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YUKON TERRITORIAL COUNCIL

SECOND SESSION 1968

Votes and Proceedings

Volume 1

I N D E X

Volume 1 - Pages 1 to 448

Volume 2 - Pages 449 to 796.

Session Dates - Monday March 4, 1968 to Thursday April 4, 1968.

<u>MOTIONS</u>	<u>Moved</u>	<u>Discussed</u>	<u>Result</u>
1. Re: Sess. Papers, 1-4-5 & 8	52		Carried
2. Housing-Hillcrest	53	133-38, 143-57	Carried
3. Pre-Grade School Educ.	53	215-18	Carried
4. Re: Sess. Paper #6	53		Carried
5. Re: Sess. Papers #9 & 10	100	140,158-60, 192-204.	Carried
6. Municipal Act	100	141,179-86	Carried
7. Labour Committee	140	189	Carried
8. Sess. Paper #12	140	211-14	Carried
9. Sess. Paper #11 (Staff Upgrading)	140	190,205-10	Carried
10. Saturday Council Sittings	189	222-23	Carried
11. Sess. Paper #16. (Office Space Y.T.G.)	189	223	Carried
12. Fed/Terr. Financial Fiscal Agreement	260	260-65	Defeated
13. Re: Sess. Papers #21- 22-23 & 24	260	282	Carried
14. Terr. Contracts and P.S.V. Applications	372	372-75	Carried
15. Anvil Agreement	375	375	Carried
16. Fresh Water Fisheries	375	375	Carried
17. Kindergarten Program (Sess. Paper #34	477	481	Carried
18. Prevention of Cruelty to Animals	477	481-85	Withdrawn
19. School Lunches(S.P.#36)	521	521	Carried
20. Right to Work	753	753	Carried
21. Sess. Papers #37 & 38	574	574	Carried
22. "Klondike" Copyright	681	681-84	Carried
23. Re: Sess. Paper #39	724	724	Carried
24. Financial Advisory Board	767	767-70; 776-78	Withdrawn
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6. Water Supply-Haines Junct.	57		S.P. 15
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VOTES AND PROCEEDINGS

OF THE

COUNCIL OF THE YUKON TERRITORY

Page 1.

Monday, March 4, 1968.

2:00 o'clock p.m.

The Second Session of the Council for the Year 1968, being the Third Session of the Twenty-First Wholly Elective Council of the Yukon Territory, was convened in the Council Chambers at 2:00 o'clock p.m., on Monday, March 4, 1968.

The Members present were:

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

The Clerk read the Proclamation.

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: The Third Session of the Twenty-First Wholly Elective Council of the Yukon Territory will now come to order. Will you please advise Mr. Commissioner that the House is now prepared to receive his Opening Address.

Mr. Clerk leaves Chambers to advise Mr. Commissioner and returns.

Mr. Clerk: Mr. Speaker, Mr. Commissioner advises that he will be prepared to give his opening address in approximately ten minutes in the Territorial Court Room.

Mr. Speaker: The House now stands adjourned.

Mr. Speaker and the Councillors were escorted to the Territorial Court Room by the Sergeant-at-Arms.

The Commissioner of the Yukon Territory, Mr. James Smith, is ushered into the Territorial Court Room by his Aide-de-Camp.

Mr. Commissioner gave his Opening Address. (Set out as Sessional Paper No. 7.)

SESSIONAL
PAPER #7

Mr. Speaker called Council back to order in the Council Chambers.

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

MOTION CARRIED

MOTION
CARRIED

BILL #6 Moved by Councillor Shaw, seconded by Councillor McKinnon,
INTRO- that Bill No. 6, An Ordinance to Modify the Rules against
DUCED Perpetuities, be introduced at this time.

MOTION
CARRIED

MOTION CARRIED

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

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

Tuesday, March 5, 1968.
10:00 o'clock a.m.

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I have for your attention this morning, gentlemen, the tabling of Sessional Papers Nos. 1 to 6 and No. 8. I'm not tabling No. 7 at the moment as I don't have a copy of it on this desk. Are there any reports? Introduction of Bills?

SESSIONAL PAPERS NO. 1, 2, 3, 4, 5, 6 & 8.

Moved by Councillor Dumas, seconded by Councillor Shaw, that Bill No. 2, An Ordinance to Amend the Motor Vehicles Ordinance, be introduced at this time.

BILL #2 INTRODUCED

MOTION CARRIED

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Dumas, that Bill No. 1, An Ordinance to Amend the Fur Export Ordinance, be introduced at this time.

BILL #1 INTRODUCED

MOTION CARRIED

MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor Gordon, that Bill No. 3, An Ordinance to Amend the Judicature Ordinance, be introduced at this time.

BILL #3 INTRODUCED

MOTION CARRIED

MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor Dumas, that Bill No. 4, An Ordinance to Amend the Evidence Ordinance, be introduced at this time.

BILL #4 INTRODUCED

MOTION CARRIED

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Shaw, that Bill No. 5, An Ordinance to Amend the Police Magistrate's Courts Ordinance, be introduced at this time.

BILL #5 INTRODUCED

MOTION CARRIED

MOTION CARRIED

Moved by Councillor Dumas, seconded by Councillor Chamberlist, that Bill No. 7, An Ordinance to Amend the Liquor Ordinance, be introduced at this time.

BILL #7 INTRODUCED

MOTION CARRIED

MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor Dumas, that Bill No. 8, An Ordinance to Provide for Labour Standards in the Yukon Territory, be introduced at this time.

BILL #8 INTRODUCED

MOTION CARRIED

MOTION CARRIED

Moved by Councillor Gordon, seconded by Councillor Chamberlist that Bill No. 9, An Ordinance Respecting Hairdressers, be introduced at this time.

BILL #9 INTRODUCED

MOTION CARRIED

MOTION CARRIED

BILL #10 Moved by Councillor Dumas, seconded by Councillor Shaw,
INTRODUCED that Bill No. 10, An Ordinance to Amend the Jury Ordinance,
be introduced at this time.

MOTION
CARRIED

MOTION CARRIED

BILL #11 Moved by Councillor Dumas, seconded by Councillor Shaw, that
INTRODUCED Bill No. 11, An Ordinance to Amend an Ordinance to Close
Certain Portions of Fifth Avenue and Lambert and Elliot
Streets, in the Townsite of Whitehorse, from Use as Streets
by the Public being Chapter 9 of the Ordinances of the
Yukon Territory, 1906, be introduced at this time.

MOTION
CARRIED

MOTION CARRIED

BILL #12 Moved by Councillor Gordon, seconded by Councillor Taylor,
INTRODUCED that Bill No. 12, An Ordinance to Amend the Mining Safety
Ordinance, be introduced at this time.

MOTION
CARRIED

MOTION CARRIED

BILL #13 Moved by Councillor Chamberlist, seconded by Councillor Dumas,
INTRODUCED that Bill No. 13, An Ordinance to Amend the Financial Agree-
ment Ordinance, 1967, be introduced at this time.

MOTION
CARRIED

MOTION CARRIED

BILL #14 Moved by Councillor Dumas, seconded by Councillor Shaw, that
INTRODUCED Bill No. 14, An Ordinance to Amend the Low Cost Housing
Ordinance, be introduced at this time.

MOTION
CARRIED

MOTION CARRIED

Mr. Shaw: Mr. Speaker, I would move that Bill No. 15, An
Ordinance for Granting to the Commissioner Certain Sums of
Money to Defray the Expenses of the Public Service of the
Territory, be introduced at this time.

Mr. Taylor: Mr. Speaker, there being no seconder having been
heard from for this Bill, I would like to draw the attention
of Mr. Speaker to the fact that Bills No. 15 and 16 are as
yet incomplete, there being no figures supplied. I believe
this was a Bill in form only.

Mr. Speaker: That is understood by the Chair. Thank you,
Mr. Taylor. Are there any Notices of Motion or Resolution?

NOTICES OF MOTION Mr. Dumas: Mr. Speaker, I would like to give Notice of Motion
NO. 1, regarding Sessional Papers No. 1, 4, 5 and 8. I'd also like
NO. 2 & to give Notice of Motion regarding the discussion of pregrade
NO. 3 school education in Committee of the Whole, and I'd like to
give third Notice of Motion regarding recommendations having
to do with the housing in the Hillcrest area.

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

NOTICE OF MOTION Mr. Taylor: I would like to give Notice of Motion this
NO. 4 morning, Mr. Speaker, respecting Sessional Paper No. 6.

Mr. Speaker: Do you have any further Notices of Motion,
gentlemen? Under Orders of the Day, Notices of Motion for
the Production of Papers...are there any Notices of Motion
for the Production of Papers? There being no Motions for
the Production of Papers, this being our first day in Session,
nor Motions for the Production of Papers passed and no Motions
before the House, we come to the Question Period. Are there
any Questions?

Mr. Taylor: Mr. Speaker, I have a question I would like to direct to Mr. Commissioner this morning, and it has reference to the proposed Fisheries Agreement. I wonder if Mr. Commissioner could inform me of what progress has been made in respect of the take-over of the fresh water fisheries by the Yukon Territory and if he could also inform me as to when this take-over will take effect.

QUESTION
RE TAKE-
OVER OF
FISHERIES

Mr. Commissioner: Mr. Speaker, the best that I can do is indicate that by memorandum to my Minister on the twentieth of November, 1967, that I was advised that the necessary action to give effect to this request of Council was being put in a motion at the Federal level and I have nothing further to report on that particular thing.

Mr. Speaker: Are there any further question?

Mr. Dumas: Mr. Speaker, I notice in a Paper tabled today regarding the Flag Ordinance, it says that the Flag Ordinance shall come into full force and have effect on and from the first day of March, 1968. I'm wondering if the Territory has ordered any flags made.

QUESTION
RE PUR-
CHASE OF
FLAGS

Mr. Commissioner: Yes, Mr. Speaker, we have a supply of approximately 200 of these flags ordered from a manufacturer and we anticipate receipt of them almost any day. I will see that Council is advised as soon as they are available. We have not ordered these flags from the point of view of interfering with the commercial people who will be selling flags, nor do we intend to supply these flags to them. Our purchase is designed to take care of the requirements of Territorial Government buildings such as schools and buildings of this particular nature.

Mr. Chamberlist: Mr. Speaker, a question addressed to the Commissioner....Mr. Commissioner, could you advise Council at this time if you have any information on the tabling of the White Paper in the House of Commons for the constitutional and fiscal reform.

QUESTION
RE WHITE
PAPER

Mr. Commissioner: Mr. Speaker, I definitely do not have any information on that.

Mr. Taylor: A supplementary question to that previous question, Mr. Speaker....I wonder if Mr. Commissioner could advise me when the Economic Study is expected to be completed and as it would appear that the Minister has stated that the two, the presentation of the White Paper and the Economic Study, are one in the same, could he possibly inform Council as to when it is expected that the Economic Study will be completed.

QUESTION
RE ECONOMIC
STUDY

Mr. Commissioner: Mr. Speaker, my information on the Economic Study, as I stated in my Opening Address yesterday, that this is to be a completed package in approximately July of this year.

Mr. Speaker: Are there any further question?

Mr. McKinnon: Mr. Speaker, I have three written questions for which I would like written answers. The first is: What action has been taken on Motions No. 21 and 25 concerning housing, passed unanimously by this Council at the Second Session, 1967. The second question is: Following the unanimous passage of Motion No. 48 at the Second Session in 1967, the Minister of Indian Affairs and Northern Development

QUESTIONS -
NO. 1
NO. 2
NO. 3

Mr. McKinnon continued:
publicly announced that paving was to commence on the Alaska Highway in the vicinity of Whitehorse and other populated areas. Have tenders been called for this work at this time and if not, when will these tenders be called. The third question: In reply to Question No. 10 of the Second Session, 1967, Sessional Paper No. 35 replied that the target date for the take-over of the Alaska Highway by the Territorial Government remained as April 1st, 1968. What plans have now been finalized for this proposed take-over which is now less than a month away. Thank you, Mr. Speaker.

QUESTION
RE TAKE-
OVER OF
ALASKA
HIGHWAY

Mr. Taylor: I have another oral question to direct to Mr. Commissioner. I wonder if Mr. Commissioner could inform me as to whether or not the Administration will be bringing matters relative to the proposed take-over of the Alaska Highway to us at this Session.

Mr. Commissioner: Mr. Speaker, can I suggest that the... I'm quite prepared to answer this verbally, Mr. Speaker, but I think the whole package will be wrapped up in the written answer which will be forthcoming here which I think would be probably a much more satisfactory answer as far as Council as a whole is concerned, if that is agreeable.

Mr. Taylor: It's quite agreeable.

Mr. Speaker: Are there any further questions? If not, would the Honourable Member for Watson Lake please take the Chair.

Mr. Livesey: Mr. Speaker, I have....

Mr. Speaker: Order. Councillor Livesey.

QUESTIONS
NO. 4
NO. 5

Mr. Livesey: I have two questions this morning. My first one is not meant to be facetious. It's merely to raise a point of information. Question no. 1 is addressed to the Administration, subject - education of the C.B.C., and the question is: From what department of government did the C.B.C. obtain the information for their 8:00 a.m. broadcast today that the Commissioner of the Yukon Territory is a Member of the Yukon Legislative Council. And my next question, no. 2, is in two parts, addressed to the Administration, subject - agriculture, and part one is: What programs are presently in progress or contemplated toward the conclusion of agriculture as an entegral part of the economic structure of the Territory. And the second part of my second question on agriculture is: What programs are contemplated which would provide an economic use for the years of northern research conducted at the Experimental Farm situated at Mile 1019 on the Alaska Highway. Thank you, Mr. Speaker.

Mr. Speaker: Thank you, Councillor Livesey. Would you resume the Chair.

Mr. Livesey resume Chair.

Mr. Speaker: Under Public Bills and Orders, gentlemen, may I have your direction?

FIRST
READING
BILL #6

Mr. Shaw: Mr. Speaker, I would move that First Reading be given to Bill No. 6, An Ordinance to Modify the Rule Against Perpetuities.

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

Mr. Speaker: Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse East, that First Reading be given to Bill No. 6, An Ordinance to Modify the Rule Against Perpetuities. Is the House prepared for the question on the motion? Are we agreed?

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: When shall the Bill be read for the second time?

Mr. Shaw: Mr. Speaker, I would move that Second Reading be given to Bill No. 6, An Ordinance to Modify the Rule Against Perpetuities.

SECOND
READING
BILL #6

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

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

Mr. Speaker: Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse East, that Second Reading be given to Bill No. 6, An Ordinance to Modify the Rule Against Perpetuities. Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

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

Mr. Shaw: Mr. Speaker, I would move that Mr. Speaker do now leave the Chair and Council resolve itself in Committee of the Whole to discuss Bill No. 6 and the Sessional Papers that we have.

Mr. Speaker: I wonder if the Honourable Member would please repeat his motion?

Mr. Shaw: Mr. Speaker, I move that the Speaker do now leave the Chair to discuss Bill No. 6 and Sessional Papers.

Mr. Speaker: I'm sorry, I still didn't get it.

Mr. Shaw: Mr. Speaker, if I may inquire of yourself, have we Sessional Papers that have been tabled that we can discuss?

Mr. Speaker: No.

Mr. Shaw: I will move then, therefore, that we discuss Bill No. 6.

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

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

Mr. Speaker: Moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse East, that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bill No. 6. Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: The Honourable Member for Watson Lake will please take the Chair in Committee of the Whole.

Mr. Chairman: I'll declare a short recess, gentlemen, while you get your papers in order.

RECESS

BILL #6 Mr. Chairman: I will now call Committee to order. We are discussing Bill No. 6, An Ordinance to Modify the Rule Against Perpetuities. We will deal with this Ordinance section by section. "The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: Short title....1. This Ordinance may be cited as the Perpetuities Ordinance." I wonder if at this time Committee would agree that Mr. Legal Adviser advise us as to the general intent of this Ordinance before we proceed?

All: Agreed.

Mr. Speaker: Mr. Legal Adviser.

Mr. Legal Adviser: Mr. Chairman, the history of this Bill is that in 1965, a report was submitted by the Ontario Law Reform Committee to the Attorney General of Ontario, recommending certain changes in what was known as the Rule Against Perpetuities. Now, Ontario then introduced three Bills: The Conveyancy in Law Property Act, The Accumulations Act and The Trustee Act. These were effecting certain changes in the law, mainly in relation to perpetuities and what are called accumulations. Now, the purpose of the introduction of the Bills was to get discussions in the Ontario Legislature and to get the views of the Members as to what can be done. But, those were then deliberately let die after the debate and a further committee was set up to further study the question. This particular reform committee got representations from the United Kingdom, from the American Federal Government and various American states, and from the various provinces of Canada, and eventually they came up with a package of two or three Bills, the first of which was this Bill which is now before you. Now, perpetuities are frowned upon and have always been frowned upon in the common law, and that is, where an attempt is made by a living person who owns or has the right to control property, the judges of the common law have always ruled that as a matter of public policy there should at an early point of time be freedom of sale and freedom to dispose of this property in the general interests of the average person living in the country. So, where a man creates a trust or ties up his property in a will in such a way that no person will in effect, except trustees, own it beyond a certain period, then the law will deem that limitation on the right to ownership as being void and will strike it down and attempt to vest the estate in some particular person. This is usually referred to among lawyers as the Rule in Shelley's Case and, if I might discourage you a little by reading a short statement of the rule....this is the rule, and if you can understand it....

Mr. Chamberlist: Is this Shelley's Rule or the Rule Against Perpetuities?

Mr. Legal Adviser: This is the Rule Against Perpetuities. I'm reading now from Halsbury's Laws of England, which is the main textbook on this, and I might add that I fail to find in the law library here any textbook dealing either with this particular matter or with law on property in general which I could bring up. I thought I'd be able to find three or four but I find that the textbook situation in the law library

Mr. Legal Adviser continued:
 downstairs is out of this world, so I had to fall back on Halsbury, which itself is a first-class book of course, but again the common law which applies in the Yukon is the common law as it was on the fifteenth of July in 1870, so that the best textbook that we could have down there would be Halsbury's Edition of the Laws of England covering the period up to say 1923, first edition. But, the only Halsbury I could find is after 1925 we have two editions, and the English rules on irregular property were changed in 1925, so that we are not exactly out-of-date as we are thrown out-of-gear. Now, the Rule Against Perpetuities....I'm quoting from Halsbury's now, "may be shortly enunciated as follows: An executory devise or other future limitation to be valid must vest, if at all, within a life or lives in being and twenty-one years and a possible period for gestation after; it is not sufficient that it may vest within that period. It must be good in its creation, and, unless it is created in such terms that it cannot vest after the expiration of a life or lives in being and twenty-one years and the period allowed for gestation, it is not valid, and subsequent events cannot make it valid." And then it goes on to a more full statement of the law which goes on for a couple of pages, and they're even less intelligible than the rule as I have stated it.

Mr. McKinnon: Is it possible to have a simultaneous translation?

Mr. Legal Adviser: No, but I can circulate to the Members of copy of the particular sections of this textbook which deal with this. Now, after Ontario had dealt with their legislation, there's a body known, and it's quite familiar to the Members, called the Commissioners for the Uniformity of the Laws of Canada, and the members are ex officio the Attorney General of each province and the Attorney General of Canada, and then the legislative draftsmen and legal advisers of the provinces and of the Federal Government, and they meet annually. This year they're meeting in B.C. Vancouver, sometime in August. Now, this subject was discussed at their meeting and they produced in 1966 a report which was referred to the 1967 meeting dealing with this particular subject, and it was their recommendation that the B.C. Commissioners, that is the members of the conference from B.C., should produce a model ordinance suitable for use in every province which the Commissioners would then be asked to have introduced to the Legislative Council of each province. In 1967, this model ordinance was in fact produced by the Commissioners and is a duplication of the Ontario law which is now in force, with just about one or two minor drafting changes. The evil they're trying to overcome in this particular Bill is to so modify the effect of the judicial decisions over the period of 600 years as to the effect a transfer to the person who is named, and not to automatically void every attempted offence against the Rule of Perpetuities, so that if you leave money to (a) during his life and he gets the interest off it, and then to more than one life thereafter, the rule is void, but the intention of the testator is carried out and that the gift will in fact vest and that it just would not be void ab initio from the very beginning. So, they have attempted a strike-down in the Bill on fanciful decisions of the judiciary who have ruled that if it at one period....that if it was possible by a construction of the rule to offend then they would knock out the gift, whereas what the Bill is trying to do is to set out the rule whereby the gift will in fact be deemed to vest and will not offend against the rule merely because of the possibility that it might offend at

BILL #6 Mr. Legal Adviser continued: some period possibly maybe 60 years ahead, and this Bill will make it just that shade easier for lawyers to advise their clients how to draft their wills in such a way as to be able to give their property to the people they want to give it to. It doesn't apply in the ordinary way to ordinary small estates as a rule because people with modest sums of money, like myself, don't attempt to offend against this rule, but it would have effect in big corporations, in tying up trust funds, in tying up control of the corporation beyond a certain point so that some particular megalomaniac might wish his name and policy to be carried out through a group of newspapers, an oil empire or something of that nature, and then the law will strike down the attempt to tie up the property and will hand it over to somebody who, what we will assume then, has the power of sale and can get the money. Now, this is an exceedingly complex question and the mere question, what is the Rule in Shelley's Case, is usually the key question that a lawyer gets asked in his final examination and it is learned by heart. It is one of the few rules, because of its complexity, that almost every lawyer can recite by heart. He may not understand it, but he can recite it by heart because he knows for sure it's going to be a key question on his final examination.

Mr. Dumas: Two questions: Could you tell me which provinces now have such legislation in effect?

Mr. Legal Adviser: I'm not sure at the moment. I know for sure Ontario has, but we have been circularized by Doctor Fischer. Dr. Fischer is the Legal Adviser to the Department of... I was going to say the Interior... but to the Northern Affairs and Indian Development, and he was at the last conference. The Legal Adviser last year didn't have enough money to go and he missed out the previous conference because he didn't have enough money to go to that one either, so we have no personal reports in our office of what took place at the conference, but we have been supplied and I have obtained the printed report of the proceedings of 1966 which comes out in a booklet form with all the drafts and what have you, and the 1967 proceedings, and we were asked at a point in time when we were programming out legislation for this Session... we were asked by Dr. Fischer to introduce this legislation. They sent us the model Bill and it's the same as the Bill that was recommended by the B.C. Commissioners and in fact because our legislation came at that point in time when the recommendation came, we might well be the first of the group, but the others will be introduced during their legislative council this year I would expect. Now, we will have, of similar complexity, two or three other Bills coming up possibly autumn, possibly next spring based again on model ordinances dealing with trustees and dealing with accumulations. Accumulation is also offending against perpetuities in that a direction in a will by a testator, let us say \$1,000 to be put into a certain trust fund and it is built up for a period and then the whole corpus be handed over, so that in theory if it wasn't for the rule against perpetuities and accumulations a testator could put \$1,000 into a trust fund in the year 1900 and at compound interest \$1,000 would double every so many years and say 1000 years later or 500 years later it would build itself up into one of the biggest funds ever. This is offensive. It is not an offence in a criminal sense, but the law will just merely hand over to whoever happens to have a claim to the money, the money without reference to the restriction which stopped the money accumulated.

Mr. Chamberlist: Mr. Chairman, when I got a copy of this Ordinance I was somewhat, intrigued by the fact that it is one of the few Ordinances that we have from time to time that is laid out in such legal jargon that it would be difficult for even a Philadelphia lawyer to understand. I did some research and I think that although Mr. Legal Adviser has read Halsbury's rule against perpetuities....from Halsbury's I think Mr. Legal Adviser will agree with me that it has been broken down now into very, very few words. The Black's Legal Dictionary, for the benefit of Council, gives this description and it is much easier to understand than Halsbury's. It reads as follows: "The rule against perpetuities is the principle that no interest in property is good unless it must vest, if at all, not later than twenty years plus a period of gestation after some life or lives in being at time of creation of interest." Now that is the rule and this has already been modified by some of the United States individually and as I understand it by one or two of the provinces, but this particular Ordinance, again as I understand it, is so that right across Canada the same rule would apply. I think also at this time the reference has been made to Shelley's Case so much and Mr. Legal Adviser hasn't given the Shelley's Rule and I want to take the opportunity because of the study that I have done, to give this rule to Council. The Shelley's Rule is this, that when the ancestor by any gift or conveyance taketh an estate of freehold and in the same gift or conveyance an estate is limited either mediately or immediately to his heirs in fee or intail, the heirs are words of limitation of the estate and not words of purchase." This rule has been expressed to some extent by a former top judiciary expert, Chancellor Kent, where he says where a person takes an estate of freehold legally or equitably under a deed, will or other form, in the same instrument there is a limitation by way of remainder either with or without the interposition of another estate of any interest of the same legal or equitable quality to his heirs has a class of persons to take in succession from generation to generation the limitation to the heirs entitles the ancestors to the whole estate." I interject at this time, Mr. Chairman....no wonder Mr. Legal Adviser says that lawyers usually learn this without understanding it. I have every sympathy for them for obviously they will have difficulty understanding that. There must have been a party going on at the time this rule was made. It goes on to say that, "Intimately connected with the equality of the estate which its tenants may hold in reality to the antique feudal doctrine generally known as the Rule in Shelley's Case which is reported by Lord Coke. This is one of the very, very past gone years judges of the Supreme Court....Superior Court of England. This rule was not first laid out or established in that case, but was then simply admitted as argument as a well founded and settled rule of the law. It has always since been quoted as the Rule in Shelley's Case. I feel, Mr. Chairman, that we should have some understanding of Shelley's Rule and the matter in it before we proceed and if Mr. Legal Adviser could perhaps extend further as to an explanation actually as to what Shelley's Rule actually does to those that have estates left in their name.

Mr. Legal Adviser: What Shelley's Case does to estates when they're left in a name is that you've got a man alive.... you call him Mr. A. He gives an estate to B for life and if he's going to offend against the rule and kill his case it should go to B for life, C for life, D for life, E for life and so on or any group thereafter. Now, the rule in Shelley's Case is that the law will chop it down and give it to the ancestor of the group who are going to get it, because it is usually

BILL #6 Mr. Legal Adviser continued:

a series of son, grandson, great-grandson, great-great-grandson, and so on. This is what is meant by the ancestors. It's chopped down and given to the ancestors. This may have the effect of being unjust to somebody else, so we're attempting in this particular Bill to modify this possible unjust effect and to deal with the question of wives and so on in an equitable way. Now, a more modern judge in 1732, Jekyll, said, and it is much easier to understand his language, "The mischief that would arise to the public from estates remaining forever or for a long time inalienable or on trust transferable being adapt to industry and a prejudice to trade to which may be added the inconvenience and distress that would be brought on families whose estates are so fettered," in other words, they can't get at it; they can only get the interest on it; they can't get it; they can't sell it; they can do nothing; they can't go down to the bank and mortgage it; they can't build a house on it; it's tied up forever. This attempt by the old man making his will to tie up his family forever is struck down, and this rule we're not interfering with but we are interfering with the unjust application of the extreme rigor of the law and striking it down and arbitrarily deciding according to the rules that have grown up and encrusted in time who in particular must get it, and these rules are now being modified. Now, they were modified in the Law of Property - 1925 in England, and following from that the Canadian provinces have picked it up and their present position is that we're attempting, or I would suggest that the Council would modify to some extent as set out in this Bill the harsh effects that follow from operating perpetuities.

Mr. Shaw: We're getting involved in quite a lot of legal argument. I want to try to boil this down to essential words, and I have a question to see if I can get this clarified, Mr. Chairman, to the Legal Adviser. Now, it appears to me that this Bill would prohibit interest only being paid out of a trust fund extending for more than twenty-one years, and that after this twenty-one years these estates in toto must be then turned over to an individual or individuals....persons or person. Is that correct?

Mr. Legal Adviser: Not twenty-one years. The intention is.... I'm not sure exactly what it is here, I'll have to go through the thing again....but the intention of the rule is a life in being, twenty-one years thereafter, and then a period of gestation. That's the extreme limit over which you give a testator control over his own property.

Mr. Shaw: Well, that would mean say 40 years or something like that. After that, this trust fund would have to revert to an individual.

Mr. Legal Adviser: Yes. Somebody must own it.

Mr. Shaw: Well, a foundation....that's a separate....

Mr. Legal Adviser: That's a separate thing. There is a section at the back which specifically bars pension plans and a whole series of things like that which are not intended to be effected by the rule. As I say, we're not creating this rule. If we don't pass this Bill, the rule against perpetuities is still in full force and vigor here by virtue of the transfer of the common law to the Yukon Territory in July, 1870. But all we're attempting to do in this particular Bill is to modify the harshness or the strictness of the old form of law.

Mr. Dumas: Mr. Chairman, now that the whole problem of BILL #6 perpetuities has been clarified by the Honourable Member from Whitehorse East and the Honourable Legal Adviser, is it still necessary that we go through this clause by clause?

Mr. McKinnon: Mr. Chairman, I can't think of a single instance where having this law in the Statute Books of the Yukon Territory at this time would make any difference at all. Would it or wouldn't it make any difference?

Mr. Legal Adviser: It may make differences when there are big estates here.

Mr. McKinnon: When there are big estates, right.

Mr. Legal Adviser: And there may be big estates. Unless our law is uniform in matters like this it creates uncertainty in the law in general. It is necessary for us to say in dealing with law of property that in general terms the laws which apply in the Yukon Territory will be the same as in British Columbia, Alberta and other places. We must move with the times to define our laws and if they're moving, we must move with them. Now, it could have very harsh effects where two different laws were being applied to property. Now, it can happen that as a result of the operation of the law domiciled that two different jurisdictions will be controlling the transmission of property, and if they are moveable in one place and immoveable in another then you can have the situation that the devolution from person to person of the particular property and which will control it....there may be a mixed testacy and intestacy....you may get situations where the law will part and would cause grave inconvenience and in a sense bring our system of law into disrepute. So, if the rest of Canada is moving forward, well then even if there was only one particular case where an injustice occurred, I think we should go with the rest of Canada in that particular case.

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

Mr. Chamberlist: Yes.

Mr. Taylor: Well, Mr. Chairman, I just wanted to rise to state my feelings in this matter. I feel that the matter is certainly clearer than when it was first presented. However, to me it is not entirely clear as to the total effect this legislation will have on the people involved here. It seems to me that we have only the indication that one province in Canada involved around the Commissioners for the uniformity of laws in Canada. Now, it's also noted that we, or our representatives in Ottawa, were not really present at this conference to get the full benefit of the discussions surrounding this matter of perpetuities. It seems to me that it almost behoves us to hold back this legislation until we have an opportunity to view the experience of the provinces in this particular matter, and if there is no urgency in the implementation or indeed in the acceptance into law in the Yukon of this Ordinance, then I would strongly recommend both as a matter of confidence and otherwise that we hold this legislation back and see how the application of this in the provinces goes. In other words, I feel that possibly we might be prematurely accepting something which we may later not quite agree with. It's such a complicated, complex type of legislation and we have so little information on it, I don't think we should be the leaders. I think we should let the members of the committee on the uniformity of legislation put this thing into effect in the provinces and benefit from their experience. Those are my thoughts on that. Thank you, Mr. Chamberlist, I will resume the Chair.

BILL #6 Mr. Chamberlist: Mr. Chairman, it is my understanding that the Yukon Territory was represented at this meeting.

Mr. Legal Adviser: Dr. Fischer was there, but we didn't have anybody there either in 1967 or 1966.

Mr. Shaw: It is my understanding or has been my understanding in the past that every province is represented on this uniformity legislation council or whatever it may be, and they, from my understanding, accept this type of legislation, or they have done in the past...we have passed many of them. There are none that have ever been changed that I recollect in this Council from the uniformity of legislation to make it the same all over Canada. However, these are the results of all the provinces' representation, legal representation. Am I correct in that, Mr. Legal Adviser?

Mr. Legal Adviser: What comes out here I think, the basic thing we're asked to study is the Ontario Bill and to recommend any changes, and then they'll circulate it. They only recommended two changes. I think they were equivalent to spelling changes or there was a drafting error or a wrong number or something in the Ontario Bill, but they recommended that it be enacted as it had been passed in Ontario where it had long and deep study. I personally have no objection to the thing being put to one side. There will be at least two other Bills coming up, not at this Session but at some future Session, dealing with the same subject or aspects of the same subject and it would not be inconvenient to deal with them as a package. It's just that it's easier to get it out of your way when it's being discussed and you understand it... then it is easier to do it now than to do it later. But, so far as representation is concerned, the Commissioner is having a representative there this year as I understand it, but Dr. Fischer would, in his capacity as a Legal Adviser for the Department of Indian Affairs and Northern Development, represent us and would hold the corner for us because he is familiar with our legislation and he is a man of wide experience himself. He understands Yukon problems as far as legislation is concerned, and has always been a help to whatever Legal Adviser was here. So, although it might not have been fully adequate representation, we certainly at any period couldn't send one ourselves then I think we would be happy to have Dr. Fischer there to represent us.

Mr. Livesey: Mr. Chairman, I have a question I would like to direct to Mr. Legal Adviser with reference to the question of perpetuities and where you have an apparent lack of ownership of property or of funds over a given period of time. At what point does this property, under the present laws, revert to the Crown?

Mr. Legal Adviser: This could develop into a debate. The Crown in this case is the Crown in Right in Canada and the question as to what rights the Crown has over property which would be in this sense I think you would call it bona vacancia. It is a long and thorny subject which I think has at least twice got to the Privy Council. Now, bona vacancia would be goods which are vacant. That is a direct translation from latin, and it means if there is no ownership then the Crown has the right to the goods at the earliest time when there is no ownership. Now, the usual case when this occurs is where a person dies, we'll say being the owner of a car, and he has no known relations, then the Crown owns it as of the moment of death. It is usually the Public Administrator or somebody like that, or somebody on behalf of the Government of Canada, to take over. Now, royalties and various other

Mr. Legal Adviser continued:

BILL #6

fees and duties, and what is known as an escheat which I'm sure would be an interesting subject for the Councillor for Whitehorse East...which would be a question of an escheat. Escheats have caused a lot of trouble in the provinces of Canada, but it has been finally decided in the House of Lords that escheats belong to the Queen in Right of Canada. But, I think there might be a certain amount of doubt about it so far as bona vicancia is concerned because legislation has been upheld transferring bona vicancia to the provinces.

Mr. Chairman: Gentlemen, at this point I think I will call a coffee break.

RECESS

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Tuesday, March 5, 1968.

11:00 o'clock a.m.

Mr. Chairman: Gentlemen, the meeting will come to order. In re- BILL #6
gards to Bill No. 6, what is your pleasure?

Mr. Chamberlist: Continue Mr. Chairman.

PERPET-
UTIES

Mr. Chairman: Do you wish to proceed with the reading of this Bill?

Mr. Chamberlist: Proceed.

Mr. Chairman: 1. This Ordinance may be cited as the Perpetuities
Ordinance. Section 2 (a) and (b) was read.

Mr. Chamberlist: Mr. Chairman, I have found a complete description
of en ventre sa mere which is as follows: In it's mother's womb.
A term descriptive of an unborn child. For some purposes the law
regards an infant as en ventre as in being. It may take legacy;
have a guardian; an estate may be limited to its use; etc.

Sub-section (c) was read. Also Sections 3 and 4.

Mr. Chamberlist: perpetuities period, Mr. Chairman, means 21 years.
I wonder if the Legal Adviser could jump up and let us know these
things as we go along.

Mr. Legal Adviser: It doesn't mean....Perpetuity period is a
period of life being 21 years thereafter. The reason for this
section is that judges say if it could offend, they deem it to
offend. Here we are trying to make it defend the defence.

Mr. Chairman reads Section 5.

Mr. Legal Adviser: I should perhaps say that the law tends to
regard a power of appointment as property in itself....a general
power of appointment because then the person could appoint himself
as the owner or for taxation purposes he could very often appoint
somebody else in an attempt to decrease the taxes in that manner.

Mr. Chairman reads Section 6.

Mr. Legal Adviser: Well, Mr. Taylor, in regards this is a
good section that you can thank the Court for a declaration of the
valid trust and pending the outcome of that declaration the person
who is supposed to get the money can actually get it without the
trustee incurring the risk of a breach of trust action afterwards
for paying over the money in accordance with the terms of the
trust.

Mr. Chairman: Clear?

Mr. Livesey: Before we go any further I wonder if the Legal
Adviser could explain to us if these matters which are before us
in the Bills are copies of other legislation in Canada that we
are now adopting.

BILL #6 Mr. Legal Adviser: This is an exact copy except for two words, is
PERPET- a copy of a current new Ontario legislation which came into force
UTIES in 1966, and since the British Columbia Commissioners were res-
ponsible in force they recommended this as a standingly good leg-
islation and I presume that in this section of the British Columbia
legislation that this will go into force too.

Mr. Chairman reads Section 7.

Mr. Legal Adviser: I have no comment to make on that except that
this is normal law.

Mr. Chairman reads section 8.

Mr. Chamberlist: Question. Mr. Chairman, I wonder Mr. Legal
Adviser if you can say whether a child by artificial insemination
could come under the same category?

Mr. Legal Adviser: It depends on who the donor of the semen is.

Mr. Chamberlist: An unknown donor.

Mr. Legal Adviser: If it is an unknown donor then it's a pre-
sumption in law that any woman who has a child while she is married
has had that child by her husband, is the presumption of law and
it would need an extrinsic evidence to disprove that fact but if
it was necessary to the decision in a particular case then it
would be capable apart from offending against the rule of Russell
and Russell....it would be possible to prove that she did not
have that child as the result of her husband.

Mr. Chamberlist: What is the Russell and Russell case?

Mr. Legal Adviser: The rule in Russell and Russell is that it's
deemed to be contrary to public policy to allow either husband or
a wife at any particular time to bastardize their own offspring.
By this, is giving evidence that they had no intercourse with
their wife or access by the husband at a particular time during
which the child could have been fathered. So they can bring....
evidence that he was in Paris for a year and therefore could not
be the father of the child that was born to his wife who was living
all the time in London, but he could not say it himself. He could
call someone else to prove it. In other words, it's against
public policy to allow the parents to give that kind of evidence.

Mr. McKinnon: Mr. Chairman, if such is the wording it is against
everything I have ever thought of in Section 8, sub-section (ii)
it shall be presumed that a male is able to have a child at the
age of 14 years or over, but not under that age. I thought this
was impossible.

Mr. Chamberlist: No, the maleMr. Chairman, I get the in-
formation that Councillor McKinnon says it's impossible for a
male at the age of 14 or the age of 15 to have a child. I can't
find where a male can have a child. Do you know anything Mr.
Legal Adviser where a male has a child

Mr. Chairman: Order, Order.

Mr. Chamberlist: I understand that the Crown says that Mohamids
will be born of man but I don't know whether it is applicable here.

Mr. Livesey: Without the male there is no child.

Mr. Chamberlist: True, true, artificial insemination?

Mr. Chairman: Gentlemen, order, order. kindly speak one at a time so the stenographer can determine who the speaker is and rise if you wish to speak.

BILL #6
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UTIES

Mr. Legal Adviser: ...make certain that when a court considers certain aspects that arise is to the capacity of a person having a child indicates a trust, occasionally he will leave money or land to a certain person and on to his son if at that time the person happens to be a lady and she is over 55 she is presumed to be incapable of having a child and therefore the trustee dealing with the estate can take certain protective measures to stop the estate being wasted away and she can become the owner of the corpus herself. Otherwise it has to be kept very often for her life or it may be transferred to a different person or the income may be paid out to a different person who would in the event of the failure of that lady to have a childuniversity education. It is necessary to be able to have some certainty at that point in time so that the child can be looked after. This is a very good rule and it allows trustees to take certain action knowing that they are not liable to have to pay the money out of their own pockets in the end in an action of a breach of trust. It commonly happens in law actions that periods of gestations and dozens of doctors give evidence as to whether it is possible to have a child, at say 300 days after conception and things like that, or as to whether a man of 96 is or is not capable of fathering a son. While here it speaks beyond doubt that a man can father a son at 14 or over and a lady could have a child between the ages of 12 and 55 but if, in fact, they have children outside those ages, then the rights of the children, they in fact do have, are protected by the sub-section in the particular section but it does save a lot of unnecessary arguments and evidence in the law courts if certain presumptions are laid down on which people can act.

Mr. Chamberlist: Mr. Chairman, I think that the point that was raised by Councillor McKinnon is missed because Section 8 (ii) says that a male is able to have a child. I wonder if it shouldn't read that a male is able to father a child. Mr. Legal Adviser, you, in your explanations, used the word father the child and use the word have a child in case of the female. I thought Councillor McKinnon would bring that to your attention.

Mr. Legal Adviser: I don't know...without a stronger reason the Honourable Councillor advanced, I would myself advocate a change for what has been an Act which has received such careful judicial study since 1965 on so many committees in so many places. This is the product of the cream of the legal brains of Canada and America outside the Yukon and now the legal brains of the Yukon are devoting their time to it.

Mr. Chamberlist: I am sure, Mr. Chairman, that Mr. Legal Adviser will agree that out of the mouths of babes come words of wisdom.

Mr. Chairman: Are we clear on Section 8?

Mr. Chairman reads Section 9.

Mr. Chamberlist: Clear.

Mr. Chairman reads Section 10.

Clear.

Mr. Chairman reads Section 11 (1) and (2)

Mr. Chamberlist: Explanation.

BILL #6 Mr. Legal Adviser: Well, the intention of this is sometimes in the long drawn out series of limitations of property matters from one person to another or to groups of people - like to children or their grand children, it sometimes happens that their bad draftsmanship as a particular line becomes invalid depending on the case against perpetuities. Sometimes they give the gift over to somebody else. On the failure of this particular line of and this is to prevent the whole two groups failing by the offence against the perpetuities rule of one particular class. In other words, it is just effecting a form of justice, this a particular device to come into effect on a contingent expectancy is deemed to be too remote, if any, against the rule of perpetuities then anyone who does not offend is deemed to move forward, in other words, to be accelerated and the wishes of the demenor intestator are thereby carried into effect. Not to do that might cause an intestestate and if the person has a wife and children it might then cause an estate to go to the Crown.

Clear.

Mr. Chairman reads Section 12.

Mr. Chamberlist: Are we referring to power of attorney?

Mr. Legal Adviser: A power is a very common provision in a will whereby if I left a million dollars to my children I might name the Honourable Member from Whitehorse East as my executor or trustee and I would say I deemed it to such of my children as the Honourable Member from Whitehorse East may have appointed. And then he can appoint which of them is to taketh estate, the money, or the trustees or whatever it happens to be. That is the power of appointment invested in the Member from Whitehorse East although he has no properties in the estate at all. He has a power of appointment. Sometimes you have what is known as the general power of appointment whereby in effect it's a transfer of the real property to the person themselves. I might deem property to such persons as may be appointed by my wife in which case the automatic thing for her to do is to just appoint herself as the person to hold the property and on the she becomes the owner. Now, if she didn't excercise that power during her life, then it would be deemed to transfer the actual property to the next class in line and it will be treated for income tax purposes, when you are listing the property, not income tax purposes but for revenue purposes on estates. The general power of appointment is treated for all purposes as if you really owned the property over which you have a power of appointment even though in fact you have never exercised the power. It's the normal thing to do to keep the property in trustee to such person of such class or something as they shall appoint and then you might in a separate letter ask them to appoint it to the son who stayed on the farm. The son who went into business because you didn't know at the time you were making the will which of your children would go to Hong Kong, or sea, or which would stay on the family farm or which of them would go into business as the case may be. It's a separate piece of property in a sense.

Mr. Chamberlist: This is a power after death, is it Mr. Legal Adviser?

Mr. Legal Adviser: It's not a power after death and I thought I had explained it. The power which you transfer to someone to exercise, you give them the power to make the appointment and making the appointment is actually giving the person the property and I might transfer to someone \$50.00 in my hand and say I will give it to you and you can appoint such charities as you wish to give the money to. There's nothing of the power of attorney at all. It's the power of appointing who will take property and

general power means that you can include yourself; for a special power you must appoint the members of a specially named class among the certain groups of children; you might have a certain group of orphans. BILL #6 PERPETUITIES

Mr. Chairman: Clear?

Clear.

Mr. Chairman reads Section 13.

Mr. Chamberlist: Mr. Chairman, This is why I asked my question earlier you see. Surely the administrative powers of the trustee is not of a power of attorney given to the trustee to act.

Mr. Legal Adviser: It is not a power of attorney, the power is of a different kind. The power is an indeterminate thing and this particular power that is talked about in section 13 is the normal power that trustees have to deal with the property because they are its legal owner of the property and assessed to each trust to whom the money is going to be transferred by the trustees.

Mr. Chamberlist: After death. This is what I am getting at.

Mr. Legal Adviser: During the life there is a very common form of dealing with property in Canada and the United States and Great Britain to transfer monies while you are still alive to a group of trustees so that they own and have legal ownership of properties and you may limit their powers or delineate how they are to exercise their powers or what they are to do but not withstanding that they have the legal ownership for the equitable ownership or the moral ownership if you like, vested in the people for whom the trust is to be administered and when, say Henry Ford, or somebody wishes to deal with properties, transfer large amounts of these properties to trustees on behalf of the Ford Foundation and they then buy and sell in accordance with the terms of the trustees of the property. Now this particular section is setting out that notwithstanding a particular uncertainty as to whether during life or during death and after death there is any risk of offending against rule of perpetuities and thereby invalidating the trust and notwithstanding that uncertainty the trustees have all the powers of trust to buy, sell, lease and otherwise deal with the property until having gone to the court to find out who becomes entitled to the money they then know to whom to transfer but it might be absolutely essential and more especially in the Yukon than anywhere else in Canada to make it absolutely essential that where a mining property is in question, trustees may have the right and the necessity to deal with a big deal coming up from the mining tycoons to accept an offer for a million dollars for an acre outside Whitehorse on which they are going to mine copper. They say we'll give you one month to accept the option. Now, if there is any doubt about it then the trustees are stumped and the beneficiaries of the trust who are going to get this money might lose a million dollars because the deal might go sour in six weeks. The money is sometimes available and sometimes is not and this is a first class section conferring the right on the trustees to deal with this and put the money in the bank even they didn't know is going to get it out.

