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# YUKON TERRITORIAL COUNCIL

SECOND SESSION 1967

## Votes and Proceedings

Volume 3

AA

Page 876.

Monday, December 11, 1967.

10:00 o'clock a.m.

Mr. Speaker read the daily prayer. Councillor McKinnon was absent.

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 the tabling of Sessional Paper No. 72, re Taxation Ordinance. Are there any Reports? Introduction of Bills. Are there any Introduction of Bills this morning? Notices of Motion or Resolution. Are there any Notices of Motion or Resolution? If not, may we move to Orders of the Day - Notices of Motion for the Production of Papers. There are no Motions for the Production of Papers but we do have Motions for the Production of Papers Passed still in on the Order Paper, Nos. 4, 5, 6, 8 and 9. I wonder if I could direct a question at this time to Mr. Clerk to ask him if these questions will be answered soon.

SESSIONAL PAPER #72

Mr. Clerk: Yes, Mr. Speaker. As soon as possible. As soon as we can get the information.

Mr. Speaker: Under Motions - No. 55, Mr. Chamberlist. I believe we have a question in relation to this Motion this morning.

Mr. Chamberlist: Yes, Mr. Speaker, I would ask that this Motion be stood over until tomorrow morning as I will be withdrawing but the Second of the Motion is not available at this time.

Mr. Speaker: Thank you, Mr. Chamberlist. That brings us to the question period and until the Commissioner arrives, I wonder if I could ask you if you have any written questions this morning. I believe the Commissioner will be tied up for some time this morning.

Mr. Chamberlist: Mr. Speaker....I wonder if Mr. Speaker could intimate how long the Commissioner will be tied up for.

Mr. Speaker: I didn't receive any specific time on it but I understand that he is hard at work this morning on the Anvil situation.

Mr. Chamberlist: With respect, Mr. Speaker, I feel that we are hard at work tied up in the affairs of the Territory and I would ask that a request be made that the Commissioner attend Council at this time to answer questions.

Mr. Speaker: Is that the view of the House on this point?

All: Agreed.

Mr. Speaker: Mr. Clerk, I wonder if you would inquire if the Commissioner would be available. I will call a five minute recess.

RECESS. Mr. Commissioner enters the Council Chambers.

Mr. Speaker: I will call Council to order. We are in the question period. You may proceed. Mr. Chamberlist.

QUESTION  
SMALL  
DEBTS  
COURT  
APPEAL

Mr. Chamberlist: Mr. Speaker, I would like to address my question to Mr. Commissioner. Mr. Commissioner, the information has come to me that in the Small Debts Court there are no provisions for an appeal from a decision in the Small Debts Court. It has been told to me that a person applying for relief by way of appeal is told there are no forms available or method by which an appeal could be made. I wonder if Mr. Commissioner has heard anything about this matter... this situation...and if he has not, would he be prepared to investigate to find out why this isn't so?

Mr. Commissioner: Mr. Speaker, this is the first time in my life I have ever heard of the fact that there was no appeal from the decision of any Court and if the Councillor would be good enough to give me as much detail as he could on this, I would be very pleased to investigate the situation. Mr. Speaker, could I ask...is this something that has just newly come to the Councillor's attention or is this something of old standing? I have never heard of it.

Mr. Chamberlist: Mr. Speaker, in replying to Mr. Commissioner's question, it was brought to my attention yesterday morning where a person had had a Judgement awarded against him in early August and had made application to the Court to appeal this and they were unable to supply him with any forms for the appeal as there were no forms available. He attended four or five times to obtain appeal forms and to this stage has still been unable to obtain appeal forms. The Deputy Magistrate who sat in August, when he was asked about this, stated that if there was no way of appeal, there cannot be any case, however, the Deputy Sheriff is now attempting to seize this person's car and I have taken it upon myself to look into the matter. I have found that there is no way that this person can appeal and there is something wrong if a person cannot appeal the decision of a court, especially a Small Debts Court.

Mr. Speaker: Mr. Chamberlist.

QUESTION  
EDUCATION  
ALLOWANCES

Mr. Chamberlist: Mr. Speaker, I have a further question to Mr. Commissioner. It relates to the allowances made to pupils for further educational facilities...educational allowances...outside of the Yukon Territory. Mr. Commissioner, a person who is still a resident in the Yukon but is now in the University of British Columbia and has made an application to the Department of Education for the \$900 allowance plus the travelling allowance for under-graduate courses and he has been advised by Dr. Shields that he is not subject to the funds because he is taking a Bachelor of Law degree. To further explain, the Dean of the Faculty of Law at the University of British Columbia....

Mr. Speaker: Order. I would remind the Honourable Member that I think that he knows that he must not supply information to the House during the question period but merely ask a question.

Mr. Chamberlist: Very well, Mr. Speaker. I was trying to give a little background of the situation to Mr. Commissioner so that it would help him in his reply..if that is permissible.

Mr. Speaker: Well, it must be in no way a speech or any long drawn out explanation.



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Mr. Chamberlist: Well, very well, Mr. Speaker. I accept your ruling. Mr. Commissioner, would you say that a person that is taking a Bachelor of Law degree is to be classified as an under-graduate or not and, therefore, would he or would he not be subject to the \$900 allowance?

QUESTION  
EDUCATION  
ALLOWANCES

Mr. Commissioner: Mr. Speaker, this is something that I would chose not to deal with myself. These matters are dealt with by a very able citizen group who.....I am sorry. I can't name them off hand at the moment....but they form the Advisory Committee that was set up at the instruction of Council here several years ago and they attempt to deal with these matters within the framework of the terms of reference that.....to make the limited funds available in a manner that, effectively speaking, confines them to young men and young women who are basically residents of the Yukon Territory for post secondary education up to and including the initial certificate of competence or degree that that first stage of post secondary education will carry them to. I think the question that is being asked here refers to a person who has already received their initial degree at a University... in other words, we will say their Bachelor of Arts degree at a University and then wishes to carry on beyond this point. It is my understanding, and I will look into this further, but it is definitely my understanding that the funds that we have available for this just do not permit enough flexibility at the present time at least to go beyond the time of the person getting that initial certificate of competence, I think you would refer to it...if this was in a technological institution....or to the initial degree that they obtain in a university. This is as far as I could go on the answer to this at the present time, Mr. Speaker. I would appreciate the opportunity of checking my own background information on this so that I could acquaint Council further in this respect.

Mr. Dumas: Mr. Speaker, I wonder if Mr. Commissioner can tell us whether there is a Territorial Councillor on this Advisory Committee?

Mr. Commissioner: I don't believe so, Mr. Speaker. I don't know what the names of the people are but I believe that they are people that are entirely removed from Government.

Mr. Dumas: Mr. Speaker, I wonder if Mr. Commissioner could tell us if this fund has ever been taxed to the limit.

Mr. Commissioner: Mr. Speaker, I think you may have this information right in front of you here right now. I don't know who...the breakdown under the school votes goes to this degree but it comes under your Operation and Maintenance Funds and to the best of my knowledge, the fund has been over-taxed and, also, remember that this is a brand new program which just started out this year and we are endeavouring to feel our way reasonable cautiously in this matter.

Mr. Chamberlist: A supplementary question to my original question. Could Mr. Commissioner examine the terms of reference in the distributing of these funds...if it is pointed out to them that the persons who make up this Advisory Committee are misinterpreting what is written.

Councillor McKinnon enters the Council Chambers.

Mr. Commissioner: I will personally check into this situation, Mr. Speaker, the first opportunity but I have so many other things that I am trying to get done.....

Mr. Legal Adviser enters the Council Chambers.



Mr. Dumas: Mr. Speaker, I wonder if the Commissioner, when he is looking into this, might also inquire about a person studying for a Law degree...it takes six years to receive a Bachelor of Law degree. It is considered to be an undergraduate course all the way. What I am wondering is if the grant is only for the first four years of university or if it is in fact for under-graduate study....then get into Medicine...it takes even longer and which is a full course of under-graduate studies.

QUESTION  
EDUCATION  
ALLOWANCES

Mr. Commissioner: Mr. Speaker, it's like all other matters that concern money. There is only so much and you endeavour to put it to the very maximum use and I could well imagine with today's educational opportunities that if you made funds available in sufficient quantity, that you could find courses to keep a person going to educational institutions for their whole lifetime. I am positive there would be no difficulty in doing this, Mr. Speaker, and these particular funds that we have available now were made possible through representations that we were able to make to the Minister in this specific area. They are limited funds and I commend the Committee that we presently have who are endeavouring to distribute these limited funds to get the maximum possible use out of them. This is not to preclude the fact that I will be very happy to try to answer further Council's questions.

Mr. Taylor: Mr. Speaker, I have a question I would like to direct to Mr. Legal Adviser this morning and that would be that I am wondering if, as yet, the results of the investigation into the Teslin policing policies may have been transmitted to him and, if so, what basically would the results be.

QUESTION  
TESLIN  
POLICING  
POLICIES

Mr. Legal Adviser: No, Sir. I have no word as to what the outcome of this investigation is.

Mr. Taylor: Supplementary to that, I wonder if I might ask Mr. Legal Adviser if he feels that, indeed, any information would be transmitted to our Legal Adviser.

Mr. Legal Adviser: Well, Sir, I would expect that out of courtesy the outcome of the investigation would be made known to the Administration. There is no legal obligation to give us the information but I am quite sure that the information will be forthcoming.

Mr. Taylor: My third question, Mr. Speaker, in this line. In view of the fact that having heard of the Teslin situation, other native communities are expressing much similar requests, what would be required of this Council in order that the Department of Justice, or the Police Department, investigate generally the situation as it affects Indian people in the Yukon. What course should we follow in order to achieve this?

Mr. Legal Adviser: I could not say, Sir, except it is purely at the wish of the Council what form they wish to take in order to have such an investigation conducted, always being aware that investigations like this would, in the first place, take time, it will cause a considerable amount of inconvenience and it may cost a certain amount of money.

Mr. Taylor: Just for clarification, who would undertake this study?

Mr. Speaker: Order. Order. Mr. Shaw.

QUESTION  
EDUCATION

Mr. Shaw: I am wondering, when the Commissioner.....terms of reference of this scholarship program that we were discussing, if he would pay particular reference to those who are studying Law. This apparently seems to be where the conflict arises.

Mr. Speaker: Was that a question, Mr. Shaw?

Mr. Shaw: Yes. I wondered, Mr. Speaker, if the Commissioner could note that this is where perhaps the conflict in this scholarship award is creating difficulty.

Mr. Commissioner: Yes, I would be quite prepared to do that. I can tell you the answer right now, Mr. Speaker, and that is there is only so many dollars and we make them go as far as we can.

QUESTION  
PROSECUTIONS

Mr. Chamberlist: Mr. Speaker, a question addressed to Mr. Legal Adviser. Mr. Legal Adviser, I have asked two or three times a question of you with reference to the responsibility, the final responsibility, for prosecution of charges for offences under any of our Ordinances. Would you answer if you can who has the ultimate responsibility of authorizing prosecutions.

Mr. Legal Adviser: Sir, I am satisfied, as the Law stands at present, the responsibility for authorizing a prosecution under any law, by law or otherwise, rests with the Attorney General of Canada.

Mr. McKinnon: Mr. Speaker, I wonder if I could ask Mr. Legal Adviser, who is the representative of the Attorney General of Canada in the Yukon Territory.

Mr. Legal Adviser: So far as I know in that regard, the representative of the Attorney General is the Crown Prosecutor and agent for the Attorney General, Mr. Wylie.

Mr. Speaker: Any further questions?

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Legal Adviser a question. Will the licenced premises be able to open in Whitehorse at twelve during the Municipal Election?

Mr. Legal Adviser: Sir, I have discussed this matter with the Administrator of the Liquor Act and we are of the opinion that the section governing this is section 31 subsection (2), paragraph (b) and under this particular paragraph, licenced premises must close during polling hours and we do not think that the Canada Law applies....this is a municipal election specifically set out in this paragraph. I don't want to say whether they should open or shut but the paragraph reads that they shall close during polling hours and it is for them to open and find out for themselves when the polling hours cease to operate.

Mr. Speaker: Are there further questions?

QUESTION  
#29

Mr. McKinnon: Mr. Speaker, I have a written question to the Administration that I would require a written answer. The question reads, "Does the Administration intend to act on any of the recommendations of the report to the Government of the Yukon Territory regarding erosion and flooding problems on the Yukon River near Whitehorse, Yukon, submitted by T. Blench and Associates, Consulting Engineers, on November 16, 1964?" Thank you, Mr. Speaker.

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

First Reading Bill #21 Motion Carried Moved by Councillor Dumas, seconded by Councillor Shaw, that Bill No. 21, An Ordinance to Amend the Taxation Ordinance, be given First Reading at this time. MOTION CARRIED

SECOND READING BILL #21 MOTION CARRIED Moved by Councillor Dumas, seconded by Councillor Shaw, that Bill No. 21, An Ordinance to Amend the Taxation Ordinance, be given Second Reading at this time. MOTION CARRIED

Mr. Speaker: May I have further indications of your pleasure at this time.

MOTION TO MOVE INTO COMMITTEE MOTION CARRIED 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, Sessional Papers and Memoranda.

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

EXTENSION CITY BOUNDARIES Mr. Chairman: Gentlemen, the first matter of business this morning will be the matter we were dealing with when last we sat and that is the matter of the communication from the City of Whitehorse respecting the extension of City boundaries. Would you proceed with this matter.

Mr. Chamberlist: Mr. Chairman, since we sat on Friday, I have done quite a considerable amount of research into the situation. I find, first, Mr. Chairman, that these Resolutions, which were passed at...according to this piece of correspondence...with the unanimous approval of Council at a special meeting. It was not in fact a special meeting as provided for in the Municipal Ordinance, i.e., twenty-four hours notice was not given and the publications necessary for a special meeting to be called were not given. Dealing with the first Resolution itself, and I would ask, Mr. Chairman, if Members of Committee would refer to the Report recently given to all Members of Council by the Engineering and Municipal Affairs Department dated November 30, and if we look at Page 4, Area "A", this report shows the area that...in this area...what land is available. At the moment, in all this area, the assessed value is nil. It shows...there are only three property owners...rather two property owners but three areas of ownership. There is vacant Crown land which belongs to Her Majesty the Queen in the right of Canada...Lot 344, Group 804, which is the Riverdale cemetery and has as the registered owner the City of Whitehorse...and Lot 482, Group 804, which is the Grey Mountain Cemetery and has as the registered owner the City of Whitehorse. I noted the remarks on the bottom of that page, page 4 of that report, under "General"...reads as follows: "The main purpose of this proposed extension of boundaries is to include within the City of Whitehorse land for future residential development." The available land in Riverdale is now nearly totally developed. I find that the available land in Riverdale must be considered separate as the available land in the Riverdale Subdivision, which are two different areas. When the original land was set



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Mr. Chamberlist continues:

EXTENSION  
CITY  
BOUNDARIES

aside for proposed residential areas in 1957, and if Mr. Jim Lotz' Report on that area can be read, it will note that the Riverdale land availability is available for residential area of approximately 20,000 people and that is outside those areas that have been set aside for industrial purposes. I bring this to your attention because in this report that has been submitted, dated November 30, there has been no reference made whatever to the requirement of industrial land in that area. It simply says that "the land for future residential development"...the thing that I was concerned about in this report worries me all the more now as an attempt may be made by the City of Whitehorse to have the boundaries included into this area...the boundaries of Whitehorse enlarged so that this area comes in...and then immediately rezone it as residential area to forestall the purposes for which the Metropolitan planned area was produced and worked on. I would, as I say, raise no objection whatever to this area...the boundaries include this area, if it was made clear to the City of Whitehorse that they would not and must not take that particular area that is set aside already as a commercial area...that they would not rezone that into a housing area where there is sufficient land available now, as I say, up to and including for 20,000 population. Dealing with the second Resolution, there again I think that before this could be followed through, the Territorial Land Regulations must be applied. The application for the land has been made in accordance with the Territorial Land Regulations, except that in the Whitehorse area land has been withdrawn and can only be disposed of subject to the approval of the Commissioner. There is a Federal Order-in-Council to this effect. I feel, too, as some people have remarked to me, that there is a danger that if this land was sold to the applicant and that the deal for the construction centre fell through, we would be placed in the position where somebody would be having a large area of land in their name...the land patent is granted to them and no work put on to it, no improvements put on to it and a danger of...an opportunity be given to people to get huge benefits out of land. Now, I have thought considerably about this and I think that we must have some protection in this condition. Now, if we refer to section 6 of the Territorial Land Regulations, it reads as follows: "Every person who wishes to purchase Territorial lands shall enter into an agreement for sale with the Minister, containing such terms and conditions as the Minister may deem necessary". and I would suggest very strongly that those terms and conditions are put into an agreement for sale in such a way that there would be no doubt whatever that that land will only be used for that purpose that it is applied for and no other purpose. I feel that there must be protective clauses incorporated in an agreement for sale showing that (1) if improvements to the assessed value of a half a million dollars are not on the land in the first two years, that the land should revert back to the Crown. I think this is a protection that would stop any possibility of splitting up and selling land in small lots and getting some speculative money for land if the deal does not go through; and (2) that all improvements to the land will be subject to the seizure by the Crown as liquidated damages if this half million dollars of improvements are not made on that land in those two years, plus the land, where required, is to be returned to its original condition so that if the work was commenced and there was...somebody started putting concrete footings all over the place and then the work came to a stop, the people would be required to put this land back to its original condition and that

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Mr. Chamberlist continues:  
guarantees to this end be given by the applicant and/or its officers if it's a company. I think that only in this way will the public generally be satisfied that their interest is being taken care of. In other words, I say this.. we mustn't object to free enterprise coming in and expanding and putting their money in their investment into the area and helping to create a larger tax base assessment structure for the City area proper and we must make sure that no abuse of this land will be participated by anybody. In other words, to make it quite clear, we should be able to say, Mr. Chairman, that if you want us to process your application for land, we will process it under those conditions that we can make to protect the public in the area in accordance with section 6 of the Territorial Land Regulations. On this particular item, I would point out that notwithstanding that Resolution No. 2 asks by the City that this land be turned over for a nominal sum to the City. I think that the law would require first that the applicant...the first applicant for the land application be dealt with before any further action can be taken on it, and that the Resolution itself, therefore, should be returned back to the City of Whitehorse pointing this out to them...that the Resolution can only be subject to the rights of existing applicants. Thank you, Mr. Chairman.

Mr. Chairman: Anything further on this memorandum?

Mr. Shaw: Mr. Chairman, I would like to ask a question in respect of this. As we are well aware of, the Territory has gone to some considerable expense to have this Whitehorse Metropolitan Plan made, and in this program they have laid out certain sections, with recommendations...certain sections be commercial, certain sections be residential, and so on. I would like to direct a question to the Commissioner in respect of this, Mr. Chairman, and that would be that if the City acquires any land outside its present limits, would it be required to adhere to the present Metropolitan Plan insofar as what was residential and what was commercial? That's my first question. My second question, the first will pretty will answer that, can they do what they like once they acquire the land?

Mr. Commissioner: Mr. Chairman, this could be one of the conditions under which the City would be sold the land. May I say a word in this connection, Mr. Chairman?

Mr. Chairman: Proceed.

Mr. Commissioner: The problems of the City of Whitehorse are very real ones and I think that we are going to have to have some very special considerations given to these problems in the immediate future and as part of the background of what is involved, I have had this little booklet prepared here which is restricted to Members of Council and the basic problem with the City of Whitehorse is the fact that it lacks a tax base. Now, most municipalities have access to one large means of taxation. Possibly they have an industry within their City boundaries or they have something that creates their initial taxation base. The City of Whitehorse, by virtue of the fact that it is a service type community, does not have such an industry within its borders and, as a consequence, depends entirely on its tax base for the normal business taxes and the residential property taxes that accrue to the City. As a consequence of its geographical location, the City of Whitehorse finds itself providing municipal services for not only those people who are taxpayers in the City of Whitehorse but for those who reside on its border as well and do not contribute to that taxation base. Now, hindsight is an awful

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Mr. Commissioner continues:

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Not better than foresight and if there could have been a little more thought given to the original city boundaries of Whitehorse, maybe a lot of these problems wouldn't have arisen, but this makes no difference. They are here now and I don't see where the opportunity is going to come during this Council Session to go into this matter too fully but certainly it cannot be postponed past the next Council Session....where we are going to have to come up with some basic understandings or basic agreements with the City of Whitehorse as to how their boundaries may be reasonably expanded to bring within the scope of their taxation ability those areas and those people who they are presently providing municipal services and have no ability to collect taxes from. This is a real problem that is here with us today and is not going to disappear as a consequence of my talking about it or the City screaming about it or anything else. It has to be dealt with in a straight businesslike manner and the facts of the matter are that the City's budget this year does not permit one five cent piece for capital expenditures for the City of Whitehorse and I believe the taxation rate...this is the mill rate...is getting very close to the maximum allowable under the Municipal Ordinance. I realize that this sympathy....I know that you find it in the dictionary but this is beside the point....because if the City of Whitehorse becomes unable to operate and the liquidation proceedings of the Municipal Ordinance are a necessity invoked, it's going to be a very sorry day as far as all Government here in the Yukon Territory is concerned. Ways and means have got to be found to co-operate with the City and to make it possible for them to secure a taxation base or....which, as I see it...can only be secured by extension of their boundaries to make it possible for them to continue to operate as an economic entity as the Corporation of the City of Whitehorse and it is for this particular background on this particular purpose that we have made available for you these potential boundary extensions, some of which, no doubt, could be brought about in a fairly easy manner, others which are pretty complicated.

Mr. Chamberlist: Mr. Chairman, it would appear from Mr. Commissioner's remarks that he recognizes only too well the financial position that the Municipality of the City of Whitehorse is in. I cannot help but remark at this time that on reading the recent auditor's report on Territorial Government affairs that was submitted to us at these tables a few days ago, that I found, much to my surprise, that about \$99,000.00 in school tax revenue that was collected by the City of Whitehorse for the Yukon Territorial Government, and in this particular case, the City of Whitehorse acted as the Yukon Territorial Government's agent in collecting these school taxes, I was very, very much surprised that....to find that the City of Whitehorse were unable to pay those taxes over to the City of Whitehorse and that they used those monies for other purposes and that the only way that the Territorial Government got its \$99,000.00 or so was to deduct it from the Territorial grant, and, Mr. Commissioner can correct me if I am wrong in this and if I had a copy of it available here...I haven't got one here on my desk...if I had a copy of it here, I could show where the Auditor General had remarked on this particular item. This is just an example of just how bad the financial position of the Municipality is. I nearly went on to the Territory which itself is bad I will agree, but this situation doesn't help us when we are not getting our money.....Now, it is because of this and reasons



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Mr. Chamberlist continues:  
like this that I absolutely support the Commissioner's arguments that if the City of Whitehorse do not look forward to receiving an increased tax base, it may well be that the City of Whitehorse may well find itself in the position that under the terms of the Municipal Ordinance the Commissioner might have to put an Administrator in to administrate the affairs of the Municipality. Here is an opportunity for the taxpayers of the City...the tax base of the City to be increased by a huge amount. The Honourable Member from Dawson suggestion...the conditions that he suggested...would be excellent but I cannot agree that it should be sold to the City of Whitehorse because nothing from nothing is nothing. That's a simple equation and the City of Whitehorse have nothing at the moment with which to purchase this type of land in any event so that if the land is purchased by a private entrepreneur and then brought into the area, immediately the City gets the benefit of that tax base. That's fairly obvious and this is the way it should be done. I only hope that Mr. Commissioner is not suggesting that this matter as to the processing of the disposal of the application for this land is not left to the next Session because we might find that those investors that are prepared to come in and spend their 1.8 million dollars on this place might find that they will withdraw and then everybody will suffer by it. I think the time has come, Mr. Chairman, when the Commissioner has got to make a decision and the decision has got to be one of realistic appraisal of the situation...realistic to such an extent that it must be realized that the City must have revenue, that the only way you can get a tax revenue is by releasing this land at a fair price. Make no mistake about it. We want to see that we get a fair price for it as well. I am not suggesting that this be turned over for nothing and I am suggesting as well that the conditions that are appropriate so that nobody takes advantage of it because let's deal with this matter from a hard business light. Somebody wants something. We want to make sure that we are going to get some use out of it. We want to make sure that the City gets the tax value. This is the way I think it should be done....a fast decision to go ahead with this but let the City know that they can't afford to buy because they have got nothing with which to buy. Here is an opportunity for private money to come in. Let's accept that money and tax that area and the improvements that go in it because, as this report submitted by the Municipal Affairs Department says that at the moment that land is assessed...has an assessed value of nil so it must be advantageous for an immediate decision to be made on that. Thank you, Mr. Chairman.

Mr. Chairman: At this time....

Mr. Commissioner: Mr. Chairman, could I...I just want to verify what the Councillor has just intimated concerning the situation that arose last year with regard to the City of Whitehorse and the payment of school taxes but I would want Council to know that this situation has since been corrected and at the present time, the financial dealings between the Territorial Government and the Corporation of the City of Whitehorse are in a satisfactory state of affairs.

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

Monday, December 11, 1967.

11:00 o'clock a.m.

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Mr. Chairman: Well, at this point we will call Committee back to order. Have you anything further in respect of this memorandum?

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Mr. Chamberlist: Mr. Chairman, I want to make clarification on one point. Mr. Commissioner, when he spoke with reference to what had occurred with the \$99,000 or so of taxes, of school taxes that had not been paid to the Territorial Government and then had been paid now. Mr. Commissioner said, if I recall correctly, that the position now with the city is clear, that the finances of the city is clear. However, Mr. Commissioner did not point out to this Committee that it was the '66-67 taxes which were used for other than the purposes for which they were collected, that is to turn over to the Territorial Government as school taxes collected, and that it was the Territorial Government had, in fact, deducted that amount that was outstanding from '66-67 out of the 1967-68 appropriation grant, so that the position may well be that if the money is being utilized again, the money that has been collected for school taxes is utilized again, this time in the same manner, it may well be that next year the '68-69 grant will have to be cut in half again or have it deducted to meet the city's responsibility. I would ask, Mr. Chairman, if Mr. Commissioner would clarify that this is actually the way that this money was paid back by the city, by way of the Territorial Government deducting from the '67-68 Territorial grant those monies that should have been paid by the municipality due to the Territorial Government in '66-67.

Mr. Commissioner: Mr. Chairman, I am asked to clarify something at a particular point in time, namely with regard to the transfer of monies by the city of Whitehorse to the Territorial Government and likewise monies under the Municipal Ordinance and the Territorial Budget which were due by the Territory to the city of Whitehorse, and I would say that the bookkeeping transactions were dealt with in a manner which ultimately wound up in the city of Whitehorse having a clean financial bill of health with the Territorial Government and the city, at the present time, are making satisfactory efforts to make payment of this particular situation.

Mr. Chamberlist: Mr. Chairman, I must follow that up. I wonder if Mr. Commissioner would answer whether the grants normally given by the Territorial Government to the city for the fiscal year '67-68 will be less than normally because of the deduction of last year's school taxes which were not paid?

Mr. Commissioner: The money that changes hands may well be effective. The total financial position, though, is not, namely that the city is making satisfactory payments to the Territorial Government at the present time and, to the very best of my knowledge, have not touched those grant monies which are available to them at the present time.

Mr. Chamberlist: Mr. Chairman; with respect, Mr. Commissioner, how can you say they have not touched the grant monies that are available at the present time when the Auditor-General's Report says in fact that the Territorial Government has used a portion of the '67-68 grant money to balance off the money that was owed by the city of Whitehorse. I wonder if one of the gentlemen here or madam have a copy of this.....

Mr. Commissioner: Mr. Chairman, could I bring forth a statement from the Territorial Treasurer written down showing exactly where these monies transpired and when?

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CITY  
BOUNDARIES

Mr. Chamberlist: Mr. Chairman, I have this right here. This is how it reads on page 18 of the Auditor-General's Report for the year ending March 31, 1967, and this is dealing with the Territorial funds. "Other Accounts Receivable at the year end total \$216,998 against which \$65,591 was provided for doubtful accounts resulting in a net balance of \$151,407 compared with a net balance of \$74,268 at the previous year end." Now, this is where we come to it. "Increase in Accounts Receivable was due to 1966-67 school taxes of \$99,111 due from the city of Whitehorse not having been paid by the year end. Settlement of these taxes was effected early in the 1967-68 fiscal year by set up against the annual grant payable by the Territory to the city." There is the case in part that I am talking about.

Mr. Dumas: Mr. Chairman, I'm not being facetious at all when I ask the Honourable Member from Whitehorse East just what difference it all makes. The grant is the same no matter where the money comes from.

Mr. Chamberlist: Yes, Mr. Chairman, I will explain the difference. It shows that the city of Whitehorse has been using funds in the region of \$99,000 which were not theirs to use up, which were collected from the tax payers of Whitehorse to pay to the Territorial Government for education purposes and, by using the money that they were using and were not supposed to use, they have been living outside of their means because they haven't sufficient money to come in. I hope I have explained that situation.

Mr. Chairman: Is there anything further on the matter of the extension of the city boundaries, gentlemen?

Mr. Shaw: Well, I just have one question, Mr. Chairman. I appreciate the fact that the municipal authority, their own authority, but I just wondered if when they did take over ground area, are they obliged to follow the metropolitan plan, the recommendation, we'll say, of the metropolitan plan, or is it entirely within their scope to do whatever they wish?

Mr. Commissioner: Mr. Chairman, within the laws of the Territory under which the municipality operates, they can proceed to do almost anything with land that is in their control that they saw fit to do. However, my experience with the city of Whitehorse has been that they are most anxious to implement the content of the Metropolitan Area Plan because they, like all other residents of the general area here recognize, that this is a plan for the future and while I hear a lot of comment that the thing has been shot full of holes and has been changed around so that it is unrecognizable, in actual fact the changes that have been made on it are those things which practicality and the arrival of today, so to speak, has dictated these to be the proper changes to make, but the over-all generalities of the plan have been basically very well adhered to and I do not discern any attempt or any move that I am aware of or that I have seen being attempted by the city government of Whitehorse to completely usurp the generalities of this plan. Now, I would bring it to your attention, Mr. Chairman, that this plan, like all other plans, has got to be dealt with and read in the eyes of the conditions that exist exactly today. Remember the plan was made up several years ago and it is not designed to be the last word for tomorrow, but it is a general basic blueprint as to how the town might be developed in an orderly manner.

Mr. Shaw: Thank you, Mr. Chairman. I was merely trying to find out how the actual situation was not the merits or otherwise.



AM

Mr. Chairman: May we now proceed to the next item?

Mr. Dumas: Agreed.

Mr. Chairman: This is a piece of correspondence numbered O1683 dated November 29 in respect of an Amendment to the Municipal Ordinance respecting parking meters, I believe.

PARKING METERS

Mr. Chamberlist: Mr. Chairman, I would like to point out firstly that the section under which the request for this type of amendment is asked is dealing with zoning by-laws. How it was ever brought into this particular section, I just simply don't understand. Section 87. It is 1959 first and second session on page 59. Section 87 has as a heading Zoning By-laws, and then it goes on to show the different areas of zoning by-laws which 87 could take care of - dividing the municipality, designating the area in zones which you can erect, construct, etc., designating the area in zones which shall be unlawful to erect, construct and so on, and then come along and ask for parking meters under zoning. I don't know who drew this amendment up. It doesn't appear to me to apply. I must explain my objection to it at this time and I think I've made this clear that, although it is within the city of Whitehorse, it is within my Territorial constituency and therefore I am very concerned. Most of the people, to give you an example, I have had almost a hundred or more, definitely more than a hundred people that I have discussed it with - I have come across five people who have in any way suggested that parking meters should be allowed in, because I wanted to know what my stand should be here, so I have gone to these people and asked them and the majority of the people are opposed to it. Of the five, one of them said the reason why he wants them in is because he can't get into the post office at any time, and when I say well, what about parking meters in the other areas, he said oh, no, just in front of the post office so we can go into the post office. Then I've spoken to some business people who were interested at one time that there should be parking meters, but now they have changed their mind because if there are parking meters here and there might be a shopping centre somewhere else it will chase people away to a place where they don't have to pay to park, and then another two people - one of them said it would start looking like a city more and it would enhance the place, and the other one more or less said the same thing but these hitching posts more and more - it's going to look like a cow town in the area. Now, when I asked two particular people well, how do these parking meters affect you. They said it doesn't affect me, but it looks more like a city. Needless to say, I found out that they don't own a car and don't drive, so this is the attitude there. Now, also, I would suggest that not only should I be interested but the other Members from the Whitehorse district should be interested, too, for the simple reason that their constituents come down to do their shopping and they are put to considerable inconvenience as well, and they have asked me to continue with my stand and I hope some of them have asked their own Members too, which I have told them to do. The same thing should apply to those people in areas outside of Whitehorse whose constituents come to Whitehorse and are faced with the same situation. I'm going to suggest, Mr. Chairman, that nothing be done on this matter until a new city council is elected and that we be guided by the wishes of the new city council. That way, I feel the voice of the people will be heard because it would appear that parking meters are somewhat of a point of discussion in this present municipal election, but also I would ask, Mr. Chairman, that we take note that in my opinion, and I will argue it afterwards if we have to put it in the ordinance under section 87, it certainly is not applicable where it refers to zoning by-laws, so I certainly will leave it at that stage of time.

PARKING  
METERS

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

Mr. Shaw: Proceed then, Mr. Taylor.

Mr. Taylor: Well, Mr. Chairman, as a Member from the outlying district, I'm quite prepared to declare my stand on this issue. I don't think that we should waste the time of Council to go into lengthy debate on this issue. If we believe in democracy and if we believe in the right of people throughout the Territory as municipalities, as improvement districts or as anything else to rule their own affairs, then I think our course is clear. The communication asks that a section be considered as an amendment to the Municipal Ordinance which would permit the city, if they so chose, by by-law to do something - I don't really give a hoot whether it's climbing telephone poles at 3:00 o'clock in the morning or putting up parking meters or building swimming pools or what it is. They are asking us to provide them with a vehicle by which if the city of Whitehorse so chose that they could indeed put up parking meters, and it concludes by saying it would be very much appreciated if you could prevail upon the Members of the Territorial Council to consider the passage of this amendment during the present session. Well, gentlemen, the whys and wherefors of the man in the street in Whitehorse in this particular matter is not my concern or is it really the concern of any Member of Council in relation to our work as Councillors. This is a concern for the Councillors and the people of the city of Whitehorse and if they wish to have the vehicle by which they can then determine the course of action in respect of parking meters or anything else, they're going to have the support of the Member from Watson Lake, and I wholeheartedly support the recommendation in this paper and I hope that the city - I hope that we can first get this through and the city will deal with the matter as the people of the city so desire.

Mr. Dumas: Mr. Chairman, unfortunately I too have a few parking meters in my area that I would gladly turn over to any other area if anybody wants them. I don't think we can deal with this question now because the request has been made under section 87 and, as the Honourable Member from Whitehorse East pointed out, the Council will have to write us again and put it under some other section in the Municipal Ordinance because obviously it doesn't belong there. I can go along with the Honourable Member from Watson Lake to the extent that I'll say this, that whatever happens within city boundaries is of municipal importance and should be left up to the City Council to decide. However, I too feel that until the new City Council makes it's wishes clear on this particular problem, I don't think we should try and do anything.

Mr. Chamberlist: Mr. Chairman, the only remark I would have to make at this stage is that the Honourable Member from Watson Lake seems to forget that I and other Members of Whitehorse districts are in the position where not only do we have to remember that the city of Whitehorse is it's own municipal authority and it's own government, we must also remember that we represent those people and if the Honourable Member suggests that because this is a matter that is involved within the city, we must neglect the requirements and the requests that has been made of us - on that basis, I would suggest to him, with due respect, that he doesn't recognize the responsibilities completely of a Member of Territorial Council. I believe that it is up to me to put forward to this Council at any time the wishes of my constituents whether they are from within or without the city of Whitehorse, if I represent them, and I hope that they won't come along when the people of Watson Lake will have to reprimand their Honourable Member for suggesting that because they have a local improvement district, that he will not interfere with them if they ask for parking meters to be put in front of all the hotels in the area of Watson Lake.

W

I can imagine and I can imagine very strongly Councillor Taylor trying to find out where he can hire a private plane so he can get out of the district real quick. PARKING METERS

Mr. Taylor: Well, the Member sounds presumptuous. I will say one thing of the people of Watson Lake - they do recognize democracy or the lack of it when it presents itself. I wish to assure the Honourable Member that this we do. We also recognize the fact that, as Councillors for all the Territory, that there is a request before us by the municipal government asking for the power to make their own decisions. Watson Lake did that when we got our local improvement district going. We didn't want to be told how we were going to live and what we're going to do from 300 miles away in Whitehorse. We wanted to rule our own affairs. That's exactly what the city of Whitehorse wishes to do, and indeed maybe some day the city of Dawson may wish to do this. Indeed, the municipality of Watson Lake may some day wish to do this, and indeed the municipality of Anvil might wish.., but the decision is there. Our only concern in this particular matter is whether or not we are prepared to give the city through the terms of the Municipal Ordinance the right to make up their own minds and chose their own destiny, and for my part I'm prepared to give them that right. I did wish to comment just briefly on the suggestion that section 87 may be the wrong place in the Municipal Ordinance for this amendment, and I would agree with this. However, it is a suggestion and it places the philosophy before us, and I'm quite confident that the Legal Advisor would find the proper place in the ordinance for such an amendment and would no doubt be prepared at the request of Members if so desired to draft this amendment. It's as simple as that. I don't know why we started beating around the bush. The matter is clear. My position is clear, and I'd like to see this proposal bear through. I'll resume the chair.

Mr. Legal Advisor: Sir, I was going to say that I notice the particular point brought up by the Honourable Member from Whitehorse. It seems to be getting more and more difficult for the city of Whitehorse to get something passed - the argus eye of the Council for Whitehorse. I have, in fact, taken steps and have already drafted, and I think they're probably either on stencils or possibly prepared as a bill, a new ordinance to amend the Motor Vehicles Ordinance, which I think is the proper place for this particular type of amendment, and I have in fact made it into a section containing three or four sections, I've forgotten now, giving them much wider powers than they have actually asked for in this amendment. I have included powers to take up various points that were made in discussion as conveyed to me through the first-class newspapers we have in this town, and these points are that the people trying to see that certain types of parking stand would be made available to them on certain preferential terms, such as taxis, the fronts of certain buildings could be kept for certain purposes other than for parking meters and so forth, and it's a rather complicated three or four section bill, and from the administration's point of view, and I speak for them, it is generally felt that when you set up a government such as the government of the city of Whitehorse that they should be given as wide a scope and authority within the framework of their own terms of reference to govern their own house and look after it. Unless we do this with the junior government to the house, it is not easy to argue for an extension of authority to this house itself.

Mr. Shaw: Mr. Chairman, I would direct this to the Legal Advisor. This is a communication we have here. Would we expect a bill in reference to this subject matter at this session of Council?



PARKING METERS Mr. Legal Advisor: I'm not sure how long this session of Council will last, but I would imagine the bill could be produced today. I gave the draft to the mouth of the pipeline, you might say, or the beginning of the pipeline as a draft to put on stencil and there is no difficulty about producing that particular bill, provided the typists have typed it or could type it during the course of the day. I think we could have it tomorrow morning.

Mr. McKinnon: Mr. Chairman, I think the great Whitehorse parking meter caper will go down in history as folklore eventually. It will be recited in verse and sung in ballad. However, I don't think that this Council should enter into a discussion on the parking meter question which is probably the hottest election issue in the municipal election at this time. The election in the city of Whitehorse is on Thursday the 14th, and I think that by getting into debate on the parking meter issue around this Council Table that we are entering into the election proper of the municipality of the city of Whitehorse, and I think that this Council should at least wait until after the election is over before we get into debate on the parking meter issue.

Mr. Shaw: Mr. Chairman, I haven't got into any issue personally. I'm merely enquiring whether there will be a bill in respect of this particular matter.

Mr. Chamberlist: I would move, Mr. Chairman, that this memorandum that we're referring to now be set aside until the next session of Council.

Mr. Dumas: Mr. Chairman, I'll second the motion.

Mr. McKinnon: Mr. Chairman, speaking on the motion, I have no idea at all how long this present session is going to last and there is a possibility that a Council could be chosen from the municipality their intentions could be known, and it will be presented before this Council prorogues. I'm not prepared to vote yea to this motion at this time.

Mr. Dumas: Mr. Chairman, I'd like to point out that the present Council sits until the end of December.

Mr. Livesey: Mr. Chairman, I'd like to point out that I think it's time we were going home.

Mr. Shaw: Well, speaking on the motion, Mr. Chairman, I don't like to vote for this particular motion. There has been no bill. This is just a communication. I don't - certainly hope that this Council will go until after Christmas. In fact, if we finished up tomorrow, it would suit me fine. This is a perfectly normal request. I'm afraid I shall have to vote against this particular motion and see what tomorrow brings.

Mr. Dumas: Mr. Chairman, for the edification of the Honourable Member from Dawson City, I was referring to the Whitehorse City Council that sits until the end of December, not this Council.

Mr. McKinnon: Mr. Chairman, by giving this request a six months hoist, we're doing exactly what I don't think this Council should do. In essence, we're saying that we're not going to do anything to allow you to introduce parking meters, provide enabling legislation until next spring. We've settled the issue for the city until next spring, and I just can't be involved in municipal affairs to this extent. I disagree entirely, to paraphrase the famous old question with what the city is trying to do in aspect of parking meters, but

I agree wholeheartedly with their right to be able to put up parking meters if they so want to.

PARKING  
METERS

Mr. Dumas: Mr. Chairman, there's no question of this. We all go along with this in principle. This is a memorandum we have suggested be put off until next session, an amendment to an ordinance is introduced - this is another thing again.

Mr. Chamberlist: In, I hope closing off the discussion on the motion, and the point why I bring it is this, that it would appear to me that this is just a letter asking for comment. Now, when I hear that Mr. Legal Advisor or the Administration, I would say, has already assumed that this is satisfactory to us, and has prepared or in preparation of the bill, I would say that Administration is premature. Now, I agree with the principle that the city of Whitehorse is a separate municipality and thus have the rights to ask for and receive, but at the same time this has been put before us for us to discuss and for suggestions, and if we were going to continue on for a little longer in Council, in this Council - Council may come to an end very, very soon - I would suggest that we cannot deal with the bill in any event because the bill would come forward tomorrow, there would be a notice to introduce the bill, the following day there might be two readings, and the following day it would come up - go into Committee, and then the following day it would come out of Committee. So, we're talking about four or five days for this bill and, as some of the Honourable Members have already intimated in some impatient form that they would like to go home, I would suggest that - rather, my motion that this be put aside until the next session is quite logical. It has already been stated by some Members of the City Council that they would not be prepared to use it until the summer in any event to see how it would operate, and I would suggest that we not place them in the position of having to force them to use it and a further any event I still say I have a responsibility to those people who I represent who have asked me to object to the installation of parking meters, and to me this is more important than anything else notwithstanding that my people have asked me to oppose it and I oppose it, and that's how it is.

Mr. Chairman: Gentlemen, I have a motion.

Mrs. Gordon: I am afraid that I disagree to a certain extent with the Honourable Member from Whitehorse East, and concur with the Member from Whitehorse North. This is legislation. It is a vehicle for the city of Whitehorse to decide whether they do or they don't want parking meters, and it is up to those people who are elected to go back and either make the thing effective or not.

Mr. Chamberlist: Mr. Chairman, I would, because of the Honourable Member's from Mayo last remark, I agree with her. It is up to those people that have been elected, that is exactly what I say, and I have been elected, and I have been elected to tell this Council that my people have said to me, we do not want parking meters, you have the right to make legislation, to permit the city to install parking meters, you have the right to oppose legislation. We want you to oppose it, and I am carrying out the wishes of my people, of my constituents, so I am doing my job and this is what I intend to continue to do.

Mr. Shaw: I must congratulate the Honourable Member from Whitehorse East. He's certainly doing his job in a fine manner. The only thing is that we do have a difference of opinion in this particular matter and I will admit that if I were in his position, it's possible that I might take his position, I don't know, but we are studying a communication from elected representatives of people who wish certain powers, and I disassociate myself as to the merits for or against what they may do after they get that power because that is something

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PARKING  
METERS

in which they must be subject to the will of the people whom they represent. Nonetheless, there is absolutely no question that the municipality of the city of Whitehorse must be given every power that is possible in order for them to run their city as efficiently as possible. Whether I agree, whether I feel that somebody else could do a better job, or I could, is not the point. The point is are we to restrict the people of Whitehorse from what they want to do. They are the people that are doing it. All they ask is the power, and whether they take advantage of it or otherwise, I think is the internal business of their own and certainly does not come under the category of myself to say they should not have that power. I believe in giving them all the power that is possible so that they can run their own affairs, and to give this bill, or to give this discussion, I should say, a six months hoist does not seem to be fair when we have the elected people asking us to give consideration to something. It's not the merits of what they want, it's the right they have to have the power which I think is just, and I am afraid in view of my feelings in this matter, Mr. Chairman, I would vote against it.

Mr. Chairman: Well, gentlemen, I have a motion before me. Are you agreed? Would those agreed please signify.

Mr. Dumas: Agreed.

Mr. Chairman: Would those contrary please signify.

Mr. Shaw: Contrary.

Mr. McKinnon: Contrary.

Mrs. Gordon: Contrary.

MOTION  
DEFEATED

MOTION DEFEATED

Mr. Chairman: Gentlemen, we will declare Committee in recess until 2:00 o'clock.

Monday 11 December, 1967.  
2:00 P.M.

Mr. Chairman: At this time I will call Committee to order. CITY OF  
The next matter before us is a communication from the City WHITEHORSE  
of Whitehorse numbered 0183 respecting elections, I believe. ELECTIONS

Mr. Chamberlist: Mr. Chairman, I think consideration should  
be given now to an amendment to the Municipal Ordinance, not MUNICIPAL  
to include this second paragraph because it would conflict ORDINANCE  
with other paragraphs, .. consideration now that there is a  
City Manager, consideration that all, that the City Manager  
in Whitehorse that all elections should come on the same  
date as it previously was. Originally the idea was that  
all people shouldn't come up for election on the same date  
because there should be some continuity of management and  
knowledge of what has been going on in the municipality.  
This is why there were elections held alternatively. Now  
we find ourselves in the position that there are municipal  
elections every year. I would suggest now that there is a  
City Manager and it is on a different basis, all seats come  
up for re-election in - every second year. This way it  
would dispense automatically with this request that will be  
made but of course Section 16(a) should be repealed in any  
event.

Mr. Chairman: Mr. Dumas.

Mr. Dumas: Mr. Chairman, something else comes up with  
this. The way the thing is set up now, I understand that  
an Alderman can run for Mayor without resigning his seat  
as Alderman. I wonder if we should amend the Municipal  
Ordinance so that this is not in fact the case. Of course,  
what happens here is if he is elected Mayor we have to turn  
around and have a by-election. It would be nice to obviate  
the possibility of this situation.

Mr. Chamberlist: Mr. Chairman, Section 27 of the Municipal  
Ordinance says that the Mayor or Alderman may resign from  
his office by submitting his resignation in writing to the  
Clerk and it doesn't go on any further than that, so that  
there is nothing in the Ordinance itself as to when a Mayor  
or Alderman should resign, especially when an Alderman wishes  
to run for office of Mayor. It doesn't say that he has to  
resign - it seems quite peculiar that in one section the  
only people that are allowed to run for office of Mayor or  
Alderman is the Mayor or Alderman. There are exceptions  
but the Mayor or Alderman is not excepted. I would suggest  
that we should ask Mr. Legal Adviser, Mr. Chairman, to  
incorporate in some manner...the remarks made by the  
Honourable Member for Whitehorse West that an Alderman  
must resign with at least two weeks' notice before the  
nomination day so that there is sufficient time for the  
publication of notices, etc. to take place.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: There are lots of difficults, of  
decisions to make concerning this particular request. Some  
of them are decisions, I won't say high policy, but on  
difficult policy concerning other municipalities from time  
to time and I don't think that this particular request is  
one that can be given any hasty decision without thorough

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ORDINANCE

Mr. Legal Adviser continues. examination of all its consequences, implications and inter-implications between one section and another of the Municipal Ordinance. Now, in the centre of the first paragraph for instance, they have requested that in a situation where not more than two vacancies, which I take to be either one of the two and the same number of candidates as there are vacancies, there be an election notwithstanding any other provisions of this Ordinance. I'm not quite sure what they mean by the double negative of 'not notwithstanding' but I would take it to mean that even where there are the same number of candidates as there are vacancies they still want an election. Now, this does seem at first glance to be an unusual provision. There is a seat vacant and only one candidate nominated for it; the normal thing in most places is that person is elected and his term is elected by acclamation; if there are two vacancies and two candidates put forward well then they are declared to have been elected because any other candidate could have stood for an election. It seems unreasonable to ask to put in a special section to have a fruitless by-election where there are two eligible candidates and two eligible seats. It may not be what they meant because, on account of this saying that there be an election not, notwithstanding any other provision of the Ordinance. Now, a fairly normal procedure is that where a vacancy occurs in any body, whether it is a municipal body or a parliamentary body, that normally speaking there will be a by-election. Now, this would apply to every elected body. As you approach the end of the particular term allowed to the Council or Municipal corporation there comes a point of time where an election may be unnecessary, say three months or six months before the end of the term of office. In such cases it is fairly normal in corporations to provide that the corporation itself will nominate a person to fill the office for the short balance of term remaining. I think the provision in our Ordinance is, if I'm not mistaken, is that the Commissioner may nominate a person to fill a short balance outstanding. Now, he may nor may not wish to use this but it might be a convenient way out of a particular impasse rather than have one or two by-elections occurring with great rapidity. Now, so far as the resignation is concerned, there is no provision to my knowledge that a candidate for the office of Mayor who happens also to be an Alderman, must resign before seeking office. but in this particular case two of the Aldermen did in fact resign from office and thereby ensured a by-election. Now, I'm not sure whether or not, except after due deliberation, we should introduce special legislation to deal with unusual cases which are brought about by action of members of the Council itself. I think what we should do is consider, reconsider the Ordinance and in particular the election provisions and then if we are satisfied, after due debate, that any inequity exists or that any cure for an inequity should be brought in, then we can amend it. There doesn't seem to be any particular urgency about it except to see that we have a workable, fair elections and resignations section in the Municipal Ordinance which after all is going to apply to many more municipalities than Whitehorse; at least I hope so in the future when we build up the municipal form of government in other places, but this is purely a matter for Council but I would say it is a lot more complicated than the

Mr. Legal Adviser continues..  
simplicity of this letter would make it appear.

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Mr. Chamberlist: Mr. Chairman, firstly I would like to advise Mr. Chairman, Mr. Legal Adviser, that only one of the, of those that are running, both of the two aldermen that are running for Mayor and were on the last Council resigned; both of them did not resign. So, the position is if that person does not receive the nod for the Mayor's seat he is still a member of the City Council by the fact that he has not resigned and is an alderman. This in itself is a problem that Mr. Legal Adviser's suggestions about the next two seeking the seats for the simple reason that these people might be rejected by the people and they are rejected by ballot. It would appear to me that if they are rejected and then they are going to get seats in any event just simply because two people nominated them, they are certainly not the choice of the people. They might be in a position of getting about 20 votes and if we follow Mr. Legal Adviser's ideas on this it means the people who have been rejected by the majority of the people find themselves, nevertheless, becoming aldermen in any event. I find that in my study of the Municipal Ordinance there are some faults but not too many, and I would say that the situation as regards to an election is quite clear in my view that the only mistake that has been made was that the resignations were not made early enough to allow the by-election to be on the same day as the election. Now that could very easily have been done if the six day notice had been given because a nomination day, which would have fallen for the by-election nine days prior to an election, would have fallen on a Tuesday and the election, which is, which falls on the first Monday in December; there would have been two nomination days. Nomination day on a Monday and nomination day on a Tuesday in the first week of December and one requires that there be ten days in between, that is the Thursday, the second Thursday following the first Monday which is the day for the election, and the by-election would have been nine days after the nomination. The by-election would have fallen on the same Thursday - then separate ballots are made. I was in this position and the election went off very well because I resigned my seat two weeks before the time; that's when I was elected last to the Territorial Council. I was a member of the City Council and I resigned my seat giving then the City Clerk to go into the machinery of election through a by-election and on election day there were ballots, two separate sets of ballots were printed. One set of ballots was for the election and one was a set of ballots for by-election. Now what has occurred here in the City this time is with respect I say, I won't say mismanagement but certainly an oversight on the part of the management of the City in not recognizing the needs to prepare for a by-election, especially in view of those two members who are running for Mayor; the members of City Council who are running for Mayor, had indicated that they would both be running for Mayor so it was up to the management to..... management of the City to say to them "well, could I have your resignation by such and such a time" and this would have cleared the situation up. However, I do feel that Section 60 (a) is a superfluous section dealing with the appointments for the simple reason that in any event the Commissioner had power, if there was no provision for a by-election, to appoint himself-that power was already in the



MUNICIPAL  
ORDINANCE

Mr. Chamberlist continues.

