Third Reading at this time.

THIRD
READING
BILL #15
MOTION
CARRIED

MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor Dumas, that the title to Bill No. 15, An Ordinance to Amend the School Ordinance, be adopted as written.

TITLE
ADOPTED
BILL #15
MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: I will declare the Motion carried and Bill No. 15 has passed this House. May I have your further pleasure?

Mr. Shaw: Mr. Speaker, I move that the Speaker do now leave the Chair and that Council resolve itself into Committee of the Whole to discuss Bills and Sessional Papers.

Mr. Taylor: I would second the Motion, Mr. Speaker.

Mr. Speaker: Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Watson Lake, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills and Sessional Papers. Is the House prepared for question on the Motion?

Mr. McKinnon: No, Mr. Speaker. Mr. Speaker, this would mean that to ask the Commissioner any question in Council that we would have to revert to Orders of the Day and sit in Council formal again before we were able to do so? Is this correct?

Mr. Speaker: That is correct.

Mr. Dumas: Mr. Speaker, might I make an alternate suggestion and ask the Honourable Member from Dawson and the Honourable Member from Watson Lake to withdraw their Motion at this time and we recess for an early coffee. That will give us a solid hour or so of sitting in Council and Committee.... from eleven o'clock on.

Mr. Chamberlist: I would agree with this situation, Mr. Speaker. I have some questions I wish to put to the Commissioner that I don't want to put off for another day.

Mr. Shaw: Mr. Speaker, for the purpose of peace and harmony, I would be glad to withdraw my Motion if the seconder will agree.

Mr. Taylor: Yes, Mr. Speaker. I apologize to the Members. I hadn't realized that they did have questions to, therefore, I would withdraw as seconder.

Mr. Speaker: Are we agreed unanimously that the Motion is withdrawn?

All: Agreed.

Mr. Speaker: May I have your further pleasure?

Mr. Shaw: Mr. Speaker, I wonder if at this time it would be possible to call a short recess.

Mr. Speaker: The House stands in recess at this time until further orders.

GA

Page 810.
Thursday, 7 December, 1967.
11:00 A.M.

Mr. Speaker: I will now call Council to order, and we were about to commence the question period when we recessed. Please proceed, gentlemen.

Mr. Chamberlist: Mr. Speaker, a question for the Commissioner. Mr. Commissioner, on the 5th of December you said you would get some information from Northern Canada Power Commission regarding the extension of contracts and the alteration or amendments to their contracts as applies to local labour and contractors.....

N.C.P.C.

Mr. Commissioner: Mr. Speaker, there has been, it came in in a telex yesterday afternoon and I think I can put my hands on it immediately. I'm sorry I didn't come in equipped with it. Would you let me wait until the end of the question period, Mr. Speaker, before I go to get this. Could I ask Mr. Speaker, if Mr. Clerk could go to Mr. Fingland's office and get it?

Mr. Speaker: Yes, certainly, Mr. Commissioner.

Mr. Chamberlist: Mr. Speaker, I would like to find out from the Commissioner whether the Whitehorse Hospital Board is functional and who are the people that make up the Whitehorse Hospital Board.

WHITEHORSE HOSPITAL BOARD

Mr. Commissioner: I would have to supply the actual names of this and get a record of the meetings and table them for Council, Mr. Speaker. I don't think that an outright verbal answer would be very satisfactory on this. I think it would be best if I bring forward the actual names of the people and a record of their meetings for some time past. I think this would be the most satisfactory type of answer.

Mr. Chamberlist: A supplementary question from my last question. I wonder if Mr. Commissioner could say when the last Board meeting was held.

Mr. Commissioner: No, I can't Mr. Speaker, but this will be part of the information that I will bring forward to answer this question.

Mr. Chamberlist: Mr. Speaker, on the questions to Mr. Commissioner on the 5th of December, page 746 in Votes and Proceedings it is recorded there that Mr. Commissioner said he would prepare a package proposition with reference to the disposition of lands, both surveyed and unsurveyed. I wonder if Mr. Commissioner has made that available?

DISPOSITION SURVEYED & UNSURVEYED LANDS

Mr. Commissioner: I brought it forward yesterday and laid it on the Speaker's table and asked if this would be a satisfactory answer.

Mr. Speaker: That is correct, and it has also been tabled.

Mr. Taylor: Mr. Speaker, I have two questions in relation to health this morning. My first would be - I wonder if Mr. Commissioner could recall whether or not the Territorial cost share in the construction of the doctor's residence at Watson Lake?

DOCTOR'S RESIDENCE WATSON LAKE

Mr. Commissioner: Mr. Speaker, all these construction

Mr. Commissioner continues projects with Northern Health Services in which we participate are all on formulas dependent on the community. I'm very sorry, Mr. Speaker, I couldn't answer that question offhand but we could soon get that either from Northern Health Service or from the Treasurer's office.

LANDS FOR SALE

Mr. Chamberlist: Mr. Speaker, my earlier question relating to land; the paper that I have is Sessional Paper No. 66 that relates to availability of land. This wasn't my question - my question was with reference to the processing of lands for sale. We have not received any information on that.

Mr. Commissioner: Mr. Speaker, possibly to assist you in that, the original letter along with the attachments signed by Mr. McIntyre, I asked on the bottom of that if this was a verbal answer that was required -- in writing was to be satisfactory. I'm quite confident I left it with you yesterday, Mr. Speaker.

Mr. Speaker: If the Honourable Member will turn to page 788 of Votes and Proceedings, if I may say so from the Chair, it was tabled by Mr. Speaker on page 788, Wednesday December 6th.

Mr. Chamberlist: I accept what you say, Mr. Speaker, but is it available? I am not clear?

Mr. Speaker: Yes.

CUT-BACKS IN FINANCE

Mr. Dumas: Mr. Speaker, could Mr. Commissioner tell us when we can expect the break-down in project and loan cut-backs as we requested last Thursday or Friday?

Mr. Commissioner: I think there are some other break-downs of a physical or mechanical nature - I am told that this should be ready before the day is out today, Mr. Speaker.

Mr. Speaker: Thank you Mr. Commissioner. Mr. Chamberlist.

MOTION P.P. #9.

Mr. Chamberlist: Mr. Speaker, Mr. Chairman, Mr. Commissioner, could Mr. Commissioner tell us when we might be getting the documents that were requested re cut-backs on finance in Motion for Production No. 9?

Mr. Commissioner: I would hope that this would be coming forward as part of the whole situation. I can't verify that for sure but I will look into it.

Mr. Speaker: Mr. Taylor.

DOCTOR'S RESIDENCE WATSON LAKE

Mr. Taylor: Mr. Speaker, in relation to my first question. I found the information in my budget and I would like to know, in view of the fact that the doctor's residence in Watson Lake is shared Federally 52.3% and Territorially 47.7%, if in the Commissioner's opinion we should have a say in the location of this residence; in other words where it should be built or should we not have any say in its location construction in view of the fact that we are paying 47.7% of the bill.

Mr. Commissioner: Mr. Speaker, I'm afraid that the Councillor knows far more of the background of this particular situation than I do and all I can tell you is the current state of affairs with it and that is that the matters of location were not satisfactory as I understand it to the Board of Trustees to the Watson Lake Improvement

JA

Mr. Commissioner continues..
District and after considerable conversations between Northern Health and the Trustees as per the minutes that were tabled here, which is my source of information, that they agreed that the building could proceed on the site that had been chosen for it on the understanding and assurances that any future Territorial or Federal Government buildings that were going to be built in the Community, the site location would be a subject of prior consultation by the Board of Trustees. Now the Councillor's question to me is: do I not think that in view of the heavy Territorial participation in it that there should be some say by the people of the Territory as to where these things are located. I couldn't agree more with the Councillor but I am sorry I am not clear enough in my own mind as to what transpired prior to this matter being taken up with the Trustees.

Mr. Taylor. Supplementary to that, Mr. Speaker, I would like to ask Mr. Commissioner if he is indeed aware that we were told by the Federal Department of Health and Welfare, this Administration, that indeed we build it where they want it or else we could pay the total bill ourselves. Is Mr. Commissioner aware of this?

Mr. Commissioner: Mr. Speaker, can I ask who told us this?

Mr. Taylor: Mr. Speaker, apparently this was the answer given to the Territorial Administration upon the request to move this house into a townsite where the Trustees and the people of Watson Lake wished it to be in deference to their building across from the Post Office

Mr. Commissioner: Mr. Speaker, I must admit that I was not aware that that was the answer that we were given. There seems to be a great deal of, I don't know whether you would call it liaison difficulty or something between ourselves and Northern Health when it comes to this building. We don't seem to have too much trouble when it comes to other matters but when it comes to building there seems to be a great deal of difficulty in liaison but I certainly must admit to the fact that I was not aware of this answer ,...Mr. Speaker, when it was brought up by the Trustees of Watson Lake and it was my understanding that the content of the minutes of the meetings of the Trustees held here in Whitehorse contined an accurate appraisal of the situation and that is why

Mr. Chamberlist: Mr. Speaker, Mr. Commissioner, I had asked you on a few occasions re uniforms for the Correctional Institute. I have been advised by you that there are funds available. Would it not be correct to say, Mr. Commissioner, that notwithstanding the cut-backs for the Correctional Institute that funds are in the project and the funds are available for the purchase of uniforms.

UNIFORMS
CORRECTIONAL
INSTITUTE

Mr. Commissioner: I would have to define that so that I can answer the Councillor accurately on the situation.

Mr. Speaker: Mr. Taylor:

Mr. Taylor: One further question, Mr. Speaker, I would address it to Mr. Commissioner. I am wondering if the Commissioner would know, just offhand, what the proposed

CONFEDERA-
TION
CONFERENCE
DATES

Mr. Taylor continues..

dates for the next Confederation Conference would be, I believe to be held in January - what the proposed dates will be in order that some action will be taken towards participation by the Yukon?

Mr. Speaker: To whom do you direct your question, Mr. Taylor?

Mr. Taylor: Mr. Commissioner.

Mr. Commissioner: I'm afraid I must plead ignorance on the subject.

Mr. Taylor: I would then redirect the question to Councillor Dumas, Mr. Speaker.

Mr. Dumas: I was just going to give Mr. Commissioner some further information on that. There is a Federal-Provincial Conference being held in January, 1968 and there has been a suggestion in Ottawa that there will be a conference designed primarily to discuss the constitution and any major changes for the future.

Mr. Speaker: I don't believe it's competent, gentlemen, to direct questions for which the Commissioner is not responsible.

Mr. Taylor: Just, on a point of order, Mr. Speaker, my question is related to dates rather than policy.

Mr. Speaker: Mr. McKinnon.

JUVENILE
DELINQUENT
ACT

Mr. McKinnon: Mr. Speaker, I would like to direct a question to Mr. Legal Adviser. Is the Juvenile Delinquent Act of Canada enforced in the Yukon Territory.

Mr. Legal Adviser: To the best of my knowledge, yes.

Mr. McKinnon: Mr. Speaker, Section 42 of this Act states that subject to provisions of Section 41 this Act may be put in force in any province or in any portion of any province by proclamation after the passing of an act by the legislature in any province providing for the establishment of juvenile court or designating any existing courts as juvenile courts and of detention homes for children. Mr. Speaker, to my knowledge the Yukon has not passed such enabling legislation and how was the Juvenile Delinquents' Act enforced in the Territory at this time.

Mr. Legal Adviser: I don't know how it is enforced, sir. The Juvenile Delinquents Act is a Federal Act and it impinges in certain respects on the rights of provinces dealing with the property rights, civil rights and so on of juveniles and also applies to certain adults when they are mixed up with juveniles in relation to offences. I would need time to get a written answer to exactly when it came into force or what the exact position is.

Mr. McKinnon: Mr. Speaker, my question is that there has to be enabling legislation by the provinces or the Territory To my knowledge there is not such enabling legislation in the Territory and my question would be, how then is the Juvenile Delinquents Act in force in the Territory?

Mr. Legal Adviser: I will look into that.

Mr. Speaker: Mr. Commissioner.

Mr. Commissioner: Mr. Speaker, may I give the answer to the N.C.P.C. question that Councillor Chamberlist requested of me? LINE
That was a day or so ago in connection with the line clearing CONTRACT contract.

Mr. Speaker: Please proceed.

Mr. Commissioner: The answer that we have from Northern Canada Power Commission in Ottawa is that it is difficult to comment without knowing what aspects Council considers terms and conditions discriminate against Yukon contractors and Yukon labour but we advise as follows: document requires contractors to use local labour to the fullest extent available. Cannot conceive that any contractor would not do this automatically. Minimum wage rates and hours of work are as specified by the Department of Labour for this specific project. Terms and conditions of contract document are same as Federal Public Works contract throughout Canada including Yukon. Work divided into four sections. Contractors may bid one or more sections. Experienced house work indicates approximately 50 miles within capability and competence small contractors but at the same time it was large enough to produce economic operation. Objective is the lowest possible total cost. Specification re disposal of merchantable timber has been relaxed by.... December 5th, conformity approval by forestry authorities giving contractor option to bury, stockpile or subject to government regulations dispose by sale. This is signed Humphries, Northern Canada Power Commission.

Mr. Speaker: Mr. Chamberlist.

Mr. Chamberlist: Mr. Commissioner, there has been no extension date of the contract.

Mr. Commissioner: There is nothing here to indicate any extension of the date. Mr. Speaker, would it be Council's wish that we would further contact N.C.P.C. with a request for an extension of this date - is that Council's wishes?

Mr. Speaker: I believe that question can be left in abeyance for further discussion. Are there any further questions? Mr. Chamberlist.

Mr. Chamberlist: Mr. Speaker, a question put to Mr. Commissioner. Mr. Commissioner, could you advise us if there have been any draft agreements prepared re the Anvil Mining townsite?

Mr. Commissioner: Yes, there has been. We have prepared the possibility of a draft and I can say, Mr. Speaker, that as a consequence of the apparent monies that are going to be required for this Anvil townsite being approximately three times greater than what was originally anticipated that whatever thought and work and thinking we have done on this up to this point is utterly and completely of no value, Mr. Speaker, because we have had to refer the whole situation back to the Department of Indian Affairs and Northern Development in Ottawa for a complete restudy as to how the townsite situation might conceivably be handled.

Mr. Speaker: Mr. Shaw.

Mr. Shaw: Mr. Speaker, as a supplementary question to the agreement, and this is directed to Mr. Commissioner, the two Bills that we have before us at the present time then would really be of no effect in view of the circumstances that now are in evidence. Is that correct?

Mr. Commissioner: Mr. Speaker, this is in essence correct and I would ask Council to permit them to sit either until either we can confirm that they are of value or that we have to substitute ones to take their place.

Mr. Speaker: Are there further questions?

FISCAL
AGREEMENT

Mr. Chamberlist: Mr. Speaker, question to Mr. Chairman, question to Mr. Commissioner; Mr. Commissioner have you any further news as to whether the Federal Government are prepared to be in a position to sit down and negotiate with the Territorial Council re a fiscal agreement.

Mr. Commissioner: Mr. Speaker, I have a paper coming forward on this question. I am sure that it should either be available this afternoon or tomorrow morning for Council.

Mr. Speaker: Are there any further questions? If not may we proceed to public Bills and Orders?

Mr. Shaw: Mr. Speaker, I would move that Mr. Speaker do now leave the Chair and Council resolve itself in Committee of the Whole to discuss Bills and Sessional Papers.

Mr. Speaker: I wonder if the Honourable Member would please repeat?

MOTION TO
MOVE INTO
COMMITTEE

Mr. Shaw: I would move, Mr. Speaker, that the Speaker do now leave the Chair, that Council now resolve itself in Committee of the Whole to discuss Bills and Sessional Papers.

Mr. Taylor: I would second the Motion, Mr. Speaker.

Mr. Speaker: Moved by the Honourable Member from Dawson, seconded by the Honourable Member from Watson Lake that Mr. Speaker do now leave the Chair for the purpose of discussing in Committee of the Whole Bills and Sessional Papers. Are you agreed with the Motion? I will declare the Motion Carried and the Honourable Member for Watson Lake will please take the Chair in Committee.

MOTION
CARRIED

MOTION CARRIED

SESSIONAL
PAPER #28.

Mr. Chairman: Gentlemen, at this time we have Sessional Paper No. 28. I'll just declare a very brief recess while we invite Mr. Gibson to join us. I will call Committee to order and we have, we are on Sessional Paper No. 28 and we have with us Mr. Gibson. I believe there was a question raised. Councillor Chamberlist.

Mr. Chamberlist: Mr. Gibson, I wonder if you would state first how you arrive - on what basis do you arrive at these particular figures that you have presented.

Mr. Gibson: The particular figure you are discussing is which?

Mr. Chamberlist: All - I want generally first, all - how you arrive at these figures, a general report of how these figures are arrived at.

Mr. Chairman: Are these questions addressed to the Chair?

Mr. Chamberlist: Well, through the Chair, Mr. Chairman.

Mr. Gibson: Mr. Chairman, the figure representing the estimated volume of visitors or number of visitors who visit the Yukon Territory in the summer are provided to us by the Canadian Customs offices at border crossing points and by certain of the transportation firms - White Pass and Yukon Route and Weir Air Lines. We have been unable to get useful figures from Canadian Pacific Air Lines because they have no means of separating what appears to be a heavy volume of local commuting traffic from those people who arrive as tourists, - the volume of visitors that are obtained through figures received from Customs and transportation companies.

Mr. Chamberlist: May I continue along this line Mr. Chairman? Well, Mr. Gibson, what you get from the Customs then only relates to people that are crossing the border in or out of the States. What information have you on Canadian people who are visiting the Yukon who do not cross any international border?

Mr. Gibson: This is a very important gap in the statistics available to us. The figures we receive from Canadian Customs record incoming visitors to the Territory and these are people who necessarily must have been in the State of Alaska and then crossed back into the Yukon Territory. We know that we have a fairly substantial volume of Canadian travellers from Alberta and British Columbia who visit the Yukon Territory but by reason of not having to cross a border crossing point, there is no source to obtain this information. We have, even with the Canadian Customs Offices one serious situation in Dawson City. Since the Customs Clearing Office has been removed from Little Gold Camp on the Sixty Mile Road to the Federal Building in Dawson City, the Customs offices there agree and admit that they do not and cannot record all of the visitors who enter the Yukon Territory over the Sixty Mile Road and so, consequently there is a gap in their figures of the information we receive from them - considered both by them and by us as being incomplete.

Mr. Chamberlist: Well, Mr. Chairman, I didn't get the question answered. I want to know how you can assess, for instance how you can assess the Canadian amount of people that visit the Yukon; for instance in page two of this Sessional Paper it reads as follows: the origin of our visitors since 1962. This year the ratio was United States 83%, Canada 16%, Other Countries 1%. Where do you get the 16% Canada if you have had no information on how many people from Canada visit the Yukon?

Mr. Gibson: Mr. Chairman, the paragraph directly under the tabulation on the top of page two shows that a total of over 20,000 persons registered at the four information centres in the Territory last year. This represents 21% of the visitors arriving in the Territory. The guest registrations from each of these information centres provides a very substantial sampling base; a 21% base on which we can establish

SESSIONAL Mr. Gibson continues..

PAPER #28. the averages for each of the various areas. We receive this information from the Guest Registrations at the Information Centres.

Mr. Chamberlist: But Mr. Gibson, do you not agree that all people don't register at travel centres or travel offices?

Mr. Gibson: Yes, I do agree.

Mr. Chamberlist: So that, Mr. Chairman, these figures then are only assessed figures-there are no factual figures here. There is no way of saying that these are the amount of people that come through and these are not the amount of people

Mr. Gibson: That is correct. There is no means to tabulate each individual who visits the Yukon Territory.

Mr. Chamberlist: Now, when you say a total of 20,731 persons, 21% of our visitors registered at the four information centres, you went on to say that 69.3% were campers, a decrease from the 1966 figure of 75.4%. If this is 21% - are you suggesting then that 21% of our visitors come in campers - is this the understanding?

Mr. Gibson: No, I believe the intent of that paragraph is - from the information we have on our Guest Register forms that last year 69.3% of those people who registered there were campers.

Mr. Chamberlist: Would this be a picture of percentage across the board of people who are using the highways.

Mr. Gibson: It would be a fairly firm indication.

Mr. Chamberlist: Now, it is estimated, you say here that the spending pattern in 1966 was \$6,695,648. Could you give an explanation of how you arrive at this type of figure.