Mr. Chairman: Gentlemen, the time seems to be 12 o'clock so I will declare committee in recess until 2:00 o'clock this afternoon.

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Mr. Chairman: I will now call Committee to order and we are discussing Bill No. 6, and I will proceed with section 14.
"(1) The rule against perpetuities does not apply to an option to acquire for valuable consideration an interest reversionary on the term of a lease, (a) if the option is exercisable only by the lessee or his successors in title; and (b) if it ceases to be exercisable at or before the expiration of one year following the determination of the lease. (2) Subsection (1) applies to an agreement for a lease as it applies to a lease, and "lessee" shall be construed accordingly. (3) In the case of all other options to acquire for valuable consideration any interest in land, the perpetuity period under the rule against perpetuities is twenty-one years, and any such option that according to its terms is exercisable at a date more than twenty-one years from the date of its creation as between the person by whom it was made and the person to whom or in whose favour it was made and all persons claiming through either or both of them, and no remedy lies for giving effect to it or making restitution for its lack of effect. (4) The rule against perpetuities does not apply, nor do the provisions of subsection (3) of this section apply, to options to renew a lease."

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Mr. Legal Adviser: I think (1) of section 14 is readily understandable and where a genuine lease or option to buy is in existence then the rule against perpetuities doesn't in reality apply to it, but in all other options it is attempting to capture the type of devolution of property where you give family interest the right to acquire say shares in advance, or land, and you give them the option to exercise the option at a future time. Now, under the normal rule against perpetuities this option would in fact be void ab initio, but in ease of them they are deeming them to exist but giving them the benefit of at least twenty-one years to exercise the particular option; so this is not so much a restrictive clause as a clause in ease of the person to whom the option happens to be given, as I read it.

Mr. Chairman: Clear?

Mr. Dumas: Clear.

Mr. Chairman: "15. In the case of an easement, profit 'a prendre or other similar interest to which the rule against perpetuities may be applicable, the perpetuity period is forty years from the time of the creation of such easement, profit 'a prendre or other similar interest, and the validity or invalidity of such easement, profit 'a prendre or other similar interest, so far as remoteness is concerned, shall be determined by actual events within such forty-year period; and the easement, profit 'a prendre or other similar interest is void only for remoteness if, and to the extent that, it fails to acquire the characteristics of a present exercisable right in the servient land within the forty-year period." What is 'a prendre?

Mr. Chamberlist: Well, I thought I would get up first and give you the explanation because I looked into it, Mr. Chairman.
'A prendre means this - to take the seeds and 'a brief 'a prendre a terre means the writ to take the land, a right to take something out of the soil of another is 'a profit a prendre, or a right coupled with a profit distinguished as an easement, sometimes

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written as one word, 'a prendre or 'a prendu, rightfully taken from the soil. Is this correct, Mr. Legal Adviser?

Mr. Legal Adviser: The simplest way to describe 'a prendre so the Members will understand is a very common form of right in Ireland - the best illustration is gotten from there. The country people in Ireland have farms and in certain areas the farms are contiguous to areas of what are called bog land or peat land, and the original owner of the estate grants the farms on leases to the farmers, usually with options to purchase, and attaches the right in the whole of the farm to go to the peat area and cut for his own use sufficient peat for burning for the winter. Now, this is occasionally attached to coalmen. It is really a form of easement and it is similar to the right of way which would be attached from an island at a farm to another man's land to the public road, but the essence of a profit 'a prendre is that it is capable of extinction when the particular thing you have the right to take is extinguished. It could be attached to woodland that a farmer might have the right and he would then be the dominant tenant to take from the servient tenant sufficient wood for his own fire or even in some cases sufficient wood for sale. Now, the difference in easement continues on either forever or during the period for which it is granted. Profit 'a prendre would continue until the extinguishment of the particular woodland so that he has no right for compensation at the termination of the fruit which he has been taking. Now, the old rule dealing with perpetuities was that easement, profits 'a prendre and similar type of property, which is what they are, were not covered by the rule against perpetuities and therefore you had a chance to convert certain types of property into being easements. Now, I think you all think easements are often concerned with the right to take water, the right to put your excess water over another man's property, and so on, and when they become the subject of buying and selling there is no particular reason why they should be different in any way from ordinary rights of property. Now, there are other rights of property which don't exist in Canada such as fee-farm rent and perpetual leases and so on, and in any event they wouldn't concern us here, but these have been singled out and made to come within the rule of perpetuities the same as other types of property.

Mr. Chamberlist: Mr. Chairman, do we take it, Mr. Legal Adviser, that from what you say that an easement in many ways is similar to rights of a lease because you have referred to easements relating to water and timber. Supposing there is an easement over an area of land, over an area of land where there are some power lines - now there is an easement for 20 feet above the land, and then the owner of the land requires to build a high rise apartment. Does that prevent the building of the high rise apartment because there is an easement that says 20 feet?

Mr. Legal Adviser: Yes, this would be so, but this isn't concerned with this particular section. Since you asked that question, if I have a grant in England to a power company to put a power line over my land and it is an irrevocable easement then I can't get them to take away their power line. It's there the same way as you have granted them the right to put an oil pipeline through - if you have granted it, you've sold it. You have no right to, unless you have made a special exception in the particular document whereby you have granted the right of way, you have no right to take it away again, because otherwise they wouldn't have put it there in the first place, if at you whim you can say I want a high rise apartment there, take away your power line. People buy rights of easement or else they compensate the land owner if they acquire them by compulsory rights like a road, a railway, a pipeline and so on. They commonly acquire them by compulsory powers;

at other times they acquire them by buying out the rights, and then they get what they have paid for, and this is the normal law of concept. I can't see that it should be any different.

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Mr. Chamberlist: Well, wouldn't the rule of perpetuity prevent the continuation of an easement forever? Isn't this the idea, to prevent it from going on in perpetuity without having any recourse at all?

Mr. Legal Adviser: It is only the right of the ownership. If I have a right of way across your land, well then I own the right of way and I can grant that right of way to somebody else. It might be a valuable commodity and I can grant it to somebody else, in the same way I can grant a thousand dollars or a thousand dollars worth of shares, and there is no reason merely because it happens to be a right of way I'm granting that it should be treated in any different fashion than a thousand dollars would or a 60-acre farm of land, but it just happens that it has a length in period of time.

Mr. Chairman: "16. (1) In the case of, (a) a possibility of reverter on the determination of a determinable fee simple; or (b) a possibility of a resulting trust on the determination of any determinable interest in real or personal property, the rule against perpetuities as modified by this Ordinance applies in relation to the provision causing the interest to be determinable as it would apply if that provision were expressed in the form of a condition subsequent giving rise on its breach to right of re-entry or an equivalent right in the case of personal property, and, where the event determines the determinable interest does not occur within the perpetuity period, the provision shall be treated as void for remoteness and the determinable interest becomes an absolute interest. (2) In the case of a possibility of reverter on the determination of a determinable fee simple, or in the case of a possibility of a resulting trust on the determination of any determinable interest in any real or personal property, or in the case of a right of re-entry following on a condition subsequent, or in the case of an equivalent right in personal property, the perpetuity period shall be measured as if the event determining the prior interest was a condition to the vesting of the subsequent interest, and failing any life in being at the time the interests were created that limits or is a relevant factor that limits in some way the period within which that event may take place, the perpetuity period is twenty-one years from the time when the interests were created. (3) Even though some life or lives in being may be relevant in determining the perpetuity period under subsection (2), the perpetuity period for the purposes of this section shall not exceed a period of forty years from the time when the interests were created and shall be the lesser of a period of forty years and a period composed of the relevant life or lives in being and twenty-one years."

Mr. Legal Adviser: This section is a highly complicated section, and I'm not sure that I even understand it all myself, but a reverter is another way of saying a reversion, that something reverts back, and the resulting trust is similarly is something that results back in the trust, back either to the donor or to the person to whom he has given the right of reverter when the trust comes to an end. A type of resulting trust would be where a land owner gives land to a golf club on condition that golf is played there, and if ever golf ceased to be played there it shall revert back. Now, this is something out in future, you see. This is merely dealing with cases of reversions, and cases of resulting trust which otherwise would go in a different way according to the ruling in perpetuities, and it has apparently determined that these can be dealt with in the same manner even though there may be attempts to evade the ruling against perpetuities dealt with

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in the same manner as other purposes, but to go into each paragraph - each of these is the product of some highly skilled draftsman and you will notice that each subsection is one continuous sentence, and each of them is attempting to deal with a different type of property which all comes under the heading of determinable interest; that is an interest which is not forever, but is subject to a determination at some future time and they're saying that when you're - as a matter of fact when a court is deciding whether or not it offends against the rules then at least you get twenty-one years. In other words, if the piece of property you're dealing with, or the reversion, would normally offend against the ruling against perpetuities, instead of being void ab initio it still comes within the rules for the period of its running shall be twenty years to the condition.

Mr. Chairman: "17. (1) A trust for a specific non-charitable purpose that creates no enforceable equitable interest in a specific person shall be construed as a power to appoint the income or the capital, as the case may be, and, unless the trust is created for an illegal purpose or a purpose contrary to public policy, the trust is valid so long as, and to the extent that, it is exercised either by the original trustee or his successor, within a period of twenty-one years, notwithstanding that the limitation creating the trust manifested an inaction, either expressly or by implication, that the trust should or might continue for a period in excess of that period; but, in the case of such a trust that is expressed to be of perpetual duration, the court may declare the limitation to be void if the court is of opinion that by so doing the result would more closely approximate the intention of the creator of the trust than the period of validity provided by this section. (2) To the extent that the income or capital of a trust for a specific non-charitable purpose is not fully expended within a period of twenty-one years, or within any annual or other recurring period within which the limitation creating the trust provided for the expenditure of all or a specified portion of the income or the capital, the person or persons, or his or their successors, who would have been entitled to the property comprised in the trust if the trust had been valid from the time of its creation, are entitled to such unexpended income or capital."

Mr. Legal Adviser: This in fact is one of the most important sections in the bill, Mr. Chairman. This is saying that a specific non-charitable trust is the ordinary form of trust in which business people are settling income to trustees or to banks to be paid out to the wife or children - this is the normal form of trust. Now, where in an attempt to tie up money, quite commonly to reduce the incidence of tax liability in the estate, bad draftsmanship might result in the trust offending against the rule and therefore being void. Now, this provides that even though as the trust is drafted, it can be void. Nevertheless, the courts are ordered to have regard to the intention of the man setting up the trust, whether he be alive or whether he be dead, and to carry out in what is commonly called in a charitable trust, the cy-pres doctrine. That is to view the whole document as it stands; knock out what has to be knocked out because it offends against the rules, and then apply the money whether it is capital or income to the people that clearly the man intended to obtain the money, not just avoid it and knock it out, but to give it to the people that who, by construing the document, the judge is satisfied should get it, so that if the man happens to die and the trust still continues and it is attacked by say his nephews as against the children who are entitled to the trust - instead of knocking out the trust the court will just deem the children to be beneficially entitled and give the money to them without having to destroy the trust. Now, this is a very bad official.

Mr. Chairman: Clear? "18. The rule of law prohibiting the limitation, after a life interest to an unborn person, of an interest in land to the unborn child or other issue of an unborn person is hereby abolished, but without affecting any other rule relating to perpetuities."

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Mr. Chamberlist: Question. Mr. Chairman, this is a question that is not clear. I wonder if Mr. Legal Adviser would point out whether in fact this particular section deals with the unborn child of an unborn child. This I had opportunity to look at a case in the Supreme Court of the United States where they ruled against the unborn child of an unborn child being left a will, and I was wondering if this in actual effect means because of the words used here which says "of an interest in land to the unborn child or other issue of an unborn child". Now, I wonder if Mr. Legal Adviser could explain this.

Mr. Legal Adviser: Well, I'm not sure if I can make it clear, but I'll attempt to explain it. Now, the rule in Whitby and Mitchell and I'm reading now from paragraph 563 of page 276 of the edition I have in my hand. "The rule against remote possibilities, which is also frequently referred to as the rule in Whitby v. Mitchell, provided that, in the case of realty, after a limitation for life to a person not in existence at the time when the instrument creating the limitation became operative, a limitation by remainder to any issue of such a person as purchasers was void." Whitby v. Mitchell was decided in 1890, and it then goes on and says "It is now applicable only to limitations or trusts created by an instrument which came into operation before 1926, and has been abolished as regards limitations or trusts created by any instrument coming into operation after 1925." So, clearly what has happened is that the London House of Commons has abolished the rule in Whitby and Mitchell by the Law of Property, 1925. "The rule was directed against contingent remainders of real estate, whether legal or equitable, limited to successive generations of unborn issue and operated as a rule *positivi juris*, independently of the rule against perpetuities. It did not apply to limitations of personal estate and, where the limitation was in a will, was subject to the *cy-pres* doctrine. In the case of appointments under special powers, the rule was applied as from the date when the instrument creating the power became operative." As it says here, to reduce it to a short sentence, the attempt is to stop the evil, as it was considered by the courts, of leaving land to a succession of unborn children - to my son, and then to his son, and then to his son, and then to his son - and it operates independently of the rule of perpetuities but achieved the same object. In Whitby and Mitchell, apparently in 1890, the court decided to put down the chopping block at some point in time, and the effect of that is to have it slightly different from the rule against perpetuities. So, they have now abolished by this - sorry, I didn't mean that. The suggestion is that we should follow the British House of Commons, abolish the rule in Whitby v. Mitchell, which only in any event applies to real property, and leave the law as it stands in all property to let the rule that you cannot have a limitation beyond the life or lives in being in twenty-one years thereafter, plus a time of gestation, instead of Whitby v. Mitchell. I'm not sure if I have explained it adequately. In other words the rule in Whitby v. Mitchell was slightly different to the rule against perpetuities, and the suggestion is we abolish Whitby v. Mitchell and we come back to the Rule in Shelley's case. In other words we leave Forchancery Division and we come back to Lord Coke.

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Chairman: Clear? "19. The rules of law and statutory enactments relating to perpetuities do not apply and shall be deemed never to have applied to the trusts of a plan, trust or fund established for the purpose of providing pensions, retirement allowances, annuities, or sickness, death or other benefits, to employees or to their widows, dependants or other beneficiaries."

Mr. Chamberlist: Does that mean, Mr. Legal Adviser, that if any benefit is left in trust to an employee of a deceased person that this would not be interfered with?

Mr. Legal Adviser: That is the intention.

Mr. Chairman: "20. Except as provided in subsection (2) of section 13 and in section 19, this Ordinance applies only to instruments that take effect after this Ordinance comes into force, and such instruments include an instrument made in the exercise of a general or special power of appointment after this Ordinance comes into force even though the instrument creating the power took effect before this Ordinance comes into force."

Mr. Legal Adviser: Well, this just means that, as it says - I should say that the only change from the Ontario Act that I have come across so far is the insertion of section 13 instead of a different number. There was a misprint in the Ontario legislation. Now, it says that the Ordinance only applies to wills, trustees, and so on made after this Ordinance except in the case of a will which was made five years ago where it gives somebody a power to execute in the future and the power has not been exercised. If the power is exercised after this Ordinance comes into force, then it will be exercised in accordance with the rules in this Ordinance.

Mr. Chairman: This brings us to the end of the reading of the Bill, gentlemen. What is your pleasure?

Mr. Livesey: Mr. Chairman, as this bill is the first bill taken up by this Council at this session, and in relation to perhaps the intent of the court, the rule in court as to the question of intent as regards to legislation, I would like to apply that in view of our interest towards taking on more responsibilities in the Yukon and perhaps go a little further than the explanatory introduction at the beginning of this bill and ask, as I may ask in all other legislation that comes before the House, with relation to the intent of the Administration in introducing this legislation, and I do this for a specific reason and that reason is that I feel in the future the laws that we enact for our society lives in the Yukon Territory, and for those who wish to dwell here, the law really should be for their benefit and on their behalf when it is enacted and passed by this Chamber, and there is a specific reason also beyond this, and that is I have always felt in the past legislation that we have receive here has been more of a quality which provides for the fulfilment of Administrative functions rather than the demands of the society as a whole. So, I would like to ask this question of the Legal Adviser, Mr. Chairman, as to the intent of the Administration for introducing this legislation beyond the explanatory note which appear to be a very simple explanation of what may be further and beyond that under the explanatory note section.

Mr. Legal Adviser: I think that the House will understand that the purpose of the Bill is very shortly stated on the left hand side of the page and that is to make certain changes in the rules dealing with perpetuities, but to answer the over-all question as to what is the purpose of the Administration is, is that the Government here, as the Members know, is the Administration, and

it has not yet come to the time, and I hope the time will not be too delayed, when the Members themselves will have a more day-to-day detailed policy-making function than they have at the moment, but the situation still is that at the moment the Administration produces the legislation and it is not always easy having regard to the standing Rules of the House as they are at the moment at the initial stage of the Bill for anyone speaking on behalf of the Administration to let the Honourable Members know what the over-all purpose of a particular piece of legislation is, because as the Rules are at the moment neither the Commissioner nor the Legal Adviser nor any member of the Administration have the right to address the House, so the result is as the custom has developed it develops in reply to questions at this particular stage of a bill which deprives the House to some extent of valuable policy reasons, but the Administration of the Yukon attempts to keep the laws of the Yukon in conformity with the over-all Canadian family, and the laws in force in each province, and in some cases the laws in force in that regard by the Federal Parliament itself, and the provinces who operate under what was formerly the Common Law and the Anglo-Saxon system of justice attempt within themselves to keep their laws of property, their laws of intestacies, their laws dealing with wills in line with the laws in force in the legislatures of the various States of the American Union, and with the law enforcement of the British Commonwealth, and this particular piece of legislation is produced as a result of a recommendation of the Commissioners on Uniformity of Legislation, who have recommended that the Yukon Territory in common with the other provinces should enact this particular piece of legislation as one of a package of three bills, the other two bills dealing with trusts and dealing with accumulations and they will come before the House at a later time, and this is the over-all policy to keep our laws in so far as they are dealing with perpetuity and similar matters in conformity with the other provinces, and the secondary reason of course is because the Administration considers having considered the reasons offered by the Commissioners on Uniformity have considered the reasons and deemed them in their opinion good and recommend this particular bill for passing by the Council.

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Mr. Livesey: Mr. Chairman, may I ask the Legal Adviser through the Chair a supplementary question? Are there presently before the Government of the Yukon Territory problems which may be considered to be in a position to be solved by the enactment of the legislation now before us?

Mr. Legal Adviser: There is no individual case that I know of, but these problems can arise at any time as a result of a person dying and the case coming before the court for construction as to how the will is to be construed and which of the particular family or something else, or some other generation claiming a piece of property - we cannot foresee this, but these particular rules are in fact coming before the courts every day in a different way in that in lawyer's offices wills have to be construed and clients advised as to how they make their wills and as a result of wills being proved in probate in the court the money has to be given to the people who are beneficially entitled thereto and therefore even though there are no current court cases or court cases may come up that I know of, nevertheless this piece of legislation will effect the estate of many people who are at present domicile and resident in the Yukon Territory.

Mr. Shaw: Mr. Chairman, I have come to the conclusion that one does not only need to be bilingual in this country but trilingual. We have another language coming up here quite frequently, and I have always been quite alarmed at some of the terms that we do see in some of our legislation, particularly when you - we know

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that legislation is created for all of the people that are within the Territory, and I would feel that when we do that that the people that want to know what kind of laws we have - they should be able to pick up an ordinance, and they should be able to understand what the contents are. This particular Ordinance has been quite difficult to understand as far as myself is concerned. One has to be really quite adept in working out puzzles to figure out just exactly what is meant. In fact, the Legal Adviser, a most competent person, is having difficulty with some of the sections. The fact that we have an Ordinance such as this to conform with a legislation across the country, I think is an extremely good move, but at the same time in order to make it understandable to anyone that may care to read it, it would appear to me that at the end of this particular Ordinance - this happens to be an ordinance all by itself - I think that it would be a very good thing to include the translations of some of these 'a prendre and Oh Gosh knows what else we have here, but these kind of phrases - I quite understand that the lawyers like to use them - its most confusing to everyone else, but they understand it so that heightens their knowledge, I suppose, of the law, but nonetheless to conclude on the end of this why not put some interpretation on what we're talking about so that the average person will know just what content is there, if they can figure out the rest of it. It is in plain English and I suppose it can be figured out or interpreted, but certainly there are very few people that understand Latin - I'm sure I don't; and I wondered if this would be possible, Mr. Chairman, if some interpretation could be put at the end of this, or perhaps an interpretation or the correct English words put in here so that at least it could be translated into French.

Mr. Chairman: Would the question be directed to Mr. Legal Adviser?

Mr. Shaw: Mr. Legal Adviser, Mr. Chairman.

Mr. Legal Adviser: With every good grace, I appreciate the point that was made by the Learned Member, but I can't see any way out of using technical terms when you're dealing with a technical subject. In a piece of legislation such as this nobody is attempting to be simple; they are attempting to be precise, and the technical terms that are used are used in exactly the same manner as the technical terms would be used in an engineering specification for the building of a naval ship at Vancouver Shipyards, and its an attempt as detailed and precise a delineation of the object and rule as it is possible to make it without any vagueness, and anything less only leads to doubt and confusion and there are enough court cases going to the Supreme Court of Canada where drafting has been loose and imprecise so that people are enabled thereby to argue that this is what it means, and somebody else argues that it means something else, and eventually the Supreme Court of Canada, at a cost of thousands of dollars, has to decide what the draftsman really meant in the first place. Now, when you're using words like *en ventre sa mere*, they are used with a hallowed meaning. They are taken from rules laid down by judges and the earliest cases I was glancing through here on which these rules are founded have been reported in reports from before the reign of Henry VIII, and various technical terms have acquired meanings. All the laws originally were written in Latin, because Latin at that time was thought to be the most precise language for the use of legal drafting, but gradually English came into use, and certain hallowed phrases that had a precise definition have remained, and if they have remained they have remained largely by reading of their own virtue as technical phrases in the same way as an old fashioned life insurance policy is written in old fashioned language, and there is no intention that the ordinary person should understand this piece of legislation at all. Its not the intention. This is - the intention of this piece of legislation is to lay

down rules for the demolition of property so that when the property comes to be passed from one person to another the lawyer who is advising him knows exactly what the position is and there is no room for doubt. Its to resolve doubts and to lay down just rules that this piece of legislation is made.

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Mr. Shaw: Mr. Chairman, tradition is one matter and to be concise is another. We have a term en ventre sa mere, if that is the way you pronounce it, that must mean specific words, but the interpretations and the law are possibly far more - more far reaching than the actual words convey because it has become a tradition. Now, I'm not questioning the fact that they have all these foreign terms in a language which everyone is supposed to understand. They say a person doesn't understand the law, that is no excuse that they should break it, so they put it in terms, a language which very few people will understand. That's the general point, and all I was asking was that why not have an interpretation following this Ordinance as an addendum so the people will at least know what they are reading. Everyone isn't a lawyer; there are more other kinds of people than there are lawyers and clergymen that may be called upon to learn latin, or perhaps pharmacists, and a few things like that. These long-handled terms I think could well be explained at the end of the Ordinance.

Mr. Dumas: Well, I can't get excited about this legislation, Mr. Chairman. I don't think there are very many rich people in the Yukon and I think there are even less who are egotistical enough to want their name perpetuated. I haven't earned my million dollars yet, but I would like the Legal Adviser to tell me if he considers this to be practical at this time.

Mr. Legal Adviser: This is practical, and a case could arise at any time. It doesn't have to be a large amount of money - it might be just tying up - well, there are no farms here, but it might be tying up a mining property, it might be tying up shares, it might be tying up anything, and therefore if we wish to keep our property laws in line with the contingent provinces to us, then I would recommend that we accept the legislation. Otherwise, we are going to be going on a tangent of our own, and apart from everything else if one of our representatives had to go down to a conference we have got to explain that the Yukon didn't feel like passing this legislation and every textbook from there on must have a note saying, bracket 'does not apply in the Yukon'.

Mr. Livesey: Further to what the Honourable Member said from Dawson, Mr. Chairman, it seems to me that the people who know the English language must go to the French and Latin languages to explain what they mean in the English language, and if that is the case I am wondering why it didn't come up in the three-day conference on confederation and I'm wondering if the people that know French have to go to the English language to explain what they mean in French and Latin. It does seem a conglomeration of effects and values to the layman appears as a puzzle, and I've heard this explained before that really legislation is not created for the layman at all. I think this came from some legal advisers in Ottawa quite a number of years ago. They said it is not meant for us, but they say pass it then, in effect, even if you don't know what it means. This seems to be more than a puzzle and it does seem to me very clear why they go to the layman and ask him to provide something that he doesn't understand in the first place, so that it can be applied for those who do understand it. Its incredible.

Mr. Chamberlist: Mr. Chairman, if the Ordinance was written in French there might be every possibility that those particular items

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that we are referring to now would have been written in English. This way you have a translation of it, but I don't think this is the point which is involved, and I am sure that there is no intention of legislation being created for our books for the purpose of getting Members of this Council in a state of excitement. I'm sure there are many other ways in which our Members can have some internal satisfaction, if they so wish. My feelings on this legislation is this, that legislation is not always there to be understood by the average layman, but it is there to protect the average layman, and I would suggest that even if there was a section dealing with the interpretation of *en ventre sa mere* or an explanatory note as to what *'a prendre* means, or written out what the rule against perpetuities is, or the rule in Shelley's case, I would respectfully suggest to all Members of Council that in any event the average layman who would pick this up and read it would not understand what those interpretations were and would of necessity require the use of a legal adviser in the matter. It's also to be understood that legislation is interpreted by the courts, notwithstanding whether we understand it ourselves. This, as I said earlier, is made up of legal jargon and we realize that in most cases legislation has to be prepared in such a way that it has the legalise in it where the courts can understand what is being referred to even if the person whom it may effect does not understand it. To me there is a necessity always for legislation to be of a nature which is applicable right across Canada. One of the problems that we are faced with from time to time is the fact that in various provinces there are pieces of legislation that differ from one province to the other. We are thankful that in many ways the Canadian Criminal Code, for instance, is applicable right across Canada, so that we do not have problems that develop from time to time in the United States. Now, it is obvious that when, as the Honourable Member for Dawson said earlier, I believe, that if the legal brains of all the provinces and the representative, the person who was representing legally the Yukon Territory, were able to get together and come up with this Ordinance to modify the rule against perpetuities, it was obviously done after very lengthy discussion and consideration. The questions that I ask from time to time during the reading of this Ordinance was so that the various points that were not clear to me and were explained - I'm not suggesting that all the points are clear to me, but I am satisfied that Mr. Legal Adviser, with his capabilities, has been able to give us to some great an extent a concise translation of the different sections that have been - that he has been questioned on. Now, I would approve that the legislation be accepted for the simple reason that any legislation that might stand us in good stead in the future is good legislation. We may not need it today, tomorrow, or next year, but if we have it available, and it helps to protect the interests of those of our people in the Yukon, not necessarily for now, but for a later date, is good legislation. Now, if at a later date there is a necessity to amend and change, this can always be done, but to have conformity in this manner, and because there is an attempt being made to have legislation conform with the rest of Canada, I would ask that Members of Council approve the legislation that has been placed before us.

Mr. Legal Adviser: May I just make one point. The phrase *en ventre sa mere* seems to be causing some Members some difficulty. It is essential that that phrase remain in the Bill, in my respectful opinion. A person in Canadian law does not become alive until he is born, and by legal definition largely taken from the Criminal Code, a child is not deemed to come into existence as a human person until they have been completely excluded from the body of the mother, and therefore when you're dealing with property rights

in general you take no account whatsoever of a person during between conception and birth and therefore if you are giving property rights and I feel that property rights should in fact be given to a person if you are counting a period of limitation and you cut off the period at twenty-one years, and then the woman that you are dealing with happens to be pregnant at that time, it is a merciful and a generous and a just thing to extend the benefits to the child of the particular woman of whom she is pregnant at that particular point in time, and it is impossible to define this person because that person is not in being and therefore is not human, its not alive. Its a philosophical thing to say what it is, so the technical definition has come through the years as defining such a thing, if it is not a person, as being en ventre sa mere.

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

Mr. Chamberlist: Yes, sir.

Mr. Taylor: Well, Mr. Chairman, this is certainly a most complex piece of legislation, possibly the most complex that I have ever encountered in my experience in Council these past seven years. I certainly accept Mr. Legal Adviser's point that indeed though we find this terminology somewhat confounding that indeed it would appear that history, and time and history have, by precedence, established these as precisely setting out whatever the point might be in relation to the term used, and I find, though I am much like the Honourable Member from Dawson - I'd like to see this thing spelled out more precisely, but I could see really no useful application of the suggestion that these things be added - these terms and their interpretations be added at the end of each bill. Basically, I think on the premise that the layman would not be dealing at any time with this bill that I could see. I think that this is a bill the type of which would only be considered by men very learned in law, and therefore I could see where it would impose little hardship, where I could not see where it would impose a hardship on the layman generally. Where I find difficulty with acceptance of the bill again is in the - or is on the basis that the only one province in Canada that has accepted this that we are sure of is the Province of Ontario, if my information is correct, and it would seem to me that with our limited legal facilities and the fact that we have not participated on our own with this group on - or the Commissioners on Uniformity of Legislation. I would think that we should leave this bill in abeyance until some experience can be gleaned from the provinces as to the workings of this new piece of legislation because this is undoubtedly new, and until it has received the refinements of experience of application, or whatever one might say, I would have a tendency not to vote for this bill. It may be good and it may not be. I am not competent at this particular point in time to accept as to whether it is or not really, and I feel that if I am not competent to make a proper assessment, I'm not willing to take the risk that it is good or bad legislation. I think that first one should have this clearly understood, and I feel that the provinces are best equipped through the Departments of Attorneys-General and through practical application, to advise me at some future date as to whether indeed this is good, effective, or ineffective legislation, and on those grounds if I should have to cast a tying vote, I would vote negative for this bill. Thank you, Mr. Chairman. Yes, I'll resume the chair.

Mr. Dumas: Mr. Chairman, I cannot agree with the Honourable Member from Watson Lake on this. It seems to me that if this bill has been accepted by the Commissioners for Uniformity of Legislation and by the Province of Ontario and is recommended by

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our Legal Adviser; indeed by both of our Legal Advisers, I suggest that it quite likely is good legislation. At any rate, it is designed to prevent a possible wrong and therefore must be for the benefit and is for the benefit of the people and is only to help the people of the Yukon in some way. Now, I don't think it is necessary for us to sit back and wait until all of the provinces have adopted it before we adopt it, and on this basis I am ready to support the bill at this time.

Mr. Chamberlist: Mr. Chairman, the point that has been made by Councillor Dumas is the very point that I intended to make. We do not have to wait for others to lead; the time is coming and is coming fast that we are going to do some leading. I think it is a sound piece of legislation because we need it, and at this time I would move that the Ordinance be adopted as read without amendment.

Mr. Chairman: The proper motion, gentlemen, just before it is seconded, would be that the motion - your intent would appear to be that Bill No. 6 be reported out of Committee without amendment. Is this correct?

Mr. Chamberlist: This is correct, Mr. Chairman. Thank you for the correction.

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

Mr. McKinnon: Mr. Chairman, far be it for me to take up any time of this Committee - it has been stated that this is a piece of legislation that is brought forward by some of the best legal minds in the country, but I still don't see how they can presume that a male is able to have a child at the age of fourteen years of age or over. Mr. Chairman, to me this is going against the laws of nature which I am sure are positive. Why there reason is that they didn't put father a child at the age of fourteen years of age or over, I don't know. Is this the ordinary language for this kind of legislation?

Mr. Legal Adviser: I didn't write it. I would tend to agree with you this, but ordinary people talk about having children, and I see no reason.....you have a child, I have children.

Mr. Chairman: Is there any further discussion on the motion?

Mr. Shaw: I have to say I would certainly favour the motion, but I don't seem to be getting a great deal of support on having the explanatory notes put on all these Latin terms at the end of the ordinance. I do feel that anybody and everybody should be able to understand the laws of the country, regardless. They should be put down in plain English.

Mr. McKinnon: Mr. Chairman, I wonder if I could ask the Honourable Member from Dawson whether he is worried about understanding the Bill as he feels his estate will become applicable under this Ordinance when he goes to the other place?

Mr. Shaw: What was the question?

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

All: Agreed.

MOTION
CARRIED

MOTION CARRIED

Mr. Chairman: This concludes the business before Committee at this time. What is your pleasure, gentlemen? I will declare Committee in recess.

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Tuesday, March 5, 1968.

3.30 P.M.

Mr. Chairman: We will now call Committee to order. What is your further pleasure?

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

Mr. Shaw: I second the Motion Mr. Chairman.

Mr. Chairman: Moved by Councillor Dumas and seconded by Councillor Shaw that Mr. Speaker do now resume the Chair. Are you prepared for the question? Are you agreed? Any contrary. I declare the Motion carried.

MOTION CARRIED

MOTION
CARRIED

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

Mr. Taylor: Mr. Speaker, Committee convened at 10.30 A.M. to discuss Bill No. 6. Committee recessed at twelve noon to reconvene at 2.00 P.M. It was moved by Councillor Chamberlist, seconded by Councillor Dumas that Bill No. 6 be reported out of Committee without amendment. Motion carried. It was moved by Councillor Dumas, seconded by Councillor Shaw that Mr. Speaker do now resume the Chair.

CHAIRMAN
OF
COMMITTEES

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

All: Agreed.

Mr. Speaker: I notice that normally this would be the finish of the present business before the House and I understand that it was generally understood that we would wish to continue and perform as much business as possible. I would also like to bring to your attention that yesterday that was some discussion of further introduction of Bills rather than the introduction of one Bill and I would like to explain to the Chair that under annotation 34 of Beauchesne only one Bill may be introduced on the opening day of the session. May I suggest to you if it is your intention to proceed with further business today, that you revert to Orders of the Day and also you could suspend Standing Order 41 which, in my view, would not create any precedent as far as the House is concerned. You may proceed.

Mr. Taylor: Mr. Speaker, I would like to move that Standing Order 41 be suspended and Council revert to Orders of the Day for the purpose of processing public Bills.

Mr. Dumas: I'll second the Motion Mr. Speaker.

Mr. Speaker: Moved by the Honourable Member from Watson Lake, seconded by the Honourable Member from Whitehorse West that standing Order 41 be suspended and that we move to Orders of the Day. Is the House prepared for the question on the Motion. Are there any contrary. I will declare the Motion carried.

MOTION CARRIED

MOTION
CARRIED

Moved by Councillor Shaw, seconded by Councillor Chamberlist that Bill No. 1, An Ordinance to Amend the Fur Export Ordinance, be given First Reading.

FIRST
READING
BILL #1

MOTION
CARRIED

MOTION CARRIED

SECOND
READING
BILL #1
MOTION
CARRIED

Moved by Councillor Shaw, seconded by Councillor Chamberlist that Bill No. 1, An Ordinance to Amend the Fur Export Ordinance, be given Second Reading at this time.

MOTION CARRIED

FIRST
READING
BILL #2
MOTION
CARRIED

Moved by Councillor Dumas, seconded by Councillor Taylor, that Bill No. 2, An Ordinance to Amend the Motor Vehicle Ordinance, be given First Reading at this time.

MOTION CARRIED

SECOND
READING
BILL #2
MOTION
CARRIED

Moved by Councillor Dumas, seconded by Councillor Taylor, that Bill No. 2, An Ordinance to Amend the Motor Vehicles Ordinance, be given Second Reading at this time.

MOTION CARRIED

FIRST
READING
BILL #3
MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Shaw, that Bill No. 3, An Ordinance to Amend the Judicature Ordinance, be given First Reading at this time.

MOTION CARRIED

SECOND
READING
BILL #3
MOTION
CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Shaw, that Bill No. 3, An Ordinance to Amend the Judicature Ordinance, be given Second Reading at this time.

MOTION CARRIED

FIRST
READING
BILL #4
MOTION
CARRIED

Moved by Councillor Dumas, seconded by Councillor Gordon that Bill No. 4, An Ordinance to Amend the Evidence Ordinance, be given First Reading at this time.

MOTION CARRIED

SECOND
READING
BILL #4
MOTION
CARRIED

Moved by Councillor Dumas, seconded by Councillor Gordon, that Bill No. 4, An Ordinance to Amend the Evidence Ordinance, be given Second Reading at this time.

MOTION CARRIED

FIRST
READING
BILL #5
MOTION
CARRIED

Moved by Councillor Shaw, seconded by Councillor Chamberlist that Bill No. 5, An Ordinance to Amend the Police Magistrate's Courts Ordinance, be given First Reading at this time.

MOTION CARRIED

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

Mr. Speaker: Perhaps I could help the Member - who wishes the House to revert to Committee. The Motion would be that Mr. Speaker do now leave the Chair for the purpose of convening in Committee as a Whole and then to suggest or state the reason.

Mr. Chamberlist: Mr. Speaker, I will move that Mr. Speaker do now leave the Chair and Council move into Committee of the Whole for the purpose of discussing Bills No. 1 to 5 inclusive.

Mr. Speaker: Thank you Councillor Chamberlist. Is there a seconder?

Mr. Taylor: I would second the Motion.

Mr. Speaker: Moved by the Honourable Member from Whitehorse East and seconded by the Honourable Member from Watson Lake that Mr. Speaker do now leave the Chair for the purpose of convening in Committee of the Whole to discuss Bills No. 1 to 4. Is the House prepared for the question on the Motion.

Mr. Dumas: Mr. Speaker, you did not ask for second reading; when Bill No. 5 should have second reading.

Mr. Speaker: That is true, it was intervened by the motion and I have corrected the motion to read Bills 1 to 4 which have all received second reading.

Mr. Chamberlist: Well, I regret that Mr. Speaker; I was in error and I think it is quite satisfactory we give it second reading

Mr. Speaker: Is the House prepared for the Question on the HOUSE Motion? Are we agreed. I will declare the Motion carried IN and the Honourable Member from Watson Lake will take the COMMITTEE Chair in Committee.

Mr. Chairman: We will proceed to Bill No. 1, the Fur BILL #1 Export Ordinance (reads Bill No. 1).

Mr. Chamberlist: Mr. Chairman, may we get an explanation as to why it is necessary to reduce this - is this a piece of legislation that is required?

Mr. Legal Adviser: I don't know how badly it is required but this legislation comes in at the suggestion of the Director of Game who is of the opinion that revenue from fur export are in fact falling and they may be stimulated to some extent by reducing the duty on fisher and otter which, in his opinion, is out of line with the normal schedule and this is bringing it back to 50¢ schedule item here in tax and trying to put it into line with the others. It is not an essential piece of legislation but it necessitates an actual amendment of an Ordinance because the schedule is part of an Ordinance.

Mr. Chairman: Just one comment from the chair if it may assist Committee and that is that I believe this was brought about by the fact that fisher and otter were once very highly priced furs but in more recent times the price of these furs went down so markedly that fur export tax is now inequitable.

Mr. Shaw: I would concur with this Motion, this Bill Mr. Chairman is due to the depressed nature of the trapping industry and the fact that fewer people are indulging in this means there should be as few restrictions as possible. I would be pleased to move that Bill No. 1 be reported out of Committee without amendment.

Mr. Dumas: I'll second that Motion Mr. Chairman.

Mr. Chairman: It has been moved that Bill No. 1 be reported out of Committee without amendment. Are you prepared for the question. Are you agreed? Any contrary? I declare the Motion carried and we will proceed with Bill No. 2.

MOTION CARRIED

MOTION
CARRIED

BILL #2. Mr. Legal Adviser: Mr. Chairman, I might intervene at this point. This section is introduced because of the decision in the Courts. It appears that in our Ordinance it is an offence for a driver of a car to pass a school bus while overtaking but in the Regulations as they were the offence had been carried forward and made an offence in the traffic rules to pass a school bus regardless of which direction the driver of the offending vehicle was travelling and the police charged the driver of a car which was travelling in the opposite direction to the school bus and the decision of the Magistrate was that the regulations were ultra vires of the Ordinance, and therefore of no effect. The Ordinance only has the offence going in one direction and the regulations have the offence, one going in either direction so this necessitated a revision of this and the present section is taken—largely designed from the Alberta Highway Traffic Act, or the British Columbia, I'm not sure which, but it is a whole new section to deal with the particular problem.

Mr. Chairman: I will proceed with the reading of the Bill, before we start discussing it. (Reads Bill No. 2, An Ordinance to Amend the Motor Vehicles Ordinance).

Mrs. Gordon: May I interject a question here?

Mr. Chairman: Councillor Gordon.

Mrs. Gordon: In sub-section b is it intended that the word "or" should come after the comma?

Mr. Legal Adviser: Yes, this is the intention.... but it is a matter of style.

Mr. Dumas: Is this normal legislation?

Mr. Legal Adviser: Well I am not sure what the Honourable Councillor means by normal but it is common in many provinces. This particular section is drafted, slightly changed because we don't take account of four-lane highways because we don't have them here. This is a simpler piece of legislation than would be necessary to introduce if we had complicated highways going in either direction and 2,3,4 and 5 lanes. It is intended to be a fairly simple piece of legislation.

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

Mr. Chamberlist: Yes, go ahead.

Mr. Taylor: Mr. Chairman, I am still troubled with the matter of the - not the vehicle which is going the same direction as the school bus which is receiving or discharging passengers. I'm having my difficulty with a vehicle which is approaching a school bus from the the other direction or passing it on the road, or whatever and it has just never occurred to me that it is indeed reasonable to have the other lane of traffic coming in the other direction, stopping while a school bus is indeed discharging on its own side of the road and I wonder if Mr. Legal Adviser could advise me whether this is indeed done in the provinces or anywhere else in Canada because this is going to cause a hardship for an awful lot of people who certainly must feel as I do that certainly in the lane of travel that the school bus is

Mr. Taylor continues.
on this is accepted but in the other lane going in the other direction I can't see how this should apply.

Mr. Legal Adviser: My experience is only limited to driving on highways in Alberta and B.C. and this is the position in Alberta and B.C. in a two lane highway; that is the average road. You have got to stop in either direction. In certain areas of cities they make exceptions and they deal with them in a special way. But taking it by and large throughout Alberta and throughout B.C., the traffic in a two lane highway must come to a halt no matter which way it is travelling when a school bus stops because of the danger of children dashing out in front of a bus to cross the road and the oncoming driver can't see them. But as I say, it is a matter for Council to make up their mind on the point. But this is common legislation.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, in view of the fact that we do have buses stopping for unloading children and loading on some fairly narrow roads, it is conceivable that if the children went around behind the bus to go across the road, they could run out into oncoming traffic. I would be willing to support this change.

Mr. Taylor: One further question. Would it not then be wise; and I don't suggest that we will have four-lane highways here in the immediate future, but would it not be wise then to spell out in this legislation in 110 subsection 1 that where a bus is stopped on a two-lane highway, or something of this nature, to expressly point up that this is only where a two-lane highway exists or less - would this not be a wise thing to do in order that whenever we do get four-lane highways that this imposition will not

Mr. Legal Adviser: This thought had occurred, Sir and I actually took out all reference to four-lane highways but because it necessitates about three or four more sections but it deals in a series of complicated ways. When you are dealing with more than a two-lane highway you have got to spell out exactly what happens on a two-lane, three-lane, four lane highway and a you have then got to spell out the difference between a four-lane highway which is divided by an immobile barrier and a four-lane highway which is not so divided. You have then got to specify intersections, under-passes and the whole series of things that need to be spelled out. So, as we were only dealing with two-lane highways for the moment I thought it would be simpler to just leave it as is as we only have in fact two-lane highways in the Territory. When we get four-lane highways then we will have to have special for it.

Mr. Taylor: Just before I resume the Chair, I just would like to make another point that occurred to me Mr. Chairman and that is that if that indeed is inacted then there has got to be a very vigorous program it would appear of public education to this particular item. Now, it seems to me that if the officers of the law wanted to they could, if they so choose, pick up quite a few people on this charge because it is not going to be easy for the people of the Yukon to accept this right off the bat. Nevertheless when it is law, it is law and at the same point I think it is much easier to get hold of the school children and try and keep them from running around the end of the bus and teaching traffic safety there than it will be to educate the public but I think if we enact this then we are committed

BILL #2. Mr. Taylor continues.
to an active and vigorous program of public education to the effect that they are breaking the law if they pass a school bus, even if they are oncoming in the other traffic lane. I think this is very important.

Mr. Legal Adviser: I think this should be done; I agree with you, but I have a feeling for this particular section. I was charged myself for passing a bus going in the other direction and I had to defend myself in Court and succeeded in proving that I hadn't in fact done it so I know well that it is the law in B.C. and Alberta. But it does necessitate an education program, presumably by radio and... television, but as an Honourable Member one or two convictions, and everybody would know it. In any event, drivers from out of province all know that.

Mr. Taylor: I will resume the Chair.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, the question I have is in relation to the municipality - this is directed to the Legal Adviser Mr. Chairman. Municipalities do have power to impose their own traffic rules and regulations and when one considers a school bus loading or unloading on Fourth Avenue, which is a fairly wide street, that you have to stop all the traffic going both ways say five o'clock or some time like that, it might make quite a traffic tie-up. I wonder if my question would be - does this apply all over the Territory or places excluding municipalities?