Municipal Ordinance. The principle, however, of appointing people to offices which are usually an elected office is wrong. There is sufficient provision, especially where an election takes place, a main election takes place within three months, there is provision for the by-election machinery to go into effect. I think ... that that portion of the Ordinance is satisfactory; 16 (a) should come out and again consideration should be given to all the elected seats coming available on one election date as it was prior to bringing in the present Municipal Ordinance of 1959. Before that all members were up for election at the same time. As I say, it would be entirely different if they didn't have a City Manager but they have gone to the expense to have a City Manager and we are in the same position of still having split elections. And people up here are fed up with having elections year after year after year after year! There is an opportunity now for us to say well, the City management now is there for continuity; all elections will now come on the same day, at the same time. Thank you Mr. Chairman.

Mr. Dumas: Mr. Chairman, it occurs to me that the point brought up by the Honourable Member from Whitehorse North this morning, and one which we agreed with in regards to discussion of the parking meters could also apply here and maybe we should leave any further discussion of this matter until after the election on Thursday.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: If I may speak on this point. I am not trying to hurry the thing up but the letter here is not easy to construe and another problem which is raised in the latter half of the letter is that they are asking, apparently, that they hold the type of election for a two year term and a one year term where the one year form the balance of a resigned alderman or councilman's term and that all the seats there be thrown together as one ballot paper; one presumes, although they don't say so and the candidate with the highest number of votes be elected for the two year term and so on down the list and the lower candidates be elected to the unexpired balance of the one year term. Now these provisions are not easy to draft; they are not easy to understand and before we can really give consideration to exactly what they want it would need some discussion with the Council, with the Municipal Council or their officers and possibly some discussion with this Council here because we don't know at this point of time exactly what they are looking for; at least I can't see it clearly myself.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: There is just one thing. I note, the Alderman and the Mayor were perturbed that such an amendment had been made to the Ordinance without their knowledge. I heard this before. I heard this at the last Council Session on another matter and I think it was proven without any shadow of doubt that they were fully aware of these amendments that had been passed by Council. I don't think that that statement is correct that they didn't know of anything about it. They knew about it it! If they didn't they should have known. They had all the paraphernalia concerned with it and they were right at the Council table discussing this very same thing.

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Mr. Chairman: I'm at the direction of Committee in this respect.

MUNICIPAL  
ORDINANCE

Mr. Chamberlist: What does Mr. Legal Adviser suggest in this matter.

Mr. Legal Adviser: If Council would like to hear or meet with the municipal council and try to get down on bits of paper or hear them orally and see them committed to a bit of paper what do they want exactly, and then when we know exactly what they want we can devote an intelligent discussion to considering it rather than as we are now - whistling into the wind for a lot of these discussions that we don't know for sure.

Mr. Chamberlist: Mr. Legal Adviser, does he suggest an informal meeting or formal meeting.

Mr. Legal Adviser: I don't really mind; this is a question for the Council to decide. But once the elections are had now, one trusts that the urgency of the proposal would have been lost. The urgency of the letter was really that it brought forceably home to the members of the municipal council that something must be done; but I think the time limit stretches out to the next election.

Mr. Dumas: Mr. Chairman, I suggest once again that we leave this matter now and we follow through on the Legal Adviser's suggestion at a later date, preferably after January 1st, 1968, and that we meet with the new Council.

All: Agreed.

Mr. Chairman: Gentlemen, we will then proceed to Bills, BILL #18. the first Bill you have before you is an Amendment to Bill No. 18, An Amendment to the Brands Ordinance.

Mr. Dumas: Mr. Chairman, it seems that the amendments have been made as we discussed them last time and while some of the Councillors seem to think that this legislation is superfluous I suggest that we go ahead and pass it for the sake of those people in the Yukon who deal with livestock since they have asked for this legislation to provide for a simple registry for brands. I suggest we give it to them.

Mr. Chairman: I wonder if Mr. Legal Adviser could carry us through this Bill, pointing out the amendments.

Mr. Legal Adviser: The purpose of the amendments, the Council will recall, was to provide for some of the suggestions made by Councillor McKinnon that the particular question of why stallions wandering at large throughout the Territory should be dealt with, as this was deemed a dangerous thing for the future of the horse industry in the Territory. Now, in result therefore the Bill is, apart from a couple of minor typing errors which we pick up, amended first to make it necessary for every owner of a stallion to register a brand and then for every owner of a stallion to impress that registered brand upon the part of the stallion set out in his Brand Certificate and then there is another section then which provides a certain amount of teeth to this that every owner of a stallion must keep his stallion in confinement and that the Game Director can destroy any stallion, or geld any stallion which is not so kept. This latter section was to meet the wishes of the horse

BILL #18

Mr. Legal Adviser continues.. owners which was put forward to the Game Director when he consulted them about this particular amendment, and is the practice ....territories in Alaska and B.C. where apparently they're a bit more harsh than we are and they shoot these stallions on sight. Now, the first amendment therefore is to define 'stallion' as being - in section 2(i) as being an entire male horse over two years old. Next, we could have used more ... terms than entire but I thought in the interests of euphony one might use this. Now, the next amendment is in Section 3, sub-section 2, "every person who is the owner of a stallion shall make written application to the Director for registration of a brand". With any other animal it is "may". Now there is a piece left out in section 4 sub-section 1, where it reads in the second line of this "made under sub-section 1 of section 3" it would have to be "made under sub-section 1 and 2 of section 3. This was a typing error in passing through. And a similar change will have to be made in sub-section 3 of section 4; that's an application made under sub-sections 1 and 2 of section 3. Then there is a minor amendment in the copies which the members have, a typing error again, or an English error I suppose on my part; it is section 15 sub-section 1- there are two unnecessary words in the second-last line "as is", it should read "...such stallions set out in the Brands Certificate", not ...part of such Stallions as is set out". Then there is a new penalty, in Section 15 which is Branding of Stallions, it is here set out that the person the owner of a stallion shall impress or cause to be impressed his brand on the stallion on the part set out in the Certificate, (2) that he shall keep such stallion confined in a building, corral or a fenced field and (3) the Director or his representative may destroy or geld any stallion found running at large. And in Section 16 sub-section 1, para. e, there is a corresponding section with a penalty that every person who permits his stallion to run at large is guilty of an offence and is liable to summary conviction to a fine not exceeding \$100.00 .....two years. That is all the amendments that are in this but the Councillors are familiar with the purpose of these amendments and everywhere else except for the typing errors ....originally vetted by the Council.

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

Mr. McKinnon: Mr. Chairman, I think that we should move into the field of eugenics or any field with a certain amount of trepidation. However, my main complaint before was that this Ordinance had no snip to it and it has now and I .....

Mr. Dumas: Mr. Chairman, I would like to suggest that we report the Bill out of Committee.

Mr. Chairman: Is this a Motion?

Mr. Dumas: Yes, sir.

Mr. Chairman: As amended?

Mr. Dumas: As amended.

Mr. Chairman: Is there a seconder?

Mr. McKinnon: I would second that Motion, on the hope that we don't move into the field of human endeavour in the same way in any way, shape or form.

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Mr. Chairman: It has been moved by Councillor Dumas, seconded by Councillor McKinnon that Bill No. 18 be moved out of Committee as amended. Are you prepared for the question. Are...

BILL#18

Mr. Shaw: Just before we have the question; I've one question to ask. I have been trying to follow this, Mr. Chairman, and I'm having quite a time with all the ifs and buts and ands and sub-paragraphs and what not. The owner of a stallion shall impress or cause to be impressed his brand. In trying to find this I wasn't quite sure whether the Legal Adviser did state that a person who had a stallion must have it branded, must have the brand registered. Is that ....

Mr. Legal Adviser: Yes, it's Section 3, sub-section 2.

Mr. Shaw: Thank you Mr. Chairman.

Mr. Legal Adviser: Before the Bill moves at this point, sir, would the Council like to consider Section 21. I thought that my assistance might have brought this forward. This seems to me harsh - that it should come into force the 1st of January and in ease of the liberty of the subject, shall we say, I think the Council might consider putting it forward to a more future date, a further date than that because I can't see that it is particularly fair to force a man between - this is December and it would be harsh even technically, to have the owners of stallions liable to a serious charge if they hadn't got their stallions branded by the 1st of January.

Mr. Dumas: Mr. Chairman: I would suggest that we have it read that this Ordinance will come into force on a day fixed by the Commissioner.

Mr. Chamberlist: Mr. Chairman, I would like it to read, as I stated earlier, the 1st day of January, twenty o: one.

Mr. Shaw: Mr. Chairman, Could we make that the first day of January, 1969. That gives us a year to get the branding into operation and registered.

Mr. Legal Adviser: That seems a bit long, sir. I'm not sure when the season for rounding up stock is ...

Mr. Shaw: Fall.

Mr. Legal Adviser: ..If that's the season I think this would be a just provision. If the Commissioner could fix a day after the rounding up of the stock.

Mr. Shaw: Mr. Chairman, there's an old song 'when the round'up's done this Fall' and that is when they did the branding so that is why I suggested 1969 and that gives these wranglers an opportunity to get busy and do whatever they are going to do.

Mr. Chamberlist: Mr. Chairman, as this is a matter of horses I vote "nay".

Mr. Chairman: Am I to understand then from the Chair then .... Order...there are two ways to proceed here, if this

BILL #18. Mr. Chairman continues..  
be a typing error it should read 1969 instead of 1968 -  
the matter could be resolved; if not the motion would have  
to be withdrawn and a new motion put forward.

Mr. Legal Adviser: No, no, I think it could be a typing  
error.

Mr. Chairman: That should read 1969, right.

Mr. Chairman: I have a motion before me. It has been  
moved by Councillor Dumas, seconded by Councillor  
McKinnon that Bill No. 18 be reported out of Committee as  
amended. Are you prepared for the question. Are you agreed.

Mr. Chamberlist: Contrary.

Mr. Chairman: Would those agreed please signify (all  
signify but Mr. Chamberlist). Contrary (Mr. Chamberlist).  
I will declare the motion carried.

MOTION  
CARRIED.

MOTION CARRIED.

BILL #19. Mr. Chamberlist: Next Bill is Bill No. 19, An Ordinance  
to Provide for Central Filing and Publication of Regulations.  
Mr. Legal Adviser, could you point out the amendments here?

Mr. Legal Adviser: The main change, sir, is the, is sub-  
section 4 "the registrar shall, within one month of the  
filing thereof, publish the title of every regulation in  
the Yukon Gazette. There is a major change in sub-section  
two of section 8 which changes the type of stroke which is  
put between the year and the number from being a verticle  
stroke to being an oblique stroke. The purpose of this  
change, in reference to legislation at some point the facts  
that the numerical order has changed; we have now changed  
that this regulation now comes into force and it is a very  
subtle change but it will be understood in Mr. Taylor's  
office what this change means. It means any regulation  
from now that comes out will have to carry an oblique  
stroke and must immediately be filed in order to come into  
effect. Now, I mentioned something in discussions about  
certain types of exemptions and in particular I had some  
in mind but one of them was adoption orders but on discussion  
of this it was felt that adoption orders would be a form of  
court procedure and therefore would not be necessary to  
exempt them in the Ordinance - would automatically come into  
the exempt section as being court orders. We also  
discussed the suggestion made by the Member for Dawson City  
and it was felt to be impracticable in an ordinance to see  
about putting up green-based notice boards in various places.  
But this could be done by some form of Commissioner's  
direction to the government offices there and as each area  
would mean a different government office or different loca-  
tion for a particular noticeboard and notice that it might  
well be left in the hands of administration to make an attempt  
to bring these things to the public notice in a better way  
than apparently has been done in the past.

Mr. Shaw: Yes, Mr. Chairman, that is quite acceptable to  
me; as long as they get the notices up they can do it on  
blue or green or yellow or any kind of base.

AA

BILL #19.

Mr. Chairman: What is your disposition in respect of this Bill?

Mr. Dumas: Mr. Chairman, I move that Bill No. 19 be reported out of Committee as amended.

Mr. Chamberlist: I second that motion Mr. Chairman.

Mr. Chairman: Moved by Councillor Dumas and seconded by Councillor Chamberlist that Bill No. 19 be reported out of Committee as amended. Are you prepared for the question? Are you agreed? I declare the Motion carried.

MOTION CARRIED

MOTION CARRIED.

Mr. Chairman: The next Bill is Bill No. 21, an Ordinance to Amend the Taxation Ordinance, and I'll declare a short recess.

BILL #21.



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Monday, December 11, 1967.

3:30 o'clock p.m.

JA

Mr. Chairman: I will call Committee to order at this time. We are discussing Bill No. 21, An Ordinance to Amend the Taxation Ordinance. We'll take this section by section. (Reads section 1 of Bill No. 21) Clear? BILL #21

Mr. Chairman: "Section 2 of subsection (1) of section 50...."

Mr. McKinnon: Could we possibly have comments from the Legal Adviser as we go along?

Mr. Legal Adviser: The only amendment in section 42A is to take out of section 42A the sentence which was in by virtue of an amendment at the spring session dealing with subsequent clauses which are no longer necessary in view of subsequent amendments, but we want to preserve the right of appeal and to give the right of appeal to the new section 50C which will be coming before you shortly.

Mr. Chairman: (Reads section 2 of Bill No. 21)

Mr. Chamberlist: Mr. Chairman, I refer to the Auditor's General report for the year ended March 31, 1967, page 32. In his report dealing with section 50(1) of the Taxation Ordinance, 1959 (Second Session), these are the words that have been stated: "In the course of audit it has been observed that provisions of audit interest in other ordinances are not being met because they appear to be unrealistic." And, Mr. Chairman, two examples are cited but the one dealing with taxation is the one I will read to you at this stage. "(a) Section 50(1) of the Taxation Ordinance, 1959 (Second Session) c.2, requires that, on or before the first day of February in each year the Commissioner shall, in accordance with this Ordinance, levy taxes at a uniform rate per dollar on the assessed value of all real property in the Territory liable to taxation under this Ordinance as he deems necessary"....and in underline, Mr. Chairman, "in order to provide for the raising of revenues of the Territory sufficient to meet the estimated expenditures of the Territory for the ensuing fiscal year." Now, the comments that were made is this: "The extent to which territorial expenditures can now be attributed to the national policy of northern development, and are being financed substantially by grants, subsidies and other contribution from the senior government, makes the foregoing provision, which is more appropriate to municipal financing, meaningless." Now, I would ask if Mr. Legal Adviser or Mr. Commissioner have taken into consideration the remarks of the Auditor General in this report and what is being done accordingly.

Mr. Legal Adviser: Mr. Chairman, we have taken that into consideration. The Commissioner drew this to my attention and section 50(1) as it then was in acting to chapter 17 of the 1967, (First Session), and it was this tale-end of that section that was read by the Honourable Member for Whitehorse, and we have taken it out again this time. One of the reasons was because it appeared to tie the Administration down in a certain way as found by the Auditor and we thought it better to give the former freedom back. This was the objection.

Mr. Dumas: I want to make the same point, Mr. Chairman. Doesn't the amended section solve the problem that is brought up in the Auditor's Report?

BILL #21

Mr. Chamberlist: Mr. Chairman, it doesn't appear to me to do so completely and I was wondering, because of this remark made by the Auditor General, whether this particular section 50(1) has been sent to the Auditor General for his comments.

Mr. Legal Adviser: No, we haven't taken that precaution because as it happened, and as many of the Honourable Members are aware, we spent several days last week doing nothing else except drafting this ordinance from nine o'clock in the morning until five o'clock in the evening. The reason we had to undertake this exercise was because Ottawa, apparently, completely failed to understand what we were attempting to achieve in this particular ordinance, so we had to do an exercise and just do it ourselves. But, it was my view at the time, and I'm always open to correction, the point made by the Auditor in this was that by the section as it then was, that is, "to provide for the raising of revenues in the Territory sufficient to meet the estimated expenditures of the Territory for the ensuing financial year, other than those expenditures in respect of which a tax is levied pursuant to section 50A," that tied the Administration down to raising revenues for a particular period and in a particular manner and so on, and they go on meeting these objections by putting the section back as it was, which I think was part of the Auditor's Report, and therefore, it now reads that he can, "levy taxes at a uniform rate per dollar on the assessed value of all real property in the Territory liable to taxation under this Ordinance." There is then no committal in this section as to what the tax is for and that comes before the Council in a different way than when a vote in supply is passed by the House and a rate of tax is supported by the House.

Mr. Chairman: Are we clear? (Reads section 3 of Bill No. 21)

Mr. Legal Adviser: Mr. Chairman, this is a brand new section and it's designed to meet the objections which were raised on more than one occasion and with some considerable force by some of the Honourable Members, but polls have already been held in some of the districts and as a result of the method of taking the polls, the ratepayers who were to be connected to the system understood that the costs of construction, maintenance and operation of this system would be collected from them in a certain manner, and as the result of what one might call a midnight amendment in the spring session, which went through, the charges and costs were collected from the ratepayers in a different manner than that which they understood in the first place, and therefore they made their views known to the Councillors who in turn made their views known to the Administration in the Council. Now, this particular section is designed to achieve a result of flexibility in the administration of this particular tax. If this section is passed, then the Commissioner will be able, as a result of having obtained under a different section... in some cases he has already obtained this opinion...he may impose different types of frontage tax...frontage tax in respect of either the construction of a water system or of a sewage system, or the operation of a water system or the operation of a sewage system, or any combination of these, and then by an amendment that is coming in at a later point in this ordinance, he'll be able to collect the fees for the use of the water or sewage system as a fee which will then be deemed to be a tax under this ordinance, and in this way we have attempted to give sufficient flexibility to the ordinance that each particular municipality or improvement district will be able to make its wishes known to the Commissioner and then the tax will be imposed by the Commissioner in order to recover the costs in the method which is most suitable to the particular district concerned. Now, the second part of the section which is a subsection enables the Commissioner to levy a frontage tax not alone on property which directly abuts on a system but on any property

JA

Mr. Legal Adviser continued:

BILL #21

which....always of course at the wish of the owner of the property ....is connected to the system. Without subsection(2) this would be difficult because then he can only impose a charge or fee for the service and would not be able to recover from a non-abutting owner the fair share of the cost of construction and operation which the other fellow-ratepayers would have to pay.

Mr. Chairman: Are we clear? (Reads section 4 of Bill No. 21)

Mr. Chamberlist: Mr. Chairman, do I understand that in section 50B(1) the frontage shall be deemed to be 50 % of the aggregate length of the front and rear sides....on the front and rear sides of such lots. Well, supposing it's a three sided lot. What's the position if it has three sides.

Mr. Legal Adviser: We don't have front and rear sides to triangularly shaped lots. As I understand, the practice is to project a line across the eight pegs of the triangle such exists, parallel to the base of the triangle and thereby forming what might be called a notional parallelogram. This is then deemed to be the front. In other words, a point has no dimension but we extend this line parallel and thereby give it an occupation dimension for the purpose of making the calculations required.

Mr. Chamberlist: Mathematics being one of my prime courses, I will point this out that if we're going....are we going to deal with Simpson's Rule of an irregular figure whereby we can cross-sectional the areas and then divide it to the number of lines down the centre of the area space to find out the length of the front line, because if Mr. Legal Adviser doesn't understand that, I didn't understand what he said before. My question is quite simple. I know of a few pieces of land which are triangular and the way this is written, and I repeat, "the frontage shall be deemed to be fifty per cent of the aggregate length of the front and rear sides of such lot." Now, if the front on a triangular lot....I had a triangular lot here....the front of a triangular lot was on the....the water line was running in front of it and you had to add the real line to the lineal length of it and you cut it in half, you're really going to be paying something for the lot here. I think that should be clarified in there. I don't think, Mr. Chairman, that is good enough to have in there for purposes of a triangular lot.

Mr. Legal Adviser: I'm always open to accept an amendment from my learned friend. I'm only doing the best I can to reproduce in simple English the rules that are applied by the assessing officers to these lots, but as I understand it, what they do is they perform this operation of a notional front in order to achieve this result and that a normal result would be that the front line would be equal to the rear line when you project this artificial front line across. In fact, it would run parallel to the rear line and then would occupy the same length. However, you achieve the result and then divide it by two meaning that you're just paying that you're just paying a normal charge.

Mr. Chamberlist: I wonder, Mr. Chairman, if Mr. Legal Adviser would say to me how, in the case of a triangular piece of land....what would be the footage that it would be assessed at. Let's say, a triangular piece of land, 60 foot front and 45 by 45 angle at the back....or, let's say, 100, by 100 angle at the back... 60 foot front and then going back to 100 feet. How would you assess the footage on that.

BILL #21 Mr. Legal Adviser: It would depend on which is called the front.

Mr. Chamberlist: 60 foot.

Mr. Legal Adviser: Well, then the amount you would pay on a frontage of 60 feet.

Mr. McKinnon: Mr. Chairman, my weakest subject is always mathematics. However, I know it was a result of some of the constituents in my area on the Porter Creek system with these triangular, pie-shaped lots that this amendment to this part of the ordinance came into being, and since we have discussed with the area development office what the new rates will be under the formula followed that I don't understand at all but they are putting into effect now on these pie-shaped lots, that the frontage tax for these people was outrageous before and is now equitable and meets with their satisfaction. I don't understand the formula. I don't know how it works, but it does work and everybody's happy about it.

Mr. Chamberlist: In that case, no objection, Mr. Chairman.

Mr. Dumas: On subsection (2) of section 4....that seems like an unfair subsection because a person who has a corner lot, we'll say 50 by 100 here in this city, is going to pay on 75 feet for his sewage system, which is 50% more than his neighbour is paying, yet that lot, for practical value purposes, is worth between 10 and 15% more when you come to sell it. So, that seems unfair, but if the Councillors who have these problems in their areas are happy, certainly I am.

Mr. Legal Adviser: I have no particular brief for subsection(2) and if the Councillor would propose an amendment to delete it, I'd be only too happy because, in fact, if this is deleted, the old section will stand which says, "For the purpose of computing the front of your real property, the frontage shall be deemed to be 60% of the aggregate length," and the amendment was brought in for the purpose of reducing this injustice by 10%. I understand that, almost universally throughout Canada, this 10%...this 60% of the double is the normal way of computing it, and it is done because it is generally considered that a corner lot has certain desirable features by the elimination of neighbours in some way or another, or a double frontage for say, certain purposes, double entrance purposes, or double shop purposes, that other corner lots have not got. As I say, we have put in the 50% because representations were made to us by another Councillor from Whitehorse that the 60% did appear to be slightly unjust and the Administration accepted this and reduced it to 50%.

Mr. Shaw: Mr. Chairman, I wonder if I might ask a question of the Honourable Member of Whitehorse West. When he says that property is worth 10% more, it does appear to me that it's always worth more on the corner, but would that be 10% of the total of the property in the improvements or just 10% of the actual land value, when you refer to the 10% increase in value.

Mr. Dumas: I think the best way to explain that is, if you sell an ordinary lot for \$3,000, you could probably get \$3,300 for the lot right next to it that's on the corner.

Mr. McKinnon: This is again an amendment that I suggested to this ordinance, and not going into the period of the bucks of it, it meant that a person on the corner, and there's all types of these lots in Porter Creek, that the pipe has to go down both sides of the lot to service people onwards. Now, I suggested that either

~~AA~~ #21

Mr. McKinnon continued:

the people that were all served onwards should pay the additional costs for going along the corner, and in actual amount it comes to \$140 per year for a person on an ordinary lot and \$180 per year for the service for people on a corner lot; and it just seemed to me quite inequitable that these people were paying that much more for living on a corner lot where the service had to go by both sides of their lot to service people onward, and the Administration met with my objections that this was unfair and changed the evaluation accordingly. I think it's much fairer the way it stands now in the amendment.

Mr. Dumas: Mr. Chairman, I think the amendment is probably fairer than it was, but how do you arrive at a figure of \$180 or \$140 when it says here, it's the aggregate of the two sides, or 50% of the aggregate. I believe the lots are 100 by 200 in your area. Is that correct?

Mr. McKinnon: There's all kinds of irregular shaped lots. I just got one that was from Mr. and Mrs. Baer who live on one corner and Mr. and Mrs. Moffatt who live right across the street. One's on a corner lot and one's on an ordinary lot, and that's the difference in price on the estimated price of what their water system is going to cost for one being on a corner lot and one being on a straight 100 by 200 lot.

Mr. Legal Adviser: I will say, sir, that it's a bit difficult to go below the 50% because then you have the resulting inequities, the corner lot in very many cases where it's a square lot would pay less than the man is entitled, and I think it's impossible to go below the 50%, which is as good, I think, a concession as the Members can hope to obtain from the Commissioner.

Mr. Livesey: Mr. Chairman, I may be a little dense, too, in some ways but I can't see, for instance, in subsection (2), the explanation that was given to us by the Legal Adviser that in the example given on a corner....on a triangular lot where the aggregate....50% of the aggregate of a triangular lot, 100 feet on either side....60....I may be dense, but I just don't get that.

Mr. Legal Adviser: Subsection (1) and subsection (2) are completely different sections. Subsection (1) is merely for the purpose of computing the frontage of irregularly shaped lots including triangles, although it doesn't have to say so....it doesn't say so. This is where the system passes on one side of the triangle. Where the system passes on two sides of the triangle, then subsection (2) comes into operation and then you get 50% of the aggregate length of the two sides. So, this may result in some small inequities. I'm not saying that everything is perfect, but this is our attempt to try and even out as many of the inequities as possible. It is never possible in a system such as this. All you can do is average out the peaks as best you can to an even, almost straight line of equity. You can't do better than that.

Mr. Livesey: Well, Mr. Chairman, I still haven't got my question answered. I want to know what is 50% of the aggregate of two sides, each of 100 feet, and it that's 60, well, I've got to go back to school.

Mr. Legal Adviser: If you have a triangle that is abutted on two sides by a system, and we'll assume it's an equilateral triangle of 50 feet each. Well, then you are going to have to pay tax on 50 feet. If, however, he has two sides....supposing it's a scaling triangle, well, then if it's say, 40, 50, 60, or something, he

BILL #21 Mr. Legal Adviser continued:  
would pay, either on 50 feet if it happened to be the two sides, 40 and 60, or if it's the sides which are 50 and 60, he would pay for 55. If it's a triangle where it's on only one side, then it's back to base again. If it's the front of the triangle over which the line passes, then he pays tax on that particular side. If, however, the system....I don't seem to be getting through to the Honourable Member.

Mr. Livesey: Sir, I have pointed out to you a specific instance.... specific instance....no variations, substitutions, equalateral conundrums, or anything else you want to throw in there. What I'm talking about is a triangle of two equal sides of 100 feet.... two equal sides of 100 feet....50% of the aggregate of two sides of equal proportions of 100 feet each....how could that be 60? This is my question. If it is 60, then I've got problems.

Mr. Chairman: Order, please.

Mr. Legal Adviser: 50% of the total of two sides of an isosceles triangle of 100 feet on each of the legs....the equal legs on the isosceles triangle, come then under this ordinance to 100 feet. In other words, he's paying as if the system only went along one side, and he's paying neither more nor less. The old method of computation would be that he would pay 60% of the total of 200, which would be 120 feet, and as a result of the representation made by the Member for Whitehorse, this inequity was agreed to be an inequity and this particular example given by the Honourable Member was reduced in frontage....note their frontage for the purpose of calculation of tax from 120 feet to 100 feet, and as the Honourable Member for Whitehorse said, so far as he knows his constituents would be perfectly happy with this change. I should point out that if this change is not agreed to, we go back to the point where it's 60 feet. This is an amendment of 60% so that the man would then pay 120 feet instead of 100.

Mr. Dumas: I'd just like to make one point here, Mr. Chairman, for the Legal Adviser's edification. There is no Honourable Member from Whitehorse here. There's an Honourable Member for Whitehorse East.

Mr. Chamberlist: With respect, Mr. Chairman, he was referring to the Honourable Member for Whitehorse North. However, the question the Honourable Member for Carmacks-Kluane asked related to the area I gave, that is a 60 foot frontage with 100 foot on either side. My calculations would make it 80 feet. I don't know how Mr. Legal Adviser got 120 because if you take the 60 and the 100.... is 160. 50% of that would be 80. That's my mathematics from when I was in grade one, I think.

Mr. Chairman: Well, gentlemen, are you clear on section 4? Order, please. Are we clear on section 4? (Reads section 5 of Bill No. 21)

Mr. Chamberlist: Mr. Chairman, again I must bring up the Auditor's General Report. Now, there seems to be a difference as to when the dates of taxation must come into effect because, if we refer to page 31, paragraph 3, it says as follows: "The recent amendment of the Yukon Act, 1966-67, c.28 contains a requirement which is at variance with the parallel requirement in the same connection embodied in the Financial Administration Ordinance. Section 26(1) of the Yukon Act now requires that the Territorial Accounts (referred to as the Public Accounts in the Ordinance shall be submitted to the Council by the Commissioner," and it gives the dates, "on or




Mr. Chamberlist continued:

before the thirtieth day of June next following the termination of the fiscal year, or if the Council is not then in session, on the opening day of the next ensuing session. On the other hand, section 33(1) of the Financial Administration Ordinance requires that the Public Accounts be submitted to the Council on or before December 31st if the Council is then sitting." Now, it goes on, therefore, and it further goes on to say, "it is suggested that the demonstrated impracticability of meeting the requirement of the federal statute should be brought to the attention of the law officers concerned." Now, I relate this to the section 50C which refers to the fees levied pursuant to section 8 of the Financial Administration Ordinance. Now, when does this take place. This is the important thing, and I wonder if Mr. Commissioner or Mr. Legal Adviser followed the request....not the request so much as the notations by the Auditor General in his Report relative to those particular sections.

Mr. Legal Adviser: Sir, if I may answer that question in part and at the same time deal with an explanation of this particular section....the purpose of section 50C is to enable the Commissioner to charge what would undoubtedly be a varying charge from person to person, and therefore, it was thought to be unsuitable to put this varying charge in the Taxation Act which prima facie will be a uniform charge for all users, at least in a particular district. But, it was thought necessary to have the machinery for the collection of a tax given to the fees collected under section 8. Now, so far as section 50D is concerned, this was a section that was drafted in consultation with certain of the Honourable Members who felt that the ratepayers even though not formally at this time organized into municipal corporations, some are not even organized into local improvement districts, should be given the chance to choose first of all whether or not he'll have a system at all and second, if they do have a system, by what particular method they will pay for the system and be taxed for the use of the system. There may, because this was fairly hastily drafted, in the future, it may be necessary to amend section 50D if the need for it is seen afterwards, but at least for the moment this would appear, in my view, to represent a democratic way of collecting these charges and taxes. So far as the point made by the Honourable Member for Whitehorse East about the Auditor General, I had a choice in drafting these particular changes, whether to amend the Financial Administration Ordinance and add in after section 8 that the machinery of tax collection set out in the Taxation Ordinance should apply to fees to that section, or to amend the Taxation Ordinance and say that fees levied under section 8 may be recovered in the same manner as in this ordinance. If I had been amending section 8 of the Financial Administration Ordinance, then undoubtedly we would have picked up as we went along the points raised by the Auditor in relation to the Financial Administration Ordinance. But, at the moment, we are not in a position to do this because we're not dealing with the Financial Administration Ordinance. When the time comes, then that question will be considered in due course with the other things that have to be considered in the Financial Administration Ordinance. It would be improper to amend the Financial Administration Ordinance in the Taxation Ordinance.

Mr. Chamberlist: Mr. Chairman, however, it appears that the remarks of the Auditor General, if consideration is to be given to bringing to legislative requirements to agreement in this respect....so the Auditor recognizes that there's not....there's disagreement between the section of the Taxation Ordinance and the section of the Financial Administration Ordinance.....of yes, that is where the conflict is, in the Yukon Act. That is correct. Well, I was wondering whether

  
BILL: #21 Mr. Chamberlist continued:  
any suggestions have been made to the Federal Government to get  
this corrected.

Mr. Commissioner: Mr. Chairman, they are well aware of it. The  
Auditor General would see that they were advised before we were  
advised.

Mr. Chairman: Are we clear, gentlemen?

All: Clear.

Mr. Chairman: (Reads section 6 of Bill No. 21) Clear?

All: Clear.

Mr. Chairman: (Reads section 7 and section 8 of Bill No. 21)

Mr. Livesey: Mr. Chairman, to the Legal Adviser....in what way  
does that alter what we already have in effect?

Mr. Legal Adviser: There's no serious alteration except that it  
appeared in the course of discussion in making this amendment,  
that Members of a former Council had kept this scheme of a discount  
and a penalty but there was no flat period. On close examination  
of the exact meaning of the words that are used in the section, it  
was disclosed that there was no plateau. There was no point where  
a person pays ordinary taxes. He paid either with a discount or  
he paid with a penalty, so in producing this amendment it was thought  
better to give a flat period when he would pay his ordinary taxes  
and not have the penalty operate exactly like a guillotine down on  
top of them too soon....just the flat penalty. Those three sections  
should really be read together. There's no serious change apart  
from that.

Mr. Chairman: Clear?

Mr. Livesey: Thank you, Mr. Chairman.

Mr. Chairman: (Reads section 9 of Bill No. 21)

Mr. Legal Adviser: This minor amendment is to make it clear that  
interest is to be paid not only on the tax, but also on the penalty,  
calculated at 6% and it will run per annum.

Mr. Chairman: Clear? (Reads section 10 of Bill No. 21) This,  
gentlemen, concludes the reading of the bill.

Mr. Dumas: Mr. Chairman, I move that Bill No. 21 be reported out  
of Committee.

Mr. Chairman: Without amendment?

Mr. Dumas: As amended.

Mr. Chairman: I don't think there has been any amendments to this  
bill. Would this be without amendment?

Mr. Dumas: Without amendment then.

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

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Mr. McKinnon: Mr. Chairman, before the vote is called on this bill BILL #21 I would just like to inform all Members of Council of how the amendments came about before this Table. The three Members who were mostly involved in areas where water and sewerage systems were installed, the Honourable Member from Watson Lake, from Mayo, and myself, met with the Administration in the Assistant Commissioner's office and worked out, through give and take and through a real healthy dialogue, the amendments that you see before you. I think if the Administration had tried to present the amendments to the Taxation Ordinance without consulting the Members directly involved, that they would have found, when this legislation reached this Table, that there would have been further amendments asked for by the respective Members from the different areas. I think it was a terrific example of how a Member, or Members who are elected can help and can really work well together with the Administration to provide an ordinance that will see its way through Council with a lot less debate and a lot less trouble that is usually found before this Table. It was a well worth-while session and I think the ordinance we came up with is therefore well worth-while, too. It was a real step forward, in my estimation.

Mr. Dumas: Mr. Chairman, you might say it was teamwork.

Mr. Chairman: I have a motion before me. It has been moved by Councillor Dumas, seconded by Councillor Chamberlist, that Bill No. 21 be reported out of Committee without amendment. Are you prepared for the question? Are you agreed? Any contrary? I will declare the motion carried.

MOTION CARRIED

MOTION  
CARRIED

Mr. Chairman: The next item of business would be unfinished sessional papers, and we have Sessional Paper No. 65 which relates to welfare. I believe this was Councillor Livesey's question.

SESSIONAL  
PAPER #65

Mr. Livesey: Yes, Mr. Chairman, this was my question raised on November the 24<sup>th</sup>. "the following question was asked by Councillor Livesey. Please refer to Question No. 20, Page 447 of Votes and Proceedings. "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?" The following has been submitted by the Director of Social Welfare:" And you have two specific items there: Actual Expenditures 1966/67 and Revised Estimates 1967/68. Some of the information that I required, I have not been able to obtain. However, the main point in raising the question at all is related to the astounding increase in the cost of welfare in the Yukon Territory where we have approximately 15,000 or 16,000 people of which about 4,500 are children, approximately one-sixth I think are native people and we find that probably the working force is between...I think, at the outside, 6,000 or 7,000...somewhere in between. Now, it seems a most peculiar thing to me, Mr. Chairman, that in 1964 the welfare costs in the Territory was \$394,478 and in 64/65 we went up to \$444,000, 65/66 - \$486,000, and the estimate for 67/68 is \$810,950. I submit to you, Mr. Chairman, that is an estimated cost per month of about \$67,000 a month for welfare. Now, I know this has been divided up into various areas, and I understand, through various Federal Government schemes that we may be getting considerable help as far as costs and finance is concerned put into the effort prepared and worked for the betterment of those in need. However, I would respectfully suggest, Mr. Chairman, that there's something radically wrong when we have to talk about payments of \$67,000 a month when we only have a population of 15,000 or 16,000 people. It seems what we're trying to do here is pad the issue rather than try to

SESSIONAL Mr. Livesey continued:

PAPER #65 rectify it and try to solve it. Something surely should be done to try to find out what is wrong rather than keep adding to the burden and we don't know, of course, what it's going to be next year. Maybe it will be \$900,000 next year and climbing up towards a million dollars. Who knows. There's certainly something radically wrong here, and as far as I'm concerned, I feel that we are certainly not doing anything of a positive nature to try to eliminate the problem. I noticed in one of the questions raised in the House of Commons by our Member from the Yukon...he raised the question some time ago to try to find out how many unemployed we had in the period 1966/67 and how many unemployed we had between the beginning of 1967 to the present day. I asked a similiar question here and I got practically the same answer as he got in the House of Commons, and that was that due to the fact that the Unemployment Office had been moved from Whitehorse down to Prince George, no figures were going to be forthcoming. However, there were certain figures provided for the period 66/67 and in a good many instances, the people on unemployment insurance in the Yukon were in some months...32,33, 36, 40, 41 on unemployment insurance. Now, just where does this \$67,000 a month go. That's what I want to know, and I wonder if we have any way here, Mr. Chairman, of trying to find out why this tremendous cost is being placed before us, not only for the taxpayers of Canada to provide, but also for the Yukon Territory to provide. I've been trying to ascertain just in what area this money is going, and I wondered, Mr. Chairman, if Mr. Commissioner could assist me with this question.

Mr. Commissioner: Mr. Chairman, we can definitely supply...it might take us a little time, but we can definitely supply details as to where the last penny has gone to. But, the general policy of the problem that is at home, and I think that this is what is bothering the Councillor when he asks this question as to how much money is tied up in administrative costs and how much is getting out and used by the people who are going to benefit by it. I think this question has been answered and it's, roughly speaking, 25¢ out of each \$1.00 goes for administrative costs. However, I think you must remember that in the process of administering welfare, this is a particularly difficult job to do. Now, I'm not here to say that we are doing the finest welfare distribution job in Canada. I don't think that that would be a fair statement, but when I say this, that the people who work in our Welfare Department are faced with probably the toughest money spending problems of any department of the Territorial Government, I say that this is a fair statement. In the Engineering Department, you have authority from Council to embark on a project and they call public tenders for it and you either award the contract or you don't award the contract at that particular point. I mean, you have a clean cut decision to make. In the Welfare Department, straight forward and clean cut and easy decisions are just not part of the recipe in this particular field of things. And, while we cannot bring forward...I think this was asked at the last Council Session...specific individual cases to the Council Table, I can assure, Mr. Chairman, that any individual Councillor, I would be very, very pleased to bring forward as much detail as anyone wishes to have with regard to this, and I would also say that unemployment is a very minor factor with regard to the position of welfare services in the Territory. The major fields in which the welfare services are being provided are fields where it has very little to do with whether the bread-winner of the family is employed or whether he is unemployed. Most of it has to do with whether or not, in fact, there is a bread-winner in a household. Now, I realize that Council probably wants a lot more details than what I have on the tip of my tongue to give them, Mr. Chairman, but I want you to understand that we will gladly supply any details that are required at this particular point.

Mr. Dumas: I wonder if Mr. Commissioner could tell me what general and categorical assistance means.

SESSIONAL  
PAPER #65

Mr. Commissioner: Mr. Chairman, where people fall into specific categories whereby, either by means of agreements that we have with the Federal Government or by specific legislation, people are entitled by virtue of these categories to specific allowances. I would say this, that blind people's allowance...this is a specific category. A disabled person, who by virtue of service other than we'll say, war time service, has a physical disability whereby he is under-employed or unemployed, this is a particular category. I can't think of any other examples right at the moment, Mr. Chairman, but those are two. These people are definable by legislation, and the monies that are given to them are paid to them as specified by legislation.

Mr. Chamberlist: Mr. Chairman, Mr. Commissioner, I notice in the Actual Expenditures in 1966/67 there is no reference to probation and juvenile detention, yet in the Revised Estimates of 1967/68, there shows an amount for probation and juvenile detention of \$52,688. I wonder if Mr. Commissioner could explain the absence of an item such as this in one year and the reason for it being in the following year, and the same thing applies....I note where they have in 1966/67 operation of nursing and senior citizens' homes - \$123,204.07, and in 67/68 they had operation of nursing and senior citizens' and children's group homes which is \$146,131, a difference between \$23,000. Now, I wonder if the Commissioner on this particular point, can tell me where this \$23,000 for children's group homes is being spent.

Mr. Commissioner: Now, can I answer the first question first? The probations item, Mr. Chairman, probation and juvenile detention was in the previous year indicated in another vote. I believe it came under the corrections vote at that time, although I'm subject to correction on that. It was in another vote, and is correctly being administered by the Welfare Department and as a consequence, it is under their vote for spending authority purposes. Now, the next item you see here concerning the children's group homes, remember that these are estimates. The children's group home is just in the stage of completion now, and I believe at the time that the budget was drawn up that this effectively represented possibly more months of use than what we are possibly going to get out of it this fiscal year, but to the best of my knowledge this children's group home will be in operation immediately after the first of the year there will be three months of costs involved in this operation which would cut this figure no doubt. The difference between the \$123,000 and \$146,000, there is no doubt some...there certainly is not \$23,000 of it applicable to the children's group home in any event. It no doubt reflexes an increase in the costs of operating the nursing and senior citizens' homes because the people that work in connection with these things and other operational costs that have arisen over the year....but, some of that differential will be attributable by the time our fiscal year is over to the expenditures that will be incurred in the operation of the children's group home.

Mr. Chamberlist: Mr. Chairman, supplementary to the previous question, Mr. Commissioner, you did say, if I heard it correctly, that the probation and juvenile detention amount was previously in the correctional institute. My understanding is that on the correctional vote, we would be receiving 50% from the Federal Government, so that if this is now coming out of the correctional vote and being placed in the welfare vote, we're going to be paying the whole shot for probation and juvenile detention. Is that a correct estimate of the position?



SESSIONAL Mr. Commissioner: Not entirely, Mr. Chairman. I would need to  
PAPER #65 have this fully verified from the Treasurer, for we have this in  
this particular vote for operational purposes. It is my under-  
standing that in the eyes of the Federal Department, that the total  
corrections program includes any juvenile detention home if we did  
operate it, we did operate one, or the costs that are applicable  
to juvenile detention, and also the probation services. Now, I'm  
subject to checking this out with the Treasurer, which I will do,  
but this is certainly my understanding of it, that this is part of  
the corrections package on this particular thing. I will definitely  
check this answer to make sure that what I am telling Council is  
indeed the correct answer.

Mr. Chamberlist: Mr. Chairman, could I follow this up by asking  
Mr. Commissioner if he may be able to get an explanation from the  
Treasurer as to why this would be taken out of the corrections  
vote and placed into the welfare vote....if it really should be in  
the corrections vote. I can't seem to gather why probation and  
juvenile detention should be in a welfare vote when we have a  
correctional vote set up.

Mr. Commissioner: Well, this is for administrative purposes and  
spending purposes because people who are involved in administering  
the probation service and such juvenile delinquency services come  
under the direction of the Welfare Department and this is explained  
in the paper we placed before Council, I think, at the last session  
of Council, because for administrative purposes this is the only  
particular spot that we can presently economically and properly  
put this. Ultimately, when we get to the point where we can afford  
and can justify a fully operational corrections program departmental  
head at the level that is required in this field, then, as I explained  
to Council, at that time the probations service and the operation of  
a juvenile detention home will at that point, no doubt, be placed  
in their vote.

Mr. Chamberlist: Mr. Chairman, what I haven't got over is this  
last paragraph which says, "It's important to point out that  
salaries of professional and clerical staff as well as all other  
expenses relating to the administration of the total welfare pro-  
gram are included in administration costs." Are we not losing that  
50% that we would get if that item, probation and juvenile detention,  
plus the administration of that item....the administration people,  
if they were in the correctional program, we would be getting 50%  
of that back, but while it's in the welfare program, we are not  
getting any portion of it back. This is the explanation I want.  
Why is it being put there?

Mr. Commissioner: I strongly suggest, Mr. Chairman, that under  
the authority that you passed here the other day to permit me to  
sign an agreement with the Federal Government under the Canada  
Assistance Plan, that we leave this exactly the way it is.

Mr. Chamberlist: Mr. Chairman, if I am now being told that I  
participated in authorizing the Commissioner to sign an agreement  
which wasn't made very clear to me, I will have to assure Mr.  
Commissioner that in future I will be looking at these agreements...  
any piece of legislation that comes up with reference to an agree-  
ment, even more closely than I'm doing now, because this particular  
item, if it had been pointed out to me I certainly wouldn't have  
supported it because as far as I'm concerned the Territorial Govern-  
ment lose 50% of monies if that probation and juvenile detention  
were placed in the correction program as it is now in the welfare  
program, and that the administration and professional services of  
that program comes out of the administration costs in the welfare  
services. I think that we've made a mistake there.

JA

Mr. Livesey: Mr. Chairman, I'd like to point out again too, that one-third of the costs are related to children in one form or another, either with regard to juvenile detention or child welfare services. Now, I wonder if there's been any exploration done by the Administration in the last two or three years towards trying to find out just what is causing the problem of having to pay something like \$17,000 a month alone for correcting children in the Yukon Territory. Now, this is something fantastic, and if we want to add the administrative costs to that, why, between the problems with the children alone and the administrative costs comes to \$369,000 a year, which is, roughly speaking, \$38,000 a month. Now, I don't know....we're looking for more money to help the economics of the Yukon and it seems to me that we've got some problems here with regard to these people that are dragging their feet. I think that, of all the things that we look at in government, I think this welfare problem is not a positive measure, it seems to be a negative measure where not too much is being done really to try to get beyond the problem, and I think we can pad it from now to doomsday but I don't think we'll get rid of it that way. I'm just wondering if we are really trying to figure out.... and I say this with all due respect....to find out how we can get rid of the problem, and I wonder if we had the question, for instance, if the profit we're making off liquor has some influence on the debts that are being created in the welfare service. I think we've got a problem there, Mr. Chairman.

SESSIONAL  
PAPER #65

Mr. Chairman: Is there anything further on this paper? Gentlemen, we have one further sessional paper, Sessional Paper No. 67, on the Watson Lake and Mayo sewerage system. Possibly we could deal with that tomorrow. That is 67. This then concludes all the work before Committee at this time. I believe we are awaiting information in Committee on cut-backs on the capital side. I wonder if Mr. Commissioner could indicate when that will be available?

Mr. Commissioner: Mr. Chairman, I thought this was all prepared. I thought I saw this on Friday. I'll have to check the Treasurer's office to see. I think it's all ready.

Mr. Chairman: I believe it was to come here on Friday afternoon. We haven't seen it yet.

Mr. Commissioner: I'll get busy on it right now, Mr. Chairman.

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

Mr. Chamberlist: Mr. Chairman, I 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 Chamberlist, seconded by Councillor Gordon, that Mr. Speaker do now resume the Chair. Are you prepared for the question? Are you agreed? Are there any 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 Committees?

Mr. Chairman: Mr. Speaker, Committee convened at 10:40 a.m. to discuss bills, sessional papers, and memorandums. It was moved

Mr. Chairman continued:

by Councillor Chamberlist, seconded by Councillor Dumas, that Memorandum numbered 01683 from the City of Whitehorse be deferred until next spring session and this motion was defeated. Committee recessed at 12:00 noon and reconvened at 2:40 p.m. It was moved by Councillor Dumas, seconded by Councillor McKinnon, that Bill No. 18 be reported out of Committee as amended and this motion carried. It was moved by Councillor Dumas, seconded by Councillor Chamberlist, that Bill No. 19 be reported out of Committee as amended. This motion carried. It was moved by Councillor Dumas, seconded by Councillor Chamberlist, that Bill No. 21 be reported out of Committee without amendment and this motion carried. It was moved by Councillor Chamberlist, 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? May I have your further pleasure?

Mr. Taylor: Mr. Speaker, standing in Committee we have two matters of sessional papers, one of finance and the other on the Watson Lake sewer and water system which brings us up to date on sessional papers. I believe we're pretty well caught up on bills at this time, so I would suggest for tomorrow, bills and sessional papers.

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

Mr. Chamberlist: Mr. Speaker, I move that we call it five o'clock.

Mr. Speaker: Is there a seconder for the motion?

Mrs. Gordon: I beg leave to second that motion.

Mr. Speaker: Moved by the Honourable Member for Whitehorse East, seconded by the Honourable Member for Mayo 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 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. I have for your attention this morning for tabling Sessional Paper No. 73, Federal Territorial Financial Agreement; Sessional Paper No. 74, Question No. 25, Dormitory Accommodation; Sessional Paper No. 75, Dawson Bridge; and Sessional Paper No. 76, Nominal Fees for Campers. Are there any Reports of Committees? Introduction of Bills. Notices of Motion or Resolution.

SESSIONAL  
PAPERS  
#73  
#74  
#75  
#76

Mr. Chamberlist: Mr. Speaker, I wish to give Notice of Motion that Sessional Paper No. 94 of the First Session 1967 be moved into Committee of the Whole for discussion.

NOTICES OF  
MOTION  
#56

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

Mr. Shaw: Mr. Speaker, I would like to move Notice of Motion in respect to Sessional Paper No. 73 to Sessional Paper No. 76.

#57

Mr. Taylor: Point of order, Mr. Speaker. I wonder if it is proper to introduce a Sessional Paper which cannot be attributed to this Session. Should this not be done in another manner than just introducing on the floor?

Mr. Shaw: Point of Order, Mr. Speaker. Isn't 73 something to do with this Session?

Mr. Speaker: Order. There is a point of order.....any question of this nature may be brought up under Notices of Motion. As a matter of fact, this is the proper place to bring it up. Are there any further Notices of Motion or Resolution? May we then pass to Orders of the Day. Are there any Notices of Motion for the Production of Papers? Still standing on the Order Paper under Motions for the Production of Papers Passed are Nos. 4, 5, 6, 8 and 9. Under Motions we have Motion No. 55, moved by Councillor Chamberlist, seconded by Councillor McKinnon, "That correspondence from the City of Whitehorse tabled on 8th December, 1967, be passed into Committee of the Whole for discussion."

MOTION #55

Mr. Chamberlist: Mr. Speaker, at this time, with the permission of the House, I would like to withdraw this Motion as the matter has been dealt with as memorandums.

Mr. Speaker: Would the seconder to the Motion also withdraw at this time?

Mr. McKinnon: Yes, Mr. Speaker.

Mr. Speaker: Does the House agree unanimously that this Motion be withdrawn?

All: Agreed.

Mr. Speaker: I will declare then that Motion No. 55, Mr. Chamberlist, Correspondence from the City of Whitehorse, has been withdrawn from the order paper. May we next then

MOTION #55  
WITHDRAWN

Mr. Speaker continues:  
proceed to questions. Gentlemen, I understand this morning that Mr. Commissioner has an important meeting this morning with Department Heads and would appreciate it if he could have this morning for such business. How do you wish to proceed?

Mr. Chamberlist: Mr. Smith, the Commissioner, also has important business to attend to with this Council and I would suggest that he be asked to attend for the question period.

Mr. Speaker: Is the House agreed?

Mr. Shaw: Mr. Speaker, I noticed that the different Heads of many Federal Departments were in here this morning for this particular meeting. I have no particular questions that I have to ask at this time....can catch up this afternoon.

Mr. Taylor: With all respect, Mr. Speaker, I would like to reply by saying that there's also the various representatives of the people of the Yukon here this morning as well.

Mr. Speaker: Would the House give me general indication then as to how you may feel about the question?

Mr. Chamberlist: Mr. Speaker, I feel that if there is a choice between the Commissioner attending Departmental Heads and attending this Council for the Members of Council to ask questions of him relating to the affairs of the Territory, I think that Mr. Commissioner should certainly give us preference.

Mr. Dumas: Mr. Speaker, I don't want to be unfair to the Commissioner but we have been delayed on several occasions during the course of this Session and very often due to the Administration of the Territory. Now, if there is some way that we can get around this problem today so that we can meet with the Commissioner sometime this morning for the question period, I am certainly willing to go along with it - reluctantly.

Mr. McKinnon: Mr. Speaker, if Mr. Commissioner has laid on a meeting for some time with different Department Heads, then I think that it would only be courteous for this Council to await on him for the question period at some later time. However, I am very interested in knowing that there is an important meeting of Department Heads today. I don't know of any of the elected representatives of the people who have been invited to attend.