Mr. Gibson: This is contained in Sessional Paper No. 28?

Mr. Chamberlist: Yes. On the very first paragraph.

Mr. Gibson: If you happen to have Sessional Paper No. 13 there is on page two of that a condensation of surveys taken in 1962 and 1966. In these surveys we attempt to establish from the information provided by the tourists the average daily expenditure while on their visit in the Territory. Do we have a copy ... I'm sorry, it was shown on page two but as Appendix C to the Sessional Paper.

Mr. Gibson: No, go ahead...

Mr. Gibson: From the information received during the surveys we obtained the average daily expenditure per party. In 1962 it amounted to \$32.63 and in 1966 it amounted to \$28.00; representing the average daily expenditure for a tourist party while they are in the Yukon Territory.

Mr. Chamberlist: Mr. Chairman, now, Mr. Gibson I wonder if you could say what is being done to encourage travel and visitors to the Yukon in those months other than the summer

Mr. Chamberlist continues...
months.

Mr. Gibson: Part of it has been taken out of our hands, we might say, by some of the Travel Agencies and Tour Operators who promote travel to the Yukon Territory. You will notice on some of the tabulations that in the earlier years we were referring to the period of June, July and August as being tourist months but now the tourist volume, or the visitor volume during the months of May and September have become so substantial that we have found it necessary to include the period May to September to give us a fuller picture of the value of the tourist industry to the economy of the Territory. We are looking also at the value of some of our off-season activities, specifically the Sourdough Rendezvous and the promotion that can be done in relation to the Rendezvous is limited in direct ratio to the number of hotel and motel units we have for visitors who would be attracted to Whitehorse as a result of that publicity.

Mr. Chamberlist: Has any consideration been given to your Department to work on projects to turn the Yukon, especially the Whitehorse area, into a convention city in other periods other than the summer time, and the Sourdough Rendezvous period?

Mr. Gibson: We are giving close examination to this possibility now, but the situation has existed until just the last year that the number of visitors you can accommodate in Whitehorse has been limited by the number of hotel, motel units. We have had some very important conferences here. I must say that none of them originated with our Department, though we had been active in some of the arrangements for them. I am thinking of the Northern Resources Conference, the Telephone Association Conference; we have a Lions Convention coming into Whitehorse and I think that eventually we will be able to use to good advantage the services of a Visitor and Convention Bureau for the City of Whitehorse and for the Yukon Territory. Parallel to this I was interested to learn that the Tourist Advisory Council of the State of Alaska recommended to their administration the formation of a visitor and convention bureau for the State of Alaska.

Mr. Chamberlist: A final question, Mr. Chairman, I would like to put to Mr. Gibson. Mr. Gibson, in the past you have expressed the opinion that hotel accommodations are inadequate for increasing tourist traffic to the Yukon. The stage has now come, Mr. Gibson, where we might have a saturation of accommodation for those periods then that, where tourist travel is mostly predominant; that is during the summer months. Are you intending to continue to press for all means to make available the facilities of the Yukon, not only Whitehorse, but the facilities of the Yukon to all agencies across Canada and the rest of North America, keeping in view the purpose that the tourist industry is a prime industry because I ask the question of you, Mr. Gibson, because it appears to me that the concentration of your Department is on the summer facilities that are available and the summer that are available certainly do not cover the operating overhead of those plants required to be operated all the year round. Now, would you say, Mr. Gibson, or could you say, Mr. Gibson, that your Department is working equally as hard to obtain people to come along to visit the Yukon in other months other than the summer months.

SESSIONAL
PAPER #28

Mr. Gibson: The only answer I can give to that question would be to say that we have been marking time in promoting the facilities, say by the Yukon Territory and some of its communities. As far as year-round travel is concerned we have been concentrating on the summer months because I think it is generally accepted you cultivate the field that is producing the crop. We have also been marking time until the number of hotel-motel units has increased to the point where we could conceivably invite conferences of such a size that they would be of some value to us. I am happy to say that developments throughout the Territory and particularly in the City of Whitehorse have been moving along very very nicely during the past two years and I think that we should begin giving greater attention to the possibility of attracting some of this off-season or winter-time business. Until now we have been concentrating on the summer business because it has been there and it has been ready for the asking and it has been valuable to us.

Mr. Chamberlist: Thank you Mr. Chairman. In finality, Mr. Chairman I think it must be recognized that tourism is indeed a large-scale industry and I think that we in the Yukon must benefit from it as much as possible. It has been intelligently stated that the travel trade actually describes an industry of communication and personal mobility and this in fact is true because it's the mobility of being able to show people where they can move to and what they can see that is going to bring lots of dollars to us. I support the tourist industry in every way possible but at times though I get a little bit upset at half-hearted attempts to fulfill the needs of the tourist industry for the Yukon in the off-season - as Mr. Gibson has put it, in the off-season times. The time must come along when we have no off-season; when the whole year in the Yukon is a tourist season. The benefits to the community can be examined in depth and I am sure that everybody will find that it is of great benefit both financially and also because of the added morale that comes from having people visit us. I would ask that this Committee recognize that the tourist industry is one of our major industries and that if any future request for the support of the tourist industry does come to this Committee or to the Territorial Council, that support should be given to it.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, several questions relating to tourism that I brought to the attention of this House on several occasions, especially during my six years previously on Council, and I know that the various government administrations cannot follow to the letter those things that we do individually suggest; however two significant areas do puzzle me as to why something more has not been done. One is the question of more effort to cultivate tourist traffic from Alaska into the Yukon Territory. Now I've suggested the question related to the entry of air craft into the Yukon Territory on many an occasion whereby the Territorial government and perhaps, or certainly the Federal government interested in air ports would do something concrete about making it possible for the number of air craft that we have had for a number of years of years around us, especially

Mr. Livesey continues..

around the Anchorage area I think there are around 3,000 aircraft, who could possibly come to the Yukon during the week-ends in the summer time, for fishing trips, and other means of bringing their capital wealth into the Territory. A big drawback at the moment is the fact that the aircraft cannot enter the Yukon officially without checking through the Customs here in Whitehorse. You can imagine people from Anchorage who may want to fish in Kluane Lake having to come to Whitehorse to check through the Customs, flying back to Kluane Lake and spending their time fishing there and they flying back to Whitehorse to check out of the Yukon and then from Whitehorse fly out back to Anchorage, Alaska. Now, I have talked to several people about this question of flying hither and yone from Alaska into the Yukon and I haven't found one Alaskan individual who owns an aircraft that is interested in making all these hops, skips and jumps just to get into the fishing business in the Yukon Territory and have a happy time here over a weekend. There just isn't enough time for this sort of thing to go on, irrespective of the costs. I brought this up on several occasions. I don't appear to have made much headway and Mr. Chairman, I think this is a necessary approach. Now when we're thinking about Alaskan tourists really in the statistics here all we are talking about are, I think in general, the people who enter Alaska during the summer time and naturally those who go in usually come out and they become Alaskan tourists but this is not the tourist that I am after; I'm looking for some interest in the tourist who lives, resides in Alaska, coming to the Yukon Territory. I think we could do something about this. Now another area also is the fact that we have to recognize that the Alaskan government has done something to help itself towards bringing in United States citizens into Alaska as tourists; the Alaska highway was the only method. They found this quite unsatisfactory. They are just as much disgusted with the dust and the chuck-holes as we are but of course they are not interested in just standing there and doing nothing so they set up this Alaska ferry system; and this system of course is bringing in a tremendous number of people into Alaska, and I respectfully submit, Mr. Chairman, that part of this is our own fault. The very fact that these people don't travel through Canada and spend their money in Canada is precisely our fault. We have done nothing as a country towards making that Alaska highway suitable for people who are used to driving on black-top highways. We just haven't done anything about it and as a result they are looking more and more and bigger and better ferry facilities and the more they look towards these bigger and better ferry facilities the less traffic we are going to get. And I think we have to face it - it is just something we have to face and something should be done Mr. Chairman about putting the proper pressure in the right places to get the Alaska Highway in proper condition so that we can attract the tourists to spend their money in Canada all the way from, especially around Osoyoos to 1221 on the Alaska Highway and I submit Mr. Chairman, that they are going to spend a lot more money travelling from Osoyoos to Mile 1221 than they are travelling from Haines Alaska to Mile 1221. Surely we should be able to see the difference in the amount of money that can be expended here by an individual, by a traveller through Canada. Thank you Mr. Chairman.

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Mr. Dumas: Mr. Chairman, can Mr. Gibson tell me who is on the Yukon Tourist Advisory Council?

Mr. Gibson: The Territorial Council last year was asked to select representatives from their constituencies to serve on the Council. Attempting to name them from memory now: in Dawson City, there is Mr. George Shaw; in Watson Lake there is Mr. Jack Thibadeau; in Mayo there was John Boyce but by reason of his proposed departure from the Territory Mrs. Gordon and I had discussed other possible delegates; from Carmacks-Kluane there was Mr. John Moser of Haines Junction; from the Whitehorse constituency Mr. A. Hunter of the Kopper King, Miss Victoria Falconer from the Chamber of Commerce and Mr. James Gentleman of the Canada Pension Plan.

Mr. Dumas: Mr. Chairman, I'd like to know how often these people meet and do they serve any purpose?

Mr. Gibson: The first meeting of the Advisory Council was held on the 27th of September last. The Chairman, selected by the group, has suggested the second meeting for February 6th and 7th next. The first meeting merely gave the group an opportunity to become organized, select a chairman, discuss the number and wide variety of subjects that require attention and now they are planning to have a two day session on February 6th and 7th.

Mr. Dumas: Mr. Chairman, has there been laid down as to how long this group remain as is; I'm wondering about re-appointments. Does the group stay the same indefinitely until these people die or go away or what?

Mr. Gibson: This question hasn't been discussed specifically though it has been suggested that Council could operate most efficiently if there was a continuing membership rather than have different people each year. If you lose the continuity then you lose a great deal in the operation of the group. It has not been suggested what the maximum term of service might be except for the Chairman who would serve for one year and then be appointed from within their group to be replaced. No, there has been no set term of office for these delegates.

Mr. Chamberlist: Do I understand Mr. Gibson that the first meeting was September 27th.

Mr. Gibson: Yes, the 27th.

Mr. Gibson: After the new Council were elected; that's after the new Council were elected but the appointments were made by the previous Council.

Mr. Gibson: That is correct.

Mr. Chairman: Councillor Chamberlist, would you take the Chair?

Mr. Taylor: Just before the noon hour I did want to say, Mr. Chairman, a few words on this subject because I think in all honesty and all sincerity they must be said. We have, or I have listened this morning with interest to comments of Members who seemed to feel that we are not getting the best

Mr. Taylor continues.

in certain directions out of our Department, or I get that idea and that more must be done, more must be done and more must be done. Well, to some extent I can agree. But, I think we are getting number one benefit out of what we are spending on travel and publicity at this point and time. I think it must be recognized by all people in hotels, on the Highway, in shops and stores that cater to tourists; all people in these businesses must recognize that they have a responsibility too; both to their Territory and to their business, and that is to get out and advertise themselves and assist the Department of Travel and Publicity - put out brochures because this question came up with the outfitters and they were going along and complaining bitterly that the Game Department wasn't going out and advertising their hunting parties. Well this isn't just a one way street, it is up to the people to advertise. Otherwise they have no real purpose in being in business and expecting to get this type of business and I think that that should be made abundantly clear that every business man who wants a chunk of the tourist dollar has got to get out and advertise and he's got to assist the Department. I admit that from time to time there are criticisms and I level off the odd one myself when I feel it is justified but I feel that there should be very little criticism in this particular field of endeavour; especially by those who are in business. Secondly, in relation to convention cities, Whitehorse is a good point, spot for a convention city but I feel that first of all this is a city responsibility; the City itself should decide whether it indeed wishes to become a convention city and if so then it must get out and get a drive up and then come to the Territorial Department of Travel and Publicity and say look, here we have gone this far and we are going to make this a convention city; we can accommodate so many people. Would you help us. That's the way these things go. We don't go and tell the City, well we are going to make you a convention city. I just wanted to make these points; I think they should be stated and should be understood and in all fairness and that is why I get up and make them. Thank you. I will resume the Chair.

Mr. Dumas: Mr. Chairman, just briefly, I would like to state that from my personal point of view I think that the Department of Travel and Publicity has been doing a tremendous job here and it was only a few years ago that except for a couple of weeks in summer and I do mean a couple of weeks you could find a room anywhere in this town.... and the situation has changed drastically. I think it is largely due to the Department of Travel and Publicity that this is so. I think the innovation of Yukon Bud Fisher is a tremendous - was a tremendously fine move when one considers the return that we get on the dollar we invested in this innovation - Yukon Bud - I have seen Yukon Bud on outside TV, on national TV, on American TV and on radios and the literally hundreds of thousands of dollars of advertising that we get out of Yukon Bud makes it more than worthwhile. I would like at this time to take the opportunity of congratulating Mr. Gibson on the fine job that I feel he is doing.

Mr. Chairman: Is there anything further at this time.

SESSIONAL PAPER #28 Mr. McKinnon: Mr. Chairman, before Committee recesses I would like this Committee to go on record as giving a real hearty vote of thanks to Mrs. Shirley Jensen of Mr. Gibson's Publicity Department for the fine way in which she and her staff conducted the Expo Pavilion and I would also like to commend Mr. Gibson's Department for the work that they put into the Expo pavilion.

All: Hear, hear, hear!

Mr. Chairman: Gentlemen, have you anything further on this? Or do you wish Mr. Gibson back after lunch.

Mr. Shaw: Well, I have a question.

Mr. Chairman: Would this take too much time, Mr. Shaw?

Mr. Shaw: Not too much time, no.

Mr. Chairman: Please proceed.

GASLIGHT
FOLLIES

Mr. Shaw: Mr. Chairman, this is in relation to a question which was asked me by the Honourable Member from Whitehorse North and Whitehorse East and I think they had a very good question and I regret that I was not able to answer the question adequately. This was in relation to a report that came over the C.B.C. last night. In relation to a decision made, supposedly made by the K.V.A., the Director of Travel and Publicity was attending this particular meeting yesterday I think it was, and with your permission, Mr. Chairman, I would like him to perhaps enlarge on it and perhaps supply the answers I was not able to this morning.

Mr. Chairman: I am wondering, gentlemen, in view of the fact that it appears that this is going to go on and on and on, possibly with your concurrence, Mr. Gibson, would return at two o'clock.

Mr. Dumas: Mr. Chairman, I thought we had agreed to meet in caucus at two o'clock.

Mr. Chairman: If it is your wish to proceed.

Mr. Gibson: Mr. Chairman, in the interests of moving it along I will be as brief as possible. I assume that Councillor Shaw is referring to the question about the possibility of showing the Gaslight Follies in Whitehorse. This question was raised last year. Several people approached Mr. Commissioner to see what possibility there might be to have the showing not only in Whitehorse but at Watson Lake and as far as I know, other communities as well. The Commissioner asked me to investigate the possibility and the answer is simply this: after being in touch with the producers I find that we have both a logistic and economic problem. First of all would it be intended that the Gaslight Follies should show in other communities prior to going to Dawson City, or should it be shown, let us say, in Whitehorse the day after it left Dawson City. The problem of publicizing or promoting this show creates a problem immediately. If it is shown prior to the Dawson City appearance then you already have shown it to a good many people in the Yukon Territory the show that is being used

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Mr. Gibson continues.

as one of the main attractions to Dawson City during the summer. But even more important is the fact that a one night showing in the City of Whitehorse would involve a contract of \$2800. It would then be necessary to locate some sponsoring organization in the City of Whitehorse who would be prepared to enter into a contract to present this show for one night at a basic cost of \$2800 and I think that you will agree with me that from there the entire suggestion fell to pieces.

Mr. McKinnon: How much is the production of the show to the K.V.A. for the whole of the six weeks that they appear in Dawson City?

Mr. Gibson: The contract this year, as announced on the radio last night, will be \$17,500.00.

Mr. McKinnon: For a six week run, and if they appear for one night in Whitehorse the contract is \$2800.00.

Mr. Gibson: \$2800.00.

Mr. Shaw: This is quite a lot more complicated than it may appear on the surface but these people belong to the what is it called, the Actors' Guild and when they appear on short-term deals the rate goes up accordingly and this is what they are demanding as their share. Now, I'll go a little further Mr. Chairman, to be more explicit. This particular group are desiring to build this up to a stage - they are selling their talents. They want to appear all over this Yukon if possible and have intimated, we'll say, that the government could sponsor this in the same manner as what the government sponsors these same people in Barkerville. They were also wishing to extend and go into Fairbanks or Anchorage and put on this show. So you become so involved that, you start a program like this and you don't know where you are going to finish. This Klondike Business Association is a very small group that are working extremely hard to try and get this thing operating and so one of the reasons are they can only extend so far. That's as far as they have gone now. If somebody wants to put up the money for these people I would say that these people would be prepared to act in the middle of Kluane Lake if you pay them for it. These people, as I pointed out, are selling their talents and for that they want these dollar bills and I think as the Directors pointed out that apparently is their price for one show; one spot deal deal in Whitehorse. I don't think that was fabricated out of thin air.

Mr. Chairman: I think a few of the members have indicated a desire to continue the discussion. We do have to come back at two and with your concurrence we'll resume this at two o'clock. Will this be ...

Mr. Livesey: I just have a short statement, Mr. Chairman.

Mr. Chairman: Well, it seems that everybody has short statements but it is already ten past twelve. Councillor Livesey, proceed.

SESSIONAL PAPER #28. Mr. Livesey: Mr. Chairman, I don't want anyone to think that I am making statements for any other reason but to clarify what has been said this morning. And I notice the Honourable Member from Watson Lake felt that the Business men on the Alaska Highway should do more. I would submit respectfully, Mr. Chairman, that this is certainly a very good suggestion but, knowing every one of them as I do, I would also respectfully suggest that despite all the good reasons that we may apply to the money spent on Expo in Eastern Canada, that the general indication is a loss of business for the business man on the Alaska Highway. Now, as I say I know them all in my area and their general feeling is that although in the future this may or may not bring superabundance, temporarily and at the present time they certainly do not feel this way because the cash register didn't ring that figure; in fact it went down. We have to face this fact. Another thing is, that I feel, that if you are going to encourage business men on the Alaska Highway to operate; you have to treat them all the same. I won't mention any names but I can assure you that one business man on the Alaska Highway last summer, despite the road dust program, had every item of his goods saturated in dust from May right through to October and I would suggest to you that this was not encouragement. It certainly is not encouragement to him to expand or to proceed with greater sale or progress and this I feel is not something we can overlook and I merely bring this to your attention, attention of the Committee, Mr. Chairman, so that we will be looking at all aspects of the spectrum so that we will be utilizing all our efforts to get precisely everything we can from tourism. Thank you Mr. Chairman.

Mr. Chairman: Anything further, or any further requirement for Mr. Gibson at this time.

Mr. Dumas: No.

Mr. Chairman: May he then be excused. Have you anything further on this paper. Well, then I shall declare Committee.

Mr. Shaw: Just a minute.

Mr. Chairman: Mr. Gibson will kindly remain. I believe Mr. Shaw has a question.

Mr. Shaw: I haven't a question. I just want to make a statement, Mr. Chairman. I was advised the other day and I haven't really got to check it out but our tourist industry has been down for this year but I understand that Edmonton's has gone up by 65% this last year and I would say that it was due to the direct nefarious exploitation of the term Klondike.

Mr. Chairman: Very good gentlemen, and for this time, and finally I declare this Committee in recess until two o'clock..

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Thursday, December 7, 1967.

2:00 o'clock p.m.

Mr. Chairman: At this time I will call Committee to order, and several Members of Committee have expressed to me the request that at two o'clock we hold caucus on a matter of some importance. Would Committee agree to this?

All: Agreed.

Mr. Chairman: I will, therefore, declare Committee in further recess until three o'clock.

RECESS

Mr. Chairman: At this time I will call Committee back to order. SESSIONAL
The first sessional Paper we have before us is Sessional Paper No. 63, PAPER #63
and I believe this was Councillor Livesey's question.