Mr. Legal Adviser: As the section is drafted it would apply everywhere but school bus drivers have been instructed to pull off the highway in Whitehorse for unloading They are not supposed to pick up - that is on the highway like, a busy highway - buses coming down the hill are supposed to unload their passengers - turning off the highway and pulling up on a by street; they are not supposed to pick up or unload on the busy highway. It is not always possible, of course, to but there is no objection. The Administration does not press this particular section. It arises because of this case and because the law was under the regulations, which were successfully attacked in Court, the law was that a person had to stop going in either direction. This is merely a tidying up by making the law represent what people thought it was before the decision in this particular case. If the Council wish to put in a proviso that by regulation any particular area might be exempt - something like that - there would be no particular objection to it if suitable amendment could be found to it to meet a particular wish. But as it stands it just applies universally throughout the Territory.

Mr. Shaw: A supplementary question. If this school bus was going up the Two Mile Hill, for example and pulled up of the road on the side, off the main travelled portion of the road and its lights were flashing, would that mean that all the traffic would have to stop at that point?

Mr. Legal Adviser: As the law stands that is so but again buses are not supposed to stop at that point.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, the practical answer to this. I wonder if - in order that the law may not remain silent

Mr. Livesey continues in the minds of the drivers and loud in Court. Is it contemplated by the Engineering Department that warning signs be placed in both lanes where the school buses stop, warning oncoming motorists to stop in the opposite lane to which the school bus has come to a stop.

Mr. Legal Adviser: I couldn't visualize what's in the mind of the Engineering Department but if it is the wish of the Council, I would suggest that possibly a better method might be to put signs in suitable places informing traffic that they must stop in either direction when they see a school bus with lights flashing rather than pick out series of bus stops to do it at. Just make it at entrance to towns and areasbut any recommendations Council wish to make would no doubt be carried out by the..... Department.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, one thing that hasn't been considered is the fact that when the school buses go to pick up children to take them home from the schools these school buses are loading for about fifteen minutes. Now you take the Whitehorse Elementary School has four or five buses in line and they are loading for 15 minutes. Now dealing with sub-section 2 - until school bus resume (a) until the school bus resumes motion. Now the school bus is not going to resume motion until all the children are loading - they are coming out of the school, or until the driver of the school bus indicates by a signal that you may proceed. He is so busy loading the children and getting them into their seats. And item (c), the school bus remains flashing. Does this mean that traffic coming to and from behind and in front of these buses must remain stationery until the buses start moving. It seems to be ludicrous to me the way this is there and certainly this isn't the intention. I think that the people that are travelling and using motor vehicles also have the right of way and this driving without due care and attention when there is a school bus stationery; this is a matter that I don't think we should have such a restricted section in there that doesn't even allow a vehicle to even start moving until the bus is completely loaded and taken away; this could mean 15 or 20 minutes. It seems to be ludicrous.

Mr. Legal Adviser: I agree the Honourable Member has a point but the use of the word "or" as suggested by the Chairman eliminates this. But any of these things happen - he can move - either the bus resumes motion or the driver of the school bus gives him a signal, or in the case of buses which are flashing lights, the lights stop flashing so the drivers are instructed that when they are loading school children at an area back here.....they are not supposed to have their lights flashing - the children are coming out of school and coming on the bus. This is only when the bus is coming in to small stops and not the main terminus, you might say. If there is any doubt about this it can be cleared up by making it clear but I think that the words or or makes it clear.

Mr. Chamberlist: Mr. Chairman, it might sound clear to you but it is not clear to me, Mr. Legal Adviser, because it reads "until the school bus resumes motion or, and it doesn't say (c). I take it that the or should be in between (b) and (c). Is there supposed to be an or there as well?

BILL #2. Mr. Chamberlist continues.
So if a man gets off because he - he moves along because the lights stop flashing; but suppose the lights aren't flashing at the time they are loading so the driver has got only two alternatives. Supposing the driver doesn't put on his lights so he has only two alternatives and if the driver doesn't give a signal; so he has only one alternative. That is (a) he has to wait. So I am sure Mr. Legal Adviser sees those points. To me it appears that this has not been properly made up - this piece of legislation. I wouldn't support it as it is right now.

Mr. Legal Adviser: The words or means a person can pass but in any event perhaps the Honourable Member is not aware that school bus drivers are instructed not to load any passengers at any schools in Whitehorse on any highway. They pull right into the school yard to load their buses. They may disobey this but this is their instructions. Now at one school they are going to be loading out here - I'm not sure of the name but the one that is very near this building. They are going to be loading outside on a small highway but at that point of time the lights would not be flashing so the people can pass by.

Mr. Chamberlist: Mr. Chairman, I've got to continue with this argument. You say because the lights would not be flashing they would be able to pass by but if they are loading so they would not be able to pass by. Isn't this so? It appears to me - let us take "c" out completely at the moment, just for the purpose of talking. Then there is only "a" and "b" that until the bus resumes motion or until the driver of the school bus indicates by a signal that he may proceed. But supposing he does not indicate by a signal that he may proceed because he is in the bus, telling his children, or loading the bus. So then we have to rely on "a", until the school bus resumes motion. The school bus won't resume motion until he has got completely loaded. Now any time between 10 and 15 minutes takes place and to suggest that the school bus have to load in a school yard, this is ridiculous because there is no school here, maybe the F.H. Collins School but take the Elementary School, they load up on Black Street outside the school with four or five buses at one time there so that this cannot work as it is - it cannot work - it is impossible. Whatever a driver of a vehicle does, he is breaking the law. This is just a trick piece of legislation to get more convictions, that is all.

Mr. Chairman: Order.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, this does present some difficulties in my opinion. I have to agree with Councillor Chamberlist with some of these remarks. It would appear to me that it could be resolved quite easily by putting certain responsibility where it should be. There is a responsibility of the motorist; there is a responsibility of the driver of the vehicle picking up the children and it would appear to me that if the Ordinance read to cut out "a", "b" and "c" and just had "a" that where a bus is loading and the lights are flashing you cannot go past; otherwise you can go past. It would appear to me to resolve the situation because the bus driver would require to keep his lights flashing, he would be stopped, that would be obvious. The lights would be flashing and at that time you could not go past but where,

Mr. Shaw continues as has been mentioned they load at certain places in Whitehorse at the big schools that would not be necessary because there is no danger in that but where they normally stop and discharge or pick up school children, when they are stopped these lights should be flashing at all times and everybody has to come to a stop. I think anybody can understand something like that rather than have three sections to it. I would respectfully submit that to the Legal Adviser if it would be possible to phrase it in that manner and be perfectly clear to all concerned and serve the purpose intended.

Mr. Legal Adviser: I may be obscure, Mr. Chairman, but Section 2 seems to me to read this way. This is the way it reads; a person is required to stop, shall not proceed unless either of three things happen. If any one of these things happen he goes forward. The first to happen is the bus resumes motion... the second is he gets the signal to come onand if the lights stop flashing, also. So when the school bus pulls up at a terminus all he has to do is switch off his flashing light, not just the lights, the flashing light, and you can pass by. You can always pass by a bus which is not using - which is fitted for flashing lights, which is not using its flashing lights. This is the law as is written down here.

Mr. Chamberlist: Well, Mr. Chairman, in that case I wonder if Mr. Legal Adviser would say if this would be correct; if what you say is correct Mr. Legal Adviser, and "b" has been complied with, are you suggesting then that until the school bus resumes motion or when the school bus is displaying alternately flashing lights that if the school bus hasn't resumed motion and the lights are still flashing, are you suggesting it is safe for a vehicle to continue?.

Mr. Legal Adviser: No.

Mr. Chamberlist: Well, just with respect, Mr. Legal Adviser says any of the three.

Mr. Legal Adviser: Any of the three; any of those three things happen then he can go.

Mr. Chamberlist: O.K. so he saidthe driver has indicated a signal but he is still loading and the lights are still flashing. You say they can proceed? I would suggest that Councillor Shaw's suggestion to clarify, and this makes more sense to me at least; it says loading or unloading and flashing where, in other words, the person was required by sub-section 1 to stop before reaching the school bus shall not proceed to pass the school bus where a school bus is loading or unloading and has flashing lights operating. Then that makes sense because there is a requirement there to make sure that motorists take care that the lights are flashing for the purpose of loading or unloading children. This I can see.

Mr. Legal Adviser: You have a good point; I agree. I am in full agreement with you except the unfortunate thing that there are a certain number of buses outside Whitehorse which don't have flashing lights. I have considered this and intended to put in that they must be both loading and unloading and flashing lights but we ascertained that there are school buses that do not have flashing lights. They are on contract of various sorts and it would be either very expensive or impossible to fit them so we just let it go.

BILL #2 Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I would suggest, I would be very pleased to give my consent to an Ordinance that required a school bus that had flashing light. That is not, in my estimation an expensive item. I think you could put it on any bus for about \$25.00 and I think that certainly school buses - it should be mandatory that school buses should have flashing lights. If somebody wants to enter a contract they could put up the lights and then we can resolve the whole situation.

Mr. Chairman: Anything further on this Bill?

Mr. Chamberlist: I would suggest, Mr. Chairman, that we leave this in abeyance and allow the Legal Adviser to reword in the manner in which it has been suggested by both Councillor Shaw and myself.

Mr. McKinnon: Mr. Chairman, I agree with the Honourable Members from Dawson and Whitehorse East. I had a very good example of this. About two weeks ago I was out at Porter Creek and on one of the roads at Porter Creek a school bus was stopped at the side of the road with all the lights flashing and there wasn't a soul around the school bus. I stopped behind this school bus because the lights were flashing, exactly for five minutes before an operator came out of a house where he was having a cup of tea and a chin-wag with one of the residents of Porter Creek, and gave me a signal that it was all right that I go ahead. I also believe that Section "d" of Section 4 of the Regulations could be easily amended that makes mandatory of what equipment a school bus shall have; that it have another section saying that flashing equipment shall be compulsory in all these school buses. Then I think we can bring an amendment to the Ordinance which will entail or contain both the suggestions from the Honourable Member from Dawson and the Honourable Member from Whitehorse East. I am very disturbed though, and I always am, when I see regulations that are in opposition to legislation and I think it is absolutely the responsibility of the administrative heads to examine and search to make positive that when their Department brings in regulations that they are not contrary to the legislative law of the land and here is a perfect example where through regulation an Administrative Department has gone further than the Legislative Assembly determined it should by legislation and I think it perverts the very intent of elected members if this happens and it happens too often to be just accidental. And I think it is very strongly the responsibility of all the heads of Departments to make sure that any regulations they bring forward do not contravene and do not pervert the intent of legislation that is passed by this House. Section "d", Sir, under the School Bus Regulation. In the Regulations there should be a new section "d" added under sub-section 2 of Section 4 which makes it mandatory that school buses having flashing lights. It lays out now that every school bus shall bear upon the front a plainly visible sign, to be equipped with visual signals have painted on the side..... but it does not make provision under Regulations having mandatory flashing equipment which I think is necessary on school buses everywhere in the Territory. Then when this is done the Honourable Member's suggestion from Whitehorse East as to an amendment to this Ordinance would make sense and would be much more understandable and easy to put into practice.

Mr. Legal Adviser: I agree with the sense of this Mr. Chairman. And I can put up the regulation to have this done. It is a

Mr. Legal Adviser continues..

BILL #2.

question then, would the House bear the suggestion that an amendment be made or put in the amendment and add in a clause that the Regulations, which would be made, would come into effect at a future date. With Regulations when you are changing existing vehicles it would have to give them a number of months in advance..... If this particular Section is passed as a Bill, it could have added to it another Section that the Bill shall go into - that the law shall go into force on a date to be fixed and then the particular change could be made to coincide with the coming into force of the mandatory regulations with regard to buses that they in fact do all have flashing lights. If this would meet with the wish of the Committee then I could arrange to have this done.

Mr. Chamberlist: Mr. Chairman, Mr. Legal Adviser isn't referring to leaving this as it is.

Mr. Legal Adviser:would be to change the word "or" in 110 (1) to "and"; the rest of the section.....

Mr. Chamberlist: No, no, no, it is sub-section 2 which should be checked.

Mr. Legal Adviser: ...necessity to change sub-section 2if any one of three conditions is fulfilled. He doesn't have to wait until any two or any three are fulfilled just any one of the three conditions are fulfilled.... and in that event every bus in fact, when the Regulations come into force will be equipped with flashing lights. And if a bus is unloading passengers at a terminus and the lights are not flashing then the public can in fact pass by. In order to hold back traffic he has got to - I re-examined this in the light of that and tried to make absolutely certain that it conform to the wishes of the Council and that is that a person coming up to a terminus on a quiet street will be able to pass the bus even though it is loading a large number of children.

Mr. Chamberlist: I accept Mr. Chairman that I would suggest if we alter just the word after passengers from "or" to "and". There would be a conflict with the sub-section 2. As a matter of fact once you alter that word to read "on a highway to receive or discharge passengers and while a vehicle is displaying alternately flashing lights, if you have that in I would suggest there is no necessity whatever to add sub-section 2 in there at all because this actually tells you what is required. The rest of it becomes superfluous so why have it. Cut out sub-section 2.

Mr. Legal Adviser: You might be there forever if you don't allow them to pass by the bus.

Mr. Chamberlist: Well, he's got to have both things.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: One point I'm still not satisfied on, Mr. Chairman, is in view of the fact that the prevention of an accident is far more important than the cure and with regard to any type of legislation of this type where children are involved, I am wondering if we are going to provide that the public shall be educated to the legislation rather than enact legislation in silent form.

Mr. McKinnon: Mr. Chairman, I would just like to digress

BILL NO. 2 Mr. McKinnon continues..

for a moment - what happened when the Motorcycle helmets came into effect was that publications were made in the papers that it was now compulsory for children or for anyone riding a motorbike or motorcycle to wear helmets and I saw after the publication in the paper people on motorbikes without wearing helmets even though I am sure that the parents and majority of people saw it. Then there was one conviction in court and I am telling you when you looked at the City of Whitehorse and you saw motorcycles you saw anybody without a helmet it was really surprising because just over night there were more people riding motorbikes with helmets around Whitehorse than you had ever seen before.

Mr. Chamberlist: Mr. Legal Adviser, I would agree with Mr. Chairman that Mr. Legal Adviser be instructed by this Committee to follow the lines laid out by the various Members of Council.....well, I will put it this way. I would move that the word "or" after passengers in sub-section 1 of Section 110 be changed to read "and" and further that sub-section 2 be deleted in its entirety.

Mr. Chairman: May I have a copy of your Motion, please? Is there a seconder for this Motion?

Mr. Shaw: Would you read the Motion please Mr. Chairman?

Mr. Chairman: The Motion proposed by the Honourable Member for Whitehorse East is that the word "or" following passenger in sub-section 1 of Section 110 be changed to "and" and sub-section 2 be removed in its entirety.

Mr. Shaw: I will second the Motion Mr. Chairman.

Mr. Livesey: Speaking to the Motion, it seems to me that whoever arrives behind the bus will have to wait until the Council makes an amendment to the Ordinance. I'll explain Mr. Chairman. It seems to me he is going to arrive there - all it gives him is instructions to stop but doesn't tell him when he can start. So it seems to me it is like a one-legged horse and he is going to have a lot of trouble, that fellow.

Mr. Chamberlist: Mr. Chairman, every now and again I get surprised from some Honourable Member's remarks but it seems to me - I will read that Section 110 which will replace the existing section. It will read as follows: "When a vehicle bearing the sign school bus has stopped on the highway to receive or discharge passengers and while the vehicle is displaying alternately flashing lights a driver approaching a school bus from either direction shall stop before reaching the school bus." Now, it is obvious that when he is stopped and is flashing his lights, the driver stops; when the driver moves his lights are going off because he is going to put them off. Then you go on. You don't have to wait for any amendment. All that is required is a little common sense and legislation is common sense. It is quite as simple as that.

Mr. Livesey: Mr. Chairman, with all due respect, that which is not written is not implied.

Mr. McKinnon: Mr. Chairman, let us go down to examples. There are terminuses on the Territorial roads or highways in Porter Creek and Crestview. Now the bus may arrive there and stay there for five, ten, fifteen minutes, providing for the children to come from the residences to get into the

Mr. McKinnon continues..

bus and to continue on downtown to the school. Now while the driver is there he is on the road and the lights are flashing. That prohibits me from passing that bus in either direction and I have to sit there for ten or fifteen minutes and there is no way if only this 110 (1) is left in the Ordinance that I can pass that school bus while he is loading in those areas and certainly I have to be able to go by if the driver gives me a signal or I -- it is just common sense that I shouldn't have to sit there for that time but I'm prohibited if this remains in thisI would like a legal interpretation.....

Mr. Chairman: Order please, one at a time gentlemen. It is very difficult to determine who is talking.

Mr. Legal Adviser: The interpretation put on by Councillor McKinnon, by Councillor Livesey appear to me correct.

Mr. Dumas: The answer is for the driver to turn off the flashing lights but I don't think that this should be necessary - I don't think that this is desirable. I think in practical light we should be able to sit there for 15 minutes and still have traffic proceed because you do want traffic to slow down and this is what the flashing lights indicate - they slow the traffic down and he can wave them on if he is waiting there for 15 minutes and so I would like to see at least parts of number 2 remain in.

Mr. McKinnon: Mr. Chairman, with all respect I can't see the objection to 110 (1) with the "and" clause and Section (2) remaining once all the school buses in the Yukon Territory are made compulsory to have flashing lights. I think we have come up with a sensible solution all the way around. It solves all the problems that everybody has.

Mr. Chairman: Gentlemen, I have a Motion before me. What is your pleasure.

Mr. Dumas: I would like to move an amendment to the motion that sub-section number 2 be deleted from the motion.

Mr. Livesey: Point of order

Mr. Chamberlist: This is an amendment. Mr. Chairman, might I suggest that the point of order is not well taken because it is an amendment?

Mr. Chairman: The point of order is very well taken the way the motion was stated however I believe it is your intention to delete the latter part of the amendment which deals with the deletion of section 2 of the main motion. Is this correct? Possibly I could assist the Member in proposing this.

Mr. Shaw: I was just wondering, Mr. Chairman. We have in the proposal by the Honourable Member from the Whitehorse East area, seconded by myself, the intention was I believe that when a person is loading or unloading and the lights are flashing, in which we have a culmination of events, then you are not permitted to pass. But if those lights are not flashing and he is loading or unloading, then it is permissible to pass. Mr. Chairman, I would like to present a question to the Legal Adviser to the effect that in the proposal of the Honourable Member from Whitehorse East

BILL #2. Mr. Shaw continues..

that it is required that the bus be loading or unloading and the lights flashing before a person has to stop; a combination of two so therefore if they are not flashing you can go past.

Mr. Legal Adviser: As the Motion is drafted the two conditions must be fulfilled before the person will be committing an offence by not stopping; one is that the bus must be unloading passengers and the second is the lights will be flashing. Either one condition is not existing and no offence is committed; that is if you take out the "or" and substitute "and".

Mr. McKinnon: Mr. Chairman, the point of the Honourable Member from Whitehorse.....so well taken because while they are loading the lights should be flashing at all times to slow down and stop traffic from either direction. Then it shouldn't be the responsibility of the driver to then turn off the lights every time a car wants to go by. It should be by a simple go ahead motion or come ahead motion by the driver out the window that the car should be able to proceed while the lights are still flashing so that cars coming up from either direction in the background or foreground will be stopping or will be warned also that the school bus is loading so Section 1 and Section 2 are both needed in this Ordinance and if all the school buses in the Territory have flashing lights and the substitute for "or" in section 1 and section 2 remains as is except that section (b) has an "or" too, all the objections of every member of this committee I have heard raised at this table are met and the problems are completely solved in my humble estimation.

Mr. Chairman: Gentlemen, order for one moment please until we clear up this matter of this amendment. It has been moved by Councillor Dumas, and I would like to have his concurrence as to whether this would assist him that the word "and" in sub-section 2 be removed in its entirety be deleted from the amendment. Is there a seconder? If there is no seconder

Mr. Shaw: Mr. Chairman, if I might ask a question. I can see the point that the Honourable Member from Whitehorse West has brought up. It would appear to me that to resolve this it could be continued with sub-section (1) of Section 110 whereby it could say or until the driver of the school bus indicates by a signal that he may proceed and you have it all in one section and quite clear and compact. I think that is the intention. I might ask the Member from Whitehorse West if that is his intention and that could be an amendment to run on to sub-section

Mr. Dumas: With all respect, we are doing the same thing with my amendment and it is making it neater rather than messier by cutting down the amendment to the Bill.

Mr. Livesey: If I might add something here, Mr. Chairman. I think that rather than getting tangled in the procedural matter here and complicate things by.....would it not be a better plan to leave the question in the hands of the Legal Adviser for proper drafting and then we will get away from the problem that we are attempting to solve by piece meal method.

Mr. Chamberlist: Mr. Chairman, I believe in view of the discussion that, with the permission of the Committee I will

Mr. Chamberlist continues.
and with the permission of my seconder of course, I will
withdraw the Motion so that the Legal Adviser can give
his consideration.

BILL #2

Mr. Chairman: Would the seconder concur?

Mr. Shaw: Mr. Chairman, I will be glad to concur.

Mr. Chairman: Does the Committee agree?

All: Agreed.

Mr. Chairman: The amendment is withdrawn. What is your
further pleasure in relation to this Bill?

Mr. Dumas: I would suggest that the Bill be left in abeyance
and progress reported.

Mr. Chairman: Does Committee agree?

All: Agreed,

Mr. Chairman: Bill No. 3 is the next Bill. (Reads
Bill No. 3, An Ordinance to Amend the Judicature Ordinance).

BILL #3

Mr. Chamberlist: Mr. Chairman, there is an explanatory note
here which I don't quite understand. My understanding is
that the Judicature Ordinance deals specifically with the
senior court and the explanatory note here says that this
amendment has been cleared by Magistrate Trainor. I wonder
firstly if Mr. Legal Adviser could give an explanation as
to why the purpose of this Ordinance in fact has anything at
all to do with Magistrate Trainor because he has a separate
Ordinance under which his duties are governed which is the
Police Magistrate's Ordinance. There is an explanation forth-
coming.

Mr. Legal Adviser: Mr. Chairman, there is a reason for
this and if Council would bear with me in not asking this
in public I would give him the reason that last question,
but the particular Ordinance, if I may digress from that -
there was an amendment being made to the Police Magistrate's
Courts Ordinance and in the course of this it became
necessary, for various reasons which will appear when we
are dealing with that particular Ordinance; as we were
detailing out the duties of the Clerk of the Police
Magistrate's Court it became clear that the duties of the Clerk
of the Territorial Court were not properly delineated in the
Judicature Ordinance and in particular, you will see he did
not have the duty of turning over to the Territorial Treasurer
the monies which were collected on behalf of the public accounts.
So, this was dealt with and his duties under this head
delineated and an opportunity was taken of dealing with, as
you see, with (c) where it delineates in great detail books,
accounts and so on. We decided to put in accounts as may be
prescribed because we would look forward to the day, I hope,
when there might be a certain amount of machine accounting
as is done in the Court Offices in Vancouver, Victoria,
Edmonton and Calgary, and we then put in proper books or
accounts as may be prescribed to allow this to take place.
Now this is the only change here and it is not intended at
all to change the duties of the Territorial Clerk or the
Clerk of the Territorial Court but at some future point one
would hope that accounts would have control over the whole
administration of Justice and opportunity was taken to take

BILL #3. Mr. Legal Adviser continues..
to take out the words "civil justice" which you will see in paragraph e and just put in "the duties as may be necessary for the administration of justice". There is no particular reason why we should deliniate civil and criminal justice and the Clerk does act as Clerk for the Territorial Court for criminal appeals and such things so it is necessary that he have duties in this regard and then the words were added in "or as may be prescribed so that as the duties enlarge and the administration of the two offices of the Courts, that is the Police Magistrate's Court and the Territorial Court may eventually I would hope, be streamlined in such a way as to have a proper system of Court offices and if we ever get the legislative authority to do this, then we would have the method of doing it by making regulations

Mr. Chamberlist: Well

Mr. Legal Adviser: I would prefer that you ask me the other question when Council is not sitting.

Mr. Chamberlist: I don't think I can comply with that because we are dealing with the Judicature Ordinance and the Judicature Ordinance is what is referred to as the Interpretation Ordinance.....

Mr. Legal Adviser: There is nothing secret. Magistrate Trainor is being transferred to Ottawa and during the course of dealing back and forth one of the Legal Advisers of the Department of Justice wrote and said please do this and clear with Magistrate Trainor in like to have his good will in advance - speak for us when something comes about in re-organization of the Department of Justice.... have his good will as spokesman on our behalf. It was in fact cleared with Judge Parker and he has agreed to this Bill. I didn't see the words until you drew my attention to them. They came from a memo written by me and

Mr. Chairman: Order, please, one moment until we get the tape changed. Councillor Livesey.

Mr. Livesey: I believe the same occurrence comes under Bill No. 5 also.

Mr. Chairman: We have not reached Bill No. 5 so that we cannot consider its contents. What is your pleasure in relation to this Bill?

Mr. Dumas: Mr. Chairman, I move that Bill No. 3 be moved out of committee without amendment.

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

Mr. Chairman: It has been moved by Councillor Dumas and seconded by Councillor Chamberlist that Bill No. 3 be reported out of Committee without amendment.

Mr. McKinnon: Mr. Chairman, I wonder before the question is called whether -because what I have to say may apply to further amendments to this Ordinance; whether I could be permitted a few minutes of the Committee's time to ask the Legal Adviser a few questions. The first is, why under Territorial law could not a person who is fined or who is charged under one of the Territorial Ordinances and wishes to plead guilty not able to do this by a simple fine at the Clerk's office where he can go and not have to appear in Territorial Court on minor infractions if he wishes to plead guilty - not

Mr. McKinnon continues
just be able to pay his fine.

Mr. Legal Adviser: You mean Police Magistrate's Court.

Mr. McKinnon: Yes.

Mr. Legal Adviser: It's just that the procedure doesn't exist.
We haven't got the procedure.

Mr. McKinnon: Now, if this procedure did have anything to
do with this Ordinance at all....I would like to see this
procedure changed at this Session if it was allowed. Would
it involve this Ordinance at all.

Mr. Legal Adviser: It would involve the Judicature Ordinance.

Mr. McKinnon: It has been brought to my attention; parti-
cularly by people who do a type of work for big mining
companies and when they, these men come into town for a week-
end and they are charged with being drunk and go back to the
camp, the expeditor usually goes down to the Court and has
to appear in Court with this money to plead guilty and it
just takes time and particularly on Monday morning when
there is a good line-up you have to sit there from nine
in the morning until noon hour-when these persons have gone
back to camp; have pleaded guilty to the charge, want the
man who is appearing to plead guilty and pay the fine. They
know that they have been caught drunk and they want to pay
it. Why shouldn't a person just be able to go out to the
Magistrate's Court, pay this guilty fine?

Mr. Legal Adviser: I agree that this is so and it would be
admirable but there are more things on heaven and earth than
were ever dreamed of and One thing is the question
of paying fines here and the procedure is so complicated
.... and the Attorney General's jurisdiction here....
without real thought and negotiation and everything else, it
is a very, very difficult subject. It is even impossible
to negotiate a payment of finesHouse of Corrections.
We have had trouble in people who call up to try and get
people out of jail as nobody will accept the fine for them.
It is something we would like to do but we just haven't
the control over that element. We could introduce a
legislation with a narrow element allowed forprobably
but not certain because we don't have to get the people to
but while I was listening to the Honourable Member I did
notice the word "money" had been left out of paragraph
(ii) of (e) in the second last line. It should read: "the
Clerk shall transmit to the Territorial Treasurer the amount
of all fees, fines and monies" not just fees and fines,
to square with the immediate thing above it, "set forth the
total amount of fees, fines and monies. He should then
transmit the amount of fees, fines and monies".

Mr. Chamberlist: Just amend that, Mr. Chairman, I suppose
to read.....

Mr. Chairman: Is this a typographical error.

Mr. Legal Adviser: Typographical error, I believe, Sir.

Mr. Chamberlist: But, Mr. Chairman, there is one remark
I should make.....perhaps Councillor McKinnon is not aware
that under the Criminal Code and especially dealing with

BILL #3 Mr. Chamberlist continues

summary convictions on which aI think Mr. Legal Adviser will bear me out on this. A Magistrate doesn't have to go with the agent of an accused person. He has the right to demand that the person attend personally. He often does that because if it is a case of man pleading -- that has been drunk for 20 times he might want to say now fine this time. I want the man here because I am going to give the man another sentence. Now this is the reason why they can't always just pay fines because the Magistrate has the right to ask for the person to appear in person.

Mr. McKinnon: One area under the Motor Vehicle Ordinance where improperly equipped vehicles travel through the Territory and the persons know they have been caught in the act and they plead guilty, yet they have to remain in town if they are caught on Friday night, until Monday unless they can find someone to appear in Court for them and plead guilty and pay the fine. It seems to me that it would be a much simpler procedure if they found this person to act as an agent, gave him the money that it would cost them for pleading guilty and this person could just go to the Police Magistrate's office and pay the fine. It is done in every province that I know of and I can see no reason why this convenience can't be given to the people of the Yukon Territory.

Mr. Legal Adviser: There is no reason why reforms cannot be made but if you are trying to make reforms you will be an old man before your time. There are plenty of ideas for reform and there is need for reformbut I think Councillor Chamberlist know possibly best. It is not easy to effect reforms. We are not just in administrative control of our own affairs to a sufficient extent to deal with this.

Mr. Chamberlist: Mr. Chairman, may I suggest that really the discussion, although I have participated, is out of order because it would not in any event come within the realm of the Judicature Ordinance.

Mr. McKinnon: That is what I wanted to know

Mr. Chairman: I have before me a Motion moved by Councillor Dumas, seconded by Councillor Chamberlist that Bill No. 3 be reported out of Committee without amendment. Is there further discussion on this.

Mr. Livesey: Well, would you consider the words read.... as not an amendment but rather correction.

Mr. Chairman: I believe it was determined that this was merely a typographical error and a copy of the corrected error will be brought to Council before third reading.

Mr. Livesey: Thank you Mr. Chairman.

Mr. Chairman: Question? Are you prepared for the question. Are you agreed? Contrary? I declare the Motion carried.

MOTION CARRIED

MOTION
CARRIED

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

Mr. Chairman: Seconder?

Mrs. Gordon: I second the Motion.

Mr. Chairman: Moved by Councillor Shaw, seconded by Councillor Gordon that Mr. Speaker do now resume the Chair. Are you prepared for the Question? Are you agreed. I declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

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

Mr. Taylor: Mr. Speaker, Committee convened at 3.35 P.M. to discuss Public Bills, It was moved by Councillor Shaw, seconded by Councillor Dumas that Bill No. 1 be reported out of Committee without amendment and this motion carried. I can report progress on Bill No. 2. Moved by Councillor Dumas and seconded by Councillor Chamberlist that Bill No. 3 be reported out of Committee without amendment. This Motion carried. It was moved by Councillor Shaw and seconded by Councillor Gordon that Mr. Speaker do now resume the Chair. This Motion carried.

REPORT
CHAIRMAN
OF
COMMITTEES

Mr. Speaker: You have heard the report of Chairman of Committees. Are we agreed. What may now be your further pleasure?

Mr. Taylor: Mr. Speaker, in respect of the agenda, we have I believe, tomorrow some Sessional Papers to process as well as other Bills so I would suggest Bills, Sessional Papers for tomorrow.

Mr. Chamberlist: Mr. Speaker I would move at this time that we call it five o'clock.

Mr. Speaker: Does the House agree?

All: Agreed.

Mr. Speaker: The House now stands adjourned until 10:00 A.M. tomorrow.

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10:00 a.m.

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will call Council to order. I believe at this time Mr. Commissioner has a message for the Councillors.

Mr. Commissioner: Mr. Speaker, I rise at this time to ask a question. I had a telephone call from the Deputy Minister, Mr. John MacDonald, yesterday afternoon in which he indicated a desire to visit with Council on the day of March 20th, and asked if I could confirm that Council would be prepared to receive him at that time and possibly put aside some time in Committee when he would have opportunity of discussing with Members of Council matters of mutual interest. I wonder, Mr. Speaker, if I could ask you at this time if I could have verification of that date as Mr. MacDonald is waiting to hear from me as promptly as possible.

Mr. Speaker: I'll accept the question as notice and advise you later, Mr. Commissioner.

Mr. Commissioner: Mr. Speaker, one other question may I raise at this time?

Mr. Speaker: Proceed.

Mr. Commissioner: I had several telephone calls from interested parties who wish to be present when Council is discussing the Labour Standards Legislation, and I was wondering if there would be any possibility of Council indicating an approximate day certain, it would not be a proper day certain, that I might advise these interested parties to make sure that they have their representations in the gallery or make formal request to you to speak with Committee if I could have that time, if it is at all possible, Mr. Speaker.

Mr. Speaker: Is there any particular date?

Mr. Commissioner: No, just whatever date that Council felt that they conceivably have for this situation.

Mr. Dumas: Mr. Speaker, I would like to request of Council that I be allowed to depart at four o'clock this afternoon to sit in on the Salaries Negotiation Committee.

Mr. Speaker: Does the House agree?

All: Agreed.

Mr. Speaker: I have this morning, gentlemen, the tabling of Sessional Paper No. 7. Are there any Reports of Committees? Introduction of Bills? Notices of Motion or Resolution? Under Orders of the Day, Notices of Motion for the Production of Papers? May we now proceed to Motions, and our first Motion this morning is Motion No. 1, moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Mayo. The text of it reads: "That Sessional Papers No. 1, 4, 5 and 8 be moved into Committee of the Whole for

Mr. Speaker continued: discussion." Would the Honourable Member be prepared at this time to discuss this Motion?

All: Question.

Mr. Speaker: Are we agreed?

All: Agreed.

Mr. Speaker: I will declare the motion carried.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: Motion No. 2, moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Whitehorse North, that recommendations regarding the method and means of dispersement of housing in the Hillcrest area be discussed in Committee of the Whole. Would the Honourable Member be prepared to discuss Motion No. 2 at this time?

Mr. Dumas: Question.

Mr. Speaker: Are we agreed?

All: Agreed.

Mr. Speaker: I will declare the motion carried.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: Motion No. 3, moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Mayo, that the matter of pre-grade school education and particularly a system known as co-operative community kindergartens, be discussed in Committee of the Whole. Would the Member be prepared to discuss his Motion now?

All: Question.

Mr. Speaker: Are we agreed?

All: Agreed.

Mr. Speaker: I will declare the motion carried.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: Motion No. 4, moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Whitehorse East, that Sessional Paper No. 6 be discussed in Committee of the Whole. Would the Member be prepared to discuss this Motion?

All: Question.

Mr. Speaker: Are we agreed?

All: Agreed.

Mr. Speaker: I will declare the motion carried.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: That, gentlemen, completes the motions before the House, and we now have the Question Period before us and I wonder if I could ask Mr. Clerk if we could have Questions No. 1 to 5.

Mr. Speaker: Are there any further questions?

Mr. Dumas: Mr. Speaker, I've been trying to find out how the speed limit on two-mile hill was determined. I can't find it in the ordinances. That particular area, two-mile hill, is between the traffic circle and the city limits.

QUESTION
RE SPEED
LIMIT ON
HILL

Mr. Chamberlist: Is that a question to Mr. Speaker, Mr. Speaker?

Mr. Dumas: No, it's a question to the Legal Adviser.

Mr. Legal Adviser: I don't know just off the cuff. I'll find that one and come up with an answer.

Mr. Speaker: Are there any further question? Mr. Taylor.

Mr. Taylor: I have a question I would like to direct to Mr. Commissioner involving Justice, in which I would like his guidance, and the question would be I would ask if the Commissioner is aware of the situation in respect of the Royal Canadian Mounted Police Detention Barracks for women in Watson Lake as its being unsafe and a fire trap. I'm wondering if Mr. Commissioner could advise me as to how this Council or his Administration could have this premise shut down and relocated.

QUESTION
RE RCMP
BUILDING

Mr. Commissioner: Mr. Speaker, to the best of my knowledge the building, no matter who it is that occupies this building, it doesn't matter whether it's the R.C.M.P. or who it would be that occupies this building, they come under the laws of the Territory. I don't think it is up to the Department of Justice to say whether this is a safe building or whether it is up to the R.C.M.P., I think it is up to the applicable laws of the Territory, and I think in the first instance before I would attempt to answer the question further I would want to have a report from the Deputy Fire Marshal, Mr. Swanson, as to what his latest inspection of this building shows. Now, I think that subject to any advice to the contrary, Mr. Speaker, that Mr. Legal Adviser might like to give me, I think that I would want to bring this forward first and at that point I then would be prepared to further answer the question. Can I have the opportunity of bringing this information forward for my full background before proceeding further with this question?

Mr. Taylor: Yes, Mr. Speaker, and supplementary to that I'm wondering if the Commissioner could advise me at some point in time as to whether or not this could indeed be closed, this premise.

QUESTION
RE RCMP
BUILDING

Mr. Commissioner: This, I think, would be the resultant situation as to the answer we are able to procure. Could I have notice on this please?

Mr. Taylor: Agreed.

Mr. Chamberlist: Mr. Speaker, a question addressed to the Commissioner. Mr. Commissioner, in the last Session of 1967, in answer to a question put to you by myself re amusement tax, you indicated that when money was available, which was being held, the amusement tax would be removed as per the Sessional Paper on which it was directed in a previous Council. Would the Commissioner now say that the amusement tax on the other entertainment be removed this Session?

QUESTION
RE AMUSE-
MENT TAX

Mr. Commissioner: Mr. Speaker, I would not be prepared to give an off the top of my hat answer to that. If I can have notice on this question, I would be very happy to bring forward an answer.

Mr. McKinnon: Mr. Speaker, I wonder if I could answer the question of the Honourable Member for Whitehorse West. The speed limit on two-mile hill was thirty miles an hour all the way up the hill, and on a motion from the past Member from Whitehorse West the speed limit was raised to forty miles an hour.

QUESTION
RE T.V.
FACILITIES

Mr. Taylor: Mr. Speaker, I have a further question I would like to address to Mr. Commissioner this morning. In view of the interest shown in this respect, I would ask the Commissioner if he could advise as to when we may expect television facilities in the communities of Watson Lake, Mayo and Dawson City.

Mr. Commissioner: All I could say to this, Mr. Speaker, is that the normal erosion of the bureaucratic process will determine that and I'm afraid that there is not very much that I'm in a position to answer any more fully in this particular situation. I'm sorry, Mr. Speaker. I can say this, and I don't think I'm speaking out of turn, that the necessary arrangements for the intrusion of the facility on a certain piece of land is in process at the moment, so if that is any indication of action...perhaps this would be an indication at least that the wheels are turning.

Mr. Speaker: Are there any further questions?

QUESTION
RE MINING
EXEMPTION
FROM TAX

Mr. Taylor: One final question this morning, Mr. Speaker, and it has to do with the removal of the tax exemption on mining which was effected the Council at its last sitting. It is causing some concern. My question would be, could I have the assurance of Mr. Commissioner that indeed any fuel used by mining companies in wheel processes such as the generation of power will not be effected by taxation. In other words, fuel used in the generation of power at a mill site will not be considered taxable.

Mr. Commissioner: Mr. Speaker, I'm not prepared to go into the technicalities of the way the law is written up because the legislation is very clear and the interpretation of it is not something that I would undertake myself, but I would say this, that the mining industry as an industry no longer enjoys any different exemption privileges than any other industry. In other words, the mining industry is on the same footing tax exemption-wise now as any other similar industry, and the manner in which the ordinance is written and the interpretation of it is something, sir, that is not my particular prerogative.

Mr. Taylor: Thank you, Mr. Speaker, that clears the matter up.

Mr. Speaker: Are there any further questions?

QUESTION
RE REPORTS
CENTENNIAL

Mrs. Gordon: I would direct a question to the Commissioner. Is there to be further reports tabled on the Centennial activities within the Territory? In other words, have all Centennial projects been finalized and the allocations met?

Mr. Commissioner: Mr. Speaker, to the best of my knowledge, and I'll say that I am subject to correction on this, the next report that Council can anticipate seeing in connection with Centennial activities will be the Auditor's General

Mr. Commissioner continued:

Report in connection with the handling of the finances which will be tabled here in Council just as soon as it is possible. Now, if there is any specific question in connection with Centennial projects, I would be happy to secure answers for them, but to my knowledge the Auditor's General Report of the finances and the handling of them will be the next information that will be tabled here Council.

Mr. Chamberlist: Mr. Speaker, a question addressed to the Commissioner. Mr. Commissioner, you intimated last Session of 1967 that there may be something done with the Carcross Indian School when it is handed over by the Department. Has there been any information to you of what will be done with this after it has served its purpose?

**QUESTION
RE CARCROSS
INDIAN
SCHOOL**

Mr. Commissioner: No, Mr. Speaker, I have heard nothing further. There has been no further discussions about this matter since we were last dealing with the financial agreement with the Federal Government, and I question very much whether anything further will come up in this regard until such times as we are negotiating for the next fiscal agreement. This is normally the time when these matters are discussed, and I can assure Council that there has been no discussions that I am aware of, that have come through my department in this connection since we were last discussing fiscal agreements.

Mrs. Gordon: A supplementary question to my previous question, Mr. Commissioner. During the course of the Centennial Committee, it had been planned to award Centennial scrolls to various people who live in the Territory. Is there anything further and are these scrolls going to be given out?

**QUESTION
RE SCROLLS-
CENTENNIAL**

Mr. Commissioner: Mr. Speaker, I will have to ask about the distribution of these scrolls, but my Minister and myself have duly signed yea many and I will be prepared tomorrow morning to answer the question concerning the distribution of them.

Mr. Chamberlist: Mr. Speaker, a question to the Commissioner. I wonder if an explanation can be given of how many is yea many?

Mr. Taylor: Mr. Speaker, a further question for Mr. Commissioner involving the Anvil agreement. I'm wondering if Mr. Commissioner this morning could inform me as to whether or not it is his intention to bring the matter of the Anvil agreement before this Session or if indeed it will require an additional Session during the summer to deal with this matter.

**QUESTION
RE ANVIL
AGREEMENT**

Mr. Commissioner: Mr. Speaker, may I add something to the question. I think that there are two things that are involved here and in my opening address I indicated to you that the Anvil agreement, the agreement that exists between the Federal Government and the Anvil Mining Corporation, will be tabled in the House of Commons by my Minister and either simultaneously or soon after as is practical this agreement will be getting tabled in the Territorial Council. Now, I would say at the moment the required copies I anticipate having in the next few days and I'm sure that this will clear this matter up. Now, the next question, concerning the possibility of an agreement between the Anvil Mining Corporation and the Territorial Government concerning townsite and things of this nature...this is the second element in this thing. I am in no position at the moment to answer the Councillor's question properly, Mr. Speaker, except to say that we are hopeful of

Mr. Commissioner continued:
proceeding as promptly as possible to get this matter before Council but I just cannot assure you that it will be here this Session. I'm sorry, but I just can't give you that assurance. But the original agreement between the Federal Government and the Anvil Mining Corporation, there are no reasons that I am aware of that this will not be available in the course of the next week or so.

QUESTION: Mr. Chamberlist: Mr. Speaker, a supplementary question. I
RE ANVIL wonder if Mr. Commissioner can say whether the agreement be-
AGREEMENT tween the Federal Government and Anvil will be binding on the
Territorial Government.

Mr. Commissioner: Well, Mr. Speaker, I'm afraid that this is a technical point that I'm just not qualified at this point to answer. I would have to ask that I be excused from even attempting to answer that question at this point.

Mr. Chamberlist: Well, Mr. Speaker, I wonder if Mr. Commissioner could say that he will be able to obtain an answer to that question in due time.

Mr. Commissioner: Mr. Speaker, would it be a reasonable situation that the question would be asked after we have tabled the agreement? Is that a reasonable situation?

Mr. Chamberlist: Agreed, Mr. Speaker.

Mr. Speaker: Are there any further questions? If not, would the Honourable Member for Watson Lake please take the Chair?

Mr. Taylor takes Chair.

QUESTIONS Mr. Livesey: Mr. Speaker, I have three questions this morning
NO. 6 and my first question is on water supply for Haines Junction,
NO. 7 and all the questions are addressed to the Administration.
NO. 8 What provision is presently in operation to supply the community of Haines Junction with an adequate clean water supply and how is the responsibility for such operation delegated in that area? Question number 2 is on weather reports. Has any action been taken by the Administration to provide weather reports for various communities in the electoral district of Carmacks-Kluane Lake in order to provide similar services found elsewhere in the Territory? And, question number 3, in view of the possible take-over of the maintenance of the Alaska Highway by the Territorial Government has consideration been taken by either the Department of Public Works or the Territorial Government toward two-way radio equipment for operational equipment and camp headquarters along the Alaska Highway? Thank you, Mr. Speaker.

Mr. Livesey resumes Chair.

Mr. Speaker: Public Bills and Orders.

SECOND Moved by Councillor Chamberlist, seconded by Councillor Dumas,
READING that Bill No. 5, An Ordinance to Amend the Police Magistrate's
BILL #5 Courts Ordinance, be given Second Reading at this time.

MOTION
CARRIED

MOTION CARRIED

Moved by Councillor Dumas, seconded by Councillor Shaw, that Bill No. 7, An Ordinance to Amend the Liquor Ordinance, be given First Reading at this time.

FIRST
READING
BILL #7
MOTION
CARRIED

MOTION CARRIED

Moved by Councillor Dumas, seconded by Councillor Shaw, that Bill No. 7, An Ordinance to Amend the Liquor Ordinance, be given Second Reading at this time.