Mr. Speaker: I still have not your indication. Would you gentlemen give me a proper indication of whether you wish me to ask that the Commissioner attend Council at this time for the question period.

Mr. Chamberlist: Let us vote on it, Mr. Speaker.

Mr. Taylor: Mr. Speaker, I would suggest that Mr. Commissioner be asked if he could attend in the first instance.

Mr. Shaw: Mr. Speaker, I would suggest....I would suggest that the questions that we have might be able to wait for an hour, or half an hour, or whatever the case may be. According to some of the questions that I have heard asked,

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Mr. Shaw continues:

I don't think they are necessarily a matter of life and death. If that is the case that it is of tremendous urgent public importance that it must be answered in the next half hour, I would say by all means, but I think, out of courtesy, that if we could delay this for possibly a half an hour or an hour that the business of the people would be served in a most efficient manner also.

Mr. Taylor: Mr. Speaker, I would like to direct a question to the Honourable Member from Dawson. He seems very informed as to the period of time that the Commissioner will be tied up. Could he inform Committee when indeed the Commissioner will be out of this meeting?

Mr. Shaw: In answer to that question, Mr. Chairman, if you would give me permission to go out for five minutes, I could go and find out and supply the information, but I don't think that's important either. I said a half an hour, or an hour, or maybe two hours. I was merely saying as a matter of courtesy...unless the questions are of extreme public importance...and it doesn't seem to have necessarily have been that way all the time.

Mr. Chamberlist: Mr. Speaker, if the Commissioner had been asked to attend at the time that the question period commenced, no doubt the questions would have been finished and Mr. Commissioner could have gone back to the business he was discussing with the Federal Heads. I would, therefore, move at this time that Mr. Commissioner be requested to attend this Council to answer questions.

MOTION TO REQUEST COMMISSIONER TO ATTEND COUNCIL FOR QUESTION PERIOD

Mr. Taylor: I would second the Motion.

Mr. Speaker: Moved by the Honourable Member from Whitehorse East, seconded by the Honourable Member for Watson Lake, that Mr. Commissioner be asked to attend Council to answer questions. Is the House prepared for question on the Motion?

Mr. Shaw: Speaking on the Motion, Mr. Speaker, I would like the Commissioner here to answer questions but I won't demand that he be here within the next five minutes so I will vote against the Motion if that is the intention of the Motion.

Mr. Speaker: Are we agreed? Are there any opposed?

Councillors Shaw and McKinnon voted contrary.

Mr. Speaker: I will declare the Motion carried. Mr. Clerk, would you please advise the Commissioner?

Mr. Dumas: Mr. Speaker, I would like to record my vote as abstaining.

Mr. Speaker: Do you wish a division?

All: Division.

Mr. Speaker: Division has been called. Would you please proceed.

Mr. Clerk: The Member from Whitehorse North.

Mr. McKinnon: Nay.

Mr. Clerk: The Member from Whitehorse East.

Mr. Chamberlist: Yea.



Mr. Clerk: The Member from Dawson.

Mr. Shaw: Nay.

Mr. Clerk: The Member from Watson Lake.

Mr. Taylor: Yea.

Mr. Clerk: The Member from Mayo.

Mrs. Gordon: Abstain.

Mr. Clerk: The Member from Whitehorse West.

Mr. Dumas: Abstain.

Mr. Clerk: Mr. Speaker, there are two Nay's, two Yea's and two abstaining.

Mr. Speaker: I will cast my vote in favour of the Nay's. I will declare the Motion defeated.

MOTION DEFEATED

MOTION DEFEATED

Mr. Chamberlist: Mr. Speaker, I rise on a point of order at this time. I would protest that the vote in any event be taken for the simple reason that the Commissioner, as Commissioner-in-Council, acting upon the advice and consent of Council, should be here when requested by Council to attend for the matters of Council.

Mr. Speaker: I will have to inform the Honourable Member for Whitehorse East that there is no point of order taken. May we now proceed to Public Bills and Orders.

FIRST READING AMENDMENT BILL #18 MOTION CARRIED

Moved by Councillor Dumas, seconded by Councillor Shaw, that the Amendment to Bill No. 18, An Ordinance to Provide for the Registration of Brands to be Impressed Upon Stock, be given First Reading at this time.

MOTION CARRIED

Councillor Chamberlist voted contrary to the Motion.

SECOND READING AMENDMENT BILL #18 MOTION CARRIED

Moved by Councillor Dumas, seconded by Councillor Shaw, that the Amendment to Bill No. 18, An Ordinance to Provide for the Registration of Brands to be Impressed Upon Stock, be given Second Reading at this time.

MOTION CARRIED

THIRD READING BILL #18 MOTION CARRIED

Moved by Councillor Dumas, seconded by Councillor Shaw, that Bill No. 18, An Ordinance to Provide for the Registration of Brands to be Impressed Upon Stock, be given Third Reading at this time.

MOTION CARRIED

Councillor Chamberlist voted contrary to the Motion.

TITLE ADOPTED BILL #18 MOTION CARRIED

Moved by Councillor Dumas, seconded by Councillor Shaw, that the title to Bill No. 18, An Ordinance to Provide for the Registration of Brands to be Impressed Upon Stock, be adopted as written.

MOTION CARRIED

Mr. Speaker: I will declare the Motion carried and Bill No. 18 has passed this House. May I have your further pleasure.

Moved by Councillor Shaw, seconded by Councillor Dumas, that the Amendment to Bill No. 19, An Ordinance to Provide for the Central Filing and Publication of Regulations, be given First Reading at this time.

FIRST  
READING  
AMENDMENT  
BILL #19  
MOTION  
CARRIED

MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor Dumas, that the Amendment to Bill No. 19, An Ordinance to Provide for the Central Filing and Publication of Regulations, be given Second Reading at this time.

SECOND  
READING  
AMENDMENT  
BILL #19  
MOTION  
CARRIED

MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor Dumas, that Bill No. 19, An Ordinance to Provide for the Central Filing and Publication of Regulations, be given Third Reading at this time.

THIRD  
READING  
BILL #19

MOTION CARRIED

MOTION  
CARRIED

Moved by Councillor Shaw, seconded by Councillor Dumas, that the title to Bill No. 19, An Ordinance to Provide for the Central Filing and Publication of Regulations, be adopted as written.

TITLE  
ADOPTED  
BILL #19

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: I will declare the Motion carried and that Bill No. 19 has passed this House. What is your further pleasure?

Moved by Councillor Taylor, seconded by Councillor McKinnon, that Bill No. 21, An Ordinance to Amend the Taxation Ordinance, be given Third Reading at this time.

THIRD  
READING  
BILL #21

MOTION CARRIED

MOTION  
CARRIED

Moved by Councillor Taylor, seconded by Councillor McKinnon, that the title to Bill No. 21, An Ordinance to Amend the Taxation Ordinance, be adopted as written.

TITLE  
ADOPTED  
BILL #21

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: I will declare the Motion carried and Bill No. 21 has passed this House. May I have your further pleasure?

Mr. Chamberlist: Mr. Speaker....would Mr. Speaker intimate whether we will be able to have a question period of the Commissioner today. I have some important questions I wish to ask on behalf of the people of my area of the Administration and I find that there is nobody here to whom I can address my questions.

Mr. Speaker: I believe in such a case, for the benefit of the Honourable Member for Whitehorse East, that the House will make that decision for me.

Mr. McKinnon: Mr. Speaker, could Mr. Clerk ascertain at what time the Commissioner will be available to the House to answer questions?

Mr. Speaker: Thank you, Mr. McKinnon. Mr. Clerk..... Gentlemen, I have just been informed by the Clerk that the meeting may possibly carry on all day. I would suggest to you, under the circumstances, that we may be able to ascertain a period this afternoon and if you so direct me, I would be quite pleased to work on this question during noon hour.

Mr. Taylor: Mr. Speaker, unfortunately there is insufficient business before Committee today in which to possibly carry on during the day. It may possibly be that we have completed our business prior to noon and may not require our sitting this afternoon unless the Administration, of course, have information that we are awaiting.

Mr. Shaw: Mr. Speaker, I don't know that this requires a Motion but I would suggest that you try to make arrangements for the earliest opportunity today that the Commissioner can be here to answer these questions.

Mr. McKinnon: Mr. Speaker, I would suggest that this House inform Mr. Speaker that he will be requested to attend these Chambers to answer questions at 2:00 P.M. this afternoon.

Mr. Speaker: Does the House agree with the Honourable Member for Whitehorse North?

All: Agreed.

Mr. Speaker: May I have your further directions?

MOTION  
TO MOVE  
INTO  
COMMITTEE  
MOTION  
CARRIED

Moved by Councillor Shaw, seconded by Councillor Gordon, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills and Sessional Papers.

MOTION CARRIED

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

SESSIONAL  
PAPER #67

Mr. Chairman: Gentlemen, the first matter of business we have before us is...Sessional Paper No. 67, in relation to the Piped Sewer and Water System at Watson Lake and Mayo. Councillor Chamberlist, would you take the Chair, please?

Councillor Chamberlist takes the Chairman's Chair.

Mr. Taylor: Mr. Chairman, during the Session I have continually raised the question of the sewer and water systems at Watson Lake and Mayo. They have been a problem to us and to our citizens during the summer months. I think that the Bill of legislation which we gave Third Reading to today has in essence solved our problem. I did wish to point out that in the Bill it states in subsection (3) of section 5 that, "Where the Commissioner is satisfied that a majority of the ratepayers prefer a change in the manner in which the costs of a water or sewerage system are levied or charged he shall give effect to such change", and I think herein is provided the vehicle by which the ratepayers may seek some relief from what may or may not be excessive levying of charges. At the outset, the people of Watson Lake, and I am sure the people of Mayo as well, were asked to ballot for a sewer and water system and on that ballot it specified what was to be charged. I have two examples before me today. For instance, a small hotel was told that if they paid \$1,265.00, that would be their capital contribution over an amortized period of 15 years. They could pay it in lump sum or they could pay \$130.00 per annum for the capital cost. Then a per annum charge was agreed upon at the rate of \$478.80. The last assessment in relation to that particular piece of property was \$351.00 instead of \$130.00 and capital and the operation and maintenance was 76¢ a front foot...\$494.00, giving them a total of \$845.00 rather than the agreed upon \$478.00. There was a house and that went the other way, which I just took at random. They were told the lump sum would be

Mr. Taylor Continues:

SESSIONAL  
PAPER #67

\$506.00 for the 15 year period....\$52.00 per annum and capital and \$45.36 in operation and maintenance and their's worked out to capital, \$288.00....pardon me....\$155.63 for capital and \$219.03 for operation and maintenance, giving them a total of \$374.66 where the sum should have been under \$100.00 so it shows the reason why the people of Watson Lake did get concerned when they were levied a per front foot tax of 54¢ a front foot when in fact they were only to pay about 43¢ or whatever, and, as I say, I think the Bill has provided the vehicle now by which we can resolve this and I would assume from the passage of the Bill that the Administration will look back to Mayo and Watson Lake and say, "Well, this is the deal we made with those people, so we will respect that deal. Now we will go to the people and see if we can get down and discuss the possibilities of a new form of taxation or service charge or whatever you wish to call it", and I think at this point, I would leave the matter...only by saying that I hope the Administration now honour the commitment that has been made on both sides and if they wish to affect a change, then they go to the communities involved and discuss this with the ratepayers.

Mr. Chairman: Any further discussions? Councillor Gordon.

Mrs. Gordon: The Honourable Member from Watson Lake had his problem singly. It was doubled in Mayo since there has been sewer and water put in. The people were given an Agreement which they felt would be honoured. It was doubled...a lot of other little extraneous charges put in until nobody knew what was going on. I hope by now that the legislation that we have created in this room will solve the situation and if not, those of us who are here will have to come back and resolve it again.

Mr. Dumas: Mr. Chairman, I wonder if there is much sense in discussing these things....the Honourable Member from Watson Lake...he made a couple of points that he would like the Administration to take up. Is there much sense in discussing things when there isn't a representative here of the Administration?

Mr. Chairman: Would anybody like to comment on Councillor Dumas' remarks?

Mr. Taylor: Mr. Chairman, I think the Administration will note the Votes and Proceedings and the remarks made. It is not my intention to belabour the issue. As I say, I am very pleased, as I am sure all the people in Watson Lake and indeed Mayo, that we have now a vehicle by which the ratepayers and the Administration can get together and solve these problems so I would drop it at that point.

Mr. McKinnon: I thought that we had helped the Administration along so well with this Taxation Ordinance that I can't understand why they haven't asked us for our help again this morning.

Mr. Taylor resumes the Chair.

Mr. Chairman: Is there anything further in respect of this Paper?

Mr. Shaw: No, all I can add, Mr. Chairman, is that I am very happy that everybody got together and resolved their problems and everything looks to be bright and rosy right at the present time and I hope that that condition prevails for a long time.

BILL #5

Mr. Chairman: The only other matter of business we have before us, gentlemen, is Bill No. 5 which now requires action, the Ordinance to Amend the Taxation Ordinance. Might I have your direction in this regard. This Bill was resting in Committee, for the edification of Members, whilst an amendment was being prepared but the amendment came in the form of a similar bill.

Mr. Chamberlist: Mr. Chairman, might I suggest that it continue to rest.

Mr. Chairman: May I have your direction?

Mr. Dumas: Mr. Chairman, I go along with the Honourable Member from Whitehorse East. Let's let it rest.

Mr. Shaw: Mr. Chairman, wasn't this resolved to some extent. We've had amendments, amendments, amendments and finally got down to one that seemed satisfactory...that the fluidity of the language was acceptable and so on.

Mr. McKinnon: Mr. Chairman, if I remember correctly...and I wish that Mr. Legal Adviser could be present to say for sure whether the last amendment that we have before us is the final amendment that was agreed to. I remember there was very strong objection raised by the Honourable Member for Whitehorse East to this Bill and the final draft of the amendment satisfied even he, and I think we are prepared to proceed on moving this Bill out of Committee as amended as far as I know at this time but I would like Mr. Legal Adviser to be present to tell us if this is the case.

Mr. Chairman: Mr. Clerk, would you see if Mr. Legal Adviser can tear himself loose from this meeting.

Mr. Chamberlist: Mr. Chairman, this is why I suggested that it be left to rest because the Administration, or part of it...the Legal Adviser...is not here.

Mr. Chairman: I will declare a short recess.

RECESS.

Mr. Chairman: I will call Committee to order.

Mr. McKinnon: Mr. Chairman, I would like to ask Mr. Legal Adviser a question. We are discussing Bill No. 5, Mr. Legal Adviser. Is the draft amendment that we have before us the final amendment or is there further ones to correct any typing errors or any other suggestions to come before us at this time.

Mr. Legal Adviser: The position of this Bill is still in Committee?

Mr. McKinnon: Yes.

Mr. Legal Adviser: There is another amendment to come. In fact, I think there's two amendments to come...the Motor....

Mr. Chairman: No, the Taxation Ordinance.

Mr. Legal Adviser: No, there's no amendments to come. In the Taxation Ordinance, didn't we have another amendment... another Bill. Bill No. 21 and Bill No. 5 are both Ordinances or Bills to Amend the Taxation Ordinance.

Mr. Dumas: Bill No. 21 is finished.

~~CH~~

Mr. Legal Adviser: Bill 21 is finished so this one could be incorporated....I am not sure what the procedure would be in Council....could be incorporated but as far as this particular validity of assessment of proceedings is concerned, this is not proposed to add anything to this so this can go through.

BILL #5

Councillor Chamberlist takes the Chair.

Mr. Taylor: I just rise to state that I am not in agreement with this Bill on the grounds that I have stated throughout. If there is a tie vote and I am in the Chair, I will vote it down. I wish to make this quite clear.

Mr. Taylor resumes the Chair.

Mr. Dumas: Mr. Chairman, we have been over this Bill three or four times now. I think that it is time to move that Bill No. 5, An Ordinance to Amend the Taxation Ordinance, be reported out of Committee as amended.

MOTION TO MOVE BILL #5 OUT OF COMMITTEE AS AMENDED

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

Mr. Chamberlist: Speaking to the Motion, I recall now that the errors that I was unhappy with have been corrected and, as I said the last time I spoke on this matter, those things that were repugnant to me because they kind of took off the hook individual officers of the Administration....I am quite satisfied now that Section 98A now serves the purpose for which it is intended without removing from an individual his individual rights of appeal. I am satisfied with it.

Mr. Chairman: Are you agreed?

All: Agreed.

Mr. Chairman: Contrary?

Mr. Speaker: I will declare the Motion carried.

MOTION CARRIED

MOTION CARRIED

Mr. Chamberlist: Mr. Chairman, with respect, the Chairman surely cannot give even a contrary vote while he is in the Chair.

Mr. Chairman: I believe I asked the question, "Contrary?"

Mr. Chamberlist: Oh, I am sorry.

Mr. Chairman: If one was a little more observant during proceedings, he would note these things. Gentlemen, we seem to have come to the end of our tether. We are awaiting information from Treasury on finance, the Capital Cut-backs, and several other matters and you have now concluded all the work before you in Committee. What is your further pleasure?

Mr. McKinnon: Are we awaiting the results of the meeting of the Administration to decide what they are going to do with us, Mr. Chairman?

Mr. Chairman: I would suggest that in view of the fact we wish the Commissioner at two o'clock, possibly you would like to revert to Council and maybe Council may recess until two o'clock.

Mr. Shaw: Mr. Chairman, could we recess for tea break at this time?

Mr. Chairman: Committee is in recess.

*JA*

Tuesday, December 12, 1967.  
11:00 o'clock a.m.

Mr. Chairman: Well, at this time I will call Committee back to order and in view of the fact that there is nothing before Committee at this time I would welcome a motion that Mr. Speaker do now resume the chair.

Mr. Dumas: I so move.

Mr. Chairman: Is there a seconder?

Mrs. Gordon: I second that motion.

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 10:35 a.m. to discuss bills and sessional papers. I can report progress on Bill No. 5, and it was moved by Councillor Dumas, 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 are still awaiting information from the Administration in respect of a sessional paper regarding finance, and we have concluded all the deliberations before Committee at this point in time. However, I understand there's to be a question period this afternoon, so I would suggest we recess until 2:00 o'clock.

Mr. Shaw: Mr. Speaker, I would move that we call it 12:00 o'clock at this time.

Mr. Chamberlist: Second the motion, Mr. Speaker.

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: Order. The House now stands in recess until 2:00 o'clock p.m. this afternoon.



AA

Page 927.  
Tuesday, 12 December, 1967.  
2:00 P.M.

Mr. Speaker: I will now call Committee to order. I would appreciate your directions at this time.

Mr. Shaw: Mr. Speaker, I wonder if we might revert to ORDERS OF Orders of the Day in order that we may continue the question THE DAY period.

Mr. Speaker: Is it unanimously agreed that we revert to Orders of the Day.

All: Agreed.

Mr. Speaker: Are there any opposed? You may proceed.

Mr. Chamberlist: Mr. Speaker, I would like to address one or two questions to the Commissioner. Mr. Commissioner, it was publicly stated last night that the administration, because of neglect in submitting funds at the proper time to the City government, have placed the City of Whitehorse in its present financial condition to the effect that its payments were not being made promptly and that is why they were behind in their payments to the Territory. I wonder if Mr. Commissioner could answer whether this is in fact correct or otherwise.

TERRITORIAL  
PAYMENTS  
TO  
CITY OF  
WHITEHORSE

Mr. Commissioner: Mr. Speaker, I would have to bring forward the actual dates the payments were made to the City of Whitehorse and then we can judge it in that light. I am certainly not aware of any hold-backs, should I say, of Territorial funds from the City of Whitehorse on a kind of a punitive basis or anything of this nature, Mr. Speaker. I think that Council is entitled to a proper answer to a question of this nature. It is not a question that I have an answer on right off-hand.

Mr. Speaker : Mr. Chamberlist.

Mr. Chamberlist: Supplementary, Mr. Speaker, to that question. Will Mr. Commissioner make this information available today or early tomorrow morning?

Mr. Commissioner: Well, I would do my very best to have it tomorrow morning, Mr. Speaker, but I think that Council will realize, Mr. Speaker, that particularly the senior members of the Administration have been unable to devote any time to anything else for the last week or so outside of those matters which are particularly pertinent to Council at the present time and I wonder if I could be permitted this, Mr. Speaker, that I will bring the answer forward to Council just as quickly as possibly but definitely before Council prorogues. Is this fair?

Mr. Chamberlist: Well, Mr. Speaker, Mr. Commissioner, the reason why I put this question is that there appears to be some doubt in the minds of many of the people of Whitehorse as to whether the administration, the Territorial Administration that is, is at any fault. The Chairman of the Finance Committee of the City of Whitehorse has stated quite categorically that the Territorial Government administration has been fouling; he used a further word which I don't think is permitted to be used in this House; of fouling up the financial affairs of the City so strongly that the

Mr. Chamberlist continues,,  
-he referred to the senior government and we must accept that the members of the Territorial Council are part of that senior government except that we have nothing to do with the funds allocated and this is the reason why I asked these questions and I think that an answer, in view of this present municipal election, should be forthcoming so that the- in actual fact Mr. Commissioner, Administration clear its good name if indeed it has been at fault. This is the reason why I asked for this.

Mr. Commissioner: Well, Mr. Speaker, this is a very good question and I appreciate the opportunity of getting to answer it publicly. I may say that there was a meeting between the City Council of Whitehorse and the Territorial Council at the last Session of Council in which this very accusation was made by the City Council at that time and we were literally speaking, told that we were putting road-blocks in the way of progress of the City, but in the course of conversations by the time the dust had settled I am quite confident it was abundantly clear to all concerned that such was not the case. I would be certainly happy to do everything that I can to bring forth factual information that would further substantiate that situation.

Mr. Taylor: Mr. Speaker, I would like to direct a question to Mr. Commissioner. It has come to my attention that when the exodus of government departments from the Yukon to other places that the Department of Citizenship and Immigration have now moved their offices out of the Yukon to Prince George along with the Unemployment Insurance Commission. I am wondering if Mr. Commissioner could inform me as to whether representations have been made to this Department to retain them in the Yukon.

MOVE OF  
DEPT. OF  
C. & I.  
AND DEPT.  
U.I.C.

Mr. Commissioner: Mr. Speaker, my recollection of this was that the same question was asked at the last session of Council and I believe our investigation showed that the normal functions of Citizenship and Immigration are being carried on in the Department of Manpower. Now I'm subject to checking into this further but this is certainly my understanding of it Mr. Speaker but while I'm subject to being corrected I will look into the matter further to see if that situation is still prevailing or if in fact this is no longer the case.

DEPT OF  
FISHERIES

Mr. Taylor: A further question, Mr. Speaker, and it relates to Fisheries, In view of the fact that a Motion was approved asking for a draft agreement on Fisheries to take over Fisheries by the Territory, it has come to my attention that indeed a draft has been presented to the Minister sometime last week and I am wondering if it has yet been received by this Administration.

Mr. Commissioner: Mr. Speaker, we have not got this here yet and I can assure you that just as quickly as it gets here it will be in Councils' hands.

MEETING  
CF FEDERAL  
DEPT. HEADS  
IN  
WHITEHORSE

Mr. Chamberlist: Mr. Speaker, a question to the Commissioner. Mr. Commissioner, I understand that there was quite a very important meeting this morning and I would like to know if it was a formal or informal meeting.

Mr. Chairman: Mr. Speaker, this was a very formal meeting and it is a committee that I have set up under the authority of the Minister. It is a co-ordinating committee for the activities of the Federal government Departments of the Yukon Territory at which accredited representatives from all Federal departments that are represented here in the Territory meet under my auspices from time to time throughout the year for the specific purpose of endeavouring to bring about a minimum duplication of government services and also to advise the various Federal departments or see that a pool of information is available to the Federal departments concerning each other's activities in the area that they might be co-ordinated for the benefit of the Territorial residents at a minimum cost to the taxpayers in general.

Mr. Chamberlist: Mr. Speaker, Mr. Commissioner, were there any matters of a Territorial nature discussed at this meeting and if there was was there any reason why a member of the Territorial Council wasn't asked to attend?

Mr. Speaker: I'll have to rule that question out of order. I believe it was brought to our attention that this was a formal meeting of the administration and I would have to rule the question out of order.

Mr. McKinnon: Mr. Speaker, in view of the fact that the Federal-Provincial Housing Conference opened yesterday in Ottawa and nine premiers of the provinces thought it important enough to attend, and even though we were told by Big Daddy in Ottawa we had nothing to contribute to this conference and we had no housing problem up here, I wonder if the Commissioner could tell us if the recommendations of this conference will be tabled before this Council.

FEDERAL-  
PROVINCIAL  
HOUSING  
CONFERENCE

Mr. Commissioner: Mr. Speaker, with regard to most of these conferences, we don't get as a matter of routine the full content of the reports from them but specific instances when we request them they seem to be forthcoming in most instances and a matter so important in the Territory as housing, we are going to endeavour to get the complete content of this conference and it will certainly be made available not only to members of Council but we will do everything we can to make it publicly available because I am sure that there cannot be too much difference between the housing problem in Newfoundland and one that exists in the Yukon Territory. It all consists of housing people and I find that it is absolutely impossible to see in the name of goodness how that you deal with one Canadian on one basis and you deal with another Canadian on another.

Mr. Dumas: Mr. Speaker, I take it that Mr. Commissioner disagrees with his Minister on this point.

Mr. Speaker: I believe the Honourable Member realizes that this is a question period and information is not required by the House in this connection.

Mr. McKinnon: Mr. Speaker, I'm in receipt of some correspondence from Senator Bartlett of Alaska. He's very worried about whether Whitehorse is in Yukon Territory, or Whitehorse is in the Yukon Territory. I wonder if Mr. Commissioner could tell Senator Bartlett where it is.

Mr. Commissioner: The word "the" is not part of the Yukon as far as I am concerned.

Mr. Speaker: The Honourable Member for Dawson.

Mr. Shaw: Thank you Mr. Speaker. I wonder, Mr. Speaker, whether the Commissioner could advise Council if the resolutions made by Council in respect to housing will be carried forward by the appropriate Federal Minister to this conference to give the views of the people of the Yukon Territory.

Mr. Commissioner: I'm afraid, Mr. Speaker, that I would not have any control over that particular situation and it would appear to me that we are going to have to solve our own housing problems here and I am positive that I speak for all members of Council and all members of the Administration when I say that we are going to solve these housing problems, Mr. Speaker, with or without the guidance and assistance and advice of others in Canada who no doubt know more about the problem on the whole than we do. We realize it is our own problem here and I am quite confident that maybe our solution will not be as elaborate or as costly in the final analysis as some of the solutions are going to be in some other parts of Canada but I am quite confident that we are going to solve the problem at least to the satisfaction of those of us who are normally resident here and all I could answer to the Councillor's question would be that the Conference, to my knowledge is a very short-term one I believe only a matter of two or three days. I stand to be corrected on this; and anything that could be contributed on our behalf in such a short time I don't think would be of too much value. I would also take it from the verbiage that I see in the Globe and Mail that is coming forth in connection with housing in general that maybe in some places in Canada, Mr. Speaker, they are no more adept at solving these problems right off the top of their head than what we are here in the Yukon.

Mr. Speaker: Thank you Mr. Commissioner. May I have your further pleasure.

OIL  
DEVELOP-  
MENT IN  
TERRI-  
TORIES.

Mr. Commissioner: Mr. Speaker, I have before me a statement that was made today about noon hour time in the House of Commons by my Minister, the Honourable Arthur Laing, in which he indicates a very large development as far as oil exploration is concerned. I can either table it, Mr. Speaker, or I can read it, whichever you wish.

Mr. Speaker: Does the House require that it be read?

All: Agreed.

Mr. Commissioner: Now, this is quoting from the announcement "Mr. Speaker, I wish to announce a new major step in northern development. About eighteen months ago we announced to members the northern grants program to develop mineral resources. This program assisted by way of grants toward exploration costs Canadian companies operating in the Territories.

"Indications of oil deposits in the Arctic have been known for many years. Geologists have long recognized the potential of the area. The presence of thousands of feet of sediments

Mr. Commissioner continues...

"combined with occurrence of oil sands and other indications of hydrocarbons have produced optimistic assessments. The project of major pools of oil in this region will now be tested by a Canadian Company.

"Using the provision of the Northern Grants Program a new Canadian Company, Panarctic Oils Ltd., will invest not less than 20 million dollars on a three-year oil exploration program in the Arctic islands. Panarctic is a consortium which includes leading Canadian oil and mining companies. The Government of Canada has joined the consortium. Industry and government have co-operated in a unique relationship to undertake the exploration necessary to develop the potential of a special and unusual region. The participating companies will invest 11 million dollars and the government 9 million dollars over a three-year period. In return for this participation of 45 percent of the exploration costs, the people of Canada, through the government, will hold 45 percent of the common shares and 45 percent of the preference shares the company will issue. The Government share has been budgeted for within the existing five-year program for northern development.

"Should the program be extended and the exploration investment be raised to 30 million dollars or more the government retains the option of extending its interest pro rata. In addition, special provisions in the agreements empower the government to control the transfer of shares and therefore the degree of Canadian ownership and control."

And it goes on to list the various Canadian companies who are involved in this and further details, the manner in which they will exert their influence via their interest and finally wind up by saying: "Mr. Speaker, this is a risk venture. There is no certainty oil will be found. It is certain no oil will be found unless exploration is carried out." This announcement signals the beginning of a search not certain success. I am sure the House will agree with me that the possibilities are so attractive that this venture is wholly justified. The discovery of oil would be of immense benefit. It could conceivably change Canada's role ultimately from that of a net importer of oil to that of a net exporter with all the consequent benefits to our balance of payments position and our economic well-being generally. In that happy event new oil reserves would represent a welcome addition to the reserves of the western world in the light of increasing demand for oil. Marketing of any new oil found in Canada would of course take place within the framework of cooperation which has characterized our relationships with our major trading partners in this and other areas. If this venture is successful all of Canada would be enriched." Thank you Mr. Speaker.

Mr. Speaker: May I have your further pleasure.

Mr. Taylor: One further question I would direct to Mr. Commissioner. In view of the fact that the Minister has indicated his willingness to spend nine million dollars of the taxpayers' money on a risk venture in the Arctic islands somewhere off the Northwest Territories, I wonder

Mr. Taylor continues..  
if he has indicated to the Administration an interest in investing any monies of a positive nature in the human resources of the Yukon Territory.

Mr. Commissioner: Mr. Speaker, that would be a rather difficult one of assessment and in due time I think the Minister should be called upon to answer that one on his own.

Mr. Speaker: Member for Dawson.

QUESTION  
RE OIL  
EXPLORA-  
TION IN  
YUKON

Mr. Shaw: Mr. Speaker, I wonder, in this communique, which is quite encouraging for the North, are there any indications for oil exploration in the Yukon Territory?

AIRCRAFT  
BASE IN  
WHITEHORSE

Mr. Commissioner: Mr. Speaker, it doesn't indicate within the Yukon Territory. It indicates a three year oil exploration program in the Arctic islands and I do not know too many details of this, Mr. Speaker, but I can tell you that it is something that has been worked on for some little time. I also understand that there is a request for, to permit the basing of a fairly large aircraft here at Whitehorse in connection with oil exploration in the Arctic area. As to whether or not this is related to this particular program or not, I do not know, but it certainly has to do with oil exploration that is not too far away from where we are presently located. There is nothing specific in this communique referring directly to the Yukon Territory. The total communique I will be tabling, Mr. Speaker, for the perusal of the members of Council.

Mr. Chamberlist: Mr. Speaker, I was going to rise and ask Mr. Commissioner, perhaps he might handle this. When he read off the report I noted the absence of any reference to the Yukon and I thought that perhaps Mr. Commissioner had mislaid the third page and this isn't so I take it.

EXTENSION  
DAWSON  
AIRPORT  
FACILITIES

Mr. Shaw: Mr. Speaker, in view of the recent report of the merger of Alaska Air Lines and Cordova Airlines and the possibility of conducting fairly large-scale tours between Dawson City and Nome and other points in Alaska and the fact that the airport at Dawson is very restricted for the aircraft which they use, I wonder if the Commissioner would have any indication that the government are carrying on a program at that airport of extending the facilities.

Mr. Commissioner: Well, Mr. Speaker, I don't have any firm commitments or indications that there are going to be any changes in the program as far as up-grading or maintaining to a higher standard of the field at Dawson City or anywhere else in the Yukon Territory, but I say this to you Mr. Speaker, that every time in the past that we have spoken to the appropriate Federal authorities with regard to the up-grading of the field at Dawson City we are told every time that as soon as you have the traffic, or as soon as you have the indications from the major carriers that they are going to provide the traffic then we will take a look at the upgrading of this airfield. I think that the time has now come to put these people to the test to see whether or not they really mean this or whether they don't mean it and I would be very hopeful that Councillor Shaw or anyone

AA

Mr. Commissioner continues..

else who is intimately connected with this particular thing would get to me the factual conditions under which the amalgamated airlines from the State of Alaska wish to operate in and out of Dawson and at that point I think that we should get this via our own Minister to the Minister of Transport just as quickly as possible and ask him "Now here is the indication of the traffic, sir. Your past indications have always been that once we had the traffic you would take a hard look at operating this airfield and put this whole situation to the test right at that particular point. I think the sooner the better, Mr. Speaker because if you are going to develop any kind of airport at all in and out of Dawson as a tourist attraction the biggest single immediate source of people as your customers to ring these cash registers is in the State of Alaska. Now, I understand that in the general area, the general Anchorage area from which one of these airlines is based, I believe Cordova airlines- pardon me if I am wrong on this- I believe that there is somewhere in the neighborhood of 150,000 potential customers to visit a place such as Dawson and there is only one way to get them there and that is by air because people don't normally have enough time to drive these distances; or at least not enough of them have this kind of time, and I would feel that this might be the golden opportunity that we have been waiting for for a long time, to tape the dollar bills that are lying dormant in the pockets of these Alaskans that live in and around Anchorage and the general area there and to get them into the cash registers in Dawson City. If there is anything that I or my Administration can do to help bring this about, Mr. Speaker, I declare myself very, very, firmly right now we are quite prepared to do it.

Mr. Speaker: Any further questions. If there are no further questions may I have your further directions.

Mr. Taylor: Mr. Speaker, it appears we have no material in front of us upon which we can work and I suggest we recess until possibly 3.30 in order that Administration may be able to provide us with something; or until 3.00 as far as that goes.

Mr. Speaker: Does the House agree to recess until 3:30?

Mr. Taylor: I would suggest 3:00 P.M. Mr. Speaker.

Mr. Shaw: I agree for 3:00 Mr. Speaker.

Mr. Speaker: Are there any who disagree we recess until 3:00 o'clock.

Mr. Shaw: I'm not against recessing until three o'clock, usually we have a spot of tea at three, so we may as well face the fact we won't get here until about 3:15 or 3:30.

Mr. Speaker: Shall we call it 3:30 then, gentlemen?

All: Agreed.

Mr. Speaker: The House stands in recess until 3:30 P.M. this afternoon.



JA

Page 934.  
Tuesday, December 12, 1967.  
3:30 o'clock p.m.

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

Mr. Taylor: Mr. Speaker, it seems we still have nothing before us. I would suggest we adjourn.

Mr. Speaker: How do you wish to proceed, gentlemen?

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

Mr. Speaker: Is there a seconder for the motion?

Mr. Dumas: I second the motion.

Mr. Speaker: Moved by the Honourable Member for Whitehorse North, seconded by the Honourable Member for Whitehorse West, that we call it five o'clock. Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried.

MOTION CARRIED

MOTION  
CARRIED

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

JA

Page 935.  
Wednesday, December 13, 1967.  
10:45 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 any Reports? Introduction of Bills.

Moved by Councillor McKinnon, seconded by Councillor Chamberlist, that Bill No. 22, An Ordinance to Amend the Fuel Oil Tax Ordinance, be introduced at this time.

BILL #22  
INTRODUCED

MOTION CARRIED

MOTION  
CARRIED

Moved by Councillor Shaw, seconded by Councillor Taylor, that Bill No. 24, An Ordinance to Amend the Motor Vehicles Ordinance, be introduced at this time.

BILL #24  
INTRODUCED

MOTION CARRIED

MOTION  
CARRIED

Moved by Councillor Dumas, seconded by Councillor Gordon, that Bill No. 25, An Ordinance to Amend the Liquor Ordinance, be introduced at this time.

BILL #25  
INTRODUCED

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: Are there any further Bills to be introduced at this time? Notices of Motion or Resolution.

Mr. Dumas: Mr. Speaker, I would like to give Notice of Motion regarding appointment to the Whitehorse General Hospital Advisory Board.

NOTICE OF  
MOTION #58

Mr. Speaker: Thank you, Mr. Dumas. Are there any further Notices of Motion or Resolution? If not, may we pass to Orders of the Day. Notices of Motion for the Production of Papers. Still standing on the Order Paper under Motions for the Production of Papers Passed are Nos. 4, 5, 6, 8 and 9. Under Motions we have Motion No. 56, moved by Mr. Chamberlist, seconded by Mr. Dumas, and the text reads, "That Sessional Paper No. 94 of the 1st Session 1967 be moved into Committee of the Whole for discussion." Would the Member be prepared to discuss this question at this time?

MOTION #56

Mr. Chamberlist: Yes, Mr. Speaker. Mr. Speaker, the matter deals with the Anvil Townsite Development. In the Sessional Paper No. 94 of 1967 First Session, paragraph 3 reads as follows: "The Yukon Territorial Government will develop the Anvil Townsite on the same basis as that developed for Pine Point Mining Corp. in the NWT. (Pine Point is owned by Cominco). The Canadian Government will grant the land to the Yukon Territorial Government who, in turn will plan and subdivide the town, and install water, power, sewer and utilities."

Mr. Speaker: Order. I wonder if the Honourable Member would refer to the text of the Motion. I believe that it is merely refers to the question that the Paper be moved into Committee for discussion.

MOTION  
#56

Mr. Chamberlist: Yes, Mr. Speaker. I am trying to point out to you the reason I asked that it be moved in for discussion and, therefore, I ask that the Paper be moved into Committee of the Whole for discussion.

MOTION #56  
CARRIED

MOTION CARRIED

MOTION  
#57

Mr. Speaker: The next Motion on the Order Paper is Motion No. 57, moved by Mr. Shaw, seconded by Mr. Chamberlist, and the text reads, "Moved that Sessional Papers Nos. 73 to 76 be discussed in Committee of the Whole."

MOTION #57  
CARRIED

MOTION CARRIED

Mr. Speaker: That would complete the Motions this morning, gentlemen. Are we prepared for the question period?

All: Agreed.

Mr. Speaker: I will call a five minute recess.

Mr. Speaker: I will now call Council to order, and we are at the Question Period. You may proceed, gentlemen.

Mr. Chamberlist: Mr. Speaker, I would like to ask the Commissioner whether he has been able to answer my written question request 27 and 28 re Collective Bargaining and Public Service?

QUESTION  
RE  
COLLECTIVE  
BARGAINING

Mr. Commissioner: Mr. Speaker, I can advise that answers to these questions are in preparation, and I would ask Mr. Clerk to contact Mr. Fleming, who has the answers, and ask him to get them to us just as quickly as possible. Mr. Strong, the Personnel Officer, who would normally prepare these answers for us is not available at the present time but they have been passed to Mr. Fleming and we will get answers here as quickly as we can.

Mr. Chamberlist: Mr. Speaker, a question addressed to Mr. Commissioner. Mr. Commissioner, it has been drawn to my attention that a firm known as Montreal Engineering Limited, who are doing some work for Northern Canada Power Commission, are not complying with our Labour Regulations as to over-time, etc., in this Territory and are also deducting from the payroll cheques of people employed within this Territory, Quebec Provincial Income Tax. Would the Commissioner try to investigate the situation in regards to these methods?

QUESTION  
RE  
MONTREAL  
ENGINEER-  
ING LTD.

Mr. Taylor: Point of Order, Mr. Speaker. Is this not a decision of direction to the Administration - should that not be a decision of the Council as a whole?

Mr. Speaker: Could I have that Point of Order repeated, please.

Mr. Taylor: My Point of Order would be, Mr. Speaker, that should not a direction to the Administration be a decision of Council of the whole?

Mr. Speaker: Well, I don't feel that that is **correctly** a Point of Order, but I do feel the question is out of order to the Commissioner at this time.

Mr. Chamberlist: With respect, Mr. Speaker, I asked the Commissioner if he would investigate something. If Mr. Speaker, with respect, will point out how my question is out of order, I would appreciate it. I have asked him to investigate, that's all.

Mr. Speaker: Well, my position from the Chair is that I don't think that this comes within the jurisdiction of the Commissioner.

Mr. Chamberlist: Well, with respect, Mr. Speaker, I wonder if....

Mr. Speaker: Order. Next question, please.

Mr. Chamberlist: Mr. Speaker, I would ask Mr. Commissioner, are you aware that Montreal Engineering are paying scales other than the pay scales in accordance with our Ordinances of the Yukon Territory, and that this firm is also deducting from payroll cheques of it's employees within the Yukon Territory, Quebec Provincial Income Tax?

Mr. Speaker: I will rule that question out of order once again. I do not believe the Member has the right to ask such a question in the House.

Mr. Chamberlist: Mr. Speaker, on the same subject I will ask a different question. Mr. Commissioner, can the Administration obtain any information in regards to the pay scales that are being paid to employees of Montreal Engineering in this Territory, and what reasons, if any, there are for the deduction of Quebec Provincial Income Tax?

Mr. Speaker: I will rule that question out of order also. The Member surely should realize that he cannot ask a series of questions on a question that has been ruled out of order.

Mr. Chamberlist: Mr. Speaker.....

Mr. Speaker: Order.

QUESTION  
RE WATER  
POLLUTION

Mr. Taylor: Mr. Speaker, I have one question. I am wondering if the Administration, possibly Mr. Commissioner, could advise me when I might receive an answer to my question in relation to water pollution, Question No. 18, on the Order Paper for some time.

Mr. Commissioner: Mr. Speaker, this answer should be available shortly. Dr. Springer is the man who is preparing this and I am told by the Clerk that he has just returned to work after being away for some little time, and just as quickly as possible we will have this before Council.

Mr. Chamberlist: Mr. Speaker, a question addressed to the Commissioner. Mr. Commissioner, will the Administration ascertain whether it is proper for provincial income tax to be deducted from employees of companies working within the Yukon Territory?

Mr. Commissioner: Mr. Speaker, I would ask for an opportunity to prepare a proper answer to this question. I don't know just exactly where we would deal with a situation like this offhand without some research into it. In the first instance, it would surprise me if an employee felt that he was being unjustly dealt with, I would be quite surprised if he doesn't make a complaint to the Labour Provisions Officer. Maybe this has already been done, Mr. Speaker, so I wonder, with respect, if I could have an opportunity to determine if any complaint of this nature has been laid before I am called upon to answer.

Mr. Speaker: Are there further questions?

SCHOLAR-  
SHIP  
COMMITTEE

Mr. Commissioner: Mr. Speaker, may I have the opportunity of answering in a more complete fashion questions that - two questions here that have been asked of me in recent days?

Mr. Speaker: Proceed, Mr. Commissioner.

Mr. Commissioner: I was asked as to who makes up the Scholarship Committee, and I would advise that Dr. Reid Shields, the Superintendent of Education, is the Chairman of the Committee; Mr. Collins, Mr. Taylor, Mr. Gould, Mrs. Wall, and Mrs. Stenbraten are the members of this Committee, and they deal with such matters as student scholarships, student grants for post-secondary education, and I believe, the past recommendations on request for Federal Government loans under the Federal Government Student Loan Act, and at the present time, these people, I am told by Dr. Shields, are interpreting the terms of reference that they have to work with as literally as the finances that they have available to them will

permit, and even under these circumstances it would appear that the \$45,000 that we have allotted for this particular program as it applies to post-secondary education is going to be exceeded by some several thousand dollars this year, and also I think further on the same question, at the present time, they are having to interpret their terms of reference due to these financial limitations on the basis of a student acquiring his first university degree. In other words, they don't feel that they have funds to extend the program to take in those people who already have official university degrees. May I carry on, Mr. Speaker?

Mr. Speaker: Yes, proceed, Mr. Commissioner.

Mr. Commissioner: I was further asked about the Hospital Advisory Board here at the Whitehorse General Hospital. I find that there is actually no statutory requirement for this hospital board, and was set up in it's original context when the old Whitehorse General Hospital and Army Military Hospital were closed down, and this became a combined hospital that was giving service to the civilian population and the military population and the make-up of the board at that time was designed in such a manner as to give a reasonable equality of voices to the three participating agencies, namely the Territorial Government, the Department of Indian Affairs, and the Department of National Defence. The board has had a varied history. It was inactive for a period of about two years prior to approximately two years ago. Since that time there have been irregular meetings held varying from monthly to three times yearly, and the most recent meeting was held on the 8th of June 1967 at which time it was asked by the members of the board that a reconstitution of the board be made and requested Dr. Springer to bring forth suggestions for a different make-up of the board, and I am told by Dr. Springer that I can anticipate having this in my hands in the very near future. I asked him what the very near future would mean. He intimated that there should at least be a draft available within the next couple of weeks. My personal feelings are that liaison with the general public in the conduct of these public institutions is very, very vital, and I personally am most anxious to see this Hospital Advisory Board constituted in a manner which will give opportunity for doing so. There has been in the past representation from Territorial Council and I would give Council assurances that this representation will be continued.

HOSPITAL  
ADVISORY  
BOARD

Mr. Speaker: Thank you, Mr. Commissioner. Mr. Dumas.

Mr. Dumas: Mr. Speaker, regarding the Scholarship Advisory Committee, is this a permanent committee or do the members on it change every so often, or what?

Mr. Commissioner: Mr. Speaker, it is my understanding that this is a committee that was set up not by any particular legislative authority but was set up by agreement of all concerned. Now, don't ask me who all concerned might be, because I really don't know. I wasn't here at the time of it's original set up, but I understand that the idea is that there is representation from the school teachers, this is represented by Mrs. Stenbraten; there is representation by a lady, Mrs. Wall, who I understand is nominated by the University Womens Graduate Association; a Mr. Gould, who represents the professional services people in the community. I don't know if he is nominated by the Engineering Association. Mr. Taylor and Mr. Collins, who I believe represent the citizenry at large, and Dr. Shields, who is the Chairman and Superintendent of Education, and he took this position over from Mr. Thompson, and I may say that these people, in my opinion, conduct this committee work in a very, very satisfactory manner, Mr. Speaker, and unless there were reason or requirement for any reason be changed, I would certainly be very hopeful that we could

HOSPITAL  
ADVISORY  
BOARD

have these people continuing to act because they have acquired a wealth of experience in dealing with these applications over the years and, of course, this year is the first year we have had the post-secondary education grants available, and they have dealt with it in, what I consider, to be a very satisfactory manner.

Mr. Speaker: Thank you, Mr. Commissioner.

Mr. Chamberlist: Mr. Speaker, a question arising out of Mr. Commissioner's answer to Councillor Dumas - is Mr. Commissioner of the opinion that a student that leaves Whitehorse and attains his first degree before he can enter into his subsequent field of endeavour at university, finished his formal education?

Mr. Commissioner: Mr. Speaker, I would not pass any judgement on this at all because this could be interpreted as anything and I would suggest if there is a student, you know, of this category, that he present his application to this Committee, and I am quite confident it will be given every consideration in line with the terms of reference that the committee have and, as I intimated, they are only able to interpret these terms of reference as liberally as their finances will permit. I would pass no judgement on the Councillor's question.

Mr. Speaker: Thank you, Mr. Commissioner. Any further questions? Would we then be prepared to move to public bills and orders?

All: Agreed.

Mr. Taylor: Mr. Speaker, I would like to move at this time that the rules of Council be suspended pursuant to Rule No. 59 in order to further process public bills introduced this morning.

Mr. Speaker: That would be Rule 59 Council Rule, and Standing Order 41?

Mr. Taylor: No, Mr. Speaker, Rule 59 states:- "Each Bill shall receive three several readings on different days before being passed. On urgent or extraordinary occasion, a bill may be read twice or thrice or advanced two or more stages in one day."

Mr. Speaker: Yes, there are several ways to proceed. This is quite a legitimate one in the opinion of the Chair. Is Committee agreed?

Mr. Shaw: Agreed

Mr. Dumas: Agreed.

Mr. Speaker: Could I have a motion, please?

Mr. McKinnon: Mr. Speaker, rising on a point of order. This does not get around the question of going from the introduction to first reading. There was no seconder for the motion. I believe the proper motion should be that Standing Order No. 41 of the Rules of this House be suspended so that first and second readings could be given to Bills 23, 22 and 25. Standing Order 59 does not get around the problem of going from the introduction into the first reading, which the suspension of Standing Order 41 will cover.

Mr. Speaker: I would feel that if you read the rule that we may be a little closer to want of the correct method. Standing Order 41 reads as follows:- "Twenty-four hours notice shall be given of a motion or leave to present a bill, resolution or address for the appointment of any committee or for placing the question on the Order Paper for a private member's bill, but this rule shall not



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apply to bills after their introduction or to time of meeting or adjournment of the Council. Such notice shall be laid on the Table before 5:00 o'clock and shall be typewritten or printed in the Votes and Proceedings of the day." My ruling would be that Standing Order 59 would be closer to what we may require than Order 41.

Mr. Taylor: Well, Mr. Speaker, I would like to re-state my motion, if I may. I would move that Standing Order No. 41 be suspended.

Mr. Speaker: Order. 59?

Mr. Taylor: Standing Order No. 41 be suspended in order that we may further process public bills introduced this morning pursuant to Rule No. 59.

Mr. Shaw: I will second the motion, Mr. Speaker.

Mr. Speaker: Is it the opinion of the House that we proceed under Standing Order 41?

Mr. McKinnon: It is my opinion, Mr. Speaker, that the Honourable Member from Watson Lake has taken in both motions so that we have got around the problem of having introduced the bill with no notice, and going into force the first reading on the same day, and also being able to proceed in different stages on the same day. It's kind of an omnibus type of resolution which brings in both Standing Orders and covers all the problems.

Mr. Speaker: Shall we proceed in this way, gentlemen?

All: Agreed.

Mr. Speaker: Was there a seconder to the motion?

Mr. Shaw: I seconded the motion, Mr. Speaker.

Mr. Speaker: The motion read, if I am correct, moved by the Honourable Member for Watson Lake, seconded by the Honourable Member from Dawson that Standing Order 41 be suspended. Am I correct?

Mr. Taylor: Yes, my motion was that Standing Order No. 41 be suspended in order to further process public bills introduced this morning pursuant to Rule No. 59.

MOTION CARRIED

MOTION CARRIED

Moved by Councillor McKinnon, seconded by Councillor Chamberlist that First Reading be given to Bill No. 22, An Ordinance to Amend the Fuel Oil Tax Ordinance.

MOTION CARRIED

MOTION CARRIED

Moved by Councillor McKinnon, seconded by Councillor Chamberlist that Second Reading be given to Bill No. 22, An Ordinance to Amend the Fuel Oil Tax Ordinance.

MOTION CARRIED

MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor Taylor that First Reading be given to Bill No. 24, An Ordinance to Amend the Motor Vehicles Ordinance.

MOTION  
CARRIED

MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor Taylor that Second Reading be given to Bill No. 24, An Ordinance to Amend the Motor Vehicles Ordinance.

MOTION  
CARRIED

MOTION CARRIED

Moved by Councillor Dumas, seconded by Councillor Gordon that First Reading be given to Bill No. 25, An Ordinance to Amend the Liquor Ordinance.

MOTION  
CARRIED

MOTION CARRIED

Moved by Councillor Dumas, seconded by Councillor Gordon that Second Reading be given to Bill No. 25, An Ordinance to Amend the Liquor Ordinance.

MOTION  
CARRIED

MOTION CARRIED

Mr. Shaw: Mr. Speaker, I would move that the Speaker do now leave the Chair and Council dissolve itself into Committee of Ways and Means to discuss public bills and matters pertaining to the same.

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

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: Would the Honourable Member from Watson Lake please take the Chair in Committee.

Mr. Chairman: Gentlemen, we have before us at this time three bills in the Committee of Ways and Means. How do you wish to proceed in this matter? I'm wondering, Mr. Clerk, if you would distribute bills to members of the press.

Mr. Clerk: That has already been carried out, Mr. Chairman.

Mr. Chairman: Might I have your direction, gentlemen, as to how you wish to proceed at this time.

Mr. Shaw: Mr. Chairman, I have a motion I would like to put before the Committee at this time. Moved by myself, that in the opinion of this Committee the Commissioner introduce necessary legislation by way of amendment to the Business Licence Ordinance and related legislation so as to produce an estimated increase of revenue of \$25,000 in the 1968-69 fiscal year, and in this legislation to render the burden of tax more equitable to the taxpayer.