Mr. Livesey: Yes, Mr. Chairman. On this sessional paper, Question No. 19, raised on Tuesday, the 28th of November....the question was, "What steps may be taken to protect Customs and Immigration Officers from the rough handling of loaded firearms at Border Checking Stations by Highway travellers?" And the answer was, "When tourists fail to exercise ordinary caution in handling firearms it does, of course, cause anxious moments for Customs officers dealing with them. The officers are, however, in their own interest, expected to voice warnings beforehand in this matter, thereby attempting to ensure safe handling when the arms are presented for examination, documentation and sealing. Though this be done, thereby minimizing risk in the majority of cases, it nevertheless exists and must be regarded as an occupational hazard." Now, Mr. Chairman, I would go a little further than this, and, as you know, I am in no way a legal expert or an expert on the Criminal Code, but what I gather from the Criminal Code is that no Canadian citizen, in fact, no one, from my understanding, may carry an unregistered firearm in Canada, and when I'm thinking of the word firearm, I'm interpreting that to mean a shortarm, in other words, a pistol or revolver, and it seems to me that there's a form of discrepancy created here between the Canadian citizen and the person entering the country here for the purpose of travelling through it, say from Alaska to the United States via the Yukon and other provinces in the Dominion. We have, as you know, for quite some time had our Customs Office located at Mile 1202 on the Alaska Highway. When I first came to the country, it was up at Mile 1206, then it was moved to 1202, and awaiting the United States' decision to move their Customs Office from Tok, Alaska to the border in order that both Customs may be on the border we found this was much too long a wait and in the meantime, there being no proper water facilities at the border, no place for the school children to get their education, the Customs Office was moved twenty-one miles inland to 1202. Now, the situation is this that, for instance, American people consider it their right to be able to pack a pistol or a revolver, and they enter the country at Mile 1221, and they travel inside Canada twenty-one miles. In the meantime, they can be in this twenty-one mile area for anything up to twenty-four hours and maybe longer, and before they have checked through the Customs, they may have an unloaded pistol or revolver or they may have a loaded one, and in some instances I understand that when these travellers are asked to produce their revolvers for sealing, they're slapped on the counter in a rough manner with the barrel pointed at our Customs officer, and when they open up the chamber, it's loaded. I think this is a mighty dangerous situation, and personally, Mr. Chairman, I think something should be done about it

Small arms?

SESSIONAL Mr. Livesey continued:

PAPER #63 otherwise than regarding it as an occupational hazard. I personally feel, and I could of course be questioned on my thinking with regard to the legal aspect, but it seems to me twenty-one miles inside Canada is in Canada. If I cannot carry a loaded firearm and an unregistered firearm within that period then I don't feel, personally, as a citizen of this country, that anyone else should. I feel, Mr. Chairman, that something more should be done about it than merely considering it as an occupational hazard. I think our officers are entitled to better protection than this. Thank you, Mr. Chairman.

Mr. Chairman: Is there further discussion on this paper?

Mr. Shaw: Mr. Chairman, might I ask the Honourable Member from Carmacks-Kluane if he would have any suggestions in the matter that would prevent the situation so that it will not be an occupational hazard?

Mr. Livesey: Well, Mr. Chairman, what used to happen was this, especially when the Customs Office was at the border....at Mile 1221, the people were sent back to Mat Grayhicks or Scotty Greg.... I think it was Mat Grayhicks used to handle it, and they weren't allow to carry their revolver through the country either sealed or unsealed. It was shipped to the United States by parcel post or air parcel post or what have you from the first stopping place on the other side in Alaska, and personally, Mr. Chairman, I feel that perhaps this could be revised again as far as thinking is concerned so that they are warned when they cross the border that no revolvers of any description are allowed in Canada and that they should send them to their relatives or friends or so on in the United States by the easiest means. This could be one way out of it. However, I think we have a good many people in the Dominion who are interested in justice and interested in the exact requirements created in the Criminal Code which is a Federal act of Parliament, and surely these gentlemen will have some suggestions as well.

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

Mr. Chamberlist: Yes.

Mr. Taylor: Mr. Chairman, I can't agree. I have always been a firm believer that the person who carries or owns or possesses a revolver, possesses it, generally, for very good reasons. There are some of the criminal elements in society, of course, that do not respect this privilege but for people travelling from Alaska to the United States, many of them do, indeed, have revolvers and as long as they're prepared to submit them for sealing or plugging, or whatever is done, and accounting for them as they come through Canada, I can see no reason why they should not be permitted to do this. You might say, that pretty soon if they have an axe in the car, we'd better make sure that's shielded, and you could carry this thing on to any length. Certainly, in an aircraft, for instance, this equipment is generally taken on every airplane....there is a firearm, and if they run into difficulty they have a survival weapon and this type of thing, and I certainly would not lend my voice to those who may try to place a restriction on a person carrying a possession, be it a form of a revolver or a rifle or a knife or an axe or almost anything through Canada. I just want to make that clear. I couldn't lend my voice to this. If there is a problem at the Customs with people laying these things on the counter and possibly discharging themselves and shooting somebody, I think I would agree with this paper that it is, indeed, an occupational hazard and possibly these places could be signed to make people aware of the fact that if they do possess firearms and wish to have them cleared, that they handle them very carefully. Thank you. I will resume the Chair.

Mr. Chamberlist: Mr. Chairman, I think the matter could be simply resolved. We shouldn't get involved too deeply into it, but what should be done, I think, is that every vehicle...every firearm that comes into Canada should be registered, and once it is in it should be sealed while it is in Canada. I think this would overcome the whole situation. Registration of all firearms and sealing of firearms until such time as the owner takes it out of the country again. Perhaps Mr. Legal Adviser can tell us if there's any possible way where a request that this be done be made to the Federal Government for passing over to the various Customs Offices across Canada.

Mr. Dumas: It is my belief that this is done right now, Mr. Chairman, but I do go along with the idea of posting a sign at both ends of the Yukon or all three entrances of the Yukon that guns are not allowed, of any type, unless they are sealed and registered.

Mr. Livesey: Mr. Chairman, I'd like to read from section 90 of the Criminal Code, and it reads, "Subsection (1). Everyone commits an offence who has an unregistered firearm in his dwelling, house or place of business." That's an edict that need no translation. And, subsection (2). Everyone commits an offence who has a firearm elsewhere than in his dwelling, house or place of business unless he has a valid permit in form 42 or form 44 relating to that firearm." That needs no interpretation. "Subsection (3) Everyone who is an occupant of a motor vehicle in which he knows there is a firearm commits an offence unless someone in the motor vehicle has a valid permit in form 42 or form 44 relating to that firearm, but no person shall be convicted of an offence under the subsection where he establishes that he did not know that no occupant of the motor vehicle had a valid permit relating to that firearm and that he took reasonable steps to discover whether any occupant of the motor vehicle had such a permit," and so on. Now, it seems to me, Mr. Chairman, that....I think the law is clear....that no one in Canada can carry a firearm unless he has a permit under form 42 or form 44, and I'm quite sure that in the first twenty-one miles in Canada that those people have no such permit.

Mr. Legal Adviser: Mr. Chairman, there are two separate questions raised in the discussion. One is the very obvious question that people, apparently, from time to time, are in the habit of presenting for inspection by Customs a firearm which may or may not be loaded, but which, in any event, frightens the Customs officer if the firearm is presented facing towards the Customs officer's stomach because the Customs officer at that stage doesn't know whether or not it's loaded. Now, as the Honourable Member said, the only real cure for this is to put the Customs officer on the exact border and then post a notice saying that every person presenting a firearm for inspection must present it unloaded. Now, I think enough was said to show that it has been deemed proper to move the Customs Office twenty miles from the border and, therefore, if that was done, it was done for a proper reason and in ease of the Customs officers themselves, so I can't see how they can complain about any difficulty or whether we should complain about the difficulty of having a twenty mile stretch along with which people do not have to have permits. Now, we don't amend the Criminal Code, nor do we, as a House, deal with Customs. I think properly speaking this should be a matter for a Customs Regulations to say, and notice to inform the public that it is an offence to present a firearms for inspection or a request for a permit which is loaded, and then carry it on and say that any firearm which is presented in a loaded condition is liable to be confiscated, and both of these functions would be for the Government of Canada other than the Territorial Government. But, we could draw their attention to it, I suppose.

SESSIONAL PAPER #63 Mr. Dumas: I'd like to point out, to deal with what the Councillor from Carmacks-Kluane has said, that a person coming from Alaska to Dawson City could be in Canada for sixty miles before they have a permit or a licence or a seal on their gun, and if we go along with this thinking that we should establish out-posts at the border, we are really going to banish some poor Customs officer to the wilderness if we have him at the beginning of the sixty mile route.

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

Mr. Livesey: This is where they were, Mr. Chairman, for quite some time, I believe...right on the border. They did later move them to Dawson, but they definitely were on the border for quite some time. I do agree that it is a lonely place but this is beside the point. What I'm trying to understand is, how can I stand next to a person who is not a citizen, beyond the Customs Office...between the Customs Office in Canada and the border. He stands there with two loaded lugers across his hips, loaded, full barrel...I'm standing next to him...I can't do it and he can. This is what I'm talking about.

Mr. Chairman: Well, is there anything further to this sessional paper here.

Mr. Shaw: Mr. Chairman, I think Councillor Livesey has brought up a very good point insofar as the safety of these officers is concerned, and perhaps a motion to request that the Immigration Department take cognizance to this fact, might be very much in order. I do agree with Councillor Taylor when he says that they carry these guns for a reason. There's only one reason you carry a gun for and that's to shoot it.

Mr. Chamberlist: I think, Mr. Chairman, the added thought should be that the protection should not only be given to the Customs officers, but by the exclamation and the example that was given by Councillor Livesey that protection should be given to Councillor Livesey, too.

SESSIONAL PAPER #64 Mr. Chairman: Are we clear? The next paper is Sessional Paper No. 64, gentlemen, in relation to Snag and Aishihik Airports. I believe this was Councillor Livesey's as well.

Mr. Livesey: Mr. Chairman, I know one of my Honourable Colleagues... he doesn't like to go back in history, and I'm often reminded by him that I shouldn't talk about what has gone on before. I agree that the philosophy of this type of thinking is fairly sound in a good many instances, but, however, to draw comparisons one certainly can't talk about one side of the picture...one has to talk about both sides, and the situation here, as far as the Snag and Aishihik airports are concerned there's a lot involved in the closing down of both these airports. And my question on Sessional Paper No. 64, of course, is mainly concerned with the questions of who owns the buildings, what can be done with them, can we attach ourselves to certain matters that are there or the certain things that are there for purposes beneficial to local communities. One is, of course, in another question that I could raise about the Snag airport closing down was, of course, they have a fire bell up there which we could use in the community of Beaver Creek as, at the moment, we can hear the fire alarm siren go in the D.P.W. camp but we don't hear it anywhere else. I believe the Administration though, to be quite fair about it, is certainly working on this aspect. However, there's a question of the buildings. They're still sitting there and I certainly wanted to know, Mr. Chairman, just who they did belong to and how we could get perhaps the materials that were there if they were going to be up for sale, and so on, as we're talking about in

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Mr. Livesey continued:

SESSIONAL
PAPER #64

Sessional Paper No. 64 and the same point attaches itself to the airport at Aishihik. However, there was, in the question of Aishihik, another involved question as to the possible suggestion, or perhaps it was a rumor, that the Arctic Research Institute was going to use these building at the Aishihik airport. And we have various information supplied to us in paragraphs one to six. There is, of course, another question involved and I brought this up this morning to a certain extent with regard to the question of tourism. Now, when the Snag and Aishihik airports were closed down, my thinking at that time was that the Department of Transport would take an interest in building an airport at Beaver Creek, and one of the reason for this, of course, was to make it possible for Customs officers to check aircraft from Alaska into Canada and out of Canada at that point so they wouldn't have to come to Whitehorse. Well, I raised this a number of years ago also, and I still haven't got any further with it than the Honourable Member for Dawson and the airport at Old Crow. I think this would be a sensible move. I think what we should be doing here is trying to encourage the people of Alaska just as much to come to the Yukon as we are attempting to bring the people in the United States into the Yukon from the southern border. I think these things are equal. I don't think one is more beneficial than the other as long as they bring capital and the economy rises from the entrance of these people into the Yukon. We should work on both areas. I don't think we're doing enough from the Alaska side to bring these people in. The airport was surveyed and then, I understand, that it was turned down by this Administration some time ago, and since that time a private person has cleared....first he cleared, I think, it was around 1,600 feet and I think we have something like 3,000 feet there right now, cleared by a private person towards trying to make an airport at Beaver Creek which would serve, not only for the purpose of helping fishermen to fly in from Anchorage to Beaver Creek then to Kluane Lake and Kathleen Lake and all these other areas without having to actually come to Whitehorse to check through the Customs. But, if this airport were properly worked on by the Department of Transport and perhaps assistance from the Territorial Government, would supply an area whereby the people who were very ill....sick, and people who had become involved in an accident would use aircraft so that they could be brought to Whitehorse and to our general hospital here. I think it is not very far-sighted to leave a situation like this where a private person can do more, obviously, than government. When government cannot do what private people do, I think there's something wrong, and this is one of the points I'd like to lay before Committee, Mr. Chairman.

Mr. Chairman: Mr. Chamberlist, would you take the Chair.

Mr. Chamberlist: Yes.

Mr. Taylor: I'll tell you one thing the government seems to be able to do that the people can't is tax, Mr. Chairman, but in relation to the Aishihik Airport, at the spring session of Council, the matter was raised in Sessional Paper No. 130....the last spring session of Council. In that sessional paper, it was pointed out to the Council of that day that these airports should not go to waste and left in ruin, and this refers in particular to the Aishihik airport. It was also pointed out that many research groups from universities throughout Canada and the United States and, indeed, from other countries could put this airport and its facilities to good work, more particularly during the summer season. And, it was felt that the Territorial Government may wish to buy this from the D.O.T. I don't know what arrangements were made or how it finally wound up. And, then the Yukon Research and Development Institute indicated their desire to more or less spear-head this thing, and the net result of it was that the Council agreed that this, indeed, should

SESSIONAL Mr. Taylor continued:

PAPER #64 be done as expeditiously as possible and that we attempt to maintain the Aishihik airport for this particular reason, and that is to service those people, shall we say visiting in the area....fishing and hunting, and mining and prospecting, but basically for these research groups, and I believe the Yukon Forest Service were also quite interested in maintaining a cache and an out-of-season warden in that area, and it was felt that the research group who came to use the function would look after it and pay for it and see that the buildings were kept up and this type of thing. I really think that that is the answer. Now, what happens to Snag, I don't really know, but I think the future of the Aishihik airport has been well decided, and I certainly wouldn't want to see any change in that, if there's any contemplated.

Mr. Chairman: Any further discussion?

Mr. Taylor: Thank you, Councillor Chamberlist.

Mr. Taylor resumes Chair.

Mr. Chairman: The next sessional paper is Sessional Paper No. 65 on welfare. This is Councillor Livesey's.

Mr. Livesey: I wonder, Mr. Chairman, if I could defer this one until tomorrow in order to get further information?

Mr. Chairman: Agreed?

All: Agreed.

SESSIONAL Mr. Chairman: The matter is deferred. The next Sessional Paper is PAPER #66 No. 66....availability of land. Councillor McKinnon.

Mr. Dumas: Mr. Chairman, I would like to know if Mr. Commissioner can tell me how many lots are available right now for purchase in the Porter Creek area, if there are any.

Mr. Commissioner: Mr. Chairman, I would have to check with the Lands Office and I can do this in just a minute or two. I think this was dated November the fifteenth here. I can check with the Lands Office and give you that information in just a moment.

Mr. Chairman: Do you wish this paper stood over?

Mr. Dumas: Mr. Chairman, just before the Commissioner leaves, can I find out then, or he may know now, if the plan in Porter Creek is such that as soon as all the lots that you have today are sold there are more lots to go out tomorrow or within a week so that development is not stifled. Is this, in fact, the case? It seems to be over the last few months.

Mr. Commissioner: Well, we endeavour to maintain this, Mr. Chairman, but it isn't always possible to do this. Particularly, I do believe we found the ground conditions in some of the area that was anticipated or had already been surveyed was sitting on practically solid rock, and I think that this had a bit of a detrimental effect on the availability of property. But, the general idea in Porter Creek is to do this, and to the best of my knowledge we have been recently successful in maintaining this situation, and also too, Mr. Chairman, we are doing our utmost in Porter Creek to see that the lots that we do make available are within the perimeters of the water system to service these lots if we possibly can because we're hopeful that once the water system is turned on over there that we would be able to extricate ourselves from the water delivery business. Now, I

Mr. Commissioner continued:
realize this might not be entirely possible but this is what we're
endeavouring to do.

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Mr. Chairman: Councillor Dumas, did you have a further question?

Mr. Dumas: Well, I'm back out into one of my favourite parts of
the Yukon....Carcross. I've asked about this before and I ask again.
Is there any possibility in the next year or two that some private
person that wants to buy property and own it will be able to.

Mr. Commissioner: Mr. Chairman, if there is a more complicated
situation, insofar as property is concerned, on the face of the earth..
maybe in the heart of the City of London....I don't know, but Carcross
pretty nearly takes the championship. As I reported to Council approx-
imately a week ago, I cannot give any finalized answer to this but I
would say that every effort is being made to bring this condition
about and we are hopeful of success in the reasonably near future,
but I would not care to go beyond that.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Commissioner would
tell me what lots are available in the Hillcrest and Valleyview
area. I notice that the Honourable Member from Whitehorse West is
very concerned about my area in Carcross so I would like to ask a
question relative to his area at Valleyview and Hillcrest. That's
all right. I just wish to point out that the concern felt for my
taking care of my constituency by the Honourable Member for White-
horse West touches me deeply and I want to assure him that I'm
taking good care of those areas that I am concerned with. Thank
you for your help. Now, Mr. Commissioner, I wonder if you could
give an explanation of what is meant by reserve of the land area.
It shows different lots in the various subdivisions, so if we could
have an explanation as to why.

Mr. Commissioner: Mr. Chairman, each one of these would have to
have a separate explanation. In some instances, we have had to take
lots out of the normal distribution pattern for various reasons.
Sometimes we find it is necessary to reserve them for, say, a sewer
and water installation such as a storage tank. There are others
where we have had to take them out of distribution due to the contour
of the land. They are impractical to sell for people to build on.
In some instances, we have reserved them for Federal or Territorial
building purposes....schools....things of this nature. I would say
that practically every one of these has an individual answer to it,
Mr. Chairman. There isn't a blanket answer for every one of them,
and I can assure you that we have had a very comprehensive review
in recent weeks of land that is held out of distribution in the
various Territorial subdivisions and in the City of Whitehorse in
the name of the Federal or Territorial Government, and wherever
possible we are releasing these and putting them up for sale. Now,
we haven't met with 100% success on this but I want you to know....
I think I can safely say that in Porter Creek, I think we were quite
successful in getting a considerable number of lots released out
there that had been reserved for possible Territorial uses. Here
in the City of Whitehorse, we have been able to get several lots
released on the same basis. To give you an example of what we're
talking about....what's reserved....in Riverdale you'll see that
there are two lots reserved. Now, I can give you the answer to both
of those. One of them is a lot where the City of Whitehorse water
main comes down. Now, we can't sell this but we're endeavouring to
get the City of Whitehorse to take this lot over for maintenance
purposes. We have one other one that is on a potential reserve for
a power sub-station, very close to the end of the present surveyed
area.

SESSIONAL PAPER #66 Mr. Dumas: Mr. Chairman, I would like, for the edification of the Honourable Member for Whitehorse East, to reply to one of his questions. There are no lots available at present in Hillcrest but I understand there will be several, a hundred or so, coming up within a year. If any of the fine people of Carcross, my home town, wish to come and build on them, we'd be glad to have them.

Mr. Commissioner: Mr. Chairman, I would advise that right today there are four lots available for sale in Porter Creek where access is presently provided.

Mr. Chamberlist: I'm sure Councillor Dumas will be interested in that information. He can put them up for sale. In Riverdale, you say there are thirty-two lots as of November the fifteenth that are still available for sale.

Mr. Commissioner: Yes.

Mr. Chamberlist: Does this refer to Riverdale subdivision? I was under the impression that when we're dealing with subdivisions, we're dealing with subdivisions on the outside of municipalities. Why would this particular one be listed within the subdivision list? It shows Riverdale, Mr. Chairman, and Riverdale is within the City limits. How would this be....

Mr. Commissioner: Well, if the sale of the property...until it is sold to its first owner, it remains in the name of the Crown and is subdivided and ready for sale, but it is handled through the Lands Office...the property in Riverdale, although it is within the City limits...in its initial stage. But, after its first owner, of course, it's another matter.