SECOND
READING
BILL #7
MOTION
CARRIED

MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor Taylor, that Bill No. 8, An Ordinance to Provide for Labour Standards in the Yukon Territory, be given First Reading at this time.

FIRST
READING
BILL #8
MOTION
CARRIED

MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor Taylor, that Bill No. 8, An Ordinance to Provide for Labour Standards in the Yukon Territory, be given Second Reading at this time.

SECOND
READING
BILL #8
MOTION
CARRIED

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Gordon, that Bill No. 9, An Ordinance Respecting Hairdressers be given First Reading at this time.

FIRST
READING
BILL #9
MOTION
CARRIED

MOTION CARRIED

Moved by Councillor Chamberlist, seconded by Councillor Gordon, that Bill No. 9, An Ordinance Respecting Hairdressers be given Second Reading at this time.

SECOND
READING
BILL #9
MOTION
CARRIED

MOTION CARRIED

Moved by Councillor Taylor, seconded by Councillor Dumas, that Bill No. 10, An Ordinance to Amend the Jury Ordinance, be given First Reading at this time.

FIRST
READING
BILL #10
MOTION
CARRIED

MOTION CARRIED

Moved by Councillor Taylor, seconded by Councillor Dumas, that Bill No. 10, An Ordinance to Amend the Jury Ordinance, be given Second Reading at this time.

SECOND
READING
BILL #10
MOTION
CARRIED

MOTION CARRIED

Moved by Councillor Dumas, seconded by Councillor Shaw, that Bill No. 11, An Ordinance to Amend an Ordinance to Close Certain Portions of Fifth Avenue and Lambert and Elliott Streets, in the Townsite of Whitehorse, from Use as Streets by the Public being Chapter 9 of the Ordinances of the Yukon Territory, 1906, be given First Reading at this time.

FIRST
READING
BILL #11
MOTION
CARRIED

MOTION CARRIED

Moved by Councillor Dumas, seconded by Councillor Shaw, that Bill No. 11, An Ordinance to Amend an Ordinance to Close Certain Portions of Fifth Avenue and Lambert and Elliott Streets, in the Townsite of Whitehorse, from Use as Streets by the Public being Chapter 9 of the Ordinances of the Yukon Territory, 1906, be given Second Reading at this time.

SECOND
READING
BILL #11
MOTION
CARRIED

MOTION CARRIED

FIRST Moved by Councillor Taylor, seconded by Councillor Gordon,
READING that Bill No. 12, An Ordinance to Amend the Mining Safety
BILL #12 Ordinance, be given First Reading at this time.

MOTION
CARRIED MOTION CARRIED

SECOND Moved by Councillor Taylor, seconded by Councillor Gordon,
READING that Bill No. 12, An Ordinance to Amend the Mining Safety
BILL #12 Ordinance, be given Second Reading at this time.

MOTION
CARRIED MOTION CARRIED

FIRST Moved by Councillor Shaw, seconded by Councillor Dumas, that
READING Bill No. 13, An Ordinance to Amend the Financial Agreement
BILL #13 Ordinance, 1967, be given First Reading at this time.

MOTION
CARRIED MOTION CARRIED

SECOND Moved by Councillor Shaw, seconded by Councillor Dumas, that
READING Bill No. 13, An Ordinance to Amend the Financial Agreement
BILL #13 Ordinance, 1967, be given Second Reading at this time.

MOTION
CARRIED MOTION CARRIED

FIRST Moved by Councillor Chamberlist, seconded by Councillor Shaw,
READING that Bill No. 14, An Ordinance to Amend the Low Cost Housing
BILL #14 Ordinance, be given First Reading at this time.

MOTION
CARRIED MOTION CARRIED

SECOND Moved by Councillor Chamberlist, seconded by Councillor Shaw,
READING that Bill No. 14, An Ordinance to Amend the Low Cost Housing
BILL #14 Ordinance, be given Second Reading at this time.

MOTION
CARRIED MOTION CARRIED

THIRD Moved by Councillor Taylor, seconded by Councillor Dumas,
READING that Bill No. 1, An Ordinance to Amend the Fur Export Ordinance,
BILL #1 be given Third Reading at this time.

MOTION
CARRIED MOTION CARRIED

TITLE Moved by Councillor Taylor, seconded by Councillor Dumas,
ADOPTED that the title to Bill No. 1, An Ordinance to Amend the Fur
BILL #1 Export Ordinance, be adopted as written.

MOTION
CARRIED MOTION CARRIED

Mr. Speaker: I declare that Bill No. 1 has passed this House.
May I have your further pleasure?

Mr. Shaw: Mr. Speaker, I would move that Mr. Speaker do now
leave the Chair and Council resolve itself in Committee of
the Whole to discuss Bills, Sessional Papers and Motions.

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

Mr. Speaker: Moved by the Honourable Member for Dawson,
seconded by the Honourable Member for Watson Lake, that Mr.
Speaker do now leave the Chair and that we form ourselves in
Committee of the Whole to discuss Bills, Sessional Papers and
Motions. Before I call the question, may I ask the House to
please not go into Committee until I have resumed my seat in
the House. Is the House prepared for the question on the
motion? Are we agreed? I will declare the motion carried.

MOTION
CARRIED MOTION CARRIED

Page 60.

Mr. Speaker: The Honourable Member for Watson Lake will please take the Chair.

Mr. Taylor takes Chair.

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

RECESS

Wednesday, March 6, 1968.
11:00 o'clock a.m.

Mr. Chairman: I will call the Committee to order. We have before us for consideration, Sessional Paper No. 1.
Concillor Dumas, I believe you have this one.

Mr. Chamberlist: Mr. Chairman, I have just one question to ask of the Commissioner. I wonder if you can say whether this agreement has now been activated and if any use has been made of this agreement? **SESSIONAL PAPER # 1**

Mr. Commissioner: Mr. Chairman, I would say that as far as the agreement being activated is concerned, it's available for use, Mr. Chairman, but now as to whether or not we have been called upon by the City for any of the services that are available to them under this arrangement, I am sorry that I am not able to answer that question today and if Council was to direct me to do it I would get the answer to that question right after Council.

Mr. Chairman: Clear?

Mr. Livesey: I have a question Mr. Chairman. I wonder if the use of the word "City" is correct in view of the fact, I believe, that when the plebiscite was taken here in the Municipality for Whitehorse and the public were invited to vote on the situation. Before the City could obtain a charter they had to obtain a sixty-six and two-thirds majority and they didn't obtain it so they were not considered a City. I still come across this every once in a while and I see this word "City" and it's not necessarily in connection with any one who likes it that I am concerned with but what I am concerned with is the factual evidence before us. Is it correct or is it not correct? In my view I don't believe it is correct and I would like to ask through the Chair if Mr. Legal Adviser can inform me if I am right in this matter.

Mr. Legal Adviser: I made note of this question previously Mr. Chairman and I would like to give an answer at a later time.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal Adviser will look into the specific parties to this agreement, the names of these parties. I suggest that the agreement should be between the Municipality and the City of Whitehorse and the Government of the Yukon Territory and I think the reference should be - whereas the Municipality from time to time, I am wondering whether this is because of the omission of these items were in actual fact the agreement itself is of any legal use.

Mr. Legal Adviser: Mr. Chairman, I don't see that there is much useful purpose to be served by the agreement concerned. The main purpose of an agreement is to see that a document is valid and binding. There are many people in the world today who use a title such as the married women who call themselves Mrs. who may not in fact be Mrs. but nobody would be so unmannerly as to suggest that they should change their name merely for the sake of satisfying the beauty of a legal document.

Mr. Livesey: Well Mr. Chairman, to cover black with white doesn't make it white. It's still black and I think in this Chamber, in order that we may carry on towards responsibility in all our dealings, we have to deal with factual matters not those items which are looked upon as mere aesthetic items, something to be looked upon and enjoyed even though we know we are wrong. I think the double standard in life is carried on far too long for me to sit here and expect it to be appreciated. We must, from this Chamber, establish that we are interested in the facts, we are not interested in what it might look like or what it appears to be. Thank you Mr. Chairman.

SESSION- Mr. Chamberlist: I will add, Mr. Chairman, to the Honourable
AL PAPER Member from Carmacks-Kluane, remarks that Mr. Legal Adviser I'm
#1 sure is familiar with legality v. legality. His remarks were, I
would say, somewhat flippant because certainly the questions that
have been asked in this particular item, the one that should be
answered without using flippancy.

Mr. Chairman: Are we clear on Sessional Paper No. 1?

Mr. Livesey: Mr. Chairman, could I have the understanding that
the question would be looked into further?

Mr. Chairman: I believe that this is the Legal Adviser's intention,
however, if you wish re-affirmation Mr. Legal Adviser could you
provide once again your assurance that this will be looked into?

Mr. Legal Adviser: I refer the Council to Section 4, Chapter 1
of the Ordinance '59. Section 4 reads: "The Corporation of the
City of Whitehorse established by the Municipality Ordinance, Chap.
79 of the Revised Ordinances of the Yukon Territory, 1958 is
continued and its boundaries are set out in Schedule B." I see no
reason why it would not be perfectly proper in view of this section
to refer to Whitehorse as being the City of Whitehorse.

Mr. Livesey: Mr. Chairman, I would like to remind the Committee
that I have been exclaiming the situation for a number of years
and that I am interested in - is the City of Whitehorse actually
....are they a city or are they not. My understanding of the
election and plebiscite was that it was turned down. This is my
understanding.... because they didn't receive the proper majority
of votes and I don't think I am wrong in this respect. I could be
but I don't believe so and for the city to obtain a charter as a
city, surely they must have won the election. They must have won
the most votes otherwise democracy is going crazy. I certainly
would like this checked to find out whether we are right or whether
we are wrong.

Mr. Dumas: Mr. Chairman, I have before me Chapter 79 of the
Municipal Ordinance and it refers here to the City of Whitehorse
and then it goes on to describe it. Now this may be a contraven-
tion on what actually took place at the election or it may not, I
don't know, but I submit this for your information.

Mr. Chamberlist: I would suggest Mr. Chairman, the Honourable
Member from Whitehorse West obtain the much later Ordinance for his
reference when referring to the Municipal Ordinance.

Mr. Legal Adviser: Mr. Chairman, it doesn't seem to be much pur-
pose in going into controversy because the Commissioner has
pointed out to me that in Section 5 of the Municipal Ordinance
which is in the revised Ordinances of 1958, it sets out this
Ordinance ... applies to the City of Whitehorse being a certain
area of land. This is continued in 1958 by confirmation by saying
the Corporation of the City of Whitehorse established by the
Municipal Ordinance of Chapter 79 of the revised ordinances is
continued and its boundaries as set out in Schedule B. The City
of Whitehorse, if in fact established by the Municipal Ordinance
as it appears to have been and if this charter and confirmation is
continued in Section 4 of the Ordinance of 1959 and this Council
has always referred to it and considers it a City and the Govern-
ment of the Yukon Territory has always considered it to be a city
then so far as this particular Legal Adviser is concerned, he will
continue to regard it as a city.

Mr. Chairman: Clear?

No.

SESSION-
AL PAPER
1

Mr. Livesey: Mr. Chairman, am I to understand then it became a city against the public will. This is the point I am getting at.

Mr. Commissioner: I am sorry I haven't got it before me now to reiterate for Council's benefit the history of actual events that took place but by virtue of the ordinance passed by the Council, the Legislative Council of the Yukon Territory of the day, by virtue of an ordinance the City of Whitehorse came into being as such. Now the identical history of the particular situation I am sorry I don't have but you have it in the Revised Ordinances here the outline of what the City of Whitehorse is and would indicate by virtue of an ordinance that it was written in there at that particular point if notwithstanding the whole thing was not in favour of it being a city.

Mr. Chamberlist: Mr. Chamberlist I concur absolutely with the Honourable Member from Carmacks-Kluane. In 1959, it's the date when the Municipal Ordinance, an ordinance respecting municipalities was brought into effect. Now if you will look in the interpretation section of that ordinance there is no reference whatever to a city. As a matter of fact you will see that in the interpretation municipality means any portion of the Territory established as a municipality under this or any other ordinance. Now, Whitehorse has been established as one of the two municipalities, that is, Whitehorse and Dawson City and nobody can suggest that the clause in the word city is behind Dawson that Dawson is a city. It's a municipality within the meaning of the Municipal Ordinance and therefore it's the Municipality of the City of Whitehorse. The fact that it is called by name for abbreviation purposes the City of Whitehorse, in my humble opinion, is secondary to the fact that a legal document should declare that it's a part of the Municipality of the City of Whitehorse and not the City of Whitehorse and I'm sure that with all respect to my learned friend, Mr. Legal Adviser, that if he will look at his law books he will see quite easily the reference that I am making that the City of Whitehorse is a municipality which has been established as such under the Municipal Ordinance and I think that should clarify the situation.

Mr. Shaw: In the first place the City of Dawson was incorporated since 1902. That is, as a city on a smaller step. It was never changed, the ex-officio mayor prior to the time that they discontinued having an alderman and mayor was the Controller of the Yukon Territory. There was no Commissioner there was a Controller and the Controllers and Commissioners from there on and in 1950 they had a plebiscite of the people and they wished to operate their own affairs, for in fact it's legally a step. Whitehorse I believe twice, although I wouldn't swear to that, rejected the opportunity to accept the responsibility in operating their city or the new municipality and the Government said well you are going to run this anyhow so we'll create this particular entity whether it's a municipality or a city, I'm not qualified to say. This is the general rundown of the situation so that it appears to me that from the conversation that some Members feel that the city is not legally a city. It's quite possible that that is so. I think it has been mentioned one would have to go back to the Ordinances to possibly 1956 or 1957 or 1947 or 1948 to establish whether it required a plebiscite at that time and what percentage or if there were any plebiscite whether the law read at that time that the Government by decree could form a city. I think it would take a little research on the matter.

Mr. Livesey: Yes, I think it's likely Yukon Eastern, Western, Southern, Northern Standard time could beat the same time and nobody knows a thing about it. The people along the Alaska

SESSIONAL PAPER #1 Highway, where I am visited, and ask what time it is. Don't ask me something I can't answer. That's the situation. That's the set-up. They took the smallest vote from here and said, "here it is boys, this is the one that won." They took the paper and turned it upside down and said the one who gets the least votes wins the election. I never heard anything so queer in my life, never.

Mr. Chamberlist: Mr. Chairman, I would like to finalize my remarks. The question that has been raised has been a sinful one. What I concurred with is whether the description of one of the parties in legal document, this I take it, is a binding agreement with the Government of the Yukon Territory, whether the description of the party is wrong and I am submitting that the agreement should have been one between the municipality of the city of Whitehorse and the Government of the Yukon Territory. I think that this...so that our records are straight so that we are keeping proper tabs especially in view of the fact that one day the elected members will, I hope, that as soon as possible, the better, because of things like this will be governing properly...because we have already shown that Members of this Council can pick out obvious mistakes made by the Administration in a legal document it shows that we are capable of administering and I would suggest that this is something that should be looked into immediately, this is the question that has been raised - is there a legal name of Whitehorse, spelled out properly as the party to this agreement. If this is not it should be corrected forthwith.

Mr. Legal Adviser: Mr. Chairman, this agreement is tabled for Mr. Taylor for the information of the Councillors. The Council is not as such a party to this. It is made between the Government of the Yukon Territory represented fully by the Commissioner. The other party is recited at the commencement of the document as the City of Whitehorse, a Municipal Corporation duly chartered pursuant to the Municipal Ordinance of the Yukon Territory. Now, so far as this Government is concerned this is a correct, accurate, legally perfect description of the body which controls the fares for Whitehorse area and it can be described in a number of ways. It can be described as the City of Whitehorse, Municipal Corporation, it can be described as a Corporation of the City of Whitehorse or it can be described as the Municipality of the City of Whitehorse. It is namely the task of the Government to see that this particular agreement is an accurate representation of the thoughts and wishes of the two parties to the agreement and above all is legally enforceable and in the opinion of the Government it represents all these things and is a correct document which is here for information. I admire the perspicacity of some of the Honourable Members in inquiring into the antecedents of the City of Whitehorse or the Municipality but I would with the greatest respect suggest that this curiosity is somewhat misplaced.

Mr. Chairman: Order please, Mr. Dumas has the floor.

Mr. Dumas: I noticed that the Legal Adviser stressed that so far as this Government is concerned, I undertake this to mean this Government has voted to the Council...

Mr. Chamberlist: Without team work.

Mr. Chairman: Order, please.

Mr. Livesey: Mr. Chairman, Am I to understand that now we have been given the faite accompli as a means of promoting democracy unless we must accept the, I can say persecution but I will use the word prosecution as the legal word.

Mr. Chamberlist: Mr. Chairman, the recognition now by Mr. Legal Adviser that the Administration is the Government has been made

only too clear for some considerable time. It has been suggested that with team work we are all the Government but the team work of course has now been broken up. It has been made clear now by Mr. Legal Adviser in no uncertain terms who the Government is. Once more we are here again fighting the Administration as the opposition. It's a business of guantlets now that have been thrown down to us letting us know that we are in fact the opposition and let us pick up the guantlet and let us recognize what the Legal Adviser has said to point out where we can, when we can, how we can but really ineffectual the Administration of this Territory is in the governing of the people of the Territory -

SESSIONAL PAPER # 1

Mr. Livesey: David and Goliath.

Mr. Chairman: Is there anything further in this debate?

Mr. Shaw: Well, I would like to add this, Mr. Chairman, that facts are facts and what we are trying to do is change the facts but if we look at it, if we realize what the Government is, who the Government is we are endeavouring to change that but it doesn't alter the facts that at the present moment that the Government has been, in the last 70 years if anyone can disprove that why I would be very pleased to listen.

Mr. Chairman: I believe the Interpretation Ordinance covers this matter quite clearly and maybe the Members may wish to peruse it at some time.

Mr. Chamberlist: Well Mr. Chairman, can we get from Mr. Legal Adviser for the benefit of the opposition an answer to the question which has been raised whether the document is legal and with the ... I wonder but I can put the question, Mr. Chairman, to the Legal Adviser, I wonder if Mr. Legal Adviser can prepare a sessional paper showing how the legality of this agreement is....

Mr. Shaw

Mr. Chairman: Yes, that would more properly come under the motion of production of papers..

Mr. Chamberlist: Yes, thank you Mr. Chairman, I will do that tomorrow morning.

Mr. Chairman: Have we anything further on Sessional Paper No. 1? We will then proceed to Sessional Paper No. 4, Community Grants and again I believe it's Mr. Dumas.

SESSIONAL PAPER #4
COMMUNITY GRANTS

Mr. McKinnon: Mr. Chairman, I wonder if I could beg the indulgence of Committee on this paper which comes before the Committee at one this afternoon. I have some information on this that I would like to present.

Mr. Chairman: Agreed?

All: Agreed.

Mr. Chairman: Then we will proceed to Sessional Paper No. 5 and the Townsite. I believe this is Mr. Dumas.

SESSIONAL PAPER #5
TOWNSITE

Mr. Dumas: Mr. Chairman, I introduce this paper for the benefit of all Members and for all those who support it.

Mr. Chamberlist: What are your remarks?

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

SESSIONAL Mr. Chamberlist: Yes.

PAPER #5

TOWN-
SITE

Mr. Taylor: Well, my only remarks would be Mr. Chairman, that this morning in the question period I did direct the question to the Administration on this regard that we would more or less let sleeping dogs lie until such time as we have tabled before us a copy of the agreements between the Anvil Corporation and the Federal Government and the proposed suggestion between the Territory and the Anvil Mining Corporation and I would leave it at that. Thank you Councillor Chamberlist and I will resume the Chair.

SESSION- Mr. Chairman: The next Sessional Paper is No. 6, Senior Citizens.
AL PAPER This was introduced by myself

#6

SENIOR
CITIZENS

Mr. McKinnon: Mr. Chairman, Sessional Paper No. 6 as I read it up primarily as specifically for an agreement of Council to location of the proposed new Senior Citizens Home. As Members will recollect there was a motion passed by this Council at the last session that we went on record as was stated that there should be a Senior Citizens Home constructed in the City of Whitehorse. The budgetary programme Committee in looking over the estimates for the cost of this new Home as came upon the plan that it had been planned by the architects for a site in the Riverdale area and would the architects' plan and his working drawings ready to go ahead. There is no land available for this type of construction in the downtown area of Whitehorse at the time the plan was originally introduced before Council. I was of the opinion that it would better serve the interests of the people if it were in a downtown location, however, with the land availability as it is, if we go back to the architect and ask for other drawings to fit land available in the downtown area it will hold up construction of very much needed facilities another year and I think we're for the Riverdale place because of the land availability the architect drawing now stands and I would go on record as supporting the Riverdale site for the Senior Citizens Home to get under way this year.

Mr. Dumas: Mr. Chairman, the probably obvious problem that arises from a site in Riverdale is transportation. Is there no bus or service and has any thought been given to this?

Mr. Commissioner: Mr. Chairman, I think that I can say that the people on our Administration who are involved with the Administrative responsibility of such installations have just been around the course of about as many times as they possibly can on site selection and I think that you will remember that after the Fall Session of Council that the matter was being brought up and I was personally very much in favour of endeavouring to locate this in a downtown location simply due to the proximity of the very type of facilities that elderly people are prone to use, in other words, and in walking distance of wherever they would be located and I am afraid that we have drawn an absolute blank as Councillor McKinnon has indicated to me and there is no use of me standing here and telling you that the situation has changed any as far as these things are concerned between the Fall and now. By going to Riverdale with this installation we are definitely going to have a transportation problem for these people, we are going to have maybe multitudinous other problems for them as well. There is no use of me trying to say that these things have been corrected, Mr. Chairman, they have not been corrected but I think that Councillor McKinnon has given you the alternatives that if we are going to stay with this downtown area here we are going to have to go back and start re-planning again from scratch and whether or not the advantages to be gained by this outweigh the potential disadvantages of going to the Riverdale area is a very highly questionable

Mr. Commissioner continues:

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situation and I would like to suggest to you Mr. Chairman that with the recommendations of the budgetary programming committee and their findings they meet with my concurrence because I do feel that while we do have a transportation problem and a recreation problem in the Riverdale area at the present time, it is a reasonable conception that this problem will alleviate itself in the reasonably near future due to the normal growth of the Riverdale area in itself.

Mr. Chairman: Councillor Dumas.

Councillor Dumas: Possibilities have been the possibility occurs to me that transportation now being provided for school children in the mornings and in the afternoon, these busses come back empty from the Riverdale area after dropping the children off. Possibly something could be worked around this. I'm all in favour of seeing the new Senior Citizens Home go ahead as soon as possible and in Riverdale or wherever it must be.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Well, it seems to me that we have a problem of 300 foot frontage and we have a problem of 320 feet frontage and is the Government suggesting to the Committee that this is the problem 20 feet ... turning the whole thing over. If it is, surely it's a ridiculous situation. Why should 20 feet alter it from a proper location in the downtown area where we know the Senior Citizens, the closer they are to services the better off they are going to be. This is more than obvious. It seems to me that every time we come across a problem whether we have property here or not everything is taken over to Riverdale, everything's going over there and it seems to me, I always felt that Riverdale was looked upon as a residential area. Now we've got the school system over there, we've got the Vocational School over there, got the Hospital over there, at one time they were going to put the Correctional School over there. Everything seems to be winding up in Riverdale. This is what I don't understand. I always felt the area was supposed to be set aside for a residential section and it's really a question of 20 feet .. This is what answers the problem it seems to me. To say here the difference of 300 feet and 320 feet frontage .. that's the problem. Now I would like to raise the question with the Commissioner, Mr. Chairman, if I may.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, if I may be permitted to set the Council's mind at ease, it is not the problem. The problem is basic design of the building to loan itself to expansion at a time when it would be required with the use of the basic facilities it will be built in the original design and when we are mentioning the 300 feet or 320 feet we are talking about the original installation and in the Riverdale site we have room to expand the situation on what proper grounds around about it that are in keeping with the Senior Citizens type of home whereas if we are going to locate in the downtown area we would have to compress our building to fit the property and we would not be able to expand simply due to the fact that the site, such as it is, or possibly two sites such as they are, in the downtown area, they are very limited and would not permit expansion so it is not really the problem of the immediacy, Mr. Chairman, it is also the problem of.. to..

Mr. Chairman: Councillor Chamberlist.

SESSIONAL Mr. Chamberlist: Mr. Chairman, the transportation is something that
PAPER #6 can be taken care of in the future. If it's found that the building
SENIOR that's constructed in ten years hence by the time of its completion
CITIZENS and ready for occupancy I suggest that that item could very easily
be taken off i.e. in the manner in which the Honourable Member from
Whitehorse West is always suggested or, as I felt sure by a number
of people there that have their own vehicles who being the Senior
Citizens Home and there are many good people in Riverdale who are
good neighbors and would be only too pleased to take those old
folks who wish to come into town, and I think the important factor
is as Mr. Commissioner has explained that there must be planning
held on view to expanding. One of the problems of course to be
faced with small Senior Citizens Home would be that it could go no
further. The area alsothe R.C.M.P. Compound area if it were
built there in my opinion would be detrimental to the lives of the
old people, especially in view of the heavy traffic there and I
can't help but thinking back of the misuse of areas for placing
schools in for instance when the school was put in on Fourth Avenue
without thinking and planning and this is another reason why we
must consider an area where there is ample room for the old folks
to be sure that they are not going to be in danger and because of
their slowness, of being knockeddown and injured. I think that the
budgetary committee when discussing this thing went into it very,
very closely in all aspects and came up with the only reasonable
location for future development and expansion should it be needed.
As you all know, in the Yukon we are fortunate that we live to a
good old age and there are many, many people who may need these
particular facilities and I hope Councillor Livesey will recognize
that the necessity might arise for him sometime. All joking aside,
I would ask members of this committee to recognize that considera-
tion has been given to all aspects of this and I would ask that
approval be given to this particular site.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Well, another point I would like to raise is ...I'm
wondering if this policy follows the Metropolitan Plan because I
remember the last time that I was on Council we were down in
Ottawa bringing up the Metropolitan Plan and we were discussing
with C.M.H.C.. It seems to me there was a great deal of hue and
cry that we should follow the Metropolitan Plan and it seems to me
that ever since we have been trying to dodge it. I know the same
thing happened so far as the Legislative Building was concerned, we
were going to have it where the old hospital site was but as yet
there is no legislative building there yet. Not to my knowledge
and I could inquire at this time, Mr. Chairman, of the Commissioner
this placing the old peoples home or senior citizens home in
Riverdale does follow the Metropolitan Plan. It seems to me they
had all kinds of ideas .. they were going to put a new bridge
across over there and part of the City was going to be going over
there. I haven't seen that come into being yet. I'd like to ask
the question of Mr. Commissioner.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, I would like to verify that multi-
ple family dwellings are definitely the type of zoning that is
approved from the area that we are talking about and Riverdale in
this conforms entirely as to the Whitehorse area metropolitan plan
and I would like also to confirm that although there have been
deviations from the plan from time to time on the whole it has
reasonably been adhered to. That is, within the confines of
common sense. There has been indications from it.. there is bound
to be but within the confines of common sense it has been adhered
to and will continue to be adhered to because I am sure that any

Mr. Commissioner continues...

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right thinking person who is involved with the development of the area recognizes that some plan has to be adhered to or we are simply going to be perpetuated to the continual confusion of the present and find ourselves in, most of which I told you the other day is no thinking of our own. However, just one further thing I would say in regard to the Senior Citizens Home, that if Council can see fit to give their concurrence to this paper at this time it will permit us to proceed to finalize with the architect the design and the site location so that we can proceed to call tenders and which will not be awarded, as I intimated the other day, until such time as Council has actually passed the funds but which will permit us to proceed if Council does see fit that we will.....

Mr. Livesey: I have one more question Mr. Chairman. I believe that the point I brought up with regards to the Vocational School across in Riverdale. It seems to me that with regards to the expansion bill the original Vocational School was not built for the purpose of expansion. It was built, in my opinion, as a very nice looking place and surrounded by green grass and lawns and all that sort of thing. It certainly wasn't built to expand or to move ahead in any way shape or form. Several Councillors, I believe, at that time brought this to the attention of the Government and nothing was done about it. Now, if this is the true sense we were talking aboutare we going to build the type of building over there - this is the intention of the Government, to be complete in one section and one part of it will be left so that proper additions can be made so that we don't have to build a bunch of lean toos, I mean ..this is a practical thing. The practical way of looking at it. It seems to me these are the problems we are running into we are talking about it but are not doing very much about it. We are making complete buildings without thinking about expansion in any way shape or form. However, I'm, I still feel that the closer the Senior Citizens are to the services provided by Whitehorse that the better off they're going to be.

Mr. Commissioner: I can verify Mr. Chairman, that the building is definitely designed for proper and architecturally aesthetic additions, as I said before, using the original services that will be put into the building by way of heating plants etc. and this is part of the total concept that has been

Mr. Chairman: Mr. Dumas.

Mr. Dumas: Mr. Chairman, I would like to move that this Committee go on record as approving the site location in Riverdale for the proposed new Senior Citizens Home.

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

Mr. Chairman: Mr. Shaw.

Mr. Shaw: In discussing this Motion I am quite unhappy to see that the the senior citizens will be in an area where they will have to go a fairly long way to do the necessary shopping and all this kind of stuff. When the shopping centre was discussed at great length at the last session of Council and I haven't heard much about it this last month or so so I don't know where it stands but that would make a great deal of difference to these people. However, I was a very strong proponent to having these people located somewhere in the centre of area. The fact though that the Financial Advisory Committee has gone over this in a great deal of detail and come to the conclusion that this is about the only answer to the situation and I would just have to

extend my feelings more or less to their conclusions. The Financial Advisory Committee I think, when they investigated all facets of it, their recommendations should carry certain amount of weight with the Members of Council so I will go along with this proposition and in view of the fact that they no doubt have given it a lot of study and consideration. There is a question I would like to ask Mr. Commissioner, Mr. Chairman. This existing Senior Citizens Home of Whitehorse, costs, according to my recollections for the building approximately \$100,000. Now there is a fine building which could be used for a variety of things and I am wondering if this proposed building will house all the senior citizens and this existing building will be used for some other government building or are we going to run two institutions.

Mr. Commissioner: Yes, Mr. Chairman I would verify the fact that we will, once this is constructed, be operating two institutions if you so wish to call them, here in the City of Whitehorse for the senior citizens.

Mr. Shaw: Supplementary question. Has it been considered, Mr. Chairman, that this building that we have now, this Citizens Home, can be used for some other government purpose and that all the old folks can be put in this new building where you will have one administration, one cost of heating, one cost of janitor work and other facets which would actually be more economical in the long run.

Mr. Commissioner: Mr. Chairman, I cannot positively verify if this has been part of the examination but I would strongly suspect that it has been and the information that has come to me in this connection and I must concur that I think it is correct, and that is that we are not endeavouring to create more administrative cost or trying to over-burden the taxpayer with duplication of services but we are definitely not interested in creating a total institution which will cover umpteen acres in one part of the Territory which will house nothing but senior citizens and we do not feel that from the practical point of view it is a desirable situation to do this and we feel that in this instance to leave the present Senior Citizens Home alone and permit it to function as it is at the present time - it is filling a good need and is being run economically and that the new one will be built to do a similar job. It will be a good operation I hope and it will also be run economically and the combining of the two of them would do nothing but create institutional problems from which we might wish to get ourselves extricated sometime when the extrication will be impossible.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, I have two more questions to ask. One is, are we going to have a Clerk of Works on this building. I think the last is 29 times in the past and looking at the buildings throughout the Territory it seems to me they have been building walls out of floors and covering them with lots of paint, very cheap material and every time I ask for a Clerk of Works why they told me not to be old fashioned, you don't need one of those things - just let them do what they want and I believe the first time this was instituted we did have somebody watching what was going on within the F.H. Collins High School. Now, if you look at the school up in Mayo you will find the flooring and the walls of the Mayo school and in other buildings throughout the Territory I can assure you I saw some number one lumber going in there with knot holes a full three inches across going into the walls and this kind of thing just has got to come to a stop, that is all there is to it. We have got to do something about it and I would certainly like to see a proper form of supervision on these buildings.

Mr. Livesey continues.

And this particular one I would say Now, we are going to decide where we are going to put this. I certainly hope it is going to take place in the right position. It seems to me that the expansion of the city and all the talk of available space in the past - I certainly hope that we do the right thing. I wonder if I can ask that question.

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Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: The first part of the question I would like to assure Mr. Chairman that I have the fullest competence in the confidence of my engineering department to see that the necessary supervision is given to the contractor on the job to see that the specifications of the contract are adhered to and that the building is not accepted until it is presented in a satisfactory manner and acceptable to my engineering department. The second question - and all that I can say is this that we have left no stone unturned to determine to the very best of our knowledge and any prudent and proper business man would do that we have indeed suggested to the right and proper site under known circumstances to us today and the reasonable ones that we can anticipate in the future that this is in fact the proper place to put up this

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Two more questions. Are we still using the same architect that we have been using for a number of years past and also the second question is do they still get around 8% of the cost of the building.

Mr. Commissioner: Mr. Chairman, the architect on this particular building is a new architect insofar as the Territorial Government contracts are concerned and I would also verify that the schedule of fees that an architect is paid are set down by the Architects Professional Society. We have no control over this fee schedule and this is something that is non-negotiable, Mr. Chairman.

Mr. Chairman: I have a Motion before me. It has been moved by Councillor Dumas, seconded by Councillor Chamberlist, that Committee go on record as approving the site location in Riverdale for the proposed new Senior Citizens Home. Are you prepared for the question? Are you agreed? Any contrary? I declare the Motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Chairman: Gentlemen, I will now call recess until two o'clock this afternoon.

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2:00 o'clock p.m.

Mr. Chairman: We will call Committee to order at this time and we are now to Sessional Paper No. 8 respecting the Economic Study.

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PAPER #8
ECONOMIC
STUDY

Mr. Dumas: Mr. Chairman, I have one question. Will the interim report now due in July according to this Paper be given to Council? This is the Carr Commission, Economic Study.

Mr. Commissioner: Now, Mr. Chairman, the question was will the report that is referred to here - the answer would be in the affirmative, Mr. Chairman. "The interim report, now due in July, will be completed and prepared as nearly as possible in the form of the final report to make the information available as soon as possible." Certainly the answer is in the affirmative. I think, though, that it should be qualified in just one way that it is an unlikely situation that Council would be in session at that time, but it would certainly be my intention as soon as these are made available to us to get them into the hands of Councillors by whatever means, either by hand or by mail or whatever way that we would have available to us, Mr. Chairman. That would be the proper thing for us to do.

Mr. Chairman: Is there anything further on Sessional Paper No. 8, gentlemen?

Mr. Shaw: Mr. Chairman, I would just have one question in relation to this. How many briefs actually did the economic study of Carr and Associates conceive from the Yukon Territory? Would the Commissioner have that answer?

Mr. Commissioner: I'm sorry I can't answer more up to date than here approximately one month ago and at that time to the best of my knowledge I believe that they have two, and possibly three, but this is something that I can't verify exactly.

Mr. Shaw: Thank you, Mr. Chairman.

Mr. Chairman: Are you clear on Sessional Paper No. 8? Well, gentlemen, we have in Committee two items referred to Committee by Motion. Possibly you may wish to discuss them at this moment. The first is the result of Motion No. 2, Hillcrest Housing. Councillor Dumas.

Mr. McKinnon: Mr. Chairman, I asked the Chair's indulgence that we go to Sessional Paper No. 4 this afternoon.

SESSIONAL
PAPER #4
COMMUNITY
GRANTS

Mr. Chairman: This is correct. We will go to Sessional Paper No. 4. I've lost my little note here. Would you proceed, Councillor McKinnon. Its on Community Grants.

Mr. McKinnon: Mr. Chairman, when I was a Member of this Council in 1961, after the original session of Council, I took a hard look at this system of community development grants and following an original expenditure out of the monies that I had allocated to me under this system and this allocation was made to the Porter Creek Citizens Association for a community club, I allowed the balance of these monies to lapse in my account. The reason for this I made known at that time was that the principle of an elected member having direct control over one cent of the tax payer's money was so repugnant to me that rather than spend it in this way I would rather let it lapse. I presented a motion at that time to this

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Council asking that there be a community development grant ordinance established so that these monies would be accounted for and distributed under a better system that was in use at this time. Mr. Chairman, this paper that is before us now asks that these monies be put into the budget and be voted on by Members of Council as public monies. It is my opinion, Mr. Chairman, that this is where these grants belong, that this is where these grants should be, that this is the only way to handle public monies. I would like to draw Committee's attention to a book that I am sure they are all familiar with, 'The Struggle for Responsible Government in the Northwest Territories' by Lewis Herbert Thompson, and you will see a situation in the development of responsible institution in the old Northwest Territories that paralleled exactly the situation on community development grants that we find in the Yukon Territory at this time. I quote from page 110 - "In the matter of dispersing the monies in the general revenue fund, the Council in 1884 adopted an expedient which, though unorthodox, continued as a distinctive feature of Territorial public life until 1896. Equal sums were appropriated annually for each electoral district and the expenditure was controlled by the local member, subject to a few simple regulations. Most of the money was spent on roads and bridges, and grants to agricultural societies, and occasionally for fire guards, dams, and public wells. The members secured suggestions for projects from their constituents and in so far as they were able checked on the performance of the work in the absence of a regular Public Works staff. The system had much to commend it, for the centres of settlements were scattered over such an immense area that centralized administration from Regina was difficult. However, the honesty and impartiality of the members was the chief factor in the success of the system." Mr. Chairman, as responsible institutions were developed in the Northwest Territories, and as soon as an executive committee was formed in that Northwest Territories, Frederick Haltane immediately put an end to the system of grants for reasons which I will also quote from page 245 of the same book. "During the budget debate Haltane announced his intention to press for a basic administrative reform following the general election. The advantage of the practice of spending equal sums in each electoral district for public works under the direction of the local member. This system he had disliked from the start, and he described it as inequitable, liable to abuse, and greatly disliked by the Federal authorities." Mr. Chairman, I'd say that the argument hold as true for this Council at this time as they did in the 1870's and 80's in the Northwest Territories. Again, I go back to the principle that any public monies cannot, should not, and as far as I am concerned, and I will do everything in my power to prevent them from being under the direct control of an elected Member of this Council. I think it is absolutely hypocritical for any elected Member to stand before this table and mouth endless platitudes on the principles of responsible government when he allows himself to have direct control over public monies, and I think that this is the time, particularly when the Budgetary Programming Committee has been set up and its elected representatives of the people have a direct say in what will be contained in the budget, is the time for this practice, which is so repugnant to all democratic principles should see. I am in full agreement with the principle of the paper presented us to the Commissioner, and will support it one hundred per cent.

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

Mr. Chamberlist: Yes.

Mr. Taylor: Well, Mr. Chairman, I would like to rise as a member from the hinterland, one might say, and state that though I agree with the Honourable Member who has spoken before I cannot entirely agree that this is the course of action that we should follow, and I think in discussing this, and I hope all Members will bear in mind that I do not consider that the Councillor has direct control over these funds, to the same extent that the Honourable Member from Whitehorse North feels that we have. I consider that the Councillor in relation to the present practice of distributing community development funds is merely a liaison between the communities involved, the societies involved, or the Commissioner, or the Administration to the extent that the Commissioner, it is not the Councillor who issues this grant money, it is the Commissioner of the Yukon Territory and the Administration of this Territory that distribute the funds, upon application of the community or the society involved, that is the community clubs in the case of the hinterland, and the Councillor is asked for his recommendation as to whether or not this money should be expended. If the Councillor agrees, and quite often these are all pretty well for capital expenditures and therefore the Territorial Engineer must look over the project to ensure that it is in the best interest of both the club and the Government to expend this money on this particular project, and having all these safeguards, then a cheque is either issued or not issued, and I cannot agree that the Councillor is just going around spending this money. This is just not so. Number two, we're talking about a sum of \$8,000 per year per district and I know for instance in my own district, I now have four societies to split this \$8,000 through towards helping them to develop their community recreation centres and facilities, and that spreads pretty thin, and so I have Ross River, Teslin, Watson Lake, Upper Liard, and I expect I'll have a fifth pretty shortly if the highway is taken over, that being Swift River. Now, I've got to split an \$8,000 pie in five different directions, so what I do, I do the same as some other members, I go to all the community clubs and say 'Well, what is your requirement for the year?', and get them all together and say 'Fine, Teslin feel that their requirement is small.', and so forth and we work something out; then they make their submissions to the Administration and whatever they have recommended I certainly support, and then the Administration then determines whether or not this is a sound investment, and if they feel it is, the Commissioner, at the Commissioner's instruction issues a cheque, or orders a cheque to be issued to these associations. The monies are accounted for in the sense that to be a recipient of these grants, you must be registered under the Societies Ordinance, and unless you show an annual financial position, show how these monies are spent, you are no longer eligible to be registered under the Societies Ordinance. Now, there is another problem arises when you talk about - I understand there are to be no further lapse in balances in year to year under the proposal as outlined in Sessional Paper No. 4. Well, this makes it extremely difficult when a community club wants to build a curling rink or an ice hockey rink or an arena or a community hall, when they cannot get this money and stockpile it for the day when they have sufficient funds to embark upon the construction of a good facility, not something you put a \$1,000 worth of work on this year, and \$4,000 the next year, and \$500 the next year; these people want something half decent, and they want value for their money as I'm sure we do. So, without these lapsing balances you put the hinterland, at least, in quite a bit of trouble. I think here in Whitehorse the practice has been that the three Whitehorse Members get their heads together and more or less pool the resources in order that they can have revenue to distribute throughout the city. In any event, those are my initial thoughts on the matter. I feel that any other system, or the system such as is described here would place a hardship on the

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hinterland, at least; I don't know about Whitehorse here, but in the hinterland this money offers us with what little we can raise, the only type of community recreation we can find. Here, you have diversities of recreation and entertainment. Out there all we've got is our community halls and what we make of them, and this would vastly retard development and act to the detriment of the people in the hinterland if we went along with this system, as I see it.

Mr. Dumas: Mr. Chairman, before I say the few words that I intended to say on this, I would like to respond to some degree to the Honourable Member from Watson Lake, and on one thing, and this is a question, if any Councillor has ever been turned down on his recommendations in recent times, and could you tell me that, sir?

Mr. Taylor: Yes, on several occasions I have been turned down and had to return several times to the club in order that the club provided the Territorial Engineering Department with information of their program that would satisfy the Administration that this money was going to be wisely spent.

Mr. Dumas: Finally the grant was made. Is this correct?

Mr. Taylor: In most cases, yes.

Mr. Dumas: I really don't think that the argument can be put forward that the Councillor doesn't control to a great extent this fund, is valid. I know of recent cases, commitments made by other Councillors, that have been - disbursements have followed, which a break down of expenditures are drawn up by the organizations concerned, but I know the Councillor didn't go and check to find out if in fact these improvements had been made. I don't suggest that they weren't for one minute, but I wonder how many Councillors actually go out and inspect these jobs and do an audit before they recommend these grants, but apart from all that, I think that this fund is not only impracticable, but it is a problem of ethics here, where we are directly, and I say we are, this is a slush fund. That's what we called it, and that is what it is. It has been accumulated and used for that purpose in the past, and while I think we have seven responsible Councillors here at this time who would not misuse it, I suggest, there is no guarantee that this wouldn't be so in the future or indeed may not have been so in the past. Further I suggest that this slush fund or this community development grant was a bone thrown to the Council of past years in lieu of their taking any responsible part in disbursements of expenditures in the Territory. Now, we have asked for reforms and it seems that in this area we have received some reforms. We have gone ahead in some areas. Now, if we ask for reforms in areas that is going to benefit the Council and the people of the Yukon Territory, I think we must be willing to agree to reforms that may detract a little from those things that we would like to see, and let's face it, it is nice for all of us to have \$8,000 a year to disburse amongst our constituents as we see fit, but let's make no mistake about it, it was a slush fund; it is a slush fund. I think that the recommendations held in this Paper are excellent, something that should have been done a long time ago. Even without the reforms it was wrong to carry on this fund. Because I feel this way, and I feel the principle must be supported, I shall support it.

Mr. Taylor: Mr. Chairman, I rise to point up that indeed this is not a slush fund. I think that is a misnomer, in my opinion. This so called terminology has been used before, and it has been stamped down. This is merely, I believe we all know the history, I will not reiterate it. These funds are provided for in the fiscal

agreement that we signed with Ottawa for two years. This is a direct return for community development work to the tax payers of the Yukon. I still say that no Member has shown me where a Councillor has direct control of this money, and this is controlled by the Administration; the Administration gives the Councillor of a district the courtesy of seeking his approval whenever these things arise. As I stated earlier, I have been turned down - not I, but my associations have been turned down. Their submissions have been turned down until they provided more information on whether these buildings were to be fire proof, what was to be done with a break down of expenditure and this type of thing until eventually they have satisfied everybody, and I suppose the Territorial Treasurer included. I doubt if he would issue a cheque without assuring himself that there was a fully current financial report in his office. So, I still say you would be placing a great hardship on the hinterland who, in a district such as I - because right now we are waiting possibly for another additional \$8,000 per district to be expended some time during this current year. Now, many of these clubs are not too sure at this particular point in time how ambitious projects they can start on. In other words they can't come and say 'Well. Ok. We need \$3,000 this year because we're going to do this.' and itemize it and set it forth in the budget. It's impossible, and when you bring a thing like this in, it just puts the crimp on everything.