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

Mr. Chairman: Are you agreed?

Mr. Dumas: Contrary.

MOTION  
CARRIED

MOTION CARRIED

Mr. Dumas: Mr. Chairman, I should like to move that in the opinion of this Committee the Commissioner increase the mill rate for school taxes by one mill.

Mrs. Gordon: I second that.

MOTION CARRIED

MOTION  
CARRIED

Mr. Chairman: Now, gentlemen, you have before you in this Committee of Ways and Means, three bills, the first of which is Bill No. 22. Do you wish to proceed with this bill at this time?

All: Agreed.

Mr. Chairman: I will proceed with the reading of this bill. This BILL is an Ordinance to Amend the Fuel Oil Tax Ordinance. "The Comm- #22  
issioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: 1. Subsections (1) (2) (3) (3a) and (4) of section 3 of the Fuel Oil Tax Ordinance are repealed and the following substituted therefor:  
3. (1) Subject to subsections (3) (4) and (5) every purchaser shall, at the time of purchase or receipt of delivery of fuel oil, pay to the vendor for remission to the Territorial Treasurer a tax of eleven cents per imperial gallon. (2) Subject to subsection (3) (4) and (5) every vendor and every importer shall, with respect to fuel oil used or consumed by themselves, their agents or their employees, pay to the Territorial Treasurer in accordance with sections 4 and 5 a tax of eleven cents per imperial gallon. (3) No tax is payable in respect of fuel oil that is used or to be used in stationary generators of electricity, to propel an aircraft, for heating, for lubricating, for laying or sprinkling on roads or streets, as cleaning fluids or solvents, or in the operation of farm tractors for farming purposes, if (a) the purchaser of the fuel oil at the time of its purchase or receipt of delivery furnishes to the vendor a certificate, in prescribed form, to that effect; (b) the vendor or the importer with respect to fuel oil used or consumed by himself, his agent or his employees submits a certificate, in prescribed form, to that effect in his returns under section 4 or 5, respectively; or (c) the vendor or the importer certifies on or before the tenth day of each month that to the best of his knowledge and belief the purchasers listed in a schedule accompanying his certificate had purchased the fuel oil in question for a purpose which would have exempted it from tax if the purchaser had furnished a certificate under paragraph (a). (4) No fuel oil exempted under subsection (3) shall be used to propel any motor vehicle on a highway as defined in the Motor Vehicles Ordinance. (5) No tax payable in respect of fuel oil used or to be used by (a) the Government of Canada (b) a municipality as defined in the Municipal Ordinance, or (c) a visiting force as defined in the Visiting Forces (North Atlantic Treaty) Act, if the person who receives delivery of the fuel oil has been so authorized by such Government, municipality or force, and executes a certificate, in a prescribed form, to that effect. 2. Subsection (a) of section 4 of the said Ordinance is repealed and the following substituted therefor: (a) at the time of sale or delivery of fuel oil, levy and collect the tax thereon from the purchaser or, where the purchaser claims exemption for tax in accordance with subsection (3) (4) or (5) of section 3, obtain the prescribed certificate in support of the exemption claimed."

Mr. McKinnon: Mr. Chairman, I would move that we call it 12:00 o'clock.

Mr. Chairman: Is there a seconder?

Mr. Chamberlist: I will second that motion.

MOTION CARRIED

MOTION  
CARRIED

*[Handwritten mark]*

Mr. Chairman: Committee is in recess until 2:00 o'clock.

Mr. Chairman: It now being two o'clock I will call Committee back to order and we are now in Committee of Ways and Means BILL #22. and we are discussing Bill No. 22. What is your pleasure at this time.

Mr. McKinnon: Mr. Chairman, at this time I would like to move an amendment to Bill No. 22. The amendment reads: "That immediately following Sec. 2 of Bill 22, New Section 3 be added as follows: "This Ordinance shall take effect provided that

i) A Committee on constitutional reform be formed to discuss amendments to the Yukon Act R.S. 1952-53, CH.53, for the purpose of providing measures of fiscal responsibility to the Council of the Yukon Territory such committee to be composed of the 7 members of the said Council, and such persons as may be appointed for the purpose by the government of Canada; and

(ii) the said Committee to commence its discussions on or before the date of the opening of the first session of the Council of the Yukon Territory 1968, and to continue thereafter so long as may be necessary for the purpose aforesaid."

Mr. Chairman: Is there a seconder to that Motion.

Mr. Chamberlist: I will second that Motion.

Mr. Chairman: I have a Motion before me. (Reads the above amendment to Bill No. 22)

Mr. McKinnon: Mr. Chairman, in rising to speak to this amendment I would like to preface my remarks by giving, as far as I can ascertain, as true a history as possible to the predicament the Council now finds itself in. As far as I can ascertain the last Council went to Ottawa where they were offered a deal by the Federal Government that they would receive X number of dollars provided that the Council of the Yukon Territory would raise a certain number of dollars. It seems that the majority of the people in Ottawa agreed that this would be the case. Upon returning to the Yukon various extenuating circumstances arise where the Council did not see fit to give effect to any increase in taxation at that time. Subsequently there was an election and a new Council came into being. The Honourable Minister of Indian Affairs and Northern Development visited the Yukon Territory and it was the pleasure of this Council to meet with the Minister. During discussion I asked him whether he thought it fair that a prior Council had not seen fit to raise an additional amount of money so the Federal Government had therefore decreased the budget by that amount in the operation and maintenance side of the budget. Besides this, unilaterally, they chopped off about five million dollars of capital projects to the Yukon Territory. I asked whether this was a fair type of manœuver. I was told that the Federal Government was tired of playing games with the Yukon Territory and that any change and any arrangement would have to come and emanate from the people of the Yukon Territory. To this end I passed a motion in this House. It

Mr. McKinnon continues..

was unanimously agreed upon 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. The reply came from Ottawa the next day, an absolute "no". What came back from the Commissioner's office were proposals that we should submit to Ottawa so that we could increase taxation so that the monies chopped off by a unilateral snip of the Federal shears would again return to the Yukon Territory.

Mr. Chairman, it was then that I said that the Yukon found itself in a position, in a dilemma that was both untenable, unfair and uncalled for. I was prepared at that time when we met throughout the course of several days and several nights, to find out how we could escape the horns of this dilemma, or in fact we have to seize the bull by the horns and stand, and I was prepared to stand and I was prepared to fight because I believed in the principle that we were fighting for, the principle of responsible government and the principle of self-determination. During the course of these arguments and discussions, and they were tough negotiations. We finally came, unanimously to the point where we felt that possibly we could not let the people of the Yukon Territory suffer the cut-backs in essential educational and health programs that the Federal Government were forcing us into unless we raised taxation. To this end we agreed that we would raise taxes but we also agreed that the Council of the Yukon Territory and future councils of the Yukon Territory should never again find themselves in the untenable situation of being forced into a corner and being coerced to raising taxes without any representation as to the say of how these taxes are to be spent. Now Mr. Chairman, the \$660,000.00 that we have to raise means an additional taxation on every man, woman and child in the Yukon Territory of some \$45.00 a year. This means that a husband and wife with two children, four in a family, will amount to about \$180.00 a year in extra taxation that they will have to come up with. It's a tough decision. However, we are going to get back tenfold what we have to raise and this is the only way in which it can be justified. We hear so often from the Federal Government that we are subsidized to such an extent that we should be happy to accept whatever crumbs the Federal Government is willing to throw our way and sit back and resignedly accept the facts of life that we are a high-subsidy area. This economic fallacy argument should be destroyed before this Council table and before the public once and for all and the best destroyer of it are the Honourable Minister of Indian Affairs and Northern Development own words, speaking before the Northern Resources Conference in Edmonton in 1967 of this year; and this is what Mr. Laing has to say: "I am going to make the prediction that the resource value out of the Yukon and the Northwest Territories in 1970 as compared with 40 Million Dollars of two years ago will be a quarter of a Billion Dollars and this contribution, because most of that is going to create credit for Canada abroad, is a measure of the wisdom over the years we have exercised by successive governments of saying that, notwithstanding at this time we have to tax taxpayers in southern Canada to sustain the people of the north, and give them the educational services and the health services and all the other services that Canada enjoys, we are going to be proved right in that policy because we are going to get it all back and we are going to get it back many times over." Mr. Chairman, I would like now to deal with the amendment that I have moved.

Mr. McKinnon continues..

I don't think anything could be more rational, more reasonable and given in less of an ultimatum effect than this type of amendment. We were forced into a corner where we had to ask; we were delivered ultimatums; all that we are requiring of the Federal government is that they sit down and talk with us to provide some type of measure of fiscal reform so that the untenable position that this Council found itself in at this time will never again happen and Mr. Chairman, if the Federal Government is so unreasonable as to accept a request from the elected members of the Yukon Territory to sit down and discuss measures of constitutional reform with them then I say that the Federal Government is not doing the job that they should be doing. Mr. Chairman, Friedrich Hegel, a noted German philosopher once said that "Peoples and Governments Never Have Learned Anything From History or Acted on Principles Deduced From It." As we all know, it was the unwillingness of the British Imperial Government to heed the demands for local reforms that emanated from the American Colonies that lost her these Colonies in 1775. The petitions of Upper and Lower Canadian reformers for responsible government were greeted in Britian with a similarly adverse reception and the Rebellion of 1837 followed. By continually ignoring the requests of the people of the North-west for a greater share of government activity at the local level the Macdonald administration stumbled into the Riel Rebellion of 1870 and 1885. Mr. Chairman, I contend that the Federal Government today remains as distant, as hesitant and as uncompromising toward the principle of responsible government for the Yukon as did the Macdonald government of the 1870s and the 1880s for the then Northwest Territories, now Alberta and Saskatchewan. Mr. Chairman, there has been no concrete advance towards responsible government in the Yukon Territory for 70 years and I ask this House and the people of this nation, what could be a greater exercise of hypocrisy than a Federal Government that has recognized the sovereignty of some 28 nearly illiterate African nations in the past decade yet refused to grant a moderate, sensible degree of responsibility to the people of the North and I ask how the Government at Ottawa can reconcile and justify its condemnation of South Africa and Rhodesia while ignoring the just demands of the majority of the Yukon residents. One can resurrect the cry of taxation without representation and apply it to the Yukon and embarrassingly have to admit that it is applicable and appropriate in a country that hypocritically holds itself up to the rest of the world as a model of democracy. And Mr. Chairman, make no mistake, taxation without representation is as repugnant today as it was in the past. Half a century ago a neighbor and a governor of Alaska, John Green Brady, contemplating the vain efforts of Alaskans for nearly forty years to secure even a modicum of workable self-government declared. We are graduates of the school of patience. Mr. Chairman, after seventy years of struggle I suggest that Yukoners have long since graduated and have completed all their post-graduate work in patience. I here now serve notice that the position the Council here finds itself in today in being coerced into raising taxes that amount to some \$45.00 per every man, woman and child in the Territory with no right to say how this money will be spent will not happen again. And what a paradox it is, Mr. Chairman, in this time of a

Mr. McKinnon continues national unity crisis, here a vast area of untapped treasure, willing and wishing to share their wealth with the rest of the country and asking no more than the first-class citizenship that the rest of the country enjoys and Mr. Chairman, no one cares and no one wants to listen and perhaps by the time that people are willing to listen it may be too late. Thank you Mr. Chairman.

Mr. Chairman: Councillor McKinnon. Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, as seconder of the motion, I would point out that it is only on occasions such as this that the responsibility of an elected person to a legislature becomes quite heavy. What does one do when one has to decide whether to tax the people beyond the burden that it is almost unbearable for them to carry now, or to refuse to grant to our young people the rights of a standard of education that should not be any less than any other part of this country. What will the people of the Yukon say to us if we would say we refuse to increase the standard of education; we refuse to make facilities for our students, to obtain proper plants of education, increased school facilities; what will the people say if we say to them we are opposed to giving you any further general health finances; what will the people say to us if we say that we are prepared to neglect the needs of our people, both young and old because we are opposed to burdening you further with taxation. The five million dollars or so which I had already said was used as a form of blackmail, and I repeat, blackmail, by the Federal government to place us in the position 'let the curse be upon you if you refuse this because this is the way we will get at you, we will deprive your children of educational facilities, we will deprive the Dawson area of a cottage hospital, we will deprive other areas of money to continue your general health programs'. To me there is nothing more insidious than the attempt made by the Federal government to brow-beat this Council into a position that the Honourable Member from Whitehorse North has already stated, up against a wall, in a corner, what must we do - turn around and fight like cornered animals. Most of us would like to say to the Federal Government "no, we will not burden our people with any more taxation" but then we have to be divided on our thoughts. How will this affect our people. So that in seconding the motion to amend this Bill I support it because I recognize that it must be supported, because the odds are far greater to the detriment of the people here than they are to the benefit if we do not tax. The Federal government do not seem to realize that we are the sons and daughters of Canada, not the illegitimate children of Canada. For almost 70 years now the people of the Yukon have had compulsory taxation forced upon them without a voice of how the tax is collected, or how to be spent. Legislation with the power to tax and without the power to distribute those taxes is not, and I repeat not distinctive liberty. The liberty afforded to former Crown Colonies of England was far greater than what is extended to this geographically located area. The power to the Canadian constitution which deprives those of its citizens of comprehensive representation is bad. It cannot and must not endure another seventy years. The bad part of the Constitution must be amputated. The majority of the people



Mr. Chamberlist continues..  
of Canada have constitutional rights through their provincial legislatures yet we are bound to accept a Federal Government department as the supreme governing and legislative power; we with less than colonial status are subject to Ottawa's regulations and restrictions and are therefore forced as legislatures to take our peoples' money out of their pockets without their consent. It is no wonder I must speak with emotion and deep-rooted frustration and sentiments of full freedom that must eventually come. When the United States of America was born people highly esteemed were accused of sedition but I feel sure no one will impune my disloyalty to Canada and to the Yukon and if there is any imputation it will not discourage me for I believe in liberty and I am not afraid to exercise it. The amendment to this Bill before us is not an idle piece of corrective legislation. It is much more than that; it is an expression of Canadians showing in no uncertain terms the will to be an integral part of the Canadian democratic system. We may be told we are obstinate; why, because we seek conciliation? The Yukon is a fine land; it is a land well worth being obstinate for and I believe we can, with prudent management, in a manner active and spirited as this amendment is become the instrument of bringing to the people of the Yukon a measure of self-reliance which will eventually be a step to self-government. Thank you Mr. Chairman.

Mr. Chairman: Councillor Chamberlist. Is there any further discussion?

All: Question.

Mr. Chairman: Question has been called. Are you agreed to the Motion? Are there any contrary. I will declare the Motion Carried.

MOTION CARRIED

MOTION  
CARRIED

What is your further pleasure in relation to Bill No. 22.

AMENDMENT  
BILL #22.

Mr. McKinnon: Mr. Chairman, I would move that Bill No. 22 be reported out of Committee as amended.

Mr. Chamberlist: I will second that Motion Mr. Chairman.

Mr. Chairman: It has been moved by Councillor McKinnon, seconded by Councillor Chamberlist that Bill #22 be reported out of Committee as amended. Are you prepared for the question? Are you agreed. Any contrary. I declare this Motion has been carried.

MOTION CARRIED

MOTION  
CARRIED

Mr. Chairman: I will now proceed to Bill No. 24. This is Bill No. 24, An Ordinance to Amend the Motor Vehicles Ordinance. (Reads Bill No. 24).

BILL #24.

Mr. Shaw: Mr. Chairman, I would move an amendment to Bill No. 24, namely, That immediately following Section 1 of Bill 24, New Section 2 be added as follows: "This Ordinance shall take effect provided that i) A committee on constitutional reform be formed to discuss amendments to the Yukon Act R.S. 1952-53, Ch. 53, for the purpose of providing measures of fiscal responsibility to the Council of the Yukon Territory such committee to be composed of the seven members of the said Council, and such persons as may be appointed for the purpose by the Government of Canada; and ii) The

Mr. Shaw continues.

BILL #24

said Committee to commence its discussions on or before the date of the opening of the first session of the Council of the Yukon Territory 1968, and to continue thereafter so long as may be necessary for the purpose aforesaid."

Mr. Chairman: Mr. Deputy-Chairman, can you take the Chair at this point.

Mr. Taylor: Mr. Chairman, I would like to second the Motion of the Honourable Member from Dawson.

Mr. Chairman: There is a motion on the floor, moved by Councillor Shaw and seconded by Councillor Taylor. (Reads amendment to Bill No. 24). Is there any discussion?

Mr. Shaw: Mr. Chairman, in making this Motion, in respect to this Bill I would like to congratulate the speakers on the last Bill for the eloquence which I feel would do justice to the House of Parliament itself. We have, as has been very clearly pointed out, been put in a position where we are forced to collect a very large sum of money and do not have the powers that should go with the saying of where that money should be spent. This has been going on Mr. Chairman, for seventy years and in that time there has been no change. The only change to the Yukon Act in respect to this has been the Financial Advisory Committee which, I am certain, does not live up to the expectations or serve the purpose for which it was intended to serve, however ultraistic the persons that created it so that we are in the same position as what was almost seventy years ago. For the last number of years this Council has been asking for more fiscal responsibility and the answer always has been in the negative; just be patient and we will see what we can do; until it gets to a time where this builds up something like a sore; it gets more frustrating at each Session of Council. We have finally got to the point, Mr. Chairman, where we have seven members, seven elected members in the Yukon who are going forward with unanimity of purpose. I would say that this resolution is such; it is not a demand; it is a request for the most reasonable approach to a problem as it is possible to have. However, I would say, and I can speak for myself that this is not fooling around at all. This has got to a point where we must have more fiscal responsibility and I am hoping that this is the vehicle by which we can attain that and I think; I'm positive that this Federal government will have to listen to some reason and realize that we are growing up and we are just as important part of Canada as any of the other provinces or any of the provinces perhaps I should say and that we must make a start and it must be right away.

Mr. Chairman: Councillor Taylor.

Mr. Taylor: Mr. Chairman, I had made, or noted several thoughts. I think many of these thoughts have been expressed by previous speakers far more forceably, far more eloquently than I could do. I have nothing but regret that we have to impose these taxes upon our people. Indeed at a time when we should be looking for incentives, encouragement for our people to settle in our north and develop our North, instead we have been coerced or blackmailed or however you wish to put it, into a position of raising taxes

Mr. Taylor continues.

on already over-taxed people. I shudder when I think of the effects this taxation is going to have on the people; I shudder when I think of the effects on the economy of the Yukon when the trucker and when the grocer and indeed when the business man has to pass this tax increase across the board down to the people. The former Council resisted this tax increase in the form it was presented to them last year. Indeed the Honourable Arthur Laing came to Whitehorse last summer and publicly berated members of Council for refusing to honour a so-called deal that was made in Ottawa and I stand here today to say that no such deal was ever made in Ottawa. I was present at those meetings and indeed four members out of seven expressed dissatisfaction at the arrangement that was made. Nevertheless the Federal administration has pursued this to the extent of informing the new Council and everybody in the Yukon at every available opportunity that the former Council had backed out on a deal. This is incorrect and is not the case. It is, as has been stated by the Honourable Member from Whitehorse North, a democratic principle that if you must go to the people and raise revenues, indeed if in business you must go and raise revenues, then you should have the right and responsibility to determine how those revenues be spent. This has been, of course, covered by the speakers before me and it leaves only now the opportunity to the Federal government to show their good faith with the people of the Yukon who, through their representatives at this table, have, much against their will, imposed taxation on them to meet the demands of what seems to be an implacable Federal government. I don't think it has been an easy chore for any one of us; as a matter of fact in the seven years I have been in Council, for me this is the hardest thing I have ever had to do and that is why I support this amendment because in supporting the amendment it means that now the people, not just the seven members or elected members at this table, but the people themselves for the very first time can each and every one of them participate in a request to the Federal Government that they now experience fiscal reform. There is little more to be said. I think we all are aware of the import of the feelings of the Council of the Territory. It is my sincere hope that the Federal Government, namely the Department of Indian Affairs and Northern Development will go back and think of the policy stated by one of the best friends I think the Yukon ever had in this Department, Gordon Robertson as Deputy Minister, when he stated that the Department of Northern Affairs only exists to administer itself out of business; and if they will adopt that policy then, and meet our requests, not demands, then I think we will be on the doorstep of better and more responsible days to come for all the people of our Territory. Thank you Mr. Chairman.

Mr. Chairman: Mr. Taylor will you take the Chair back?

Mr. Taylor: I will resume the Chair.

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

Mr. Chairman continues..

BILL #24  
CONTINUED  
MOTION  
CARRIED

Mr. Chairman: Are you prepared for the Question? Are you agreed? Any contrary? I will declare the Motion carried.

MOTION CARRIED

What is your further pleasure in relation to this Bill?

Mr. Shaw: Mr. Chairman, I would move that Bill No. 24 be reported out of Committee as amended.

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

Mr. Chairman: It has been moved by Councillor Shaw, seconded by Councillor Chamberlist that Bill No. 24 be reported out of Committee as amended. Are you prepared for the Question? Are you Agreed? I will declare the Motion Carried.

MOTION  
CARRIED

MOTION CARRIED

BILL #25. Mr. Chairman: We will now proceed to Bill No. 25. This is Bill No. 25, An Ordinance to Amend the Liquor Ordinance. (reads the Bill). Would you proceed.

Mr. Dumas: Mr. Chairman, I would like to move an amendment to Bill No. 24 " That immediately following section 1 of Bill 25 a new section (2) be added as follows: "This Ordinance shall take effect provided that 1) A Committee on Constitutional Reform be formed to discuss amendments to the Yukon Act R.S. 1952-53, Ch. 53, for the purpose of providing measures of fiscal responsibility to the Council of the Yukon Territory such committee to be composed of the seven members of the said Council, and such persons as may be appointed for the purpose of the government of Canada; and ii) the said committee to commence its discussions on or before the date of the opening of the first session of the Council of the Yukon Territory 1968, and to continue thereafter so long as may be necessary for the purpose aforesaid."

Mr. Chairman: Is there a seconder?

Mrs. Gordon: I second that Motion.

Mr. Chairman: It has been moved by Councillor Dumas, seconded by Councillor Gordon that (reads the above amendment to Bill No. 24). Is there any discussion. Councillor Dumas.

Mr. Dumas: Mr. Chairman, in speaking to the Motion. Most of what has been said here today is not original or new. Nonetheless, it is very, very true. For like many people in many countries at other times and indeed, even in other parts of Canada at other times, we are seeking now, today, the first step towards the evolution of a free political state in the Yukon. I am sure that every other person in this room has been asked at one time or another, as I have, "what is the attraction or the spell of the Yukon? I have never been able to clearly answer that question but if I had to I'd have to say that a personal sense of individual freedom is the greatest single attraction of the north country.

Mr. Dumas continues.

Freedom to earn a good living if one wishes. Freedom to fish or to hunt or to do nothing if that is what one wishes. Freedom from many of the usual restraints of society found in most other parts of the country. We have in fact all the freedoms of any western democracy plus some that southerners, for whatever reason, don't enjoy. But there is one freedom, one liberty, that we don't have and it is, in my estimation the most important of all - the freedom to choose and to play our own destiny, economic and political. A very fine American once said "it would be folly to argue that the people cannot make political mistakes. They can and do make grave mistakes. They know it and they pay the penalty, but compared with the mistakes which have been made by every kind of autocracy they are unimportant." My friends, all we Yukoners ask of our fellow Canadians is the right to make our own mistakes. The personal struggle which has been waged by each of the elected representatives of the people of the Yukon over the past several weeks has been a most difficult one and one that each of us has had to resolve for himself. For some the action we are taking today may not go far enough; for others it may, at this time, be going too far. Faced with the decision forced upon us by the short-sighted and autocracy-minded Federal Government, we have had to decide whether we would stand solely on principle; thereby denying the people of the Yukon badly needed services such as schools and hospitals, or whether we would be coerced, as the Federal Government so dearly hoped we would be. Through many hours of discussion, argument and emotional upheaval amongst ourselves all seven Councillors have bent somewhat from their original stands which each made, on an individual basis, so that we could combine to present one strong, united front, and I say here and now, we are united, we are one. Accepted or rejected by the demagogues of Ottawa, we stand together with each other and together with the citizens of the Yukon. Personally, I shall not move from the stand that I have taken today. If that stand is rejected by Ottawa I shall not resign for this might make too many of those who would coerce us happy but I say here and now, if we are in fact rejected I shall openly resist all future moves that the Administration and the Federal Government to administer or to govern our Territory, because, Ladies and Gentlemen, no matter what, it is our Territory and our Yukon.

Mr. Chairman: Councillor Gordon.

Mrs. Gordon: As seconder of this motion to amend Bill No. 25, there is little need for me to expound, or no scope for me to expound on the reasons behind this amendment. We have spent many hours and much careful thought in preparation and I might remind everyone, and particularly those people in Ottawa, that no one ever resolved any problem until they were able to sit down reasonably and discuss it, and this is all we seven members would like to do.

All: Hear, hear, hear.

Mr. Chairman: Are there any further discussions. Councillor Livesey.

BILL #25  
CONTINUED

Mr. Livesey: Mr. Chairman, I seem to be at the tail end of this discussion and I was hoping, Mr. Chairman, that I was not going to be treated like the railroad workers have decided to treat the Government of the British Isles because the Government wanted to take off the caboose off their trains. With that thought in mind, and perhaps half a dozen other thoughts, I would like to explain before I go into any further discussion, that I am going to take perhaps a somewhat different tack towards this problem that we have been discussing here this afternoon, but nevertheless with the ultimate and the same end in view. Now, before I discuss any question here I want it thoroughly understood that I make no remarks in relation to any person. I don't touch people on the government, either here or in Ottawa. What I am going to talk about is the theory; that the type of government we have here in the Yukon is a successful way of governing any part of Canada. I would suggest to you Mr. Chairman that this is not so. It has never been so and never proved in history at any time anywhere in all the many years that we have had and call our history in Canada for many hundreds of years, starting with Upper and Lower Canada. It didn't work there. The system we are using is merely a repetition of a bad system of government and how one can possibly expect to improve using these methods has me completely baffled. I don't see how you can make improvements where you don't improve the philosophy nor the thinking nor the arrangement nor the management of government at all. Now, let us take a look, for instance, at the question of finance and the question of the cost of government in the Yukon. In the last three years especially the cost of government has risen tremendously. Now, as an elected body, just how much control can we possibly have over the cost of Government when the Yukon Act under Section 24 says we have no control over finance or taxation. We cannot raise a motion or resolution in this House covering either a question of cost to the people for government or a charge upon the people which is taxation. We can't touch this. We have no control over resources, over water, forestry, mining, lands; I don't know what else there is. Just what have we got in the Yukon over which the people can exercise control. I don't think we have anything. And we don't have any control over government. None whatsoever; so what do we have? Well, we have an administration composed of appointed people and these appointed people can never be touched by the public vote. They are not responsible to the people for what they do and the people cannot control their actions in this way. The public cannot either hire them nor can they fire them. You have a number of Departments in the type of government we have here now who can practically use up at each session of the Council every available form of resource, either from Federal Grant or Territorial taxation, merely for the increase in the cost of government. Now, I pointed this out many, many times over the last ten years and I don't feel that this is an equitable system. I don't feel that the public has any control over what is spent. I don't feel that we are being involved in the increase of the economic structure of the Yukon. This apparently is something that doesn't belong to us; or we are told it doesn't belong to us. I think it does belong to us. This is where we should have some control. How can we pay for bills if we have no control over the very things that create money? There is another point.

Mr. Livesey continues.

And therefore it is more than obvious. Unless the public gains some control over the budget, we are never going to get anywhere at any time because all it will create next year and next year, and the following year is the same type of frustration that we face in this House today and always have faced. Now lets look at the bear essentials of the way that the present Council looks upon problems of government. We have the Financial Advisory Committee and when we go to the Financial Advisory Committee; no matter who may be elected to it, no member of that Committee, to the best of my knowledge, ever sees what is going to be placed before him before he arrives at that meeting, wherever and whenever it is called. He has no idea what is going to be placed before him at all. He stays at this meeting for two or three days and he attempt to digest material in a volume probably 4 - 5 inches thick that months had been taken to compile by people who work in this field every day of their lives. Now I want to know who are the experts. Would we say that the experts are those who make up the material and devise the amount of money that is going to be spent or those who come to it with no knowledge whatsoever and attempt to digest it in two or three days and go home, smiling, to the public as if they knew the ins and outs of the whole thing. I suggest to you Mr. Chairman, this is a totally inequitable situation. Totally inequitable. It is impossible. Now the same thing happens when we come to a Session. We neither see legislation nor do we see the budget; we don't see either one. So we come to this table from all walks of life in the Yukon and we sit here and the papers pile up one on top of the other. We are expected by the public to digest everything that is put before us and come up with sensible, reasonable answers in a matter of a month or perhaps more in some cases. This is a question which I would suggest to most people is also impossible as well. The question of legislation is the same thing. We are not allowed to see the legislation before we come to the Session and whose legislation is it? Well I would suggest to you Mr. Chairman it is not our legislation. It comes from the very same people, not elected; only appointed. Not connected with grass root opinion in no way capable of giving the influence to legislation that the public desire as members of a free society. There is a credibility gap there that has never been closed and this has to be closed. We just simply can't carry on this way any longer. Now there is also the question of regulations. Here is another question that faces us and all the historians talking about government and democracy and parliamentary procedure and parliamentary government. Well, I think they all agree, or seem to agree that the very thing that deprives the people of the power over government, more than anything else, is the supremacy of regulations over the question of legislation. Here we have a totally unbalanced condition. The legislation is one thing, but if it is merely the bare bones and perhaps involving a principle, the actual legislation that is created is not created by the people that are elected at all, in any way, shape or form, so we are not only being deprived in finance matters; we are being deprived all along the line of the essentials of government. All these things have to be taken into consideration, Mr. Chairman, and I would feel that the involvement of this House in government today is merely nominal on those basis. As a matter of fact I have words that I think would fit it far better than the word nominal;

BILL #25  
CONTINUED

Mr. Livesey continues.  
and I would respectfully suggest, Mr. Chairman, that it is our duty to try to impress upon those in power, the powers that be that we are just as much entitled in the Yukon Territory to more control over the government as was any province which came into being in the entire Dominion. There doesn't seem to me to be any excuse for the present system and I am quite sure that those who may read what we have to say in this House, and will learn about what we have said later, in the higher halls of justice; will I think find themselves more than agreed what we are saying is right. If what we are saying is not right then I don't understand why the world today, especially over the last decade, has been searching for ways and means, through the United Nations and through other means, to give people more freedom and more voice in their own affairs. I thank you Mr. Chairman.

Mr. Chairman: What is your pleasure in relation to this amendment.

Mr. McKinnon: Mr. Chairman, I would just like to say to those people who will probably be asking, isn't the Council of the Yukon Territory taking an awful chance in that if these amendments to the Bills are rejected that the capital expenditures will not come back to the Yukon Territory. I would like to assure our Honourable Members and the Public that this could hardly be the case because on July 8, 1963, the Honourable Minister of Indian Affairs and Northern Development stated in the House of Parliament in Ottawa "that it has been accepted that the forms of government for the Territories should, as far as possible, accord with that British constitutional practice which is represented in our own Parliament and government". Mr. Chairman, all that we ask for is exactly what the Minister has publicly declared.

Mr. Chairman: Gentlemen, what is your pleasure in relation to this Motion. Are you prepared for the question? Are you agreed. Any contrary? I declare that the amendment is carried.

MOTION  
CARRIED

MOTION CARRIED

What is your pleasure in relation to Bill No. 25.

Mr. Dumas: Mr. Chairman, I move that Bill No. 25 be reported out of Committee as amended.

Mrs. Gordon: I second that Motion.

Mr. Chairman: It has been moved by Councillor Dumas and seconded by Councillor Gordon that Bill No. 25 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.

At this time I will declare Committee in recess.



Wednesday, December 13, 1967.  
3:30 o'clock p.m.

Mr. Chairman: I will now call Council to order...or Committee to order. We have concluded the deliberation of those matters before this Committee on Ways and Means. What is your further pleasure?

Mr. McKinnon: Mr. Chairman, I would move that Mr. Speaker do now resume the Chair.

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

Mr. Chairman: It has been moved by Councillor McKinnon, seconded by Councillor Chamberlist, that Mr. Speaker do now resume the Chair. Are you prepared for the question? Are you agreed? I will declare the motion carried.

MOTION CARRIED

MOTION  
CARRIED

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

Mr. Chairman: Mr. Speaker, the Committee of Ways and Means convened at 11:20 a.m. to discuss public bills. It was moved by Councillor Shaw, seconded by Councillor Chamberlist, that in the opinion of this Committee the Commissioner introduce necessary legislation by way of amendment to the Business Licence Ordinance and related legislation so as to produce an estimated increase of revenue of \$25,000 in the 1968-69 fiscal year, and in this legislation to render the burden of tax more equitable to the taxpayer. This motion carried. It was moved by Councillor Dumas, seconded by Councillor Gordon, that in the opinion of this Committee the Commissioner increase the mill rate for school taxes by one mill. This motion carried. It was moved by Councillor McKinnon, seconded by Councillor Chamberlist, that immediately following section 2 of Bill No. 22, new section 3 be added as follows: "This ordinance shall take effect provided that i) a committee on constitutional reform be formed to discuss amendments to the Yukon Act, R.S. 1952-53, chapter 53, for the purpose of providing measures of fiscal responsibility to the Council of the Yukon Territory, such committee to be composed of the seven Members of the said Council, and such persons as may be appointed for the purpose by the Government of Canada; and ii) the said committee to commence its discussions on or before the date of the opening of the First Session of the Council of the Yukon Territory 1968, and to continue thereafter so long as may be necessary for the purpose aforesaid." This motion carried. Upon motion, Committee recessed at 12:00 noon and reconvened at 2:00 p.m. It was moved by Councillor McKinnon, seconded by Councillor Chamberlist, that Bill No. 22 be reported out of Committee as amended, and this motion carried. It was moved by Councillor Shaw, seconded by Councillor Taylor, that section 1 of Bill No. 24, include a new section, identically as stated in the case of the previous Bill No. 22. This motion carried. It was then moved by Councillor Shaw, seconded by Councillor Chamberlist, that Bill No. 24 be reported out of Committee as amended and this motion carried. It was moved by Councillor Dumas, seconded by Councillor Gordon, that following section 1 of Bill No. 25, a new section 2 was to be added as was the case in the two previous bills, namely Bill No. 22 and Bill No. 24, and this motion carried. It was then moved by Councillor Dumas, seconded by Councillor Gordon, that Bill No. 25 be reported out of Committee as amended, and this motion carried. It was then moved by Councillor McKinnon, seconded by Councillor Chamberlist, 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?

Mr. McKinnon: Mr. Speaker, the amendment to Bill No. 22 was made at 2:00, not before we recessed for dinner.

Mr. Chairman: Yes, this is correct. I have noted that in my report, and have amended the report accordingly.

Mr. Speaker: Are we then agreed with the report of the Chairman of Committees?

All: Agreed.

Mr. Speaker: May I have your further pleasure?

Mr. Taylor: Mr. Speaker, I would move that we revert to Orders of the Day in order that we may process bills.

Mr. Speaker: Is it the unanimous pleasure of the House that we revert to Orders of the Day? If so, I would appreciate a motion from the floor.

Mrs. Gordon: I move that we revert to Orders of the Day.

Mr. Speaker: Is there a seconder for the motion?

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

Mr. Speaker: Moved by the Honourable Member for Mayo, seconded by the Honourable Member for Whitehorse East, that the House do revert to Orders of the Day. 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: You may proceed, gentlemen.

Mr. McKinnon: I would move, Mr. Speaker, that Third Reading be given to Bill No. 22, An Ordinance to Amend the Fuel Oil Tax Ordinance.

Mr. Speaker: I would remind the Honourable Member that the amendments will need First and Second Reading.

FIRST Moved by Councillor McKinnon, seconded by Councillor Chamberlist, READING that the amendment to Bill No. 22, An Ordinance to Amend the Fuel AMENDMENT Oil Tax Ordinance, be given First Reading at this time.

BILL #22  
MOTION  
CARRIED

MOTION CARRIED

SECOND Moved by Councillor McKinnon, seconded by Councillor Chamberlist, READING that the amendment to Bill No. 22, An Ordinance to Amend the Fuel AMENDMENT Oil Tax Ordinance, be given Second Reading at this time.

BILL #22  
MOTION  
CARRIED

MOTION CARRIED

THIRD Moved by Councillor McKinnon, seconded by Councillor Chamberlist, READING that Bill No. 22, An Ordinance to Amend the Fuel Oil Tax Ordinance, BILL #22 be given Third Reading at this time.

MOTION  
CARRIED

MOTION CARRIED

Moved by Councillor McKinnon, seconded by Councillor Chamberlist, that the title of Bill No. 22, An Ordinance to Amend the Fuel Oil Tax Ordinance, be adopted as written.

TITLE  
ADOPTED  
BILL #22  
MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 22 has passed this House.

Moved by Councillor Shaw, seconded by Councillor Taylor, that the amendment to Bill No. 24, An Ordinance to Amend the Motor Vehicles Ordinance, be given First Reading at this time.

FIRST  
READING  
AMENDMENT  
BILL #24  
MOTION  
CARRIED

MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor Taylor that the amendment to Bill No. 24, An Ordinance to Amend the Motor Vehicles Ordinance, be given Second Reading at this time.

SECOND  
READING  
AMENDMENT  
BILL #24  
MOTION  
CARRIED

MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor Taylor that Bill No. 24, An Ordinance to Amend the Motor Vehicles Ordinance, be given Third Reading at this time.

THIRD  
READING  
BILL #24  
MOTION  
CARRIED

MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor Taylor, that the title to Bill No. 24, An Ordinance to Amend the Motor Vehicles Ordinance, be adopted as written.

TITLE  
ADOPTED  
BILL #24  
MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 24 has passed this House.

Moved by Councillor Dumas, seconded by Councillor Gordon, that the amendment to Bill No. 25, An Ordinance to Amend the Liquor Ordinance, be given First Reading at this time.

FIRST  
READING  
AMENDMENT  
BILL #25  
MOTION  
CARRIED

MOTION CARRIED

Moved by Councillor Dumas, seconded by Councillor Gordon, that the amendment to Bill No. 25, An Ordinance to Amend the Liquor Ordinance, be given Second Reading at this time.

SECOND  
READING  
AMENDMENT  
BILL #25  
MOTION  
CARRIED

MOTION CARRIED

Moved by Councillor Dumas, seconded by Councillor Gordon, that Bill No. 25, An Ordinance to Amend the Liquor Ordinance, be given Third Reading at this time.

THIRD  
READING  
BILL #25  
MOTION  
CARRIED

MOTION CARRIED

Moved by Councillor Dumas, seconded by Councillor Gordon, that the title to Bill No. 25, An Ordinance to Amend the Liquor Ordinance, be adopted as written.

TITLE  
ADOPTED  
BILL #25  
MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 25 has passed this House. May I have your further pleasure, gentlemen.

Mr. Taylor: Mr. Speaker, in respect to the agenda, it would appear that in Committee of the Whole we have before us a few sessional papers and a matter arising out of a motion in Council this morning

Mr. Taylor continued:  
and possibly one bill. I would suggest that tomorrow we could very readily tidy up this remaining business of Council in order that we may possibly prorogue on tomorrow afternoon or Friday morning.

Mr. Speaker: If you so desire, the Chair would be receptive to the motion, Mr. Taylor.

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

Mr. Speaker: Is there a seconder for the motion?

Mr. Dumas: I will second the motion.

Mr. Speaker: Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse West, that we call it five o'clock. Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried.

MOTION CARRIED

MOTION  
CARRIED

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

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Thursday, December 14, 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. Are there any Reports? Introduction of Bills.

Moved by Councillor Taylor, seconded by Councillor Shaw, that Bill No. 23, An Ordinance to Amend the Motor Vehicles Ordinance, be introduced at this time.

BILL #23  
INTRODUCED

MOTION CARRIED

MOTION  
CARRIED

Mr. Legal Adviser enters the Council Chambers.

Mr. Speaker: Are there any further Bills to be introduced at this time? Notices of Motion or Resolution. May we now pass to Orders of the Day - Notices of Motion for the Production of Papers. Under Motions for the Production of Papers passed, we still have on the Order Paper, Nos. 4, 5, 6, 8 and 9. I wonder if I could inquire from Mr. Clerk on behalf of the House whether answers to these questions will be forthcoming before prorogation of this House.

Mr. Clerk: Mr. Speaker, I am quite confident that we will have answers to the questions regarding the CBC before prorogation. Motion for the Production of Papers Passed No. 9, I believe can be taken off the Order Paper. I think all Councillors have received all the information regarding the cutbacks.

Mr. Speaker: Thank you, Mr. Clerk. Under Motions, we have Motion No. 58, moved by Mr. Dumas, seconded by Mr. McKinnon, and the text reads, "Moved that in the opinion of Council, Councillor Norm Chamberlist should be appointed to the Whitehorse General Hospital Advisory Board." Is there any discussion? Proceed, Mr. Dumas.

MOTION #58

Mr. Dumas: Mr. Speaker, in keeping with what has been common practice in the past, we would like to see a representative of the Territorial Council on the Hospital Advisory Board and we all feel that Councillor Chamberlist can best represent us in this regard.

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

MOTION CARRIED

MOTION #58  
CARRIED

Mr. Speaker: Mr. Clerk, is Mr. Commissioner available 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 now at the question period, gentlemen. You may proceed.

Mr. Chamberlist: Mr. Speaker, a question to Mr. Commissioner. I wonder if Mr. Commissioner has any information of import to confer to Members of this Council with reference to the Bills that were passed yesterday.

Mr. Speaker: Proceed, Mr. Commissioner.

Mr. Commissioner: I find it impossible to proceed, Mr. Speaker. I have no information.

Mr. Speaker: Are there further questions?

QUESTION  
TRAVECON  
STUDY

Mr. McKinnon: Mr. Speaker, I wonder if I could ask Mr. Commissioner a question. Has he any further advice as to when the Travecon Study will be before this Council?

Mr. Commissioner: No. I regret to say, Mr. Speaker, that I do not have but I could say that approximately ten days ago, as a consequence of this question being asked the second or third time at the Council Table here, I sent a further query to the Minister's office to ask them if they would please hurry this situation up. It is a matter of public importance that I think everyone, not only the Councillors, but all Members of the general public in the Territory are most anxious to see. The only holdup that I know that is on it, Mr. Speaker, is in connection with the extraction of those items of statistical information which were supplied to the Travecon people by various business organizations on the distinctive clear understanding that they would not be made public. I also understand that the deletion of this statistical information will in no way, shape or form have any detriment on the content of the report itself. I can assure you, Mr. Speaker, that just as quickly as this report is available, I will see that copies are distributed directly to Council Members whether Council is in Session or whether it is not at that time. This I absolutely assure you of.

Mr. Speaker: Thank you, Mr. Commissioner.

QUESTION  
ALASKA  
HIGHWAY  
TAKE-OVER

Mr. Taylor: Mr. Speaker, I have a question I would like to direct to Mr. Commissioner this morning and that would be that has Mr. Commissioner learned anything further in relation as to whether or not the Yukon will be asked to take over the Alaska Highway, possibly at the Spring Session?

Mr. Commissioner: No, I am sorry. I am in no better information position, Mr. Speaker, than the last time that the question was asked and I can say this that unless something is forthcoming in the very near future along these lines that we can all get our teeth into to see what the proposals may be, it is going to be most difficult to give effect to this April 1 take-over because I am sure that the very questions, as I intimated before, that are in Council's mind with regard to this are the very unresolved questions as I understand it in this regard. I am sorry that I cannot give Council any further information as I have none to give them on this matter.

QUESTION  
SMALL DEBT  
COURT  
APPEALS

Mr. Chamberlist: Mr. Speaker. A question addressed to the Commissioner, Mr. Speaker. Would the Commissioner be able to inform this Council of any further information with reference to the procedure for Small Debt Court appeals?

H

Mr. Commissioner: Mr. Speaker, as a consequence of the question that was asked of me here several days ago, I have sent this query to the Department involved and certainly, if there is not an answer available on my desk today, I will be personally paying a visit to see why it is not there because I certainly think that this is one of the worst situations that has come to my attention since I have been Commissioner. I just can't understand how we could have such a thing as a Court and have a decision of that Court and having no means of appeal against that decision. I have just never heard of such a situation in my life, Mr. Speaker.

QUESTION  
SMALL DEBT  
COURT  
APPEALS

Mr. Taylor: I have another question I would like to direct to Mr. Commissioner this morning. In view of the fact that this Session of Council is fast drawing to a close, I wonder if Mr. Commissioner could inform me as to whether it will be the intention of the Administration to forward copies of proposed legislation to Councillors prior to the Spring Session?

QUESTION RE  
FORWARDING  
PROPOSED  
LEGISLATION

Mr. Commissioner: Mr. Speaker, this particular situation has been a bone of contention with Councillors, no doubt, since the day that the Yukon Territorial Council was first brought into effect and there are instances and there are cases where this is a practical situation to do and there are many other instances where we find it practically impossible. I would put it to you this way that from my point of view, I think it is most desirable to get proposed legislation into the hands of the people who are going to be called upon to pass judgement on it as long a time prior to when they are going to be asked to pass that judgement as possible. I want to make myself absolutely clear to Council on this and anything that we can do to make this possible will definitely be done. Now, when you say can I specifically say this, I can't specifically say it but I will say that those things that can be made available to Council on this basis will definitely...we will do so. I am sure I will have the support of the Legal Adviser in doing everything possible to bring this desirable situation about.

Mr. Taylor: Supplementary to the question I have raised in respect of legislation, in view of the Motion that has been passed by Council at this Session in relation to the Legislative Programming Committee, would the Administration be prepared at this time to advise Council as to their acceptance or their rejection of this proposal in order that we might, if necessary, determine who would sit on this Committee between now and spring.

QUESTION  
LEGISLATIVE  
PROGRAMMING  
COMMITTEE

Mr. Commissioner: Mr. Speaker, with deference to the question that has been asked, I think it would be most inappropriate for me to say any more to Council at this time than what I have already intimated at the time when the matter came up. I am perfectly, personally, sympathetic to this idea. There are many...should I say potential pitfalls and areas...grey areas...that have to be cleared up before this can be given effect to. I am doing what I can to endeavour to clear these things out of the way so that this will be a possible situation. There is no basic opposition from the Administration to this request of Council but there are certain things that definitely have to be cleared before it can be made possible. The sooner they are cleared, as far as I am concerned.....



QUESTION Mr. Chamberlist: Mr. Speaker, a question to the Commissioner.  
JUSTICE Mr. Commissioner, I wonder if you have or can indicate any date  
ADMINISTRA- upon when the select Committee chosen to discuss the transfer  
TION of the Administration of Justice will be meeting?  
MEETING

Mr. Commissioner: Mr. Speaker, the Committee in itself can certainly meet without any instructions from myself. This is a Committee of Council and they don't need, shall I say, instructions from me as to when they can meet, but I definitely put a memo to my senior officers here just day before yesterday when the names of these people were made known to me and asked them to outline a possible course of action as to how effect could be given to the desires that were expressed in the formation of this Committee. I am sure that Mr. Legal Adviser will be in on this Committee's discussions and no doubt he will be communicating to this Committee this potential or this suggested course of action, but as far as this Committee's meeting is concerned, I would want to make it very clear, Mr. Speaker, that while at some point in time it may be my pleasure to request a meeting with this Committee and officers of my Administration, there is certainly nothing that is preventing the Committee from having meetings on its own prior to that time.

QUESTION Mr. McKinnon: Mr. Speaker, I would like to direct a question  
RE to Mr. Clerk. I would thank him and the Administration for  
HANSARD this six volume study of the Alaska Constitutional Convention proceedings which I am sure all Members will find most helpful but I would like to ask him when Members of this House may expect to start receiving copies of Hansard?

Mr. Clerk: Mr. Speaker, I have been advised by the Queen's Printer in Ottawa that our order has been received and I assume that they are taking action on it. I received word, I believe two days ago that the Hansard has been put into the mill sort of thing.

QUESTION Mr. McKinnon: Mr. Speaker, I would like to ask one more  
STATUS question of Mr. Clerk and ask him what is the status of  
BILL #11 Bill No. 11 at this time.

Mr. Clerk: Bill No. 11, Mr. Speaker, is in Committee. It has had introduction, First and Second Reading, and is in Committee.

QUESTION Mr. Taylor: Mr. Speaker, supplementary to the question asked  
REPORTS ON by the Honourable Member from Whitehorse North in relation  
COMMITTEE to Hansard, might I ask Mr. Clerk if also a request has gone  
PROCEEDINGS to the Federal Government for copies of the Committee pro-  
NORTHERN ceedings on Northern Affairs as well.  
AFFAIRS

Mr. Clerk: Yes, Mr. Speaker. This request has been made and we are going to be advised immediately they are available so that we can make them available to the Councillors.

Mr. Speaker: Are there any further questions?

Mr. Chamberlist: Mr. Speaker, I understood...this is to Mr. Commissioner...I understood yesterday that Mr. Commissioner said the written answers to Questions Nos. 27 and 28 would be available. I have not received them at this time.



Mr. Commissioner: Mr. Speaker, I have the rough drafts in my pocket. I was on my way to get them dealt with when I was requested to come to the question period and I was rather rudely interrupted. I don't say the word rudely in that context, Mr. Speaker, but I just want the Member to know that at least something is going on.

Mr. Speaker: If there are no further questions, gentlemen, may we pass to Public Bills and Orders.

Mr. Dumas: Mr. Speaker, I would like to move Third Reading to Bill No. 5, An Ordinance to Amend the Taxation Ordinance.

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

Mr. Speaker: I believe, gentlemen, that there was an amendment to Bill No. 5. Am I correct?

Mr. Taylor: This is correct, Mr. Speaker.

Mr. Speaker: The previous Motion then would be out of order.

Moved by Councillor Dumas, seconded by Councillor Shaw, that the Amendment to Bill No. 5, An Ordinance to Amend the Taxation Ordinance, be given First Reading at this time.

MOTION CARRIED

FIRST  
READING  
AMENDMENT  
BILL #5  
MOTION  
CARRIED

Moved by Councillor Dumas, seconded by Councillor Shaw, that the Amendment to Bill No. 5, An Ordinance to Amend the Taxation Ordinance, be given Second Reading at this time.

MOTION CARRIED

SECOND  
READING  
AMENDMENT  
BILL #5  
MOTION  
CARRIED

Moved by Councillor Dumas, seconded by Councillor Shaw, that Bill No. 5, An Ordinance to Amend the Taxation Ordinance, be given Third Reading at this time.

MOTION CARRIED

THIRD  
READING  
BILL #5  
MOTION  
CARRIED

Councillor Taylor voted contrary to the Motion.

Moved by Councillor Dumas, seconded by Councillor Shaw, that the title to Bill No. 5, An Ordinance to Amend the Taxation Ordinance, be adopted as written.

MOTION CARRIED

TITLE  
ADOPTED  
BILL #5  
MOTION  
CARRIED

Mr. Speaker: I will declare the Motion carried and Bill No. 5, An Ordinance to Amend the Taxation Ordinance, has passed this House. What is your further pleasure?

Moved by Councillor Chamberlist, seconded by Councillor Taylor, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills, Sessional Papers, Memoranda and Motions.

MOTION CARRIED

MOTION TO  
MOVE INTO  
COMMITTEE  
  
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: The first item of business this morning, gentlemen, is Bill No. 11, and I would like your direction as to how you wish to proceed with this Bill.

BILL #11  
MOVED OUT  
OF  
COMMITTEE  
WITHOUT  
AMENDMENT  
MOTION  
CARRIED

Moved by Councillor McKinnon, seconded by Councillor Dumas, that Bill No. 11, An Ordinance to Authorize the Commissioner to borrow a sum not exceeding One Hundred Thousand Dollars from the Government of Canada and to Authorize the Commissioner to enter into an Agreement relating thereto, be moved out of Committee without Amendment.

MOTION CARRIED

SESSIONAL  
PAPER #54

Mr. Chairman: Is it your wishes that Bills Nos. 12 and 13 remain?

All: Agreed.

Mr. Chairman: We will then proceed to Sessional Paper No. 54. Have you anything on this paper, Sessional Paper No. 54, Finance?

Mr. Chamberlist: Mr. Chairman, the very last paragraph of this Sessional Paper asks in fact that "Council is requested to consider the situation and decide upon the course of action that they would wish followed." Mr. Chairman, I think the course of action that we have decided on has been taken and I would suggest that no further matter be discussed in this Sessional Paper.

Mr. Chairman: Is Committee agreed?

All: Agreed.

SESSIONAL  
PAPER #62

Mr. Chairman: Next Sessional Paper is Sessional Paper No. 62 respecting a proposed new Senior Citizens' Home. I wonder if Mr. Commissioner you may wish to give some guidance in this matter.