Mr. Chamberlist: Following that question, Mr. Chairman, does this same thing apply to Lot 19 in that case. What lots are available within there?

Mr. Commissioner: No, I think this fell into a little bit different category because the Territorial Government purchased outright from the original owner the property at Lot 19 and that portion of it that was practical to subdivide was subdivided and sold.

Mr. Chamberlist: Mr. Chairman, am I to understand Mr. Commissioner that all the lots in Lot 19 have been sold?

Mr. Commissioner: To the very best of my knowledge, yes. Several days ago, I believe, there was possibly two lots. Perhaps Mr. Clerk will check with the Lands Office. Now, this is out of sixty-two or sixty-four lots that were serviced with sewer and water here during the last construction season.

Mr. Chamberlist: Now, the question that was asked, Mr. Chairman, ...the motion on it...was that the Administration advise Council what land is now available and what land will be available in the Territorial subdivisions in 1968. Now, to come back to Riverdale, Mr. Commissioner, I note that you have made available...that there are thirty-two lots, but the question related to land. Now, I wonder if Mr. Commissioner would expand as to whether that land within the metropolitan area to be used for the purposes of industrial or residential development is available. The question that has been asked, has not been answered, with respect, it has been only partly answered. I wonder if Mr. Commissioner could answer the rest of the question?

Mr. Commissioner: Mr. Chairman, I don't know....I realize that in SESSIONAL answering some of these questions, maybe we're not the sharpest in PAPER #66 the world, but in the last column here it says, "The number of lots which may be made available in 1968 by survey or construction of access roads..." and in Riverdale it says fifty-eight.

Mr. Chamberlist: Mr. Chairman, you're still speaking in lots. There should be an answer as to acreage. The question that was asked.... again, I repeat, is what land is now available and what land will be available, and I'm suggesting that in view of the questions that have been raised re a commercial project such as a shopping centre, the answer should have come within this Sessional Paper because this was the paper that asked for....clearly, I think....what land is now available and what land will be available. So, I would ask if Mr. Commissioner can finish the answer to the question by saying whether the land that has been requested for availability for the shopping centre will be available early in 1968.

Mr. Commissioner: Well, subject to all the ramifications of the situation, I don't know if there's any particular reason why it won't be, Mr. Chairman. There may be 101 things come up before it becomes available but at the moment, I'm not aware of any of these situations.

Mr. Chairman: At this time I will declare a short recess to accommodate the change in stenographic staff.

RECESS

Thursday, December 7, 1967.
3:30 o'clock p.m.

Mr. Chairman: I will now call Committee to order, and I wonder if Councillor Chamberlist would take the chair a minute? SESSIONAL
PAPER #66

Mr. Chamberlist: Yes.

Mr. Taylor: I would like to dive into the realm of Carcross again for just one minute. This has always been a great subject around the Table and it occurs to me that many strange things have gone on in Carcross in respect of land, and it seems to me that whenever we want to build a school we go and buy the land at great price or swap land or do something with the White Pass and Yukon Route. Now, it seems to me in order to have a townsite in Carcross or to make lots available, there's only two ways that we can do it in relation to the surveyed land there and that is to either buy it from White Pass or have White Pass donate this to the Territory - this land, so that we might be able to develop a townsite there, or the third alternative and that is a question I would like to ask right now - is there any alternate site that we can pick to develop the Territorial sub-division of Carcross, apart from lands held by the White Pass and the Yukon?

Mr. Commissioner: Mr. Chairman, there's approximately 207,000 square miles of the Yukon Territory, the vast majority of which is all suitable for town sites, the only problem being that most of it is unsurveyed and uninhabited and I can assure you that if all other means fail in Carcross, yes, there is land available as alternate sites, but I think it only fair and reasonable to say that it would work a very great hardship on those people who are presently located in the Carcross townsite, and also a considerable cost to the Territorial Government if a location other than the present townsite had to be put into use.

Mr. Taylor: What makes me wonder about this is that the matter of taxation in Carcross - am I right in understanding that White Pass are not paying a tax per lot on an outlying lot basis but have decided to take all the blocks, the whole city block, and make that one lot and then tax \$10.00 or something on that? Is that the way it's done now, or are they paying a tax on each individual lot that they possess?

Mr. Commissioner: Mr. Chairman, it is a fair statement to say that arrangements were made some years ago which Council was appraised of at the time that has permitted a consolidation of land for taxation purposes in the Carcross area. It is not exactly as the Councillor has intimated, but it is very close.

Mr. Taylor: This is the point in talking of land and lots available that bothers me because you give preferential treatment when you do this to a corporation such as the White Pass and Yukon Railroad. In the community of Ross River, for instance, where we have small lots I believe similar in size to the lots at Carcross, it is necessary for a person to buy two lots if he wants to put a sewer and water system in, whether he needs it or not. He's got to buy two lots, and when he buys the two lots he is taxed on those two lots as individual lots, and it seems to me then that we are double taxing the citizen in one sub-division and we're giving a complete town site to another group because it's not required that they pay tax on each individual lot, and I don't think this is fair and I don't think it's equitable and I think it's retarding the development of the sub-division of Carcross.

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Mr. Commissioner: Well, unfortunately what you say when you are relating Ross River to Carcross is correct. However, I say this to you that in areas where we find that sewer and water systems are not going to be installed at the time that surveyed property is opened up for purchase, I feel and would hope to bring about a policy of land disposal that would not require an individual to buy two lots but that until such times as the sub-division was serviced with sewer and water that every second lot would be sold and that those in between would remain in the name of the Crown but for the use of the individuals - say we're talking about lots one and two, for example - lot one would be the lot that he would buy and put to use for his home and lot two would remain vacant and in the name of the Crown for to permit adequate square footage of area so that he would be within the confines of the Territorial regulations with regard to the use of a septic tank and a well or, as the case may be. Then, when the sub-division was serviced with sewer and water the town would have the right at that time to sell lot number two. This is the manner in which it is done in most of the cities in Canada where similar conditions prevail and I think this would be a fair and reasonable method of approaching the situation here in the Yukon where lots are surveyed on an area basis that is less than what is required for a person to have when there is no right to a sewer and water system.

Mr. Taylor: Just one final question and it relates to this situation again at Carcross. I forget, I think there's ten lots to a block or something of this nature, ten or twelve. Now, is it then intended that the White Pass, and I say this at a time when we are being asked to be responsible for raising revenues in the Territory, and I offer this as a suggestion and I think it should be considered - is it then the intention of the administration to ensure that in the coming year these will be taxed on a lot basis rather than on a block basis? In other words, that the White Pass and Yukon trade for the land they hold or set a price on it or sell it or give it up or do something. This is where we should be getting revenue, in my opinion. I would like to know if it will be the intention of the administration in the coming year to tax these people on a lot basis just like everybody else in the Yukon?

Mr. Commissioner: Mr. Chairman, as part of the total package of investigating the land problems at Carcross, this matter has come up and I am looking into the possibilities of reverting to the former system. I don't know whether this is going to be possible or not. These arrangements were made several years ago and the manner in which they were made I am looking into at the moment to see just whether this is an irrevocable situation or whether there is room for maneuverability.

Mr. Dumas: Mr. Chairman, I would like to point out to the Councillor from Watson Lake that most of the property of which he is speaking, the White Pass owned property, consists almost entirely of sand dunes which are at this point of no practical value for sub-division or anything else. They are of value only to we hearty souls who have lived in Carcross before there was any type of development there whatsoever, and the only value they had then and now is asthetic, and one other point about the possibility of moving the town of Carcross somewhere - I would like to mention that Carcross is a derivation of the two words caribou crossing, and if you moved the townsite of Carcross, you have to call it something else because it is no longer near the caribou crossing, which is where the bridge goes over the water and the caribou used to cross, which is reasonable enough.

Mr. Shaw: I remember this situation very well, Mr. Chairman. That was the time when it was agreed that there would be no parcel of property less than \$100.00, and in this orbit came the city of Caribou Crossing. We were requested, Council was, to make an exception in this particular instance because paying so much per lot was just too much money and on top of that this was just a bunch - this was a Sahara Desert we had out there so it wasn't worth anything. Well, Council felt that if someone wished to utilize ground just to have the ground, then they paid for it under those terms that can be suited. Everyone else did. If they didn't want to, they could revert back to the Crown. This happened during a spring session that this decision was made. In other words, we must make it the same for everybody. However, unbeknowns to Council, at some time during the summer some type of regulation or whatever it may be, statute or what have you, permitted a person to make application to, I don't know who, to put the parcel of land into blocks rather than lots. I recollect at the very time that the first matter came up and at the next session I forgot about it, but in a following session I said what about these lots, are we getting the full revenue? Oh no! No, no, no, no, no! These have all been converted into lots, into blocks I should say. Well, I said, could something be done? No, no, it's quite legal. There is the situation. So, now it's blocks and it's sand dunes, but everybody wants it.

Mr. Taylor: Just before I resume the chair I have a question in relation to another sub-division, and I hope I don't get my fingers stepped on. It has to do with the community of Haines Junction, and though it is a matter of taxation really, I would like to ask Mr. Commissioner if the problem with the refinery in that community has been resolved and if indeed these people are paying their taxes or do they owe us taxes now?

Mr. Commissioner: Mr. Chairman, as I understand the situation, their agreement that they made with Council here possibly two years ago or three years ago has been maintained up to I believe about September of this year and they are now in a grace period of three months which was allowed - in other words, they are living within the agreement that was made, and I believe the grace period is over with either December 31st or January 31st. I'm not just sure which one of them, but that is the status of the taxation situation at the refinery.

Mr. Livesey: Mr. Chairman, I hope the Honourable Member from Watson Lake was listening quite intently to the Honourable Member from Whitehorse North this morning when he was proposing black top around various communities, and I think that this separation plant at Haines Junction is quite capable of producing a little black top, and I think this is one of the reasons why we have more or less been quite calm about this question, and especially after we finally did settle the problem that was raised a number of years ago about the question of taxation for this particular item. I don't feel personally that if we're going to make black top, I think it might be a good idea if we made it right here, as far as I'm concerned. I think I would be quite privileged to see it made in Haines Junction. Thank you, Mr. Chairman.

Mr. Taylor: Mr. Chairman, just in reply I would like to assure the Honourable Member that the former Council in their wisdom decided to make some arrangement with the company who were in active at the time to come up with a means of paying their taxes in order that we could retain this wonderful development in the community of Haines Junction for the purpose of providing black top to areas of the Yukon that so required it. However, I don't see too much black top floating around at the present time and I'm quite curious as to the status of this refinery because you never know if we have to pick it up for back taxes, we might just go into the business ourselves. Thank you, Councillor Chamberlist, I'll resume the chair.

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Mr. Commissioner: Mr. Chairman, might I answer the question that was asked about lot 19?

Mr. Chairman: Proceed.

Mr. Commissioner: When the initial panic was over with there were four lots left in lot 19, and they were unable to be sold to the original applicants due to the fact that squatters were on this property. In due time, one of these lots became available and the applicant proceeded with the purchase. The other three are now available and the original applicants have declined to pick up their original offers so that effectively speaking there are three lots available for purchase in lot 19 at the present time.

Mr. Chairman: Is there anything further on this paper? The next paper is 67 with respect to sewer and water systems and I wonder if Committee would agree to defer this until tomorrow?

All: Agreed.

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Mr. Chairman: Next is sessional paper no. 68 respecting the Anvil agreement. Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, as far as I know from the figures that I have obtained, the Anvil people are now in the process of spending some 57 million dollars in the development of the Anvil Mine. The federal government have an investment of some 36 million in the development of roads and in other areas concerning the development of the Anvil Mine, and I was wondering if these figures were correct and whether or not the federal government and the Anvil people have sat down and ironed out in what form of cost sharing and what arrangement they are going to make with this huge investment of money in co-operation with the two parties?

Mr. Commissioner: Mr. Chairman, I think we are all aware of the fact that there is an agreement between the Anvil Corporation and the federal government, and I have been hopeful that this agreement would be tabled in the House of Commons prior to the end of this Council session so that we might have it made available to us here, and this agreement I understand spells out the participation of the federal government in this Anvil development, and one of the aspects of the development at Anvil will be the creation of a townsite which will not only be created to have serviced land available for Anvil to purchase for homes, etc. for their employees, but also will be available to anyone else who is interested as a private citizen or any other mining development, and we were very hopeful as per the two ordinances that were tabled early in the session for your consideration that we were going to be able to bring this matter to a satisfactory head during this session of Council. However, this does not look as if it is going to be the case now as the original monies that we were talking of, roughly a half a million dollars now appear as if are approximately one third of the monies that are going to be needed for this development. Also, the townsite as a matter of practical application will have to be developed to a much greater size or at least services put in at the initial time to a much greater degree than what will be initially made use of. All these matters have got to be resolved as to who is going to pay for what and how and when and as a consequence it does not appear, unless there is something forthcoming from Ottawa tomorrow that will permit us to have any further intelligent discussions with Council on this particular subject at this time and I am very disappointed in this because it is a matter of very great urgency I feel to decide how this matter is going to be handled, but I'm afraid that until the aspects of the provision of these funds, and how the over-development is going to be dealt with, I'm afraid that that is about as far as I can advise Council at this time.

Mr. McKinnon: I wonder, Mr. Chairman, whether I could ask Mr. Commissioner whether any members of the Territorial administration were in on the negotiations with the Anvil Corporation and the federal government?

Mr. Commissioner: No, Mr. Chairman, we were not involved in these initial negotiations. What has taken place at the Territorial level and with the federal departments who are located here, we have endeavoured to have each Territorial department and federal department make an approximate assessment of what facilities that they feel that their department conceivably could require for an initial townsite that would involve 1,500 people. Now, some of these things we have been able to come up with I think a reasonable situation. For example, Dr. Shields from the Department of Education has by virtue of tabled relative ratios of population, adult population to children, has an approximation of the size of the school that would be needed. The R.C.M.P. have indicated how many policemen they would conceivably have out there, and this is, at the moment, has been the total involvement of our people here.

Mr. McKinnon: Then, Mr. Chairman, I wonder if Mr. Commissioner would say that in essence what is happening is that we are going to be requested - are going to be asked for Territorial funds to cover a federal agreement?

Mr. Commissioner: No, what we are going to be asked to do is to administer certain federal funds that will be made available to us for the development of the townsite. We will not be asked to provide the funds.

Mr. Chairman: Just one question from the chair. Are we also going to be repaid for these administrative services on behalf of the federal government?

Mr. Commissioner: Could you clarify that for me?

Mr. Chairman: For those administrative services that we provide on behalf or for the federal government, will we be paid for this service that we provide?

Mr. Commissioner: For example, if we have the Territorial Engineering Department do engineering work on behalf of Anvil, oh yes, there has been no intimation that the Territorial Government will be asked to expend funds on behalf of the Anvil townsite without recompense from the federal people in the development of the townsite, and we're very hopeful that the townsite can be developed along lines that will, and in a quick enough manner, that will permit the formation of municipal government there just as quickly as possible.

Mr. Chamberlist: Mr. Chairman, on page 623 of Votes and Proceedings Mr. McKinnon was speaking to Mr. Speaker of the House and said:- "Mr. Speaker, I have notice of motion for the production of papers before the House this morning asking that the agreement between the Anvil Mining Corporation and the Government of the Yukon Territory be tabled." and explained why he was not prepared to go into the matter of the bill for borrowing money until such time as he was able to view this agreement. On page 624 of the Votes and Proceedings I also said as follows:- "Mr. Speaker, I seconded Mr. McKinnon's motion relative to the agreement with Anvil Mining. I concur with his remarks. I certainly cannot participate in bringing forward a bill to borrow money on an agreement that I haven't seen and I don't think any Member of this Council should either." This was, Mr. Chairman, in discussion on the second reading of Bill No. 12. On page 665 of the Votes and Proceedings while we were discussing Bill No. 13, I said:- "Mr. Speaker, I will vote against the

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motion because there is already a notice for the production of papers for this Anvil agreement that has been referred to to be tabled and until such time as I get an opportunity to examine the contents of an agreement, I will be opposed to it." Subsequently, yesterday, Mr. Chairman, we received Sessional Paper No. 68 which was the answer relative to notice for production of papers no. 10, and reads as follows:- "This motion moved by Councillor McKinnon and passed by the Council reads as follows: The Agreement between Anvil Mining Corporation and the Government of the Yukon Territory be tabled." The reply is this:- "There is no agreement between the Anvil Mining Corporation and the Government of the Yukon Territory." Mr. Chairman, this morning I asked Mr. Commissioner in Council if there had been a draft agreement between the Anvil Corporation and the Government of the Yukon Territory, and although I haven't got the Votes and Proceedings now because they haven't been done, you will all recall that he said yes, and then went on to give an explanation of what that draft agreement was. Now, I cannot understand why there should be any attempt to hood wink us, and I call it being hood winked, because here we have a sessional paper given to us by the administration that tells us quite clearly and distinctly there is no agreement between the Anvil Mining Corporation and the Government of the Yukon Territory, and the following day, the day after this sessional paper is given to us and I ask the same question, I am told yes, there is. Now, what are we to believe in this? Is this a matter of where the administration comes, and I am criticizing them, the administration this time, because it appears to me that this is where the administration is now coming along to us and saying well, yesterday that's fine; today I change my mind; yesterday I perhaps told you not an untruth, but because you didn't as an agreement, perhaps you might be intending to say a signed agreement. We didn't say this. The discussion on this matter was that we see an agreement, whether it was a draft agreement or otherwise. Now, I'm not going to accept if perhaps I might be assuming this, but if the Legal Advisor might suggest that an agreement is only an agreement when there are the signatures on it. Now, I don't accept that for the simple reason that the administration knew well what the Honourable Member from Whitehorse North was asking for when he asked - made a motion for the production of papers, he was asking for the draft agreement that would be entered into if we had voted on these papers. As far as I can see, I think this is an out and out attempt to mislead us. Mr. Commissioner will no doubt stand up and deny that there was an attempt to mislead us, but the facts are here. Yesterday, a sessional paper to say there is no agreement; today an admission that there is and was a draft agreement. To me, there needs a very, very strong explanation to sell us on the idea that we were not being hood winked.

Mr. Commissioner: Well, as predicted, Mr. Chairman, I make no attempt to hood wink Council at all. I interpreted the question and I think I interpreted it properly that Council wanted to know if we had entered into an agreement with the Anvil Mining Corporation and we're simply asking them to come along and rubber stamp the authority for something which we had already done, and I wanted to assure them by a short statement in this paper that we had not entered into any agreement with the Anvil Mining Corporation, and we drew up what we thought might conceivably be the basis for a talking to Anvil and this has been put on paper. It has not been discussed with Anvil because we found out before we even entered into discussions with Anvil that the monies that were being talked about were completely different from the monies that we had in mind, namely a half a million dollars as opposed to a million and a half dollars, and I am sorry that we don't get these answers precisely in the manner in which they are, but I am quite confident that when the question was asked that the question was asked, at least we interpreted it, is are you simply asking us as Councillors to now give you authority for something which you have already done. I certainly

felt that Council was entitled to be reassured in the simplest terms possible that we were not asking for this, and we have not entered into an agreement with the Anvil Mining people and the paper, the suggestions that we put to paper, we extracted from the only similar situation that we know of that has existed in Canada and that is at Pine Point between the Consolidated Mining and Smelting Company and the Government of Canada.

Mr. Chamberlist: Mr. Chairman, I cannot accept that explanation and I feel sure that Mr. Commissioner, if he has read those remarks of Councillor Taylor on page 624, will recognize clearly that this Council were quite aware that there was no agreement entered into. Councillor Taylor, in fact, made it quite clear that he wanted to make quite sure that no agreement could be entered into or would be entered into and he quoted as an example the situation as at Dawson City some years ago, and there is no doubt in my mind whatever and the Votes and Proceedings speak quite clearly and all those Members of Council who spoke on it and Mr. Commissioner, with respect to yourself when you spoke on this matter, made it quite clear that there wasn't any agreement entered into, and none of us here in any way thinking that there was any agreement entered into, what was wanted and what was asked for is what agreement would you be entering into, and therefore I say that the administration knew that when this motion for the production of papers was made, there was no doubt in anybody's mind that it was for the draft agreement that the Commissioner would be asked to enter into. The answer was given to us that there was no agreement. I say that this was an out and out untruth! It was misleading, and it should not be, and this should not ever occur again because if I hear anybody say to me from the administration we want you to work as a team, I will say here is an example, refer back to the Anvil agreement matter! Now, if you consider this teamwork, I don't! This was an untruth as far as I am concerned that there was no agreement made and today the untruth was shown up where it was clearly stated that there is a draft agreement! I will not say anything more on it because right now I am getting ruffled at the back of the neck! I feel hot about it, and I cannot in any way, in any more ways than I really can, condemn the administration for attempting to pull a stunt like that off on the Members of Council!