Mr. Shaw: Thank you, Mr. Chairman. In the first instance, I would like to state that slush fund is a most derogatory term to use. It is not truthful and neither is it - we'll say - a gentlemanly term. Perhaps I should give you the definition of or the explanation as to why this slush fund is so termed. This happened a number of years ago when we had the community development fund. However, at that time this wasn't allocated in the same manner as it is allocated now, and as a result the Whitehorse area received 80 per cent of the amount of monies that were put into this community development fund because there was nothing to say that the hinterland should get a fair share of this fund. They stated, the Members, in defence of David receiving the lion's share of it, and I think there is possibly a person or two who may have been here at the time, that they sold the most liquor so therefore they should be entitled to the major share of this. I didn't want to be impolite and say that they had more drunks here, but they said they sold more liquor. They did not seem to realize the fact that this was a transportation fact and people were going back and forth and therefore everybody who went back and forth contributed to this. However, it is a fact that Whitehorse received 80 per cent of this particular fund. So, the Members from the hinterland, including myself, felt that this was most inequitable that we should have a system whereby each area was allocated a certain amount of money, and so we had gone on from that and there have been complaints from time to time through various mediums of letting the public know things and also misrepresenting to a certain extent to the public of how this was and this has been a kind of a sore that has been working for quite some period of time. It is repugnant to some members that such a thing should occur in this enlightened democracy that we have. There are many other repugnant complexes in this type of government, so that is just one of many more. It doesn't make it any worse or any better. The new proposal is that this thing put into the budget at the start of each year and voted upon accordingly. Now, that in itself I think I agree with the Honourable Member from Whitehorse North that this is very sound thinking. There is nothing particularly wrong with this. However, I would point out, Mr. Chairman, that we do have certain problems in relation to, we'll say, the hinterland that it makes it very difficult to get the small communities together to know exactly

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what they do require. They don't have the same organization as you might have here. They don't have the same facilities to know exactly what things cost here, and therefore for them to come up and say that in such and such a year we have such and such a program which will cost x number of dollars. It is impossible to do that, and I will give you a very good illustration, is the matter of Old Crow. Now, these people are not conversant with how they will require; all they know is they will require a certain facility, so we get together and I am put in the position where I have to order all this material. I have to kind of draw the blueprint or get blueprints drawn up for this; then I have to order it myself. They can't order it 600 miles away from here and come down here and negotiate it. It isn't possible. So, my services have to be utilized. I am not aware of exactly what these costs will be. I can tell you very closely that whatever the material cost, it cost equally as much to freight it from here to up there. You get many of these type of things. You get - all of a sudden it isn't until a certain period of time in the fall that the skating rink decides - all of a sudden have got quite active and they want to do this to the skating rink for an expenditure of \$1,000 or \$900 or \$1,500. So, I say to them 'Well, boys, we can't do anything about it. You'll have to wait until next year; it is not in the budget.' That will create a hardship. Another matter, and this is one that I am absolutely opposed to, is where you have lapsing balances, that at the end of the year if you haven't spent it, you're out of luck, because there are many projects in the smaller areas of the Territory, Mr. Chairman, where you can only do so much each year, that you don't know what the cost will be. Personally, each year I have called all these community organizations together and have asked them what they want. I have informed them there are x number of dollars, and this pie can be split in whatever way you want it under certain conditions. Will you tell me what you want. If the amount exceeds the amount available, I say well fellows, you will have to get together and cut this pie and inform me accordingly; and that is the way that this has been operating. Anyone that can even mildly construe that this is a slush fund or what we call those other things, pork pie deals, and we've got lots of them right in Federal politics; it just happens to be in a smaller way here, if you can construe it as such. Merely by putting it in a budget doesn't alter it. All it does is create more complications as administrating the particular matters, and of course as I say creating more hardships because these people can't look a year ahead when you've got to get it in the budget. They try, but its small organizations, small communities. It is very, very difficult; it is almost impossible, and the results are that they will find that they have got to wait a year before they can go ahead with this project. Then what happens? I feel that though Councillor McKinnon has a very good point. I cannot question the voracity of his thinking. I would certainly go along with it under certain conditions that were attached to it that this could be put in supplementary for example, these things, that there was no lapse in balance at the end of each fiscal year. I am not, Mr. Chairman, a bit afraid to sit down with Council and point out just exactly what I am doing. I am not - there is nothing secret about any of this. Nothing whatsoever. There is nothing else here in any of this distribution of these public funds, certainly as far as I am concerned. So that I think I have put myself very clearly on this that I would be absolutely opposed to these lapses in balances, as you might call it; absolutely, and if it just was a matter of putting it into the budget each year, or even if we put it in the supplementaries, I would not object to that, and let Council discuss it, and that I can put forth the very logical reason why that money should be expended in my constituency, but lapses in balances I am against, and I'm against where supplementaries are not available; that is for each session of Council this amount

can be put in and the money carried over from year to year as it accrues, because, Mr. Chairman, we have these small communities - these are the communities that require the building up, they require the assistance of a fund such as this because they are so restrictive. They do not have the facilities that you have here, so therefore those are the places that require it more than you do in this particular area, and I feel it is my duty to protect the area that I represent, anyway, to see that they are getting the full amount of their share on an equitable basis with any other electoral district in the Yukon, whatever it may be.

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Mr. Dumas: Mr. Chairman, first of all let me assure the Honourable Member from Dawson City that nobody in this Chamber would ever even suggest any disbursements of funds that he had anything to do with that might be dishonourable, I assure you, sir. However, you may agree with me that in the past the Councillors may have, at some time or another misused this fund. It is possible. The Honourable Member from Watson Lake presents the argument that in fact Councillors don't determine where these funds go. The second time he arose, he said that the allocations are submitted to the various Councillors for their approval. What I cannot agree with is that an individual, whether he be a Councillor or any other Yukoner, has the right to approve the disbursement of the tax payer's money. This is wrong. The suggestion was also made that this money would be lost if we went along with Sessional Paper No. 4. This is not so. It is going into - it is going to be written into the appropriation ordinance; the money is still going to be there. It is just that there is going to be more safeguards placed upon it. I agree with the Honourable Member from Dawson City that there should be an equitable division of funds, but this can be done within the framework of Sessional Paper No. 4. There may be some modifications and suggestions that have to be made to see that this is done, but I think it can be done, and indeed it is a desirable thing and should be done. The Honourable Member from Dawson City also mentioned the difficulties that would arise if the system as has been suggested in this Sessional Paper were put into effect. I suggest that we cannot sacrifice principle for the sake of convenience. We realize that these difficulties will arise, but nonetheless they must be faced and they must be undertaken because of principle. I still go along with the Paper. I'll go along with modifications that will assure the Members from the hinterland an equitable division of the community development grant.

Mr. Taylor: Mr. Chairman, I wish to answer.....

Mr. Chairman: Councillor Livesey has requested the floor.

Mr. Livesey: I would allow the Member to answer.

Mr. Taylor: I just wish to at this point, just to keep the records straight, state that the Honourable Member from Whitehorse West would appear to be going around in ever diminishing circles. I didn't say at any time that I at any time allocated the funds in my district. If I did infer it, that was not correct. I have been misinterpreted. I draw the attention of the Honourable Member to page 2 of the Sessional Paper in question which states as follows:- "If the Organization which is to receive the benefit can not supply a detailed outline of how they propose to spend the money prior to the expiry of the fiscal year, the money should lapse in the same way as all other appropriations and there should be no provision for carryover of accumulated Community Grants funds from year to year." I just wanted to keep the records straight. Thank you, Mr. Chairman.

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Mr. Livesey: Thank you, Mr. Chairman. I rise to address the Committee this afternoon, Mr. Chairman, to support the contention that permits Members to spend public monies.....on constitution, as this is true. I would agree with the passages from the volume by Mr. Thomas read out by the Member for Whitehorse North, which is absolutely correct. They had the same problems there as we have here. It is not the only thing that is unconstitutional in my estimation. In my estimation it is not the only thing that is irresponsible. In my view the whole Yukon Act is irresponsible and it is also discriminatory against the rural members that attend this House. It is the kind of an act of Parliament that creates irresponsible council and an irresponsible administration, so we've got poor responsibility all around us. Now, speaking directly to this particular question, I would like to point out that when this fund was started originally it was created for the sole purpose of developing the Yukon Territory, and I would say developing those areas that had no development rather than the ones that did have development. So, I would think that this voluntary contribution by the people of the Yukon Territory which turned out as a tax upon liquor per bottle was self-imposed for the purpose of moving ahead in the Territory. This is what it was for. I would further point out that there were a number of individuals in past years who were Members of this Council Chamber who voluntarily demanded from their various local associations and institutions an inventory of all their demands before they got money of any type or description from this fund, and I can assure you that in some instances some of these Members were penalized for their efforts. In one instance I can certainly remember - in fact two instances in particular, where the people wanting the funds wanted it with no strings and the Member demanded that they make out their inventory and sign it, and month after month after month went by in the life of the individual's three years upon the Council, and when it got to the last year in his term in office they still hadn't supplied any inventory, nothing in writing, nothing in paper, nothing with a signature, and it went on and on and on until almost on the last month or two of his term in office by absolute force they could see and especially when it came out in the spring session of the Council that the administration was going to institute these lapses in balances, and all this money was going to be confiscated and it would disappear in one lump sum, then of course these people decided they better get this thing that the Councillor had been demanding, and as soon as they made out the proper form and presented it to the Administration and got the money, he was immediately accused of buying votes. Now, this is a horrible situation, but this is a fact. Now, I am putting this down on the records. This is a definite fact. This is how these things can be totally abused by people who don't understand the difference between those who are attempting to provide integrity and those who are not. Now, our problem, and I say our problem because I think the people in the outlying areas have got a far greater problem than a good many others, and I would suggest to you gentlemen sitting in Committee here this afternoon that the problem of even the repeals of the last Yukon Act is discriminatory against rural Members of this Council, and a good many other things are discriminatory against the rural Members, and to provide something of equity where we make equal contribution one cannot have discrimination against one and not against another. I would point out that I think that in view of our economic expansion in the Territory as we see it today that the outlying areas will most certainly have to improve and develop facilities in order to keep new blood and new life in those areas for people who will come from the outside to this Territory to work in the Yukon Territory in areas where we cannot provide the people that are required ourselves. These people

are used to outside ideas. They are used to the esthetic qualities of living in British Columbia in the cities and so on. I suggest to you gentlemen that we are going to have to think of this in a serious way and I am therefore also opposed to the project of so called lapsing balances. I'm certainly not opposed to the constitutional aspect of it, because I think I agree as it sits today the question is no doubt about it, it is unconstitutional the way we are going about it. However, on this lapsing balances situation, I can think of several things that people out in these outlying areas that are trying to provide a facility not only to keep the employees of private enterprise living in the area with some satisfaction, but to keep the government's employees in these outlying areas with satisfaction. This is also a problem of government as well as it is of private enterprise, and I would suggest we must try and do everything we can to improve conditions in the outlying areas in order that we may continue with the type of economic expansion that we think is going to come about here in the north. I don't see any other way of doing it, and I don't think that providing this lapse in balances and cutting the thing off and allowing it to lapse back into the general fund where you couldn't resurrect it if you tried is ever going to help us in any way, shape or form. I'm totally opposed to this aspect of it, but Mr. Chairman, I must agree that if we are going to move toward responsible government we have to act in a responsible manner. There is no doubt in my mind along that line whatsoever, and I feel sure that we are moving in that direction and I hope to see in 1968 a definite move in that direction that will satisfy our wants and needs in this area. Thank you, Mr. Chairman.

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Mrs. Gordon: Mr. Chairman, I hardly agree with the Member from Watson Lake, the Member from Dawson, and the Member from Carmacks-Kluane. I think constitutionally the Member from Whitehorse North is right, but those people in the outlying areas who do not live in Whitehorse have a definite point in that we, in my belief, are the Yukon. Whitehorse has become an extension of civilization, and as such they have lost sight in some respects of the spirit of the Yukon. In the outlying areas we have problems that do not relate to Whitehorse, and when we come to the community development fund this is one of the major ones. To use a phrase of Commissioner Smith's, 'we need grass roots government'. The only way we can get these is by getting people in these outlying areas educated, and when you run into a parallel where you cannot get three people to act as a board of trustees in a local improvement district, how you can condemn the situation where the Territorial Councillor, who is supposedly a person of some integrity, and condemn him as using these funds to his own means and ends, is something I cannot understand. In our outlying areas we are having communities come up who will experience the same things as what we have and have had resolved eventually in some of the larger outlying areas. These people have no knowledge or background. How do they cope with these sort of situations except through their Territorial Council Members, and to say he has complete utter control of these funds is a little ridiculous, and to have a lapsing balance where you have a new community to build a hall, or a community facility that costs over \$8,000 when the rest of the communities in the district are quite willing to forego their share would make a very small hall and of very little use.

Mr. Dumas: Mr. Chairman, I must take umbrage at this comment, this suggestion that we in Whitehorse are second-class Yukoners. I assure the Honourable Member from Mayo that we are just as much part of the Yukon and Yukoners as anybody else in the Territory.

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Also, the Honourable Member from Mayo suggests that the Councillor should in fact be allowed to use these funds for his own means and ends. I disagree heartily. Seriously, though, the matter we are discussing here is principle. Its a matter of principle. Now, are we willing to sacrifice principle for the conveniences of today? This is what you have suggested, gentlemen. I disagree. We talked about principle last session of Council, and about the peoples of the Yukon's role in governing the Territory. We were all full of principle then. Now, it is our turn to show some principle and to act on principle. As for the lapsing balances, the obvious answer is to use the money during the year that is available. However, I would be willing to go along with a modification along these terms that the lapsing balances - or that the balances should not lapse, but the main point here is to get these funds under control of a committee rather than an individual. This is where they should be.

Mr. Taylor: Mr. Chairman, I just rise in defence of the Honourable Member from Mayo, and I think that she was a little misinterpreted. I think what she inferred was that we in the hinterland are more or less the pioneers or the trail breakers who make it possible that in the future you will find settlements of more sophisticated society such as what you find here in Whitehorse. We're still the pioneers.

Mr. Chairman: Would you please take the Chair, Mr. Taylor.

Mr. Taylor: Yes, I'll resume the Chair.

Mr. Chamberlist: Mr. Chairman, I might say that before anybody was able to get to the hinterland they would have to come to Whitehorse. Mr. Chairman, I first of all will say this, that I find nothing wrong with elected Members, and I say that plural, being responsible for the handling of the funds of the Territory. I believe that the elected representatives should be responsible for handling all the funds of the Territory. This is where we have responsible government, so when the Honourable Member from Whitehorse North suggests that it is repugnant to him for an elected Member to have any dealings with the funds of the Territory, I can only suggest that he makes.....

Mr. McKinnon: Mr. Chairman, I have to rise on a point of privilege, please. I am being misquoted. I never said that or intimated that at all. My whole argument was that an elected Member, singular, should not have personally any direct control over the tax payers' funds, over public funds. That is the point I made. I'm sure the Votes and Proceedings will bear me out.

Mr. Chairman: Would the Member agree?

Mr. Chamberlist: Yes, I will agree, but I will continue that if the Honourable Member from Whitehorse North would have given as an alternative that it is the elected Members who should have responsibility for that, then I would tend to agree. This is what we are looking for, and it is because we are looking for that I must, especially in view of the fact that we are unconstitutional as agreed to by the Honourable Member from Carmacks-Kluane in carrying on in the manner that we are, and notwithstanding that - and Councillor Livesey will have a problem voting on this because we have always heard him expound the theory that we must conduct ourselves in a constitutional manner. Now, I am sure that theory of his has not changed and therefore he must support notwithstanding the fact that the funds will not be available for him to act directly with. He must support it. Now, I would go further on and I must say this that I cannot accept

Councillor McKinnon's argument dealing with responsible institutions in the Northwest Territories because this would be difficult to find today. As a matter of fact there is less responsibility in the Northwest Territories today than exists in the Yukon Territory. Now, also I must comment at this time as well because all Members have had an opportunity to speak, that I find it an unhappy situation when Councillor Shaw now concedes that the former capital city of the Yukon is in the hinterland. It is like shades of Mackamey. All of a sudden we're concerned with hinterlands. I would only wish that the Members of Council think in terms of the Yukon first and foremost and not think in terms of specific areas. Now, I have - it has been suggested that the word slush fund is an ungentlemanly expression; well, in that case I am guilty of introducing that because if I recall in my short demise in Council in 1961 I made reference to this particular fund as a slush fund. I seconded the motion which brought it into being, but I seconded it on the understanding that the funds would have been handled by the elected Members, and somehow or other instead of the funds being used by the Committee of the Whole - all Members - for say in how this fund was to be used, all of a sudden it was cut up into pieces. Now, although I have participated in making grants out of those funds available in the last few months to one or two organizations that have requested it, I am opposed in principle to doing it because I feel that we must either be a responsible body or we must be irresponsible, and I say that there is a difference between constitutional right and unconstitutional wrong, and if we do not support the idea laid out in this Sessional Paper, we would be condoning the unconstitutionality of what we have been doing in the past. I think the time has come for us to correct any wrongs that we have been doing. Now, there are a couple of items in this paper that I find that I haven't made clear to me, and I would ask the Commissioner at this time if he could explain on page 2 that section where it deals with Proposals for the Future, the second paragraph in that section, where it says:- "In the opinion of the Administration, it is necessary to exercise tighter control over the dispersal of these Grant monies, but at the same time, it is not our intention to impose such tight restrictions that funds can not be made available to worthy community programs." Now, I can say this that in the two grants that I have requested, one of them took nearly three months to obtain. Certainly the control was tight then. It moved from myself to the Commissioner's office, from the Commissioner's office to the Treasurer, from the Treasurer to the Commissioner, from the Commissioner to the Treasurer, a piece of correspondence to me, my reply to the Commissioner, the Commissioner didn't know what the correspondence was, so I had to go to the Treasurer, the Treasurer then sent me to the Commissioner, I then got a letter back to me; I replied to the letter to the Treasurer, the Treasurer then sent a reply to the Commissioner, who sent a reply to me. I then came up and said 'Now, what is going to happen?'. Everything is alright. Then, I wait for another month and the payment was made. So, if that isn't tight control, I don't know what is loose control. Now, the question that I wished to put to Mr. Commissioner at this time is this - who will be exercising the authority to dispose of these funds? Will it be by a committee made up of part administration, and part elected Members, and some elected Members of this Council notwithstanding that it has already been made clear that it would mean that it would be the government and opposition working together?

Mr. Commissioner: Well, Mr. Chairman, perhaps I could go a further step when I am endeavouring to answer the question that

SESSIONAL PAPER #4 COMMUNITY GRANTS has been asked here. Up until now, Council's discussions here this afternoon have centered around item no. one, Community Development Grants, because they happen to be the specific items that come under the purview of the individual Councillors under the system that we have at the present time. I would like to add to this that the information that has been given to you here with regard to Matching Grants for Tourist Projects and Special Contributory Grants are a just as much concern if not more so to the Administration than what the Community Development Grants are. We are finding that in some instances the same organizations by virtue of the aggressiveness of their executive are securing community development grants from the Councillor of the area. They are then finding themselves in the position where they are applying for special contributory grants under the scheme that we have, and then by virtue of some further function they may provide in the community, we find that they are likewise getting matching grants for tourist projects. Now, this has got to come to a halt because it means that some organizations by virtue of the rules that we presently have are literally speaking putting themselves in particularly preferred positions, and this is not what Council means when they pass these monies. They mean the entire contraries of this. Council's ideas are to make these grants available for specific projects under which they would become headed. So, it is not only a matter of this paper being looked upon as a suggested means of dealing with the community development grants but likewise the other types of matching grants as well. Now, with regard to the question that Councillor Chamberlist has raised, Mr. Chairman, I would like to suggest that the following would be my ideas as to how effect could be given to this section of the paper. The Community Development Funds for 1968-69 could be handled in possibly the following manner: first, the lapsing balances now available plus the \$8,000 per district for 1968-69 could be voted as a lump sum for each constituency in the budget that is presently being constructed; secondly, the applications for money to come out of these funds during '68-69 would pass through the Budget Programming Committee's hands, who would either recommend them to me as being worthy and applicable of payment, or they would come to me with the recommendation that they be turned down; thirdly, starting in '69-70 projects could be planned on a Territory-wide basis for at least a period of three years in advance which in effect would eliminate lapsing balances and also would allow funds to be allocated on some kind of a rotating or pro-rata basis throughout the Territory on the basis of need, not necessarily on the basis of whose riding that you happen to be in. Now, I raise this point and I raise it as a very strong point because the rural members have made a point that I continually champion, and that is that mainly that they are the parts of the Territory who need the money the most, and I would like to take an example here of Councillor Livesey's riding, and Councillor Livesey has a riding, which by virtue of its geographical area is spread over a part of the Territory that doesn't have any one big concentration of population. He has a multitude of small communities, and with \$8,000 a year, it is impossible that any one community in Councillor Livesey's riding is ever going to at any one time get enough money to put to any worthwhile community project. It is impossible. There is no way else, and the only way that Councillor Livesey and his riding and the other rural ridings are ever going to get any sizeable amounts of money in lump sums to do anything worthwhile with is something along the lines that I am suggesting to you, and there is the argument of the rural areas, I submit to you, Mr. Chairman, is absolutely irrefutable of what is being said. It is the rural areas that need the attention, but the manner of the distribution of the money at the present time discriminates against them in the worst possible manner because

the Member finds himself torn between 19 different applications, every one of which is perfectly justifiable and he winds up allotting a thousand dollars here, and \$1500 there, and \$2,000 there, and nobody ever finishes anything in a proper manner to make it worthwhile and useful to a community, and as a consequence the dilution of the funds absolutely destroys the usefulness to which they could be put, and I strongly recommend to you your consideration of this paper as it sits and to be supplemented with something along the lines I am suggesting to you here as a means of bringing this matter to a successful conclusion that is going to work to the benefit, particularly of the rural areas, and I further say to you that right at the moment, to the best of my knowledge, and this is subject to any monies that have been paid out since the 24th of January, that there would be a total available of \$93,104 for community grant purposes in this year's budget, which would be laid on in this particular instance on the basis of the ridings that you presently have and the monies as they are listed on the back of page 3 in this paper. If there is any further question - if I haven't answered the question properly or if there is anything further I can add to this I would be happy to do so.

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Mr. Shaw: Thank you, Mr. Chairman. I can agree, Mr. Chairman, with the principle of the matter. However, we get certain principles that are principles and then we get diversions from these as matters of policy, and these are the problems that concern me right at the moment. I am quite agreeable that this should be presented to Council and that all Members should vote on it. However, the reservations I have are the matter as it should be able to be brought up at both our sittings. In other words the main estimates, the supplementary estimate and there should be no lapsing balances and there should be a fixed amount for each particular area. The Commissioner, the present Commissioner, is a very strong advocate of assisting the smaller communities in every way possible. There is no person that is champion the cause of the smaller communities any more than the Commissioner. However, we don't know that we will always have the present Commissioner and one as sympathetic in the future. It takes me back to my first experience in government - this very same thing, Mr. Chairman, which was I think in 1951 and 1952. I was an Alderman in the city of Dawson at the time and Chairman of Committees, and as a result it was my duty to balance the budget, which I did, and also at the end of the year I was able to save an amount of \$1500 or effect economies to that extent, and I very carefully put that back in a contingent fund so that next year we get \$1500 and we could buy a very much needed vehicle for the city. I thought I was doing a grand job, and the first thing I know, 'Oh, you couldn't do that. That just goes back in the treasury.' So, swish that went back in the Treasury, and it took about six years to get a truck, and then I had to come down to Whitehorse and go on my bended knees so they would buy a truck for the city. That's lapsing balances for you. Why it is unconstitutional to have a lapsing balance, I don't see, and I don't think it is unconstitutional to have a lapsing balance - to carry forward I should say a balance from one year to the next, and if it is unconstitutional, it is about time the constitution was changed. So that I am in agreement with having this presented to the Council twice a year for approval. There is nothing wrong about that. It'll fit in with the small communities. It'll be an inconvenience; it'll be a hardship, but as a matter of principle, as the Honourable Member from Whitehorse North has pointed out, but at the same time I feel that the outside areas must have protection in this matter, so that I go along with the principle part of it. However, I do not go along with the lapse in balances and you've got to get it in two years, and as a very good illustration we have Clinton Creek coming up in my area. Now, how am I going to know what they are

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going to require until all of a sudden they land in my doorstep and say 'Well look, there is a community development fund; we're entitled to some. How about this? When are you going to start?' 'Oh well, you can start right now. Next month.' I tell them 'You'll have to wait. Let me see, this is May - Oh, I'll try and get it for you by April or next year.' Those are the kind of situations that we will be facing. So, that is why we have this six month flexibility I think will work. I think that should accrue as a credit. If it isn't spent this year, it is certainly spending in succeeding years, and it can be then put before Council each time as was stated, in a very constitutional manner, and that type of a formula I would agree on, but the way this is laid out I couldn't agree. If this is the paper, and I have to agree or disagree, I am forced to disagree with the paper in respect of the points that I have brought up, Mr. Chairman.

Mr. Chairman: Gentlemen, at this time I think we will call a recess for tea.

Wednesday, March 6, 1968.
3.30 P.M.

Mr. Chairman: At this time we will call Committee to order. Is it your desire to leave Sessional Paper No. 8?

ECONOMIC
STUDY
S.P. #8

Mr. McKinnon: Mr. Chairman, I wonder if I may make a few comments on this Sessional Paper before we leave it? We so often hear around this Council table of political situations not being either black or white but various shades of grey mainly. Well, I suggest Mr. Chairman this is one area where there is black and there is white. I don't think - there is not one member of Council who rose to speak today, argued against the principle of what we are trying to do to become a more responsible body. This is one area where we can show our responsibility and show that we really mean what we say. The principle is basically that any public monies that are expended must appear itemized in the public estimates and in the public accounts. This is the principle that we refused to vote - Justice Expenditure for two years when I was a member of this Council prior because the Department of Justice would not give us the details and the specifics of what we were voting for. This is the same principle that we are talking about now and one which every member of this Council has accepted in his comments this afternoon. I cannot agree more with the principles outlined by the Commissioner and with the members from the outlying district and I would like to promise them that as long as I am a member of this Council I will do everything that is physically possible for me to help them get better community centres, better recreational areas in their constituencies. I don't think that there is one area in the Yukon that I haven't lived in as part of the community at one time or another and the dearth of facilities in these areas is something that I would like to say I will do everything in my power to help solve. And through this paper if we can present some type of arrangement that the members from the Whitehorse area can expend some of their funds in helping build better facilities for the people of the outlying areas, then this is a plus in my estimation that comes from this paper also. I think that from the comments made by other members that all the difficulties that were presented before the Council this afternoon, and I agree with them in the main, to be resolved without too much difficulty at all and I think that if we report progress on this paper at this time and work these out in a meeting between ourselves, we will find that we can come out with a plan that will be acceptable to everyone, that will fulfill the principle that we all agree on and as a plus make more monies available to the members from outlying areas and then I say that we can then say that we have done our job well. Thank you Mr. Chairman.

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Mr. Chairman: Councillor Livesey.

Mr. Livesey: I have some problems.....for the future I would like to comment on. Where it points out the present arrangement is unsatisfactory because it is possible for organizations to receive a special contributory grant of assistanceform of a community development grant and at the same time be able to obtain additional money under the scheme of matching grants for tourists projects but obviously the way I viewed this all along these are two separate items. And if we have a definite fund which is for promotional purposes for tourism surely that is one aspect of it and if

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Mr. Livesey continues.. we are talking about community development apart from tourism that is another aspect so I have more or less drawn a mental line between these two items and quite obviously I can see the reason where it is necessary to segregate these matters and where they could overlap in areas that were not properly cogizant of all the facts and relationships both legally and otherwise in relation to all these grants; this is true, but as far as I am concerned separate grants for separate items surely are reasonable. Another point is recent been encountered in connection with community development grants occurred after the last Council had been dissolved and we still continued to receive applications for grants from the former members. In some cases some applications were already in the pipeline at the time of dissolution but there were other cases where applications were made clearly after the date of dissolution. Well, surely at the point of dissolution, as far as Council was concerned, merely disbands the Council but surely doesn't disinherit the member of the Council. Surely under the Yukon Act a member is still a member of the Council irrespective of dissolution. And he is a member for Dawson or a member for Whitehorse North or Watson Lake until another member is elected. Dissolution merely disbands Council but he is still a member for that area. He represents that area and that at least is my understanding of it and I don't see that dissolution eliminates the Councillor as a Councillor for that particular district to which he was elected. The Yukon Act says three years and surely three years is precisely that and no more. I admit the limitation, I believe, is no longer for three years; I think that is the wording. Also I would like to point out as long as I have been a member of this Council and I notice the - certain aspects of questions in relation to the dispensation of community development grants, as long as I have been a member of this Council as far as the area that I represent is concerned I would defy anyone to prove to me where one cent has ever been spent out of this fund. The area of Carmacks-Kluane Lake, when I have represented it, that I have not presented as a Member, a proper document properly signed by the organization that wanted these monies and have prior to consideration of any attempt to submit a request from the Territorial Government, always made sure that signed documents had been provided. This has always been the issue and I have been in this Council since 1958 and surely the records are clear and I hope that this was meant more as a generalization than something which could discredit anyone of us.

Mr. McKinnon: Mr. Chairman, I might add that in my estimation the Honourable Member from Carmacks-Kluane made a very eloquent argument in favour of this type of disbursement because the disbursement is made by the Territorial Council and there can never be a question of motive or integrity as a stigma to any individual member of this Council at this time. And it was done most eloquently in favour of this method of disbursement I thought, Mr. Chairman.

Mr. Commissioner: May I just say a word here Mr. Chairman? I don't want to prolong the discussion but I don't dispute at all what Councillor Livesey has said here with regard to a person whether a member or whether a non-member, dissolution of Council, etc., but I have this written in here to show you that under the present set-up of the absolutely untenable position that I am placed in under the present

Mr. Commissioner continues
set-up during the period from the time that Council dissolved until elections are held and certainly there were one or two applications that came in during the period of that time which I felt that if we had seen fit to grant, whether we were right or whether we were wrong, definitely would have been construed as the Administration either favouring or disfavouring the individual community involved. This is the point that I wanted to make and I don't make it with any thought in mind of questioning the statement that has been made as to whether a person is a member of Council or not.

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Mr. Chairman: Is it your wish that this matter be deferred for further consideration?

All: Agreed.

Mr. Chairman: There are two Motions before Committee. However the Mover of the Motion is not with us at this time; he has been excused. I wonder if you would care to go now to Bill No. 7, pardon me, Bill No. 4. I wonder if Mr. Legal Adviser could join us at this time?

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Mr. Commissioner: Mr. Chairman, I rise to ask your indulgence for Mr. Legal Adviser until he can be here. At the moment we have a problem that we are resolving in connection with the Dawson City's administration; the election has been negated there and Mr. Legal Adviser is presently getting the necessary documents ready for my signature to give effect to administration there until such times as a new Mayor....Councillor can be elected. I am sorry for this interruption Mr. Chairman but it is unavoidable.

Mr. Chairman: In view of the complexity of this Bill I wonder if Council wishes to proceed without Mr. Legal Adviser.

Mr. McKinnon: Mr. Chairman, I'm not in favour of proceeding with any Bills without the Legal Adviser being present.

Mr. Chamberlist: I agree with this Mr. Chairman.

Mr. Chairman: Gentlemen, it seems then that we have concluded all the work that we can do-until such time as Mr. Legal Adviser arrives I wonder if you would care to recess?

Mr. Commissioner: Mr. Chairman, could I be excused for a minute or two and I will determine for you if it will be a matter of ten minutes or longer period of time....

Mr. Chairman:Committee back to order. We have for consideration at this time Bill No. 4, An Ordinance to Amend the Evidence Ordinance (Reads Bill No. 4). Mr. Legal Adviser, I wonder if you would give us a general explanation.

Mr. Legal Adviser: Gentlemen, the first sub-section of Section 4 is competely unchanged. The other section, section 2, is divided into seven parts and this arises out of a debate which occurred in the second Session last year when Mr. Chamberlist, the Honourable Member for Whitehorse East, raised the matter of proceedings in a Court when an accused person gives evidence on behalf of the case. Now this sub-section two follows in toto provisions of corresponding English Evidence Act of 1898 and as Members are aware, until recent times Canada and England, an accused person was not permitted to give any evidence in Court at all. He was

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Mr. Legal Adviser continues deemed to be the sort of person who would in any event would tell a lie. The first reform that occurred in that area was to permit an accused person to make an unsworn statement from the dock, in which case he was not subject to cross examination. The second reform was to permit him or his wife to give evidence. Now, this reform took place in Canada before the corresponding reform took place in the United Kingdom and when an accused person was treated as a witness he became subject to all the liabilities of an ordinary witness in accordance with the Canada Evidence Act and the various provincial and Territorial Evidence Acts. Now this only concerns civil action in the Territory and trials before either Court or Territorial offences and the effect of this sub-section is that when an accused person chooses to give evidence he is subject to all the normal disabilities of a witness in that he can be cross-examined but he cannot be asked questions which would tend to show either that he is a bad character himself or that he had been convicted of previous offences until the point of the trial where the defining of guilt or not; at that point of time when the Judge is considering his sentence then his previous convictions can come out in the normal way. But, for instance if a burglar is being charged with burglary and he is giving evidence of an alibi or giving evidence that he didn't take the goods, he can't be asked questions which would give information to the Court to show that in fact he has two previous convictions for burglary which has the effect of prejudicing a jury who is listening to the case, notwithstanding any amount of directions from the Court that they should disregard this point. Now, the result of this is that when the accused is making the choice as to whether or not he will go into the witness box and give evidence he is coloured by the difficulty that if he gives evidence his character will be attacked if he has a previous conviction and he doesn't get the same fair chance as a person who has no previous bad character. Now, there are exceptions to this which are necessary for the proper administration of justice. If the accused says it was an accident well then; or I couldn't help it or some such thing, then if it is necessary to disprove that particular statement, the prosecution can in fact give evidence, the tendency of which would accidentally show the character. A typical case occurs where a doctor is charged with committing an abortion and he says, in essence, this was an accident; I didn't know it was going to happen. He is then subject to cross examination, regardless of this section - he is subject to cross examination on the grounds that he had committed six abortions before and therefore it is obvious it is not an accident. Now, if a person gives evidence of his own good character or asks questions of one of the prosecution witnesses with a view to showing or pretending that he has a good character, the prosecution is entitled then to disprove that particular allegation. For instance if a Sergeant of the Police is in the witness box and the accuser or his Counsel says to the Sergeant isn't this man standing here in the dock one of the finest outstanding citizens in Whitehorse. The Sergeant is entitled to say no, he is not, he is the worst character in the town because if the accused throws a stone and praises his own good character the prosecution is entitled to slap back immediately and say no, he is not a good character, he is a bad character. As well as that, if the accused attacks the character of prosecution witnesses; if for instance in a case involving say a girl and the Counsel for the accused uses, as he is entitled to do, attacks the bad character of the prosecutrix and says she is no better than she should be and she has done this half a dozen times

Mr. Legal Adviser continues before; well then in that case you attack the character of the prosecutric and you automatically open your own character and this is a reasonable rule to happen, or if an accused person makes the allegation in Court, which is not an uncommon type of allegation, that there is a conspiracy by the police against him to do him down and that he is a perfectly innocent man but he is being fined by the police. Well then in that case the police have been attacked in their characterprosecution and they are entitled equally to throw the same kind of stones back and to show that this man who is making this particular allegation is a man of bad character and as such should not be believed in this particular allegation. Now the other exception would be where two people are jointly charged with crime, or three or four. If one of the accused goes into the witness box then the other accused should not thereby have their rights to defend themselves impeded by the inability to attack the evidence of a co-conspirator or co-accused. It often happens that one particular member of a group of accused people will turn what is called Crown evidence and he will make the allegation; oh, I didn't do it but I was upt up by these fellows, they are the wicked boys in the witness box; they dreamed up this story and they are all telling a pack of lies. Now in that case he becomes an ordinary witness of the prosecution and therefore like any other witness is entitled to have his attacked. These are the exceptions. Now this has been commented on by judges ever since it became apparent that by virtue of not having this particular rule in the Evidence Act, accused persons are liable to have their character broughtwhen otherwise it would not be; but each time it comes up it is mentioned in Court; it is made the subject of a ground of appeal but the Judge would say it is something that should not have happened but unfortunately, as the law stands the prosecutor is entitled to put this bad characterand this is an attempt, so far as Territorial offences are concerned which is the only area over which this Council has any control to eliminate this apparent injustice.

Mr. Chairman: One question from the Chair. Do I understand that this would then be, by acceptance of this particular Bill, that we would be establishing a legal precedence in Canadian Law?

Mr. Legal Adviser: Not establishing a legal precedence - what we would be doing would be establishing a legal statutory precedent in this area but not a judicial precedent in the sense that Judges have the discretion but they can't jump in to exercise any time. And as following accepted standards throughout - you know - whenever British law is followed this is the actual rule. In Canada they haven't got it as a written rule and therefore from time to time a person has his character attacked on the grounds of credibility but it goes also to attack his general character and his the particular crime with which he is charged. It is not a legal precedent. It is more or less a universal rule and in this particular area it is not even done.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Well Mr. Chairman it seems to me in the first instance this is definitely contrary to the way justice is carried on in the United States. At least in the initial stages where I think looking for criminals the first thing they look for are people who have committed a crime before.

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Mr. Livesey continues..

They line them all up and try to pick them off and here we are apparently going to eliminate any possibility that any past crime made, according to I look upon this; my own interpretation; any past crime may not be brought into evidence in Court and used against anyone but solely the **question** before the Court. This is the only thing that should be decided and I wonder if Mr. Legal Adviser will assist me with my assumption that a witness in any event cannot be compelled towards self-incrimination; a wife cannot give evidence against her husband; or vice-versa. However, it seems to me here that what we try to do under subsection (a) and under, I believe it is sub-section 2 of Section 1 that we are going to compel them to attend but not to talk. Am I correct.

Mr. Legal Adviser: This has nothing to do with police investigations. This only affects the evidence which will be given at a trial. I believe we still follow what is a known custom of picking up people who they feel might be guilty of an offence and putting them on an identification parade but there is no rule of law in Canada that you cannot incriminate yourself. That is not the law of Canada. In Canada if you give evidence you must answer **the questions** you are asked once you give evidence, but you can be given protection under our laws in such a way that any question you do ask, you do answer if you claim that protection, cannot be given in evidence against you on a future charge but you still must answer the question. Now this doesn't affect the ordinary operation of the criminal law at all except insofar as when an accused person chose to give evidence he can be asked every question that is relevant to the particular issue; where was he on the night of June the sixth, what was he wearing, who did he see, how was he dressed. But he cannot be asked: did you commit a burglary two years ago. The court is confined as would be proper, to the issue; that is did he commit a crime on the night of March 5th, not has he committed a different crime on a different night in a different year.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: There is a certain fundamental protection Mr. Chairman in this law. I can see that. But there are also other matters that, as far as the public is concerned; for example if a man is picked up in the Yukon for assault on some person and he is tried for that particular offence, now this particular person, if no one knows what type of character he is, he may have a record a mile long on this type of thing; he may need psychiatric care, he may need to go to a mental institution. But if no one knows anything about it providing he keeps travelling around the country he is a menace to society and if the Judge is not able to determine that that person has a consistently long record of the same type of thing, how is that man going to be put either in a mental institution where **he possibly should** be or how is the Judge going to know that this person is a menace to society. Could I have that question answered

Mr. Legal Adviser: When a person comes to be dealt with by the Judge, in any manner, then his record is handed in and if he denies it it is proved in the normal way either by the certificate of conviction or by a policeman....a policeman going into the witness box and saying that is the man who was convicted on the night of June the 6th, the 5th, the 4th and so on. Once he comes before the Judge to be dealt with

Mr. Legal Adviser continues then the law is not changed; it only merely changes the question that can be asked the person himself when he is in the witness box before the trial finishes. When the trial finishes, whether he admits it or does not admit it then the Judge is told the list of convictions and in the normal case the Judge will have them in any event at that point of time. This doesn't change that particular..... so the man suggested by Mr. Shaw would in fact be dealt with and would get his seven years in the normal way.

Mr. Shaw: Would that just apply, Mr. Chairman, to jury trials; if the Judge has the record it doesn't seem to make much point, whether it is mentioned or not.

Mr. Legal Adviser: The Jury is not told, the Jury has got evidence to make up their mind and the Jury don't give a sentence; they only find a man guilty When they have formed their verdict, at that point of time then the prosecutor or the Superintendent of Police stands up and says this man has six previous convictions and he is a very bad character and I think a strong sentence is called for. That is permitted and will continue to be permitted.

Mr. Shaw: That's not quite my question Mr. Chairman. It is that it would only apply to this particular matter would only apply to a Jury trial in not being able to give the past record because if the Judge already has it in front of him and it is not a Jury trial well of course he still has the record in front of him anyway so it would not make very much difference, would it, unless there was a Jury?

Mr. Legal Adviser: No, it would apply to Magistrate trials and Jury trials.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I am sure that Mr. Legal Adviser didn't deliberately misread here but I think there is an error. I am sure Mr. Legal Adviser will agree because you have answered the questions of Councillor Shaw but the question that Councillor Shaw has asked has no relation whatever to this particular area because this area is purely a matter of Yukon Territorial legislation. The question that has been asked by Mr. Shaw dealt with a possible conviction and trial under the Criminal Code so therefore what you have suggested, what you have suggested Mr. Legal Adviser, and I think it was an error because I think you must have been thinking of administration of justice being here doesn't apply. I will tell you why this applies and the reason why for to remind you of it; this was put in in the case of one case I recall here of under the Liquor Ordinance. Now the question of course where a person can protect himself from giving evidence in any event. He could just say I plead the Canada Evidence Act and I am saying I am giving an answer but I wish to be protected under the Canada Evidence Act and the Canada Evidence Act does protect him in fact from incriminating himself. This is in all matters whether the matters are of a local nature or matters of those charges laid under the Canadian Criminal Code and perhaps if I am wrong in expressing this Mr. Legal Adviser will correct me but the questions that have been asked dealing with assault which again is a criminal case and a man being a bad character that he is going to run around being a danger to the community has nothing at all to do with this. This section here and this Ordinance

BILL #4

Mr. Chamberlist continues..

....we have before us is to amend evidence of an accused person and only an accused person; that is a person who is accused for an infraction and being charged on summary conviction under one of our Ordinances. Now in the Liquor Ordinance a man could have been charged with being in possession of liquor in a public place, in a car. Now he is picked up at some later date, any time years later; he cannot now be asked whether he has been convicted previously of being convicted for the same offence. It means now that it has to be proven to the Court that he was guilty of the offence that he was charged with and I think this is the reason why this is in so no person who is charged with an offence shall be compelled to give evidence against himself about his previous convictions and I think perhaps if Mr. Legal Adviser can expand on that particular point that this is here specifically for offenders under Territorial Ordinances and not with any matter that comes outside the area and sphere of our Legislation such as any offence which is chargeable under the Criminal Code which this does not cover and I think perhaps the members, if they were made aware of this, it would throw an entirely different light on the purpose for this piece of legislation coming into force.

Mr. Legal Adviser: There is some small mis-statement in the Honourable Member's speech but in general terms what he says is correct. It only applies to Territorial offences and it does not apply to any which cover the Criminal Code. The area is a very narrow area. It only covers the point of time when an accused, if he wants to, actually stands in the witness box, doesn't stand, doesn't cover the area before he goes into the witness box and it doesn't cover the area after he steps out.....it just means that if say a new magistrate who wouldn't know the criminal, is trying a case and the man gives evidence and says I didn't do this particular thing, that the prosecutor should then be able to say to him; didn't you do x, y and z anyway and thereby prejudicing the view of the magistrate for the offence and then a person who hears that the man has 3 or 4 convictions is more inclined to say well he did this one anyway even though the evidence against him on that particular count is very very slim. It is just confined to that very narrow area.

Mr. Shaw: Mr. Chairman,I am informed that is summary convictions; in other words that means it goes before the magistrate so one is not allowed to say anything about the person having convictions but the magistrate has the role right in front of him of all the previous convictions ... Well, wasn't I just informed Mr. Chairman that the magistrate does have previous convictions prior to sentencing or am I correct....

Mr. Legal Adviser: At the point and time when the magistrate says to the Court, well I think this man did steal this automobile. He would then turn to somebody and say what do we know about him and somebody would hand up a list and say he has got six previous convictions so that at the point of time the magistrate is trying to make up his mind whether to give him say a suspended sentence, a fine or six months in jail, at that point the magistrate will have a complete detail of his character, whether he is good, bad, married or single, how many children he has got, how many previous

Mr. Legal Adviser continues convictions he had and whether he is a good person or not and he can guide his sentence accordingly. He can either send him for psychiatric treatment or put him in prison and everything else. He has a complete record at that point of time but until the magistrate makes up his mind and says on the evidence this man is guilty in theory the magistrate is not supposed to know what kind of a person he is dealing with unless he is told by the accused himself. But under the law as it stands, if a person with a few previous convictions is so rash as to attempt to go into the witness box, there is a certain tendency for the prosecutor to hand him as the very first question, is this the list of your previous convictions, and then the magistrate knows before he makes up his mind whether he has got earlier convictions or not and this of course has the effect, with thein the world, magistrates try not to be prejudiced but it is very difficult to avoid being prejudiced and coming to a decision on a case when you know the person before youconvictions.

Mr. Shaw: Well Mr. Chairman, all we are doing then apparently is making sure that the magistrate is not prejudiced before he gets started on..... I don't know how it will work out against these fellows that come up every week but it doesn't seem to be of the significance I thought it was. I might ask, is this exactly the same as under the Criminal Code; is that Act in the Territorial Court in the same manner as what we have here or in the Territorial Court may a man, under the Canadian justice, may a man's character be put before the Court.