Mr. Commissioner: Mr. Chairman, I think the paper makes the position abundantly clear. It has been my proposals from time to time, in fact it remains my firm thinking, that continuing to build a huge Government establishment here in Whitehorse, whether it be in the name of schools, government building, senior citizens' homes, correctional institutions, or what, while it may be desirable from an economic and administrative point of view, it is doing nothing towards helping to develop the outer communities in the Territory where in many instances the government institution or the establishment of a government payroll is maybe the basis for to help their local economy to thrive and to survive and I think that you will remember, either from being here or from pursuing the votes and proceedings those of you who were not here, that at the last Session of Council that the matter of this senior citizens' home, when it came up in the Budget, was looked upon very skeptically by Members of Council as to the creation of another government institution here in Whitehorse. Maybe the words were not to this direct effect, but this was the end result of Council's conversations and I asked the Department concerned to give me as complete a picture of the situation as they saw it and if there recommendation was that this building still be located in Whitehorse that they were to bring forward an irrefutable statistical, as well as other evidence, that would indicate that this in fact was the proper course of action to take. Just getting away from what kind of a building that we are going to ultimately wind up with or who is going to pay for it, this is

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Mr. Commissioner continues:

SESSIONAL  
PAPER #62

really the gist of this Paper...to indicate to Council that from the point of view of the Administrative people who are charged with the day to day responsibility of senior citizen care, it would appear that while there is ultimately going to be a need in other communities for such installations, at the moment, the need would appear to be for an increase in the facility for senior citizen type housing here in the Whitehorse area as being the priority need in this particular field. Now, don't misunderstand me when I say priority need. I am not talking about priority need in the total context of Territorial Government spending but I say in this particular field. What we are looking for here is policy guidance from the Council so that in the compilation of the Budget, before it gets to the Finance Advisory Committee, that the wishes of Council in this matter will have been established and I would respectfully say this to you, Mr. Chairman, that in this particular field there is getting to be a growing number of our citizens who by virtue of, I suppose more modern facilities becoming available here in this metropolitan area, are finding that they wish to spend their retiring or declining years in this area as opposed to leaving here and going and spending their declining years in say the Lower Mainland of British Columbia or elsewhere in the Southern part of Canada where climatic conditions are a little bit easier to accept. As a consequence of this, the need for this type of housing is a very real one and I do not wish to impose administrative thinking on the Council as to the location of this, but I do say to you that we have arrived at a point in time where more of these type of facilities have to be made available irrespective of their actual geographical location.

Mr. Dumas: I would like to ask a question of the Commissioner. How does one married couple total one person? Do you have the form?

Mr. Commissioner: No. Would you explicitly....

Mr. Dumas: Under Dawson.

Mr. Commissioner: Well, I think we are talking here in units. Perhaps that is wrong to say persons there. In other words, it takes a unit to look after a single person and it takes a unit to look after a married couple. Mr. Chairman, could I suggest that Council read all those last four items as units as opposed to persons.

Mr. Chamberlist: Well, Mr. Chairman, it would appear to me, when breaking down the costs of this proposal, that the approximate capital required would be \$600,000.00 for 21 units, something like \$28,000.00 a unit. With all the land that is available in the area, I am sure that it might be more beneficial to build small type cottages for individual people which would perhaps...could be constructed at about \$10,000.00 per cottage, with a maximum of \$210,000.00, with a saving of about \$400,000.00. From time to time we have heard, and especially during this Session, of money problems that have been brought before us and here we have what I consider to be an obvious manner in which a large amount of money could be saved. I am suggesting that perhaps the theory of this type of construction for this purpose is wrong. I note that the estimated operating cost is \$25,000.00 per year and when I recall looking the other day at the Welfare costs, which included the administration and salaries of those taking care of the present Senior Citizens' Home, I see that it is

SESSIONAL  
PAPER #62

Mr. Chamberlist continues:  
completely out of line with these figures that have been made available to us. I am also somewhat worried that if we go to an increased amount of borrowing about \$300,000.00 from C.M.H.C. and with the interest payable on that amount, it would appear that the eventual cost is going to be in the region of \$800,000.00. I think it would be much more beneficial dollarwise if the situation regarding the proposed new citizens' home was reconsidered to see if it would be advisable for either a small cottage complex in an area of land with a caretaker to take care of the area would not be far more suitable. As I said, the land is available. Land is much more available to the Crown and to you, Mr. Commissioner, than it is to the ordinary person that would require some land and this is my suggestion that we take a further look at it before we proceed on approving a structure of this type.

Mr. Commissioner: Mr. Chairman, I wonder if it would be a reasonable request to make of Council to ask the Council if we could have Council's advice as to where this home should be built. When I say where, I am not talking about what... if we decide upon Whitehorse....I don't mean what lot it is going to be built on....but if you would be good enough to give Administration your advice as to locale.....as you see here, we are suggesting that Whitehorse is the locale for it. Perhaps Council has some strong feelings to the contrary. Now, if we could get the locale decided, this would be a very good step as far as the Administration is concerned because then at that point we would be in a position to at least go further in investigating further types of suitable accommodation. In other words....I think what Councillor Chamberlist says here has got a lot of merit. I don't agree with him at all concerning the cost of upkeep because the cost of upkeep of these places, if you are going to use small units as opposed to an individual building, all you are doing is multiplying your costs. This is another matter altogether. I am sure, Mr. Chairman, that Councillor Chamberlist would be prepared to come forth with a hundred and one arguments in his favour and maybe I've only got ninety-nine on mine, but this is beside the point at the moment. I think that Council would be doing the Administration the right duty here if they could advise us....do Council agree that this should be built in Whitehorse. Then it is up to us to come forth with further alternatives....in other words, cottage type units, less size and so on down the line. Just while I am on my feet, Mr. Chairman, I want to tell you something about the operation of these senior citizens' homes as opposed to operating, we will say, a hostel for school children. In these senior citizen type homes, remember that you have older people and these people, be virtue of the lives that they have lived, are, for the most part, very independent. They want to be left alone and conduct their affairs in the manner in which they have been used to throughout their life here in the Territory where most of them have spent their active years but, at the same time, but at the same time, there has to be some kind of a reasonable watchful eye kept on them and this makes it very difficult for us to do the kind of a job that I am sure that Council want us to do in connection with caring for these senior citizens if we have these people located in very diversified type housing... far away from centres where there are doctor's facilities, hospital facilities, etc. and, also, remember that we have to see that these people also are located in an area where they have available to them such entertainment as senior

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Mr. Commissioner continues:

citizens are looking for. In other words, these people are active to a degree that they are not bedridden and they want to be in places where they can get out and do things in order to pass the time and enjoy those years that they have remaining so I would ask that Council would bear this in mind when they are giving Administration their advice as to the locale in which they feel this senior citizens' home should be located.

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Mr. Shaw: Mr. Chairman, I have a little experience with the Senior Citizens' Home. I think the Member from Carmacks-Kluane and the Commissioner will recollect the first time I introduced this type of living in the Yukon for the aged people. At that time...in fact, it took about two years to be able to get to the point of where there were homes. Now, first, I am not agreeable to cottages for these type of people...one, the operation and maintenance cost would be relatively higher and, secondly, I do not think that it would be good for these older people because they have to have attention or have to have neighbours right handy on a continuing basis. They are aged people. They become ill, sometimes very rapidly, and they depend a lot on their neighbours to keep an eye on them...the neighbours in the other part of the hall. The one that was constructed in Dawson...it was the first one that was constructed and it's... it has served the purpose very well but, at the same time, the sizes of the rooms which I wanted built were reduced considerably so that actually there is too little room for each individual but, nonetheless, it is far better than what it was prior to that where there were none and these old people had to stay in their own individual cabins and try to look after themselves during the extreme cold weather which was almost impossible. Later on, they then built a home for these people in Whitehorse and, of course, this was twice as large and twice as commodious and luxurious and I think, myself, that this home is a wonderful example of what a home should be. I think we can be very well proud of the facilities that you have in this City. The point appears to be that it is too small. Myself, Mr. Chairman, I would favour that we build one in the same...with the same concept in mind as this one...build it much larger... and this particular home that we have here could be turned into bachelor apartments or something like that. In other words, it seems also a waste of money if we are going to operate two senior citizens' homes if it should happen to be built here. This one that we have here would appear to me to make ideal bachelor apartments for Territorial use or whatever may be...and when we build a home that we build it to accommodate, as reasonable as we can look forward to the future, for to accommodate the people that will be using it. I had the privilege this fall, Mr. Chairman, of visiting Fairbanks right after the flood and I went through the new senior citizens' home which they had built there. This is a three million dollar enterprise. Of course it has things that we would not be able to have. It has an area for doctors' offices and dispensary I think they call it. It has complete cooking facilities. It's a tremendous place. It would do any Members good...that are interested in this type of thing...to see what they have in Fairbanks...and this is constructed very much on the style of perhaps the hospital here. It's spread over an area that...single story...and I don't know, I can't recollect just how many people it can accommodate but they are doing a grand job for the old people there. This was a three million dollar expenditure. They have a section for people that are not able to get around and then they have a section for the

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Mr. Shaw continues:  
people who can help themselves...so I would feel, Mr. Chairman, that if we are going to build a new building and we are going to build it here...if this is where they want to be...most of them...then we should build one that would be large enough to handle our needs for a reasonable projected future and the existing building, that could be utilized, I think, for some other purpose for the Government so that we will have one unit to look after only instead of having another one or two or three in the same area.

Mrs. Gordon: May I pose a question to Commissioner Smith. Do you have any breakdown as to the origin of the people of the people who are presently in the Senior Citizens' Home in Whitehorse?

Mr. Commissioner: I am sure that this can be readily obtained, Mr. Chairman, and if you would like, I will have the Clerk check with Welfare on this.

Mr. McKinnon: Mr. Chairman, I know that Mr. Shaw has more than a passing interest in Old Folks Homes...vested interest in this and he may be looking for to retire to another place before too long, however, I feel, as Commissioner Smith, that decentralization would be a desirable thing, however we are presented with the facts that in Whitehorse is where the need arises for further accommodation for these senior citizens. Now, I have quite a few informants in the Senior Citizens' Home herein Whitehorse and they are really wonderful people. At any rate, they like to be where the action is. They are independent spirits and they want to be in downtown Whitehorse. They want the facilities and they want to be able, when their pension cheque comes in, to run over to the Legion and their immunity to the demon rum isn't just what it used to be and it's very convenient for them to get home once they drunk their share of whatever they are going to. They are an independent breed of citizen and they do like to be in a location which is downtown where they can walk downtown to shop, where they have the amenities. They are ardent television fans and they do enjoy being in a central downtown location. I think to even move future Senior Citizens' Homes over to the Riverdale area or out to the Territorial Subdivisions would be a mistake. These people like to think that they are still capable of being completely independent and being able to get around on their own steam, and as long as these homes are located in the downtown area, they are able to do this. The majority of the citizens of Whitehorse know the people from the Senior Citizens' Home. When they see them having a tough time getting home, they are more than willing to help them get back to their apartment. I think that we are faced with the fact that future accommodations are needed in the Whitehorse area and this is just the way it is and this is too bad because, as I say, I, like the Commissioner, would like to see more of a decentralization of Government from the Whitehorse complex, however, these are the facts of life and I would like to state that I think that future homes should be located in the downtown area. I can't see them moving them out to any of the Territorial Subdivisions. I would like to see them right in the middle of the town.

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Mr. Chamberlist: Mr. Chairman, I think this Sessional Paper asks us two questions. It says, "Before proceeding, I would like to have Council's approval of the revised cost estimate as well as approval to proceed with the construction of this Home in Whitehorse." I would not be prepared to accept the revised cost estimate until I knew what and how the original cost came about. This is just....perhaps Mr. Commissioner could explain later on whether it is an estimated price or whether it is a price brought about just by architects or whether tenders have been called on it. The second question is..."the approval to proceed with the construction of this Home in Whitehorse." Well, as everybody here knows, this approval can only be given subject to a reply for which this Council is waiting with bated breath from the Great Fathers in Ottawa so I don't think we can answer this at the moment. SESSIONAL PAPER #62

Mr. Shaw: Mr. Chairman, the Commissioner....let us say the bridges that the Councillor from Whitehorse East has just brought up...we will cross them when we get to them. Right now, we are on this Senior Citizens' Home. The Commissioner has asked for Council's opinion, I believe, on where it should be located. Generally speaking, I have always endeavoured to see if I could get some of these projects moved up to Dawson City but in this particular instance, I don't think that I would make this particular request and what Councillor McKinnon has said is substantially correct but I don't quite agree that they are all drunks and want to go and.....and they have to be packed home. There might be the odd one. I would agree with him that the location downtown is most desirable for these older people. They do like to do their shopping and what not and I note that we have quite some property on Second Avenue where the Nurses' Residence is. That would appear to me to be perhaps a very good location where to put this building and have it sufficiently large to accommodate in the foreseeable future all of these people and make this other building available for some other use. That is my suggestion if a suggestion is asked for, Mr. Chairman.

Mr. Chamberlist takes the Chair.

Mr. Taylor: Well, in relation to the questions asked in the Sessional Paper, I must agree that Whitehorse is certainly the location for this facility in view of the total number of persons requiring this service and I would assume that these people are all Whitehorse or area residents so this is, no doubt, where they would like to stay. That's where their friends are, but I am troubled only with the cost of the facility. Now, I assume that the facility is the one that appears on the wall of the Council Chamber at this time and I fear that we are going to be burdened again with another edifice far in excess of our financial ability to pay for. It somehow brings us back to the matter of yesterday where we wanted to have the authority to spend money and try and get value for the tax dollar and just one instance of which I speak of is this \$30,000.00 or \$35,000.00 basement down in Watson Lake to go under a mobile type home. This type of thing is out of our hands. This is a Federal Government affair but it seems to me when the building is finished, it's just a doctor's residence and a garage and it's going to cost \$100,000.00 and it's a mobile home. So, this is the thing I fear in relation to this type of structure. It seems to me also that architects who design these structures for us work

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Mr. Taylor continues:  
on a percentage basis on what they design so naturally it is obviously to their advantage to design the greatest, most costliest, most expensive facility possible. They make more money this way. That's the way it seems to me anyway. I would suggest that between now and the Spring Session that a review be taken of the types of facilities that we may be able to provide. In other words, rather than targeting in and zeroing in on this type of facility...there's no doubt it is going to cost us something to have this designed even as far as it's gone. I would like to see the Territorial Engineering Department review this and see if we can't find a more modest type of facility at a little bit of a reduced cost and yet be able to give effect to the things which we wish to give effect to in construction for our older senior citizens. This is my only fear in this matter but I certainly agree for my own part that this facility should be in Whitehorse and these are my comments on this subject.

Mr. Shaw: Mr. Chairman, that's a very good point that Councillor Taylor has brought up in relation to the type of building. He mentioned he's got a \$100,000.00 basement down in Watson Lake...well, I've got one up there. They had to haul the gravel from Whitehorse to put one of these mobile type homes on cement. The gravel around there wasn't solid enough. I don't think the Territorial Government would go to quite that extent. I would like to ask a question of the Commissioner, Mr. Chairman, if perhaps...it wouldn't hurt a bit...in view that it has already been done...to communicate with the Alaskan Government and perhaps get some information on what they have just completed. When I was there, the inmates hadn't yet moved in....

Mr. Chairman: Order. Order.

Mr. Shaw: .....and we may get some very sound proposals or reasons why they built it that way. I think that wouldn't hurt a bit. I think we are kind of experimenting in this particular matter. It would appear like that by the look of that picture over there. At the same time, I would wonder if there is anything firm on this project that we have lined up. Is that going to be the type of building or is that just a proposal?

Mr. Commissioner: Mr. Chairman, on the basis of the discussions that we had with Council at the last Session, we conceded in Council's request with their general dissatisfaction with the architectural consultants that we have been retaining and we went to a new architect and we have a new plan and Councillor Taylor has passed his opinion on the basis on which this has been constructed and I am assuming that possibly Council will be having a few minutes recess for coffee and change stenographers and I will get the floor plans up here so that Council can see them. However, I think there is something, Mr. Chairman, that I think is the real nub of these capital projects insofar as Government is concerned. While I realize that capital costs is one side of the story, the real side of the story that Council wants to get their teeth into as far as I am concerned...and I want to get my teeth into... is what these things are going to cost to operate after you get them up. There is no point to spend the money on a building in order to save capital costs and find out that every month from that point on until the day of eternity, you are faced with operating costs that are a reflection of not spending the proper capital in the first place. I just want to express this to you because in the short time that I have been at the Administrative helm around here, I find out that



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Mr. Commissioner continues:

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we are burdened with operating costs of buildings and institutions and installations that if we had spent just a few more thousand dollars at the time we constructed them, we would have saved it 150,000 times over and this is the long sad story of buildings in the Yukon Territory that are being built by Government as far as I am concerned. They are not being built to proper standards in the first place and you pay the bill every month from that point on. I think that this is really what Council wants to know and wants to get their teeth into. I would like to bring to your attention that in this particular building that you are looking at here, the operating costs of this building that you are looking at...if you see the last sentence in the third paragraph on the first page...."The estimated operating cost is \$25,000.00 per annum of which \$10,000.00 will be recovered from occupants in the form of rent and of the remaining \$15,000.00, 50% will be recoverable under the Canada Assistance Plan."...which means that you will have an annual operating cost in this building of \$7500.00 a year to take care of 21 units which boils itself down to approximately speaking something less than \$400.00 per unit per year. Now, this is what Council should be taking a hard look at. I realize that you've got to look at the capital costs too. I am well aware of this but I say that what you have to look at, because this is the item that recurs time after time after time, and on this basis alone, I would say that, while I think we should bring forward alternate proposals to Council as to what we are finally going to build, I would say that it is going to be very difficult using this formula here which is the formula which is available to us under the Canada Assistance Plan....it is going to be pretty difficult to get anything that is going to operate at a cost to the Territorial taxpayers of anything less than \$400.00 a unit a year.

Mr. Taylor: I will resume the Chair at this time and declare a short recess.

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Thursday, December 14, 1967.

11:00 o'clock a.m.

Mr. Chairman: Well, I will call Committee to order at this time and you have been asked in this paper as to the location of this facility. I'm wondering if you would care at this time to concur or otherwise as to whether this should be in the city of Whitehorse. SESSIONAL  
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Mr. Dumas: Mr. Chairman, I would like to make a point that we would like to see this in down town Whitehorse, if Committee would agree.

Mr. Chairman: Does Committee concur?

Mr. Chamberlist: I agree, Mr. Chairman, with the facility, but I'm not yet in accordance with the type of facility.

Mr. Chairman: Yes, this is understood. We're talking about a location. Are we agreed?

Mr. Chamberlist: Agreed.

Mr. Livesey: Mr. Chairman, in view of the shortage of land in down town Whitehorse, what are we talking about putting it in down town Whitehorse? I thought this is where we had howls by galore about the fact there is no land. Just what are we talking about when we talk about putting it in down town Whitehorse?

Mr. Dumas: Mr. Chairman, for the edification of the Honourable Member from Carmacks-Kluane, the Territory does have land in down town Whitehorse and the land requirements which are necessary for building homes can be satisfied by Riverdale land or even outlying areas. The reason for putting it in down town Whitehorse is for better service for the people that will be living in this type of home. There is the property available and owned in down town Whitehorse by the Territory and it won't infringe on the limited land availability for private construction.

Mr. Chamberlist: Mr. Chairman, I think, with respect, that Councillor Dumas has - the Honourable Member from Whitehorse West has missed the Honourable Member's from Carmacks-Kluane point. We are well aware that there is some land available in Whitehorse, but because we haven't decided the type of facility, the land that Councillor Dumas is speaking about is certainly too small if a facility other than the type referred to there shown in that sketch, and I would suggest that when we refer to being agreed that the plant be installed in Whitehorse we mean within the Whitehorse area not specifically within the city of Whitehorse boundary as it is now.

Mr. Dumas: Mr. Chairman, I don't think that was what the Member from Carmacks-Kluane was getting at all. However, he may agree with you now because it sounds like a good idea. The fact of the matter is we're trying to serve the old people rather than have them go and live in the boondocks at our convenience, let's try and do something for them and this is why I say down town Whitehorse. There are areas on this side of the river that would be suitable for cottage construction even, or for this type of construction and which would allow for more conveniences for the old timers that live in this type of residence.

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Mr. Livesey: Well, perhaps, Mr. Chairman, since I brought up the point, I may be allowed to clarify it myself. It seems to me that there is a definite shortage of land in the city of Whitehorse, and when I say the city of Whitehorse I'm thinking of the area within the confines of the boundary of that particular place. Now, that's one point. The next point is obviously, if you're going to put up that type of an operation, that's going to take a lot of ground, and if you're going to put that type of operation up, obviously it'll take up more time than an apartment block or some similar type of construction. So this point has to be clarified before we proceed. Now, while I'm on my feet, Mr. Chairman, I'd also like to bring up another point, and that is about the building, the actual building. Now, a number of years ago, I brought it to the attention of this House that buildings that are constructed by the Territorial Government in the past seem to me to have faults galore in them after they have been erected and completed, and then when we find all the faults, the question is how do we get around to rectifying them, and the answers I've received previously on this question is that as long as the construction company follows the plans of the architect, the construction company is absolved of all blame with respect to any construction deficiency and problems. Now, I'd like to cite the roof of this Federal Building - I think it was leaking like a sieve for quite some time, and I think the roof of the Whitehorse Elementary School on Fourth Avenue, it had a problem with the roof. I think it cost us a tremendous amount of money to alter the auditorium in there, and so on and so forth. Another point I brought up was that I thought during the building, the actual building construction, all buildings should have a clerk of works or whatever you'd like to call him - I'd call him a clerk of works - standing there watching the construction of any Territorial building or any Federal Building for that matter that is being paid for with the tax payer's money. I didn't get very far when I brought this point up, and I can point to a number of buildings that are deficient with respect to what they should be on this account. Now, I wonder, Mr. Chairman, if Mr. Commissioner can assure me at this time that if we go through with this building at some future date that we will have a constant watch there on behalf of the tax payers of the Yukon to make sure this building is going to be sound and efficient in every way, shape and form after it has been completed and after the contractor has received his full pay. Thank you, Mr. Chairman.

Mr. Chairman: Well, gentlemen, I believe we must determine this question as to whether you wish this facility in Whitehorse or not. I'm wondering at this time..... Oh, perhaps Mr. Commissioner, would you.....

Mr. Commissioner: Mr. Chairman, the question was asked as to the origination of the people who at the present time are the residents in the senior citizen's home in Whitehorse, and I would give you the following information: 17 are from the Whitehorse area, one from Porter Creek, one from Carmacks, one from Cowley, one from Mayo, and one from Atlin, making a total of 22. Now, I don't know whether there are some couples involved here, but 22 units are occupied and this is the origin that I have given, and this is available at the Clerk's desk if anyone wishes a copy.

Mr. Chamberlist: Mr. Chairman, I wonder if the Commissioner would say if the one from Atlin is paid by the, the cost is paid by the British Columbia Government or do we pay it?

Mr. Commissioner: I can't tell you exactly how the costs are dealt with on this particular case. I would imagine probably the individual who is involved is capable of paying his own and no doubt does, but this is one of the reciprocity agreements that has been arrived at, and I think this is one of long standing, where one unit in our

senior citizen's home has been made available if it is required by a resident of a neighbouring community in northern British Columbia due to the situation whereby we get the use of certain facilities on a similar type basis in the province of British Columbia, and I think I would be very safe in saying that the person involved in this instance is capable and is paying his own, but the general policy behind it is one of long standing and is not without more than reciprocal benefits to us in other welfare areas.

Mr. Livesey: Mr. Chairman, might I direct a question to Mr. Commissioner and ask him if building construction for the Territorial Government is now supervised on a daily and hourly basis throughout the period of construction on behalf of those who paid for the costs of the buildings we require in the Territory?

Mr. Commissioner: Mr. Chairman, I think it would be most unwise for me to say that building construction on behalf of the Territorial Government is supervised on an hourly basis. In fact, even in some instances, I don't think it would be a fair statement to say that it was supervised on a day-to-day basis, but certainly inspection services by the Engineering Department on projects that are being undertaken by the Territorial Government within the Territory here, I feel are being subjected to very adequate and reasonable supervisory and inspection work on behalf of the people who are ultimately putting up the money for these buildings and my enquiries among the various numbers of the construction groups in the Territory would verify that they feel this situation is, in fact, being done on a very adequate basis on behalf of the Territory by our own engineers.

Mr. Chairman: Well, gentlemen, I wonder if at this time I can have you concur or otherwise as to whether you wish this facility constructed in the Whitehorse area.

Mr. McKinnon: Mr. Chairman, I move that the proposed new senior citizen's home be planned for the Whitehorse area.

Mr. Dumas: Second the motion.

Mr. Shaw: Just one question, Mr. Chairman, and I ask the Commissioner. This particular building that is going up, will there be provisions made for future expansion if and when required.

Mr. Commissioner: Yes, Mr. Chairman, this, of course, is dependent upon the site on which the building is located, and the site that we are speaking of here in this paper is a site that has more than adequate space available to afford expansion purposes, and I think that now we have the direction of Council that the facility can, in fact, be built in the Whitehorse area will permit us to bring forth various site suggestions and these site suggestions will have along with them what their limitations are. In other words, there's no such thing as a perfect site for anything. Every piece of real estate is going to have limitations, and we will report that information along with such other proposals as we have and Council can make the final decision as to what type of facility and likewise can judge on the basis of the information that we give them on what site they wish to make use of, and I would say this, Mr. Chairman, that site locations within the general downtown area of Whitehorse in very few instances loan themselves to very much future expansion. This is one of the problems that we have with the site of the present senior citizen's home here in Whitehorse, that the piece of property on which it is located is effectively speaking just about used to its maximum capabilities, and I think that this is part of future planning and has a lot to do with the kind of money we are prepared to put into these buildings and likewise has a lot to do with whether we are going to get proper benefit of them, that is, is the site one

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that will loan itself to some kind of expansion in the future?

Mr. Dumas: That being the case, I wonder if the \$600,000 plan couldn't include a pub?

Mr. Commissioner: It wouldn't qualify under the Canada Assistance Plan.

Mr. Shaw: Mr. Chairman, this building I notice is to accommodate 30 persons. You notice I don't say inmates in this case. Does that mean, is that sufficient for all requirements for the reasonable future, or does that mean that we have to operate two senior citizen's homes, namely the one that's here and the proposed building?

Mr. Commissioner: No, Mr. Chairman, I make this very clear. This is an accommodation to the requirements over and above those requirements that we presently have fully occupied, namely units that are here in Whitehorse. This is over and above that point. If you want to vacate entirely the present senior citizen's home and build a senior citizen's home to take care of the 30 that this will take care of plus those that are in the present senior citizen's home, I think you're talking about something almost twice as big as what you're talking about here.

Mr. Shaw: Well, Mr. Chairman, if they are going to have to heat two buildings, have caretakers looking after two buildings, when this could be done possibly by one crew, as we use the term, one staff, looking to the future, wouldn't it be sensible and economical to make this that it would handle all the requirements?

Mr. Commissioner: Mr. Chairman, without getting involved in a great amount of technical detail on this, I would suggest not. It is just the same as everything else. If you put all your eggs in one basket, if you have any kind of a disaster, fire, flood, or anything else you're completely out of business, and I think that in a case of a facility such as this, which is the next step to domiciliary care, it would be highly inadvisable to have it too large - the first thing you know you have nothing but an institutional atmosphere. Secondly, if you put it all into one package and you have any disaster at all, what are you going to do for alternate accommodation for these type of people until you get these facilities rebuilt, and I think we've had a very good lesson in this last year with the school situation. We had two disastrous fires but we were able to carry on because we had our school facilities not all in one package. They were segregated and fragmented enough so we were able to make use of these other school facilities to keep the school system going, and while I agree with what Councillor Shaw has to say here, Mr. Chairman, up to a point, I do think that the practical application of caretakers and things of this nature is far outweighed by the potential advantages in having something less than an institution here for the older people to live in, and also to avoid the impossible situation that you would be faced with if you did have a disaster that could make the accommodation uninhabitable.

Mr. Chairman: I have a motion before me. It has been moved by Councillor McKinnon, seconded by Councillor Dumas that the proposed new senior citizen's home be planned for the Whitehorse area.

MOTION  
CARRIED

MOTION CARRIED

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Mr. Chairman: The next sessional paper is Sessional Paper No. 73. It's in relation to the Federal-Territorial Financial Agreement. Are we clear on this paper?

Mr. McKinnon: Agreed.

Mr. Dumas: Clear on that paper.

Mr. Chairman: Next is Sessional Paper No. 74, Dormitory Accommodation. Councillor Livesey, I believe this Sessional Paper No. 74 is in answer to one of your questions.

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Mr. Livesey: Yes, Mr. Chairman, this is a problem for parents on the Alaska Highway, and also parents of children living in other areas throughout the Yukon Territory who find that after their children have grown to a certain age that they have two choices. They can either break up their family and send their children to Whitehorse or other places to attain high school education, or they can keep them home and deprive them of that education, and this is a very serious thing for the family living outside the perimeter of this municipality are concerned, and I know over the years the idea of being in practically all aspects of government that practically everything that should be done should be done here in Whitehorse - hospitalization, education, higher education, government, practically everything you can think of here in the hub of Whitehorse which is, in my view, more of a communication centre and a filter centre for the activities that go on throughout the Yukon rather than the place where the means of support may emanate from. There is one, of course, new difference now that we have the Imperial Mines operating just outside of the municipality of Whitehorse, but the problem does remain and I will note, Mr. Chairman, that quite some time ago we did have a grade nine operating in various schools throughout the Territory in isolated rural areas, and grade nine dwindled to grade eight, and in some instances I understand it dwindled to grade seven. Now, the less number of grades that we are able to teach in the rural areas, the higher number of children there are who will of necessity need to come to Whitehorse to take their higher education here. So, we have to look at this both ways. Are we going to teach a higher number of grades in the rural areas or are we going to teach those grades in Whitehorse, and if the decision is that those grades are going to be taught here, I would suggest, Mr. Chairman, that something will have to be done about accommodation for these children, and I don't think at the present moment that there is the type of accommodation we require, and I would like to ask the Commissioner at this time, Mr. Chairman, if it is the case that we have an unbalanced position in that respect.

Mr. Commissioner: Mr. Chairman, this was a subject of considerable debate and conclusion at the last session of Council, and the first question is that Council decided that they wished to see grades as high as was practical to be taught in all schools throughout the Territory. In other words, if it was possible at all to teach grades eight and nine when we're only now teaching up to grade seven, this was to be done, and in fact we have endeavoured to establish this wherever possible throughout the Territory, and we will continue on this policy until such time as Council decide to the contrary. Now, with regard to the residence situation here. We had plans brought forward to Council which showed a model Tahitian Village to be transported here to Whitehorse where we were going to have available the living accommodation for the boys and girls who had to come to Whitehorse for higher education, and Council in their wisdom, and with my personal concurrence I may say, decided that this was something just a little bit too rich for our blood because it was going to cost \$2,000 per pupil per year to maintain and operate these student dormitories. We were, temporarily we wrote off the capital aspect of the thing, and this was the cost that was arrived at, and at that time it was suggested by Council and the Administration have endeavoured to conduct themselves in this manner since then, that we would endeavour in the first instance to teach as high a grade as possible in the outlying schools and secondly, that if youngsters had to be taken away from their homes for higher education that we would endeavour to get them located in private homes in the closest community to where they were living. In other words, instead of

SESSIONAL shipping everybody down here to Whitehorse, we would endeavour to  
PAPER #74 get them located in the closest community that did have school facilities and the last resort was to bring them to Whitehorse where we would likewise endeavour to use those facilities that we presently have plus private homes to whatever extent that we could get them, and also the two hostels that were here, and until such times as this matter was further resolved by bringing forth to Council plans of a less elaborate nature for a dormitory system, this was the agreed upon course of action and I'm sure without even reference to the Votes and Proceedings that the two Councillors who are here now will agree with what I am telling you and this is the policy that was agreed upon when Council and, in fact, is the policy that has been given effect at the present time.

Mr. Dumas: Mr. Chairman, following up on what the Commissioner has said about locating them as close to home as possible, might we not think of having centres of education throughout the Territory, such as Dawson City which would accommodate Old Crow, Clinton Creek, Bear Creek and any other area that may spring up there, and try and establish these people in private homes in Dawson City. The same with Mayo could cover Elsa, Pelly Crossing, Stewart Crossing and Keno. Whitehorse could cover as far as Haines Junction, and possibly would have to take in Ross River at this point, and Watson Lake could cover Watson Lake and the surrounding area, and bring these students in. They would be a lot closer to their own homes and we could try and find private places for them to be established in. I think this would solve a good part of the problem. It would make it more convenient for them to visit their homes. They would be in a locale that they are familiar with. I think all around it would be a better deal.

Mr. Chamberlist: What would you do about Beaver Creek, Mr. Chairman?

Mr. Livesey: Well, Mr. Chairman, this is all very fine, but this is the problem we've got right now. You turn around and say we'll find private homes, but if the private homes aren't available, what do you do? This is the question and this is the question that is being raised by the parents in my area, and this is the question I'm raising right here. It's all very fine to just turn around and say well, sure we could find private homes, but a lot of people have tried to find private homes and can't find them. It's just one of those types of situations, and not only that but I think if we refer to another aspect of this education system, I think due to the fact that we follow the B.C. curriculum and when B.C. changes it's curriculum I think it's three industrial arts courses, how is it possible to teach these three industrial arts courses out in the rural areas. I don't see this for awhile, but I can see, certainly, some improvement if we can get something concrete on the ground, and we're going to do something about trying to follow the B.C. curriculum to that effect and at the same time go as far as we can in the rural areas, but that situation still remains, Mr. Chairman, I respectfully submit, when parents know that their children in local schools, like Klwane Lake School or Beaver Creek School or Carmacks School, have reached a certain point in their education and they're going to have to take high school education which does not exist in that area - my question is right now, what do we do with these children, and that's what I want to know, and this is why I come here to ask these questions.

Mr. Commissioner: Mr. Chairman, does the Councillor have a situation at the moment where someone is not attending school and who cannot find accommodation here in Whitehorse?

Mr. Livesey: Well, most of the enquiries, Mr. Chairman, that I have are from parents who know that within a certain period of time that their children are going to have to take high school education, and there are other incidents - I can't quote them all - where there are definite problems in this respect and I don't blame them for looking ahead. If they don't look ahead then trouble can certainly arise, and this, I think, has a double effect too, because a lot of these parents are working for the government. So, it's going to have a little bit of a backlash as well at the same time, and especially the Federal Government in various areas. Now, the parents, I think that you know, when they see that their children may have to go to another area, are going to make application to their department heads to be moved. All these removals cost money, as well, but I think the Government as well as private enterprise, private business and private people - we're all involved in this thing, and I think the sooner we come to some reasonable agreement on it, the better.

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PAPER #74

Mr. Chairman: Gentlemen, have you anything further on this paper?

Mr. Chamberlist: Clear.

Mr. Livesey: Clear.

Mr. Chairman: I would draw your attention to the time. We have two more sessional papers and Motion No. 94 yet in Committee. The next sessional paper is Sessional Paper No. 75, Dawson Bridge.

SESSIONAL  
PAPER #75

Mr. Shaw: It's extremely unacceptable in its reasoning. It's acceptable by virtue of the fact that that is the way the situation is. As you will note, the request was for them to carry out a pre-engineering survey, and the excuses that are used - I don't know - it was quite an art to be able to write a letter like this and say so much and mean so little. "The changing profile of the river crossing from year to year...", now I think, gentlemen, we all know that the foundation of a river doesn't move around from year to year. That's what we're trying to ascertain - where the foundation is. What kind of a foundation? What type of a bridge? You've got an area from here over to the Whitehorse Inn, that's about two blocks in which you have to determine where you're going to put that bridge, and here on account of things changing around, the river goes around and takes a northerly course. According to this if we let this go long enough the river will change, and we won't need a bridge. It'll go someplace else. No, it's just typical. It takes me back, Mr. Chairman, about eight years ago when I put in a motion in Council that the Forestry Department when they had spare time in the spring could plant a few trees on the side of the road so the travellers wouldn't be looking at all this burned area, and the answer came back that they couldn't do this because they had assessed it to so many hundred miles and it would cost four or five million dollars, and it just couldn't be done. This is the same sort of an answer.

Mrs. Gordon: I think the one thing that was overlooked and we didn't take into account at that time was the fact that Mother Nature has taken care of most of that blackened area.

Mr. Chamberlist: Mr. Chairman, I notice that in the report it says that the Minister is watching the progress of the Skyline with great interest. He has a very long view but very short sight.

Mr. Shaw: Mr. Chairman, I would submit with all due respect that if the Minister did go down there and sat there for two days on the riverbank and watched this performance, he would just throw up his hands and say "My God, I thought we had got away from the days of '98."



SESSIONAL Mr. Chairman: Are we clear on this paper?

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Mr. McKinnon: Mr. Chairman, I would say that the answer from the Minister appears to be lukewarm, which to less sophisticated politicians means no.

Mr. Chairman: The next paper is Sessional Paper No. 76, Nominal Fee for Campers

SESSIONAL Mr. Chamberlist: Mr. Chairman, as I would need to speak at length  
PAPER #76 on this matter, and as I have no intention of doing so because I don't think that anything can be gained by doing this now. I intend to leave this paper until I will bring it forward again in the next session in the spring.

Mr. Chairman: Well, gentlemen, the only matter remaining in Committee is Motion No. 56, which asks that Sessional Paper No. 94, first session 1967, be discussed in Committee of the Whole.

Mr. Chamberlist: Mr. Chairman, might I at this time suggest that as I will be requesting of Committee that Mr. Bob Choate attend as a witness that perhaps at this time Mr. Chairman may feel that if there are any other witnesses that might be required, now is the time to suggest to Mr. Clerk that he be in contact with them.

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

Mr. Shaw: Yes.

Mr. Taylor: I would suggest, Mr. Chairman, that this matter be determined following the lunch hour because I am opposed to the bringing of witnesses in to discuss this paper at this time, and I will give my reasons following the lunch hour.

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

Mr. Chamberlist: Mr. Chairman, I do not accept Councillor Taylor's suggestion that we do not call witnesses because he is opposed. I would prefer to have those I wish to call here in the Public Gallery and leave it to Committee to decide whether they may be called or not. I'd suggest we call it 12:00 o'clock at this time.

Mr. Taylor: Mr. Chairman, just before we call it 12:00 o'clock, I would suggest that if one was to pay a little attention to procedure I think first Committee must decide whether they wish to discuss the matter at all, and I think this first must be resolved before witnesses are called.

Mr. Chamberlist: I move we call it 12:00 o'clock for lunch,  
Mr. Chairman.

Mr. Livesey: Second that motion.

Mr. Chairman: Are we agreed?

All: Agreed.

Mr. Chairman: Committee is in recess until 2:00 o'clock.

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Thursday, 14th December, 1967.  
2:00 P.M.

Mr. Chairman: Gentlemen, I will now call this Committee to order. What is your pleasure at this time.

Mr. Taylor: Mr. Chairman, there was a motion in Council, raised by the Honourable Member from Whitehorse East who wished to discuss a Sessional Paper and possibly he could state his reasons why he wished to discuss this particular Sessional Paper from the last session.

Mr. Chamberlist: Thank you Mr. Chairman. I would ask members to refer to page 854 of the Votes and Proceedings when we were speaking on Sessional Paper No. 68. Mr. Taylor, that is Councillor Taylor said this: "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 is nothing to do with us. We are not a party to any part of the 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 and talk to the Minister of Northern Affairs." Now, Mr. Chairman, I have asked for Sessional Paper No. 94 of 1967 to be introduced in Committee for discussion because if we refer to Chapter 3 of that Sessional Paper, the latter half of Section 3, it reads as follows: "The Canadian Government will grant the land to the Yukon Territorial Government, who in turn will plan and sub-divide the town and install water, power, sewer and utilities." I would say, therefore, Mr. Chairman, that it is indeed something to do with us because this Sessional Paper, and it is signed by the Commissioner of the Yukon Territory, has suggested that this is what is intended that the Yukon Territorial Government will do. When we discussed Sessional Paper No. 68 and I brought to the attention of this Committee some correspondence from a firm who were prepared to bid competitively on the electricity and in fact had also suggested they were prepared to look after the sewer and water prospect in the Anvil townsite, I suggested then that if we believe in the right, if we believe, rather, that we should have the Federal government sit down and talk with us, that we should be prepared to have others sit down and talk with us too and I think a legitimate request has been made by the General Manager of Yukon Electrical Company Limited to be heard in this matter and I feel that no harm would be done to this Committee nor can any harm be done to the progress of the proposed Anvil townsite by hearing anything pertaining anything to it if in the long run it may save us considerable funds. I am never against hearing anybody speak on any matter which is of interest to the Territorial government and this is the reason why I have asked for this Sessional Paper to be brought into Committee for discussion. And this, Mr. Chairman, is what the Honourable Member from Watson Lake has asked for, an explanation as to why, Mr. Chairman, it should be brought into discussion.

SESSIONAL PAPER #68  
SESSIONAL PAPER #94

Mr. Taylor: Mr. Chairman, in reply to the Honourable Member, I would like to point out, as I have pointed out prior to this, that the matter being raised by the Honourable Member in relation to a Sessional Paper of the last Session; if he notes the first sub-clause of the paper dated the 19th of April of this year, he will note that this was the situation of Anvil as it is understood at the present time and that is, as it was understood on the 19th of April.

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PAPER #94

Mr. Taylor continues..  
Of course from what information we have been able to glean the situation has changed. Indeed the Federal Government have entered into an agreement with the Anvil corporation on some basis or another on a package deal. It is my information that Northern Canada Power Commission are providing the power from the Whitehorse Dam, constructing a power line to go to the townsite of Anvil, upon agreement between the Federal Government and the Anvil Mining Corporation and I would contend that we would be establishing a very bad precedent if we interfere in that agreement in view of the fact that we are, of course, not a party to it. In other words, the matter of provision of power would seem to have been resolved by Anvil and the Federal Government and N.C.P.C. However, if not, and someone else would wish to provide power to the Anvil Corporation, then it would seem to me that they would have to, logically, approach the Anvil Corporation with such a request. I cannot agree that the matter should be discussed in Committee as a Whole of Council because as I say we have nothing to do with this agreement. I think it would be a bad precedent. It would be like White Pass coming in here or Hougens Limited or anything because they wish to be a part of the contract. This is not our function, and these are my feelings. If indeed we did have a part of the agreement then I would say, in order that we hear, and in all fairness and I believe it is our intention to be abundantly fair in most deliberations we undertake, and if we have the General Manager of Canadian Utilities we must then have the General Manager of N.C.P.C., Mr. Humphries here and we should have the General Manager of the Anvil Mining Corporation here, in all fairness. And I would ask that you give this matter consideration and these are my thoughts on the matter and I think that we should not concern ourselves in this affair. If the Yukon Electrical Company or Canadian Utilities wish to make any negotiations in respect of the power development at Anvil they should approach Anvil and the Federal Government and decide it that way. This is not the place for it.

Mr. Chairman: Just one moment, gentlemen, I took this over second-hand; is there any motion to this effect yet. We have differences of opinion but is there a motion of any sort before the Chair?

Mr. Taylor: No, there was a motion in Council referring the matter of the Sessional Paper, of this Sessional Paper for discussion.

Mr. Chairman: For discussion, I see. Thank you, I just wanted to catch up on this. Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, I find it difficult to understand why the Honourable Member from Watson Lake would suggest that we have no part in any agreement with the Anvil Mining Corporation and that therefore we have no interest in what takes place in any matter relative to the Anvil Mining Corporation Project. It would seem to me that the principle of promoting new endeavours in this Territory is to also recognize the progress that is made through the encouragement of population; through the encouragement of houses, through the encouragement of

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Mr. Chamberlist continues.  
townsites to be constructed in the area, and it is when townsites, villages, cities, come into being in the Yukon Territory it comes within the scope of this Council to make legislation for the proper government of those townsites, villages or municipalities. Mr. Chairman, I would refer you to the opening address of the Commissioner, Sessional Paper No. 2, in which he did state that a formal agreement had been entered into between the Anvil Mining Corporation and the Federal Government but this agreement dealt with the specifically the development of the area; that is the mining area and also, it also said, and I quote in part "electric power for the mine and the townsite will be supplied by the Northern Canada Power Commission generating Commission at Whitehorse which are to be expanded for this purpose." But however, if you will recall, we were asked that a separate sum of money be voted upon to allow the Territorial government to enter into a separate agreement with the Anvil Corporation. And in the bottom paragraph of the first page of Sessional Paper No. 2, which was the Commissioner's opening address, he said "over the past few months discussions have been carried out between the Territorial Government and the Anvil Mining Corporation concerning the development of the townsite and I submit that if the Territorial Government is concerned with the Anvil Townsite, so should we be. It is suggested, and it has been suggested, that we are part of a team; of course which I raise objections to because we are separate but together when the Territorial Government is referred to. And as the legislative arm of the Territorial Government, I think we have the right to enter into any discussion relative to the proper handling and management of any new accommodation facilities such as a townsite. Mr. Commissioner went on to say that as soon as an understanding has been reached with the Company, the details will be submitted to the Council for appropriate enabling legislation. From that remark along it is obvious that the recognition that the Council has, that the Commissioner has of the Council being required to legislate in regards to the townsite, I submit gives us the authority to enquire into any and all aspects of the townsite construction. We are going to be called upon to discuss and I will point this particular item out; it is on page three. It is one of the items Mr. Commissioner refers to; "discussions are presently under way between the Territorial Government and the Company concerning the town's educational requirements. How, in view, in the face of these quotations I have given from Mr. Commissioner's opening address can the Honourable Member from Watson Lake say that it is no concern of ours is hard to imagine and how to understand. I think in the unprecedented progress and expansion that is going to take place in the Anvil Mining Area we have a responsibility to make sure that every facet of expenditure and I bring back a remark made earlier by Mr. Commissioner on another matter, that he be, when he said that it is not always the immediate capital cost that matters but the cost of maintenance and service of a plant that is important. In view of that remark we have a responsibility to listen to all people who can come up with propositions that can save a huge amount of money for us. Nobody in this Chamber will deny that I have been and can be the greatest enemy that the Yukon Electrical

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PAPER #94

Mr. Chamberlist continues

Company Limited can have if they do anything that I think in my opinion is contrary to the good of the people of this Territory, but I am also of the opinion that they have the right to competitively bid in any way that their company can where they are involved in the distribution of power. I say Mr. Chairman that this Committee should not refuse the decency to listen and to hear because we cannot expect others to do what we are not prepared to do ourselves. And therefore at this time, Mr. Chairman, I would move that the General Manager be asked to attend this Committee to hear any comments he would like to make on the proposed Anvil townsite.

Mr. Dumas: Mr. Chairman, because I would be very interested to hear the comments and proposals, I will second the Motion.

Mr. Taylor: Mr. Chairman, speaking to the Motion; I do not believe that it would be fair to invite a member from the Yukon Electrical Canadian Utilities to this table unless this Council, who the Honourable Member from Whitehorse East, is willing to invite also at the same time the equivalent from Northern Canada Power Commission and from Anvil Mining Corporation. Indeed I am the member who represents that area and indeed I know to some extent that the Anvil Mining people would be very much concerned about any such goings on here in the Council. As a matter of fact I have indeed been in touch with the Company and they are concerned that some decision would be made here because this body has no right to any part of this agreement. The encouragements of townsite population and industry are coming. This is done between Anvil and the Federal Government. The matter of power in the townsite has been resolved and if a party feels aggrieved for not being considered he has two options. In this case it is Yukon Electric. They have the option of going and making their grievance known to the Federal Government or they have the option of making their grievance known to Anvil; more particularly Anvil because they are the people who are going to have to pay the bill; that is number one. Number two; if they still feel aggrieved then the courts of Canada are set up for that purpose of deciding the issue; not in this Council Chamber. And I submit, Mr. Chairman, that this would be a very, very bad thing to do to permit this at this time.

Mr. Dumas: Mr. Chairman, the Honourable Member from Watson Lake has repeated again that this has nothing to do with this Council. He has been fighting for seven years for some degree of responsibility so that this Council can influence what goes on in its own Territory. I say that we do have something to do with it. It concerns all of the Yukon and all of the people of the Yukon. Because a unilateral agreement has been entered into by the Federal Government; something that you have been opposed to all these years, without consultation with the Territory, doesn't mean that at this time we should sit, stand aside and just let them charge ahead. I think that there may have been an injustice committed here where a Federal contract was let in our Territory without bids being called and it seems that ..monies could have been saved had bids been called on it.

Mr. Dumas continues..

And I think that it is of interest to this Council and all we are asking for today is that Mr. Choat be heard, no decisions will be arrived at, I assure you.

Mr. Taylor: Well, Mr. Chairman, I might say that there is nothing to indicate at this time that this is a public town. At this point and time it is a company town and nothing more. It is a private company town. Until such time as an agreement is entered into between the Territorial and the Federal governments in respect of asking us to take it over. You have before you Bills No. 12 and 13 which have been withdrawn at the request of the Administration, because they are not prepared to enter into an agreement at this particular point and time. Maybe by spring they may. I submit that this is a matter to be resolved between the Company and it is a private company town. They are the people who are going to have to buy the power and this is between them and the Federal government and we have no right to interfere and if we do involve a witness then out of fairness we must, in order to get the straight goods we must have the General Manager of the Anvil Mining Corporation, Mr. Thermond and the General Manager of the Northern Canada Power Commission, Mr. Humphries, or else we should not go into this thing at all. We shouldn't be in it in the first place.

Mr. Chairman: Mr. Dumas.

Mr. Dumas: Mr. Chairman, just one further comment. This company town which is supposedly owned by a company; its property and land within the boundaries of the Yukon Territory so it is our land to begin with; it is our minerals that are being taken out of the ground. It is power from our resources that are going to be used to develop this townsite and this whole project and they are our roads, they are the Territory's and the peoples' of the Territory; we are directly involved.

Mr. Chamberlist: And, Mr. Chairman, it is going to be our money that is going to pay the educational costs and it is going to be our money that is going to supply health services and it is going to be our money that is going to do a lot more other services and Mr. Chairman, we are not going to make any decision but I want all of us to show that we can be courteous and I would say that the Honourable Member from Watson Lake knows full well that Mr. Humphries is in Ottawa, that Mr. Thermond is not here; that Mr. Choate is here; that all we want to hear is what is being said. It is a matter of courtesy and I think we must extend that courtesy and I think that any objections to extending courtesy can do nothing but bring down disrepute on the people in this House as elected representatives, and there should be no other argument about it.

Mr. Taylor: Well, Mr. Chairman, if the Member speaks of courtesy then he would give the courtesy to the parties involved to be present for such discussion; and that is a matter of courtesy that he speaks of. That's it!

Mr. Chamberlist: I will, Mr. Chairman, give them the courtesy if they wish to appear at any time they may appear; and at the same time I will not make a decision with them either. All I want to do is sit down and listen, that is all and this is something that we have asked of others and we must give ourselves.

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Mr. Chairman: Are you ready for the question. I will read the Motion; it is somewhat rambling so I hope the mover and the seconder will instruct me if this is incorrect as to purpose: Moved by Mr. Chamberlist and seconded by Mr. Dumas that this Committee invite Mr. R. Choate to appear as a witness in relation to power and sewer requirements for the townsite of Anvil. Are you ready for the question. Are you agreed with the Motion? Hold up those hands that are agreed, would you please? (All hands held up with the exception of Councillor Taylor's).  
The Motion is carried.

MOTION  
CARRIED

MOTION CARRIED

Is Mr. Choate here? If you would care to join us Mr. Choate. Good afternoon, sir. Please be seated.

Mr. Choate: I have here a number of proposals outlining the rates we would be prepared to offer.

Mr. Chamberlist: Mr. Chairman, I will address a question to Mr. Choate and hope he will be allowed to go on in his own way. Mr. Choate, would you present to the Committee of the Whole of this Council the propositions that you have for the townsite, the proposed townsite in the Anvil Mining Area.

Mr. Choate: Thank you. We are prepared to provide power at Anvil townsite starting when construction power is required through until the town becomes a reality, provide diesel power until power is available from the Whitehorse Anvil transmission line; continue to provide sufficient stand-by diesel so the town can still carry on normally in the event of a transmission line failure; we are prepared to quote the rates up until the point that hydro power is available; we would not be able to quote the reduction that would be possible because of availability of hydro power because we haven't negotiated a contract with the Northern Canada Power Commission on that matter. And we would also be prepared to operate the water and sewer system to the account of the Territorial Government, using the same personnel there who would operate the electrical distribution system. We feel there are several advantages in Yukon Electrical being allowed to do this work. We have the engineering, construction and technical people available in the Yukon now. We can move very quickly on any requirement for power in the area. We are already supplying the townsite of Ross River; we have increased the capacity there to somewhere over 360 Kilowatts of generating capacity and we feel on this basis that we can give better service and that the ultimate decision should be based on who can provide the better rates to the customer. This is the only thing we ask - is the right to be able to submit a rate and have the ultimate cost to the consumer the deciding factor.