Mr. Dumas: I find that a very hard angle to follow. However, something has occurred to me. Mr. Commissioner, you say that the federal government negotiated with the Anvil Corporation to the tune now, as it turns out, of 96 million dollars for a development in the Yukon Territory and the administration wasn't asked to sit in on these negotiations?

Mr. Commissioner: We had nothing at all to do with the agreement that the federal government had with Anvil.

Mr. Shaw: Mr. Chairman, I'm afraid that I cannot agree with all of these remarks about being hood winked. I don't feel that I have been hood winked at all. If one is continually subjected to cross examination, there are times when one is going to get confused without any intent, and a lot of it is a matter of semantics. That's what I believe. Now, I have just heard something that maybe I have been hood winked on or maybe my hearing isn't as good as what it was. I would like to put a question to the Honourable Member from Whitehorse North. He made a statement that the government were putting in an amount of money and I didn't quite catch it right when he said the federal government in this Anvil project was putting in either six or seven million dollars, or 67 million dollars, and I just wondered which of those figures is right.

Mr. McKinnon: I believe I said 36 million, Mr. Chairman, and that's what I wanted to say. My question was to notice of motion for the

SESSIONAL PAPER #68: production of papers was simply was there an agreement between the Government of the Yukon Territory and the Anvil Mining Corporation, and it was answered that there wasn't. Of course, the follow-up would have been was there an agreement between the Anvil Mining Corporation and the federal government, and now we find out that it is. However, it still remains - I'm still disappointed to think that here we have the federal government entering into an agreement with the Anvil Mining Corporation providing for the selection, planning and construction on behalf of the Government of the Yukon Territory of a public townsite in the Territory with no Territorial representation whatsoever on the planning of the townsite, no say in the selection of this townsite or the construction of this townsite, but now we find out it's going to be possibly triple the amount of money that was originally estimated that we're going to be asked for \$1,500,000. for the execution of an agreement for the Anvil townsite development, and the fact of the matter still remains that this amount of money, there's been no Territorial representation on the agreement that is going to be reached between the federal government and the Territorial Government in respect of the townsite. Yet, once the townsite is developed, the Territorial Government is going to accept the full responsibility for the administration of this townsite, and I can't see how this Territorial Council can accept this type of maneuvering where we once again become responsible for a creature of the federal government with no say whatsoever on the expenditure of the monies that we're going to be called on to expend.

Mr. Livesey: Mr. Chairman, are we in fact going to contribute any money to this agreement? This is what I would like to know. It seems to me that this agreement is between the federal government and the Anvil Mining Corporation. I would also - it looks to me as though the Territory is being invited in so that we might have a foot in the door. This is what it looks like to me, and I would like to know whether we're not making a mountain out of a molehill when we talk about what we are going to contribute. I'd like to know whether we're going to contribute anything, and I wonder whether Mr. Commissioner could enlighten me on exactly what we are going to contribute, if anything.

Mr. Commissioner: Well, I think, Mr. Chairman, that question has already been answered. We are not being asked to contribute anything to the construction of these basic facilities in the Anvil townsite.

Mr. McKinnon: Mr. Chairman, we are being used as a vehicle for the expenditure of federal funds and we are going to be asked to accept the responsibility for the expenditure of those funds, and I was at this Council table when such a hue and cry was raised as the Council being used as a vehicle for the expenditure of funds to the Dawson City Festival where the Honourable Member from Carmacks-Kluane stood before this Council and condemned the federal government for using him as such a vehicle to get away from their responsibility, and I see no difference at all here. We're being asked to be used as the same type of vehicle to accept the responsibility of the townsite of Anvil, expend the money, accept the responsibility, but have no say at all in how that money should be spent.

Mr. Livesey: I accept the challenge, Mr. Chairman, very easily, and I would like to rectify the statements made by the Honourable Member for Whitehorse North in this debate. What I was opposed to was the question of proxy, and I repeat that, and I mean proxy in every way, shape and form, proxy from the bottom up and proxy from the top down. I'm talking about, Mr. Chairman, the fact that a member of this administration at that time paid out money towards the transportation of certain parties from Vancouver to Dawson without any request from this Council - any request! This is a totally different situation altogether. In this one, we're being invited in, and in the other one we were invited out. I thank you, Mr. Chairman.

Mr. Dumas: One of the points I was going to mention - proxy has already been mentioned adequately - was another white elephant, the result of a unilateral agreement on the part of the government, and this government is the only government I know that can enter into an agreement with itself, is this glorified motel we have up on the hill for which the Territorial Government now is entirely responsible, so we must proceed with caution on this Anvil thing. It's been suggested by the Honourable Member from Carmacks-Kluane and by the Commissioner that the Territory is contributing nothing to this. I beg to differ. We are contributing our resources, our land and our roads as access to this property.

Mr. Shaw: Mr. Chairman, I would say I feel somewhat relieved. At every session of Council the skeleton of the Dawson Festival is brought up, and I'm glad that it's over with and I can get down to business.

Mrs. Gordon: I think this is probably another instance where people outside the Territory dream up things. We are used as a vehicle in some respects to institute it. Afterwards it's dumped in our lap and we have to live with it.

Mr. Chairman: Is it your intention to resume **further** discussion on this possibly tomorrow or did you wish to clear it up this evening?

Mr. Livesey: Mr. Chairman, I'd like to correct a statement made by the Honourable Member from Whitehorse West. I like repartee. I like debate too. I don't think I've been too noisy at this session. In fact, I think I've been very quiet, but the honourable gentleman just making that little speech hasn't been so quiet, I don't believe. I believe that the Honourable Member for Whitehorse West claimed that I had given information to this Committee about the Anvil Mining Corporation. I would like to remind that Honourable Member that I asked a question. I gave no information.

Mr. Chairman, Well, gentlemen, may I have your direction in view of the time? Do you wish to pursue this matter further in the morning or may we be done with it?

Mr. Shaw: Just one question. How far are we getting with this matter? What are we resolving?

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

Mr. Chamberlist: Mr. Chairman, with respect, I have further matters to speak on tomorrow. What I spoke on today was the principle of not being given the proper information and I have to speak on it tomorrow again.

Mr. Chairman: Does Committee agree that we deal with this tomorrow in Committee of the whole?

All: Agreed.

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

Mr. Shaw: I would move, Mr. Chairman, that the Speaker do now resume the chair.

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

MOTION CARRIED

MOTION
CARRIED

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

REPORT
OF
CHAIRMAN
OF
COMMITTEES

Mr. Chairman: Mr. Speaker, Committee convened at 11:25 a.m. to discuss bills and sessional papers. Mr. Gibson attended Committee to assist with discussion on Sessional Paper No. 28. Committee recessed at 12:15 and reconvened at 2:00 p.m. Committee then recessed again at 2:00 p.m. for the purpose of holding caucus in relation to a very important matter, and reconvened at 3:25 p.m. It was moved by Councillor Shaw, seconded by Councillor Chamberlist that Mr. Speaker do now resume the chair and this motion carried.

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

All: Agreed.

Mr. Speaker: May I have your further pleasure?

Mr. Taylor: Mr. Speaker, in relation to the agenda we have before us now several sessional papers in Committee of the whole and bills, and I would suggest bills and sessional papers for tomorrow.

Mr. Speaker: Are we agreed with the agenda?

All: Agreed.

Mr. Speaker: May I have your further directions?

Mr. Shaw: I would move, Mr. Speaker, that we do now call it 5:00 o'clock.

Mr. Dumas: I very gladly second that, Mr. Speaker.

MOTION
CARRIED

MOTION CARRIED

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

A

Page 845.
Friday, December 8, 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.

Mr. McKinnon: Mr. Speaker, I would like to rise to pay tribute to another real Yukoner who passed away, Mr. Joe Page, who for the past few years has been a constituent of my area and prior to that he was a constituent of Mr. Speaker's area, Carmacks-Kluane. I think the whole of the Yukon is saddened by the death of two real old Yukoners in the last past while, Mr. Wann and Mr. Page, and I think that the finest tribute that can be paid to both of these men was that they were real Yukoners in every sense of the word. Thank you, Mr. Speaker.

Mr. Speaker: Gentlemen, I have for your attention this morning and for tabling in the House three letters from the City of Whitehorse of which you all have copies. I also have for tabling this morning copies of Operation and Maintenance Summary of Cutbacks. My information is that Capital Summary should be available this afternoon. Are there any Reports? Introduction of Bills. Notices of Motion or Resolution. Are there any Notices of Motion or Resolution?

LETTERS
FROM CITY
OF WHITE-
HORSE
OPERATION &
MAINTENANCE
SUMMARY OF
CUTBACKS

Mr. Chamberlist: Mr. Speaker, I wish to give Notice of Motion re correspondence that has been tabled today from the City of Whitehorse.

NOTICE OF
MOTION
#55

Mr. Speaker: May I have that wording again, Mr. Chamberlist?

Mr. Chamberlist: I wish to give Notice of Motion re correspondence that has been tabled today from the City of Whitehorse.

Mr. Speaker: Thank you, Mr. Chamberlist. Are there further Notices of Motion or Resolution? If not, may we pass to Orders of the Day - Notice of Motion for the Production of Papers. Are there any Notices of Motion for the Production of Papers. Under Motions for the Production of Papers Passed we still have Nos. 4, 5, 6, 8 and 9. There are no Motions on the Order Paper. Mr. Clerk, would the Commissioner be available for the question period? In the meantime, gentlemen, have we any written questions? I will call a five minute recess.

RECESS. Mr. Commissioner enters the Council Chambers.

Mr. Speaker: I will now call Council to order. We are in the question period this morning, gentlemen. You may proceed.

Mr. Chamberlist: Mr. Speaker, a question to Mr. Commissioner. Mr. Commissioner, on December 1, you and your officers had a meeting with the City of Whitehorse. From some correspondence, it appears that the Territorial Administration made some recommendations to the City of Whitehorse. Can you tell the Council what those recommendations were?

QUESTION
MEETING
WITH CITY

QUESTION
MEETING
WITH CITY

Mr. Commissioner: Yes, Mr. Speaker, they form a booklet on ways and means of possibly extending the City's boundaries which I asked the Clerk to distribute for Council's information and I wonder if I could refresh my memory with one of these. I think this will answer the Councillor's question. The question was asked as to how the City's boundaries might be extended and it was brought out that there were two possible means of extension, both of which I believe have been used from time to time, and one is the procedure under the Municipal Ordinance where it says that a petition from the City of Whitehorse....."The Commissioner may, upon receipt of a petition from the Council of a municipality, issue a proclamation altering the boundaries of that municipality, including the boundaries of those municipalities set out in Schedule A and Schedule B. No proclamation altering the boundaries of a municipality shall be issued unless a petition requesting alteration has received the assent of two-thirds of the ratepayers of the municipality voting thereon and and at least two-thirds of those residents." Also, the possibility of changing the City's boundaries by straight legislative action was discussed and the reply that is received from the City here simply says that according to the Administration's recommendations...and which one of these recommendations they wish us to approach on this matter, I do not know, and I have asked that these letters from the City be tabled for Council's information and, also, we are seeking Council's guidance with regard to not only this one request from the City but I believe there are two others as well that affect the Territorial Council, Mr. Speaker, and this brief or whatever you may wish to refer to it here, is given to Councillors for their information and background with regard to this whole question of City boundaries and we will be guided in our actions in this matter by the advice that we receive from the Council, Mr. Speaker.

Mr. Speaker: Thank you, Mr. Commissioner. Mr. Chamberlist.

Mr. Chamberlist: Mr. Commissioner, was this meeting an informal or a formal meeting?

Mr. Commissioner: Strictly an informal meeting, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, to the Commissioner again. Was the informality of the meeting of a nature that the Member of Territorial Council could have been asked to attend at that informal meeting?

Mr. Commissioner: Mr. Speaker, this is a question I think that the City of Whitehorse should answer because myself and my officers were there at the invitation of the City Council of Whitehorse, Mr. Speaker.

Mr. Chamberlist: Mr. Commissioner, were these recommendations that are referred to informal recommendations or formal recommendations?

Mr. Speaker: Order. I will have to call the attention of the Member to Beauchesne and I believe the Member understands that he cannot embody a series of questions which should be moved for an address or order. In other words, a series of questions is totally out of order in the question period.

Mr. Chamberlist: Thank you, Mr. Speaker. The matter will no doubt come up in Committee when these papers are being passed.

Mr. Taylor: Mr. Speaker, I have a question I would like to direct to Mr. Commissioner this morning in respect of the taxation of pipelines and I am wondering, is the pipeline... White Pass and Yukon pipeline which extends from Whitehorse on towards Skagway....do they pay taxes on this pipeline and if so, how much?

QUESTION
RE WHITE
PASS & YUKON
PIPELINE

Mr. Commissioner: Could I ask Mr. Clerk if he would determine that from the Collector of Taxes?

Mr. Speaker: Are there further questions in the interim period, gentlemen?

Mr. McKinnon: Mr. Speaker, we have received this morning... it has been tabled...the summary of Operations and Maintenance Cutbacks which are in essence what would be known as supplementary estimates. Mr. Speaker, until we called for these, was it the intention of the Administration not to have tabled such estimates before this Council at this Session?

QUESTION
CUTBACKS

Mr. Commissioner: Mr. Speaker, I don't see where these are supplementary estimates. Supplementary estimates are when we are coming to Council and asking for more funds in order to carry on the day to day work of the Government. At least this is my understanding of it. Correct me if I am wrong. The question that was asked by Council the other day was that they wanted to see the details of where the cutbacks had been effected as per the closing remarks that I made to Council at the Spring Session to the effect that as they had not instructed me as to what they wished cut back, I assumed that this meant that I was to make these cutbacks where possible and in front of you this morning, you have the Operation and Maintenance Summary of Cutbacks and I believe the Summary of the Capital situation...those things which are actually cutbacks and those things which are deferred programs as a consequence of either incomplete planning or what the Administration feel is a consequence of potential changes that we have to ask Council for further guidance on... these matters should be available later on today but certainly I stand to be corrected, Mr. Speaker, but I certainly am not aware...none of my financial officers have advised me that in essence this is the equivalent of supplementary estimates. Now, maybe I am wrong.

Mr. McKinnon: Mr. Speaker, since the beginning of this Session, the first time money was raised in the Chambers, I have asked that a true financial picture of the Territory as it is now be placed before this Council. To me, this is only being done at this moment and will be concluded when the Project Capital Cutbacks are also placed before this Council. Wouldn't the Commissioner agree that then Council will have a true financial picture of the Territory as it stands.

Mr. Commissioner: Mr. Speaker, the answer to that is hardly correct...to say that that is the full financial picture of the Territory. The full financial picture of the Territory is really only available at the final cut-off period of the 31st of March in each year and at this particular time, all accounts are finalized by virtue of our Ordinances and the requirements of the Auditor General, and at that particular point, you see everything in its true prospective. The day to day financial dealings and the transactions, etc., in between times, always have an element of estimation about them for the very simple reason that you are always doing a certain amount of forecasting. In other words, at the present time, we have spent X number of dollars on certain

QUESTION
CUTBACKS

Mr. Commissioner continues:
things up to this day, the 8th day of December, but we are forecasting that we are going to spend Y number of dollars between now and the end of March. Now, as to whether or not our forecast is exactly true, or the error by which we have forecast, let me put it this way, Mr. Speaker, is only known as at the 31st of March. We endeavour to be as accurate as possible but when the Councillor asked would that not be a true picture of the Territory's financial situation, it is as true a picture as we can forecast, Mr. Speaker, but I do not wish to, under any circumstances, mislead Council that this is accurate to the last \$1.00.

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

Mr. Commissioner: Mr. Speaker, I have just one further piece of information that would be available...the Councillor's question on pipeline taxation...the assessed value has been made available but I would try to get the exact amount of taxation as this assessed value brings it, Mr. Speaker.

QUESTION
AMENDMENTS
MUNICIPAL
ORDINANCE

Mr. Dumas: Mr. Speaker, I wonder if Mr. Commissioner could tell me if it is the Administration's intention to introduce any amendments to the Municipal Ordinance.

Mr. Commissioner: Mr. Speaker, we are asking for Council's wishes and guidance on this matter and these are the requests that we have from the City of Whitehorse and the Administration takes no firm position with regard to action on these items and whatever course of action that Council requests, we will endeavour to follow Council's wishes in this regard.

QUESTION
UNIFORMS
FOR
CORRECTIONS
INSTITUTE

Mr. Chamberlist: Mr. Speaker, Mr. Commissioner said yesterday that he would be looking further into my question re uniforms at the Whitehorse Correctional Institute. I wonder if he has come up with an answer.

Mr. Commissioner: No, Mr. Speaker. I say no....not that I'm not going to do it....I don't mean that. I mean no that I simply have not had time to do it. We are doing our utmost to try and bring forth the general financial picture and as a consequence other questions are possibly not getting the attention that they should. I would qualify my answer by saying no, I haven't done it as yet, but I certainly intend to do it. May I answer this other question now, Mr. Speaker?

Mr. Speaker: Proceed, Mr. Commissioner.

ANSWER TO
QUESTION
WHITE PASS
PIPELINE
TAXATION

Mr. Commissioner: The assessment on the section of the pipeline that comes within our terms of reference to assess is \$148,730.00, and in a taxation year, at the present rate of taxation, yields \$3,272.06 in taxes to the Territory.

QUESTION
CUTBACKS

Mr. Taylor: Thank you, Mr. Speaker. I have one further question I would like to direct to Mr. Commissioner this morning and it relates to the recent announcement by the Federal Government in the last few days that there will be some very serious Federal cutbacks on top of cutbacks and as I am concerned how badly this will affect the Yukon Territory who are already cut to the bone and also in view of the fact that on this morning's news, the British Columbia Government have announced some of those major cutbacks and what they amount to, I am wondering if Mr. Commissioner could tell us if he has any knowledge of where in the Yukon Territory cutbacks would be effected as a result of this.

JA

Mr. Commissioner: Mr. Speaker, my total knowledge is exactly the same as the Councillors....what I have heard on the radio and seen in the way of news reports. I have no definite indication of any specific projects in our area at the present time and I can assure you that if and when any of these things do come to my attention or are made available to us, I will be happy to see that Council is advised.

QUESTION
CUTBACKS

Mr. Chamberlist: Mr. Speaker....Mr. Commissioner, I received a telephone call from Northern Canada Power Commission this morning that there has been an extension on the contract for clearing until December 19. Are you able to confirm that you have received a copy of this extension?

QUESTION
NCPC &
CLEARING
CONTRACT

Mr. Commissioner: No, Mr. Speaker, I haven't but in the normal course of events, this information would only come to Northern Canada Power Commission and then we would get a follow up letter telling us this extension is as a result of the representations that we have made to NCPC at the request of Council and no doubt we will be getting advice of this by a confirming letter. It possibly might take several days to get here.

Mr. Speaker: Are there further questions?

Mr. McKinnon: Mr. Speaker, I wonder if Mr. Commissioner could tell us what is the status of the Amendments to the Taxation Ordinance.

QUESTION RE
TAXATION
ORDINANCE
AMENDMENTS

Mr. Commissioner: This I am trying to find out myself, Mr. Speaker. Could Mr. Legal Adviser help me on this?

Mr. Legal Adviser: Well the position is that after two or three days of solid drafting, we have come up with an agreed draft. As of this moment, the Territorial Treasurer is reading it and he is not prepared to sign it and release it to Council, according to the internal disciplinary rules, until he has actually read and approved it. This is what he is doing as of this moment.

Mr. Commissioner: Mr. Speaker, we will be bringing it forward just as quickly as possible I am sure.

Mr. Speaker: If there are no further questions, may I have your pleasure with regard to Public Bills and Orders?

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 Bills and Sessional Papers.

MOTION TO
MOVE INTO
COMMITTEE

Mr. Taylor: I will second that, Mr. Speaker.

Mr. Speaker: Before I put the question, I believe the Commissioner has something of news to our interest this morning.