Mr. Legal Adviser: Yes, his character can be put before the Court.

Mr. Chamberlist: Mr. Chairman, I think Councillor Shaw, I am sure, would appreciate, that we have to make sure that an accused person is being given every consideration and this is all that is being asked. He is accused; he hasn't been found guilty.

Mr. Shaw: He gets right, Mr. Chairman, under the Territorial law and not under the Federal law apparently, or these rights or privileges.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Could this be understood to be a mukluk..... amendment?

Mr. Chairman: Might I ask from the Chair is there any provincial legislation which provides this section?

Mr. Legal Adviser: I don't know - not to my knowledge. I know it has been discussed from time to time. I don't know.

Mr. Chamberlist: Mr. Chairman at this time I would move that Bill No. 4, an Ordinance to Amend the Evidence Ordinance, be moved out of Committee without amendment.

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

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor McKinnon, that Bill No. 4 be reported out of Committee without amendment. Are you prepared for the question. Are you agreed. Any contrary. I declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

BILL No.5 Mr. Chairman: The next Bill is Bill No. 5, which contains two sections (Reads Bill No. 5, An Ordinance to Amend the Police Magistrate's Courts Ordinance).

Mr. Chamberlist: I have just one simple question on this to Mr. Legal Adviser. Section 1 (b) (i) "to receive all complaints and other papers required to be filed in the Police Magistrate's Court or Small Debts Court." Mr. Legal Adviser, will this conflict in any way with the Judicature Ordinance which really has control of what takes place in the Small Debts Court?

Mr. Legal Adviser: The practical position at the moment - I'm not absolutely sure what the Small Debts Court is. It so happens that I am rather inclined to think that there is no such thing as a Small Debts Court but there are a series of Small Debts Officials and all the officials are appointed Small Debts Officials. The Territorial Court will of course actually act as the Appeal Court from the Small Debts officials order but we would intend to set up some kind of a formal organization for dealing with this because it is in a very higgledy-piggledy position at the moment so this is put in as a Small Debts Court to cover this particular position because there would be other Small Debt officials besides the Police Magistrate himself but there is one change that I have noticed and I would ask the member for Council to either propose an amendment or to accept it as an error. In the very last sub-section there are the words fees and emoluments; I think it should be fees and monies to square with the word we use when we are dealing with the Territorial Court rather than fees and --emoluments to me has a connotation of salaries rather than just money. I think monies should be the correct word.

Mr. McKinnon: It would have to be changed twice then.

Mr. Legal Adviser: Yes, Sir.changed twice in this particular section. Now this particular section - the history of this particular section is that at a point of time somewhere before Christmas it was discovered that whereas the Commissioner has the power to fix the hours of the opening of the offices of the Territorial Court, no such power had ever been given to deal with the Police Magistrate's Court as far as the office is concerned and on one particular occasion this proved of some importance. On an examination being made then of the power the Commissioner had to deal with the affairs of the staff of the office, it was found that whereas it was a detailed section delineating of the duties of the Territorial Court Clerk, the only duties which were listed in the Ordinance for the Police Magistrate's Court staff was Section 7 which you see at the left-hand side of the page and that is that certain returns shall be made twice a year. Now in practice of course returns are being made on the 15th of each month so we are dealing with that in the amendment; it is a question of bringing the law into line with the actual practice in the Court. Now the rest of the section was considered advisable to bring power to the administration, to the government, to deal with the staff of the Police Magistrate's Court in an identical fashion with the way the staff are dealt with in the Territorial Court and in practice this particular amendment has been drafted by Magistrate Trainor and I handled it - a two-handed effort but he approved of this andtoo.

Mr. Chairman: Is there anything further on this Bill? What is your pleasure in respect of the changing of the wording from emoluments to monies. Is it your wish to consider this a typographical error?

Mr. Shaw: I would move, Mr. Chairman, that this Bill be reported out of Committee without amendment. BILL #5

Mr. Chairman: Is there a seconder?

Mr. Chairman: I'll second the Motion.

Mr. Livesey: Before the question is called, Mr. Chairman, I was looking at several dictionaries last night and I was looking for the plural of money. I noticed in the Ordinance it is moneys and I was wondering if the Legal Adviser would inform us if in Oxford and Cambridge it is such.

Mr. Legal Adviser: I would normally spell moneys monies.

Mr. Chairman: I have a Motion before me that - moved by Councillor Shaw, seconded by Councillor Chamberlist that Bill No. 5 be reported out of Committee without amendment. Are you prepared for the question. Do you agree. Any contrary. I will declare the Motion carried.

MOTION CARRIED

MOTION CARRIED

Mr. Chairman: The next Bill is Bill No. 7, An Ordinance to Amend the Liquor Ordinance. BILL #7.

Mr. Chamberlist: Mr. Chairman, I wonder if we could leave this Bill when we have more time tomorrow because this will be discussed at some length and I thought perhaps it is better not to break it off.

Mr. Chairman: Committee agree?

All: Agreed.

Mr. Chairman: Bill No. 8, do you wish that deferred for the moment? Bill No. 9 is a fairly lengthy Bill. Is it your wish to continue with Bills this evening? BILL #8
BILL #9

Mr. Chamberlist: Could we deal with Bill No. 10, Mr. Chairman, An Ordinance to Amend the Jury Ordinance, it seems a very short one. BILL #10

Mr. Chairman: Does Committee agree?

All: Agreed.

Mr. Chairman: Bill No. 10, An Ordinance to Amend the July Ordinance. (Reads the Bill).

Mr. Chamberlist: Question.

Mr. Shaw: Mr. Chairman, I would move that Bill No. 10 be reported out of Committee without amendment.

Mr. Chamberlist: I second that Motion.

Mr. McKinnon:consultation with Mr. Legal Adviser and Mr. Commissioner that they would also like to see excluded in this Bill probation officers and I can see their thinking.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: When we were talking about Department of

BILL #10

Mr. Commissioner continues..
Corrections people here I think that it was over-looked that the Probations Officers under our Budgetary system they come under a separate section away from the Corrections Vote and I think the intention was that we said the Department of Corrections would include Probations Officers but there could be the technicality involved that this might not include the way it is written right down in front of us and I brought this to the Legal Adviser's attention and he agrees that it should be listed there as a separate item.

Mr. Chairman: I understand these people are not considered Corrections any more.

Mr. Commissioner: Well, they - that is not entirely correct but due to the fact that they appear in two sections of your budget, yourknows there is the possibility of that technicality.....

Mr. Shaw: Mr. Chairman, in view of the Commissioner's remarks this was a little belated, I would like, with the permission of Committee and with the concurrence of my seconder, to withdraw my Motion so it could be presented.

Mr. Chairman: Does the Secunder withdraw?

Mr. Chamberlist: I didn't have time to second the motion, I was interrupted, so it is all right.

Mr. Chairman: Does Committee agree?

All: Agreed.

Councillor Livesey: Mr. Chairman, I would like to direct a question to the Chair, to the Legal Adviser, and I wonder if Mr. Legal Adviser can inform me when he says the present Section 7 reads as follows: the following persons exempt from serving as Jurors. He mentioned members of the Queen's Privy Council or the Senate or House of Commons of Canada and if this is presently in our Ordinance I am wondering why these gentlemen can be in our Ordinance in consideration of the fact that we have no power over them whatsoever.

Mr. Legal Adviser: Sorry, this is not true. This legislature has supreme authority to deal with any person in their relations with any aspect of legislation which has been given to the Council by the Yukon Act and there is no limitation within its own sphere on the Council in that regard. And one of the aspects of legislation specifically delegated this Council is dealing with juries and who should serve on juries and therefore if there happened to be a member of the Queen's Privy Council resident in the Yukon, as well there might be, from time to time; he would be lieable to jury service in accordance with the law the same as every other citizen, because that is aof this civilization that everybody is equal before the law.

Mr. Chairman: Do I have it that it is the intention of Administration to propose a further amendment to this Bill?

Mr. Legal Adviser: Yes Sir, it is.

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

Mr. Shaw: We report progress on this Bill at this time,
Mr. Chairman.

Mr. Chairman: Committee agreed?

BILL #10

All: Agreed.

Mr. Chairman: What is your further pleasure?

Mr. Shaw: I would move that Mr. Speaker do now resume the Chair.

Mrs. Gordon: I will second that Motion.

Mr. Chairman: It is moved by Councillor Shaw, seconded by Councillor Gordon that Mr. Speaker do now resume the Chair. Are you prepared for the Question? Are you agreed? Any contrary. I declare the Motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Livesey: Thank you Mr. Chairman.

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

SPEAKER
RESUMES
CHAIR

Mr. Taylor: Committee convened at 10:45 A.M. to discuss Public Bills, Sessional Papers and Motions. It was moved by Councillor Dumas, seconded by Councillor Chamberlist that Committee go on record as approving the site location for the proposed new Senior Citizens Home. This Motion carried. Committee recessed at twelve noon and reconvened at two P.M. It was moved by Councillor Chamberlist and seconded by Councillor McKinnon that Bill No. 4 be reported out of Committee without amendment. This Motion carried. It was moved by Councillor Shaw, seconded by Councillor Chamberlist that Bill No. 5 be reported out of Committee without amendment. This Motion carried. I can report progress on Bill No. 10. It was moved by Councillor Shaw, seconded by Councillor Gordon that Mr. Speaker do now resume the Chair. This Motion carried.

Mr. Speaker: Are we agreed with the report of the Chairman of Committee.

All: Agreed.

Mr. Speaker: Gentlemen, at this time may I bring to your attention the points raised early this morning by the Commissioner with regard to a day certain for meeting the Deputy Minister, Mr. MacDonald and the date suggestion was March 20th and I wonder if you would concur.

All: Agreed.

Mr. Speaker: And the other question was a day certain for discussing Labour Provisions Ordinance in relation to the attendance of witnesses.

Mr. Taylor: Mr. Speaker, in relation to this proposal dealing with the Labour Bill, I feel that this is a matter - the manner in which we will deal with this Bill should be discussed in Caucus of Council and it is suggested the matter be left until the Council has had an opportunity to discuss this.

Mr. Speaker: Is the House agreed?

All: Agreed.

Mr. Speaker: Are there any further Bills?

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

Mr. Shaw: I second the Motion.

Mr. Speaker: Are we agreed?

All: Agreed.

Mr. Speaker: I declare the Motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: The House now stands adjourned until 10:00 A.M. tomorrow morning.

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Thursday, March 7, 1968.

10:00 o'clock a.m.

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

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will call Council to order, and I have for your attention this morning the tabling of Sessional Papers No. 9 and 10. Are there any Reports of Committee? Introduction of Bills? Notices of Motion or Resolution?

Mr. Dumas: Mr. Speaker, I would like to give Notice of Motion regarding Sessional Papers No. 9 and 10.

NOTICE OF
MOTION #5

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

Mr. Shaw: Mr. Speaker, I would like to give Notice of Motion in relation to the Municipal Act...Municipal Ordinance.

NOTICE OF
MOTION #6

Mr. Speaker: Are there any further Notices of Motion this morning, gentlemen? If not may we pass to Orders of the Day. Notices of Motion for the Production of Papers?

Mr. Chamberlist: Mr. Speaker, I wish to give Notice of Motion for the Production of Papers. Notice is hereby given that a motion will be made for the Administration to produce a certified copy of the Charter of the Corporation of the City of Whitehorse.

NOTICE OF
MOTION FOR
THE PRODUCTION OF
PAPERS #1

Mr. Speaker: Are there further Notices of Motion for the Production of Papers? There are no Motions for the Production of Papers passed before the House and no Motions presently before the House. We are now at the Question Period. Are there any questions?

Mr. Taylor: I have a question I would direct to Mr. Commissioner this morning and it would be this: In view of the recent enactment in British Columbia of legislation which deals more lightly with drinking offenders in that province, could the Commissioner inform me if it is contemplated that such similar legislation will be brought before this Session to enact in the Yukon Territory?

QUESTION RE
LIGHTER LEG-
ISLATION RE
DRINKING
OFFENDERS

Mr. Commissioner: Mr. Speaker, I don't know exactly to what provisions in the British Columbia Liquor Act the Councillor is referring, but if he is referring to the age of legibility for the purchase and drinking of alcohol or also the consideration of drunkenness no longer being an offence under the Liquor Act, these are two items that will be getting placed before Council as part and parcel of the complete revisions of the Liquor Ordinance of the Yukon. And, subject to verification of this from the Legal Adviser, it is my hope and understanding that this will be part of the legislative program at the Fall Session, 1968, of Council. While I realize that there seems to be great difficulty in getting this attended to, I want to assure you that this is not through lack of desire on the part of the Administration, it is a matter that this is a fantastic change as far as this type of law is concerned and it is not simple of construction or easy of attainment as far as the acknowledgement by all concerned of the tremendous variance in principles to which we have become accustomed in the enforcement of this particular legislation.

QUESTION
RE FUEL
CONTRACTS

Mr. Taylor: I have another question, Mr. Speaker, that I would direct to Mr. Commissioner this morning involving fuel contracts. I'm wondering if Mr. Commissioner could tell me (a) when these contracts are to be tendered this year and (b) whether or not the, well I call it disgraceful practice that was exercised last year will be discontinued this year and this will be put on an equitable basis.

Mr. Commissioner: Well, Mr. Speaker, I can confirm that the tender called for these fuel contracts has gone out, has been published and the necessary formalities have been gone through. As far as the practices of the past are concerned, the tender calling documents have been checked by the Engineering Department with the Legal Adviser and we have no qualms or nothing to indicate that the tender call was not got out in a manner that should permit a proper and legal analysis of these bids once they are received.

QUESTION
RE FUEL
CONTRACTS

Mr. Taylor: I have a supplementary question to the initial question, Mr. Speaker. Am I then to understand from Mr. Commissioner that this year for sure considerations will not be...or extra considerations will not be allowed as was the case last year?

Mr. Commissioner: Mr. Speaker, until I have these tenders in front of me and know what I'm passing judgement on, I'm afraid that I will be unable to answer that question at this time.

Mr. Chamberlist: Mr. Speaker, I would ask a supplementary question. I wonder, Mr. Speaker, with your instructions, are we running into debate on this matter?

Mr. Speaker: Well, of course it is contrary to the rules of the House to proceed with questions from the Floor which tend to debate. Yes, I think it would be far better if it were brought up later as a motion before the House.

Mr. Chamberlist: Thank you, Mr. Speaker.

QUESTION
RE PUBLIC
UTILITIES
COMMISSION

Mr. Shaw: Mr. Speaker, I would have a question for the Commissioner and the question would be to inquiries to whether or not there is any progress in the formation of the Public Utilities Commission which has been requested by motion.

Mr. Commissioner: Mr. Speaker, this long outstanding contentious matter appears to me to be getting brought to a head, and the necessary legislation to give effect to this, not only with regard to transportation within the Territory but also in relation to other facilities such as the water supply, etc., is in the process of being drafted now and I am very hopeful that it will be part of the legislation presented to Council this coming fall. There is....I can report definite progress in this matter, Mr. Speaker.

Mr. Shaw: Thank you, Mr. Speaker.

QUESTION
NO. 9

Mr. Taylor: I have a written question, Mr. Speaker, directed to the Administration which reads as follows: Could the Administration advise Council as to (a) why Watson Lake J. P. Court proceedings have not been held outside of the R.C.M.P. detachment as requested by Council at its fall sitting, 1967, and (b) when it may be possible to have J. P. Court proceedings held in the space available at the Watson Lake Centennial Centre as proposed at the Fall Session, 1967?

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, in view of the fact that I have a general meeting, annual meeting, of the Porter Creek Citizens' Association on March 11th and there are certain questions that I don't seem to be able to get the answers to no matter how hard I try, I wonder if Mr. Commissioner could answer me when I could expect an answer to Question No. 22, which was asked on November 28th at the last Session, concerning costs of the Porter Creek water system, and Question Nos. 1 and 2 on the Order Paper this year at this Session.

QUESTION RE
WHEN QUES-
TIONS WILL
BE ANSWERED

Mr. Commissioner: Mr. Speaker, I have just signed an answer to this Porter Creek water costs, and also I would like to bring to Council's attention that the question that Councillor McKinnon asked, while he is entitled to an answer, and certainly I'm not going to offer any excuse as I think I owe him an apology for not having his question answered sooner, I would say that the question that he is asking was answered in the plebiscite form that was made available to the citizens of Porter Creek. Notwithstanding this, this answer should be tabled and available here tomorrow morning, and I certainly want to offer my apologies to Councillor for this absolutely unconscionable wait that he has had. Now, may I have the privilege of checking Questions 1 and 2 on this Order Paper? Question No. 2 is going to require further consultations with Ottawa so I cannot promise a fast answer to this. Insofar as Question No. 1 is concerned, I would see no reason why there should not be an answer made available and tabled in this matter, even on an interim basis, at Council tomorrow morning, Mr. Speaker.

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

Mr. Chamberlist: Mr. Speaker, a question addressed to the Commissioner. Mr. Commissioner, at the Fall Session a number of people were chosen to form a committee on the transfer of the administration of Justice. What, if any, action is the Administration proposing to do in calling this committee together to discuss the transfer of the administration of Justice?

QUESTION RE
TRANSFER OF
ADMINIS-
TRATION OF
JUSTICE

Mr. Commissioner: Mr. Speaker, in the first instance, this is a committee of Council. The committee of Council can call itself together at any time they so choose without any say-so from me or anybody else. In the second instance, I would say that the Administration has done a tremendous amount of research on this particular area. I had the privilege of perusing some of it and I would say that as soon as the committee of Council calls itself together, I am quite confident that the members of my Administration will be quite prepared to sit in with that committee and offer the benefit of such research that we have already done in this particular matter.

Mr. Chamberlist: A supplementary question, Mr. Speaker, and it has a preamble to that question. I might say, Mr. Speaker, that in a discussion with the Minister of Justice in Ottawa, he has said to me that he is prepared to transfer the administration of Justice to the Yukon Territory without delay, but is awaiting to hear from the Administration of the Yukon Territory in this matter. Now, Mr. Commissioner, would you please inform Council, if at all, what correspondence you have had with the Minister of Justice in this regard.

QUESTION RE
TRANSFER OF
ADMINIS-
TRATION OF
JUSTICE

Mr. Commissioner: Mr. Speaker, as my Minister's representative here, I do not enter into direct correspondence with the Minister of Justice in matters of this nature and I would assure Council that all the necessary information, the relative extracts from the Votes and Proceedings as well as motions and other matters in this connection that have been accumulating over the course of the last several years, are forwarded on a continuing basis to our Department in Ottawa, and I can assure you that we do not make any attempt at all to withhold any of these matters at all from the senior members of our Department including my Minister in this regard.

Mr. Chamberlist: A point of privilege here....I think it's privilege, Mr. Speaker, is the fact that I haven't had an answer to the question. The question is, has there been any correspondence by this Administration to the Minister, and if there is none, I mean the answer should be no, Mr. Speaker.

Mr. Speaker: I don't think there is any question of privilege there.

QUESTION RE MEETING WITH LABOUR LEADERS Mr. Taylor: Mr. Speaker, I have a further question. Some day ago, the news media in the Yukon here reported that there would be a possible meeting between the labour leaders in British Columbia and the Council of the Yukon Territory. I'm wondering if the Administration could advise me if such a meeting is being programmed, and if so, what are the details in respect of this meeting.

Mr. Commissioner: Mr. Speaker, the Speaker has been kept fully informed of the correspondence that has travelled between the labour organization that you are referring to and myself, and I would suggest that the answer should be forthcoming from the Speaker of the Council at this time.

QUESTION RE LABOUR LEGISLATION Mr. Chamberlist: Mr. Speaker, a question addressed to the Commissioner. Mr. Commissioner, is the Administration intending to prepare any legislation which will prevent outside unions from making it compulsory for local people to go and sign on in outside union hiring halls before they can receive employment in the Yukon Territory?

Mr. Commissioner: Mr. Speaker, I would refer to the Votes and Proceedings, which recorded very clearly my Administration's attitude towards this matter, and I think we very clearly indicated that if a voluntary and acceptable solution to this problem that satisfies Yukoners was not forthcoming, that my Administration was perfectly prepared at any time to bring forth legislation such as was referred to in this question.

Mr. Speaker: Any further questions?

QUESTION RE QUESTION OF PRIVILEGE Mr. Shaw: I have a direction which I wish to put to your worthy self in the matter of a question of privilege. Would a question of privilege extend to other than between Members of this Council?

Mr. Speaker: I'm sorry, I don't understand the question.

Mr. Shaw: A question of privilege....would it refer to matters that were not strictly between Members of this Council?

Mr. Speaker: Well, that would be a hard one to answer. I think the usual procedure from the Chair is, the Speaker does not attempt to premeditate or explain questions which come before the House which are not actually in being. The Speakers usually prefer to correct those things as they arise. However, I would be quite prepared to advise the Member privately on any question of that nature. Are there any further questions?

Mr. Commissioner: May I offer answers to two questions that I was unable to deal with yesterday, Mr. Speaker?

Mr. Speaker: Pardon.

Mr. Commissioner: May I deal with two questions that I was unable to deal with yesterday when they were asked?

Mr. Speaker: Please proceed.

Mr. Commissioner: I was asked about the distribution of centennial scrolls, and I am informed that Miss Farley, who has undertaken the job of writing up these scrolls...that is, not the total scroll, but writing by means of script the names of the people, has about eighty more of these to do and once they are complete there will be a total distribution at one particular time. This should take place in the very near future. I trust that that will answer that question, Mr. Speaker. And, also I would like to say in connection with the question that was raised by the Member for Watson Lake about the R.C.M.P. women's cells at the Watson Lake R.C.M.P. detachment, I would say that consultation with my adviser on fire matters, the Yukon District Fire Inspector, Mr. Swanson, would indicate that this building in the first instance is a Federal Government building and as a consequence comes under the jurisdiction of the Dominion Fire Commissioner. We are going to bring this matter to his attention and while we do not have any immediate administrative jurisdiction over these people, I would feel that in the first instance the R.C.M.P. have already attempted to secure funds to replace this particular facility and they, I am sure, are aware of the problem and wish to be good citizens, and I'm quite confident that the Dominion Fire Commissioner is also aware of the situation, so possibly this is a very opportune time for us to assist in bringing this matter to a head in the hopes that a proper, satisfactory and safe solution will be found. I would be simple able to report that we are using our good offices to try to bring this matter to a head.

Mr. Chamberlist: Mr. Speaker, a question arising out of that QUESTION RE answer...Mr. Commissioner, are you suggesting now, in reverse FIRE REGUL- to your statement yesterday, that the Yukon Fire Regulations ATIONS do not apply to Federal Government buildings?

Mr. Commissioner: I'm not in a position to properly answer that question. I think that what I intimated was this, that it was my understanding that the Dominion Fire Commissioner is the man, or the individual in the Civil Service, who has the privilege should I say of reporting on the fire safety or the fire hazards and the application of these matters to Federal Government buildings, and I stand to be corrected by the Legal Adviser on this, but it is my understanding that this applies to all Federal Government buildings.

Mr. Chamberlist: Mr. Speaker, I wonder if I can...perhaps Mr. Legal Adviser could clarify, and I repeat the question. Do Federal Government buildings come under Yukon Fire Regulations? I'm trying to be precise. I'm quite prepared to give notice, Mr. Speaker, so that he may give a written answer.

Mr. Commissioner: Mr. Speaker, I think that this would be a proper situation if we could have notice on this matter.

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

THIRD
READING
BILL #3
MOTION
CARRIED

Moved by Councillor Dumas, seconded by Councillor Taylor, that Bill No.3, An Ordinance to Amend the Judicature Ordinance, be given Third Reading at this time.

MOTION CARRIED

TITLE
ADOPTED
BILL #3
MOTION
CARRIED

Moved by Councillor Dumas, seconded by Councillor Taylor, that the title to Bill No. 3, An Ordinance to Amend the Judicature Ordinance, be adopted as written.

MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 3 has passed this House.

THIRD
READING
BILL #4
MOTION
CARRIED

Moved by Councillor Shaw, seconded by Councillor Chamberlist, that Bill No. 4, An Ordinance to Amend the Evidence Ordinance, be given Third Reading at this time.

MOTION CARRIED

TITLE
ADOPTED
BILL #4
MOTION
CARRIED

Moved by Councillor Shaw, seconded by Councillor Chamberlist, that the title to Bill No. 4, An Ordinance to Amend the Evidence Ordinance, be adopted as written.

MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 4 has passed this House.

THIRD
READING
BILL #5
MOTION
CARRIED

Moved by Councillor Dumas, seconded by Councillor Gordon, that Bill No. 5, An Ordinance to Amend the Police Magistrate's Courts Ordinance, be given Third Reading at this time.

MOTION CARRIED

TITLE
ADOPTED
BILL #5
MOTION
CARRIED

Moved by Councillor Dumas, seconded by Councillor Gordon, that the title to Bill No. 5, An Ordinance to Amend the Police Magistrate's Courts Ordinance, be adopted as written.

MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 5 has passed this House.

THIRD
READING
BILL #6
MOTION
CARRIED

Moved by Councillor Shaw, seconded by Councillor Dumas, that Bill No. 6, An Ordinance to Modify the Rule Against Perpetuities, be given Third Reading at this time.

MOTION CARRIED

Moved by Councillor Shaw, seconded by Councillor Dumas, that the title to Bill No. 6, An Ordinance to Modify the Rule Against Perpetuities, be adopted as written.

TITLE
ADOPTED
BILL #6
MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 6 has passed this House. May I have your further pleasure, gentlemen?

Mr. Shaw: Mr. Speaker, I would move that Mr. Speaker do now leave the Chair and Council resolve itself in Committee of the Whole to discuss Bills, Sessional Papers and Motions.

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

Mrs. Gordon: I will second that motion.

Mr. Speaker: It has been moved by the Honourable Member for Dawson, seconded by the Honourable Member for Mayo, that Mr. Speaker do now leave the Chair for the purpose of discussing in Committee of the Whole, Bills, Sessional Papers and Motions. Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: The Honourable Member for Watson Lake will please take the Chair in Committee.

Mr. Taylor takes Chair.

Mr. Chairman: We will be proceeding with Bill No. 7, and I will declare just a short recess.

RECESS

Mr. Chairman: I will now call Committee to order, and I believe Mr. Commissioner has some information for Committee at this time.

Mr. Commissioner: Mr. Chairman, I wonder if I could have the privilege at this time of intimating to Committee the contents of a press release that we have given out today which I think will clarify for Council's information the course of action that we have implemented under the necessary provisions of the Municipal Ordinance to give effect to interim government in Dawson City. As you will know Mr. Justice John Parker, the Judge of the Territorial Court, by a recent decision declared the Municipal Election held in 1967 to be void. Since the Council consists of three aldermen and one mayor, there is now no quorum of a Council legally entitled to perform the business of the Council of the City of Dawson. Acting under the powers vested in me by Section 353 of the Municipal Ordinance, I have appointed Mr. Walter E. Troberg to be the Administrator and in that capacity he may exercise all of the powers and duties of a duly appointed Council. One unfortunate result of the appointment of an Administrator is that the Council is deemed to have retired from office and to be no longer qualified to act as a Council. This will necessitate a new election of the entire Council. There is provision in the Ordinance for the appointment of two ratepayers with whom the Administrator will consult in relation to the conduct of the affairs of the Municipality. I have therefore appointed Mr. Henry George Dubois and Mr. James Hadley as ratepayers on this local committee and the

Mr. Commissioner continued:

Administrator and Mr. Hadley and Mr. Dubois will hold office until a new Council has been elected and takes office. All the employees of the Council will continue to hold their offices and their tenure will be deemed to be continuous without any break. One of the first instructions from me to the Administrator is to arrange immediately for the holding of an election for the new Council and I expect that a new Council will have taken office in approximately six weeks from now. I have every confidence that Mr. Troberg as Administrator and Mr. Dubois and Mr. Hadley as his advisors will be extremely competent in the discharge of their duties and that the rate-payers of Dawson City will be pleased with the appointment. Thank you very much, Mr. Chairman.

Mr. Chairman: Thank you, Mr. Commissioner. Gentlemen, at this time we will proceed with Bills. The next Bill in the sequence is Bill No. 7.

Mr. Chamberlist: Mr. Chairman, at this time I would request that we leave Bill No. 7 in abeyance because subject matters dealing with this Bill may well be discussed at an inquiry to be held tonight in an application for a liquor licence. I feel, in fairness to both parties to the inquiry that no reference is made at this time to the Liquor Ordinance.

Mr. Chairman: Does Committee concur? The next Bill will be Bill No. 8. I believe this is the Labour Bill and this has been deferred. Bill No. 9, An Ordinance Respecting Hairdressers. Will this be agreeable to Committee? We'll deal with this Bill section by section.

Mr. McKinnon: Mr. Chairman, I'm sorry. I should have brought this to Committee's attention prior to this Bill. I would be interested in having Mr. Dave Baston, from the Yukon Vocational School, here in discussing this Bill. He has been meeting with various group of the hairdressers during the course of the preparation of this Ordinance and I'm sure that he'd have some answers to some questions that I am going to be asking throughout the debate on this Ordinance.

Mr. Chairman: Will Committee agree to defer this Bill?

Mr. Shaw: Mr. Chairman, I wonder if it would be possible that Mr. Baston could be here this afternoon so that we can get started on this. I think we have delayed it for some time and I certainly concur and agree with the sentiments as expressed by the Honourable Member for Whitehorse North. Would Mr. Baston be available? I wonder if the Commissioner could answer that question?

Mr. Commissioner: We'll request that Mr. Baston be available at a time....

Mr. Chairman: 2:30? Mr. Clerk, would you so determine? We'll then proceed to Bill No. 10 which we have amendments coming to. We will now go to Bill No. 11, An Ordinance to Amend an Ordinance to Close Certain Portions of Fifth Avenue and Lambert and Elliott Streets, in the Townsite of Whitehorse, from Use as Streets by the Public being Chapter 9 of the Ordinances of the Yukon Territory, 1906.

BILL #11

Mr. Chamberlist: Mr. Chairman, I would like to open the debate on the Bill...oh, I'm sorry.

Mr. Chairman: Do you wish that this one be deferred as well?

Mr. Chamberlist: Proceed, Mr. Chairman, proceed.

BILL #11

Mr. Chairman: Thank you. (Reads Bill No. 11.)

Mr. McKinnon: Mr. Chairman, as I see this Ordinance, it's simply a matter of opening up some lots in the downtown Whitehorse area for the public. I wonder if a member of the Administration could clarify this and explain the intent of this Bill.

Mr. Legal Adviser: Mr. Chairman, the Honourable Member is quite correct in that. The particular portion of land which is mentioned in this Bill is the portion down by the R.C.M.P. detachment area, and when the Commissioner was in Ottawa he obtained the agreement of the R.C.M.P. to return to the City a portion of the land which, by virtue of the 1906 Ordinance, was in fact closed to the public. So the method of drafting the Bill has been to change the description of the closed land from the description of 1906, and return it into the description of the presently closed land minus the portion that we intend to open to the public.

Mr. Dumas: Mr. Chairman, I think that this is a good idea, this proposal. I'd like to ask the Administration if they have given any thought to extending Fifth Avenue down to Lambert Street from Main.

Mr. Commissioner: Mr. Chairman, if I might be permitted to say a word on this... We have had considerable conversations with the R.C.M.P. officials in Ottawa on a program of possibly returning to the public domain those portions of their present R.C.M.P. reserve that they conceivably will not have any use for in the foreseeable future. This matter has not been finally resolved yet, and the final resolving of it will no doubt involve further possible amendments to this Bill that is before you now, but I would say that these amendments will of necessity depend on what portions of the property the R.C.M.P. does find themselves able to return to the public domain and like-wise I feel that we would be duty bound to consult with the City of Whitehorse with regard to further street openings or extension of old ones.

Mr. Chairman: Thank you. Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, we have simply read the first part of this proposed Bill and I will not speak on the section 2 until we come to that, but what I will point out is this, and I have a copy of the 1906 Ordinance and the preamble to that Ordinance says this: Whereas His Majesty the King has set aside for the use and purposes of the Royal Northwest Mounted Police certain lands, including the portions in this Ordinance herein, after more fully described, and whereas it is undesirable that such lands should be invaded by any streets for the use of the public as such, therefore the Commissioner of the Yukon Territory, by and with the advice and consent of the said Territory, enacts as follows. And then gives the description, Mr. Chairman, of that portion of those lots which are to be closed. I would draw your attention to the preamble because of the importance as it affects the rest of the City of Whitehorse, and in many ways, as it affects the other areas in the Yukon Territory. It must be obvious that when the preamble starts, "Whereas His Majesty the King has set aside," etc., that the land itself is in actual effect, Crown Land. Now, if it is Crown Land it is obvious that if that land is to be used and can be dedicated as a public highway, and I might be corrected on this later that dedication period

BILL #11. Mr. Chamberlist continued:
has been set out by law for a period of twenty-one years after the use of the land, there is no way possible that those who can use the land can make a charge of a fee for the use of any part of that land, and I want my remarks to be remembered by Members of Council that this is Crown Land and I am suggesting to Council for the future that consideration must be given as to whether any other party, and in this particular case what I'd prefer to call a municipality, can in fact charge a fee for the parking of any vehicle or any thing else on that land which is Crown Land. It is important that we take notice of this because as I say the subject matter may well arise later on in this Session when discussing other Ordinances. The principle of making easy access and amending this particular Ordinance, I'm in total agreement with, but nevertheless, it must also be recognized that because there is an Ordinance, a Territorial Government Ordinance, being prepared to do this, it must be fairly obvious that the City hasn't the power to do it because it is Crown Land. So, they are the remarks I wish to make at this time, and the main point being this, that there must be recognition by this Council that the streets of the City of Whitehorse, and when I say the City of Whitehorse, that's an abbreviation for the Municipality of the City of Whitehorse, are Crown Land. Thank you, Mr. Chairman.

Mr. Chairman: At this time, I will call a short recess while we change stenographers.

RECESS

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Thursday, March 7, 1968
11:00 o'clock a.m.

Mr. Chairman: I will call the Committee back to order. Is there anything further on this bill gentlemen? Councillor Shaw.

BILL
11

Mr. Shaw: I would like to ask a question. I'm not particularly fussy about getting involved, Mr. Chairman, in a bunch of legal, I don't know what you would call it - forms, words, but I would like to ask a question of the Legal Adviser in that - has the Territorial Government received any authority or are there any legal documents to give them the right to maintain, we'll say, land within the City of Whitehorse which they in turn have to have turned over to the Municipality. In other words, my question would be if I can phrase it ...if it is possible that there is a piece of land which originally and may still be Federal Government have they, we'll say, turned it over to the Territorial Government who in turn have turned it over to the city for maintenance and operation and what not.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: Well, Mr. Chairman, the position is rendered clear I would submit by the Municipal Ordinance itself which says in section 74 " Subject to this Ordinance and to any rights reserved by any person laying out or dedicating a highway, every municipality has jurisdiction over all highways within the limits of the municipality and the management and control of all the highways shall be vested in the municipality." Now, this is an all embracing section which enables the municipality to take full, complete and proper control over the land which is the subject of this particular bill in being returned as a highway for the purpose of the second session it shall be deemed as a public and common highway.

Mr. Shaw: A supplementary question Mr. Chairman. We find then that the city has the authority which I note in that particular section - have, has the Federal Government in turn passed over to the Territorial Government the right to deal with any piece of property?

Mr. Legal Adviser: Once the land becomes a highway then not only have the Municipality the right to do things on it but they have the duty and they can be indicted for not conforming to their duty. It becomes a criminal offence on the part of the ...if they fail to do their duty.

Mr. Shaw: Mr. Chairman, it doesn't quite answer the question. It's hard to turn around and sue the municipality, which is actually the Territorial Government, to sell something it doesn't own and I was wondering where that section lies.

Mr. Chamberlist: Are you waiting for an answer?

Mr. Shaw: Mr. Chairman, I raised the query because it seems very apparent that the matter of who comes before somebody or other in the near future.

Mr. Legal Adviser: I'm not sure of the exact of the question but once the land becomes a highway then it comes under the Ordinance and has to be dealt with as a highway. The question of who owns this doesn't come into effect. It then becomes subject to the public regardless of the actual ownership any more than there might be a mine underneath it. It doesn't matter who owns the land. Once it becomes a highway ownership is immaterial. They may wish to sell the land to the City for a dollar. They can do it and then the municipality would own the land but ownership is not the main precedent issue. The issue is the control and the duty of repairing and maintaining and constructing the highway.

BILL
11

Mr. Chairman: May I ask one question from the chair? Am I to understand that the lands within the area described in the Bill, are these known as public lands?

Mr. Legal Adviser: By the second section they are deemed to be public and common highway. The original ordinance didn't deal with merely the ownership of the land, it merely dealt with the exclusion of the public from a particular area which might look like a highway or a street but was deemed by law not to be a highway. Now, what this bill is attempting to do is remove the restrictions which existed on that particular piece of ground being a common and public highway. The crown has dedicated this because they didn't want people going in so although it appeared to be a highway they passed their law saying it is not a highway and that has the effect of making it not a highway. So, the duty of maintaining it and everything was given back to the municipality as otherwise it would have. If there had been no law of 1906 then the municipality, once it had become a highway, would have had the duty of maintaining and the public would have had the right of access. By the 1906 ordinance these particular automatic results did not follow from its use as a roadway.

Mr. Chairman: Yes, well as for the reason of the question from the Chair is that would not Section 45 of the Yukon Act not cover this matter?

Mr. Legal Adviser: I'm it might.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, if I have a piece of property and I have bought it from a person and I in turn sell it to another party, is there any break in the continuity of ownership. The document that I made out of course is illegal and I wondered, I'm merely trying to find out some information as to the continuity from the crown to the municipality.

Mr. Chamberlist: There is none.

Mr. Chairman: Councillor Livesey:

Mr. Livesey: Chairman, I would like to ask a question in respect to this and I wonder if there is any relationship directly or indirectly between the questions raised yesterday governing sessional paper No. 6 and the establishment of a Senior Citizens Home in Riverdale rather than put this on a lot here in Whitehorse and whether there is any connection between this bill and the decision to not to use the lot in this particular area. Any connection?

Directly or indirectly.

Mr. Legal Adviser: I understand not Mr. Chairman, but if I may intervene at one point....section you asked the question.... Section 45 reads; the following properties namely, so and so and then public land and then it goes on - and in sub-section (c) all roads, streets, lanes, and trails on public lands are and remain invested in Her Majesty in the Right of Canada. But the right of the beneficial use perceived thereof in the Right of Canada and is subject to the control of the Commissioner in Council.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: This might be a series of questions. The first question Mr. Chairman to Mr. Legal Adviser. Do you agree that the streets of the City of Whitehorse are crown land?

Mr. Legal Adviser: In view of this section this is removed from BILL # 11 doubt and we have no method of changing them from the ... owned by the crown, the use and the beneficial use is dedicated to the Territorial Council and so is then under its ordinance to be used as a public concern. Its ownership is not invested in ...

Mr. Chamberlist: Mr. Chairman perhaps at this time Mr. Legal Adviser would like to express an opinion whether anybody, any party can make a charge of a fee for the use of crowned land?

Mr. Legal Adviser: If he is referring particularly to the local power of Council in Whitehorse, the Council in the City of Whitehorse making a charge for these parking meters in my opinion they have every right and authority to do so.

Mr. Chamberlist: Mr. Chairman, a further question to Mr. Legal Adviser. I am not referring to my....the question didn't mention parking meters, I'm talking about a fee for the use of any part of crown land. A fee, I'm not talking about parking meters. In other words Mr. Legal Adviser I'll explain it in this way. Forgetting the parking meters, supposing the City of Whitehorse decided that they will have a man charged ten cents an hour for a certain area on the street, can he go around and collect money from people who are using those areas on this crown land. I want my question answered.

Mr. Legal Adviser: If the Municipal Council in particular, it's hard to answer a general question of this nature because the answer wouldn't be a simple one. If they proceed according to normal laws enabling them to make charges and they give themselves that authority then it's probably legal so far as the law is concerned and they have this authority. The fact of common ownership of land doesn't affect the variable person charged a fee.

Mr. Chamberlist: Mr. Chairman I won't go any further because that's an administrative answer I consider.

Mr. Chairman: Anything further on this bill?

Mr. Livesey: Yes.

Mr. Chairman: Mr. Livesey.

Mr. Livesey: I would like to direct another question in regard to thisif this bill is passed Mr. Chairman, does it in any way shape or form assist the availability of the R.C.M.P. land in this area for public sale? Is there any connection between this bill and the availability of this land or public land.

Mr. Commissioner: Mr. Chairman, this has nothing at all to do ... and I assure the Councillor of it because if I detect a question or if I detect in the question the implication that we are seeking and securing this land to put it into the public domain in a manner which is going to detract from the crown use of it and benefit some private individual and therefore are going to build there they are suggesting we build the Senior Citizens Home from the Riverdale in preference to the downtown here I assure you Mr. Chairman that such is not the case at all.

Mr. Livesey: Mr. Chairman, there were no implications. Now the simple answer is no. If that is the case ..

Mr. Dumas: Mr. Chairman a supplementary question. How will this property be used

Mr. Legal Adviser: In Section 2 there is an area of land in the

Mr. Legal Adviser continues:

BILL # 11 1906 ordinance by this bill we divide that area into two portions. One of which remains dedicated to the R.C.M.P. and the other portion is transferred to the public street and as such it will then come into the pages of Section 74 and being within the City of Whitehorse it will be the duty and right of the City of Whitehorse to maintain it for the public highway. There is no land for building. This is merely the highway that we are dealing with in this bill.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I am fully aware of that. I would like to know what's going to happen to the Lots No. 7-12 in Block 43 7 to 12 in Block 33. Are they going to be put up for sale. That's all I want to know. We now have another block open.

Mr. Commissioner: Mr. Chairman, if and when this land becomes available the normal channels of disposition will be followed. In other words, there will not be any special means of disposing of this land.

Mr. Chairman: Councillor Shaw.

Councillor Shaw: I have a question Mr. Chairman, to make to the Legal Adviser as a comparison. If, and I use this as an example, if I lease some waterfront property from the Federal Government and thereby constructed a private arena with facilities, would I be able to charge the public for the use of these facilities, for the use of this improvement or not? I think we have

Mr. Legal Adviser: It depends on how the and Parliament gives that authority then. It is the Federal Parliament. Parliament is supreme and it gives the authority. But as a normal rule except in the case of covers and installations of that nature the Federal Government would not normally attempt to dispose of the land immediately on the water front, that is, the land which lies between the lowest mean tide and the highest high tide and the public would normally have dedicated right of access to this portion of the beach or the rocks as a matter of long use but if the Federal Government was to dispose of the land immediately above the portion of the land depending upon the terms of your lease and the terms of your sale you can charge in a normal way. The beach itself would seldom be given away.

Mr. Shaw: Well Mr. Chairman, under the circumstances such as that I would be permitted to make a charge for this improvement even though it may be on crown land.

Mr. Chairman: This I take is only if Mr. Shaw would be paying for the lease of that crown land. Then of course he could sub his lease out but it is not where his grant is that ...and don't forget there are no lands that have been granted yet here and also the machinery hasn't passed down that we in the crown of Canada and the crown of the Territory in relation to the landletting you know some of mybut I don't mind because I am letting you know some of my case already but I don't mind because you can look this up and you will find that what I say is quite correct. That the crown land, the crown of Canada has not passed on the crown lands for the use of the municipality of the city of Whitehorse but has given power to the commission in council of the Yukon Territory how to act with certain crown lands but excludes the passing on of lands and there is also reference made in a specific section which I may be using at a later date. I am sure where there is an exclusion from any receipts being made from crown land unless there is a payment made for a lease to any party of that crown land and this is why I am saying to you Mr. Legal Adviser that in my very, very humble opinion that the municipality has no power to charge

Mr. Chamberlist continues..

a fee, nor in the municipal ordinance and I would ask Mr. Legal Adviser to take a really close look at that particular ordinance. Is there any part in that ordinance to raise any money or taxes in other ways than that is already prescribed within the Municipal Ordinance and I think it's of so great an importance because of the municipalities that will be coming into effect in the Yukon Territory over the years to come that we should be looking at that and clarifying those before we get any future municipalities into the hodge podge of the mess that the Municipality of the City of Whitehorse has been gotten into by continued maladministration on the part of the various administrations of the Yukon Territory.

BILL #
11

Mr. Legal Adviser: Mr. Chairman, may I say that I am very cheered by the unaccustomed humility of the Honourable Member. May I also say that I deprecate in Council the use of this particular bill for a series of oblique attacks on the right of the City of Whitehorse to put parking meters in the streets when it's not parking meters at all and this matter has already been dealt with and it wastes a lot of time continually asking questions of whether I agree with this or whether I agree with that. It's beside the issue whether I do or not is idle and beside the issue whether I do or not. I said before in answer to the Honourable Member's earlier questions I consider that the City of Whitehorse has every legal and proper right to charge for parking meters and I haven't changed my opinion.

Mr. Chairman: If this is correct I wonder if we could get back to the bill.