Mr. Taylor: Might I ask a question of Mr. Choate? Has the Company approached the Anvil Mining Corporation or the Federal Government in this regard, and if so what was the result?

Mr. Choate: We have approached all three, entities, Anvil Mining Corporation, N.C.P.C., and the Federal Government; I just received a letter from the Commissioner this morning on our approach to the Federal Government. We have approached the Anvil Corporation and they were rather non-

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Mr. Choate continues. SESSIONAL  
committal and we made an approach to Northern Canada Power PAPER #94  
Commission and of course they said they would do it.

Mr. Taylor: Well, Mr. Chairman, well it brings it back  
to the point if Anvil Mining Corporation have not yet  
replied to this request, why do we discuss it here?

Mr. Chamberlist: Mr. Chairman, I am not discussing the  
Honourable Member from Watson Lake is doing the discussing.  
I just said I want to hear what Mr. Choate had to say about  
it and whether Mr. Choate will give the proposed rates that  
will be made available as well.

Mr. Choate: The rates we propose are identical to the  
existing Watson Lake rates right now which we presented the  
other day. I have written out here - would you like them  
read.

Mr. Chairman: Read them please.

Mr. Choate: The residential rates - the first 40 KWH at  
8¢, the next 160 KWH at 6¢, the next 400 KWH at 4¢ and the  
excess at 3.5¢. On the general service or commercial  
there is a two part billing, a demand charge and an energy  
charge. The demand charge, the first KW \$1.50, additional  
KW 50¢; the Energy Charge, the First 50 KWH per KW of demand  
at 12¢, the next 200 KWH at 10¢ and the excess of 5¢ in  
both cases there would be a \$2.50 per monthly minimum charge.  
The street lighting rate would be identical to the Watson  
Lake-Whitehorse street lighting; 7,000 lumen mercury vapour  
is \$3.75 a month, 11,000 lumen mercury vapour \$5.50 a month,  
and 20,000 lumen mercury vapours \$7.00 a month. We  
estimate that something in the order of \$1,000.00 a year  
would accrue to the Territorial government in taxes  
initially and this would probably increase to \$2,000.00  
a year when the town reached a population of 3,600 people.

Mr. Chairman: Mr. Dumas.

Mr. Dumas: Could Mr. Choate, Mr. Chairman, or anybody else  
tell me how this compares with N.C.P.C. or have N.C.P.C.  
set out a rate scale?

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: My understanding is that they have not  
set out a rate scale unless Mr. Choate has any information  
on that.

Mr. Choate: No, the only thing I can tell you is that - if  
I may be permitted to draw a comparison - in Dawson City we  
made a proposal at a set of rates that are considerably  
below what Dawson City is now paying, approximately, I would  
say a good 30% lower than the rates that they are now enjoy-  
ing. And the Dawson City rates, as Mr. Shaw will agree, were  
not set until a considerable period of time after initial  
construction began.

Mr. Chamberlist: Are they enjoying these rates, did you say?

Mr. Chairman: Mr. Taylor.



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Mr. Taylor: Mr. Chairman, I note the comparison in relation to these rates. I have a letter forwarded to me, copy to all members, pointing out residential and commercial rates in communities of Dawson and Watson Lake - enclosed were the residential rates but naturally not the commercial rates and it is the commercial rates that cause the problem in many communities. But I noted that Dawson City averages 12.5¢ under N.C.P.C.s proposal - they have just set up this deal. I don't know at what cost but roughly figuring; I got one estimate on it at \$250,000.00 for a generating equipment, not including pole lines. Now I went back to find out how Watson Lake started and I find that we average 10.3¢ with a \$2.50 minimum whereas it is only a \$2.00 minimum at Dawson. And this was operated, I believe, by four Buda light plants at a cost of \$1.00 purchase; so there was \$1.00 investment, starting at 10.3 and in Dawson there is a 250,000 and generating equipment at 2.5, or 12.5. What I would like to ask Mr. Choate at this time is: if the Northern Canada Power Commission can produce power at the Whitehorse Dam and sell it at 1.25¢ to Yukon Electric for distribution throughout the city and indeed obviously New Imperial is on this hook-up too; but if they can produce it at that and transmit it to Anvil and are not permitted to make a profit and eventually write off their pole line and their investment in the community and produce power at that rate. I am wondering if Mr. Choate could tell me how private enterprise, or Yukon Electrical, with a profit motive, without making any money, provide power cheaper.

Mr. Choate: The reason is that we are able to do the same thing with a considerably smaller capital investment. A perfect example is Watson Lake and Dawson City. We have something in the order of \$100,000.00 invested in power plant equipment and they have twice that much because of the type of installation they put in. And we can also perform the work on a cheaper price. We are not committed to the stringent rules that are placed on the expenditure that are placed on public funds.

Mr. Taylor: Mr. Chairman; I would ask another question of Mr. Choate at this time. Is Mr. Choate aware of the fact that power to Anvil Mining Corporation in the future could very conceivably come from Granite Canyon, a government N.C.P.C. hydro development at that point and then utilizing the line they are building from Whitehorse to Anvil as a return line to feed a grid back to Whitehorse to provide the surplus power to meet the demand of Whitehorse and in view of this, if N.C.P.C. built a line would they not then be charging the N.C.P.C. to use that line to delivery power back to Whitehorse; if this be the case?

Mr. Choate: I am aware of the fact that there are other sites in the Yukon which are under active consideration but after that I'm afraid you lost me in your question.

Mr. Taylor: Well, my other question was: would then, provided that Anvil did agree to buy power from private enterprise group such as Yukon Electric, would not Yukon

Mr. Taylor continues..

Electric be here to get a big area of franchise to secure their position in that area.

Mr. Choate: We are not purporting to make an offer to Anvil. This is cut and dried. The Anvil project mine is to be supplied by the Northern Canada Power Commission; this is in the agreement between the Federal Government and Anvil, but the townsite, it is my understanding this is an open town and the matter of utilities there should be up to the Territorial Government since in other areas from Old Crow to Watson Lake a number of points, as you will remember, have franchises between the Commissioner in Council and the Yukon Electrical Company Limited. Now on this basis we feel we should make a submission to you and you should ask for a comparable submission from the Northern Canada Power Commission; the submission which will give the lowest cost to the consumer is the one that should be adopted.

Mr. Taylor: Well Mr. Chairman, this puts a different light on things in a way. If this is firmed up then, if we are not talking about providing Anvil; we are talking about providing a townsite which is coming in the future, which I understand will be a municipality; if it is a public townsite. If it is a company townsite it is all Anvil and that matter seems to be agreed. But if they do have a public and open town and this has not yet been determined finally, then it would seem to me that the municipality of that community would be the one who would make such a decision, and not this Council.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, I'm very pleased that my friend, the Honourable Member from Watson Lake, has seen the light because I was trying to get over to him that the Anvil Mining program and the townsite were two separate identities and when the Honourable Member from Watson Lake suggested that it is up to the municipality to make a deal it seemed to me somewhat ludicrous because how does a municipality give birth - where - who applies for power there. Do the people use candles until there are sufficient people there to come forward and propose that they become a municipality and then ask for the power or do we provide the facilities for a townsite first; and this, Mr. Chairman, is why I asked that Mr. Choate be here so that his proposition, that he be at least given the opportunity to bid, is heard. And this is my only concern. If the Northern Canada Power Commission can supply to the proposed Anvil townsite, to the Territorial Government that is, that their proposition for the supply of electricity and any other ancillary arrangements for the utilities for the Anvil townsite in a proposition better both from a point of service and from a point of cash value than can be supplied by its competitive distributive company in the Yukon Territory; that is the Yukon Electrical Company Limited, I will support Northern Canada Power Commission getting that bid. And if it is the other way around I will support the private company getting the bid. It is a matter

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Mr. Chamberlist continues.. of dollars and cents and service. But the right to bid is something that this Council should maintain as one of the conditions. It is something that we all know needs to be properly taken care of - a proper contractual relationship that the low bid where equal in the needs that are required be the main point of acceptance in a contract. Now, as I said, there is no decision, Mr. Chairman, that this Committee can make on it but be in agreement that we support at least the right of competitive bid for the power distribution, power supply in utility management in the proposed Anvil townsite. This is what I would feel we must consider.

Mr. Taylor: Mr. Chairman, I would like to say, in answer to the Honourable Member's question as to who starts this thing off. I think if he goes out to Anvil he will see that the Anvil Mining Corporation are providing their own power at the present time and will provide their own power to the new townsite until it gets going; be that power from N.C.P.C. or be it generated by themselves. Certainly when N.C.P.C. complete their line to the .... this power will be available; or to the mine site, mill site, this power will be available to the community. Now, up to that point and time it is still a company town and we still have to deal with Anvil and we have no part or parcel of this thing at all. If on the other hand at the Spring Session, or some other time an agreement is entered into whereby this becomes an open town, and this has not been decided yet and indeed the town will still be controlled by the Company; and if it is built along the lines of Pine Point; so consequently power will be provided by N.C.P.C. up to that point and I think at that point if Yukon Electrical wish to come along and say, fine, this is a Territorial sub-division. We would like to make application for a franchise in the area. Then the matter would be reviewed at that time. But I cannot see dealing with it now because this is private, corporate property and Mr. Choate has outlined that he has made recommendations to Anvil Mining Corporation and he has not yet received a reply; I think until he does receive that reply both he and we should drop this matter.

Mr. McKinnon: Mr. Chairman, I would like to ask Mr. Choate whether or not Yukon Electrical Company was asked for a bid, or indeed placed a bid on supplying power to the Anvil minesite property.

Mr. Choate: The original conception of the Anvil mine - we approached the R.N. Parsons Company because they were engaged as consultants for Anvil and at that time they were looking into - looking at two proposals; one was a sixty megawatt load at Anvil and the other was a 25 megawatt load. We looked into the possibilities of developing a thermal station at Carmacks and they appeared to be quite feasible and we presented a proposal to Parsons on that basis and they subsequently advised us that their clients, Anvil Mining Company were negotiating with the Northern Canada Power Commission and it appeared that there would be no further purpose in us pursuing the matter. We never did submit a proposal on the basis of the power requirements as they now stand; that is the 9.3 megawatts that Anvil are going to contract to purchase from Northern Canada Power Commission.

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Mr. Chairman: Mr. Dumas.

Mr. Dumas: Mr. Chairman, I think I have to agree with the Honourable Member from Watson Lake to a certain degree. If and when the townsite becomes an open town it then comes under the jurisdiction of the Territorial Government at least until it becomes a municipality and at that time I think the matter should be reviewed.

Mr. Chairman: Have you any further questions of Mr. Choate?

Mr. Chamberlist: In closing off this, I would like to thank the Members of Committee for allowing Mr. Choate to express the views of his company and as far as I am concerned I'm satisfied that this Committee has given him the right to express his views. This was all that I was asking for.

Mr. Chairman: Thank you very much, Mr. Choate, for your information.

Mr. Choate: Thank you.

Mr. Chairman: Gentlemen, what is your pleasure at this time. Oh, I'll turn the Chair over to the Honourable Member from Watson Lake.

Mr. Taylor: Thank you Councillor Shaw.

Mr. Chairman: Gentlemen, it appears that we are now up-to-date. We have caught up on everything we have in Committee in the form of Memos, Bills and Sessional Papers. I did note in Council this morning there is one Bill introduced but this has not yet been given first or second reading and so when next we sit in Committee this will be topic of discussion, unless there is something else. So, I would entertain a motion that Mr. Speaker do now resume the Chair.

Mr. Chamberlist: Mr. Chairman, at this time I move that Mr. Speaker do now resume the Chair.

Mrs. Gordon: I second that motion.

Mr. Chairman: It has been moved by Councillor Chamberlist and seconded by Councillor Gordon that Mr. Speaker do resume the Chair. Are you prepared for the question. Are you agreed. Any contrary? Motion carried.

MOTION CARRIED

MOTION  
CARRIED

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

Mr. Taylor: Mr. Speaker, Committee convened at 10:30 A.M. to discuss Bills, Sessional Papers, Motions and Memos. It was moved by Councillor McKinnon and seconded by Councillor Dumas that Bill No. 11 be reported out of Committee, without amendment and this Motion carried. It was moved by Councillor McKinnon and seconded by Councillor Dumas that the proposed new senior citizens home be planned for the Whitehorse area. This motion carried. Upon motion committee recessed at 12 noon and reconvened at 2:00 P.M. It was moved by Councillor Chamberlist, seconded

CHAIRMAN  
OF  
COMMITTEES

Mr. Taylor continues..  
by Councillor Dumas that this Committee invite Mr. R. Choate to appear as a witness in relation to power, water and sewer services to the townsite of Anvil and this motion carried. And it was moved by Councillor Chamberlist, seconded by Councillor Gordon that Mr. Speaker do now resume the Chair. This motion carried.

Mr. Speaker: You have heard the report of the Chairman of Committees. Are we agreed? May I have further indications of your pleasure, gentlemen.

Mr. Taylor: :Mr. Speaker, in relation to the agenda, we have concluded all the work before us in Committee at this time and I believe there is one Bill still in Council for processing but this would take the unanimous consent to deal with it this afternoon; or else we would have to wait until tomorrow morning to give it first and second reading.

Mr. Shaw: Mr. Chairman, I would move that we revert to Orders of the Day.

Mr. Speaker: Motion to revert to Orders of the Day would require unanimous consent.

Mr. Taylor: I would second the Motion.

Mr. Speaker: It appears, gentlemen, we have one contrary before we even move the motion.

Mr. Dumas: Mr. Speaker, with all due respect I would like to have it recorded.

Mr. Chamberlist: Mr. Speaker, the look of amazement on the look of the Honourable Members face was such that I would like to have had my polaroid with me.

Mr. Speaker: Order.

Mr. Shaw: Mr. Speaker, talking on the Motion, if I may?

Mr. Speaker: Proceed.

Mr. Shaw: The Council is endeavouring to expedite the closing of this Council and we have pretty well finished most of the business on hand but we do have a Bill and it is a non-controversial type of Bill, No. 23 which we wish to process. I would ask Mr. Speaker, if the Honourable Member from Whitehorse East -said he would give as much consideration to the wishes of other members of Council as he was given himself just a few moments ago, just a few minutes ago. It is quite obvious that if this is not agreed to unanimously then of course that means that it will not stop the passage of the Bill or the discussion of the Bill I should say perhaps. It will not stop the discussion because it will be done tomorrow and in the normal routine. I would feel that- I would ask the Honourable Member to consider the facts that there are members in this Council who are extremely desirous of going home. It is getting very close to Christmas - that they are prepared to stay here as long as the business of the people of the Territory requires. However, this is not some-

BILL #23

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Mr. Shaw continues...  
thing that is necessary to hold up except perhaps as a flanking movement which would only be effective for today and I would, with all due respect, ask the Member if he will consider this fact and agree to discussions on it although he may disagree with the content which is perfectly his right, but it will mean all the difference between a Member being able to get home tomorrow or having to wait another day due to this and I would, with all respect Mr. Speaker, ask the Honourable Member if he would consider this.

Mr. Chamberlist: Mr. Speaker, the words of the Honourable Member from Dawson touch me deeply, keenly-in fact I feel that I have now been pointed out as the bull of the pampas. I am objecting to processing this because I feel it is not in the interests of the people of the Yukon Territory to process this Bill. I will have no objection whatever if once the new City Council is elected and makes a request for this type of amendment to be made I will automatically support it but I feel that because the circumstances under which this Bill has been made and the request that it was made, not by the City of Whitehorse but by the City Manager who was responsible for the installation of these parking meters, this is my objection, Mr. Speaker. I therefore...

Mr. Taylor: Point of order. I am wondering, in view of the fact that this Bill hasn't been read, I wonder if all Members may have an opportunity to read this Bill so they will know its contents. The Member is speaking of something which does not exist. Apparently the Bill was introduced this morning but has not yet been read so....

Mr. Speaker: That is correct.

Mr. Shaw: Mr. Speaker, did I discuss the Bill?

Mr. Speaker: I don't think that is the question. Gentlemen, I believe that this question should be decided without debate.

Mr. Dumas: Mr. Speaker, if I may be allowed - all we are talking about here is a difference of two hours and the difference of these people going home a day early. The Bill itself will be discussed as usual, after second reading. It is a matter of timing.

Mr. Chamberlist: Well, Mr. Speaker, you have ruled that we cannot debate so I cannot argue against the Member unless you allow me to.

Mr. Speaker: No, gentlemen this question I am sure should be decided without debate and should be in the affirmative and unanimous, if this is your desire. One member has definitely shown that he is opposed.

Mr. Shaw: Question on the Motion.

Mr. McKinnon: Mr. Speaker, I would just like to say that I did not look amazed because I have ceased to become I have ceased to become amazed at what the Honourable Member from Whitehorse East ....

Mr. Speaker: Order.

Mr. Speaker: Gentlemen, are you ready for the question on the Motion. Are we agreed. The Motion is defeated.

MOTION  
DEFEATED

MOTION DEFEATED

May I have your further pleasure.

Mr. Chamberlist: Mr. Speaker, might I suggest that we set a time tomorrow morning for prorogation of Council?

Mr. Speaker: For the Honourable Member's information I don't believe that that is within the power of our prerogative.

Mr. Shaw: Mr. Speaker, could we call a recess at this time.

Mr. Speaker: Is the House agreed to a recess at this time?

All: Agreed.

Mr. Speaker: The House now stands in recess until further orders.

#A

Thursday, December 14, 1967.  
3:00 o'clock p.m.

Mr. Speaker: I will now call Council to order. May I have your further pleasure?

Mr. Dumas: I move that we call it five o'clock, Mr. Speaker.

Mrs. Gordon: I second that motion.

Mr. Speaker: Moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Mayo, that we call it five o'clock. Is the House prepared for the question? Are we agreed? I will declare the motion carried.

MOTION CARRIED

MOTION  
CARRIED

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



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Friday, December 15, 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 and tabling this morning Sessional Paper No. 77 re the Erection of a Cairn at Pelly Crossing (Centennial Project); Sessional Paper No. 78 re Question No. 27, Collective Bargaining; Sessional Paper No. 79 re Question No. 28, Public Service Ordinance, Collective Bargaining; Sessional Paper No. 80 re Question No. 26, Liquor Tax; Sessional Paper No. 81 re Airport Old Crow; and Sessional Paper No. 82, Spring Session in 1968. Are there any Reports? Introduction of Bills. Notices of Motion or Resolution.	SESSIONAL PAPERS #77 #78 #79 #80 #81 #82
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Mr. Shaw: Mr. Speaker, I would move Notice of Motion in relation to discussing Sessional Paper No. 82 in Committee of the Whole.	NOTICE OF MOTION #59
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Mr. Speaker: Are there any further Notices of Motion or Resolution? If not, may we proceed to Orders of the Day. Notice of Motion for the Production of Papers. I will ask Mr. Clerk to inquire if Mr. Commissioner is available for the question period. I will call a five minute recess.

RECESS. Commissioner Smith enters the Council Chambers.

Mr. Speaker: I will now call Council to order. We are on the question period and Mr. Commissioner is with us. Please proceed.

Mr. Taylor: Mr. Speaker, I have one question I would like to direct to Mr. Commissioner this morning and it has relation to the Fisheries Agreement. I wonder if as yet Mr. Commissioner has received a copy of the draft agreement on Fisheries.	QUESTION RE FISHERIES DRAFT AGREEMENT
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Mr. Commissioner: No, Mr. Speaker. My information on this up until now is what the Councillor intimated to the House here two or three days ago and I have not received anything up until now.

Mr. Speaker: Are there any further questions? Are there any further questions at this time, gentlemen? May we now pass to Public Bills and Orders and I await your directions.

Moved by Councillor Shaw, seconded by Councillor Taylor, that Bill No. 23, An Ordinance to Amend the Motor Vehicles Ordinance, be given First Reading at this time.	FIRST READING BILL #23 MOTION CARRIED
MOTION CARRIED	

Councillor Chamberlist voted contrary.

Moved by Councillor Shaw, seconded by Councillor Taylor, that Bill No. 23, An Ordinance to Amend the Motor Vehicles Ordinance, be given Second Reading at this time.	SECOND READING BILL #23
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SECOND  
READING  
BILL #23

Mr. Chamberlist: Mr. Speaker, I have the right to speak at this time - before the Second Reading is considered. Mr. Speaker, I speak in opposition of this Bill because it is my opinion it is not the wishes of those people in my constituency to have parking meters in its area. It has been said that it is a matter for the municipality to decide as to whether parking meters shall go or shall not go into the area but it is by overwhelming majority that parking meters are not required. I have already gone to some length to explain why....you will forgive me, Mr. Speaker, if I speak slowly because I understand that I have only about forty minutes on which to speak on this matter...

Mr. McKinnon: Thirty.

Mr. Speaker: Order. Order.

Mr. Chamberlist: The parking meters that have been installed were installed improperly by the present City Council. Until such time as the newly elected City Council have intimated that they are interested in continuing with the parking meters, then I must continue to oppose it. I would also, Mr. Speaker, point out that this method of amending the Motor Vehicles Ordinance was not the request that was made in any event by the memoranda that was forwarded to this Council by the City Council. An amendment was asked to amend the zoning area section of the Municipal Ordinance, that being section 87. Although the Municipal Ordinance requests, in fact instructs, that subject to the Motor Vehicles Ordinance, etc., no Regulations can be made with reference to parking. I find myself in the position that I must either support an amendment to the Motor Vehicles Ordinance and if I don't support it, I may be extending the life of this Council Session, however, I find that it is necessary so to do because of the principle involved that an elected Member of this Council must support the majority of its constituents. Time goes very slowly for me this morning, Mr. Speaker, however I must continue to talk and with reference to this matter, I would like to read from the Yukon Act and I will go.....

Mr. Speaker: Order. Order.

Mr. Legal Adviser enters the Council Chambers.

Mr. Chamberlist: I must point out that the Yukon Act continues to provide certain ways and means of where it has the right to continue to pass down to the Territorial Council what can be done and what cannot be done. However, I now have a doubt as to whether the Territorial Council has the powers to delegate its or any authority to municipalities for the simple reason that isn't too clear. There are many sections of the Yukon Act which we in Council here cannot really have any active participation in and as you know, and it has been said right back from the time of Oliver Cromwell, where the manner of Government can be taken out of the hands of one and into the hands of many and so passed on and on and on but we must also realize that we must continue to examine any piece of proposed legislation that is brought before us so that the need to do what is right for those people that we represent is followed. I have four volumes here on which I find it necessary for me to speak on because of the constitutional words that are stated so clearly and specifically within them. I find that the need of being able to speak

Mr. Chamberlist continues:

on these matters, and especially at this time of the year when everybody should be in recognition of the work that this Council does, think in terms of the constitutional rights that our people must bring forward from time to time. This amendment to this Motor Vehicles Ordinance, I find is a little bit mixed up in any case. I notice there are two or three commas that have been left out and so alter the meaning and understanding of....

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READING  
BILL #23

Mr. Speaker: Order. Would the Member come to order.

Mr. Chamberlist: Yes.

Mr. Speaker: The Member is not allowed to discuss any clauses of the Bill during the debate....must be nothing else but on the principle.

Mr. Chamberlist: Thank you, Mr. Speaker, with respect, am I allowed my thirty minutes from now on in or must I allow myself from the first time? I wonder if you could direct me.

Mr. Speaker: The position of the Speaker, Mr. Chamberlist, is only to decide questions as they arise.

Mr. Chamberlist: Thank you very much, Mr. Speaker. To continue, the principle of the Bill is that it is not in the interest of the people that this Bill be passed or even given its second reading. It is fairly obvious and I would like to read some words that were spoken by the President...former Governor of the State of Alaska...when sitting as President in a Council when he said, "that in the opinion of the Chair the interpretations of a particular piece of legislation must always be considered first and foremost". Now, this is quite a principle because we have to consider that the words that are stated in any type of form...we must recognize are not necessarily for the good of the people. Now the principle is whether this Ordinance is indeed for the good of the people. I cannot see how it can be for the good of the people for the simple reason there is nothing clarified that makes it for the good of the people. Mr. Speaker, parking meters which apparently, based on the principle that they are for the benefit of the people, seems to be wrong. I don't think that we are ready for a slot machine type of operation. There is no reason why we should turn Whitehorse yet into a Las Vegas, a gambling area where slot machines are legal, because we would be conflicting with the Canadian Criminal Code. The principle obviously is there...that we should not even consider legislation that might even in the slightest way conflict with the Canadian Criminal Code. Another point that seems to be quite important is that there is indeed the time factor involved in the point of time between one can park and one puts his money in the slot. There are some people who find that these machines that are in front of them...it would appear to people that they are a parking meter but there is nothing on the meter itself that says that it is there for parking purposes. People may then well be mixed up. Therefore, it must be understood that the parking meter itself, supposedly there for a purpose of creating a corrective attitude towards parking habits, but the principle is and I am sure...then we must ask again whether the streets of the City of Whitehorse belong to the City. If we go further back, we will find that the streets still belong to the Territory and the Federal Government. There has been no transfer of the streets

SECOND  
READING  
BILL #23

Mr. Chamberlist continues:  
to the City and I would think that it would be contrary to the individual's rights to be forced by surreptitious laws to pay money on a matter where the municipality would not have the right to ask that money be paid. There does not seem to be any way in which we could suggest that the establishing and controlling of parking and a Bill for that purpose can gain anything but a lot of dissatisfaction from the people in my constituency and because of this, it is fairly obvious that one cannot support even the principle that is attempted to be shown here. It is like putting....even suggesting that parking meters are a necessity to people's individual lives. It's like suggesting that there is a necessity for people to wear parkas and snowshoes in August because it appears to me that there is no difference at all. I quote again from the Alaska Constitutional Conference that where...the quotation is this, "Can we, or must we, or is it absolutely necessary". Whatever that meant, I don't understand, however, as I said, I am quoting. There are many, many biblical phrases that might come into the necessary discussion because in this matter there is an attempt to lead the people in the constituency to slaughter just like lambs. I don't think this is right. I think the principle is wrong so, therefore, I must continue to speak against it. Quite often pieces of legislation that are brought forward without proper principle and quite often people might say, "Well, what's the use? Why argue against it? You might as well let them do it." It's a case perhaps of sayeth not for the cause not availeth. I don't intend to be that way for the simple reason that there is everything that can be said availeth a little more for the needs of the people. My people have asked me very strongly to oppose this. It is my intention to continue to oppose it as long as I possibly can and I still have a little time to oppose it at this stage and I intend to continue to speak on the principle that we in the Yukon Territory are maintaining for ourselves the right to continue to speak on things which are wrong in principle. It is wrong in principle that we should be asked to make a decision when a newly elected municipal council will be shortly sworn into office and they may be in the position that they do not wish the parking meters to be installed. I have heard...of the Members that have received the most votes in yesterday's election...been asked to continue to maintain my stand and that no legislation should be brought forward. This is the principle that is involved. I will continue on that principle. I shall continue to speak as long as I am able to speak...that is if my voice doesn't give out...the need to impress, Mr. Speaker, that we have the rights to continue to use our period of time which is a wonderful thing that we all have that we can continue on this wonderful principle that each Member of Territorial Council can speak on a subject that they do not agree with and support the contention that they do not agree with it. This, in itself, is really great. It is one of the systems...one of the powers of the system of our democratic progress and process.....

Mr. McKinnon: Mr. Speaker, may I rise on a point of order?

Mr. Speaker: Point of order has been called.

Mr. McKinnon: Mr. Speaker, has not the Member used up his thirty minutes at this time? It seems to me like he's been speaking for three hours.

Mr. Chamberlist: Mr. Speaker, I have not used up my  
thirty minutes. I still have a long time to go. I can  
only imagine that the Honourable Member from Whitehorse  
North has a very, very fast clock. So, to continue, Mr.  
Speaker, and, Mr. Speaker, my line of thought was interrupted...  
I might have to start from the beginning now.

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Mr. Speaker: Order. Might I remind the Member that continuous  
irrelevance will bring action from the Chair.

Mr. Chamberlist: Yes. Mr. Speaker, nothing, with respect,  
is irrelevant, and I am pleased that I have this opportunity  
to explain this. Nothing is irrelevant when the people's  
rights are discussed. There is no irrelevancy. Now, to  
go into the matter of irrelevancy and the meaning of irrele-  
vancy in all its facets, I would say that the only time the  
interests of the people can be irrelevant is when the matter  
itself is irrelevant and who can say that the matter is  
irrelevant. There is a one and a half page interpretation  
on the meaning of the word irrelevance....

Mr. Speaker: Order. Order.

Mr. Chamberlist: Yes, Mr. Speaker.

Mr. Speaker: Is the Member criticizing the Chair?

Mr. Chamberlist: No, the Member is not criticizing the  
Chair, Mr. Speaker. The Member is just wishing to go into  
the meaning of the word irrelevance and expand on the basis  
of whether the interests of the public at large are irrele-  
vant to this House. I believe, Mr. Speaker, that they are  
not irrelevant to this House and, therefore, I wish to speak  
on the basis that irrelevancy only applies where the interests  
of the public are being defeated and I am sure Mr. Speaker has  
the interest of the public at heart. I respect Mr. Speaker's  
wishes in the manner of dealing with the irrelevance or  
relevancy of the situation. Mr. Speaker, to me it is most  
relevant that the people of the Community of the City of  
Whitehorse who reside within the Yukon Territorial Constitu-  
ency of Whitehorse East have the right to say to their  
elected representative, "We do not want parking meters and  
we would ask you to serve us in the manner that you are in  
relation to this matter so you should continue to oppose  
wherever possible any legislation that may be brought forward  
to bring parking meters into the sphere of the City of White-  
horse." And, I am simply doing, Mr. Speaker, what I have  
been asked to do and I am sure, Mr. Speaker, that yourself  
and no Member of this House can object to that right because  
when the time comes along that, for instance, in Mayo along  
that great broad way, the front street of Mayo...the time  
comes for parking meters to be there...installed...that  
the Honourable Member for Mayo will stand and she will, with  
no doubt, thump that table and point out that the necessity  
for legislation to be in should not be in because her people  
have asked that there be no parking meters on the lakeside  
of the road, front street in Mayo, and in this regard, I  
know full well that all Members of this House will agree  
with me that I have continued in the right manner and because,  
Mr. Speaker, the need for us to follow that particular rule  
that we speak on behalf of our constituents and to follow  
the rule that we have the right to speak as strongly as ever  
for as long as we can, I will continue to the very last few  
seconds of the time allotted to me to continue to oppose this.  
It would also appear, Mr. Speaker, that the need for us to  
recognize our individual rights, not only as Members of this  
Council but our rights alone. I also have certain rights in

SECOND  
READING  
BILL #23

Mr. Chamberlist continues:  
this area - not only am I an elected Councillor but I am an elector too. I am a Member. I live in the Constituency of Whitehorse East and I must say to myself, "Well, will you speak for yourself at the same time" and I am also doing this. I am opposed to the principle of parking meters being installed first without proper legislative authority and then having somebody decide for me that now that it is a fate accomplished I must go ahead and accept that. I do not accept that and that is the principle that is involved so I will continue, Mr. Speaker, to stress this particular point that all Members of this Council....come along and bring their cars into the area are going to have to be placed in the position of having a municipality commit banditry against them because it is nothing less than banditry. The suggestion that..."We will take your money and find out whether we have legally taken your money." That seems to be the attitude that has been adopted. I am opposed to that. It seems to me that already there have been a number of people, just because they have seen these slot machines in position, they have tried to get hold of the arms of these bandits and have nearly pulled the legs right out of the ground. It must be seen, Mr. Speaker, that what has been done has been done incorrectly and I would be quite prepared if any Member of this House would give me assurance that if the whole matter was left aside until the next Session when the new elected City Council....this is the principle...that when the newly elected City Council come before this House by way of a piece of legislation... asking for legislation to permit the use of parking meters, then I might feel inclined to agree with them but I cannot agree with the principle involved now.."that we have done wrong. We have transgressed. Now, help us out of trouble." This seems to be the thing, Mr. Speaker. We as the elected Legislative Assembly of the Yukon Territory, are being asked.. and I say this now...without any matter but that of sincerity that I am annoyed that the City of Whitehorse went ahead and did what they could not do according to legislation. They do wrong and then they have come to us now and say, "Help us out. We have a problem". Well, I am quite prepared to help them out of their problem, Mr. Speaker, if the newly elected City Council come again to us and say, "We do want them." I would withdraw any objection and until such time, Mr. Speaker, as this occurs, then, Mr. Speaker, I cannot support the situation. I have very little time left for me to speak at this time on this matter and I would ask, indeed, I would implore in all seriousness, Members of this Council to recognize that the request that was made, and this is the importance, was for an amendment to the Municipal Ordinance and I suggest that what has been done by way of presenting this Bill was not what was asked of the Administration and the Administration have brought forward a Bill which is entirely different but it is a way to get around the means which would have been a sound objection in any event because the section that they have asked for in the Municipal Ordinance to be changed to try and overcome the parking meter situation was asked for in a wrong manner. I can only continue now, Mr. Speaker, by suggesting at this time that Council do not pass the Second Reading of this Bill but they reconsider the few words that I will ask them at this time. Please set this Bill aside until you have a request from the presently elected Members of the City of Whitehorse. Thank you, Mr. Speaker, for my time and thank you, Members of Committee, for your very, very earnest consideration to my request.

MOTION  
CARRIED

MOTION CARRIED

Mr. Chamberlist voted contrary.

Mr. Speaker: I will declare a ten minute recess at this time.

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Friday, December 15, 1967.  
11:00 o'clock a.m.

Mr. Speaker: I will now call Council to order. We will proceed at this point with Public Bills.

Mr. Shaw: Mr. Speaker, I would move that Bill No. 11, An Ordinance to Authorize the Commissioner to Borrow a Sum not exceeding \$100,000 from the Government of Canada and to Authorize the Commissioner to enter into an Agreement Relating Thereto, be given third reading at this time.

Mr. Taylor: I will second the motion.

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: Is the House prepared to adopt a title for Bill No. 11?

Mr. Shaw: Mr. Speaker, I will move that the title to Bill No. 11, namely an Ordinance to Authorize the Commissioner to Borrow a Sum not exceeding \$100,000 from the Government of Canada and to Authorize the Commissioner to enter into an Agreement Relating Thereto, be adopted as written.

Mr. Taylor: I'll second the motion, Mr. Speaker.

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: Bill No. 11 has passed this House. May I have your further pleasure, gentlemen?

Mr. Shaw: Mr. Speaker, I would move that the Speaker do now leave the Chair and that Council resolve itself into Committee of the Whole to discuss Public Bills.

Mr. Taylor: I will second the motion.

Mr. Chamberlist: Mr. Speaker, I would like to speak on this motion if it is debateable, as I think it is, Mr. Speaker.

Mr. Taylor: Point of Order, Mr. Speaker. I believe a motion for the Speaker to leave the Chair is not debateable.

Mr. Chamberlist: Mr. Speaker, if it is considered that perhaps it is not the appropriate time for Mr. Speaker to leave the Chair, it is debateable. I wonder if Mr. Speaker would give a ruling on this.

Mr. Speaker: The question that the Speaker do now leave the Chair is debateable.

Mr. Chamberlist: Thank you. Mr. Speaker, it would appear to me that when the Speaker of the House is asked, or the motion is made that Mr. Speaker do leave the Chair, it would appear to me that the necessity for giving proper reasons as to why the Speaker should leave the Chair should be added to the motion. Mr. Speaker, the mover of the motion failed to give reasons why the Speaker should leave the Chair and did not show why, in fact, there is anything for the Speaker to do. Now, there is a section in Beauchesne, Mr. Speaker, if you can bear with me one or two moments while I find it, that deals specifically with this matter, and....

Mr. Shaw: Mr. Speaker.....

Mr. Speaker: Point of Order. Is this a Point of Order?

Mr. Shaw: Yes, Mr. Speaker.

Mr. Speaker: I wonder if the Honourable Member for Whitehorse East would please take his seat.

Mr. Chamberlist: Yes, thank you, Mr. Speaker, I will.

Mr. Shaw: Mr. Speaker, I wonder if a matter is referred to, Mr. Speaker, but I don't know what the matter is.

Mr. Chamberlist: Well, Mr. Speaker.....

Mr. Speaker: I would ask the Honourable Member to be relevant.

Mr. Chamberlist: Are you referring to the Honourable Member for Dawson who spoke last?

Mr. Speaker: The Honourable Member for Whitehorse East.

Mr. Chamberlist: Thank you for clarifying that, Mr. Speaker. I'll try and be relevant. Irrelevancy was that I was going to refer to the Rules of Beauchesne. I believe those Rules are relevant. If Mr. Speaker would just bear with me for one moment.

Mr. Speaker: Is the Honourable Member rising on a Point of Order?

Mr. Chamberlist: I have risen because I am in debate. I am speaking on the motion, Mr. Speaker, on the motion that Mr. Speaker do leave the Chair. This is not a Point of Order. This is part of debate which Mr. Speaker has already ruled that I can debate. However, I will allow the motion to stand that Mr. Speaker do now leave the Chair.

Mr. Speaker: The motion before the House, gentlemen, relates to - that Mr. Speaker do now leave the Chair for the purpose of convening into Committee of the Whole to discuss Public Bills. Are we agreed?

Mr. Chamberlist: Contrary.

MOTION  
CARRIED

MOTION CARRIED

Mr. Speaker: I would ask the Honourable Member for Watson Lake to please take the Chair in Committee of the Whole.

Mr. Chamberlist: Mr. Speaker, I would ask that my contrary vote be recorded.

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Mr. Chairman: We will now be discussing the only matter before us in Committee, the reading of Bill No. 23. I shall proceed with the reading of the Bill. "The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows:" This is an Ordinance to Amend the Motor Vehicles Ordinance. "1. Subsection (b) of section 155 of the Motor Vehicles Ordinance is repealed and the following substituted therefor: (b) (i) establishing, acquiring, operating, controlling and regulating parking stands and places for parking vehicles or any class or classes of vehicles on any highway or other public place or on any municipal lands designated in the by-law as parking stands or places and assigning any particular stand or place to a specific person or persons, (ii) prescribing a tariff of fees or charges to be paid by persons



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using such parking stands or places, which fees or charges may vary according to the location, the classification of the vehicles for which they are intended or as the council may otherwise determine, and in its discretion granting free use of all or any parking stands or places for all vehicles or any particular classification thereof for such period of time or during such hours as may be specified in the by-law, (iii) establishing, controlling and regulating a parking meter system or providing in any other manner for the collection of fees or charges payable by persons using such parking stands or places." BILL #23

Mr. Chamberlist: Mr. Chairman, firstly sub-section (b) (i) and (b) (ii), the reference - dealing firstly with sub-section (b) (i) - says "establishing, acquiring, operating, controlling and regulating parking stands and places for parking vehicles or any class or classes of vehicles on any highway or other public place or on any municipal lands designated in the by-law.." What by-law, Mr. Chairman, is being referred to? There is no reference at all to a by-law in the Motor Vehicles Ordinance. What by-law are we talking about? I wonder if Mr. Legal Advisor could answer that.

Mr. Legal Advisor: The intention is to grant the municipality the power to make by-laws in this and to proceed as they normally do by the by-law, and the by-law in which they do it then make provision for the various things that are under the Ordinance.

Mr. Chamberlist: Mr. Chairman, what the intention is and what this Bill says are two entirely different things. I would respectfully bring Mr. Chairman's attention to the section that there is no reference to who this by-law belongs to, and I would suggest that it must be clearly stated. I would say, in effect, that this would certainly not hold up in any court of law, and if Mr. Legal Advisor were to look closely at it and the reference made in the by-law - now, this is an Ordinance. It doesn't say in the municipal by-law, or in any by-law introduced by a municipality. It says "in the by-law" and if it could be shown to me where in the Motor Vehicles Ordinance there is a reference to a by-law or the by-law, I would be pleased to have it pointed out. As it is now, this section sub (b) (i) referring to "in the by-law as parking stands or places", it is not at all proper. I would say that this particular section is wrong, and I would ask Members of this Committee to, without any joviality at all, look at this section that it is wrong. There is no reference whatever to what by-law it refers to. Now, I would say to Committee at this time that, although I am personally attempting to forestall the passing of this piece of legislation, I am now dealing with the legislation point by point as whether it is good legislation or bad legislation. At this time, I must point out to you that it is bad legislation and I repeat the words "in the by-law" without any reference to what by-law it is or what we are talking about, it is in there and this should come out, and if Mr. Legal Advisor will at this time explain why it is written in this manner, perhaps we can go one step further in the discussion on this particular Ordinance.

Mr. Legal Advisor: Mr. Chairman, there is a perfectly clear answer to this and it's very, very clear. Might I have permission to wait my reply in all the points made by the Honourable Member have been accumulated together and I can give them all in one short answer?

Mr. Chairman: Would Committee agree?

All: Agreed.

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Mr. Chamberlist: Mr. Chairman, although you've asked if Committee agreed and there's been one or two Members say agreed, I cannot continue with the other points, because points follow points, and I cannot continue with the other points until I get that clarification of that particular point because it must follow that there are other matters relating to the by-laws and the method in which by-laws for municipalities, and by-laws for corporations, and I mean corporations - financial corporations. Does it refer to a by-law of a local teachers association? Does it refer to a by-law of a local kindergarten association? Does it refer to a by-law of a curling club, or the hockey association? To me, it appears that this referring "in the by-law" - now, what does it mean "in the by-law"? This is the explanation, Mr. Chairman, I want, and I think I should be allowed to - and Mr. Legal Advisor should be given a half hour or so or maybe until this afternoon until he is able to bring that answer forward so that I can deal with the points that follow. I wonder if Mr. Chairman will allow that we call it 12:00 o'clock if necessary so that the time can be given to Mr. Legal Advisor to get this information forward for me. I would ask.....

Mr. Chairman: From the Chair - Mr. Legal Advisor has asked that he answer when the Member has made his points, that he answer at one time, and I would rule accordingly and advise the Member that his time is fast expiring.

Mr. Chamberlist: Mr. Chairman....

Mr. Shaw: Point of Order, Mr. Chairman.

Mr. Chamberlist: I'm not.... Go ahead.

Mr. Chairman: Order, please.

Mr. Shaw: The Point of Order, Mr. Chairman, is perhaps the Honourable Member has not read the line immediately preceding in the by-law, where it says "municipal lands designated in the by-law", and I bring that to your attention.

Mr. Chairman: Thank you.

Mr. Chamberlist: Thank you. Mr. Chairman, you will agree now that my time is not going to an end because somebody else has spoken and I thank the Councillor for Dawson for his help.

Mr. Chairman: Order, please, Mr. Chamberlist. That was a point of order and it does not detract from your time.

Mr. Chamberlist: Nevertheless, Mr. Legal Advisor has spoken in between and I maintain that I have a right, Mr. Chairman, to continue to bring forward my points and notwithstanding that Mr. Legal Advisor has said that he is going to - he would prefer to wait until all the points are brought out, I am the elected Member for the Whitehorse East constituency and not Mr. Legal Advisor. Now, I have asked that an explanation be given to that and on the Councillor's for Dawson suggestion that I have not read the first line prior to the word "in the by-law" that, with respect, I didn't hear whether Mr. Chairman said that his Point of Order was well taken or not. He didn't say that so I cannot assume, therefore, that it was indeed a Point of Order. It was a discussion on that particular section, and I would ask that it would not be ruled as a Point of Order. Now, I come back to those references again. I am pleased again that I have the opportunity to go back on that section. Now, this reference that the Honourable Member for Dawson made said "or other public place or on any municipal lands designated in the by-law", but it did not say which by-law is being referred to. Now, I have

asked, as a Member for Whitehorse East, for Mr. Legal Advisor, and I notice Mr. Chairman is watching his watch, and I want to be sure, and I'm speaking in all seriousness, that there is no attempt to stop me discussing the interests of the people that I represent and I want to make that right clear. Now, I would ask.....

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Mr. Chairman: Order, please. I would remind the Member it is not permitted to cast reflections upon the Chair. Will you please continue, Councillor Chamberlist.

Mr. Chamberlist: I asked that the explanation be given as to why the particular reference to "in the by-law" is not clear, that to what by-law is referred to, to what organization the by-law refers to, and if this should not be amended so that the position is clear, and I have asked for an opinion from Mr. Legal Advisor and, Mr. Chairman, with respect, I think you should ask Mr. Legal Advisor to give me the information that I have asked. I wonder if Mr. Legal Advisor would give that information at this time?

Mr. Chairman: The Chair has given a ruling in this matter, and this matter is clear. Would you continue with your other points, at which time the Legal Advisor will answer.....

Mr. Chamberlist: Well, at this time I will - you are forcing me into the position of challenging the Chair, and I would ask, Mr. Chairman, that you ask for a count be taken as to whether the principle now that is adopted, that is to be adopted, that the right that the Legal Advisor be given - give an answer to a question of a Member of this House. Now, would Mr. Chairman put the question to the Members and see which Members here would object to any of their fellow Members being accorded the right that they ask.

Mr. Chairman: Well, gentlemen, apparently it would appear that my ruling has been challenged and I would ask those who would concur with my ruling to please signify.

Mr. Livesey, Mr. McKinnon, Mr. Dumas, Mr. Shaw, Mrs. Gordon: Concur.

Mr. Chamberlist: Contrary.

Mr. Chairman: My ruling is upheld. Would you continue, Mr. Chamberlist.

Mr. Chamberlist: I am placed in a position, Mr. Chairman, of not being able to have the time to go through the separate parts of this Bill because your ruling having been upheld that the Legal Advisor has more strength, in fact, in this Chamber than an elected Member. I cannot understand my fellow Members. Now, I have pointed this section out in (b) (i). Now, on section (b) (ii), again in the last sentence the words are "or during such hours as may be specified in the by-law". Now, this is the Motor Vehicles Ordinance. There are no by-laws in the Motor Vehicles Ordinance. What by-laws are being referred to? There is no clear cut way of showing. It would appear to me that this piece of legislation is bad legislation because it is not specific, and I think the time must be though, where legislation is not specific it should be withdrawn and be prepared so we know what we're talking about, and certainly if this particular section and, I might say this much, if this particular section went through and came before any court, it would be thrown out because there is nobody, in my opinion, no member of the judiciary in the Yukon Territory would accept what is in here, with reference to a by-law without the by-law being named, or without the organization of which the by-law is supposed to be one of the rules, is being named. Now, there is reference to prescribing a tariff or fees or charges to be made by persons using such parking stands or places. Well, I don't know where there are any parking stands or places in the Yukon Territory where this Motor Vehicles

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Ordinance would be applicable to. In any event, if this particular Bill is being put in to circumvent the irregularities of the city administration, the city of Whitehorse administration, it seems to be somewhat in error that we, as a legislative body for the Territory, would attempt to smooth out the errors that have been made by the junior government. This is not our function at all.

Mr. McKinnon leaves Council Chambers.

Mr. Chamberlist: I seems to be somewhat contradictory when the Motor Vehicles Ordinance can make provision at it's discretion to grant free use of all or any parking stands or places for all vehicles or an particular classification thereof, for such period of time or during such hours as may be specified in the by-law. Now, what are we talking about? I am trying to ascertain from Mr. Legal Advisor what we're talking about and this Council, this Committee has stopped me from ascertaining that information.

Mr. Livesey: Would the Honourable Member permit a question, Mr. Chairman?

Mr. Chairman: Proceed.

Mr. Chamberlist: Mr. Chairman, with respect, the Honourable Member from Carmacks-Kluane asked the Chair if the Honourable Member would permit a question.

Mr. Chairman: Will the Honourable Member permit a question?

Mr. Chamberlist: Not at this time. I have a little time I want to use. Now, Mr. Chairman, in the third sub-section, (b) (iii) "establishing, controlling and regulating a parking meter system or providing in any other manner for the collection of fees or charges payable by persons using such parking stands or places." It appears to me that there has been no authority yet given to anybody, even to the municipality in any event, to continue and use this method of collecting fees. In any event, I would remind, Mr. Chairman, this Committee of the two specific cases that were read into the record when this matter was discussed in Committee before when the municipality first put these parking meters in, that there is no provision for the erection of parking meters, and nor is there the power of collection of fees. I will say this because it seems fairly obvious that Members of this Committee are going to support this piece of legislation, and I will give notice at this time that in my opinion this will not completely free the municipality and give them authority that their parking meter system is still good. Now, it is the responsibility of legislative members to point out the ills and I have pointed out the ills and that is why this amendment to the Motor Vehicles Ordinance has come forward in an attempt to cure the situation, but this doesn't do it, and because I have just seen something that I know will not do it, I am prepared now to stop and I can assure Mr. Chairman, I can assure Mr. Legal Advisor that he will have to take a very fine toothcomb to have a look at it. I have just spotted something and I am now prepared to sit down.

Mr. Chairman: Mr. Legal Advisor, would you care to answer the questions raised?

Mr. Legal Advisor: Could I have assurance that the Honourable Member from Whitehorse East has concluded?

Mr. McKinnon returns to Council Chambers.

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Mr. Chamberlist: Well, Mr. Chairman, I may have to reply to - I reserve that right.

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Mr. Legal Advisor: Well, the position, Mr. Chairman, is that this is an amendment of Section 155 of the Motor Vehicles Ordinance, and the commencement begins, notwithstanding that in part (iv) the Councillor of a municipality may by by-law make regulations with respect to (a), (b), (c) and (d), and we have inserted a new (b) in there so the full section would then read, the Councillor of a municipality may by by-law make regulations with respect to establishing, acquiring, and so on and then prescribing a tariff of fees, and then establishing, controlling and regulating a parking meter system, and the full sentence is not in the particular Bill before you. It's taken from the Ordinance.

Mr. Chamberlist: Mr. Chairman, I won't speak long on this. I am aware of this but the point that I have noticed, I am pleased to say that Mr. Legal Advisor has not noticed, and I am content at this time.

Mr. Shaw: Mr. Chairman, I would move that Bill No. 23 be reported out of Committee without amendment.

Mr. Chairman: Is there a seconder?

Mrs. Gordon: I would second that motion.

Mr. Chamberlist: Speaking on the motion, Mr. Chairman, I would like to quote, Mr. Chairman, from a speech made by Ernest Gruening the former Governor of Alaska, 1939-1953, in which he gave his keynote address at the Alaska Constitutional Convention, University of Alaska.

Mr. Chairman: Order, please. Councillor Chamberlist, I wonder if you would keep your remarks relevant to the motion that Bill 23 be reported out of Committee.

Mr. Chamberlist: Mr. Chairman, it is relevant to the motion. You haven't even heard me speak on it. I was just quoting where I was speaking from and you are now asking me to keep my remarks relevant to the motion. Mr. Chairman, with respect, you must give the leeway that Members of this Committee have in speaking on motions, especially when, Mr. Chairman, with respect, when the procedure that is allowed us to discuss and debate motions, and I'm sure Mr. Chairman will agree that the motion to move this out of Committee is a motion that is debateable, and I would therefore continue when I was inadvertently interrupted by Mr. Chairman. As I said, this was by Ernest Gruening, Governor of Alaska, 1939-1953, and it is from his keynote address, which was in the Alaska Constitutional Convention in the University of Alaska on November 9, 1955, and of course this dealt explicitly with certain rights of people, and this is why there is the principle involved, and the principle of the motion in moving this into Committee - into the House and out of Committee without amendment is the reason why I am speaking on it, and I am sure you will appreciate the point when I come to the end of it. This is where the point is, right at the end, and it is the preamble to the point that is what I wish to put forward mostly. Now, it was this Convention of which I speak was established by enactment by the 22nd Alaska Territorial Legislature and it is recorded in chapter 46, Approved on March 19, 1955. Now, this Act provided for the election by the people of Alaska of 55 delegates, who were going to meet on November 8, 1955 for supposedly not more than 75 days to draft a Constitution for the State of Alaska. Now, the Constitution would therefore.....

BILL: Mr. Chairman: Order, please.  
#23

Mr. Shaw: May I ask the Honourable Member a question?

Mr. Chairman: Yes, I would permit a question at this time.

Mr. Chamberlist: Yes, but.....

Mr. Chairman: Order, please. There is a question to be raised.

Mr. Shaw: My question, Mr. Chairman, would be to ask the Honourable Member if he intends to use his full 30 minutes in this particular moment, so that I will be able to plan my actions accordingly?

Mr. Chamberlist: Well, Mr. Chairman, I would like to give a firm answer to the Honourable Member from Dawson, but as I continue speaking, my voice is getting slower and I don't know exactly how long it will take me to complete what I have to say. I don't want the Committee to be misled by the thickness of this book, but I will not be reading all of it, just the particular part that maintains to the rights of an elected member of a legislature to discuss motions that are before the House at the time. Now, if Mr. Chairman will permit me then I might be able to finish before my 30 minutes is up.