Mr. Commissioner: Mr. Speaker, I would like at this time to give assent to Bill No. 8 which is an Ordinance to Amend the Liquor Ordinance and I would state in giving assent at this time that I am doing this so that ample notice of the content of this Amendment to the Liquor Ordinance will be made available to those licenced outlets in the Territory that are affected by this.

ASSENT
GIVEN TO
BILL #8

Mr. Speaker: Thank you, Mr. Commissioner. I wonder if the Mover of the Motion would repeat the Motion at this time.

MOTION TO
MOVE INTO
COMMITTEE

Mr. Taylor: I would second the Motion.

Mr. Speaker: Moved by the Honourable Member from Dawson, seconded by the Honourable Member from Watson Lake, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills and Sessional Papers.

MOTION
CARRIED

MOTION CARRIED

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

SESSIONAL
PAPER #68

Mr. Chairman: Gentlemen, we are discussing Sessional Paper No. 68 respecting the Anvil Agreement. Would you proceed, gentlemen?

Mr. Chamberlist: Mr. Chairman, as this Sessional Paper deals with the proposed and eventual Anvil townsite, I thought I might read into the record a letter that I have received from the Yukon Electrical Company Limited whose head office is within my constituency. It reads as follows.

Mr. Livesey: Question, Mr. Chairman. Point of order. Is the Member prepared to table the letter?

Mr. Chamberlist: Certainly.

Mr. Chairman: Are you prepared to table the letter, Mr. Chamberlist?

Mr. Chamberlist: Yes, certainly, Mr. Chairman.

Mr. Chairman: Proceed.

Mr. Chamberlist: It's from the Yukon Electrical Company Limited, addressed to Councillor N.S. Chamberlist, and it reads as follows: "Dear Sir. Re Anvil Townsite. You are no doubt aware of the fact that our Company has been very concerned about the fact that the Federal Government did not allow us the opportunity to offer a counter proposal to the one prepared by the Northern Canada Power Commission to supply power to the Anvil Mining Company. We feel certain we could have offered Anvil Mining a proposal which they would have found acceptable and at the same time, it would have eliminated the necessity of the Government of Canada having to advance 8.5 million dollars to the Northern Canada Power Commission for this project. However, we do not intend to belabour this point at this time. We do however feel that there is still an area in which the Company can fulfill a useful part in the project. Because we have engineering, maintenance and operating staff and facilities resident here in the Yukon and are already serving a total of 15 communities throughout the Territory and Northern British Columbia, we feel we are in a very competitive position to provide and operate the electrical distribution system in the Anvil Townsite. We envisage that initially power would have to be supplied by a diesel plant located in the community until such time as the transmission line from Whitehorse to Anvil is completed and hydro power became available. Perhaps Territorial Council might consider asking both Yukon Electrical and the Northern Canada Power Commission to submit proposals covering the supply of electrical service to the townsite and Council could then decide which was the more favourable and that organization would then be granted a

Mr. Chamberlist continues:

"franchise. We are also prepared to operate the water and sewer systems for the Territorial Government and to that end would be prepared to discuss the matter further with Council and the Territorial Engineering staff. We would appreciate it if you could see your way clear to bring this matter before council." Signed R.H. Choate, General Manager. Mr. Chairman, when I read that the Federal Government are having cutbacks and they propose to advance 8½ million dollars to Northern Canada Power Commission to put this in when there is a suggestion that a competitive distributor is prepared to make their own money available, I think it is time that we brought this type of thing to the attention of the Federal Government. Also, as I have said before, I am amongst the first to lay it on thick for Yukon Electrical Company Limited wherever I feel that they have performed in such a way that they are open to criticism but I think it is only fair and proper that consideration be given to a competitive bid for this particular project. The very fact that they are prepared to consider the operating of a sewer and water system for the Territorial Government in itself is something that would take a lot of responsibility and worries off the Administration. Surely the Administration must be looking for ways and means whereby they can have a few of the worries taken off them...needless to say, the worry of having me worrying them here and there. I would suggest that Members of this Committee discuss these particular points so that at least the feelings of the Committee can be felt out by the Commissioner with a view to him making any suggestion on this matter and as it was requested earlier by the Honourable Member for Carmacks-Kluane, I am prepared to table the letter. Thank you, Mr. Chairman.

Mr. Shaw takes the Chairman's Chair.

Mr. Taylor: Mr. Chairman, firstly I haven't risen in debate on this paper and I think a lot of the matters I wish to cover in this debate have already been covered...that is discussion on the Bills and also by other Members here yesterday. I feel, in brief, that I am not prepared to be a party to an agreement that I had no connection with, and I don't think that Council should accept this position for the reasons I have stated earlier. In relation to the development of the Anvil townsite, it is my contention that the Federal Government have made a deal with the Anvil Mining Corporation, a very firm deal, and I would think that the Federal Government, though possibly they may not work with us as a Council or the people of the Territory, they certainly will and must work with Anvil and I think that if they made the deal, they'd better look after it from Ottawa. In relation to power, which has been brought into the subject in relation to the Anvil townsite, I am not satisfied that the suggestion made by the Yukon Electric Company is a sound one. I am also very disappointed to see this transmission line going to the Anvil Townsite. Certainly there is power potential in the area. I have hydrographic surveys on this, somewhere. I think that power can be... and money can be best spent in developing power in the Pelly River valley which then, surplus power could be sent back here to Whitehorse and sent on to the Dawson-Mayo areas and indeed on to newer areas such as Crest Iron because the blocks and amounts of power required for the future development of resources in the Territory is far in excess of anything that can be produced here at this dam and I often wonder, in view of the power requirement of the City of Whitehorse and area, how this will ever work because if one turbine goes out,

SESSIONAL
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Mr. Taylor continues:

somebody is going to suffer. The City certainly can't go without power so you just shut a mine down. As far as I am concerned, it was poor planning. So that's my thoughts there. Also, in relation to...while we are on the subject.. Yukon Electric taking over on a private enterprise basis the provision of power and utilities in the community, I am opposed to this. I have stated before that I feel that power should be in the hands of the people and especially at this point in time. If we let it go for too many years and if we do finally take steps to put the power in the hands of the people, it's going to cost the people an awful lot of money. I think that when you say that free enterprise should be given every encouragement in the Yukon Territory...I think that this is good but I think there comes a limit to how far you let one free enterprising group go and I think that most Members must be aware of the fact that the Yukon Electric Company is a part....a wholly owned part of Canadian Utilities. Canadian Utilities is a wholly owned subsidiary of International Utilities... this be private enterprise, but International Utilities control virtually the power in the Yukon with the exception of those functions held by N.C.P.C. Indeed, I believe they control the majority of the power in the northern part of Alberta and indeed in some parts of the Northwest Territories as well. This is a big private enterprise organization. I think that you will find that they have a very large part of control of the White Pass and Yukon Railroad. I think then you will find that they control to a great extent the transportation in the Territory through their wholly owned... another wholly owned company called Canadian Coachways... the only bus service..through the Loiselles and White Pass operations and I think that if you will look into it, you will find that they have got a pretty good control on the fuel outlet here and I say this is one company....one American company I believe but this is, in any event...this is one company eventually creeping up and taking control.

Mr. McKinnon: On a point of order. Could the Honourable Member bring proof before the Council of these allegations. I think it is completely unfair for a company to be pointed like this where I have no proof that such is the case.

Mr. Taylor: Well, the company itself is known by its very publications....I'm not so certain that we haven't got one here in the Chambers in respect of this. In any event, in relation, I point this up to state that I don't feel that one large free enterpriser of this size should be allowed to grow in relation to the Anvil townsite and participate there where Government is prepared to step in and run this thing on behalf of the people. Those are my feelings and this is in my area incidentally. I am very concerned about the development of Anvil and I am very concerned about other developments in and around Anvil...to the north, east, west and south. As far as this agreement goes, until I have seen an agreement, I am not prepared to be a party to the lending of funds for the development of this townsite. I feel it's a Federal responsibility and that's the way it stacks with me.

Mr. Dumas: Mr. Chairman, a point arising out of the Honourable Member from Watson Lake's remarks, does he feel that even if we can get power at a much lower rate....we can operate our water and sewer system at Ross River at a rate that would be much less than the Territorial Government could operate it...that we should go ahead and do it anyway?

Mr. Taylor: I am not convinced that power can be produced cheaper by a private enterpriser because of the fact that I don't feel that private enterprise have the money or the where-with-all to build a massive dam project on the Pelly River to provide cheap power and this is where you get your cheap power....from hydro.

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Mr. Chairman: Does that answer your question?

Mr. Dumas: No, it doesn't. If they can do it cheaper... he's just been telling us how big this company is and I'm sure they can afford to build a dam if they wish to....but if they can do it cheaper in fact than the Government can do it, do you think they should?

Mr. Taylor: No, in this particular instance, I say not necessarily. You have got to look at the long range aspect of it. They come up today and say, "Well, we'll do it cheap". It's just about the same thing as when Anvil Agreement came up. They were going to do it for....what was it Mr. Commissioner stated the other day.....a half a million dollars and now it's a million and a half. That's how cheap the Anvil Agreement was. The same thing applies.

Mr. Chamberlist: Mr. Chairman, I am prepared to agree with Councillor Taylor that International Utilities control Canadian Utilities, Canadian Utilities control Yukon Electrical Company Limited. Canadian Utilities control Canadian Coachways, that the president of Canadian Utilities is also a Member of the Board of the White Pass and the Yukon Route and that the Vice President who is now the chief bus conductor, was also Commissioner at one time of this Government, but this has no bearing whatever on the letters that I have read for information to Council...to this Committee. The request made by the Yukon Electrical Company Limited was that consideration should be given to the fact that they are in a position to supply power, they believe, at a competitive rate. They haven't remarked upon whether Councillor Taylor's suggestions that the power potential in the Pelly Valley should be investigated. I agree that there are large resources of untapped power in the Yukon which should eventually be tapped and I think that the basic request that is sent in this letter and because I feel that it is a legitimate request...is that consideration be given to them to offer an alternate proposition to the installation and supply of electrical consumption for the Anvil Mining area. I don't think it goes anywhere beyond that. I have got to take objection to the Honourable Member from Watson Lake's remarks that this is all one company. He, being connected with mining, knows full well that I can pick you a dozen mining companies who are all interwoven in the Yukon Territory.....Cassiar Asbestos, United Keno Hill, Territorial Supply....there's a number of them but you can't say that because these people are interwoven that we should not treat them with the respect that we should treat those those people that we wish to invest and participate in the building up of this Yukon Territory. As far as I am concerned, that is an argument that I cannot accept. I want Members of Committee to acknowledge that the Yukon Electrical Company Limited have a right to ask for consideration. I don't say whether they are going to do a better job or a worse job but I think that they should be considered and unless they are being considered, we are asking Northern Canada Power Commission...in fact, giving them a carte blanche opportunity to supply the power to a given area. Now, we have already heard from the Honourable Member from Dawson that the Northern Canada Power Commission are not doing as good a job as they

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Mr. Chamberlist continues:
could be doing there. There is certainly some dissatisfaction with the rate structure there. Recently a rate structure was supplied to all Members of Territorial Council, with the original going to Councillor Taylor, showing the differences of rates. I agree that I am not satisfied that a full breakdown has been given because there has been an absence from the commercial rates that I have noted myself but what should be done is that consideration be given to the request of Yukon Electrical Company that they have an opportunity and in their letter they state, "And we are also prepared to operate the water and sewer systems for the Territorial Government and to that end would be prepared to discuss the matter further with Council and the Territorial Engineering staff." I certainly see no harm at all in doing what we are going to ask the Federal Government to do...is to sit down and talk with us. Now, if we want other people to sit down and talk to us, we must expect to give that same consideration to others.

Mr. Taylor: Just in closing, Mr. Chairman.....in closing this debate, I might say in the first instance, possibly we should never have entered into this matter to begin with by reason of the fact that it has nothing to do with us. We are not a party to any part of this agreement. This is strictly Federal Government. It is involved in the provision of utilities. If they want to go and provide utilities for Anvil, they had better go talk to the Minister of Northern Affairs or the Anvil Mining Corporation because we have no part of this in essence. I would like to just make one fast comment in respect of the Honourable Member from Whitehorse East's remarks about the difference between mining companies - one dispenses a product...a mine product....the other provides an essential utility and there is a big difference. It's like trying to compare a cantaloup to an orange.

Mr. Chamberlist: You can't get one without the other.

Mr. Chairman: Order. Gentlemen, we will call a short recess.

Mr. Chairman: I will call Committee to order. I do not recall anybody particularly had the floor at this time. Is there any further discussion on Sessional Paper No. 68. Mr. Chamberlist.

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Mr. Chamberlist: Mr. Chairman, I would move at this time that the General Manager of Yukon Electrical Company Limited and the Territorial Engineering staff attend this Committee at some date to be set in the future for discussion re the proposition on water and sewer and power for the proposed Anvil Mine site.

Mr. Taylor: A point of order, Mr. Chairman, I think this motion would be quite out of order in Committee of the Whole. This is a matter for Council under Orders of the Day.

Mr. Chairman: Quite right. Do you have anything further gentlemen?

Mr. Chamberlist: Mr. Chairman, the motion that I proposed relates to the Sessional Paper on which we are in discussion and matters which have arisen out of the Sessional Paper. I have spoken relative to the subject of the motion and the motion that I have made is out of that subject and I would therefore suggest that it is a proper motion because it is asking for the manager of Yukon Electric and the Territorial Engineering staff to attend in Committee, which we are in now. This is the motion that I have put. It is not a motion put

Mr. Chairman: That is quite correct. Point of Order?

Mr. Taylor: Point of order, yes, Mr. Chairman, it is point of Order in respect of the document that the member is purported to have in regard to this and apparently has read into the record. No member has a copy. This is not tabled and if it takes the form of a petition in Council it must be submitted to Council under Orders of the Day in a manner prescribed by our Rules of Council for submission to Council, and the motion would be out of order.

Mr. Chamberlist: Mr. Chairman, I am not going to go into a procedural wrangle. I am going to give the Honourable Member from Watson Lake the benefit of the doubt as long as the matter gets before Council, and I certainly will on another day table it so that it gets before Council.

Mr. Chairman: Thank you Mr. Chamberlist. Have we any further discussions on this? If not I will now turn the chair over to the Chairman of Committees and he can proceed with the next order of business.

Mr. Taylor: Thank you, I will resume the Chair.

Mr. Chairman: The next Sessional Paper is Sessional Paper No. 69 respecting Crown land in Whitehorse. Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, I wonder if perhaps we could continue on papers that the Commissioner is not required at. I would like to know the extent of this change-over to Territorial administration of Crown land. Committee agree?

Mr. Chairman: Committee agrees?

All: Agreed.

SESSIONAL Mr. Chairman: The next Sessional Paper is Sessional Paper PAPER #70.No. 70 respecting the impoundment of motor vehicles

Mr. McKinnon: Mr. Chairman, I was satisfied with the answer given in Sessional Paper No. 70 and it was not me who moved this into Committee.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, there has been some problems in the past with reference to vehicles owned and operated by out of Territory people who have been reprimanded or stopped by the R.C.M.P. for alleged motor vehicle offences. They have found that under the existing powers of the Ordinance, the Motor Vehicle Ordinance, they can only, unless the alleged offence is one which comes within the sphere of the Canadian Criminal Code, they can only give a ticket to the alleged offender and advise him when to appear in Court. The person is not compelled to appear in Court unless he is presented with a summons from the court to appear. The problem that the R.C.M.P. have been having is that by the time they give a ticket, and it is perhaps a vehicle from one of the United States, the vehicle leaves the Yukon Territory and goes out of the jurisdiction of the R.C.M.P. in this Territory. Even if the vehicle leaves the Yukon Territory into British Columbia the vehicle is still out of the jurisdiction of the R.C.M.P. within the Yukon Territory because it is only an offence committed under our Territorial Ordinances. During a session a few years ago there was much discussion and debate on this matter in previous Council and at that time there was request made for power of arrest to be given to the police besides impounding. I am not in favour of power of arrest and I the thoughts and the statements that were made at that time. I don't believe we should extend the powers of arrest to the police unless it is an offence of a nature that is somewhat serious. But I do feel that there must be some method found that violators of our traffic laws, if they are from outside the Territory, can be dealt with. It appears that the only way that they can be dealt with is by a form of impounding the vehicle or preventing the vehicle from leaving the jurisdiction of the Yukon Territory until such time as the matter can be dealt with summarily by court of jurisdiction within the Yukon Territory. I don't know how this can be properly done but I feel that we must consider that this should be done. The problem that we have and we must recognize that we must help and I said this before, help our police to enforce our laws and they cannot enforce our laws if the issuing of a ticket means no more than a piece of paper that it is written on to out of Territory vehicle drivers. I would ask that this Committee consider this proposition and give some discussion to it and make some ideas available to Mr. Legal Adviser whereby he can incorporate in the Motor Vehicle Ordinance an amendment which would take care of the situation and so provide for better enforcement of our Motor Vehicle laws in the Territory.

Mr. Chairman: Councillor Chamberlist, I believe this would have to be a decision of Council if there is any direction to the Legal Adviser to draft an amendment. Is there anything further on this gentlemen?

Mr. Chairman: Mr. Shaw.

Mr. Shaw: In discussing this particular thing I must agree with Councillor Chamberlist, the member from Whitehorse East. There are many cases just close to the border of the Yukon

Mr. Shaw continues...

where trucks and so forth come in and carry on business and haul freight and so on, to which they have no licence, no right to by virtue of having no permits or licences and if the police stop them and enquires about that it doesn't seem to have too much effect because they have no way of impounding a vehicle and it is just a matter of catching them and stopping them from going out --they can't hold them for a hearing, perhaps that is the way to put it, or hold a vehicle so these people could just 'swish' right out again and as a result you might say it is a form of unfair competition to the people of the Yukon who do pay the required licence fee and conform to regulations and rules attached to them.

Mr. Chairman: Anything further on this Sessional Paper?

Mr. Chamberlist: I would have thought that a number of members of Council would have been prepared to discuss this motion, this paper and I am somewhat surprised there isn't further discussion on it. It appears to me that the need for making sure that our laws are kept and that we bring violators of our laws to justice would be so important to every member here that it just surprised me there is no further discussion on it.

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

Mr. Dumas: Clear.

Mr. Chamberlist: One, this is one case where I want to understand the meaning of clear. I can't follow this. I hear 'clear', but what is being made clear. I wonder what has been made clear to the Member from Whitehorse West. I wonder if the Honourable Member would declare what he means when he calls out 'clear' to this paper.

Mr. Dumas: Mr. Chairman, I find that I can't get excited about this paper. The Honourable Member from Whitehorse East seems to get excited about most papers and...

Mr. Chamberlist: Objection .. point of order.

Mr. Chairman: Order, point of order.

Mr. Chamberlist: Mr. Chairman, I think that it is time now that I raise this. We are going to be a good Council; we are a good Council. There is no point at all in starting to get insulting. If I stand up and make objections, I raise them, and if I raise them on any points I raise them because I think they are right. I don't want any personal remarks made because I can throw bricks back pretty good as well and I don't want ...

Mr. Chairman: Well, look, gentlemen, at this point I would ask you once again, are you clear on this paper so that we may proceed. Mr. Livesey.

Mr. Livesey: Not necessarily clear, Mr. Chairman. I can remember in my particular area quite some time ago where there was an accident at Lake Creek where an American car crossed a bridge and hit a Canadian car, a Yukon car, head on and at the time of the discussion after the accident; granted the people are shook up and their emotions perhaps are not normal, nevertheless the discussions between the two drivers

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Mr. Livesey continues..
was that the American car driver admitted the guilt and the Canadian driver was satisfied with the admission. There were no police officers in the district, naturally, because they reside a hundred and some odd miles south of the point of impact so therefore there was no possibility of taking evidence. There was a road obstruction and the cars had to be separated and towed away to another place until the arrival of the officers. In the meantime all the tracks toward the point of accident were obliterated by other vehicles. Therefore there was no way of ascertaining who was wrong or who was right so far as the tracks were concerned. The American car was able to proceed north and proceeded to Alaska and I understand the party concerned was in discussions with legal advice and suggested that they plead innocence and this was the case. So here you have the very thing that I believe the members are talking about. The question of who is right and who is wrong and I can certainly see the member's concern because certainly in this case the Canadian driver finally wound up with higher insurance and the stigma of guilt, although the other party had admitted being in the wrong at the time of the accident. Surely this is something that we could look into and I would suggest it should be done.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: I think the Honourable Member from Carmacks-Kluane is bringing up that point, that is one of the very valid points which should be raised in this matter. I don't see how anybody who is connected with insurance in any way should not recognize what harm is done to local people in case of collision, etc. but I am concerned as well about where there are speeding offences, where vehicles that are without proper headlights, that cause a danger to other vehicles on the highway where they are stopped by the police; the police can only just give the driver a ticket and the offence then is continued. For instance if he gives a ticket at the Watson Lake entrance and the driver, the Watson Lake entrance to the Yukon Territory, and the driver is just going to shoot right through to the Yukon border-for 600 miles he is going to continue the same offence all the way through. There is no way of stopping this and it is a continuing offence. Now, we have got to find a way, ways and means of, at least in the case of where Watson Lake to report to wherever there is a Justice of the Peace. If there is one in Watson Lake and there is a special court sitting that day it should come before the court but something must be done. It's a situation that is developing where we are gradually, and I have heard this from a number of people who have stayed at my hotel; they think it's a joke "I got a ticket for speeding", one particular man told me, and he said "when is court" and I said "ten o'clock in the morning". "Hell, I'm going on"..