Mr. Chamberlist: Before getting back to the bill Mr. Chairman, I would like to point out this that I object to the Legal Adviser, an officer serving this Council getting up and deprecating any remarks that are made by the members of this Council because we have a right to speak for the people of this Territory whether it relates directly to the matter or indirectly so long as it relates to it and quite frankly Mr. Chairman I don't care what Mr. Legal Adviser thinks about it. If I think I have a right to speak on this matter or on any other matter I am going to continue subject with the Chairman's permission to do so. Now, this is not, and I have repeated not, nor have I made any reference to any parking meters. The only references having been made to parking meters are those references made by Mr. Legal Adviser. I have simply related to the charging of fees on crown property and nothing beyond and I will continue to deal with this particular item on that basis, whether or not there can be a charge of fees on crown property anyway in the Territory. I am not relating it to the City of Whitehorse, I am relating it to anywhere whether any party can charge fees for the use of crown property when it's not their property. Now, I am not going on any further beyond that at this time, I have already said that I agree in principle with the opening of the streets and the questions I have raised Mr. Chairman, were justbecause I considered them most important to the discussion in this particular bill because it shows quite clearly that it is crown land and I feel that I have a right to that and as I say again I don't appreciate Mr. Legal Adviser's remarks and quite frankly and I repeat quite frankly, I don't care what you think about me, my humour, my attitude at all. Now, as far as I'm concerned I'm only concerned that I'm here to serve and I'm going to serve notwithstanding any officer of the Territorial Council.

Mr. Chairman: Thank you Councillor Chamberlist. I think that we should refrain from making this a court room and bring it back to a legislative chamber I think it would be most helpful to all of us. Now I'm wondering if there is anyone else who is interested in discussing this particular bill and what it contains.

Mr. Shaw: Proceed Mr. Chairman.

BILL # Mr. McKinnon: Mr. Chairman, I would like to ask the Commissioner
11 if there is any indication from the R.C.M.P. how many lots that they
will need for use and how many will be available to the public.

Mr. Commissioner: Mr. Chairman, I would answer that question in this way that we have requested the R.C.M.P. and they have agreed to review in its entirety their land needs in this particular area and they were very co-operative and very helpful and we have outlined in a letter to them and accompanying them all the necessary documentation and I'm quite confident that, while I'm in no position to indicate to you exactly which lots in this group they are going to release to us, that it is going to be as much as they can see their way clear to release as soon as possible so that we can get into the public domain and permit their use so that they will become tax paying property to the Municipality of Whitehorse which is entirelyall the unoccupied property within its boundaries so I can't be more explicit to answer the question but I'm quite confident that the R.C.M.P. are going to be very co-operative.

Mr. McKinnon: A supplementary question, Mr. Chairman, I wonder if they have given any decision as to when they will be able to make a decision as to land ..

Mr. Commissioner: Mr. Chairman, they are working on this matter actively right at the present time.

Mr. Chairman: Mr. Shaw.

Mr. Shaw: Just as a matter of information I note and I'm not quite sure of the exact location of areas here but does that look like a couple of buildings right in the middle of the street?

Mr. Commissioner: Yes, this is quite true Mr. Chairman but remember that the streets where you see the buildings in the middle of are the very areas of why this act of 1906 was closed down and so this really the location of the buildings are of no concern but also if you will look on the map you will see where houses have been built and they have been built in the proper relation to the boundaries of the definable lots and within proper proximity to the streets and this was done by agreement with the R.C.M.P. and the Commissioner of the day in the Territory so that ultimately when the streets do become open as they will be .

Mr. Chamberlist: Mr. Chairman, I would point out though that whereas the actual word "5th Avenue" is written, I know there are underground tanks right in the middle of the road and I don't know whether this is going to interfere in any way with the road going through. These are underground oil tanks that feed the houses numbers 3, 4 and 6, 7 but I suppose that will be a city matter in any event because the city has some old houses.

Mr. Commissioner: I think the important point if I may say so is the fact that we have met with a very co-operative attitude on the part of the R.C.M.P. and I think this is the most important thing.

Mr. McKinnon: Mr. Speaker, I think this is an excellent bill, I think that any thing that will help to provide land in the downtown area this Council should be behind all the way and accordingly I would like to move Bill No. 11 out of Committee without amendment.

Mr. Chairman: It has been moved by Councillor McKinnon and seconded by Councillor Dumas that Bill No. 11 be reported out of Committee without amendment. Prepare for the question.

Mr. Chairman: I will declare the motion carried.
The next bill will be Bill No. 12 . An ordinance respecting Mine Safety. The Commissioner of the Yukon Territory, by and with the

Mr. Chairman continues..
advice and consent of the Council of the said Territory, enacts
as follows: " "

Mr. Chairman reads the bill.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: I note that we have open pit operations established in this. Would this not apply almost equally in the same manner to let's say construction, or road operations, or various and sundry operations. Is it above ground? Would it ...well, they do blasting and dynamiting on roads also. Should this not encompass other parts of industry that use heavy equipment and dynamite and similar types of operation?

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

Mr. Chamberlist: Yes.

Mr. Taylor: Mr. Chairman, perhaps I could answer the Honourable Member's question where in open pit mining, often open pits are benched on many levels and the nature of the operation of an open pit mine blends itself to possible accidents by slides and those things like premature blasts and this type of thing. The people who are generally working in open pit will hit a fair amount of rock and it's always felt, I'm sure, and agreed upon by industry and mine rescue crew to have equal requirements in an open pit as they do underground consequently that is why this ordinance ensures that open pit mining is the same as underground mining. In the case of road construction the normal safety ordinances of the Yukon Territory I would assume safety ordinance would cover construction whereas this only applies to open pit mining industry.

Mr. Taylor: Thank you Mr. Chamberlist.

Mr. Shaw: I was looking at this as more or less in an equitable manner and it would appear to me from the various, some of the road construction, namely where they blast large rock fills and all the necessary work that is involved in such an operation that such persons who have the contract should also contribute in a like manner as these other people for doing a like operation. That is, where it involves rock blasting and such. I merely brought that up, as I pointed out, to make an equitable so laws shall apply to every one doing a similar type of work.

Mr. Commissioner: Mr. Chairman, the Councillor.....

Mr. Legal Adviser: The point is answered in the Interpretation Section.

Mr. Taylor: Thank you Councillor Chamberlist, I will take the Chair.

Mr. Livesey: Mr. Chairman, could I have a reference to the section of that page or

Mr. Commissioner: 789 in the Green Book.

Mr. Livesey: Thank you.

Mr. Chairman: Is there anything further on this Bill?

Mr. McKinnon: Mr. Chairman, If I understand this Bill correctly it means that the Commissioner appoints superintendents of safety but the mines pay for these superintendents. Is that ...well, who sets the salary for these superintendents?

Mr. Commissioner: The Public Service Commission.

BILL #
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Mr. Shaw: Well, Mr. Chairman, looking at this interpretation section it says here that the contractor is blasting rock and doing exactly the same, as possibly the mine, exempt from having to pay or to make a contribution to the services of these or do they get off without paying?

Mr. McKinnon: Mr. Chairman, there seems to be no control over it now, knowing the Government tendencies to proliferate, how many instructors does this entail? There's three producing mines in the Territory. This will mean all of a sudden we're going to put ten instructors or mine safety men on the payroll because we're not going to pay for them, the mines are going to pay for them. There will have to be some control over them, some level of agreement made between mine management and the Commissioner so this doesn't get out of control.

Mr. Commissioner: The answer to this question is that while I'm well aware of.....on the fact that it has a tremendous impact as far as the Government is concerned the fact remains that we have very good relations with the mining industry in the provision of this mine safety ..in the operation, I should say, of the mine safety ordinance of which the Council has provided certain legislative authority in and there was a situation here about a year ago in which we found ourselves literally speaking under the ordinance with the ability to collect from only one mine and I don't know just exactly just how this was finally dealt with but I believe there was a negativeand I would like to assure Council that to my knowledge there has been no continuous complaint from the mining industry with regards to the charges that are assessed on that basis that are provided and I would also do, while I'm on my feet, Mr. Chairman, I think it will be most beneficial for Council to resolve that we have a very dedicated group of people who work in this particular aspect of our mining industry here and provide for their size, one of the best services of this type anywhere in the Dominion of Canada and they not only provide services within the mining industry but as a consequence of some of their services are able to provide a subsidiary service to our fire department and other emergency measures and other such things and for what it is worth I realize it is only verbal but I would like to put Councillor McKinnon at ease on his question and to say that there was certainly no intent and I'm positive there will be no implication or no indication of placing any undue burden on the mining industry as a consequence of the provision of the original ordinance.

Mr. McKinnon: I have a further question. One is in sub-section 4. It says the assessment referred to in sub-section 4. Should that not read sub-section 3?

Mr. Legal Adviser: Yes. It is correct

Mr. McKinnon: In sub-section 5 the monies paid to the Receiver General of Canada. Why are these not going to be paid by the Consolidated Revenue Fund of the Yukon Territory?

Mr. Commissioner: Because in the first instance this is a charge that is paid for by the Federal Government.

Mr. McKinnon: The mines are going to be paying for the superintendent not the Federal Government with respect in the

Mr. Commissioner: The wages and the costs in the first instance are a charge of the Public Treasury of Canada. Therefore, the monies that are collected are deposited to the Receiver General.

Mr. McKinnon: Why do we have a Territorial ordinance for something that seems to be completely under the jurisdiction of the Federal Government so far as monies are concerned.

Mr. Legal Adviser: Because it is within our legislative competence to do so Mr. Chairman and I think the Council would welcome retaining legislative competence in the field BILL #12

Mr. Chairman: Mr. Shaw.

Mr. Shaw: Well, Mr. Chairman, for all intents and purposes we have three producing mines in the Territory and I wondered how many mine safety men we have whose duties are to look after this.

Mr. Commissioner: We have a mining inspector, a deputy or assistant mining inspector and a superintendent of mine and rescue and these men perform the inspection services and and do the necessary schooling, training, and further work in connection with the men who are the employees of the mining industry in keeping up to date on mining rescue techniques. The equipment is kept in good condition and things of this particular mention.

Mr. Chairman: Councillor Livesey:

Mr. Livesey: In connection with this legislation Mr. Chairman, I wondered if there are going to be extra regulations provided by the Government because this Professor Cory points out quite strongly he says because it is often left to the civil servants to say how the general principles declared by the Legislature shall be applied to concrete situations. They have substantial power to determine how the law shall bear I would like to bring this to the attention of the Committee.

Mr. Chairman: Thank you Mr. Livesey, are there any further difficulties?

Mr. Livesey: Well, can I have an answer?

Mr. Chairman: Are you bringing something to the attention of the Committee? Yes, you asked a question, what is your question.

Mr. Livesey: My question was - were there going to be any regulations provided so that we can get a further determination of what exactly the regulation means.

Mr. Chairman: You understand that Mr. Commissioner, would you like to answer.

Mr. Commissioner: We certainly have regulations and also I will draw your attention to the fact that we are in the process now of preparing a very extensive revision to the mine and safety ordinance which will be brought before Council at the Fall Session and this necessity of this extensive revision is necessitated by the very changes in the type of mining that are going on here in the Territory. In other words, they are no longer confined to non-mechanical hand mining method and the laws of the ordinance and the regulations pertaining thereto we are endeavouring to bring up to the 20th Century.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: I would like toon Councillor McKinnon's question dealing with the monies paid to the Receiver General. If you have a look at sub-section 328 (a) 2. It says that on page 2 of this bill, the cost of operating and maintaining mine rescue equipment and mine rescue stations including the salaries of mine rescue superintendents shall be recoverable from the owner of every mine in accordance with the section. Now, I understand it's the Territorial Government supply the rescue equipment. It's recoverable from the Federal Government but it has to be budgeted for in our budget. If not, I would like an explanation. In other words, we do not put up any money at all in the administration of this ordinance in any way? Because if we do, I think if we put up the money, the money should come back.

BILL #12 Mr. Commissioner: Mr. Chairman, as a consequence of this question being raised when we were dealing with the present fiscal arrangement that we have with the Federal Government, this no longer goes through the Territorial budget.

Mr. McKinnon: Mr. Chairman, I'm rather confused because Mr. Commissioner has said that they receive nothing but the best of co-operation from the mine, and yet this Ordinance is needed at this time because only one mine will pay for the mine rescue equipment.

Mr. Commissioner: I'm sorry, Mr. Chairman, if I have confused the Councillor with my answer. This is not quite the situation. The situation is, and I am subject to correction on this, but I think my answer was said that as a consequence of mining activity in the Territory we found ourself really with only one contributing mine here approximately one year ago. The situation is entirely different now. We have multiple contributing mines. We have United Keno Hill, Cassiar Asbestos and Clinton Creek, the New Imperial Mine close to Whitehorse here, whereas just about a year ago we only had one operating by name of United Keno Hill, which had gone down from a work force of approximately 600 men down in the neighbourhood of somewhere around 200.

Mr. Chairman: Is there anything further on this Bill or what is your pleasure in respect of it?

Mr. Livesey: May we call it 12:00 o'clock?

Mr. Chairman: Just before we do, is it your intention to defer this Bill or do you want to deal with it now?

Moved by Councillor Dumas and seconded by Councillor Chamberlist that Bill No. 1 be reported out of Committee without amendment.

MOTION
CARRIED

MOTION CARRIED

Mr. Chairman: I'll declare Committee in recess until 2:00 o'clock this afternoon.

Witness present - Mr. D. Baston, Director of Trade Schools

Mr. Chairman: At this time we will call Committee to order and we are discussing Bill No. 9, An Ordinance Respecting Hairdressers.

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Mr. Chamberlist: I wonder, Mr. Chairman, as a preamble Mr. Legal Adviser can give us the background history of this.

Mr. Chairman: Well, I will start by reading at least the first section. We'll deal with it section by section. "The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: 1. This Ordinance may be cited as the Hairdressers Ordinance." Mr. Legal Adviser, would you care at this point to.....

Mr. Legal Adviser: Mr. Chairman, this Ordinance has a slightly unique history in that it was drafted locally by Mr. Hughes with one of the previous Members of this Council and it was passed, all its stages, and was assented to, but there was a date to be fixed for the coming into operation of the Ordinance and this date has never been fixed so the Ordinance is in effect at the moment in abeyance. Now, during this period the Bill went to Ottawa where it was pointed out by the Department of Justice that the drafting did not follow the rules for drafting in conformity with the other ordinances being passed by this Council. These are all minor errors or changes. For instance in section 2, you will see that there is an (a) and a (b) and then they use a small (i) and two small (ii)'s for sub-paragraphs in the definition. Now, this type of change appears throughout the new bill which is before you as well as that there were no marginal notes at the side of the bill, punctuation was changed here and there, and so on. Now, these minor changes, although they were all minor, were so numerous that they necessitate a new bill. The Department had assumed that it was enough merely to make these changes as editing changes and that in the printing of the Ordinance with the other ordinances of the year that these changes could be made, but it was our opinion that when a bill has passed Council in all its stages, that it is not proper to make a series of changes even though each individual change may be minor, so we bring this bill forward identical in sense and intent with the earlier bill, but carrying the changes recommended by the Department.

Mr. Shaw: Mr. Chairman, I would like to ask a question of the Honourable Legal Adviser. In passing bills in this Chamber we have a later procedure of having assent given to or otherwise by the Commissioner. We have bills that the Commissioner will give assent to, and at the same time there will be a rider that states 'It shall come into force on a day set by the Commissioner.' In this particular instance it was assented to by the Commissioner but I do not recollect anything in the Ordinance to say or to state that it will come into effect on a day as set by the Commissioner. It would therefore appear to me that this particular bill, this bill of 1964, was when it became assented to by the Commissioner, the law of the land. Is that correct?

Mr. Legal Adviser: No, Mr. Chairman. Section 15 of the old Ordinance says 'This Ordinance shall come into force and take effect on a day to be proclaimed by order of the Commissioner.' The Commissioner would have no power to fix the date of coming into effect except the Council had put that in the bill itself, when it

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became an Ordinance. It is by virtue of that section that the Commissioner makes a proclamation. He can't just delay the coming into effect of a bill except by just not assenting to it. That is the only other way he can do it.

Mr. Shaw: The point is, Mr. Chairman, that in this bill that is contained in this volume of the second session of 1964, there is nothing in the bill here that states it shall come into force

Mr. Legal Adviser: Sir, you are looking at the wrong bill. This bill is not the bill which was printed in 1964. The Bill which is in force but which has not been proclaimed but its law, but it is not in force, is printed along the left-hand side of the page of the paper supplied to the Council. It is not printed yet.

Mr. Chairman: Well, gentlemen, may I proceed with the Bill?

Mr. Shaw: Proceed.

Mr. Chairman: "2. In this Ordinance, (a) "hairdresser" means any person who (i) with hands or by the use of any mechanical application or appliance engages in the occupation of dressing, curling, waving, permanently waving, cleansing, bleaching or similar work upon the hair of any person, (ii) with hands or by the use of any mechanical application or appliance, or by the use of cosmetic preparations, antiseptics, tonics, lotions, creams, or similar preparations or compounds, engages in any one or more or any combination of the following practices, namely manicuring nails or massaging, cleansing or beautifying the scalp, face, neck, arms or bust of any person; and (b) "hairdressing salon" means any place, room, building or part thereof where hairdressing is carried on."

Mr. Chamberlist: Question, Mr. Chairman. In 2(a)(i) I notice the word cutting has been left out. ".....engages in the occupation of dressing, curling, waving, permanently waving....." but not the word cutting. The word cutting should be in, should it not. The other question on that, I wonder if we could have cutting put in there, and perhaps Mr. Legal Adviser could make note of that. The other question is that it would appear to me that this may well apply to not only the female, but the male, because it says "work upon the hair of any person". So I take it therefore that this Hairdressing Ordinance also includes the male barbers because they are doing hairdressing work, notwithstanding. I wonder if that could be explained by.....

Mr. Legal Adviser: To be frank, I don't know what the intent of the bill is, but it is intended to cover males or only females, but as drafted it appears, as you say, to omit cutting and it does appear any person would include men as well as women in the Yukon, and a corporation, if a corporation could grow hair.

Mr. Livesey: Mr. Chairman, I think that if you are going to start being too precise about this question of cutting, why you can figure out about us fellows out there in the boondocks, I won't use the word that is commonly used around here. Why, if you're going to get too strict about that, you're going to have all the people outside of Whitehorse, why they're going to be carrying flowers. That is what about will happen to them, and there are lots of people outside of the municipality of the city of Whitehorse who do haircutting and have no relationship to a licence, and I hope if you're going to get too tough about it then everybody in the bush will certainly be known as long hair. There is no doubt about that, because there is nobody else around to do the job. Its impossible. This is telling us we've got to come to Whitehorse

in order to get a haircut.

Mr. Dumas: There's nothing wrong with flower power.

Mr. Shaw: Mr. Chairman, it is a case of the long hairs in the hinterland and the long miles into the city.

Mr. McKinnon: Mr. Chairman, I wonder if I could ask Mr. Baston - are the hairdressing association - were they the ones originally pushing for this Ordinance, and are they still asking that this Ordinance be incorporated into the law books?

Mr. Baston: I have had some dealings with the Hairdressing Association since my appointment as Superintendent of Apprentice Training, and the first thing I ran into was a bit of an overlap between the Hairdressing Ordinance and the former Apprenticeship Ordinance, where the Apprenticeship Ordinance spells out that one of the designated trades under the Ordinance will be hairdressers. I have asked them what was the intent of this Ordinance and they wanted to get something on the way where they could get people qualified and eligible to receive a hairdresser operator's rate of pay, and the qualifications, and the answer I got so far is that some of this doesn't quite agree with their thinking.

Mr. McKinnon: Mr. Chairman, I was going to wait until later to make my pitch but if you will read the Ordinance of the Yukon Territory passed by the Council in the year 1964, Chapter 1, "The Apprentice Training Ordinance"; if this is put into effect and is working, it satisfies all the complaints that the hairdressers are making at this time, and their biggest complaint is that they can't be certified in the Yukon to be hairdressers. They come from the Vocational School as apprentices and they are left in the position of just being a shop flunky for years and years because they can't be certified as a licenced hairdresser in the Yukon Territory at this time. Now the point of the Hairdressing Ordinance as I see it, as I've received briefs from the graduate hairdressing student apprentices is that they want some way to be licence in the Yukon without having to go to Alberta or B.C. and be licenced. Now, one of these ordinances is completely superfluous to the other. Either the Apprentice Ordinance which Mr. Baston is working on goes into operation with the Commissioner laying down regulations for licencing and a board to study the licencing under the Apprentice Training Ordinance and these people can now become qualified hairdressers with certificates, or this Ordinance is passed and the Commissioner sets up another board pertaining particularly to the hairdressing trade that licences - that sets up rules and regulations that allows for people to become hairdressers. Now, I can just see if this type of Ordinance is passed, the one concerning hairdressers, and the Apprentice Training Ordinance, which handles all the apprentices go out, every apprentice coming from the Trade School will need a similar ordinance to the Ordinance respecting Hairdressers, and we're just going to have an abundance of unnecessary and superfluous legislation on our books. Now, I would like to ask Mr. Baston how his program towards bringing the Apprentice Training Ordinance into full effect is coming along, and when it is brought into effect will it satisfy the requests and the requirements of the hairdressing student apprentices? Will this solve the problem?

Mr. Baston: The developments to date as I have attended two or three meetings of the Association with the intent of establishing the procedures for becoming licenced. The first thing I ran into was in the constitution of the Hairdressers Association, the only person entitled to vote is an active member who must be a qualified hairdresser. Consequently, of 30 people present at the

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meeting, there was only one or two eligible to vote. There are associate members, either students or people who have been in the trade a number of years, but have never been licenced. Now, the term licenced sounds like the authority to do something, but really what it means is certification of qualifications, and this is the angle I am looking at, is that I would like to get with them, on behalf of them and with their approval, a procedure set down whereby a person would be appraised and then if eligible would be allowed to set in examination and if successful would then receive a Yukon certificate of qualification or, if you want to call it, a licence. At the present time I have asked them to appoint a group of qualified, experience people, preferably licenced people if we can get them, because to be able to run an exam it involves a practical examination which requires an experience hairdresser to see whether its being done right or wrong, and they have agreed to try and give me a list of these people who will sit down as an interim committee. To date I haven't received this and I told them at the last meeting if I did not receive it, then I would propose a list of names and submit it to them for their approval for this purpose; to simply sit down and draft up and recommend procedures for licencing. This would then be taken back to the Association for their approval and if approved we would then ask them to give us the names of the licencee board or examination board, which is according to their ordinance. In other words, I wasn't trying to run it or make out their ordinance, I was acting within their ordinance, and their ordinance states that the Commissioner may appoint at the pleasure a board for the purpose of examination.

Mr. McKinnon: Mr. Chairman, to follow up the remarks that I was making. There are 24 different apprenticeships that come under the Apprentice Training Ordinance. If the procedure for licencing these apprentices come under the Apprentice Training Ordinance, we have one encompassing ordinance to fit all apprentices and all certificates of qualification. If not, we're going to have to make 24 separate ordinances applicable to every one of these apprentice programs as this Ordinance respecting hairdressing. I say the ordinance is not needed. It is not wanted; it is undesirable and in this the Member from Carmacks-Kluane has a very good point when he speaks as its application to the outside areas, and I say lets put into effect the Apprentice Training Ordinance and forget about providing separate ordinances for all the different 24 trades that will come under the Apprentice Training Ordinance.

Mr. Chamberlist: Mr. Chairman, I can only partly agree with the Honourable Member from Whitehorse North. There certainly is some conflict between the Apprentice Training Ordinance and this Ordinance, but this Ordinance goes much further than the purpose of licencing hairdressers. This is for regulating the businesses in hairdressing saloons, and we haven't come to those particular sections yet because Mr. Chairman hasn't come to read them, but you will find that later on in this Ordinance you will find that the Commissioner will be able to revoke the licence of any person who is not operating the hairdressing saloon in a proper manner, and this is where the difference is. So, we must decide whether in actual effect, and I refer to section 11 "The Commissioner may revoke, cancel or suspend any licence or permit issued under this Ordinance if the holder of such licence or permit is shown to be intemperate, incompetent, suffering from any infectious or contagious disease or failing to maintain clean premises and appropriate working condition...."

Mr. Chairman: I mention to the Honourable Member that we haven't got that far yet.

Mr. Chamberlist: I agree with this, Mr. Chairman, but there was a preamble to this as to why we not dispense with this particular piece of legislation. I think it is because we have indeed a dual purpose in this particular ordinance that is before us now relative to the actual operation of the business. Now, there might be some necessity to make this somewhat smaller, but as it is now I think perhaps we should go right the way through before any further objections should be tabled.

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Mr. Dumas: Mr. Baston, could you tell me if you think this is a good idea at this time to have an ordinance such as this, and is it necessary? I have a further question, too.

Mr. Baston: Mr. Chairman, Councillors, this particular ordinance I see nothing wrong with it, if its true objective was obvious in reading through it, but it jumps from areas within itself where it infringes on the infringed ordinance. Now, I don't see anything wrong with that, but I think the Hairdressing Association itself are at the point where they want to go over it again. This, I was made to understand at the last meeting which I attended, that they now see there are things in there that should not have been put in, particularly, as I mentioned before, the rates of fees which are not indicative of the true intent of these permits or licences, and the indication as we look at it, you will see one clause states that the permit will go for one year, it is an annual thing; and then it says there is \$25 for a hairdresser operator's licence. In other words, she has to pay \$25 a year to work at her trade.

Mr. Chamberlist: So does everybody.

Mr. Chairman: Order, please.

Mr. Baston: This may be so, but if this is a salon licence I can understand it - a business licence, but the \$25 in this case is going to go to the Territorial Government.

Mr. Dumas: A supplementary question. This goes to the Legal Adviser. Why was the legislation introduced at this time? Whose idea was it?

Mr. Legal Adviser: The Administration was in the position that they had an ordinance in force which it was the wish of an earlier Council to pass. This was 1966 or '67 I think. It might have been the first session of 1967, and they did not want to proclaim into force an ordinance which had so many minor mistakes in it, so they brought it back to Council exactly as before. This wasn't an Administration bill in the first place. It was a private Member's bill, so the Administration is not suggesting and has no particular policy, official policy, on the bill. It merely brings back the bill to perfect the imperfections, and they have no particular policy as to whether it should be passed or not passed. They are just leaving it in the hands as to the wishes of the Council.

Mr. Chairman: Mr. Chamberlist, would you take the chair, please.

Mr. Chamberlist: Yes.

Mr. Taylor: Mr. Chairman, I just wanted to rise earlier here to make this point that the Legal Adviser has just made, that this was a private Member's bill submitted by one of the Members of a former Council at - a parently he was acquainted with this industry or someone in it, but it seems to me and it did seem to me at that time that this bill was not necessarily in the best interests of all concerned, and I would say after what I have heard today that we would be best advised to allow this bill to die in Committee, and allow the Vocational people and the existing Hairdressers

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Association or people involved in this business to sit down with the Administration and redraft a bill which is more compatible with the needs and requirements of this particular vocation, and I just offer this as no doubt someone will propose a motion and a vote will be taken, and my vote will be in the negative as far as doing anything with this bill.

Mr. Shaw: Thank you, Mr. Chairman. Though the Honourable Member from Whitehorse East has this confused with the liquor ordinance, I somewhat agree with his sentiments. I believe this was a private Member's bill first introduced by the former Councillor from Mayo. The reason put forth for the introduction of a bill such as this was the fact that beauticians, hairdressers, and so forth are, by virtue of their trade, using chemicals that could cause, if used unwisely, could cause harm and damage to persons who they were applied to. So, it was felt necessary that for the protection of the public that it was necessary that there were certain fundamental controls to assure that persons practicing this trade were competent people and had the correct amount of knowledge. I can see myself very clearly a situation that could be considered somewhat restricted as the Honourable Member from Carmacks-Kluane has stated an operator's licence at \$25. Now, we do have a situation that exists - why, I don't know - whereby the Territorial Government you may say, to an extent, infringes on the rights of municipalities to licence businesses and so on, trades, within a city. This particular bill is for to control. A licence, therefore, it would appear to me in order to effect that control could be set at say \$1 or \$2, or something like that. Licences are not fundamentally something to create revenue. They are something to effect control, so that I would agree very much with the Member that this schedule should be reviewed, but I do feel that fundamentally that this bill is something that we should enact - not this one necessarily - but a bill. The Member from Watson Lake has stated that he does not feel that we should pass this exactly as it is, that perhaps the hairdressers should review it. Well, I am quite in accord with that. I think that is a very sensible suggestion, and before we progress any further with this it would be well that a committee be formed to go into it or something like that, but I do feel, Mr. Chairman, that the bill is necessary, and if modifications are required I think that time should be allowed and procedure set up so that these modifications can be made, and that if possible it again come before Council and then be passed.

Mr. Dumas: Mr. Chairman, in view of what has been said and in view of the loose ends that seem to be involved here, would it be possible for us to leave this bill at this point and report progress on it?

Mr. Taylor: Mr. Chairman, if it is the desire, of course, of Committee to allow this bill to die in Committee and merely be left at that state and not discussed any further.....Yes, thank you, I'll resume the chair.

Mr. McKinnon: You have heard from Mr. Baston that the hairdressers themselves object to some parts of this bill. Now, it would be complete folly for us to proceed with the bill and pass it knowing, as we do now, that the people who want it object to some of the parts in it. Certainly we either need a representative from the Hairdressing Association here before Council, or I think a better plan is for them to present to the next session an ordinance that they are completely happy with and familiar with.

Mr. Chamberlist: Mr. Chairman, I don't propose to let this die in Committee. I certainly agree that the hairdressers should be consulted because they are affected, but the only real reason

I have heard of objection by the Hairdressers Association is that they would have to pay a fee for a trade licence. This is what it appears to me. Now, it may be that the schedule of fees will have to be changed, but there must be understood there is a complete distinction between a business licence and a trade licence. After all, we are attempting to get trade qualifications for many other trades and trade licence schedules have been set up for them. I would propose that this be left as is in Committee for a period of fourteen days at which time the Hairdressers Association themselves come along with a suggestion for amending this ordinance that is before us. That will give them sufficient time to do it. There is a necessity for controlling not only the hairdressers but I would submit the establishments wherein they work. There are many hairdressers today, and I have been told this that are working from their own homes and there is no objection in many cases to that, but the conditions under which they work might be such that women may well suffer from the misuse, as the Honourable Member from Dawson has stated, misuse of certain chemicals used in the beautifying or attempting to beautify some of the women in the Territory. So, I would suggest that we leave this in abeyance and bring it back again, and Mr. Baston could inform the Association that it is going to be left in Committee for fourteen days or so and then it will come back again.

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Mr. Chairman: I am afraid that any such decision would have to be a decision of Council of the whole. That can only be accepted as a suggestion.

Mr. Chamberlist: It is only a suggestion.

Mr. Dumas: Mr. Chairman, I can agree with that, I think, but I was wondering if it wouldn't be in order if we shouldn't ask the Legal Adviser to go over this, and since we already have an ordinance to cover apprenticeship and certification of apprentices, as that part couldn't be taken out and the parts that the Honourable Member from Whitehorse East left in and gone over with the hairdressers and the hairdressers can make a submission in fourteen days hence, and if we approach it in this manner we might come up with a much tidier bill that solves the problem that we want to see solved by an ordinance such as this.

Mr. Legal Adviser: Mr. Chairman, I couldn't guarantee to go through this bill and take out what might or might not be objectionable sections. If this particular bill was a product of the Administration then it would take a certain amount of time and consideration of the whole Administration, not just the Legal Adviser. If it is the wish of the Committee not to go ahead with the bill, well then the Commissioner would accept that as advice also not to proclaim into force the existing bill which has been hanging far for the last twelve months. If it is the wish of the Council that a proper look be taken, well I suggest that this be requested of the Administration, and then a proper format would be gone through with Mr. Baston and the hairdressers on a proper basis as any other bill, and not just on a temporary, adhoc, quick-look basis to come back in fourteen days with a few extra sections;

Mr. Dumas: Mr. Chairman, this latter suggestion is the thing I think. What we want to do is get something that is going to be satisfactory to the hairdressers, that isn't going to overlap with the Apprenticeship Ordinances that we now have on the books, and something that is drawn up in a proper manner and will satisfy all parties concerned, and I think that any way that we can do this we should do it.

BILL #9 Mr. Chairman: Does Committee agree with this proposal?

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DRESSERS Mr. McKinnon: Mr. Chairman, there's one danger here. Now, there has been no way of a licencing procedure in the Yukon Territory for hairdressers. Is this correct? Now, out of 30 people who attended the Hairdressing Association meeting, there was only two of those who were qualified to vote, but of those people how many were qualified hairdressers?

Mr. Baston: I would say 22 of them.

Mr. McKinnon: Now are the two people who have an actual vote in the Hairdressing Association the only ones who are going to be able for the Administration to deal with because they are the only qualified hairdressers by licence in the Yukon Territory at this time, although there may be 25 others who should be allowed to be dealt with because they are qualified hairdressers but they haven't got a licence because there is no licencing procedure to be followed in the Yukon Territory.

Mr. Baston: Two at that meeting. In other words, there was a lot of absentees. There were two at this meeting I attended who were eligible to vote but there were four or five absentees who should have been at the meeting.

Mr. McKinnon: The point is, Mr. Chairman, there are people who are qualified hairdressers, and if there were a licencing procedure that were able to be followed in the Yukon Territory now, would be full fledged licenced hairdressers. Is this not correct? Now, these people now have a say but no vote in the Hairdressing Association. These apprentices have been complaining long and bitterly that they are put into the - they have the duties of a qualified hairdresser at the salon but they do not have the rate of pay because the qualified hairdressers as long as they can get away with these people not being licenced are paying them the apprentice fees. Is this not also correct?

Mr. Baston: Well, I don't know what they are paying them. It is not necessarily the rate of pay for hairdresser operator's licence.

Mr. McKinnon: Now, are we going to have a true picture of what those equalified engaged in - to be engaged in the hairdressing industry and those qualified to be licenced really want if we're dealing only with those people who are now licenced in the hairdressing profession in the Yukon Territory?

Mr. Baston: I didn't quite get the wording.

Mr. McKinnon: There are not many licenced hairdressers in the Yukon Territory at this time for the reason that there is no licencing procedure for those qualified to be licenced in the Yukon at this time, and the Administration says we want an ordinance from those engaged in the hairdressing profession. Are they going to be dealing with what a minority of hairdressers want, of those who are licenced, even though there are many others who should be licenced.

Mr. Baston: This is the way it sits at the present moment. Only an active member can vote, and an active member is a qualified hairdresser. By developing procedures and by getting these people through their apprenticeship ordinances licenced then they now become full fledged members of the Association and we have more members talking then for the Association.

Mr. McKinnon: Mr. Chairman, this is exactly my point that the licencing procedure has to be changed before the Ordinance comes into effect, because we don't know that we're dealing with the majority of those qualified to practice the profession of hair-dressing in the Yukon Territory at the present time, and certainly the Apprentice Ordinance must be put into effect where these people qualified can be given licences, and then this voice, which is the actual voice of the hairdressers in the Yukon Territory can come before us and say this is the Ordinance we want; then we can pass an ordinance that they want and then only.

BILL #9
HAIR-
DRESSERS

Mr. Livesey: Well, Mr. Chairman, I have been listening to all these various conglomerations of statistics and other things in connection with this particular Ordinance, and I would like to reiterate at this time that outside of the municipality of the city of Whitehorse, why what have we got? Where are these qualified hairdressers? I don't know where they are, but I do know that people up there have to have their hair cut, or the hairdresser needs hair cutters, and believe me there is something going to have to - somebody is going to have to subsidize the bus companies and everybody else in the country so that everybody can once more come to Whitehorse to get something that somebody down here wants. Now, this seems to be a whole list of these things. If you want a high school, you've got to come to Whitehorse, and if you want to go to the Senior Citizens Home, you've got to come to Whitehorse, and if you want to go to the hospital, you've got to come to Whitehorse, and now if you want to have a hair cut, you've got to come to Whitehorse. Now, this is getting beyond a joke, absolutely beyond a joke. There is no question about that. What do they want to have out there for us? A lot of long hair or what? Mr. Chairman, this is just getting simply beyond belief, and when you're thinking of bringing an ordinance in, we may as well think of making it more applicable to this municipality than it is to the Yukon as a whole, at the present moment. We don't know what it will be later on. What are the people of Old Crow going to do? Are they going to be fined \$100 because they don't come to Whitehorse to get a hair cut? Now, this doesn't make sense. Everybody is going to become, in my estimation, if we don't watch out what we're doing, they are going to become transgressors against the Queen's law. This is what it is, and I think it is totally unfair. I hope that when they do redraft this ordinance that the people outside this municipality will be considered. Thank you, Mr. Chairman.

Mr. Shaw: Mr. Chairman, regardless of whether it is in Dawson City, Watson Lake, Beaver Creek or Ross River, someone that attends to people's hair, like I have stated, for monetary gain should be a qualified person regardless of where they are. Now, when the neighbour cuts a neighbour's hair, we have a different situation entirely, but when someone sets up as a beautician, I do believe that for the protection of the person that is being beautified that the person so doing this should certainly be qualified to understand and realize what they are dealing with and how to handle the various chemicals which they use, and I would like to ask a question of the Director of the Trade Schools, Mr. Chairman, and that is do not the persons that qualify as hair-dressers in the school not get a certificate of competence or qualification or whatever you call it, or a diploma to the effect that they are a qualified hairdresser?

Mr. Baston: No, the trading centre produces a training course which at the completion of which a person has been successful is now eligible to go into the trade and hopefully as an apprentice for a period of perhaps six months, at which time if they are satisfactory in all respects they should be able to take this operator licence exam and involves two hours and 3½ hours of practical.

BILL #9
HAIR-
DRESSERS

Mr. Shaw: Thank you, Mr. Chairman. A supplementary question. Then it would not be too much of a problem for Mr. Baston as Director to get the people all together regardless of whether they belong to whatever association; people that are apprentices, people that are qualified hairdressers, and to get the general views as part of the administration to present at a later date as an ordinance that will be satisfactory to all concerned. That is the question that I would ask, Mr. Chairman.

Mr. Baston: Yes, this is quite possible. This is what we had planned.

Mr. Legal Adviser: I just noticed in the schedule to the Apprenticeship Ordinance that there is an occupation which is no. 6 which is barber and then 15 which is hairdresser. Now, a lot of the debate has centred on hair cutting. There is just one thing that puzzles me is will we not need basically an amendment to the Apprenticeship Ordinance or some special bill for the purpose to allow the trade school to set examinations for what we might call the improvers or the apprentices to allow them to get this special certificate of being an operator with a full operator's licence.

Mr. Baston: Yes, if the approval of the hairdressing trade right through the whole Territory is agreed to this, then it can be done.

Mr. Legal Adviser: What is done with all the other trades in the schedule to the Apprenticeship Ordinance?

Mr. Baston: They finish a four-year apprenticeship and then they are entitled to write a trades qualifications examination, which is approved by the Trade Advisory Committee..... I am trying at the present time to get them to designate a trade advisory committee to myself for this purpose, but it doesn't have to go through that Ordinance, it can go through the Apprenticeship Ordinance to get their licence.

Mr. Chairman: Gentlemen, I believe we will call a short recess.

Thursday, March 7, 1968.
3.30 P.M.

Mr. Chairman: I will call Committee back to order, and what is your pleasure with Bill No. 9?

BILL #9

Mr. McKinnon: Mr. Chairman, I would just like to ask Mr. Baston how long or when will licencing for Hairdressers be put into operation

Mr. Baston: With the co-operation I hope to get from the Association I expect it will be drafted in about two months at maximum.

Mr. Chairman: Anything further, gentlemen?

Mr. McKinnon: Mr. Chairman, I would suggest that until we are positive that the majority of those qualified and licenced as hairdressers in the Yukon Territory have presented an Ordinance to us that meets with their approval, then we are putting the cart before the horse. We should let this draft Ordinance die in the Order paper at this time until an Ordinance that we are positive is the majority view of those qualified and licenced to practice hairdressing in the Yukon Territory can be presented at this table.

Mr. Chairman: Does Committee concur?

All: Agreed.

Mr. Chairman: Thank you Mr. Baston for your assistance and gentlemen, we will proceed with the next Bill.

Mr. McKinnon: Thank you Mr. Baston, I wish you luck in your setting up of your licence procedures.

Mr. Baston: Thank you gentlemen.

Mr. Chairman: The next Bill is Bill No. 13, An Ordinance to Amend the Financial Agreement Ordinance. I wonder if we will require anyone here to deal with this matter.

Mr. Legal Adviser: If you like to start I could give Mr. MacKenzie a call.

Mr. Chairman: Is it your wish that he be here, gentlemen? Mr. Commissioner possibly might do.

Mr. Legal Adviser: It could be anybody; Mr. MacKenzie would be the best person if you want to ask a question.

Mr. Chairman: I will proceed with the reading of the Bill in any event (Reads Bill No. 13, An Ordinance to Amend the Financial Agreement Ordinance).

Mr. Legal Adviser: This figure is a change of the existing figure as was in the Ordinance passed by the Council which the Council will recall was passed to enable the Commissioner to enter into a financial agreement and by reason of the delay the figure was reduced and this is the actual figure for the fiscal year 1967-68. The figure for 1968-69 is unchanged.

Mr. Chamberlist: I would move Mr. Chairman that this Bill be reported out of Committee.

Mr. Dumas: I second the motion.

Mr. Shaw: Mr. Chairman, in discussion on the Motion is this what the Financial Advisory Committee has recommended?

BILL #13 Mr. Legal Adviser: Mr. Chairman, this is not so, this is a figure found by the Territorial Treasurer and agreed with Ottawa as the figure for operating and maintenance for the balance of the fiscal year, It has nothing to do with the Estimates as such.

Mr. McKinnon: What was the figure previously, Mr. Chairman?

Mr. Chairman: The operating grant figure for 1967 was \$3,779,218; I'm not too sure whether that was amended - yes that was the addenda figure for 1967. I have a Motion before me. Is there any further discussion on this Motion. It has been moved by Councillor Chamberlist, seconded by Councillor Dumas, that Bill No. 13 be reported out of Committee without amendment. Are you prepared for the question. Are you agreed? Any contrary. I declare the Motion carried.

MOTION CARRIED

MOTION CARRIED

BILL #14 Mr. Chairman: The next Bill is Bill No. 14, An Ordinance to Amend the Low Cost Housing Ordinance (Reads Bill No. 14).

Mr. McKinnon: Mr. Chairman, the purpose of the change of this Bill at this time was just to tidy up the whole Low Cost Housing Ordinance in one move. However, the important part of the Ordinance is the change from 8 and 1 now being allowed in first and second mortgage loans to \$10,000 and \$1,000 and it is the substance and the content of that change that I want to see in the Low Cost Housing Ordinance that is the important thing, not the title. The only reason for a title change was that it would, as I say, clean up the whole of the Low Cost Housing Ordinance, at the same time. I have a question on the Order paper asking what action has been taken on Motion No. 25 concerning housing passed unanimously by this Council at the second Session, 1967 and I would very strongly recommend that this Bill be left in the stage it is now until that time when we could find out what is going to be done with Motion No. 25, an Amendment to the Low Cost Housing Ordinance asking that the first mortgage loan be increased to \$10,000 and a second mortgage loan be available in the amount of \$1,000. This is the whole purpose and exercise of any changes in the Low Cost Housing Ordinance- to make it easier for people to build houses of a high calibre in those areas which are not served by C.M.H.C. loans at this time and this Ordinance as it now stands, it is not important and means nothing but a change of title until the content of what this Council unanimously passed to see in an amendment of the Low Cost Housing Ordinance is brought before this Chamber, I would think that this show would best be left in the state where it is now before Committee.

Mr. Chairman: Does Committee agree with this proposal?

Mr. Shaw: I don't necessarily agree with the point of leaving this. I agree with the fact that we have requested certain changes to be made in the financial aspects of the Ordinance but firstly, if the conditions of the request are complied with it is obvious that it will no longer be a Low Cost Housing Ordinance so by calling it a Territorial Housing Ordinance I do not think it does any damage. When these other matters come into being, which we hope they will, we will be all lined up with an appropriate title for what we are doing. If there are any objections to it where it would prejudice any further advance in the Ordinance perhaps that should be a good reason to postpone it but unless a situation like that exists

Mr. McKinnon: The recommendation of this Council that first mortgage loans be increased to \$10,000 and the second mortgage to \$1,00 was passed unanimously. The Administration accepted the idea that this should be done. It was sent down to Ottawa and this is where it sits now and there is some likelihood that they will not go along with the unanimous recommendation of Council, with the recommendation of Administration, but will again tell us what we need to build houses in the Yukon Territory. And the only purpose for changing the title of the Ordinance was to effect what would no longer be a Low Cost Housing Ordinance but a Territorial Housing Ordinance and change of title without substance means completely nothing to me and completely nothing to the people that I represent. And I want to see an amendment to the Low Cost Housing Ordinance at this Spring Session which deals with a Motion which was unanimously passed by this Council and agreed to by Administration. And if it is not forthcoming at this Spring Session I am prepared to sit here and scream and yell and holler until the requests of this Council are met. BILL#14

Mr. Dumas: And until we get those additions I suggest that we should leave this Bill right where it is.

Mr. Shaw: Mr. Chairman, I hear the screaming and hollering coming quite loudly. The point is that my question was, what difference does accepting the name or change in title of a name make? That is all I ask. I am not saying that this wasn't unanimous; I was a party to requesting and agreeing with this resolution but I just don't see where that necessarily fits in. This doesn't preclude getting further consideration; it is just putting it in the category it is supposed to be.

Mr. McKinnon: If the changes are not made, Mr. Chairman, it remains the Low Cost Housing Ordinance and any euphemism you use as a Territorial Housing Ordinance remains exactly that because it still in essence remains a Low Cost Housing Ordinance. If the changes are agreed to that this Council passed then it should rightfully no longer be a Low Cost Housing Ordinance but a Territorial Housing Ordinance.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, when the Motion was passed for various amendments for change of name, it was passed as a package deal envisaged and that goes for the change of name to take place with the alterations that were requested. I can't see any point whatever in the Administration coming forward now and trying to do this piece meal now because this particular thing doesn't do anything at all. It leaves the contents of the Ordinance exactly the same condition as it was before and it hasn't provided for those changes requested by..... and therefore suggesting that this Bill remain as is and I will vote against this particular Ordinance

Mr. Chairman: Would committee concur that we defer this matter for future consideration?