Mr. Chairman: Councillor Chamberlist, if you have not made your point, reasonable point and remain relevant to this motion within two minutes, I will be forced to call you to order. Proceed.

Mr. Chamberlist: Well, you asked me to answer a question, Mr. Chairman.

Mr. Chairman: Proceed, Councillor Chamberlist.

Mr. Chamberlist: Now, I've answered your question. Alright. Now, these were the words that were spoken, Mr. Chairman. "We meet to validate the most basic of American principles,..." but this applies because we are meeting here to validate the principles of...the main basic principles...Canadian principles, and the Yukon Legislative principles, the principle of government by consent of the governed. Now, these few words alone, the point should be quite clear, and I am sure that notwithstanding the Honourable Member's from Dawson request to be able to make his own plans accordingly on according on how long I speak on this - I wish to put this forward that we are taking this historical step because it is an historical step.

Mr. Dumas leaves the Council Chambers.

Mr. Chamberlist: It would be historical if we would not be allowed to debate this particular motion. Now, I'm debating this motion because I don't think it should be passed out of Committee. This is my reason for it. The people of Alaska - this, of course, is what has been recorded by Mr. Gruening - "The people of Alaska have never ceased to object to impositions, even though they may not have realized that such were part and parcel of their colonial status." This is where the point applies, because we have somewhat of a colonial status, must we deny ourselves the right of conducting ourselves with proper Parliamentary decorum? Now, indeed the full realization that Alaska is a colony may not yet have come to many Alaskans, and by the same token, Mr. Chairman, the full realization that Yukon is a colony may not have come to many.....

Mr. Livesey: Point of Order, Mr. Chairman. In which House is the Honourable Member at the present moment?

Mr. Chairman: I find that this is a valid Point of Order. I would draw the attention of the Honourable Member of Whitehorse East to Standing Order No. 34 (2) of our House - "Mr. Speaker or the Chairman, after having called the attention of the Council or the Committee to the conduct of a Member who persists in irrelevant or repetition, may direct him to discontinue his speech, and if then the Member still continues to speak, Mr. Speaker shall discipline him, or if in Committee, the Chairman shall report him to the Council.", and I have granted a two minute period in which the Member could indicate to the Chair that he is indeed speaking in relevance to this motion, and I would permit him another minute and if he cannot convince the Chair that there is any relevancy to what he is saying, then I must accordingly rule that he cease his speech. You may proceed, Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I have never in all my upbringing in a democratic country come across two Members of this Council that.....!

Mr. Livesey: Order! Order, Mr. Chairman!

Mr. Chamberlist: You are not the Chairman.

Mr. Chairman: Order, please. What is the Point of Order?

Mr. Livesey: I don't believe the Honourable Member for Whitehorse East has any right to cast allegations at any Member at this Table.

Mr. Chairman: This is quite correct. This is contrary to the Rules of Debate.

Mr. Chamberlist: There have been no names mentioned. If people feel, if Members of this Council feel they have been aggrieved, they must have personal consciences which I cannot help. I am giving what I consider to be relevant argument on the basis that a Member can come up and stand up and oppose a motion for a Bill to be passed out of Committee, and what I have said deals specifically with that point because I am showing and quoting from another legislative body called the same matter came before another House. Now, I have been interrupted deliberately so that I may not continue giving this point. With respect, wherever possible, I may hear things that I consider irrelevant, but I respect the right of every Member of this House to debate and, Mr. Chairman, I would ask that you respect that right too, that I have the right to debate. I don't think that Mr. Chairman should consider that if I debate that unless it is in agreement with the thoughts of the Chair, that I be refused to continue to debate, and I would ask, Mr. Chairman, that I be allowed to continue, because I have, as I said, not completed the preamble to the main point of my argument why I shall be allowed to continue and not let this Bill pass out of Committee. Now, I wonder if Mr. Chairman would give me a ruling on that.

Mr. Chairman: Yes, kindly take your seat, Mr. Chamberlist. I will rule that your time is now expired, the 30 minutes allotted to you, and in the.....I'm very sorry, I'm wrong there. I would rule that you have not convinced the Chair that you are speaking in relevancy to this motion and I would ask that you cease to speak at this time and allow other Members to carry on if they so wish. Is there any further discussion on this motion? What is your pleasure in respect of this motion?

Mr. Shaw: Question.

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Mr. Chairman: The Question has been called. Are you agreed?

Mr. Chamberlist: Contrary. Division.

Mr. Chairman: Would those who are in favour of the motion, please signify.

Mr. Dumas returns to Council Chambers.

Mrs. Gordon, Mr. Shaw, Mr. McKinnon, Mr. Livesey, Mr. Dumas: Concur.

Mr. Chairman: Would those contrary, please signify.

Mr. Chamberlist: Contrary.

MOTION  
CARRIED

MOTION CARRIED

Mr. Chairman: It now being 12:00 o'clock, I will declare Committee in recess until 2:00 o'clock this afternoon.



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Friday, 15 December, 1967.  
2:00 P.M.

Mr. Chairman: It now being two o'clock, I will call Committee back to order. We have now concluded the work before us in Committee. What is your 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 second that Motion.

Mr. Chamberlist: Mr. Chairman, I would wonder if there is any other further work that be done before Committee resumes the Chair; if there are not further Sessional Papers that may be discussed at this time. If I recall Mr. Chairman, there were a number, a Sessional Paper No. 82 which was passed into Committee. Could we not deal with that this afternoon, Mr. Chairman?

Mr. Chairman: For the edification of the Honourable Member from Whitehorse East this paper has not yet been referred to Committee and Committee has now concluded their work. Are you prepared for the question on the Motion? Are you agreed? I will declare the Motion carried.

Mr. Chamberlist: I ask that my contrary vote be recorded.

MOTION CARRIED

MOTION  
CARRIED

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

Mr. Taylor: Mr. Speaker, Committee convened at 11:30 A.M. REPORT to discuss public Bills. It was moved by Councillor Shaw, CHAIRMAN seconded by Councillor Gordon that Bill No. 23 be reported OF out of Committee without amendment and this Motion carried. COMMITTEES Committee recessed at twelve noon and reconvened at 2:00 P.M. It was then moved by Councillor Shaw, seconded by Councillor Gordon that Mr. Speaker do now resume the Chair. This Motion carried with Councillor Chamberlist opposed.

Mr. Speaker: You have heard the report of the Chairman of Committees? Are we agreed? When shall the Bill be read for the third time? Now?

Mr. Shaw: Mr. Speaker, I move that Bill No. 23, An Ordinance to Amend the Motor Vehicles Ordinance be Given Third Reading at this time.

BILL #23

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

Mr. Speaker: Moved by the Honourable Member from Dawson, seconded by the Honourable Member from Watson Lake that Bill No. 23, An Ordinance to Amend the Motor Vehicles Ordinance, be read the third time.  
Is the House prepared for the question on the Motion.

Mr. Chamberlist: May I speak on the Motion? Mr. Speaker, it would appear to me that the legislature has a responsibility before passing of a Bill to deal with not only the

Mr. Chamberlist continues.

intent of a Bill but the content of a Bill and Mr. Speaker, I say that the content of the Bill has not been dealt with. Mr. Speaker, I find it necessary at this time to refer to a publication called "Ancient Law" written by Sir Henry S. Main, and on page 26 and 27 of that volume it deals with enactments of legislation. It is on the principle of the passing of the piece of legislation, Bill No. 23 before us, that I wish to speak at this time; as it deals with principles I quote this paragraph: "The very conception of a set of principles invested with a higher sacredness than those of the original law and demanding application independently of the consent of any external body, belongs to a much more advanced stage of thought than to which legal fictions originally suggested themselves." Mr. Speaker, the Committee dealt with the intent of Bill No. 23 and Mr. Speaker, because it failed to deal with the content of that Bill I object and speak against it. Legislation, the enactments of a legislature which, whether it take the form of an autocratic prince or parliamentary assembly, is assumed organ of the entire society and it is for this reason, Mr. Speaker that I speak because it does not assume the organ of responsibility of the entire society. The content is in opposition to the majority of the society that this will endeavour to give orders to. I believe, Mr. Speaker, that is an obligatory force to be dependant on ones principles and the principle that the installation of the parking meters which have been installed in my constituency is one that is upon me to oppose. The author of the book that I have spoken from makes a very, very important note and still at this time, before the final passage of this Bill I appeal to Members of this House to recognize this particular ... and it is this: the legislature, whatever be the actual restraints upon it by public opinion, is not in theory empowered to impose obligations as it pleases upon members of the community. Now these are words of wisdom that have been set down through the times as a piece of ancient principle of law and I would suggest Mr. Speaker that that same ancient principle of law is in actual effect today and that law is what we must obtain on behalf of those people that we represent. It is quite true, Mr. Speaker, that legislation may be dictated by equity but if the last word is used to indicate some standard of right or wrong and have the enactment be adjusted afterwards, I submit, Mr. Speaker, it is wrong. So we, in introducing a Bill which affects the lives of our people. We must introduce it, encourage it in such a way that it is a rightful thing to do, not on the basis that if it is wrong we will correct it again and again I say Mr. Speaker, it comes down to the content of the Bill itself; not the intent. I am in agreement with the intent. The intent to give a municipality which has its own governing power the right to govern but we as the senior government, where we give the power to the municipal government have the right to correct the content where it defiles the very principles that I say that we have to maintain. I feel that this piece of legislation has been imposed in wantonness and caprice and it is because of this attitude as an additional reason for my objection.

Mr. Taylor: Mr. Speaker, point of Order.

Mr. Speaker: Proceed Mr. Taylor.

Mr. Taylor: Mr. Speaker, my point of order would be based on annotation 148, sub-section 1 which states "it is a wholesome restraint upon members that they cannot revive a debate already concluded and it would be little use in preventing the same question from being offered twice in the same session if, without being offered, its merits might be discussed again and again. sub-section 2. It is irregular to reflect upon, argue against or in any manner call in question in debate the past acts of the proceedings of the House on the obvious ground that besides tending to revise discussion upon questions which have already once been decided, such reflections are uncourteous to the House and irregular in principle inasmuch as the member is himself included in and bound by a vote agreed to by a majority." And I would ask Mr. Speaker to rule on this point of order.

Mr. Speaker: Well, I-thinking on this, gentlemen, that this refers to a procedure which has been definitely concluded. I feel, with all respect under the circumstances, that the question we are now deciding has not as yet been definitely concluded.

Mr. Taylor: Thank you Mr. Speaker.

Mr. Chamberlist: Thank you Mr. Speaker. I wish to be very careful that I do not, in any way, speak in a disrespectful manner to the House or of the House. I am a Member of this House, Mr. Speaker. To bring back my line of thought, Mr. Speaker, I am dealing with the content of the Bill, a point that I have been very careful not to discuss at any other time so that it becomes a new subject matter on which to talk. Now Mr. Speaker, the enactment which is justified becomes a binding force on the authority of a legislature and I quote again: "but the principles on which the legislature acts, shall not, and in this they differ from rules of equity on the technical sense of the word, pretend to be paramount sacredness, entitling them at once that the recognition of the course shall be given without the concurrence of the parliamentary assembly. I have looked into what is meant by this and Mr. Speaker, it appears that the concurrence of the court must not be given where the content has not been considered and Mr. Speaker, in all the debate during the second reading of this Bill, and in the debate on the matter after it was put through into the Committee of the Whole, the content had not been given consideration and I am now wondering whether, Mr. Speaker, that the error that has been made could not be rectified perhaps...after I am finished speaking by a Member of this elective body, recognizing this point and withdrawing the Bill if possible so that it can go back to Committee of the Whole for further discussion.

Mr. Speaker: Order, I do not believe it is within the Member's competence to reflect on any question that has been decided in Committee of the Whole.

*MA*

Mr. Chamberlist: Thank you Mr. Speaker, I was just raising a point that the question has to come and has not been discussed. Now, legislation inequity may be disjoined in the popular mind and in the minds of most members of a judiciary but because this will be an enactment of law and the need for the judiciary but because this will be an enactment of law and the need for the judiciary to be clear brings it to my view that there be indeed a further review. Mr. Speaker, I am satisfied that I have made my obligations. I do not intend to take up all of the time that is allotted to me to speak on this matter because as I have said, and I will not go into the various points that I will show later on to Members of the House privately and I am therefore going to end my speech on this matter but I will point out again in the House, as I pointed out in Committee that I am satisfied that there is a flaw in this piece of legislation which will require that this legislation be brought back to the next Session of Council. Thank you for your indulgence, Mr. Speaker.

Mr. Speaker: Thank you Mr. Chamberlist. Is the House prepared for the question on the Motion. Are we agreed?

Mr. Chamberlist: Contrary ....

Mr. Speaker: I declare the Motion carried.

MOTION CARRIED

THIRD  
READING  
BILL #23  
MOTION  
CARRIED

Mr. Speaker: Is the House prepared to adopt the title to Bill No. 23, An Ordinance to Amend the Motor Vehicles Ordinance?

Mr. Shaw: Mr. Speaker, I would move that the title to Bill No. 23, An Ordinance to Amend the Motor Vehicles Ordinance, be Adopted as Read.

Mr. Taylor: I would second the Motion.

Mr. Speaker: Moved by the Honourable Member from Dawson and seconded by the Honourable Member from Watson Lake that the Title to Bill No. 23, An Ordinance to Amend the Motor Vehicles Ordinance be Adopted as Written. Is the House prepared for the Question on the Motion. Are we agreed? I will declare the Motion Carried and that this Bill has passed this House.

MOTION CARRIED

TITLE  
ADOPTED  
BILL #23  
MOTION  
CARRIED

Mr. Chamberlist: Contrary.

Mr. Taylor: Mr. Speaker, in respect of the agenda, it seems as if we have nothing for us at this time I would suggest we recess....

Mr. Speaker: May I ask the Honourable Member from Watson Lake, was that a suggestion for recess.

Mr. Taylor: Yes, Mr. Speaker, recess.

Mr. Speaker: Does the House agree?

All: Agreed.

Mr. Speaker: Order, The House now stands in recess until further notice.

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Friday, December 15, 1967.  
3:30 o'clock p.m.

Mr. Speaker: I will now call Council to order. May I have your further pleasure?

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

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

Mr. Livesey: Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse East, that we call it five o'clock. Is the House ready for the question? Are we agreed? I will declare the motion carried.

MOTION CARRIED

MOTION  
CARRIED

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

MOTION CARRIED

MOTION CARRIED

MOTION CARRIED

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

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Page 1018.  
Saturday, December 16, 1967.  
10:00 o'clock a.m.

Mr. Speaker read the daily prayer. All Councillors and Mr. Commissioner 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 any Reports of Committee? Introduction of Bills. Notices of Motion or Resolution. Are there any Notices of Motion or Resolution. We will now pass to Orders of the Day. Notices of Motion for the Production of Papers. Still standing on the Order Paper under Motions for the Production of Papers passed are Nos. 4, 5 and 6. Under Motions, we have Motion No. 59. The Motion is moved by Mr. Shaw and seconded by Mr. Chamberlist. The text reads, "Moved that Sessional Paper No. 82 be discussed in Committee of the Whole."

MOTION #59

MOTION CARRIED

MOTION #59  
CARRIED

Mr. Speaker: We are now moving to the question period and we have Commissioner Smith with us this morning. You may proceed.

Mr. Chamberlist: Mr. Speaker, I have a question to address to the Commissioner. Mr. Commissioner, I have received in the last day or so a number of pieces of correspondence from the Carcross Community Club re the postal services there. Have you heard anything further from the Postmaster General relative to the service to that Community?

QUESTION  
POSTAL  
SERVICE  
CARCROSS

Mr. Commissioner: No, Mr. Speaker. I can say that unless something arrived in the building in the course of the last twelve hours, there has been nothing that we have heard up to this point, Mr. Speaker.

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

Moved by Councillor Shaw, seconded by Councillor Taylor, that the Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss 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 one Sessional Paper for discussion this morning and that is Sessional Paper No. 82 respecting the Spring Session 1968. Mr. Commissioner, do you have anything you wish to say in respect to this Sessional Paper?

SESSIONAL  
PAPER #82

Mr. Legal Adviser enters the Council Chambers.

SESSIONAL  
PAPER #82

Mr. Commissioner: Mr. Chairman, I am looking for discussion with Council on this point. It has become the practice to discuss with Council, before the prorogation of the current Session, the tentative date for the next following one and I wanted particularly to bring Council's attention to the three points that are listed on the Sessional Paper -- one, the necessity of contemplating a fairly lengthy Session, particularly in Budgetary matters which are going to involve a considerable amount of capital spending that if we are going to give effect to this capital spending in the course of the construction season that lies ahead next year, we have to have fairly early indications from Council so that we can properly get proper bidding time instead of calling contractual commitments with the minimum of time....in advertisements we would like to advertise these possible contractual commitments with the maximum amount of time allowed. It is an opportunity to get more and better competitive bidding and ultimately end up with things being done in a more businesslike manner. The second thing is that I think we have to give as much consideration as we can to the time of the Spring Session for the time of those Members who, during the summer time, their normal activities keep them busy enough without the Council Session. Also, I wanted to bring Council's attention to the fact of the distinct possibility of me having to call Council together to consider the potential.. the possible arrangements with the Anvil Mining Corporation concerning the construction of the Anvil townsite. I have not put this in the paper, Mr. Chairman, but it would certainly loom very large in my mind, and I am sure it would in Councils too, that if we are able to come together five or six weeks prior to Easter that if the work of Council is not completed by Easter that there would be an opportunity for us to have some type of a reasonably lengthy Easter recess to permit Members to get home and attend to their own private affairs before we get back to continue on with this Session. If there is anything further that I can add, I would be very happy to, Mr. Chairman. It's a matter that I want to discuss with Council and have Council's ideas so that we know before we prorogue approximately what we would like to do and I am sure we all understand that the dates that we do arrive at are strictly tentative, based on many things that could conceivably happen between now and that time.

Mr. Shaw: Mr. Chairman, I have two matters in relation to this I would like to bring up. The first one, of course, is more personal than anything else but in relation to the special Sessions.....I would ask the Commissioner, Mr. Chairman, if it is humanly possible, to advise as soon as possible when these special Sessions may come about. I take a holiday about every five years it seems and the only time I am able to do that is usually around January and February and I may be taking off for three weeks sometime during that period next year and if I could know well in advance, then I would make the arrangements accordingly, or endeavour to, because I would feel that in undertaking the position of a representative of an area, it is my duty to be here and I would like as much prior advice as it is humanly possible. Another matter is the matter the Commissioner has just brought up - the matter of contracts. I have been here for a number of years and I have watched the usual procedure of Government and for some reason or other, it seems to be that one has to go about on these matters in the same manner as what you did fifty, sixty years ago. You have to still wait until the end of the Spring Session....it usually gets around to that time anyway....before you can let out contracts for these particular public buildings, particularly

Mr. Shaw continues:

large buildings...or even small buildings...and I have noticed that the first thing that happens is that before anything can be done, the plans have to be sent to the architects and by the time you get all this ramification through and then put out bids, which takes another three weeks or a month, you are in the middle of the summer. Further to that, the people that are doing the contracting have two or three weeks in which to find out whether..... in which to make the preparations for putting in the bids and all the necessary formalities that are required to bid on these things. That is usually the very busy season for everyone concerned and as a result I am positive, and I know for a fact, that the people of the Yukon Territory, through such an archaic manner of doing business, are having to pay for it in additional costs for whatever the construction may be in many cases. It would appear to me that we know ahead...I think, Mr. Chairman, that you will agree...we know ahead pretty well what we are going to do in 1968. Usually it takes a year before that before you even get down to....the programs are pretty well finalized and they are awaiting the concurrence of Council, the concurrence of Administration, the availability of money and all this kind of thing and it would appear to me that the appropriate time to put in bids or put into the business of the Council these...particularly these large projects.... put the details before Council....have them in here in the Fall Session, particularly on these larger projects....to get concurrence at that time if there are matters of.... legal matters as far as money is concerned. I can quite understand that but concurrence could be received of Council...that is if they saw fit to approve this particular matter...in the fall so that all this work could be done during the winter...the preparation work....that the bids could possibly go out earlier than what is now so that everyone had lots of time in which to estimate the job, take all the facts into consideration, and I think that the public would certainly benefit. We would save, I am sure, thousands and thousands of dollars if we could get some sort of a system such as this into operation and I would like to, at this time, ask a question of the Commissioner now...from a practical point of view, is something like this possible?

Mr. Commissioner: Mr. Chairman, it is not only possible and practical but it is a matter of absolute necessity and we have endeavoured to try to get the planning and forecasting, particularly of substantial buildings, well in advance. I might say that there was a planning vacuum for a full year here at the Administrative level, which is the fault of no one, and we have had a very bad time trying to catch up on the particular year's vacuum but it was a matter of discussion among senior department heads just a matter of a few weeks ago that henceforth we would be placing our anticipated capital requirements before Council at the Fall Session to get their agreement in principle and approval in principle to what we contemplated doing so that when the money was voted in the spring of the year, all these matters would be available to have the contract called immediately. This is one of the problems of dealing with public money. There are certain rules and regulations laid down and we have to operate within those perimeters and as only rightfully so. I mean this is not private capital that we are dealing with. There have to be certain things dealt with in certain specified legislative



SESSIONAL  
PAPER #82

Mr. Commissioner continues:  
manners but this notwithstanding, the manner that we had to deal with contractual commitments this last summer led itself to absolutely nothing but to the detrimental use of public monies because in many instances contracts had to be awarded at the tail end of the building season. In some instances, the contract calls were also late so there weren't too many bids received. So, the suggestion that is put forth at this time, I suggest to you, Mr. Chairman, it is not only practical but it is a matter of absolute necessity because building costs in connection with large public buildings at the present time is absolutely getting to the point where you have to get them out on the very best possible conditions and get the very best possible prices or else we are just not going to be able to build them. In fact we are afraid there are going to be some projects that we are not going to be able to proceed with anyway just on the basis of cost. From that point of view, Mr. Chairman, I want you to know that the Administration concurs wholeheartedly.

Mr. Chamberlist: Mr. Chairman, the Honourable Member from Dawson has put one question that I was going to put relative to the time factor on calling for tenders. It is fairly obvious that those in the construction industry must know well in advance what they will be asked to tender on so that they can accordingly line up the necessary crews and do the necessary financing in advance should they be successful in those bids. Further to that, dealing with point 1, it seems to me now a little bit...we are being a little bit in advance to even consider capital expenditures on various buildings because at this particular time we don't know whether this Council is going to be allowed those funds for capital expenditure so I don't think that we can really delve into that. It might well be that there may not be any capital funds forthcoming for any capital construction so there won't be the necessity to have any tender calls. Dealing with point 2, it appears to me...may appear to me to be a little bit unnecessary for a special Session. I can't quite understand...(1) with all the time we have had available this Session and the time that we have wasted, why there hasn't been more information on the proposed Anvil Townsite. Although one Honourable Member here has suggested that the Anvil Townsite has got nothing to do with this Territorial Government, it apparently, from this Sessional Paper, is certainly going to have something to do with us. I don't know whether it is right...that it is that important that a special Session be called for it unless we are going to be asked to view an agreement or proposed agreement. Point No. 3 which reads, "Another item of potential urgency is the Takeover of the Alaska Highway maintenance." I can't see what the potential urgency is. If there was a potential urgency, surely it could have been discussed in this Session. The Honourable Member from Watson Lake asked on a number of occasions questions relative to this matter and now it appears to be of some urgency. I doubt whether the urgency is going to be of that great extent that this particular item can wait until the next Session. Thank you, Mr. Chairman,

Mrs. Gordon: With all this hypothesis in the future, I think that there is one thing that we really need to agree on before we start and that is the matter of the calendar that we are working under. I note in Sessional Paper No. 82 that the date is Monday, March 3, 1968. I have before me a calendar for 1968 which says that Sunday is the 3rd of March. I hope we can get together and work all on the same calendar.

Mr. Livesey: Mr. Chairman, I don't wish the Committee to assume that I am attempting to be facetious but it seems to me that we have been here since the beginning of November and if we are lucky we are going to get home...this is the out of town Members...we are going to get home by Christmas, maybe, and after we have celebrated New Years, we can contemplate coming in for the special Session and after we are over that...goodness knows how we will get over it....but perhaps we will....after we are over that, we can contemplate coming back by March 3. Goodness knows when we are going to get home after March 3 but it seems to me that the out-of-town Members are going to be in and out like homing pigeons and now that we have a fixed income with a flexible expense account, fixed by Bill C-147 of the House of Commons last year, 1966, that we have more than one problem to get over. We hear a lot about grass widows but it looks as though the out-of-town Members are going to appear to their wives as grass widowers and perhaps more than that, and the difficulties when we get home may be just as impossible to try to explain as the problems we arrive at when we arrive in Whitehorse so I have been wondering if the Administration have been considering dormitory accommodation.

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, I think in the first instance, the first week in March has generally been our sitting date in the past and this would seem to follow. This is not a change from the normal. The first week in March has always been our sitting date and I am in full agreement with it. I am concerned about the special Session. I think that rather than having this Session called on the spur of the moment, I think that some planning should be given to it in order that we can make our plans accordingly. As the Honourable Member from Carmacks-Kluane has pointed out, it is becoming exceedingly difficult to get accommodation in Whitehorse for periods of time...any accommodations that one could afford so, consequently, you have got to let these hotels know well in advance of your arrival date. No. 2 is that we do have businesses to run and certainly for the Members in outlying districts, we can't live on the salary we get so we must subsidize ourselves. It looks like this year we are going to be in pretty bad soup so we must be permitted some time to try and make this money in order that we can donate this to the Territory. The next matter is that some of us may wish to travel outside, either on business or maybe indeed be lucky enough to have a little bit of a holiday and if there is a special Session facing us, well that pretty well kills that for the winter. The third thing is that there is some of us who are in the business of travelling to remoter parts of the Territory for two or three weeks or a month or whatever in pursuit of mining business and this type of thing. This is why I say it is very important I think that we know well in advance as to whether (a) we are going to have a special Session and (b) when that will be in order that we can make our plans accordingly. I wonder if Mr. Commissioner could tell me about when the forecasted Session would be.

Mr. Commissioner: Mr. Chairman, I have to simply refer you to the paper in which...I know that if the potential agreement with Anvil gets to the point where it can be discussed by Council, I want to be able to discuss it with Council. I can't proceed without Council's concurrence with what we are talking about and if it is a matter of urgency--I think I have told you in the paper I am advising Council that I

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Mr. Commissioner continues:  
will feel that I will have to call them together for this purpose but I want to tell you right now, Mr. Chairman, that I have no more intention of calling a special Session just as a matter of convenience to the Administration than fly. I give you this assurance. It will be a matter of necessity before it is called and I will do my utmost to give all Members of Council the maximum amount of notice that can be given. There's no attempt on my part to make it difficult for a Councillor to attend Council Sessions.

Mr. Taylor: Mr. Chairman, it just points up then that we should curtail any travel or anything between now and March in order that we be available in order to attend these Sessions...no holidays, no trips outside, no lengthy trips into the bush...this type of thing.

Mr. Commissioner: Mr. Chairman, if I am called upon to answer that if I was a Councillor, after this Session I would be heading out for the woods as far as I could find to get about two weeks of peace and quiet. Also, half worn out Commissioner's have the same thought in mind but it is hardly likely to come about.

Mr. Dumas: Mr. Chairman, I would like to suggest that if there is going to be a special Session that the Commissioner try and aim it so that it's the same week as the Sourdough Rendezvous and then maybe the boondockers won't mind coming in so much. They can even bring their wives or husbands as the case may be, but seriously, I see no objection to this Sessional Paper. I think March 3, or March 4, Monday, March 4, will probably be a good date to start, and if it is necessary to have a special Session, well - that's what we're here for.

Mr. Shaw: Mr. Chairman, I have had one suggestion this morning...I had a good sleep last night. I have another suggestion...that perhaps it might be a good idea to have this special Session in some other area of the Territory but here. I think that would be a wonderful idea...at Dawson, or Watson Lake, or Mayo. There's no reason why it shouldn't be exceedingly educational for the City Slickers from Whitehorse. They could go to the outside areas and they could then at first hand see some of the problems that the people there have...that all of the problems of the Territory are not confined within a five mile area of this building...or radius I should say.

Mr. Taylor: I was just thinking, Mr. Chairman, that if they came down to Watson Lake, think of all the money I could save. I can have a Council Session right at home.

Councillor Taylor resumes the Chair.

Mr. Livesey: Mr. Chairman, one thing it would do...it would give all Honourable Members a sample of what we have to go through.

Mr. Shaw: And, Mr. Chairman, I would be prepared and I think I could get the co-operation and we could have a real good filibuster.

Mr. Chamberlist: Mr. Chairman, I already have a sample of what could take place but, Mr. Chairman, I would like to assure all Members that if there is any difficulty at any time for accommodation.....

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PAPER #82

Mr. Speaker: Order. Order.

Mr. Chairman: Gentlemen, do I have your concurrence with this Sessional Paper?

Mr. McKinnon: Mr. Chairman, I really do sympathize with the Members who come from out of town in for a Council Session. I think that Bill 147 is really prejudiced against them and that they are getting took pretty good. I wonder if the Administration has asked the Minister at all if there can be any change...or are there any changes anticipated to this Act because we in town here are able to devote at least a few hours a day to our business and thereby get by but the Members from the outside are just stuck here with no income other than their salary from the Territorial stipend. It wouldn't be enough for me to live on and I can't see how it can be for them.

Mr. Chamberlist: Mr. Chairman, with this I agree. I have thought about this quite considerably. I feel that Bill C-147 went through the House of Commons without consideration being given to those out of town people and I would support at any time a suggestion from the Administration to the Federal Government and I would suggest that perhaps this suggestion can come at a time when a complete reform of the Yukon Act takes place...that should also be one of the items of reformation but there is certainly no consideration being given in this particular part to the hardships...and I use the term hardships...that the out of town Members entail by doing a service to the Yukon Territory.

Mr. Commissioner: Mr. Chairman, the obvious answer being that if Council has complete control of its own money, they can set its own Members stipend. In the meantime, I can say that the matter has been brought to the attention of my Minister, not only by myself but by communications I have forwarded to him that I have received from individual Members of Council and while I am in no position to tell you or advise you as to what the possibilities of getting an amendment to the Yukon Act that would take care of this very obvious anomaly, the approach has been made that possibly the Minister of National Revenue would give consideration to a ruling under the Income Tax Act which would have some beneficial effect as far as the amount of the Councillor's stipend, subject to income tax purposes...that would be made applicable to those who have to incur living expenses while they are having Council Session. This is the approach that has been taken and while I cannot give Council any definitive assurance that anything is going to be done, I certainly want them to know that it has been brought to the attention of the people who have the necessary authority.

Mr. Chairman: Is there anything further?

Mr. Shaw: Mr. Chairman, I think I would, if it is necessary, I would move we concur with Sessional Paper No. 82.

Mr. Chamberlist: I will second the Motion, Mr. Chairman.

SESSIONAL PAPER #82 Mr. Shaw: Just one provision, Mr. Chairman. I think the matter of the date that the Honourable Member from Mayo has stated...if it comes on a Sunday...I haven't even checked that...would have to be right.

Mr. Commissioner: No doubt the rapid calculation that I used at my desk yesterday morning was a little bit inaccurate but if I come within a day, Mr. Chairman, I think under present circumstances, this is a pretty fair effort.

MOTION CARRIED

MOTION CARRIED

Mr. Chairman: What is your further pleasure?

Mr. Dumas: I suggest a recess.

Mr. Chairman: Gentlemen, you have concluded the work before you in Committee. I am wondering if you wish to go back to Council state at this time. I will put Committee in recess.

Saturday, December 16, 1967.  
11:00 o'clock a.m.

Mr. Chairman I will now call Committee to order.

Mr. Shaw: Mr. Chairman, I will move that the Speaker do now resume the Chair.

Mr. Chamberlist: Second that motion, Mr. Chairman.

MOTION CARRIED

MOTION  
CARRIED

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

Mr. Chairman: Mr. Speaker, Committee convened at 10:10 a.m. to discuss sessional papers. It was moved by Councillor Shaw, seconded by Councillor Chamberlist that Committee concurs with Sessional Paper No. 82, and this motion carried. It was moved by Councillor Shaw, seconded by Councillor Chamberlist that Mr. Speaker do now resume the Chair, and this motion carried.	REPORT FROM CHAIRMAN OF COMMITTEES
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Mr. Speaker: You have heard the report. Are we agreed with the Chairman of Committees?

All: Agreed.

Mr. Speaker: May I have indications of your further pleasure.

Mr. Taylor: Mr. Speaker, in relation to the agenda, there is nothing left to do in Committee of the Whole.

Mr. Shaw: Mr. Speaker, I would move that we call it 12:00 o'clock at this time.

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

Mrs. Gordon: I second that motion.

MOTION CARRIED

MOTION  
CARRIED

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

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Page 1027.  
Monday, December 18, 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 the tabling of Sessional Paper No. 83, Territorial Grants to the City of Whitehorse. Are there any Reports? Introduction of Bills. Notices of Motion or Resolution.

SESSIONAL  
PAPER #83

Mr. Shaw: Mr. Speaker, I have a Notice of Motion in relation to Council Sessions.

NOTICE OF  
MOTION #60

Mr. Speaker: Are there any further Notices of Motion or Resolution? If not, may we pass to orders of the day. Notices of Motion for the Production of Paper. Under Motions for the Production of Papers we still have No. 4 covering Workmen's Compensation Administration; No. 5 re 24 Hour Broadcasting; and No. 6 re Frontier Package T.V. There are no Motions on the Order Paper. We are now at the question period. May I direct a question now to Mr. Clerk and ask him if Mr. Commissioner is available for this period. I will call a five minute recess.

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

Mr. Speaker: I will now call Council to order. We have the Commissioner with us, gentlemen. We are in the question period. Are there any questions?

Mr. Taylor: The only question I would have this morning, Mr. Speaker, would be directed to Mr. Clerk and that would be when may we expect answers to the questions still remaining on the Order Paper.

Mr. Clerk: Mr. Speaker, we are attempting to get these answers as quickly as we possibly can. I would like to assure the Councillor that they will be forthcoming as soon as possible.

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

Mr. Dumas: Mr. Speaker, I would like to know if the Administration intends to introduce legislation at the next Session regarding the Municipal Ordinance, making it mandatory that a by-election be held if an Alderman resigns.

QUESTION  
MUNICIPAL  
ORDINANCE

Mr. Commissioner: Mr. Speaker, when it comes to questions such as this, I think that there is a lot of consultation and general investigation that has got to be introduced within the municipalities that are involved and, further, I think that we have to explore the matter fully with the Territorial Council here, Mr. Speaker. The Municipal Ordinance, as it is presently amended to permit the appointment of people to the Municipal Council in the Territory, was brought about as a result of a rather untenable situation that existed in the Municipality of Dawson here a few

QUESTION  
MUNICIPAL  
ORDINANCE

Mr. Commissioner continues:  
years ago, and at that time it was felt that this was the proper and expeditious and justifiable course of action to permit to be done and before any changes are made in this, I think we are going to be certain...when I say "we", I mean the Territorial Administration and the Territorial Council....I think we are going to have to be satisfied in our own mind that, in fact, the conditions that were felt to be proper at the time of this Amendment no longer apply and something different should be done. I recommend, Mr. Speaker, that no hasty action be taken on a matter of this nature without the fullest consultation between all people concerned to see what in fact is the right thing to do or whether in fact options should be given. In other words, under certain conditions an option should be given....an option of appointment or election would be available. I think there are many approaches to it and I would not be prepared to answer the Councillor's question in the affirmative that we would bring forth this legislation but I would say this in the affirmative that we would want to have a full discussion with all parties concerned to see what is the right thing to do.

QUESTION  
COUNCIL  
SESSIONS

Mr. Shaw: Mr. Speaker, I do have a question. This question would be directed to the Legal Adviser. He may not be able to answer it at this time but perhaps he could let me know. Section 8 of the Yukon Act, Part I, states "The Seat of Government of the Territory shall be that prescribed by the Governor-in-Council and may from time to time be changed by him." My question would be, Mr. Speaker, has the Governor-in-Council....I should say perhaps....would a place other than the Seat of Government as stated by the Governor-in-Council....could Sessions be held elsewhere than in the Seat of Government? That's it. Could Sessions be held elsewhere than in the Seat of Government according to the prescription of the Governor-in-Council?

Mr. Legal Adviser: Well, Mr. Speaker, a lot depends on what one would mean by a Session. I could see no objection to a Committee of the House being appointed to visit a certain place or do certain things, but as I would read the clear meaning of section 8, it says that "the Seat of Government of the Territory shall be that prescribed by the Governor-in-Council and may from time to time be changed by him." The Seat of Government, I would apprehend, would be the place where the Government sits and carries out its business and the Government, in my view, would consist of the Commissioner and the Administration and of the Council. This has already been accepted. This is the place where the Government in fact sits and this has been prescribed by the Governor-in-Council and I think that any change in the place where the Government sits would have to be prescribed by the Governor-in-Council.

Mr. Speaker: Are there any further questions?

QUESTION  
RIVERDALE  
SHOPPING  
CENTRE

Mr. Chamberlist: One question, Mr. Speaker. I wonder if Mr. Commissioner could say whether he has made a decision as to the processing of lands for the proposed Riverdale shopping centre.

Mr. Commissioner: Mr. Speaker, no decision has been made as yet.



Mr. Speaker: Are there any further questions?

Mr. Shaw: There is one question, Mr. Speaker, that I have. Some time ago, in discussions on land, I did mention travelling between Camp Takhini and Porter Creek...noticing a large section of land and at that time I think I asked if that could be turned over to the Territory. I wonder, Mr. Speaker, if the Commissioner has in fact started on any talks in relation to this choice piece of property.

QUESTION  
RE LAND  
TAKHINI

Mr. Commissioner: Mr. Speaker, could the Councillor explicitly indicate where this was. Was this the Camp Takhini area, Mr. Speaker?

Mr. Shaw: Mr. Speaker, I don't know the exact name of it. It was the choice property between Camp Takhini and going towards Porter Creek. I think at the time it was...it is the property of the Department of National Defence...I think at the time I inquired as to could that not be acquired by the Territory. It was during Committee.

Mr. Commissioner: Mr. Speaker, the whole question of the control of land within the Metropolitan area is a question here as to what the Councillor has asked and I am very confident that the control and administration of all lands within the Metropolitan area will be in the Commissioner's hands very, very promptly. As a consequence, this will remove a lot of impediments to dealing with such holdings as say Department of National Defence lands that they are not having imminent use for or conceivably could have use for. It will mean that we just have one less agency of Government to deal with. We will be able to deal with these people directly at that point in time and while this is like a lot of other things that is hoped for the future, I think we are getting a little bit closer to bringing about some of these changes than what we have in the past. I would also say that the element as to who would definitely have control of these lands is part and parcel of the package that I tabled for the Councillors' own personal perusal with regard to the potential extension of the boundaries of the City of Whitehorse and while the particular land that you have in question does not fall completely within that, remember that the potential boundaries as we have shown on the diagrams are not entirely fixed. They are simply suggestions and could be made either more or less comprehensive as the occasion demands.

Mr. Chamberlist: Mr. Speaker, a question to the Commissioner. Mr. Commissioner, you agreed that there was about a million and a half dollars on investment in the Territory. I was wondering, Mr. Commissioner, if you can say whether approval of the Governor General was given before this money was invested?

QUESTION  
INVEST-  
MENTS

Mr. Commissioner: Mr. Speaker, was the approval of the Governor-in-Council for the specific investment of this money or was approval from the Governor-in-Council received with the investment of momentarily available funds over and above our immediate requirements secured...I think there is two questions here, Mr. Speaker. I would be prepared to answer them both but I think I should have the opportunity of answering them separately.

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QUESTION  
INVEST-  
MENTS

Mr. Chamberlist: I refer to the Amendment to the Yukon Act, Mr. Speaker, and it deals with section 19 of the said Act, and subsection (3) of that says, "No money shall be borrowed or loaned or invested under the authority of this section without the approval of the Governor-in-Council" and I want to know whether that approval was obtained.

Mr. Commissioner: Mr. Speaker, this is dealt with further in the Financial Administration Ordinance of the Territory and I would suggest that it is in this particular regard that these short-term investments are made and I would suggest that the item in the Yukon Act that is being referred to here is matters of a longer term nature than what we are talking about. The specific funds that we have available at the present time that we haven't got immediate use for but are going to have before the 31st of March are on, I believe, ninety day type notes with the local Banks, Mr. Speaker.

Mr. Speaker: Are there any further questions?

QUESTION  
#30

Mr. McKinnon: Mr. Speaker, I have a written question to which I would ask a written answer. "In view of the fact that a Federal-Provincial Conference dealing with the Constitution will be held sometime in February of 1968, would the Commissioner make representation to the Minister of Indian Affairs and Northern Development to have representation from the Yukon Legislative Council at this Conference?"

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

Mr. Commissioner leaves the Council Chambers.

Mr. Speaker: Is the House agreed to recess at this time?

All: Agreed.

Mr. Speaker: The House now stands in recess.

*Handwritten mark*

Mr. Speaker: I will now call Council to order. I have a statement prepared by the Council. "It is my understanding as your Speaker that representations have been made by this House to the Minister of Indian Affairs and Northern Development that we have asked for consultations to take place between the Government of Canada and the Council covering constitutional reform for the Yukon. The Minister has informed us that a White Paper is to be tabled in parliament in January pertaining to such constitutional reform. He has also informed us that, at that time, the Yukon Council will have the opportunity to express their views and recommendations. The Prime Minister has also given assurance that on questions of constitutional reform it would be the obligation and desire of the Government to consult and co-operate with the Council. Gentlemen, with these assurances, what may be your further pleasure?"

BILLS NO.  
26, 27, 28

Mr. McKinnon: Mr. Speaker, this has been a long and a very prime session. The point that the Council has now arrived at is that we do desire representation before the Government of Canada in the field of constitutional reform for the Yukon Territory. The Government of Canada has seen fit to say that they are preparing a White Paper from a government view point that deals with constitutional reform in the Yukon. There has been no indication whatsoever from the Federal Government view point that the elected representatives of the Yukon Legislative Council will have any say whatsoever in what the contents in this White Paper are to be. The only thing that the Federal Government has been willing to state publicly is that when this White Paper is tabled, that then the Federal Government will call the Yukon Territorial Council and ask them to have discussions and make representations as to what they think of the contents of the White Paper. Mr. Speaker, we have come a long way around since the beginning of this session. There was one point of time when I was agreed and was willing to stand and fight for the right of the people of the Yukon Territory to have a say in the spending of the tax dollar that was raised, nothing less, nothing more, and nothing else. After this, it was decided that because of the hardships on the people of the Territory if tax revenue wasn't raised that we would provide amendment asking the Federal Government if they would see fit to have us discuss constitutional reform, that we would pass the taxation. They told us that this was abhorrent and obnoxious...these amendments to the Bill. We then further compromised, Mr. Speaker, and told the Federal Government that we were willing to take the amendments out of the Bills and pass the Bills providing they would let us have some say in what we thought the Yukon Territory should evolve constitutionally. They are unwilling, at this time, to give a firm commitment that this is the case. The only commitment that they are willing to make is that upon the Government White Paper being tabled, that we then are able to make representation. Mr. Speaker, under these conditions, I do not think the House should prorogue at this time. The Bills, Bills No. 26, 27, and 28, should stay on the Order Paper as they are and when the White Paper is tabled and when the elected Members of the Yukon Territory see what that Paper contains...and for all we know, it may go further along the lines of constitutional reform than we think should be started at this point. If such is the case, and then the Federal Government are willing to live up to the bargain that they have publicly stated, that then the Council will enter discussions with the Government of Canada on constitutional reform, I am sure that the House will be called together and speedily dispatch the Tax Bills that are before this House. Thank you, Mr. Speaker.

BILLS NO.  
26, 27, 28

Mr. Dumas: Mr. Speaker, the peculiar position that we find ourselves in today is due, not I believe to an action or lack of action on the part of this Council. This Council at all times, I believe, has acted with reason. They have been reasonable and have asked only for the door to be opened for people to sit down at a table and talk. What we have got to do, and what we have done, has been, we believe, in the best interests of the people of the Yukon. The hardships that may endure are necessary if we, as a group of representatives of the people, are to take a stand **and present** a united front, and sir, we are doing this. It is my belief that the Minister of Indian Affairs and Northern Development has not been willing to bend whatsoever, to compromise or to discuss in any way, shape or form those matters that are most important to the people of the Yukon. I think that this Council has shown itself to be a responsible Council...responsible and aware of the needs and wants of our people. We have acted in the interests of the people of the Yukon. We have acted with pride and with unanimity.

Mr. Taylor: Mr. Speaker, it is nearing Christmas. It is, for myself and I'm sure for all other Members, desirous that we can return to our homes for this festive season. It is very unfortunate that we cannot do all those things that we would liked to have done this session, but, as it has been pointed out, it now appears that implacable Ottawa are going to carry on as they have always done, with or without the views and opinions of the people of the Yukon. It has been suggested that a White Paper is forthcoming which will show us the road that the Yukon may take towards full constitutional reform. It seems to me unthinkable that any of these policies would be formulated by anybody without consulting the people to whom they effect, that is the people of the Yukon. However, it would seem that this is the case. It therefore follows that the people of the Yukon, at this time, must take the stand that we're not willing to increase taxation until we have the assurances we first asked for, and that is these will be put to the people of the Yukon and the people of the Yukon will indeed through this Council have an opportunity to discuss these matters and to proclaim their views. In thinking of the manner in which the Federal Government are looking at this, I always come back to a little item found in the front of the Yukon Territory's phone book, and I think it well that it be stated now. This is a remark made by His Excellency General The Right Honourable Georges P. Vanier, and showed his feelings about the north and its people. He states, "One hundred years ago there were many who said that a little settlement near Lake Winnipeg would never grow into anything more than a trading post. Later still, men denied that the Prairies would ever be opened up for grain-growing. The same kind of people have doubted that there is a future for the one-third, or thereabouts, of Canada that lies north of the 60<sup>th</sup> parallel. For those who have seen the Northland there can be no pessimism. The vitality and freshness of the country, the integrity and humanity of its people proclaim its destiny." It is my sincere hope, Mr. Speaker, that the people in Ottawa that will be deciding the future of the Yukon Territory consider this and adopt this attitude that our late Governor General adopted in giving consideration to our desires and out hopes. I will say no more. I had many things I did wish to say on this. As one Honourable Member stated, it's pretty hard to hold your temper at such times as this. However, I would also hope that Council do not be prorogued, and I would hope that when the time comes for the White Paper to be presented, that we will have an opportunity to negotiate in respect of it, and until I see it I take the same view as I'm sure many other Councillors take, in that I wish to see an adjournment until that Paper comes.

Mr. Shaw: Mr. Speaker, this has been what I might say a very trying time for all Members of Council and a very trying time for the Administration. They have had their problems as well as what we had. They're somewhat the buffer in between, and when you're getting squeezed from both sides I suppose that's not a very pleasant situation to be in. It appears that this is, you might say, contest wills as much as anything else from our very simple request for meetings. Now, the only power that we had, without doubt, is the power of veto, a very negative power of which we have utilized to a very minor degree in order to get, what we consider, a very minor consideration which is, namely, to sit down and talk it over with the other fellow. However, we are promised by the Minister of Northern Affairs that he is going to present a White Paper on constitutional development in the Government of the Yukon and fiscal reform. I very much welcome the fact that we are able to get something, however, we don't know what that something contains, so until you open up your Christmas present you really can't tell just exactly what you are receiving. You could just hope that this will put forward some of the things that we have been fighting for, for quite a number of years, to provide a measure of responsible, more responsible government in the Yukon. I feel that when we adjourn this Council, that that is a sensible move. We're not taking a dogmatic attitude either. We wish to see this Paper. It's of great interest to us. I shall look forward to having the opportunity to be able to put forth recommendations... to study this. It may go further, it may go less than what we want, but at least we are going to see it before it becomes a law of the land. So that, in adjourning I think this is a very reasonable attitude. It indicates, Mr. Speaker, that we are extremely desirous of getting down to talk things over. I am glad that we are not proroguing, that we're just having a slight adjournment. After all, it's almost Christmas Day and nobody works on Christmas. I think we've even got laws to that effect and we must follow the laws accordingly. That's about what I would have to say on this subject, Mr. Speaker. Thank you.

Mrs. Gordon: Mr. Speaker, this is our centennial year. It is also the seventieth year of the Territory of the Yukon, and this twenty-first fully elected Territorial Legislative Council should indicate that we are beginning to grow up. I do not feel that we are in an infant stage of government. We should not be. But, it would be apparent, I think, to most anyone who has read history that to compare the seventy years of existence of Yukon against the one hundred years of existence of the confederation across Canada, that we have been left far behind. In family life, when a child reaches the coming of age it would indicate that this individual has reached a point of life to take on responsibility, accept a place in society as a member of it. Only when the child is incapacitated by certain conditions is it confined to the protection and care of the family. In my belief, Yukon is not a retarded child, physically incapacitated or beset with any of the ailments related to man in this analogy. We seemed to have reached a point when it is time to remove the swaddling clothes to reveal a child who needs, not continued protection...he is not a bewildered adolescent, but a reasonable, mature youth with a desire to assume and accept responsibility as delegated by the parent. It would seem that in the White Paper to be tabled, some of this responsibility may be delegated to us, and as responsible Members to our electors we should have the right to discuss and make recommendations on the form in which our government in this Territory will develop. I do not wish this Council to prorogue at this time, and would concur with an adjournment until a future date.

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BILLS NO. 26, 27, 28 Mr. Chamberlist: Mr. Speaker, it has indeed been a period of problems that we have had to deal with during, especially, the last week or ten days. The problems certainly, Mr. Speaker, could have been made much easier for us if we would have had the co-operation of the Minister of Indian Affairs and Northern Development. Mr. Speaker, we have received the utmost co-operation from the Administration here in the matter that has given us all considerable searching of minds. It is my opinion, Mr. Speaker, that the Minister of Indian Affairs and Northern Development has failed to recognize the legitimate aspirations of the people of the Yukon for a democratic form of government and it is because of this, Mr. Speaker, I say firmly, and I ask that Mr. Commissioner take note of my remarks, that there shall be no prorogation of this Council but while this matter is under consideration, with reference to the Minister's suggestion that a White Paper that will be tabled... be placed on the table in the House of Parliament, and that we take consideration of it after that time, is something that I must say, let's wait and see. Therefore, I suggest adjournment. We have been crying out in a wilderness of semi-despair yet I am sure there must be, Mr. Speaker, in the Parliament of Canada, those of all political affiliations, who will I am sure listen to our call and our cries. If we could first know where we stand and where we are going, we could better judge what to do and how to do it. However, in my opinion, we must strive even by agitation to cure the ills of the Yukon's system of government. Mr. Speaker, the Commissioner considered it significant that we are the twenty-first wholly elected Council and that we have come of age. How true this is. How significant it is. We have come of age. Mr. Speaker, in this Council there are seven elected representatives of the people imbued with unanimity of thought, of purpose, and endeavour to the ends of the people of the Yukon be given what is their hereditary right and that is to enjoy the privileges of membership in the Canadian family. Mr. Speaker, although these are times of great perplexity in the Yukon, and we have far-reaching problems of social, industrial and political import, I doubt if any Member of this Council will falter in the momentous stand they have taken to show that all Canadians, that the spirit of all Canadians, and the spirit of the Yukon, and the spirit of the people of the Yukon survives. Mr. Speaker, I say in finality, and I hope all Council Members will support this point, that there be no prorogation of this Council. Thank you, Mr. Speaker.

Mr. Dumas: Mr. Speaker, in view of what has just been said and in view of the unanimity of this Council, I now move that we adjourn until 10:00 a.m., January 22nd, 1968.

Mr. Taylor: I would second the motion.

Mr. Speaker: May I have the motion written out, Mr. Clerk?

Mr. Shaw: It would be a privilege, Mr. Speaker, if I may so ask of you...ask this question of you. Will the Commissioner be able to give assent to any of the Bills if he so desires during this adjournment?

Mr. Speaker: Would you be prepared to answer the question, Mr. Commissioner?

Mr. Commissioner: I would be dependant upon legal advice on this subject, Mr. Speaker. I will defer the question to the Legal Adviser.

Mr. Legal Adviser: Mr. Speaker, assent can be given at any time to a Bill, whether or not the House is actually sitting at that time or not.

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Mr. Shaw: Thank you, Mr. Speaker.

Mr. Speaker: There's a motion before the House, and the motion reads, "Moved by Mr. Dumas, seconded by Mr. Taylor," and the text reads, "This Council adjourn until 10:00 a.m., January 22nd, 1968." 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: This House does now stand adjourned until 10:00 a.m., January 22nd, 1968.

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January 22, 1968,  
10:00 o'clock a.m.