Mr. Chairman: Order.

Mr. Chamberlist: I beg your pardon. And this is what has been done so consequently the only way the police officer can get this man to court is he has to go and get a summons. Now who is he going to serve the summons to-the man's a

Mr. Chamberlist continues.

transient, he might have come from Kentucky going up into Alaska. Where is he going to address this to? He is lost he is unable to do this and I think we have a responsibility to make sure that some way or other, we cannot, I don't think it right to impound the vehicle. This was pointed out to me by somebody a few days ago because he loses the benefit of using that vehicle. But certainly we must find some way where he cannot cross the border, out into the States, until such time as the matter has been dealt with. If Mr. Chairman, you feel that perhaps this motion for an amendment to go before Council and not before this Committee, I'm quite prepared to abide by your ruling on it if you wish to rule.

Mr. Dumas: Mr. Speaker, it seems I am going to be forced to speak on this paper. I'd like to point out that in B.C. they do in fact have laws regarding people who commit offences that are from out of the province. I wonder if the Legal Adviser might not investigate their Motor Vehicle Ordinance and come up with a few suggestions as to just what we could adopt to obviate some of the problems that have been mentioned by the Honourable Member from Whitehorse East and the Honourable Member from Carmacks-Kluane.

Mr. Chairman: Mr. Legal Adviser:

Mr. Legal Adviser: I'm not exactly sure what happens in British Columbia but Alberta have dealt with the matter in some way by acquiring bonds and such.... and from time to time there have been outcries because when you enact this type of legislation it applies to residents as well as transients to rule. It is not easy to determine what is a transient and what is a resident. He may be driving a local car and there have been people in it enroute a small journey have been put to tremendous expense and kept for a week or two weeks with a wife and family in some placecase defend, but when you want to defend a case it is very apt toplead guilty and pay a \$25.00 fine or \$10.00 fine, that's fine but some people feel that there is pressure brought to bear on them when they are held for a week on a case ... and then defend the case and win or lose they have still lost a lot of money if they are held in the middle of a transit journey to defend a case. But as far as impounding vehicles is concerned, there is a lot of power given to the officers to impound vehicles in the Motor Vehicle Ordinance itself but these impounding provisions are designed not to deal with the criminal side of the matter but to deal with the person who was injured or property damaged in such a way that some security would be obtained for the payment of damages so the provisions are that if a person has adequate insurance and satisfies the officer that he has in fact got adequate insurance, then he is allowed to go. If he doesn't satisfy the Officer after an accident causing injury to a person or death or property damage, then he is kept there until he puts up a bond or until the case is over, as the case might be. These provisions are designed for actions of a civil nature. The normal criminal provision is, of course, that you are if you have reason to believe that he is going to escape, or attempt to escape, then you arrest him.

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Mr. Legal Adviser continues.

Now, I'm not sure how the House would feel and how you would measure for which particular offence you would arrest a man and for which you would not. The proper answer is to be able to hold him for a period and bring him before a court and have the case tried there and then, as they do in some Continental countries on the continent of Europe, where the whole case is tried, both civilly and criminally within 24 hours or 48 hours of an accident happening. The court, what you might call a portable court which moves to this scene and they hold the case there with all the witnesses and they come to a decision and then that's a final decision of a court of first instance. The party can appeal but they seldom do because the marks are still on the road and so on. So far as a person moving away, in the instance given by the Honourable Member for Carmacks-Kluane, this is something which happens everywhere and something which you cannot stop. If an accident happens it is up to the party themselves to determine how the civil remedy will operate. In this case the Yukon resident could have demanded and had produced to him the insurance cover of the opposite driver and then regardless of what happens, he can have the case determined in the Yukon by serving the notices in the normal way of the other driver or insurance company and that the case would come up here before the Territorial Judge; his evidence is heard and if the other man doesn't turn up, then the odds are that his evidence is going to be accepted. He would win his case and the insurance company, or the normal insurance company rules will pay up the damage regardless of what jurisdiction the court has held its hearing provided it has jurisdiction to determine that matter. Now, this is basically a question as to whether the Council wish to bring provisions to hold on, put a hold on a person for a speeding offence. Do you want to give officers the power of arrest and detention until this man tries his case. What does one do; a man is passing through some town in the Yukon with a wife and two or three children; if you impound the vehicle then you just turn them out of the If you arrest the man and hold him we may not get a Justice of the Peace or a Magistrate to that place for a fortnight. It is just a question of the balance of convenience. I can look up and see what they do in B.C; I can see what they do in Alberta, but you must be aware that every cure that is proposed by a doctor is not necessarily easy on the patient and many residents of the Yukon will find themselves taking the same harsh cure that they propose for non-residents passing through.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, Mr. Legal Adviser, I wonder Mr. Legal Adviser if there is a possibility of incorporating in the Motor Vehicle Ordinance an amendment which would in fact say any person who has been issued instructions by the R.C.M.P. to attend Court shall not leave the jurisdiction of the Yukon Territory until such time as he has attended court.

Mr. Legal Adviser: This is quite possible but it would be most undesirable because one must assume in the average person a respectability. If he is given a summons for an offence to appear in court a week's hence or a fortnight's hence, that he may go commercial traveller, it may be anybody. It might prevent somebody, even a so that he couldn't go on his holiday. You know, every little amendment has a large family of children of some paragraphs that must be taken into account.

Mr. Chamberlist: Mr. Chairman, Mr. Legal Adviser, I wasn't referring to a summons. When a person has been given a ticket, not a summons, a traffic ticket by a police officer and the police officer says you are an out of town vehicle, you will be required to attend court and supposing for instance it is at Haines Junction and there is a Justice of the Peace there, could not the policeman say where the nearest Justice of the Peace is. This is what I'm trying to - but we don't want to inconvenience our visitors but at the same time I think we have to make sure that our laws - our requirements to enforce our laws are kept and I was wondering whether, if for instance it's near Watson Lake, a policeman cannot instruct a person to attend court at Watson Lake; somewhere where it would not be an inconvenience.

Mr. Legal Adviser: All these things are possible. Sometimes a small little thing like this will take elaborate drafting and reference back to various types of powers. One simple cure is to, in the majority of cases for speeding is a question of bringing in the power for the officer to write a traffic ticket and to be paid there and then or to pay at the next point on and various things like that but I think before the Council should get seriously involved they should ask the R.C.M.P. what problems they have encountered in this; probably ask the courts if they could give us information as to what the problem is, how many people have been summoned and not turned up - this is .. serious problem but the biggest problem, I would anticipate is from the civil point of view if a car causes damage to a person, bodily damage or property damage, then there should be some method of making sure that the damage is paid for. I wouldn't worry very, very much if a certain proportion of people escaped five dollar or ten dollar speeding tickets. It wouldn't worry me very much. So far as the unsafe vehicle is concerned there is provision that the vehicle could be held at that point until the defect is remedied. This situation of a car with no headlights or no breaks running through the Territory causing death or destruction isn't a practical one. Any officer can hold a car and say 'go to the nearest garage' and if he doesn't he commits an offence and the car can be held until the defect is remedied. This provision actually exists but the important one is in this Ordinance and that is that when a man is knocked down and injured they can hold the vehicle and if necessary hold the man by arresting him for causing it under the Criminal Code. They can hold it until it's clear that the insurance company is liable or ...car is held pending the action and then is sold to defray the costs of it. This is the really important one, and this really important one is there.

Mr. Chamberlist: Mr. Chairman, Mr. Legal Adviser just brought something to mind . whether police would be asked about this or not. Now the police have been in discussion on Thursday, 18th of November, 1965. The then O.C., Inspector Pantry, was asked relative to warrants that were outstanding for people that were out of the Territory - out of Territory vehicles and at that time Mr. Pantry said this: "Gentlemen, I believe Mr. Watt asked the question as to how many tickets had been issued to non-residents and residents in which they subsequently failed to appear. Mr. McKinnon asked as to whether there is any provision whereby non-residents can be charged in respect to failing to produce financial responsibility following

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Mr. Chamberlist continues. involvement in an accident? In answer to the first question we have 21 outstanding warrants for non-residents in the Yukon area. Then Mr. Pantry made further comments. He went on to say, I will just read part of it, it is along the same theme, page 166 of Thursday, 18 November, 1965. He said there, I would like to indicate some of the offences and bearing in mind legislation being considered for which warrants are held: slow speed, failure to notify Registrar the resale of a motor vehicle; poor equipment, usually brakes but this could be any equipment; driving without due care and attention; driving an unregistered vehicle, and I would interpose here that driving without due care and attention. Now, this is most important because a policeman could give a man a ticket for driving without undue care and attention when he comes into the Yukon Territory. This is where the continual offence takes place. For 600 miles he is driving without undue care and attention and there is nothing, no way or means that we could bring him into court and in the meantime he goes ahead and kills somebody. He could be doing this for 3 or 4 days and we have done nothing about it but in all. I won't extend this any longer but I feel that we should at least give some consideration to it and I would be satisfied if Mr. Legal Adviser could look into this so at least for next session we could have some legislation prepared for Council to consider relative to this one.

Mr. Legal Adviser:It doesn't seem to me to be any problem. Inspector Pantry says only 21 outstanding warrants and he gives six or seven offences here.... It doesn't seem to me to be a major problem. He has named seven or eight offences and there are 21 so it is an average of two. The most serious one there I think is a defective vehicle. But we don't worry about a defective vehicle - it never comes back here; for speeding, I don't think it's a serious business. The real sanction is to bring bring a person back for a civil court offence and pay the costs of it and I know the provinces always think twice before they go to the expense of having a person brought say from Toronto to Vancouver for an impaired driving charge. Certainly cases which I have defended where the defendant has not turned up for his trial in Alberta, even though the address was known to the authorities because I gave them the address, they have not brought him back. So, it can't be a serious problem. The members may think it is, the Council may think it is but unless I get a direction, we have a lot of things to do; we've Christmas coming, we have another Session coming up, we have a lot of things to do besides doing a complete re-hash of the Motor Vehicles Ordinance, unless it is the direction of Council.

Mr. Chamberlist: Well, I.....further on this but Mr. Chairman, I think it is serious enough when our law enforcement officers request it and I think it is serious enough when members of this Council have pointed out in a manner which is quite clear that there is and can be abuse of our laws because we have no way of enforcement. Now there is no point of having legislation that can be enforced against the residents of the Yukon and not against those who are not residents of the Yukon. Now it has either got to be legislation that has got to be applicable to everybody or not have it in at all because if we are going to say, it is not a serious offence, we won't bother to bring them back; I'm not

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Mr. Chamberlist continues... concerned about bringing them back but I'm concerned about stopping them before they get away and this is the thing I'm concerned with and I hope Mr. Legal Adviser will appreciate that we know there is a lot of work that you have to do and this is why I hadn't ask for an amendment for legislation to be prepared for this Session but I'm suggesting that between now and the Spring Session that you can perhaps take a closer look at these particular points that have been raised and give consideration to bringing in amendment to this legislation that would in some way or other make it an almost mandatory for any vehicle that has been stopped by the R.C.M.P. and the driver, who has been given a ticket for an alleged offence that he answer to that alleged offence before he leaves the Territory. Now this way we get away from what I think is an obnoxious; that is giving additional powers of arrest to the police, unless, as I say, it is a matter of an offence that is within the scope of the Criminal Code which power of arrest they have in any event and we get away from what is also an obnoxious thing of having to impound a vehicle where, as Mr. Legal Adviser has already pointed out, a man might be with his wife and children and he would have to turn them out onto the to get them away from that but what we do say and what I say we should say, rather is that you will not leave the confines of the Yukon Territory until such time as you have appeared before a competent court of jurisdiction. Now I think this is the gist of what I would like incorporated. It's not asking for too much; I think it will satisfy most people. At least it will show the R.C.M.P. that this Council, as a legislative body, recognize our responsibility in helping them to enforce the law without giving them laws that are all powerful.

Mr. Legal Adviser: I could not advise the House to pass legislation which would have the effect that when a person is stopped for a minor offence, that he is prohibited from leaving the Yukon Territory must assume that the average person may go and come back. He may go down to Lower Post; he might go to Edmonton and come back. I think objectionable if we had such a clause without a natural arrest on the freedom of movement of any Canadian citizen or of a visitor to Canadian soil.

Mr. Chairman: Mr. Livesey.

Mr. Livesey: Well this Mr. Chairman, I just have a few words on that, gets back to the same thing as I have been discussing before and that is a question of what is dangerous for us to do is obviously not dangerous for others, although they are actually right on the highway. During this summer for instance, I think there was a 1918 vehicle on the road, another a 1928, another 1929, 1930, 1931, 1932, 1932 vehicles travelling up the Alaska highway. Now if they were to attempt to get insurance on a compulsory basis like we have in the Yukon this is a questionable point too across Canada. I don't think there are many provinces that have compulsory insurance. We are compelled to protect the other gentleman but obviously he is not compelled to protect us and it seems to me there is a tremendous discrepancy and if we are going to talk about safety I think this is what we need insurance for; this

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Mr. Livesey continues.
is what we need regulations for under the Motor Vehicles Ordinance is for the purpose of safety. Now, how can you on one hand justify safety because it's a resident and it is still - it doesn't mean the same thing if it belongs to some one else. I fail to see how two vehicles travelling on the highway, and because one is owned by an American tourist and the other one by a Yukon resident that one has to follow certain types of regulations and the other one doesn't. This doesn't make sense at all to me. And a good many other things don't make any sense whatsoever. Surely what we need is equality in thinking so that the general public can gain from the legislation that we make the idea that the logic behind the reason for the legislation is obviously sensible. If you leave too many gaps they don't get this principle and what happens is that they fail to grasp the main feeling of the legislation and obviously disregard it and I think this is a bad example for us to set. Thank you Mr. Chairman, that is all I have to say.

Mr. Chairman: Mr. Shaw.

Mr. Shaw: Mr. Chairman, we discussed that at great length a number of years ago and the emotional content of the discussion was such that it was quite difficult to get to any reasonable conclusions. This question is something that the R.C.M.P. are quite concerned about in their duties and during the discussion on this I think that it evolved around the fact that when a person was charged with an alleged motor vehicle offence then the officer could impound the vehicle if he had reasonable cause, and it is right down here, if he had reasonable cause to believe that the offender would not appear and that is on page 216 of these particular articles. That seems to be a sort of reasonable way of resolving the situation but perhaps we could bring it up at a later date. I'd just like Council to have that information.

Mr. Chairman: Gentlemen, what is your disposition with respect to this Sessional Paper? Are you done with this matter at this time or do you wish to discuss it....

Mr. McKinnon: No, Mr. Chairman, I'd like to address the Commissioner on this paper - I'd like to pose a question....

Mr. Chairman: Gentlemen, with your concurrence then we will discuss this when we next sit. Are you agreed?

All: Agreed.

Mr. Chairman: In view of your request - the Members have requested a matter of some urgency that a caucus be held at two I will declare Committee in recess until two o'clock.

JA

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Friday, December 8, 1967.
3:30 o'clock p.m.

Mr. Chairman: At this time I will call Committee to order. Do you have anything further on Sessional Paper No. 70? SESSIONAL
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Mr. McKinnon: I have a question to address to the Commissioner. It can wait, however, if the Commissioner is not available.

Mr. Chairman: Is Mr. Commissioner available?

Mr. McKinnon: Perhaps Mr. Legal Adviser would like to comment on the Unsatisfied Judgement Fund in the Territory as per some of the provinces.

Mr. Legal Adviser: Well, I can say this is a definite problem and the Commissioner has considered this and intends to seek advice as to the best method of dealing with the particular problem. It's definitely a problem and should be taken care of. What the solution to the problem will be, we're not in a position to say except that this problem will be taken care of and we hope in the near future.

Mr. Chairman: Anything further?

Mr. McKinnon: I would like to be able to question Mr. Commissioner on this if he comes later.

Mr. Chairman: Mr. Clerk, would you see if Mr. Commissioner is available? I will declare a short recess.

RECESS

Mr. Chairman: I will call Committee back to order at this time.

Mr. McKinnon: Mr. Chairman, I would like to ask a question of the Commissioner on this sessional paper....if the Member from Dawson would settle down.

Mr. Shaw: Thank you, Mr. Chairman.

Mr. McKinnon: Has order been restored?

Mr. Chairman: Proceed.

Mr. McKinnon: In the discussions around the table concerning this Sessional Paper No. 70, Mr. Commissioner, it seemed as if there is some need for an Unsatisfied Judgement Fund as there is in effect in some of the provinces. I wonder if the Commissioner has given any consideration to this.

Mr. Commissioner: Mr. Chairman, I appreciate the opportunity of answering this. This is a matter that, long before I was Commissioner, bothered me considerably. In several of the provinces of Canada, this fund exists and by means of a court direction where, in certain types of claims for example, particularly as they are related to automotive accidents, people find themselves victims of an automotive accident. They are put to continuing expense, not just the momentary hospitalization and doctor's fees, and then they find the guilty party in the accident does not have the means, either by insurance or otherwise, of satisfying the judgement claim that the court has awarded to the injured party. This has been the subject of some conversations at the Administrative level and when you were talking this morning about insurance and automobile

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Mr. Commissioner continued:
accidents and things of this nature, it came to my mind that Council should be praised for thinking along these lines and they may have some valuable comments to offer with regard to it. The idea of such a fund would be that it would be established, no doubt, in its initial instances by....say we restricted this in its initial stage to accidents that were confronted over the road vehicles. Possibly you might see fit to say, "Put 50¢ a year on drivers' licences for five years until this fund had arrived at a certain point. This would be the means of initially funding these monies. No doubt, they probably would, at that point, carry themselves from a point of view of interest that this trust fund would accumulate, and then it would be up to the court when they award someone a judgement that could not be satisfied by ordinary means or any other means, possibly then the court would award the damages to be paid through this Unsatisfied Judgement Fund. Now, this is kind of an over simplification of the situation but I highly recommend Council to give some consideration and thought to this. We will endeavour to bring proposals forth along these lines at the next session of Council. It will not be able to be instituted right away, but it is something that I definitely feel is a very highly desirable thing in an area where we have a tremendous amount of transient automotive traffic where, no doubt in many, many instances, these people become involved in accidents have no insurance and this is a ways and means of properly dealing with these claims without the offended party becoming a charge of the public person.

Mr. Chamberlist: Mr. Chairman, this answer from Mr. Commissioner certainly brings forth another interesting point. Just recently a man was killed in a motor vehicle accident and his wife and one child are still in the hospital and will be in the hospital for about six or eight months. The driver of the vehicle was also injured and I understand there may be a prosecution when he is well, but in the meantime there has only been insurance for the minimum amount and this minimum amount will not cover the hospital account, and under the Yukon Hospital Insurance Ordinance the account from the insurance has to be settled first, so that the people who are injured will receive no payment whatever. I wonder, Mr. Commissioner, if at the same time you might consider looking into a specific case if this matter was brought to your attention as to subrogating your rights, which you must do by a separate ordinance because the Yukon Hospital Insurance Ordinance makes it mandatory upon you to claim that portion of the insurance that will be sufficient to pay for the amount of hospitalization. This in itself is something similar to the Unsatisfied Fund we would have to have because although there is some insurance, it might not necessarily be sufficient to satisfy the amount of the fees and expenditures for hospitalization and it will also not even satisfy the amount of claim that judgement could be obtained by the court for the accident. I wonder, Mr. Commissioner, if you would comment on this?