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

Mr. Speaker: I would like to welcome you all back to the House after our recent adjournment for Christmas and New Years, and I hope that you all had a very happy and joyous time during the festive season and to all of you I wish you a very happy and prosperous new year. I believe this morning, gentlemen, our main reason for being here is to deal with certain questions in connection with our problems related to taxation and constitutional reform which I believe will come up a little later, but we will proceed now as usual with the daily routine and Orders of the Day. I have for tabling this morning Sessional Papers No. 84 to 97 inclusive. Are there any reports of Committee? Introduction of Bills? Notices of Motion or Resolution?

Mr. McKinnon: Mr. Speaker, I would like to give Notice of Motion concerning constitutional development in the Yukon. NOTICE OF MOTION #61

Mr. Speaker: Are there any further Notices of Motion or Resolution? May we pass to Orders of the Day? Notices of Motion for the Production of Papers? Well, gentlemen, under Motions for the Production of Papers I am given to understand that answers to No. 4, No. 5, and No. 6, as Motions for the Production of Papers passed, that the answers are given in the Sessional Papers. May we now pass to Motions? Councillor Shaw, would you be prepared to proceed with Motion No. 60?

Mr. Shaw: Mr. Speaker, I believe I discussed this Motion prior to the adjournment of Council at Council. I'm not sure, but it seems to be in my mind. Now, I wasn't prepared to go further with this....I wouldn't say I wasn't prepared, I would say I haven't prepared myself to discuss it any further than what I believe I discussed it the last session or the session prior to adjournment.

Mr. Speaker: May we now move then to Questions? For your information too, gentlemen, I believe that No. 12, No. 18 and No. 29....the answers to these also have been given. Are there any Questions? Public Bills and Orders....At this point, I wonder if Mr. Clerk would inquire from the Commissioner if he is prepared to be with us this morning and if he has any information for us at this time. I will call a short recess, gentlemen.

RECESS



Mr. Speaker: I will now call Council to order and, gentlemen, we have proceeded through Daily Routine and completed Orders of the Day and I believe it was the intention of the House now to ask the Commissioner if he has any message for us at this time.

Mr. Commissioner: Mr. Speaker, as the Members know, I have WHITE had the opportunity of speaking with the Minister for Indian PAPER Affairs and Northern Development, Mr. Laing, since I last had the pleasure of attending Council and one of the subjects of our discussion was the forthcoming White Paper on constitutional Development in Canada's North. When the Minister last spoke with Council on this question, he anticipated that the Paper would be available either last month or this month. The preparation of a Paper of such great importance to the future development of the Yukon is a very complex matter and circumstances over which no one had any control have unavoidably delayed the tabling of the Paper in the House of Commons. The Minister is working to have the Paper tabled as soon as possible. When the Paper has been tabled a request would normally be made to refer it to a Parliamentary Committee. The Minister cannot direct the Committee how to deal with it but if, as he anticipated, the Parliamentary Committee decides to conduct hearings and seek the views of those concerned with Constitutional Reform in the Yukon, he will ask Committee to visit Whitehorse. At such a time ample opportunity would be given to the Members to make their views and wishes known to the Members of the Parliamentary Committee. It appears to me that this is the very thing that Councillors have in mind and I would like you to know that this statement which I now make is made with the full knowledge and concurrence of my Minister.

All: Hear, hear, hear!

Mr. Speaker: Thank you Mr. Commissioner. How do you wish to proceed, gentlemen?

Mr. MacKinnon: Mr. Speaker, could I ask Mr. Commissioner if we could have copies of this statement from the Minister made available to the Members and to the Press immediately?

Mr. Commissioner: I would be very happy to ask the Clerk.

Mr. Chamberlist: Mr. Speaker, I would move that Council go into Committee of the whole to discuss the statement made by the Commissioner.

COMMITTEE  
OF THE  
WHOLE

Mr. Taylor: I would second that Motion Mr. Speaker.

Mr. Speaker: You have heard the Motion, gentlemen? Are you prepared for the question? Are we agreed? I will declare the Motion carried.

MOTION CARRIED

MOTION  
CARRIED

Mr. Speaker: Will the Honourable Member from Watson Lake please take the Chair in Committee.

Mr. Chairman: Mr. Clerk, would you be able to provide us with copies. I'll declare a short recess, gentlemen.

Mr. Chairman calls Committee to order after short recess.

Mr. Chairman: I will now call Committee to order. We are

TAXATION  
AND  
FISCAL  
REFORM

Mr. Chairman continues.. dealing with a matter related to the Commissioner's statement this morning on taxation and fiscal reform. I wonder if you would proceed. Councillor Dumas.

Mr. Dumas: Mr. Chairman, for the benefit of the Members and others here present I would like to recap what has gone on in this whole matter since last year around this time. The last Council attended a meeting in Ottawa last February, I believe it was, regarding fiscal matters, fiscal agreement between the Yukon Territory and the Yukon government. The result of that meeting is still unknown. The Minister of Northern Affairs suggests a conclusion was reached whereby taxes would be raised in a certain manner. Members of the Council that attended that meeting disagreed. Not only do they disagree with the Minister as to what happened at the meeting but they disagree with each other. At any rate, taxes were not raised last spring, in the spring Session of Council. So cut-backs to the tune of 5.2 Million dollars were threatened and were indeed made in the 1967-68 fiscal year. On December 13th of this year, this Council, while in Session, finally agreed to pass the tax bill but at that time amended same so that discussions on constitutional reform could take place between the Federal Government and elected representatives of the people of the Yukon. This was turned down flatly by the Minister of Northern Affairs. The Bills were passed and indeed are still standing; needing only to be assented to but are being left and will not be assented to because the Minister did not agree to the amendment that the Councillors made at that time. On December 14th a letter was sent by telex; a letter was requested I should say, from the Minister to agree in effect to discuss constitutional reform. If the Minister agreed to sending out the letter to the effect that he would sit down and discuss with Council constitutional reform in the Territory we then agreed to pass the tax Bills without the amendment - a clean tax Bill. This also was turned down by the Minister and during the course of these discussions the Minister made a statement in the House of Commons saying that we had withdrawn our request for discussions on constitutional reform. This, of course, was not so. Once again the Territorial Council, responsible members of the Territorial Council, sat down and discussed the whole problem and acting in a reasonable and rational manner as I feel we did throughout these discussions and these undertakings, we then sent a telex to the Minister of Northern Affairs and it read as follows - this was on Friday, December 15th:

" Re your statement in the House on Council consultations at the time of tabling of the White Paper on Yukon Constitutional Reform, could the Minister agree to: (a) a reasonably firm date for the tabling of the White Paper, and an assurance that (b) at that time the Minister would have Federal Government representations available at a suitable location to discuss fully its contents and in fact, the whole situation of Yukon Constitutional reform with the Council of the Yukon Territory, or (c) an assurance that if the White Paper is not available by April 1st, 1968, that Federal Government representation will be available to discuss the whole situation of Yukon constitutional reform with the Council of the Yukon Territory on or before April 1st, 1968." In effect, Mr. Chairman, this request, at that time was also turned down, leaving nothing for the Council to do, we felt, but to adjourn rather than prorogue until we could get some

Mr. Dumas continues..

satisfaction on this matter. During the course of that adjournment the 5.2 Millions in cut-backs swelled to somewhere over Eight million dollars in cut-backs. How this happened we so far have been unable to ascertain. It sounds very much like a breach of faith. 5.2 Million in cut-backs was threatened if we didn't raise taxes was held over our head; we didn't raise taxes so the cut-backs were maintained and added to. We question the advisability and the thinking of this administration and of the Minister of Northern Affairs in pulling this stunt and that is exactly what it was. Now we find ourselves having come to a point in development in this matter where we have a statement for Council from the Minister of Northern Affairs through his Commissioner in the Yukon Territory. I will leave it at that point for discussion with this Council.

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Mr. Chairman: Thank you Councillor Dumas. Are there any further discussions, gentlemen? Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman there is some satisfaction, at least to myself, that the Minister, Mr. Chairman, has seen fit to reconsider his stand and take a more considerate view in ... a little bit to the requests that have been made by this Council. I would like to receive, Mr. Chairman, from the Commissioner, and I wonder if he would reply to this question, an absolute assurance that if this Council did decide to accept, perhaps the intent I might say, of this statement, I would like to hear the assurance from the Commissioner that every cent of the cut-backs that have been made will be returned to the budget, irrevocably and that there will be no cut-backs of these amounts between now and the end of 1969 when, for which the time period for this money has been made available. I would like to get that assurance from Mr. Commissioner first, Mr. Chairman.

Mr. Commissioner: Well, Mr. Chairman, I would refer Council to Sessional Paper No. 73, which I tabled on December 8th and if Councillors have that available in front of them I think that this will clarify the question that Councillor Chamberlist has raised and if you turn to page 3 of that Paper under Situation No. 3, it says here the third possible situation is that we can increase revenue sources as of January 1, 1968, that are designed to raise \$660,000.00 in a full fiscal year and the following as listed in **Situation number two** will be available to us plus, and I would say in answer to the Councillor's question that if we were to substitute today's date-in here it says January 1 - substitute January 22nd, you could read it just as it is.

Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I'm afraid I can't be satisfied with that answer. I want an answer that is a definite answer; not referring to a Sessional Paper of some time ago. There has been a lot of water gone under the bridge since that time. Because of a press release that was given with reference to further cut-backs during the time that we sat, we adjourned and the time that we are back today. I feel that we must have a definite answer from the Commissioner and, as he has spoken on behalf of his Minister I feel that he should be able to speak on behalf of his Minister now. The assurance, and I want to make this quite clear, the assurance that as from today you can say that there will be no cut-backs of any discription relating to these amounts that will already form part of the original budget. This is what the

Mr. Chamberlist continues...  
answer is that I want to get.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, and I think that that is the answer that I have given. You have to give an answer to a question of this nature in actual fact; you can't talk in theory or nebulous things, Mr. Chairman, with all respect and it is intimated here that under Situation Number 2 our Capital will be restored as per the initial cut-back of Two million, seven, and if you look further over here, if you go along with these taxation proposals that you had, it indicates to you here our capital monies from the same source for the two years will be \$7,780,064.00 and other items in proportion, and I can definitely state that the Situation No. 3 as outlined, namely a proportionate share of the deficit grant cut-back restored for Fiscal 1967-68 will come into effect as of the date that taxes are imposed. The full restoration of other cut-backs, Corrections, Campground maintenance - this was a 50-50 deal. This will be automatically reinstated for the full fiscal year. And the capital monies and the amount we have at the present time - Five Million dollars for two years; this will be increased by Two million, seven hundred and eighty thousand and sixty-four dollars. On full deficit grant in the amount of -- I'm sorry gentlemen, I would have to read this to get the exact amount of money that is involved but the full deficit grant and other participating programs - 50% to Corrections and Campground maintenance will be restored fully for 1968-69' in other words 1968-69 will be restored 100%. 1967-68 will be restored on a deficit grant in here on a proportionate basis, roughly speaking 2/12ths; or 2/12ths plus the portion of unexpired amount here and the Corrections and the Campground participation will be restored on a 50-50 basis for the full fiscal year. I think that this is the answer that the Councillor .....

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, because of the suspect that I hold for some of the Minister's political dalliance, I would go further, Mr. Chairman, as to ask the Commissioner this question. If, Mr. Commissioner, the Minister, during the next year, that would be up till March 31st of 1969, instructed you, the office of Commissioner, that there were going to be any further cut-backs or that you would initiate cut-backs, would you be prepared to resign your office in protest of the Minister's request?

Mr. Commissioner: Mr. Chairman, I am just not prepared to answer that particular question because I think it is irrelevant ..... There is an agreement - there is an Enabling Ordinance for me to sign an agreement and the minute that these taxes are - or the taxation picture is brought into effect, at that particular point in time I can give effect to the Enabling Ordinance to signing this agreement which will assure the Yukon of getting monies that we have just delineated to cover that period up to and including the 31st of March, 1969, which is the point in question ... and it is the Enabling Legislation that Council has passed and the lack of the taxation that goes along with it says that the agreement has not been signed up to this point, and once that agreement is signed-remember that we are trying to get an agreement with Canada here that will be effective

Mr. Commissioner continues...

or would be binding on the Federal government of Canada no matter who makes up that Federal government; whether it be the present government or whether we have a different Minister between now and March, 1969; this is what we are trying to do - to preclude the very thought or fear that has presently been expressed by Councillor Chamberlist.

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Mr. Chamberlist: Mr. Chairman, I want to make it clear to Mr. Commissioner that my question is to get Mr. Commissioner to answer as to whether he has confidence in the Minister. Now, it would appear to me, Mr. Chairman, that if Mr. Commissioner has the confidence in the Minister, that he will not cut-back, he would not refuse to state that he would resign if the Minister failed in his commitments to the Commissioner. This is the reason for my question and Mr. Chairman, it would appear to me that if Mr. Commissioner is not prepared to support the Minister in his statement, I wonder what use it is for us to support the Minister.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, I have no reason at all to distrust my Minister with regard to these items and I also have no reason to believe that he distrusts me and the important thing is to get this agreement signed and then we have the assurance that the Government of Canada; no matter who makes up that government, is committed under certain terms and conditions to provide the Government of the Yukon Territory with certain funds for specified purposes between now and the 31st of March, 1969 and I would say that I have absolutely no reason to believe at all that this commitment will not be carried out. The way to assure that it will be carried out is to get this agreement signed and I have the fullest confidence in the fact that my Minister will proceed promptly to permit me to go ahead and get the necessary arithmetic changes made in the agreement so that it can be signed immediately .... Council sees fit, if they do, to pass the lacking taxation.

Mr. Chairman: Mr. Shaw.

Mr. Shaw: Mr. Chairman, this particular question raised by the Honourable Member for Whitehorse East I do not think is one that I myself would be prepared to give an answer to if I was asked a similar type of question because we do have a situation where one does not necessarily put their neck on a block for something that might happen for greater or larger extent. We have before us written down, situation number 3 which explains how we can get all the monies back; the deficit grant for 1967-68, if a portion of the 1967-68 - I should say a proportionate share of the 1967-68, and the amounts as laid down in the budget for 1968-69. Now, this has been quite a long drawn out representation over many period of years. The Honourable Member for Whitehorse West had a recapitulation of events which occurred last Fall and the early part of the winter. Mr. Chairman, this has culminated in a paper which the Commissioner - statements you may call them, the Commissioner has given to Council on the authorization of the Minister of Northern affairs. This paper is agreeing to what Council has asked for. It may not be in exactly the same terms and conditions as were set forth; that is to be a normal state of affairs when there are confrontations between any two parties. Each party thinks they are right; we think we are right and I think when we think we are right, we are right. Now, this particular Paper, Mr. Chairman, is a culmination not



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Mr. Shaw continues...  
of last Fall's efforts of this Council but of many years. I can recollect that in the Council Chamber; I won't say this Council Chamber because we were situated in another part of the building; the member from Carmacks-Kluane first brought up; according to my recollections the matter of more self-government before the public in a legislative chamber of the Yukon Territory. That was ten years ago that Mr. Livesey first brought up this matter. I think I can truthfully say, Mr. Chairman, that a lot of people ridiculed that type of thinking. They were so used to serfdom that was in the Yukon that something like that was extremely radical; he was just off his rocker completely. That was his opinion at that time and that has continued until finally all of the people; certainly all of the representatives and a great number of the people .... number of the people of the Yukon Territory have gone along with this type of thinking. I got on the band wagon myself quite a number of years ago and I can see how futile the present existing situation was so that this has come on and on and on - this is ten years that this has been going on, Mr. Chairman. So finally we had reached the stage where we are going to have talks with our senior government officials; in other words it appears to me - I will take the Minister's word that we will have these talks with this Committee so rather than get into a stage at this time of berating anybody, I am not particularly concerned about berating anyone at this time; I am particularly happy, extremely happy that we have come to a situation where we will be able to sit down and have these discussions to bring to fruition what was first started in this Council Chamber nine and a half years ago.

Mr. MacKinnon: Mr. Chairman, I don't think that the suspicions of some of the Members which are certainly well founded, should cloud the issue that to me the people of the Yukon Territory and the representatives of the people of the Yukon Territory have, by the statement by the Honourable Minister of Indian Affairs and Northern Development- the name changes so often it is hard to keep track of, have in essence won a victory. The original and final compromise or the final compromise of the people of the Territory sent to the Minister of Northern Development was refused by that Minister. Now he has agreed in essence to exactly the same thing that he refused to assent to prior. We asked him when the White Paper was going to be tabled. He apologizes for the fact that it was not available at the time when he originally thought it could be available. There is not a firm date and assurance but at least he said that it is going to be tabled as soon as possible and I have no reason to doubt that. People in Ottawa, whom I have some dealings with and correspondence with have backed this up that there are people working on the White Paper and the Minister does want to get it as soon as possible. The second point was that we thought that at the time of the tabling of this White Paper, and this is the point to which we have compromised to, at that time the Minister would be willing to allow that Parliamentary Committee that will be dealing with that Paper to hear the views of the Members of the representatives of the people of the Yukon Territory. The Minister has very emphatically said that he is going to request the Parliamentary Committee to come to Whitehorse and at that time ample opportunity be given to the Members to make their views and wishes known to the members of the Parliamentary Committee.

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Mr. MacKinnon continues...

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Mr. Chairman, I am extremely happy that the Minister has seen fit to revert an original adamant implacable stand and now has come around to accept the wishes that the representatives of the people of the Yukon Territory put before him. I think it is a victory; I think it is a resounding one and I am very happy that the Minister has seen fit to come around to our wishes. There is one thing that I object to and that is the people making up the task force that is preparing the White Paper only see fit to seek the views of the representatives of the people of the Yukon when the White Paper is tabled. To get around this difficulty I have a resolution on the order paper which is going to inform this Committee and the Minister, and the Administration, exactly what the consensus of the people of the Yukon Territory is in the field of constitutional reform and the Commissioner can bring this statement to the Minister so that he can give it to his task force when he journeys to Ottawa next week. I think that it would be folly for the Minister not to embody the consensus of the wishes of the elected representatives of the people of the Yukon Territory in this White Paper. People have often said - really what is it that the representatives of the people of the Yukon Territory want. There is a resolution now on the Order Paper so that everyone will know that this is exactly what the people of the Yukon Territory do want. And I cannot see how we can look at the statement issued by the Minister as anything else but a resounding victory for this Council and for the people of the Yukon Territory.

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

Mr. Taylor: Well, Mr. Chairman, unfortunately I cannot agree. This of course is what makes democracy tick, I suppose, if indeed there be democracy in action here in the Yukon Territory. When we left this Chamber shortly before Christmas after a week or so of solid negotiation with the Minister and the Administration, we could come to or get no real assurance from the Minister that he would indeed listen to our plea for fiscal and political reform. If nothing had happened from that time to this and though this paper, as far as I can see, I read something else into it than some members seem to read into this paper. But if the situation stood the same today I would more or less take a chance on it and I would go along with it. However, I don't. Based on historical fact; recent historical fact in relation to negotiations fiscal, tax-wise, the very first thing the Minister did when we left this Council Chamber, and as far as I am concerned and nobody has been able to prove any different to me, was try and bring the people of the Yukon Territory, by virtue of its Council, to its knees like cattle in a stockyard. So, number one, he knew full well that we adjourned this Council, rather than prorogue it, in order that we see the White Paper which he assured us would be presented in mid-January. He then moved the tabling of that paper on some three months more; after we had gone home. I believe it was a day or two after, I forget. Number two, he allowed, he attempted an imposition of a one mill increase in the Education tax. Of course he knew, and the Territorial Administration knew it was contrary to the wishes of the Council. Over Christmas, why several, or possibly all the members who were aware of this raised such a furore that the Administration agreed to withdraw the imposition of the one mill school tax. Three - what I hear on the radio, he further cut our budget by an additional four million dollars, as I read it, from

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Mr. Taylor continues...  
the information I have over the Five million that was already cut. Now, is this the attitude and is this the program of a reasonable man? Of a man who is being honest and sincere with the Yukon or of an Administration. I am talking now of Federal administration, the Deputy Minister and his people? Are these the actions of sincere people, sincerely dealing with the people of the Yukon, no! And therefore it leaves an area of mistrust, very clearly. Some time ago, and I might point out too in relation to this tabling of the White Paper; either the Minister knew when he gave us the assurance that this Paper would be tabled on the middle of this month; he either knew this Paper wouldn't be tabled the middle of this month and was trying to bring us around with this little tit-bit or indeed he is lying one way or the other. I don't know which way but there is something very wrong. I don't feel - I think the time has come when we want to put an end to this nonsense. I talked to my people on it and they said 'we'll tighten our belt and stand and fight, Taylor', and that is exactly what I am going to do until this matter is resolved. I am not in favour of accepting this statement; I'm not in favour of seeing an increase in taxation of any form in the Yukon Territory; no matter what. I'm not - until such time as I see this White Paper, because I am not convinced that this White Paper indeed goes as far, although indeed it could and indeed, as has been suggested, if it does go farther than what we suggest now and if we turn this down we will look like a bunch of silly asses, I believe is the term. This is possible. I would be quite prepared to stand here and look like a silly donkey. As long as the Yukon Territory, if there was something in it that would benefit the people of the Yukon Territory. It has been stated here that we would win a victory by accepting this piece of paper. I agree, I agree this Council would have won a victory, Mr. Chairman, but the people of the Yukon Territory would have lost a ball game. There are no assurances here that having the taxes; the Commissioner has not been able to give us any assurance that there would be no further cut-back and it is my considered opinion that the minute the Yukon Territorial Council were to grant the tax Bills, then there would be, within three to six months, drastic cut-backs. Well it can't get any worse than it already is and I say let's stand and fight. I have talked to many people in my district and indeed people from the Northwest Territories since I last stood at this table and I have talked to other people in the street, both here in Whitehorse and other communities, and from other communities and there is no doubt in my mind that the Minister of Northern Affairs controlling our destiny here in the North has, long ago lost the confidence of the people of the Yukon and indeed, I am told the confidence of the people of the Northwest Territories. If this be the case why should we stand here bickering and, or not bickering but trying to negotiate with an implacable Minister. In my opinion he has not granted us those concessions which we looked for in the tax bill and as I say, following the leaving of this session - at this session of leaving before Christmas, had he not taken these drastic measures, I would have gone along with this but I will not at this time. Those are my views on the matter as stated before and I will say it again to the people of the Yukon. I am going to stand and fight this one.



Mr. Taylor: I will resume the Chair.

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

Mr. Chairman: Does Committee agree.

All: Agreed.

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

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Monday, January 22, 1968.  
2:00 o'clock p.m.

Mr. Chairman: Well, gentlemen, at this time we will call Committee back to order, and we are discussing the Commissioner's statement of today on taxation and fiscal reform. I wonder if you would like to continue this discussion at this time.

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Mr. Livesey: Mr. Chairman, in rising to speak at this time upon the question presently before the House, I think there are several things that we must take into consideration. One of them is the power of the Federal Government over those of the Provinces and likewise those of the Territories and the fact that constitutionally they are the Parliament is the supreme power in Canada. The position that we hold in the Territory is that position which is equal to the terms of the Yukon Act, and the Yukon Act is a statute of the Federal Government and the Dominion Parliament. Now this is not something that we can deny; this is something we have to accept. In this past history, I think it has been shown, beginning from the first attempt of upper and lower Canada to exert an influence over their own affairs by attacking the systems created by the colonial atmosphere and colonial government. They presented their problems to the imperial Parliament, and in time the imperial Parliament granted concessions. Those concessions finally wound up to the means of the British North America Act which is the written portion of our constitution as we know it today in this wide Dominion. Now, the next question seemed to be what we are going to do about the Northwest Territories, and the Northwest Territories, of course, attacked the situation which finally wound up in self-government for especially Manitoba, Alberta, and Saskatchewan, and I think something like the same way we are doing here. I don't see too much difference. I think the feelings were the same, the problems seem to be the same. We had the same type of feeling of individuals, some a little more radical than others, some a little more conservative than others, and it seems to me that we are and have been following precisely the course of history. Now, for the past ten years, and at this point I would like to thank the Honourable Member from Dawson for his very kind remarks this morning, for the past ten years this Council definitely has been on the road towards trying to establish a position for the Yukon Territory and primarily for the people of the Yukon Territory which would give us influence over our own affairs. We haven't had this influence. We still have not obtained this influence, but I think we are on the way towards a better Yukon, what I referred to in 1958 as the first rung on the ladder. I think, like everything else, we - there is no point in trying to attempt more than we can swallow. There is no point in trying to go further than is necessary. I feel that the public of the Yukon Territory will be better served if we are provided with a first step toward constitutional reform rather than trying to bite off more than we can chew. So I do feel that the Council, the newly elected body, the representatives of the people in the Yukon Territory elected last year in September, are on the right road. I don't think there is any questions about this at all. I think we are going exactly in the right direction. However, there isn't too much point at the moment in taking confrontation any further than need be, and I feel after listening to the proposals of the Commissioner this morning that was brought to our attention that we have definitely gained a point. Now, we can obstruct ourselves if we go further than we've gone at this time. This is the way I feel about it, Mr. Chairman, and I do feel that if we now co-operate and work with the proposals that we have

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obtained from the Federal Government that we will be far better off in the long run than pushing our luck too far. This is the way I feel about it, and I think this is the sensible course, and I feel this is the way that this is going to come out. I think this will be the ultimate result. If, after we have heard further from the Federal Government as to what is in the White Paper, then we will be in a position to make further suggestions, but until we know exactly and precisely what is in the White Paper I don't feel that it would be anything more than futile to persist until we do find these facts out. I think this is a sensible plan, and I don't see, Mr. Chairman, where there is any necessity to push this question any further. I think we are in the right position, we're on the right track, and if we want to revert back to what we've been told that the ball is in your court, I think the ball is definitely now in the court of the Federal Government and the Federal Parliament of Canada. I think this is the suggestion that will be made, as has been indicated, that the Minister will request the Parliamentary Committee that will take up this question with the Council of the Yukon Territory. I think this is an excellent suggestion. This is what we wanted. Its not exactly in the same form, but its close enough to it that we need not raise arguments against it, and I feel right now, Mr. Chairman, that if we co-operate in this way and take this first step and find out what the contents of the White Paper will be and after discussion with the Committee we find out what changes may come about. I think then we will be in a better position than we are at this moment to make further suggestions, and I would suggest, Mr. Chairman, that that is the best position we can possibly obtain at this time, and I would suggest that we adopt it. Thank you, Mr. Chairman.

Mr. Chamberlist: Well, Mr. Chairman, when I spoke this morning I spoke by way of putting questions to the Commissioner to assess for my own benefit and perhaps for the benefit of other Members of Council the sincerity in which the statement given to Council this morning has been given. I have every sympathy towards the stand that the Honourable Member for Watson Lake took this morning. I think he has every right to be suspicious and to have a certain amount of mistrust of the Administration and of the Minister. There has been every reason, indeed, shown to Members of Council why there should be suspicion in the minds of the Members of Council. I will say this that I believe that the statement brought forward by the Commissioner appears to me to certainly be again in favour of the Territorial Council and the people of the Yukon Territory whom we have a responsibility to serve. I believe that in the making of this statement and the assurance that the statement has been made with the full knowledge and concurrence of the Minister at least brings to my mind the thought that although the Commissioner this morning in answer to a question I put to him would not agree that he would find it necessary to resign if the Minister fell back on his word. At least it did show that the responsibility if the Minister and the Administration went ahead and allowed cut-backs after, if we do, if Council does accept the intent of this statement, it would show beyond any reasonable doubt in my mind that the statement made in Councillor Taylor's remarks earlier that the Minister has lost the confidence of the people of the Yukon and indeed of the Northwest Territories, those areas where the Minister is responsible for the governments of, and it would also show that whether the Commissioner would resign because of that, he would find that he would be working under the direction of a man who has no sense of honour in his words. I don't think that we have reason for absolute joy in the statement that has been made by the Commissioner on behalf of the Minister, but certainly, I repeat, we have gone a long way in getting the Minister to reverse his previously adamant stand and I am not prepared to go along and say that we should continuously boast that we have received some

imbediments - there being a saying that a hen does no boasting until she has finished her work, and I feel somewhat in the same position - we haven't got the eggs yet. There is also reference quite often made that we well may receive greater benefits once the White Paper has been tabled, benefits that are far more beneficial than what this Council expected in the first place, but I would also add that all things may come to those who wait but they come sooner if you go after them and this is what we have done. We have been placed in the position, and I am pleased that the position has changed, the position of the Federal elephant who looked down contemptuously upon the Yukon Territorial mouse and said, 'You are just about the puniest little creature I have ever seen', and the Yukon Territorial mouse's reply, 'I am not always like this, its just that I have been sick for such a long time'. Well, we have shown the Federal elephant that we are taking the steps to get well, to get well in the democratic right of more self-responsible government, and I am therefore perhaps with a slight reservation that I might extore later on in favour of accepting the statement that has been issued by the Commissioner, but I would like it made quite clear that I am still suspicious and I will remain suspicious until the White Paper comes along, and I echo the Honourable Member from Whitehorse North's remarks when he said that what he is unhappy with is the procedure where a document of this nature will be tabled in the House of Parliament before the Honourable Members of this Council have had the opportunity to discuss the contents. Sometimes, however, we must be pleased with very small offerings and at the moment it is a small offering. I hope there is some yeast in it which will make it grow.

Mr. Dumas: Mr. Chairman, there has been quite a bit of discussion about agreements and about suspicions. I suggest that they are well-founded. We now have a statement before us which asks us to accept the good faith of the Minister of Northern Affairs. I am reminded of the Yukon Indian Chief who said, 'White man cannot be trusted for he paddles canoe on both sides; Indian cannot tell where he is going'. This is the case with this Department of Northern Affairs of ours. They have been paddling the canoe on both sides. Let me illustrate this, Sir. There was an agreement regarding the Correctional Program, a 50/50 cost sharing agreement. Unilaterally, the Department of Northern Affairs withdrew from that agreement. First of all they agreed to it, then they withdrew. That's paddling the canoe on both sides. There was a Campground Agreement, a 50/50 cost sharing program. They agreed to it, then they withdrew. That's paddling the canoe on both sides. There was a Community Development Fund, which should have been sacrosanct because it was established for one purpose, and one purpose only, and the Minister of Northern Affairs knew that, and I might point out that it was established during the ten year in Council of the now Commissioner of the Territory. That, too, was taken away. That is paddling the canoe on both sides. So we are suspicious and rightly so, because so many times the agreements have been broken unilaterally by the Federal Government. In many ways this statement is a victory, because the Minister of Northern Affairs at last has realized that we will be heard, we must be heard. Unfortunately, the victory is somewhat hollow because we will not have any say in what goes into that White Paper, and really this is what we want to direct our opinions towards. However, it is a start, it is a start in the right direction. For this reason I will reluctantly accept the statement, but I will say to you, Sir, Mr. Smith, keep the faith, baby, because if you don't we're going to be back to fight again. I would also like to point out that I, for one, am aware of what is going on. I believe that the monster - pardon me - the Minister of Northern Affairs is using this White Paper as his last great act, his

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contribution to the people of Canada and to the people of the north. His contribution - we hope that in fact he is doing this. We hope that it will go as far as we want it to, but again we are suspicious. This is his last great act before going to the Senate, or to that great Government House up in the sky, and let us hope that he finds his way to one or the other soon. The Commissioner's role has been a tough one in that he is acting between the people and their opinions as portrayed by we Councillors, and for the man that he works for. The time may come, Sir, when you must decide which side of the fence you're on. I say to you again, this is part of one battle, this Session of Council. The battle is not over, and the war is not over. We shall return to fight again until we achieve final victory. If we don't achieve it, our successors will. If they don't, their successors will. Somewhere along the line it will come, and let us hope it comes soon. Eventual victory is a must. It will occur. The present political situation and status of the Yukon Territory, and indeed the Northwest Territories, is a blot on a great nation, on the political development of a great nation. It cannot be allowed to remain.

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

Mr. Chamberlist: Of course. Go ahead, Councillor Taylor.

Mr. Taylor: Well, Mr. Chairman, I have listened with some interest to the remarks made this afternoon by the Honourable Members, and I rise to point out that - of course I still do not agree with many of the remarks made in relation to the acceptance of this particular document - indeed as you look at this document, I suppose you could place, as one does in legislation, many interpretations upon it. It depends on how you are looking at it. It says nothing. It gives us nothing. When we started this ball game, as we might call it, we said, 'Alright if we are going to raise money in the Yukon Territory from our people through direct taxation, is it then not reasonable that we have a say in how that money is spent?'. This is how it all got started. We know that through past experience that the Federal authority, that being the Department of Northern Affairs, not the Liberals or the Conservatives or the Democrats or whatever, but the Department of Northern Affairs, which I feel is more powerful than any government. They said, 'No. No way. You will remain subserviant to us as you have been for the past 60 to 70 years.', and indeed we have been subserviant to that authority for the past 70 years, but we said, 'Alright we'll amend the tax bills, making a provision where we'll give you requested taxes.' This is when we had the gun at our head - if you 'create a committee on constitutional reform to be formed to discuss amendments to the Yukon Act for the purpose of providing measures of fiscal responsibility to the Council of the Yukon Territory' and so forth. That is how we started. Then we got a reply as Councillor Dumas pointed out this morning. The Minister would not agree to assent to those bills. Now he either agrees with us or he doesn't. If he is honest and honourable and what he has stated to be his intent to see us get more responsibility in the Yukon Territory, it is my contention that he would have assented to the bills, and today still has the power to assent to those bills. Those bills still remain. They have been passed by this Council, and the Minister need only give assent to the bill and he will have his tax revenue and he can get on with the job. Now, in his failure to assent to the bill, it is obvious something is wrong. He obviously doesn't intend to do this. So we go on a little further and we find that the Minister, when we bent a little and we said, 'Alright just send us a telex or a letter or give us your authority or give the Commissioner the authority to say, well you'll back this thing up and we'll get on with the job'. Even then he refused, and indeed as I have cited before - oh, he did mention the White Paper - and when we left Council in adjournment until this date, he did, as I pointed out this morning, the first thing he did

was move the tabling of the White Paper, which we came here to see, he moved that up three months. He allowed the imposition of the one mill school tax against the wishes of Council, and he cut our budget an additional four million dollars over the five that had already been cut. This is, as I said this morning, not the actions of a man who is sincere. Now, since that time, we have, through our own efforts, had this one mil tax increase on education removed, but we have not solved the problem of the tabling of the White Paper by any means. The White Paper is still a mythical thing. It is something which does not at this moment exist, and he has not convinced me that he is going to return the original four million or the five million as Mr. Commissioner pointed out this morning. Proposal No. 3, if you'll note in the bottom, it says, 'The foregoing course is very practical and very possible', but I have no clear indication from Mr. Commissioner's remarks this morning, or from the statement by the Minister, that this is going to be done. Now indeed, as it would appear around the Table, people or Members here, many who have said, 'We don't entirely agree with this, but in a sense we think it is going to be alright.', and it seems that this acceptance that may come forth for this paper is with some reservation. Well, I say to you, Mr. Chairman, that I feel if Members are to accept this, they should accept it with no qualification whatsoever, and no fear, and if there is any doubt in any of our minds as to whether the Minister is really honest here, which I don't think he is, then you should not accept the paper, and indeed the course of action that I suggest should be followed is that until we see the White Paper, which indeed does spell out what the Federal Government's policy is in relation to the development of constitutional and fiscal reform in the Yukon Territory, I say: we have no right to impose taxes on the people of the Yukon Territory. You've got to remember, Mr. Chairman and Honourable Members, that during this past summer season and for over three quarters of a year the people have done without. They have done without street maintenances and they have suffered cut-backs, and I can tell you this, that in the outlying districts it has hit us pretty hard when you can't even get a fire siren, or you can't get a road grader, or you can't get those things which are required as a necessity in the daily way of life. When you can't get these things, it hurts, and to go to these people and say, 'Ok, we want you to pay more taxes.' is absolutely unthinkable, and the cut-backs - who do they affect? They didn't affect the Civil Servant - they affected the citizen of the Yukon Territory - the guy who came here to pioneer, not came here for three years to get a job and go away again. They affected the little guy who is trying to build a home - the guy that is trying to build up our sub-divisions, the guy that is trying to make a life and a living for himself and his family in the Yukon. Insect control went, dust control went, some of these things that make life a little more liveable here in the north. Community Development Grants, the payments towards our community halls. Oh, they know where to get us. They know how, as I said this morning, to knock them down like cattle in the stockyard - bring them to their knees - subserviant. Mr. Laing said to the Northwest Territories Council last spring - "Appearing before the Northwest Territories 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." So, in one quarter he admits that we've got lots of money, we can support ourselves - in the other he cut an 18 million dollar budget in two. What sense, what reasons do you find here? Well, the Minister and his Department have told us continually that they are interested in the development of the resources of the north, but, Mr. Chairman and Honourable Members, I say to you he has forgotten the human resource, the most important resource of all. In terms of the investment in natural resources such as Clinton Creek, Anvil, and these places, the Federal investment in these

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projects will come back to them one hundred fold, to the Federal Government, not to the Territory, but to the Federal Government. In this money, of course, they can appease the demand from the Provinces. Any investment made in the human resource level, in the development of this Territory into something we can be very proud of in spearhead, will continue and will forever bring great benefit to the Dominion as a whole, but every effort to get in on this bandwagon known as Confederation is thwarted and stopped as fast as we get near Ottawa. No participation in Federal-Provincial Conferences. Every request flatly 'No!'. We're looking for experience, because if we're ever going to be a province and self-sustaining, we must do two things - possess administrative responsibility, and possess legislative responsibility. Alright, we're asking for a chance at administration - 'No!' - so, I say give them no more money until we see the white of their Paper, and that's about the size of it, and if that paper does come and indeed it does show that the Government's policy is one which will set us on a course of administrative responsibility and allow the people of the Yukon to participate in their own affairs, I would be the first to stand at this Table and give my wholehearted support to that tax bill or those three tax bills, but until I see that Paper I am not prepared to give any acceptance to it at all, and I beg of you before you accept this Paper read it again, and again, and again if necessary and think well on some of the remarks made here today. Thank you, Mr. Chairman.

Mr. Shaw: Mr. Chairman, I, from time to time, disagree with some of the statements and some of the sayings that the Minister of Northern Affairs does. I also, from time to time, disagree with some of the thinking of Members of this Council in the same manner in which they disagree with some of my thinking or remarks. That is a normal state of affairs. When one has confrontations with any group of people, the fact that they get the best of you in this particular or in a particular instance doesn't make them terrible people any more than if you get the best of them, it makes you a terrible person. It is just where there is disagreement and somewhere, somehow, you have to reach some type or a mutually acceptable agreement so you can continue whatever the business may be on hand. Council for years has been endeavouring to get a more responsible form of government, a more democratic form of government, and we are all, all of us I am sure, have that as a paramount interest on behalf of the people whom we represent. We have different ways of going about it. Some Members would like to take over the whole lock, stock, and barrel tomorrow and start to operate. Some would rather take it in easy stages. This is all a matter of thinking, but the fact that one thinks one way and one thinks another is not wrong, it is a very good democratic way of putting it forth. We have requested on so many occasions, I don't know just how many, in statements of this Council, the Council before, the Council before, and the Council before - I can't talk of any before that because I wasn't around - and they have had one objective in mind, one objective, to get this more responsible form of government, and they have asked repeatedly, some moves whereby they could give their thoughts to the Federal elected representatives. At one time it was the Committee on Northern Affairs. So that when I talk about being fair I look at it in this way, Mr. Chairman, that we have made many submissions in this Council to the Federal Government. Now, I would assume that the Minister has taken into consideration, though he may not agree, he must have taken into consideration these various and sundry submissions, which he no doubt will use, to a greater or lesser degree, in the preparation of this White Paper. It would appear to me, Mr. Chairman, that the Minister could hardly present a White Paper to this Council before he delivered it to the Parliament of Canada. Parliament is the senior government and they would be entitled to have the first go at whatever this change may be. I am sure, Mr. Chairman, that if somebody was presenting a paper - for

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example, the municipality wanted to present a paper to the Council of the Yukon Territory, and they decided that that they should first go down to Vancouver and publish it all over the country before they delivered it here that this Council would no doubt raise objections to this. So that is what I say in being fair in persons that must have this White Paper first according to protocol and so on, must be the Parliament of Canada, and that would assume - I would assume therefore that the Minister would have, after consultation with the Cabinet, and of course having our briefs from time to time over the years, that must first go, I presume, with Cabinet approval, to Parliament, so that is the only means in which this can be pointed out. Now, in these years of effort to get a hearing before some of our senior representatives, we now have a statement from the Commissioner with the full concurrence of the Minister of Northern Affairs. Some Members are suspicious as to the intent of the Paper as to wording as to various and sundry other things. It doesn't matter what document one gets, one can always be suspicious of any document. I, myself, feel that this is a commitment, Mr. Chairman, this is a commitment by a Minister of the Crown, the second highest political office in Canada. He has given a commitment of what he will do, and I am quite prepared to accept that as it is written and as it is given. I feel, Mr. Chairman, that the Minister will go ahead and do exactly what he has in this Paper, and until I find out that this is not correct, I will just have to accept it in the same spirit as what he has given.

Mr. Chairman: Thank you, Councillor Shaw. Is there any further discussion

Mr. Taylor: I would like to direct a question to Mr. Commissioner that I would like a fairly direct answer to, if I could. In the discussions this morning during the Question Period, a question was asked as to whether or not indeed there could be further cut-backs if the Council agreed to this document, and I would point out that this is not a commitment, this is by the Commissioner with the concurrence of the Minister, this is not a commitment by the Minister as I see it, but I therefore ask is it possible, assuming that the Council agreed to this document and that all these monies - we got our full 18.2 million dollar budget back - that, or minus the period as outlined by the Commissioner this morning, and we went along with this, that the Minister still could cut our budget back again. Is this still possible?

Mr. Commissioner: Well, Mr. Chairman, I think its exactly as I told you. We want to get this agreement signed and once this agreement is signed, I am certainly not aware of any means that there would be of curtailing these funds. There are two documents that are involved, Mr. Chairman, and I am sure all Councillors are aware of them - there is the enabling legislation to prevent a fiscal agreement to be signed, and the history of past fiscal agreements and I am certainly subject to being corrected on this, but to the very best of my knowledge, Canada has honoured to the letter all fiscal agreements of the past. There is the five-year one that we have just completed. There was a statement tabled in connection with it that showed that all the monies that had been committed by Canada during that five years have been paid to the Territory during that period of time, and this is certainly my understanding and is my Minister's understanding and there is no misunderstandings between the Northern Administration Branch and ourselves here because I checked with them this morning to make absolutely certain that we were not committing something here in Council that was not entirely .....as Council and myself understand it. I can't be more explicite, Mr. Chairman, we have a history of - I don't know whether this was the third five-year agreement that we have completed or whether it is only the second one - I'm not too sure - but I am not aware of any monies that were committed to the Territory



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for - in those fiscal agreements - that were not honoured in their entirety, and it is the signing of this agreement that we want to get accomplished to assure the Territory of getting these monies for 1968-69, plus those ones which we have already referred to that we will get in proportion for 1967-68.

Mr. Chairman: I would like to direct a question from the Chair. Commissioner, Councillor Taylor has asked whether you would give an explicit answer as to whether the Minister could make further cut-backs. With respect, you have only suggested what you want to be done, that is the signing of an agreement. I think the question that the Honourable Member from Watson Lake has a right to a reply to is whether the Minister could cut back.

Mr. Commissioner: Mr. Chairman, could we ask the Clerk to - do we have any copies of this agreement proposed? Could you get them, please, because really I think this is the question the Council is asking - it boils itself down to interpretation of this agreement. Now, you're asking me does the Minister - if you're asking me does the Minister have the authority to create cut-backs, I have no reason to believe that he has that authority once this agreement is signed. It would be certainly my understanding that the authority in the position of both parties to the agreement is signed and fulfilled once this agreement is made, and I am certainly not aware of any authority or powers that the Minister could have to change that agreement without having the concurrence of the Council, because if you remember correctly, and I am sure Councillor Shaw and Councillor Taylor will remember this, that when the enabling legislation was brought before Council, there was an item in it that said that this agreement could be changed with the concurrence of the Commissioner and the Minister, or words to this effect, and I explicitly requested that this matter be removed entirely and another subsection substituted for it with words to the effect that the only way that this agreement could be changed was with the concurrence of the Territorial Council. Now, I think in that lies your answer. This is right in your enabling legislation. Now, it is the legislation and the interpretation of it that is involved here, and it is very specific as to how this matter can be dealt with.

Mr. Taylor: Mr. Chairman, I still haven't got the answer I'm looking for really, but we have suffered cut-backs - I cite last Spring, Bill No. 8 under Schedule A, there was \$820,000 we required desperately in mid-Council so that we could get road projects on the road, and out of that \$220,000 was all that was projected, and there was never any intention to spend any more of that money, and that was all that was expended and this is what we were informed after - following the Spring Session or during it. Now, this was a cut-back, I understand, because monies were not forthcoming from the Federal Government. That is my understanding.

Mr. Commissioner: Mr. Chairman, this is absolutely correct, but the monies that you are referring to there are road - several road project monies which are outside the fiscal agreement. They are not part of the fiscal agreement at all, and ultimately of these monies that I believe - was it \$800,000 that you said? - of these monies that were cut back at that particular time I believe in actual fact practically all of them were reinstated by - when the tender call was made on the last section of the road.....  
.....and you have the last ordinances there, the last fall's ordinances there, Mr. Taylor, I think that you would have every available enabling ordinance and the section that I specifically referred to in regard to changes in the proposal.

Mr. Taylor: Yes, well Mr. Chairman, I just rise to point out, this is certainly outside our agreement, but it certainly is in our budget and forms part of that 18.2 million dollar budget. Otherwise its got no business being approved at this Table, and this forms a part of that budget.

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Mr. Commissioner: Mr. Chairman, this comes under the part of the Engineering Services Agreement that you have with the Federal Government, and does not form a part of the basic monies that we are speaking about at the Table today, namely those monies which were assured us under the fiscal agreement with the Federal Government.

Mr. Taylor: I'll resume the chair.

Mr. Chamberlist: Mr. Chairman, it would appear to me that there is, as I said earlier, every reason to be suspicious but at the same time we have to think in terms of the man that cried 'Wolf' - you have all heard that story of the boy that cried 'Wolf', kept on crying 'Wolf' until nobody took any notice of him because there wasn't any wolf, but all of a sudden he cried 'Wolf' one day and he got eaten up because the wolf did come along, and this might apply with the Minister this time - he has to be given the benefit of some doubt, but all the time he has been misleading us - today he may well be honourable in his intent. Of course, dealing with finance I again have every reason to be suspicious as well, especially one example I will give of a public announcement of a bid for a school at Clinton Creek. When I look at the cut-backs and the financial statement, I find that there is no money set aside for Clinton Creek, yet a school was going to be built there. When I enquired of the Commissioner where this money is coming from, I was told it was coming out of an amount of money that was set aside for Unallocated Classroom Construction. Now, I look up the Unallocated Classroom Construction, and the amount that was voted for was \$298,500, and it was revised to \$206,000 and then it was decreased by cut-back \$193,500, so that the capital program for the Federal Government for these classrooms, these Unallocated Classrooms, is only \$12,500. Obviously the Administration is going to find the money somewhere, and I have come to the opinion that whatever is going to happen the situation will be that the Territory is going to continue, although I have plans to suggest to the Commissioner that 20 per cent of his staff get fired because if the people of the Territory have to cut back so will the Administration; but these are all side issues that none of us should really take up if we can get to a meeting of the mind. Again, I say I have every sympathy for Councillor Taylor's stand. If it wasn't for the fact that everybody has got to be given a last chance, and I think the Minister has got to be given this last chance and this is why I am going to accept this statement, but woe betide him if he lies to us this time because I tell you I'm going to stand up in this place and I'm going to find ways and means to talk and call him down before the whole Session.

Mrs. Gordon: It is eleven weeks ago today since I first stepped in this Chamber as the first woman on the Yukon Territorial Council. It is five weeks ago today since Council recessed because we were at an impasse. Throughout the first part of this Session I have had very little to say, but I have done a lot of listening, and in my world throughout my life things have been pretty black and pretty white, but in my eleven weeks as a Territorial Council Member duly sworn I have found there are varying shades of grey, and every day there has become more until black and white are becoming farther and farther apart. In our impasse I have felt that we seven Members were related to those

equine animals mentioned this morning by the Honourable Member from Watson Lake, and this White Paper was that carrot that was being dangled before our noses. In December when we left here it may have appeared that we seven had become those balking mules and dug in our heels, but now that carrot has been brought back in this statement from the Commissioner, from the Minister to his Commissioner, and during my lifetime I have always made it a point to give the other guy the benefit of the doubt, and until I walked into this Chamber this morning I was still unresolved. I was at the point where I could have been as adamant as what the Minister was when we left here in December, but I feel that the people in the Yukon deserve more than this, and it is up to we seven Members whether we like it or not, not to consider ourselves but to consider Yukon first. Our electoral districts and as a greater thing those people who live and make their home here and intend to stay. I arrived in this Territory thirty years ago this month, and I expect that my bones will join the gravel in the Yukon. I would join my Honourable Member from Watson Lake in braying like that mule if the Minister should remeg on what he has given us, and being a woman, I would echo and say very versifously, I told you so, because I have a suspicious mind even though I do believe in giving everyone a second chance, and this at this time is what I feel I will give the Honourable Minister of Northern Development and Indian Affairs.

Mr. McKinnon: Mr. Chairman, I would move that Mr. Speaker resume the Chair and hear the Report of Chairman of Committees.

Mr. Chairman: I wonder before there is a seconder to this motion if there is any further discussion on this particular subject.

Mr. Chamberlist: I would suggest that we stop for coffee at this time.

Mr. Chairman: I would like to get some direction from Committee in order that I can report same back to the Council.

Mr. Shaw: Mr. Chairman, I would move that we recess for tea about this time.

Mr. Chairman: Well, gentlemen, I will call a short recess.

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Monday, January 22, 1968.

3:30 p.m.

Mr. Chairman: Well, gentlemen, I believe we will now call Committee to order. What is your further pleasure.

Mr. Chamberlist: Mr. Chairman, at this time I would that the communication passed into Committee for discussion relating to constitutional reform in the Yukon is acceptable.

Mr. Shaw: Mr. Chairman, I will second that motion.

Mr. Chairman: Could I have a copy of that motion, please? It has been moved by Councillor Chamberlist, seconded by Councillor Shaw, that the communication passed into Committee for discussion relating to constitutional reform in the Yukon is acceptable. Are you prepared for the question? Are you agreed? Any contrary? I will declare the motion carried.

MOTION CARRIED

MOTION CARRIED

Mr. Chairman: What is your further pleasure?

Mr. Shaw: Mr. Chairman, I would move that Mr. Speaker do now resume the Chair.

Mrs. Gordon: I 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 will declare the motion carried.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: Thank you, Mr. Chairman.

Mr. Speaker resumes the Chair.

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 11:10 a.m. this morning to discuss matters related to the Commissioner's statement on taxation and fiscal reform. Upon motion, Committee recessed at 12:00 noon and reconvened at 2:00 p.m. It was moved by Councillor Chamberlist, seconded by Councillor Shaw, that the communication passed into Committee for discussion relating to constitutional reform in the Yukon is acceptable, and this motion carried. It was moved by Councillor Shaw, seconded by Councillor Gordon, that Mr. Speaker do now resume the Chair, and this motion carried.

Mr. Speaker: You have heard the report of the Chairman of Committees. Are we agreed? What is your further pleasure at this time, gentlemen?

Mr. Taylor: Mr. Speaker, the Committee seems to have concluded all the work before it. I would suggest that we ask for pro-rogation.

Mr. Speaker: Are we agreed? Mr. Clerk, would you please convey that message to the Commissioner?

Mr. Clerk leaves Council Chambers.

*OK*

Mr. Speaker: The House now stands adjourned to hear the closing address of the Commissioner of the Yukon Territory.

Mr. Commissioner and Mr. Clerk enter Council Chambers.

Mr. Clerk: The Commissioner of the Yukon Territory.

All rise.

Mr. Commissioner: You may be seated. Mr. Speaker and Members of Council, normally at this time I would be giving assent to the Bills that have been dealt with at this session, but as this was done prior to the recess before Christmas time this formality will not be necessary at this time. Mr. Speaker, I would close this session of Council by indicating that I am pleased to see that after this lengthy time, that it has come to a close and that I would look forward to opening the next session of Council.

Mr. Speaker: I would like to thank the Commissioner for his closing address and also for all the kind help and assistance that the Commissioner and his staff has given to this House during this session, which I feel has been a very hard one and a trying one for us all. I certainly would like to thank the Administration and the Commissioner especially for all the help they have given to us.

Mr. Speaker resumes Chair.

Mr. Speaker: I will now call Council to order. Will you proceed, Mr. Clerk?

Mr. Clerk: It is the Commissioner's will and pleasure that this Council be now prorogued and this Council is accordingly prorogued.