Mr. Commissioner: Mr. Chairman, it is a fair statement to say that we have already been informally approached on this matter, and I have suggested to the solicitors concerned that the matter stay in abeyance until such time as the actual dollar bills that are involved are truly known. At that time, I will be coming to Council to seek your advice as to what is the proper situation to do here. But, I would say that the particular accident that has been referred to was more or less the clincher as far as I was personally concerned on the matter of this Unsatisfied Judgement Fund because it is something that I believe that for the protection of the ordinary citizen of the Territory is, liberally speaking, getting to the

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Mr. Commissioner continued:

point of being almost a mandatory necessity and we are going to proceed to do the very best that we can to bring forth concrete suggestions for you so that this matter can be dealt with in the proper manner just as quickly as possible, and I refer you to my opening remarks with regard to a specific accident that was referred to here.

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Mr. Chairman: Have you anything further, gentlemen? Well, this completes Sessional Paper No. 70. We have some in abeyance but I believe we are waiting on information in respect of these.

Mr. McKinnon: Mr. Chairman, I wonder if we could return to Sessional Paper No. 69 while the Commissioner is here, concerning Crown Land in Whitehorse?

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Mr. Chairman: Committee agreed?

All: Agreed.

Mr. Chairman: Proceed.

Mr. McKinnon: In the sessional paper it states that "the Minister intends to request the approval of the Governor in Council to transfer the administration and control of all crown land in the greater Whitehorse area from the Department of Indian Affairs and Northern Development to the Commissioner, whether such land is surveyed or not." I wonder if I could ask the Commissioner just how much land is entailed in this transfer.

Mr. Commissioner: Mr. Chairman, I couldn't give it to you in actual acreage but it is, in the first instance, that area which we refer to as the Whitehorse metropolitan area. Now the lines that we have drawn on the map to define the Whitehorse metropolitan area may not be the actual fine definition of the size. In other words, there may be certain survey monuments that will be referred to so that instead of it being an oval on the map, it may be an oblong or square, but it is a considerable size of a property. Also, it is the Minister's intention to follow this up as soon as possible with a similar area of land in relation to the size of all other communities in the Territory so that we will, effectively speaking, have control right here at the Territorial level of lands that surround all the communities in the Territory and deal with them right here.

Mr. McKinnon: Mr. Chairman, I'd just like to say that I think it's a really substantial move on the part of the Federal Government to allow this Crown land to come under Territorial administration and control. I would like to ask the Commissioner if Council could be advised at the earliest opportunity as to how much land is transferred actually.

Mr. Commissioner: Yes, I would be happy to do that. Also, before I'm asked the question, I will admit to having twisted the Minister's arm on this one.

Mr. Chamberlist: Mr. Chairman, I would ask the Commissioner to refer to Sessional Paper No. 39 dealing with resource administration, and in that sessional paper it was suggested the follows: "Effective immediately, responsibility in the Yukon for Forests and Lands is to be transferred to the Resource and Economic Development Group." Now, there appears to me to be some conflict between both of these sessional papers. I wonder if Mr. Commissioner could explain why one sessional paper refers to the administration

SESSIONAL PAPER #69 Mr. Chamberlist continued:
of the land going back to Ottawa and the other one refers to the administration that...one says, "Effective immediately, responsibility in the Yukon for Forests and Lands is to be transferred to the Resource and Economic Development Group and the Yukon Forest Service and the Lands Administration will no longer form part of the Yukon Administration." That is Sessional Paper No. 39, 15th of November. This Sessional Paper No. 69, December the 6th, 1967, says that, "It has been stated publicly that the Minister intends to request the approval of the Governor in Council to transfer the administration and control of all crown land in the greater Whitehorse area from the Department to the Commissioner." Now, which is which. I'm getting a little confused here, as I say, one sessional paper says everything dealing with land is going to Ottawa and another sessional paper says everything dealing with land is coming to Whitehorse. Now which is right?

Mr. Commissioner: Both are correct, Mr. Chairman, because in the latter statement it doesn't say that all land, it says all Crown land within the metropolitan area of Whitehorse, as apposed to other lands in the Territory. The only thing that is going to transpire is that you are going to have two basic types of land; those lands which come under the direct control of the Commissioner right here, and it will be in my mind that the initial stage will be the lands in the metropolitan area and then, as I explained, similiar areas of land surrounding all the communities in the Territory. We will deal with these lands completely, here in this building. Now, other lands in the Territory would be dealt with and continue to be dealt with in the manner in which they are right at the present time.

Mr. Chamberlist: I'm confused, Mr. Chairman, but I will sort it out during the next two days or so.

Mr. Chairman: Are we clear on this paper?

Mr. Chamberlist: No, but I pass....

Mr. McKinnon: Mr. Chairman, I certainly want to give credit where credit is due, and I thank the Commissioner for twisting the Minister's arm.

Mr. Chamberlist:and twisting the sessional papers.

Mr. Chairman: Well, gentlemen, that concludes the sessional papers that we have before us at the moment that we can deal with. You have three memorandums from the City of Whitehorse. The first is dated November the 29th and it has reference to....this is directedthe letter....to Mr. Commissioner with reference to, I believe, parking meters or something of this nature.

Mr. Chamberlist: Mr. Chairman, I will wait for the Commissioner. I think I have a couple of questions.

Mr. Chairman: I will call a short recess, gentlemen.

RECESS

Mr. Chairman: I will now call Committee back to order, and is it your wish to defer this paper on the parking meters at this time?

Mr. Chamberlist: Yes, it is my wish, Mr. Chairman, to do this.

Mr. Chairman: Agreed?

All: Agreed.

Mr. Chairman: The next paper....

Mr. Commissioner: May I ask a question on this one? Do I understand then that Council would not be wishing us to bring forth any legislation at this session with regard to this?

Mr. Chairman: Well, apparently they just deferred discussion to Monday on this.

Mr. Commissioner: Just for the time being.... That's okay, that's fine. Thank you.

Mr. Chairman:; The next paper is a paper dated December the 4th addressed to the Commissioner, respecting the extension of city boundaries. Proceed.

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Mr. Chamberlist: Mr. Chairman, my first reaction to the memorandum was that Members of Territorial Council who are directly concerned with this....in fact, I would say all Territorial Council Members have been let out of the picture without getting to know what had been taking place. Now, I would firstly like to have Mr. Commissioner say whether the recommendations of the Territorial Administration refer to, in this memorandum, were formal or informal recommendations.

Mr. Commissioner: Well, Mr. Chairman, I'm looking for a letter here right now, and they're searching for it for me. It was written under my signature to the City of Whitehorse asking them if at the December election they wish to consider putting the question of taking in the whole of Riverdale into the city boundaries.

Mr. Dumas: Mr. Chairman, I would like to ask the Commissioner.... I think this is the point the Honourable Member for Whitehorse East is making also. If, when you're asked to attend a meeting such as this, you must then reply to the Mayor that you're going to bring some of the Administration with you or you would like to, if it wouldn't be just good policy or diplomacy to say, "How about the Territorial Councillors concerned?" It would have alleviated a lot of the problem. We find out about a meeting, december 1st, between the City and the Administration and no Territorial Councillors, who are also representing the people of this area, and it seems to me that it would have been an act of courtesy on the part of the City to begin with, and then on your part, sir, to just put the question to them and let them answer.

Mr. Chamberlist: Mr. Chairman, I would like to ask the Commissioner, Mr. Chairman, whether the resolution, number 1, that has been passed by the City Council is a result of any statements of a formal nature made at this informal meeting.

Mr. Commissioner: Well, I can't properly answer that question. There's what we got back from the City and, as I say, I'm looking for the letter right now that simply the City, do they want to consider holding a plebiscite to take in the Riverdale area at this December election. May I read this letter, Mr. Chairman?

Mr. Chairman: Proceed.

Mr. Commissioner: This is addressed by me. The referred says, "Extension of city boundaries....We are presently reviewing our projected land requirements for the next construction season in

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Mr. Commissioner continued:
the Riverdale area with the possibility that certain developers might wish to acquire fairly large tracts of undeveloped land. It appears that there may not be sufficient land within the present city boundary to meet these requirements. We are, therefore, wondering if the city would like to extend their boundaries at this time to include the whole Riverdale area in order for the city to have control of development as well as resulting tax benefit. As this will require a plebiscite, we thought this might be held in conjunction with the December civic election. For your information we are attaching a sketch and a description of the area." Now, my assumption, Mr. Chairman, is that this is the recommendation that these people are referring to.

Mr. Chamberlist: The date of the letter, please, Mr. Chairman.

Mr. Commissioner: November the 10th, Mr. Chairman.

Mr. Chamberlist: Mr. Chairman, I would like to ask of the Commissioner whether Mr. Commissioner knows whether the contemplation of taking this into the....this area into the city was before the public announced proposed shopping centre or before there was any thought of any use of that land.

Mr. Commissioner: Do I understand the question to be, was our letter before or after the public announcement of the shopping centre. Is that what the question is?

Mr. Chamberlist: Yes, that is.

Mr. Commissioner: To the best of my knowledge, I'm sorry, I could not tell you. November the 10th....I don't know. I think you'd better get some factual information on this.

Mr. Chamberlist: Mr. Chairman, I would suggest that this resolution, passed by the City Council, is the result of a proposed application....application for a proposed shopping centre in the Riverdale area, and that before this proposition was made the city had made no request whatever nor had the Administration requested of the city Administration to whether they would want this area incorporated within the city. Now, dealing with resolution number 1, it is my contention that the purpose why it is requested now is to try and jam the proposed shopping centre by those who are interested in jamming the construction of this shopping centre. It has been made clear that there will be no opposition to the area being taken into the shopping centre once the application for the land has been completed, and once the proposed shopping centre has been, effectively, commenced. It is recognized that the tax benefits to the municipality will be large. I agree that this should be done. I just want to be assured by the Commissioner that this request by the city is not one to take advantage of a proposition which will help this community, which will help not only Whitehorse proper but will help the natural building growth of the Yukon Territory, will not in any way be given to the City of Whitehorse with the idea that they may destroy the acreage prospect that is required for a shopping centre, because if this is so....it may well be, because the city, because of the pressures that are being put on them by certain business interests in this community will suffer in as much as that the city will break this area into lots, and by subdividing into lots there would have to be road allowances, there would have to be lanes, and so it would destroy the area of land that will be needed for the complex that has been shown to this Territorial Council. As I say, I'm not opposed to the area going within the city. I think it should do, but if there is any danger of the city

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Mr. Chamberlist continued:

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destroying the idea of a complex over there, I would be opposed to it and I would strongly object to it. Now, dealing with the second resolution. The second resolution suggests that it be sold to the city for a nominal consideration. Now, it is fairly obvious, in my mind at least, that the rights of those who make application for land...made the application in the manner required by law...should be given prior consideration. There again, I feel that resolution number 2 for this land to be sold to the city for a nominal sum would again place in the city the opportunity to destroy the complex that may well be needed. I am not opposed to free enterprise and I want to see that free enterprise is maintained.

Mr. McKinnon: Mr. Chairman, I have already got my fingers burnt once today for evidently getting into an area where I had no business, and once bitten, twice shy. I can't see what business it is of this Council if the City of Whitehorse does want to extend its area to take in that section of Territorial land which would entail an area which is now being surveyed for the proposed shopping centre. I think that this is rightly the prerogative of the city, that it should rightly fall under the municipalities jurisdiction, and I think it behooves this Council to try and be sticking their nose into the municipalities business which is a creature of this government. I think that the people of Whitehorse have ample protection to the exercise of their franchise. If they don't like the way the City Council is handling the affairs of the city once they are elected, then they have the prerogative to throw them out.

Mr. Chamberlist: Mr. Chairman, I agree with Councillor McKinnon's remarks. I think they have the prerogative of taking the city area into the city limits. There's nobody arguing against this point. But, it is because of the way this matter has been handled. I heard Councillor McKinnon say, "So what." I do not wish to have it said that he may be speaking for an interest, and I want you just to.....

Mr. Chairman: Order. Order.

Mr. McKinnon: I won't accept that, Mr. Chairman.

Mr. Chairman: Order. Order.

Mr. McKinnon: I won't...no sir. I'm not going to be accused of speaking for any interests other than my own and my constituents at this table and that's....

Mr. Chairman: Is this a point of order?

Mr. McKinnon: I demand an apology.

Mr. Chamberlist: The point of order could be given....

Mr. Chairman: Order, Councillor Chamberlist. Councillor McKinnon has raised a point of order, and has asked for an apology.

Mr. McKinnon: If the secretary will repeat the words of the Honourable Member from Whitehorse East, I think you will find that I have been accused of speaking for an interest. I am not speaking for an interest and will not be accused of speaking for an interest other than my constituents or the people of the Yukon or the people of the Dominion around this table. No, I want an apology if that's the case.

Mr. Chairman: Councillor Chamberlist, are you prepared to offer....

MEMORANDUM Mr. Chamberlist: I'm afraid that Mr.Councillor McKinnon
RE CITY obviously didn't hear what I said. I said, he may be speaking for
BOUNDARY an interest. There is nothing to apologize for. If he says he
EXTENSION is not speaking for an interest, well, he has answered it. He says
he is not speaking for an interest.

Mr. McKinnon: Thank you.

Mr. Chamberlist:an apology is not necessary. Now, again, I go on to resolution number 2, and in resolution number 2 the main thing I am concerned about....not that the area should or should not be taken into the city limits. As I said, I am agreeing with Councillor McKinnon that it could and should, and that's their prerogative to take it in if they can see an advance of tax structure. But, I think it is audacious for the city to ask this Territorial Council to support them, to let them take the land for a nominal consideration. Now, anybody that's involved in knowing about the staking of land, the making application for land, knows that those that make the application first, or those that stake the land first, have got a right to have their application, or their staking rights, protected. Therefore, I would not be in favour of the land being turned over for a nominal consideration to the city until such time as the application for that land is either refused and reason shown why it is being refused, if there are sound reasons, and why the city should have it for a nominal consideration. There has been in no area yet in the expansion of the city area where the city has asked for land to be given to them for a nominal consideration. Now, this can be done....I am aware. And, I am not opposed to the City of Whitehorse....and let me remind my Honourable friend....I still call him a friend....he is my friend really....from Whitehorse North....that I am very concerned for the City of Whitehorse because I happen to be a taxpayer in the City of Whitehorse, and this is another reason why I am concerned. I want to make sure that we do have a tax structure, because the time might come along well that if the City of Whitehorse doesn't increase its tax structure, it might, before anything, go out of business because it cannot maintain itself. So, I can assure you that I'm very, very interested in what's going on. May I repeat, I have no objection to the first resolution. I object to the second resolution, and I don't think the second resolution should be given consideration.

Mr. Dumas: Mr. Chairman, I wonder if the Commissioner could tell me the normal operating procedure for the Senior Government in any area, but particularly in the Yukon, to turn over lands adjacent to....or Territorial lands....to a Junior Government such as that existing in the City of Whitehorse at a nominal fee, or is there usually a fair amount of money involved in these transactions.

Mr. Commissioner: Well, the normal routine, Mr. Chairman, applying to Riverdale, and that is the city boundaries are extended to take in an area of land. This land is serviced by means of Territorial funds and these funds are recovered by the sale of the land. This is the theory, in other words, if you sell a lot you are picking up the costs of servicing that lot in relation to its area and where it sits, and the city does not come into the picture as the beneficiary of this land being within its boundaries until the land develops and it becomes a taxpayer. This is the normal situation.

Mr. Dumas: Mr. Chairman, would this be the procedure followed in this case then?

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Mr. Commissioner: The procedure that has been followed in Riverdale in the past is what I have just told you. The request that the city has made in this resolution here is that if these boundaries are extended to include the perimeters in Riverdale which I think you've got on the map shown here, is that the whole package, the title to the whole package, would be sold to the City of Whitehorse for a nominal sum from the present owner, the Federal Government, and then the city would do their own subdividing and their own servicing of the property and sell the property in the manner that the Territorial Government does now. In other words, it would be completely the city's when the Territorial Government entered into the dispossession of the land.

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Mr. Chamberlist: Mr. Chairman, Mr. Commissioner, could you tell us any other instances of where land has been turned over to the City of Whitehorse at a nominal sum?

Mr. Commissioner: I am not aware of any, Mr. Chairman.

Mr. Chamberlist: So if this took place, this would be the first time, Mr. Chairman?

Mr. Commissioner: To my knowledge off-hand. Mr. Chairman, now you must remember I'm talking from memory. I would have to research a thing like this before I could absolutely say to this, but to the best of my knowledge, yes.

Mr. Chamberlist: Mr. Chairman, it's my understanding that the Riverdale property...what is the Riverdale area now...the land... the lots there, although the area went into the city limits, the lots there are sold by the Territorial Government because they're owned by the Territorial Government until such time as they're sold to an individual, and then the taxation on that land reverts to the city. Isn't that the procedure.

Mr. Commissioner: That's exactly what I finished telling you.

Mr. Chamberlist: Right. So that....

Mr. Chairman: Councillor Dumas.

Mr. Chamberlist: Go ahead. I wanted to continue on.....

Mr. Dumas: Mr. Chairman, I would just like to comment. My immediate reaction is that I would like to see any transfer of land from the Territory to the city be carried out in the same way the previous transfers had been carried out, and if there are monies coming from these lands it comes to the Territory proper, and I say the full amount of monies. I am one of the few people on Council who have gone on public record on saying that I am fully in favour of the shopping centre development across the river, but I am also fully in favour of the Territory or the city for that matter getting its money's worth for that land, and this is all that I am interested in. Whether the Territory gets part of the revenue for that part of the land that is outside of the city boundary, and the city gets it for the part that's in, or whatever the arrangement is, I don't know, and for that matter, could care less as long as the land is paid for at the going rate in that area and the Territory receives its share and the city receives its share. And, I would like to see, I might add, the city boundaries extended.

Mr. Chairman: Gentlemen, I draw your attention to the time. Apparently, it would appear, that you would like to continue this discussion when we next sit again. Is this correct? Do you agree then that we drop the matter at this time until our next sitting?

All: Agreed.

Mr. Chairman: What is your further pleasure?

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

Mr. Chairman: Is there a seconder?

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? 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 Committees?

Mr. Chairman: Mr. Speaker, Committee convened at 10:45 a.m. to discuss bills and sessional papers. Committee recessed at 12:00 noon and reconvened at 4:00 p.m. 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 Committees. Are we agreed?

All: Agreed.

Mr. Speaker: May I have your further pleasure?

Mr. Taylor: Mr. Speaker, in respect of the agenda, we have before us several amendments to bills in addition to some sessional papers and memorandums so I would suggest that when next we sit we consider bills, sessional papers and memorandums.

Mr. Speaker: Is there any further business?

Mr. Dumas: Mr. Speaker, I would move that we revert to orders of the day.

Mr. Taylor: I will second that.

Mr. Speaker: It has been moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Watson Lake, that we revert to orders of the day. Is the House prepared for the question. Are we agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: You may proceed.

Mr. Dumas: Mr. Speaker, I would like to move First Reading for Bill No. 21, An Ordinance to Amend the Taxation Ordinance.

Mr. Chamberlist: I will second that motion, Mr. Speaker.

Mr. Speaker: Am I correct in assuming that this bill has not been introduced?

Mr. Shaw: Mr. Speaker, I would move that we introduce Bill No. 21, An Ordinance to Amend the Taxation Ordinance.

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Mr. Dumas: Mr. Speaker, I will second that motion.

Mr. Speaker: The previous motion, gentlemen, was out of order. BILL #21
The present motion is in order. It has been properly moved by the INTRODUCED
Honourable Member for Dawson, seconded by the Honourable Member for
Whitehorse West, that Bill No. 21, An Ordinance to Amend the
Taxation Ordinance, be introduced at this time. Is the House
prepared for the question on the motion? Are we agreed? I will
declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: May I have your further pleasure?

Mr. Taylor: Mr. Speaker, I would move that Rule No. 2 be suspended
and that we do not sit again until Monday next.

Mr. Dumas: I will second that, Mr. Speaker.

Mr. Speaker: It has been moved by the Honourable Member for Watson
Lake, seconded by the Honourable Member for Whitehorse West, that
Rule 2 be suspended and that we do not sit again until Monday next.
Is the House prepared for the question? Are we agreed? Are there
any opposed? I will declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

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