Mr. McKinnon: Mr. Chairman, I am going to go a little further on this. I'm getting a little hot about this. I was asked by the Administration what I would think about this Bill being presented before Council before the amendments that we wanted raising it to the ten and to the one and I said I don't care less for the title of the Ordinance. I'm concerned what is going to be in substance and content in the Ordinance and unless the content that we want inside that Ordinance is in

BILL #14 Mr. McKinnon continues..

here, there is no reason at all bringing this Ordinance before the Council. Just let it die. I could not care less. And I can't understand why this Ordinance is in front of the Council at this time after my thoughts being asked for by the Administration and given as candidly and as honestly and as bluntly as possible.

Mr. Shaw: Mr. Chairman, perhaps Administration might explain why it is here. Possibly the Legal Adviser might explain.

Mr. Commissioner: If I may be permitted to say a word on this particular thing. There are certain things that are within our power to do in connection with the motion of Council in connection with policy and they are enumerated; I believe there are five particular items that were involved although there could be more. The motion to reduce the residency; we have removed this clause and the regulation changes, and it was in the process of preparation a week or so ago and I believe it has already been attended to The motion to remove restrictions re foundations we have gone ahead and done this. The motion to increase the amount of mortgages from 8 to 10 we have this in the hands of Ottawa. They are the people who provide the funds for this and what they are providing the funds we have to pass..... We are unable to do any more. The motion to change the name - this is within our power and this is what we have before you. The motion re the housing authority corporation we have obtained this legislation from other jurisdictions and have this actively before the legislative committee at the present time. And just as you presented this as a package to the Administration we have complied with all those things which we have within our immediate ability to do. This happens to be one of the things we had the immediate ability to do. And those that are beyond our immediate ability to give effect to we are doing our utmost to get an affirmative answer but up until now we do not have this and as a consequence we cannot complete this total part of the package.

Mr. Chairman: Have you further direction to the Chair gentlemen?

Mr. McKinnon: May we report progress on Bill No. 14?

Mr. Chairman: Mr. Livesey.

Mr. Livesey: Mr. Chairman, may I rise to point out that in some instances this does point out the very sad condition whereby this is an example of just how much and how far we can go on a good many things; just the type.

Mr. Chairman: This is all - Bill No. 15 and Bill No. 16 are of course Money bills that we have no information on as yet. We have two motions which we could deal with if you so desired; one is Motion No. 2, Hillcrest Housing. Are you prepared to deal with that today Councillor Dumas?

BILL #15
BILL #16

Mr. Dumas: Yes, I think so.

Mr. Chairman: Motion No. 2 has been carried in the House. MOTION
Motion No. 2 as carried in the House provided the discussion NO. 2
in Committee of the Whole of the matter of the Hillcrest Area.
I wonder Councillor Dumas if you would care to proceed with
this matter.

Mr. Dumas: Mr. Chairman, as you know the Hillcrest area is in the electoral district of Whitehorse West. I have a proposal which I would like Council to support that we can present to the Administration as our approach as to what should be done with the Air Force housing; so called Air Force housing. I cannot agree with the suggestions made by the Throne speech of the Commissioner, pardon me, the Commissioner's address to Council, because I think I can see in this the suggestion of the Hillcrest housing going to Crown-owned housing and a long series of delays before this housing or any housing indeed as a result of this move would get into the hands of the people where it will do the most good now. The housing shortage as we said last fall is upon us now; it was upon us then and it is even worse now if anything. It certainly is not improving. We have got to do something right now. If this Air Force housing is coming available this June or July; I suggest that rather than going in this round about fashion to dispose of it and to make houses down town available, I suggest that this housing be disposed of to Crown Assets Disposal Corporation on a bid basis and let every individual have an opportunity to bid by limiting the number of houses that any one individual can buy; probably to one per person applying. This can hold up until say 24 or 48 hours before bids close. And if any houses that haven't bid on then anybody can bid on any number. This will have the effect of getting housing where needed right now into the hands of people who need houses to live in without going through the vast complex of government departments, northern housing, Territorial housing administration and what have you. It will get right into the hands of the individuals who need the housing. As for the possible problem of who is going to administer the housing area I suggest that a plebiscite can be held in the City. I suggest that this is a problem that we have in any area that we open up; Crestview, Porter Creek or what have you and all the facilities are there now. It is a matter of who is going to operate them; whether we set up a local improvement district or eventually it is incorporated into the City. But the thing is that I want to do something about the housing problem now. This housing is becoming available. We know what happens to houses that go into the Crown-owned housing pool. I think there are about 30 of them still empty. We don't want to add another 200 to this 30. We want to see these places used so I propose, I suggest to this Council that if I ask this Council's support for a motion to the effect of that which I have already stated; the Hillcrest Housing being put into the hands of Crown Assets Disposal Corporation for disposal to the public.

Mr. Shaw: Mr. Chairman,can't see Crown Assets turning that over to the public who have, I would imagine, I don't know, perhaps I could be informed, there is probably a central heating system. However it is a sub-division that is sitting up there and no doubt would entail a good deal of money - Territorial money to operate at this stage if they would turn that over in one block for public sale. The Commissioner's opening address whereby the houses in Riverdale are sold to the public and the persons, government employees were houses in Hillcrest, sounds like a fairly sensible solution. You have then all privately owned houses in Riverdale to provide a tax base for the City of Whitehorse. From my experience Mr. Chairman, since I have been on this Council the City of Whitehorse has been most reluctant to undertake the acquisition of an extension to their present boundary for various and sundry reasons. I am not saying that the reasons are wrong; I am not saying they are right. They know their situation better than I do. But if we are

Mr. Shaw continues...

going to have a conglomeration of part government and part private enterprise in Hillcrest, we are going to be faced with all sorts of complications. We certainly are going to be faced with duplication of costs and further to that Mr. Chairman, we haven't too much assurance that the people of Whitehorse, the ratepayers of Whitehorse would wish to take that under their wing. I know that on previous occasions when propositions have been put to the people whereby I thought they would accept, they did not accept. So this could go on and on and on and in the meantime these proposals that Administration has put forth sound like a business-like approach to it. At a later date it may be well that the Crown Assets Disposal Corporation will say to the City of Whitehorse do you wish to take this and operate it as a municipality. At the present moment it appears to me that various and sundry government departments want this house, that house and the other house and I don't think that it would ever be possible to acquire whole blocks in one chunk to make a buyable unit out of it. Now that is my impression of it. Unless you can get all of it I think it would be a foolish mistake.

Mr. Dumas: Mr. Chairman, I wonder if the Honourable Member from Dawson City realizes what he is suggesting? The length of time involved in moving these people across the river up to Hillcrest and then getting the houses across the river on the open market? This would take two years the way the government works and our housing shortage is now and these houses are becoming available now. It is the obvious thing to do to put them on the market now. Get them where they are going to do the most good now. I think that the problem you suggested - this problem of who is going to look after them can be easily solved; after all we have Crestview being looked after and Porter Creek. Now whether we do it by citizens' committee or by incorporating into the City or by local improvement area; I think this is something that will come. I do know that there are many many people who would love to live in this area; know the problems that they may have to face as far as taxes and so forth to maintain the area. But they are willing to buy up there and live up there now. I think that the government's proposal would be a good one; if we thought it could be done within a couple of months but I doubt very much if we can and knowing the way the government works it is going to take a couple of years and here we sit in Council and we still haven't done a damn thing about housing. It was one of the things we fought an election on and we still haven't done a thing. Now is our chance.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: I have spoken to many Federal Government Civil Servants after Commissioner's opening address and they were somewhat appalled at the thought that they would all have to go and live in one place together and our Federal Civil Servants are pretty good citizens; those we have in the City of Whitehorse have always participated in the life of the community and they do not feel, from what I heard, that they wish to be placed in one large conglomerate. I remember the Commissioner mentioning a few words the other day when the Senior Citizens' Home was being discussed over at Riverdale and the suggestion that the Senior Citizens Home from here be moved to there and he made some reference to the fact that he wasn't intending to build up one community for all senior citizens and I am sure that the same type of thinking must follow that there should not be

Mr. Chamberlist continues one community built up for all those living in Federal houses and at the same time it would appear to me that the first one that would have to move up there would be the Commissioner himself because he is living in Federal housing. I don't know if he or his family would be happy about that move either and so Mr. Fingland; I don't think he would be happy about that move either. So I wonder if the suggestion which has been made only applies to certain of the Civil Servants and not to others. There is an absolute need for some immediate thinking and action and I mean action as to what is to take place in Hillcrest. The suggestion that the Honourable Member from Whitehorse West made is quite sound in some respects. I don't think that we could completely accept the methods that he has suggested. While in Ottawa I had the opportunity of discussing this with an official in an unofficial manner and the suggestion was made that some syndicate would be able to buy the whole of that area and make an offer to the Federal Government for all those houses, on the understanding that it would be a rental system for the first five years, the Federal Government might feel well inclined to agree to that type of proposition but clearly on the understanding that they would not be resold for five years but would be rented to the public for five years. I was going to speak later on at some length at this Session on this matter but because the Honourable Member from Whitehorse West has brought this subject up I thought this was the right time to bring this suggestion forward as well. The main point nevertheless is that the housing situation has become so desperate that it is almost where instead of we should be increasing the population of the area, gradually the area is decreasing in population. I don't know whether we can act immediately. I don't agree with the suggestion that these houses be turned over to Crown Assets because I am sure that Councillor Dumas hasn't had too much experience with Crown Assets Corporation. They have a habit of immediately they have buildings turned over to them of stripping all the plumbing, electric light fixtures, the doors, the frames, everything that is in there and then putting them altogether and selling them as separate lots so then you finish up with houses that could not be sold or rented in any event. I think we must keep away completely from having them turned over to Crown Assets in the ordinary manner but some sort of arrangement must be made whereby, if they are turned over to the Crown Assets for resale, they should be turned over enblock without any damages or any ripping out of any component parts in the building be made. But I would also ask that Committee give some consideration so that when I do at a later date **bring forth** a certain suggestion before Committee that the unofficial suggestion that has been made that the offer by public sale to any syndicate that would be prepared to buy all the block of 178 houses with, as a repeat, the clear understanding that it will be for rental purposes only for a fixed number of years, that support be given to that. In the meantime I would ask that the idea of attempting to set aside the Hillcrest area specifically for Federal government employees be forgotten and absolutely and completely forgotten. That we maintain those people who are employed by the Federal government as full citizens of the Yukon Territory and not citizens who have to be set aside in a correctional institute area so to speak because they are not up there for correction purposes and they are not here for correction purposes. They are doing a job and a good job at that. I support the Federal Civil Servants and I certainly feel that this Council should, if required, go on record as

MOTION

NO. 2

Mr. Chamberlist continues

saying that no assent to move Federal Civil Servants into one area be made without first at least discussing with the Public Civil Service Association that look after the affairs of the Federal Civil Servants.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I thank the Honourable Member from Whitehorse East for his support on the principle of getting this housing where it will do the most good now. I disagree with the idea of a corporation however. What I am interested in here at this time is getting Committee's support for the idea of getting the housing to the people. I would prefer to see it available to the individual - little man so to speak. However, however it is done, let us try and see that it is done and done now when we need it.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, this is an excellent form I think to discuss, this particular housing program; to get different views on what could or could not be. Now the Honourable Member from Whitehorse West talks about time. Well it will take just as long, or just as short whatever type of program is instituted by the Federal government. I do not think that a program, a substantial program will take any less or any more regardless of where it is. The Honourable Member from Whitehorse East stated that certain people are in certain places and don't want to be moved. I could quite understand that but we also must take into consideration, Mr. Chairman, that we are trying to look forward to quite a number of years ahead and not just the present exigencies of the moment but to forty years ahead and we are endeavouring to put a cohesive touch to this whole area of Whitehorse which includes Riverdale, Hillcrest and so on. Now, a few years ago, a couple or something like that, this Council were discussing in all seriousness the possibility of moving the whole administrative function up into Camp Takhini; a beautiful site with buildings that had already been established and built and paid for by the Federal Government and with the possibility that they could be turned over to the Territorial Government at a very moderate sum. This was almost in the stage of getting somewhat realistic but the biggest objections were from the employees of the government who did not wish to go into that particular area because it was too far away from work. That is what Council was informed. I think you can find documents to that effect. So that on the one hand you have one group of people desiring this and another group of people desiring that and then we also have the responsibility of trying to look ahead for a number of years to make a viable economic community. Since I have been in this Council Mr. Chairman there has been nothing but trouble on the disposition of land or the lack of land for the Whitehorse area because the Federal government and possibly some companies have got land the area somewhat bottled up for some reason or other. Now, I agree with Mr. Chamberlist's suggestion that you take Hillcrest and you sell it lock, stock and barrel, every building that is in it. I think that is a good idea - to private enterprise. But you do have the problem then whether the City will accept it, or the people of Whitehorse. But it may be possible that they don't have to accept it. It could be another community. I don't know how that would work but none the less that is a possibility. The next possibility is that if we do have some of the property opened up for private sale and some for public which various Departments will want so many houses, here and there and every place scattered around, then you will have another problem that would be very difficult to ever incorporate in the metropolitan City of Whitehorse for

Mr. Shaw continues...
the future. So that is something for the future....
Now, as far as moving, it doesn't take six years to move somebody from a to b location, particularly a matter of three or four miles. Now, when we talk about beauty, from my limited excursions in this beautiful area, I would still say that Hillcrest had far more esthetic potential than down in Riverdale. As he sows so he shall reap. So we do talk about this Mr. Chairman but we also are talking in a manner of what we think and there are varied ways of looking at this but we still have the Federal Government yet to decide what they are going to do and until we can get some intimation of what they will do, we have very little to work on. We can make the recommendations and the suggestions but they will probably do what they intend to do. But I do think that in rising to this particular question Mr. Chairman I have done so because I feel that this should get aired in as many aspects as possible.

Mr. Chairman: I would like to draw your attention to the time and I wonder if you wish to continue this debate when next we sit. What would be your pleasure at this time.

Mr. Chamberlist: I move that Mr. Speaker do now resume the Chair.

Mr. Shaw: I second the motion.

Mr. Chairman; It has been moved by Councillor Chamberlist, seconded by Councillor Shaw that Mr. Speaker do now resume the Chair. Are you prepared for the question. Are you agreed? Contrary? I declare the Motion carried.

MOTION CARRIED

MOTION
CARRIED

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

Mr. Taylor: Mr. Speaker, Committee convened at 10.35 A.M. to discuss Bills, Sessional Papers and Motions. It was moved by Councillor McKinnon, seconded by Councillor Dumas that Bill No. 11 be reported out of Committee without amendment. Motion Carried. It was moved by Councillor Dumas and seconded by Councillor Chamberlist that Bill No. 12 be reported out of Committee without amendment and this Motion carried. Committee recessed at twelve noon and reconvened at 3:00 P.M. Mr. Baston attended Committee to discuss Bill No. 9. It was moved by Councillor Chamberlist and seconded by Councillor Dumas that Bill No. 13 be reported out of Committee without amendment and this motion carried. I can report progress on Bill No. 14. It was moved by Councillor Chamberlist, seconded by Councillor Shaw that Mr. Speaker do now resume the Chair and this Motion carried.

CHAIRMAN
OF
COMMITTEES
REPORT

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, gentlemen?

Mr. Taylor: Mr. Speaker, in respect of the Agenda, we have pretty well caught up on Bills at this particular moment and tomorrow we have two Motions before us and no doubt

Mr. Taylor continues...
we may possibly have some Sessional Papers introduced some time during the morning.

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

Mr. Chamberlist: Mr. Speaker, I would call it five o'clock.

Mr. Dumas: I second the Motion.

Mr. Speaker: It has been moved by the Honourable Member from Whitehorse East and seconded by the Honourable member from Whitehorse West we call it five o'clock. Are we agreed?

All: Agreed.

Mr. Speaker: I will declare the Motion carried.

MOTION
CARRIED

MOTION CARRIED

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

Page 140.
Friday, March 8, 1968.
10:00 o'clock a.m.

Mr. Speaker read the daily prayer. All Councillors were present.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will call Council to order. I have for tabling this morning, gentlemen, Sessional Papers No. 11 and 12. Are there any Reports of Committee? Introduction of Bills? Notices of Motion or Resolution? Are there any Notices of Motion or Resolution?

Mr. Taylor: Mr. Speaker, I have a Notice of Motion this morning concerning a select committee on labour.

NOTICE OF
MOTION #7

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

Mr. McKinnon: I'd like to give Notice of Motion re Sessional Paper No. 12, Mr. Speaker.

NOTICE OF
MOTION #8

Mr. Dumas: Mr. Speaker, I would like to give Notice of Motion on Sessional Paper No. 11.

NOTICE OF
MOTION #9

Mr. Speaker: Are there any further Notices of Motion? Before we move to Orders of the Day, I'd like to give you the latest information on the Polar Games. The awards banquet has been changed to the Yukon Regimental Armoury at 8:30 p.m. on Saturday. Under Orders of the Day, Notices of Motion for the Production of Papers.

Mr. Taylor: Mr. Speaker, I'd like to give Notice of Motion for the Production of Papers concerning the Territorial fuel contracts.

NOTICE OF
MOTION FOR
THE PRODUCTION OF

Mr. Speaker: Are there any further Notices of Motion for the Production of Papers? Under Motions passed for the Production of Papers, No. 1, made by the Honourable Member for Whitehorse East.

PAPERS #2

Mr. Chamberlist: Mr. Speaker, I move that the Administration produce a certified copy of the Charter of the Corporation of the City of Whitehorse.

MOTION FOR
THE PRODUCTION OF
PAPERS #1

Mr. Speaker: That was seconded for the Honourable Member by myself. 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: We have no Motions for the Production of Papers passed so we now move to Motion No. 5. Moved by Councillor Dumas, seconded by Councillor Gordon, that Sessional Papers No. 9 and 10 be moved into Committee. Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried.

MOTION #5

MOTION CARRIED

MOTION
CARRIED

MOTION #6 Mr. Speaker: Motion No. 6, moved by Councillor Shaw, seconded by Councillor Dumas. "It is respectfully requested that Council discuss sections of the Municipal Ordinance in Committee of the Whole in order that it may advise the Administration in respect of desired changes to said Ordinance with amendments to be presented to Council at the Fall Session along the following lines: 1. That section 238 be repealed and the following substituted: 'Subject to the provisions of this Ordinance, every person resident within a Municipality who is a Canadian citizen or other British subject and has attained the age of twenty-one years and who, (a) is a ratepayer or spouse of a ratepayer, or (b) has resided within the municipality for not less than twelve months immediately prior to the date of the election is eligible to vote at an election.' 2. That provision be made to the Municipal Ordinance that in the event of a referendum of plebiscite a person must, (a) be a Canadian citizen or other British subject, and (b) be a ratepayer or spouse of a ratepayer, and (c) have resided in the municipality for not less than six months immediately prior to the date of the voting for the referendum or plebiscite." Is the Honourable Member prepared to discuss this motion this morning?

Mr. Shaw: The motion is to bring this into Committee of the Whole, Mr. Speaker, without discussing the content of the motion at this time, so I will request that it be discussed in Committee of the Whole.

Mr. Speaker: 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: Are there any questions?

QUESTION #10 Mr. Taylor: Mr. Speaker, I have a written question directed to the Administration this morning. The Administration is respectfully requested to advise Council as to what effect the recently announced Federal cut-backs will have in relation to the 1968/69 Territorial Budget, with particular reference to Health and Welfare and major road programs.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, I was promised an answer on the estimated costs of water services in Porter Creek this morning. I wonder if this will be forthcoming today.

Mr. Commissioner: Mr. Speaker, I understand that the Paper was prepared once and came down here for my signature but it wasn't in a completed form and it is in the process of getting into the completed form. I would say that whether we are able to get the Paper into Council for tabling today or not is questionable, but I know that Mr. McKinnon has to have this information for his own purposes and I will certainly see that he is supplied with it if we are unable to have the Paper here on time for his requirement.

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

QUESTION RE TAKE-OVER OF FISHERIES Mr. Taylor: I have a further question, Mr. Speaker. I'm wondering if Mr. Commissioner has yet learned as to when the agreement involving the takeover of fresh water fisheries in the Yukon may be coming before Parliament.

Mr. Commissioner: I'm sorry, Mr. Speaker, I gave the utmost up-to-date information that I have. The minute that anything more is received, I will certainly see that it is made available to Council.

Mr. Taylor: I didn't get that, but I'll get it from Votes and Proceedings, Mr. Speaker.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, I have a written question, and it reads as follows: In connection with the use of the trademark name Klondike by Edmonton, a letter dated May 4, 1967, signed by the Honourable Minister of Indian Affairs and Northern Development states that: "It is my belief that the decision as to whether legal action should be pursued against Edmonton ought to be made locally by the Territorial Government." Has the Administration given any consideration to commencing legal action against Edmonton for their apparent unauthorized use of the trademark "Klondike"?

Mr. Speaker: Is the question directed to the Commissioner?

Mr. McKinnon: Yes, it is a written question, Mr. Speaker, to the Administration and they have to make some research probably.

Mr. Speaker: Are there any further questions? May we pass to Public Bills and Orders?

Moved by Councillor Dumas, seconded by Councillor Chamberlist, that Bill No. 13, An Ordinance to Amend the Financial Agreement Ordinance, 1967, be given Third Reading at this time. MOTION CARRIED

Moved by Councillor Dumas, seconded by Councillor Chamberlist, that the title to Bill No. 13, An Ordinance to Amend the Financial Agreement Ordinance, 1967, be adopted as written. MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 13 has passed this House.

Moved by Councillor Taylor, seconded by Councillor Gordon, that Bill No. 12, An Ordinance to Amend the Mining Safety Ordinance, be given Third Reading at this time. MOTION CARRIED

Moved by Councillor Taylor, seconded by Councillor Gordon, that the title to Bill No. 12, An Ordinance to Amend the Mining Safety Ordinance, be adopted as written. MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 12 has passed this House.

Moved by Councillor Shaw, seconded by Councillor Dumas, that Bill No. 11, An Ordinance to Amend an Ordinance to Close Certain Portions of Fifth Avenue and Lambert and Elliott Streets, in the Townsite of Whitehorse, from Use as Streets by the Public being Chapter 9 of the Ordinances of the Yukon Territory, 1906, be given Third Reading at this time. MOTION CARRIED

TITLE
ADOPTED
BILL #11

Moved by Councillor Shaw, seconded by Councillor Dumas, that the title of Bill No. 11, An Ordinance to Amend an Ordinance to Close Certain Portions of Fifth Avenue and Lambert and Elliott Streets, in the Townsite of Whitehorse, from Use as Streets by the Public being Chapter 9 of the Ordinances of the Yukon Territory, 1906, be adopted as written.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 11 has passed this House. Now, gentlemen, before any more business is proceeded with I understand that it is the desire of the Commissioner to assent to Bill No. 13.

ASSENT
GIVEN TO
BILL #13

Mr. Commissioner: Yes, Mr. Speaker, I would rise at this time to give my assent to Bill No. 13, being An Ordinance to Amend the Financial Agreement Ordinance.

Mr. Speaker: Thank you, Mr. Commissioner.

Mr. Chamberlist: One moment, Mr. Speaker. I wonder if the Commissioner will finish the name of the Ordinance. I think he left out the words 1967.

Mr. Commissioner: Yes, Mr. Speaker, I'm sorry, I meant to add the date of the Ordinance and I will repeat the title in full here: An Ordinance to Amend the Financial Agreement Ordinance, 1967.

Mr. Speaker: May I have your further pleasure?

Moved by Councillor Shaw, seconded by Councillor Chamberlist that Mr. Speaker do now leave the Chair and Council resolve itself in Committee of the Whole to discuss Bills, Sessional Papers and Motions.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: The Honourable Member for Watson Lake will please take the Chair in Committee.

Mr. Taylor takes Chair.

MOTION #2

Mr. Chairman: Well, gentlemen, we will proceed to continue debate on Motion No. 2 as passed in Council respecting the Hillcrest area. I'll just declare a short recess while you get your papers together.

RECESS

Mr. Chairman: I will call Committee to order, and we are discussing the Hillcrest problem. I wonder if you'd care to proceed.

Mr. Dumas: Mr. Chairman, I would like to recap what has gone before and the whole problem very briefly before I make a motion or before we hear what other Councillors may have to say on this. The housing situation, as we all agree, is critical in the Whitehorse area. As a matter of fact, we are still losing tradesmen by the rate of about three or four a week. There has been nothing done in the past six months to improve the housing situation. I suggest that it has been getting worse day by day, and as we get into our real boom season, our building season, the situation is going to be even worse. So, we need housing and we need it now. Even a construction company coming in here to build housing would

Mr. Dumas continued:

MOTION #2

have a tough time to get it on the market in time to alleviate the present situation. We need something to be done now. The suggestion that was made yesterday and that I make again is that the housing in the Hillcrest area be put up for public purchase as soon as it becomes available. I will make a motion to this effect after I have heard any comments from the other Councillors, if there are any.

Mr. Shaw: Mr. Chairman, I have a few comments to make about this particular situation. The comments are that I agreed with the proposal of the Commissioner in his opening address as far as opening this property was concerned. Some of the reasons being that we do have a subdivision that is contained within the City of Whitehorse that can be utilized. The problem seems to be as to how this property is going to be utilized. The Honourable Member for Whitehorse West has suggested that the Hillcrest property be turned over to the Government. Well, if that is turned over to the Government, or I should say to public sale, we'd still have the matter of a new subdivision being created. Is the subdivision economic? Can the subdivision be incorporated into the main City of Whitehorse, and problems such as that. I have grave doubts, Mr. Chairman, that the Federal Government will turn the property over to... or for public sale. I have my doubts very much that they will do that. If they should turn over a part of it, we have the same problems of maintaining something which will, from what I've gathered, be quite expensive to operate. If we get half of the property, or half of the buildings in public hands and half for the Government, we also have the same problems in another area as what we have in other areas. Now, the fact that this is made a complete Government entity that will be satisfactory for all Government personnel, would mean that this is something which would be maintained by the Federal Government, for the Federal Government in Hillcrest. My feelings are, Mr. Chairman, for looking forward to the future, not to the immediate exigencies of the moment; is that the property in Riverdale which is presently being occupied by Government employees, that they be given the first opportunity to purchase these houses at their depreciated value. This will not create a hardship, it will put them in the same category exactly as any other citizen in the Yukon is in and perhaps a little better because if they can purchase these at the depreciated value and are going to live in this house, then that is the normal manner of how people acquire property, and at the same time you have a solid tax base without any restrictions, without having to argue over grants in the subdivision that has been set up for this particular purpose. To incorporate part of Hillcrest, part of Takhini, part of Riverdale, and have it scattered around like this, I do not think is good. I think that we should start to plan, to endeavour to get the Government in a section where they are and the balance of the area have normal taxpayers in it, or ratepayers, which ever you may call it. And, by doing so we are not creating a hardship on these people. I would feel, Mr. Chairman, that it is decidedly a break. If they wish to purchase the property, they will have the opportunity at a favourable rate. If they don't want to accept the purchase of a house, then the alternative is that the people will have to go where the housing is available. That's the same as any other citizen in the Yukon has to do, so there's nothing wrong with that, and when you take into consideration the fact that in the past we have had to....it has been found necessary that certain subdivisions which were created 10 or 15 years ago when it seemed a popular idea to start a subdivision any place in the area in the vicinity of Whitehorse, they somehow started

MOTION #2 Mr. Shaw continued:

a subdivision and found out that it was impossible to maintain it. It just cost too much money. So, some of them were taken out of service. The Territorial Government and the Council itself would not approve further expenditures to keep these various and sundry subdivisions.....and incorporate the whole thing into economic packages. I therefore feel, Mr. Chairman, that the suggestion of the Commissioner is a sound one on a long term basis, and it will not take any longer to implement that than to implement any other scheme as far as the Government is concerned. If it takes six months to do one thing, it's going to take six months to do another.

Mr. Dumas: Mr. Chairman, I absolutely disagree. I think that is an inane suggestion that it's going to take the same length of time to get the housing directly from where it is now into the public hands as it would to go through this route through Riverdale. I fail to see how selling the Riverdale public housing to the people who are living in it now is going to help the housing situation in any case. Furthermore, we don't have the problems that other subdivisions have. I don't know if the Honourable Member for Dawson has been up in the Hillcrest area lately, but for some number of years now they've had water and sewer, for some number of years they've had paving on all their roads, for some number of years they've had complete landscaping. So, we don't have the same problems at all of other areas. At any rate, the taxpayer, those who would buy the houses up there, are the ones who have to look after these problems, and I'm sure, since they have all these services, there wouldn't be any great difficulty in overcoming them. The point of the whole exercise is to get housing made available for private individuals or private enterprises now.

Mr. Chamberlist: Mr. Chairman, to reiterate what I said yesterday in debating this matter, I am opposed to the Commissioner's idea. I'm absolutely contrary to the Honourable Member from Dawson City, and especially when a suggestion has been made by the Commissioner that these houses should be eventually dismantled and the site cleared. I have never... I could never imagine that this really would be the true intention of anybody thinking very clearly on this particular situation, and I don't say that the Commissioner, when he made this remark, was not having other considerations in his mind at the time because there are many, many worse places, worse types of building constructions than those that are up there. To me, there is only one problem that has to be faced and that is the problem of the shortage of housing in the Greater Whitehorse area. We have an opportunity to ease the housing situation. I do not feel that we should take those people who are already accommodated in existing Federal Government houses and, as I said yesterday, who are amongst our finest citizens here, and move them into one area. The next suggestion that will be made is that a sum of money should be set aside for putting a link-chain fence around it and keeping them all in the fence. No, there is only one answer, Mr. Chairman, as far as I am concerned is that the Federal Government be encouraged to release the whole area for public tender once the need for those houses has been finished with by the Canadian Armed Forces. This is the only manner in which our problem of housing can be answered, and the suggestion I have made that the Governments do get head of it in some way by publicly offering it either in toto or individually is the answer to the problem. As it was already explained, Mr. Chairman, by the Honourable Member for Whitehorse West, this area is unique in as much as those necessary services normally required in a new projected housing area are already in existence. As a matter of fact, those services that are there now

Mr. Chamberlist continued:

MOTION #2

are far superior in many ways than the services that are within the City of Whitehorse. For instance, all of the streets within that housing area are paved whereas there are many streets within the City of Whitehorse that are not paved. There are some houses adjacent to the City of Whitehorse that have not got sewer and water connected to them, ie. there are some houses in the area near Eighth Avenue that are not connected to a sewer and water system, and they have that there. The health benefits for people to live is much higher than any area that exists, and the landscaping that has already been taken care of and done at many thousands of dollars is an added incentive for people to buy the houses and live up there. Generally, the whole idea of that housing area to go up for public sale is and will be of benefit to all who are concerned with the housing problem here. In finality, I will say that the problem that we must face is to get housing. We have an opportunity. I think, Mr. Chairman, it is up to us now to lead the way by suggesting to the Federal Government through the Commissioner that the quick way to answer out problem is for preparations to be made now with a fixed date for the sale of the houses in the Hillcrest area. Thank you, Mr. Chairman.

Mr. Chairman: Will there be anything further?

Mr. Livesey: Well, Mr. Chairman, I doubt that we have any power what so ever. The advisory capacity is about as far as we can go on this, and I don't feel personally that anything we do here will or can be done in an authoritative way. I think the control of the whole thing, as far as Federal property is concerned, and has been brought to our attention for a number of years, seems to be entirely controlled by Ottawa. I may be wrong on this point, but this is the way it seems. But, I do feel that if we make a stand on it and point out to the Federal Government that we need these houses to be made available, well this is the only course we can follow. It's about all we can do. I certainly do feel that due to the shortage and due to the position that we are in today in the Yukon Territory which a good many Members have stated, people we need being turned away for lack of homes, there's no doubt about it, we have to take a stand on this. Thank you, Mr. Chairman.

Mr. Shaw: Yes, Mr. Chairman, the Member for Carmacks-Kluane has very much stated a point. We have no power, we can merely suggest in these particular matters. Now, if the Government would say, we will sell Hillcrest, lock, stock and barrel, and we could be assured they would sell it completely, lock, stock and barrel, the idea might not be so bad. But, I feel firmly convinced, Mr. Chairman, that the Federal Government, or some departments of the Federal Government, will say, oh no, we need this and we need that and we need the other thing, and you will get a part of this, you won't get all of this. This is, in my estimation, a pipe dream. Now, when we hear about Government housing, I think it's getting to be about time that a hard look was taken at this. This is a situation that does not exist in most other parts of Canada except perhaps with the Armed Forces. It consists in the North because there was no housing available and someone had to have the money to build houses for these employees, which they have done. But in the general course of operations of Government in Canada, it is not a situation that is something that is necessarily desirable. It is necessary to have housing so this housing was build and provided for these people and I think that is very good. There's nothing wrong with that.

MOTION #2 Mr. Shaw continued:

But when the condition no longer exists, when a country opens up and people can provide their own housing, then I think we have to take another look at this type of a policy. This country, this Whitehorse area, is heading towards that type of a category, and that's why I have taken a stand in view of selling these houses to the people in these certain areas. If we could take the whole of the Hillcrest area over in one block, and as the Honourable Member for Whitehorse East has suggested, that someone could buy as a package deal, well, he may have something, but I cannot see how they will do that. They won't let go of the vacant houses that are sitting out in Takhini.

Mr. Dumas: Mr. Chairman, if we were to carry this attitude of the Honourable Member for Dawson City, to all departments, to all areas, we might as well throw our hands up in the air and leave these Council Chambers. He's saying that because they may do something or other, there's no use us trying to do something about it. This is the very struggle we're involved in. I think we should let the Federal Government know what we feel about Yukon property, Yukon housing and about the housing needs of Yukon people. That's our job.

Mr. McKinnon: Mr. Chairman, I'd certainly like to ask Mr. Commissioner whether these various proposals that the Honourable Members are suggesting were, in fact, looked into by the Administration, what is the practicality of different plans and why did he come up with the plan that he mentioned in his Throne Speech.

Mr. Chamberlist: I beg your pardon, Mr. Chairman, did I hear the Member say Throne Speech?

Mr. McKinnon: Opening address.

Mr. Commissioner: Well, Mr. Chairman, the problem before you at the moment, brought forward by Councillor Dumas' motion, is really more than just a problem of the Hillcrest housing disposition and its immediate usefulness to the housing problem here in Whitehorse. The problem that you are confronted with is one that is apparently going to be with us until the end of time, and that is the general dispersal in this Whitehorse Metropolitan area of rateable property. I don't set myself up as any financial genius or anything else, but I think the Council will understand me when I say that the economics of the Whitehorse area, and when I say this I don't really mean the City of Whitehorse as such, I'm talking about the economics of the Whitehorse area from the point of view of it becoming a properly self-sustaining, adequately self-governed viable entity, is absolutely frustrated every time you turn around by the inheritance of bygone days. Now, I know we need this housing badly. I think I'm as well aware of it as anyone else is here. We have a terrible situation here in Whitehorse. Councillor Dumas is in the business, and I'm sure that for every problem that I know of in connection with housing, he probably knows fifty of them. It is absolutely terrible to say that we don't need this housing, and I think that from a point of view of immediacy that what Councillor Dumas is proposing here and what I believe Councillor Chamberlist is proposing, these things have got tremendous merit as far as right now is concerned and maybe the answer should be for right now. I would not dispute this particular thing, but I also do feel that in the process of getting these right now answers we should be taking a very hard look into the reasonable future...not 150 years from now, but in the 5 or ten year distant situation,

Mr. Commissioner continued:

and how in the name of goodness that we are going to be able to maintain all these little pockets of rateable property interspersed and with great, huge chunks of either government owned or privately owned acreages that for one reason or another they don't seem to be able to get developed, I don't know. Now, on the north end of Whitehorse here, literally speaking you have the large unoccupied areas that are privately owned. On the far bank of the river here, you have this great huge hospital complex which I am well aware is a tremendous asset to the community and to the Territory, but for the municipal services that are provided for it, really there is no direct contribution to the city commerce. On the south you have got the area that is occupied by the Northern Canada Power Commission and they are a tax exempt corporation ostensibly as a consequence of this they are selling electricity at cost. I've often wondered what is the figure of cost... I understand it is a multitude of things. On the other side, you are completely surrounded by further great, huge gobs of non-rateable property. Now, at some point in time somebody is going to have to come to grips with this. Perhaps the suggestion that I have got is too long range. It is very conceivable. I'm not saying that it isn't, but maybe the suggestion that we have here right now for the immediacy, possibly this is the thing that should be done. Perhaps we should be taking a look at this from the point of view of using not a private corporation but possibly we should be taking a look at our own proposed housing corporation conceivably that should take over this Hillcrest housing and operate it on a rental basis, securing all the deficiency payments or whatever you refer to them that conceivably could be available to us under C.F.H.C. Possibly we could be encouraging the municipality to do this, I don't know. But, in the process of trying to come to grips with the problem, the point that I want to continually bring before Council is the fact that these ad hoc solutions are only good if they are done in the context of the long range solution, and this is the point that I want to make and this is the point that I have tried to make in the conversations that I have had with respective officials in the Federal Departments that are concerned. Now, you have asked me a question, as I understand it, concerning the economics of this particular situation as well as whether we looked into these various other ideas, and we have looked into these other ideas and there is some merit in ever one. Every one of these proposals has some merit to it, and you make no mistake about it, I would venture to say that no matter what we do, the chances are that we're going to be wrong anyway. My idea is that we should do something. Now, if you were to ask me how much it costs to operate the utility services such as road maintenance, sewer and water systems and things of this nature, I cannot give you this information. I'm not saying that it is not available, but it is very hard to get truly definalbe information for that area as it applies specifically to the housing itself. Remember that this is part of an integrated operation and there has been no reason for it to be broken up into what it costs to deal with the housing and what it costs to deal with other buildings that had been used by the Canadian Forces. It's not too easy to get these figures. The best that we could do would be to come up with estimates. I strongly recommend to you that you do not completely throw off to the side the suggestion that I have put forth. I feel that in the long run it is the proper one on the basis of the information that I have been able to obtain. I am not saying that there are not other things that could be done in the immediacy that could have beneficial results and no doubt have a lot of merit. But, please, do not lose track of this long range problem.

MOTION #2 Mr. Commissioner continued:

You simply cannot continue to have the City of Whitehorse provide municipal services for enumerable numbers of people who are occupying non-rateable property on the outskirts of the City. We've got to come to grips with it. We have inherited these things, they are not the making of anyone here or anyone who we are presently dealing with. I will gladly answer any further questions or go into any kind of discussion at any time at all, or any members of my Administration, to assist in coming up with proposals or suggestions to this tremendously vexing problem.

Mr. Chairman: I think at this point in time we will call a recess.

RECESS

Friday, March 8, 1968.
11:00 o'clock, a.m.

Mr. Chairman: We will now call Committee back to order. Mr. Dumas. MOTION # 2

Mr. Dumas: The Commissioner spoke about long term ramifications of any moves that we make now. I think that this Council and any responsible body should be willing to think in long terms in many cases. But what about the short term ramifications of the critical housing shortage. How about now, what are we going to do today and everything is long term. Let's look after the children of today who are going to be adults twenty years from now? What are we going to do for the adults who are here today and their problems. I suggest that in certain areas short terms and answers are in order. Now, as far as consolidating Government housing I think this can be done very well in the Camp Takhini area. There are many lots up there that are clear now and don't have lots on them. We can put houses there and move the people from Riverdale area up there. They must be moved and if they are willing to be moved, I don't know if they are, and I don't blame them. At any rate we have the area of Hillcrest that can be used and must be made available for public use. Now, whether we use the method that was suggested by the Commissioner to a local housing authority or whether we use private enterprise. I could care less as long as housing becomes available for public use now. This is the whole point, this is the crux of the matter. Not twenty years from now not fifteen not ten, now, today. We've had this problem for the last year, we are going to have it for the next one, two or three years and maybe longer so let's do something now.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, Mr. Commissioner doesn't seem to recognize that it is the adults of today that are going to bear the children of tomorrow. For the adults of today haven't got houses we're not going to have adults in twenty years time because there's not going to be proliferation of family life that will be required. Now, Mr. Commissioner says, and keeps referring to we've got to come to grips with this situation. Now, I have known the Commissioner for many years and so have most of you and this is a favourite expression of his, we have got to come to grips. You know, and what are we doing now? What did we do in the First Session? We came to grips with the situation by asking that a housing authority be set up. Nothing has been done in this particular regard and it is getting to be such a situation right now that we cannot even think of the reasonable future and the far distant future. We have got to do what is necessary now and I am suggesting it would be much more encouraging for the City of .. Municipality, and I have to keep putting this ahead of the City of Whitehorse, Municipality of the City of Whitehorse to take in areas around the existing city boundaries into a metropolitan area, the principle of which I agree with whole heartedly. If, for instance, in the Selkirk area there was a firm tax structure that can be brought in as revenue to the Municipality's coffers. We have to find ways and means of doing that so that the cost of the services which are now being borne, and I will agree with the Commissioner, by the existing tax payers will increase the revenue. There's no doubt that for a long time the services that have been supplied by Whitehorse for those people surrounding the area, and they haven't put towards except by indirect help to the purchasing etc., in the area but the problem that we are faced with and must be stressed most strongly is how are we going to accommodate the people who are, wish to come in and live in this area and we have an opportunity now help now by saying strongly to the Federal Government, get your claws out of land. Turn these houses over either to the Territorial Government housing authority they must with the right that they may

MOTION
2

Mr. Chamberlist continued: I certainly feel sure that the Federal Government would even lend the money to the Territorial Government so that they can purchase all those houses from them and set up a housing authority in the manner that Councillor McKinnon had clearly laid out in the Fall Session of 1967. To me, I have no information before me that there has been any response or in fact there has been suggestions to the Federal Government that a type of agreement of this nature that there be a loan made from the Federal Government to the Territorial Government to purchase this area so that the Territorial Government may in turn set up a rental housing system. There has been no information on that matter. It would appear to me that we have been trying to get to grips with the situation and I'm not suggesting that the Administration has been lacking in not bringing this matter forward, I'm suggesting that the Administration in turn are not getting the co-operation of the Federal Government in the Federal Department in this particular matter and the only way that Councillor Livesey from Carmacks - Kluane says, the only way one can do this is to make strong representations. We have no power beyond that. It has often been stated that the votes and proceedings of this Council is read by many members in Government employ in Ottawa and if the right people know how we feel about the situation, and with the help of the Administration and, Mr. Chairman, the Commissioner in particular, how we feel about this situation I'm sure that they will recognize that there is a need. It must be expressed to the Federal Government that housing is so important right now and especially in view of Minister of Indian Affairs and Northern Development suggestion that the greatest advance ever is taking place in the Yukon. Why he doesn't take steps to contact other ministers and other departments who are responsible for holding this land, property, to alleviate the housing distress in this area is something that is beyond me and I have sympathy with most Federal Government existing policy but I haven't any sympathy whatever when the department with whom this administration has to deal with apparently is not supporting the absolute necessity to get themselves out of the property ownership especially when they don't need the property and turn it over in some way or other to somebody that can handle and alleviate our housing problem and I'm suggesting, Mr. Chairman, that it is our responsibility to make strong representation, I think all of us all members of this Committee can not but agree that the housing situation is bad, it is terrible, and I know that the Commissioner is personally concerned about it and because I have sympathy with the Commissioner in this regard I'm satisfied that he is doing whatever he can but I am suggesting to the Administration, Mr. Chairman, that they are not going about it the right way, that they are not being definite in telling the Federal Government what actually is the situation. This, I submit, is where the only grip is not being maintained. We are coming to grips with the situation we are doing it now and I would ask Mr. Chairman, of this Committee that in any further debate on this, most stressfully show by word because we can't by action because of the situation we're in we are frustrated because of the very limited amount that we can do. We can only protest and protest vehemently and this is what I am doing. Thank you.

Mr. Chairman: Councillor McKinnon.

Mr. McKinnon: I wonder if I could ask the Commissioner when the housing in Hillcrest subdivision will in fact be available?

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Well, Mr. Chairman, We have nothing official on this but on an unofficial basis I do believe that it will be as promptly after the end of August as the Canadian Forces have removed themselves from this station.

Mr. McKinnon: Mr. Chairman, is it the intention of the Commissioner at the end of August that the housing then go into the crown owned housing pool? Is there any indication of how many of these houses will be needed by the crown owned housing pool at the end of August. MOTION # 2

Mr. Commissioner: Well, Mr. Chairman, that is not a simple question to answer. The crown owned housing pool in Whitehorse consists of housing that is located at the present time in three different areas, Valleyview, Takhini, and Riverdale and there may be some other, I believe there is a couple of apartment buildings and one or two other individual houses in the downtown area and this is all part of the crown owned housing pool which housing is made available on a first call basis to people of the Federal Departments bring here for employment purposes. In other words, they are people who for one reason or another are moved from other parts of Canada to the Whitehorse area here and one of the terms of employment is that housing is made available to them at certain rental. The next availability, and this is done on a somewhat, I believe, on a unit basis, in other words, so many units are made available to the Territorial Government for the employees. The total amount of houses crown owned housing pool has here in Whitehorse at the present time I'm sorry I don't have that information but I do believe that they have housing or will have housing when this Hillcrest becomes available. If it was taken into the housing pool to the total of the Hillcrest area plus some others that will be in excess of their needs. Now this I cannot speak officially on this matter but I do believe that this is the situation. In other words, the number of units that is available in the Hillcrest area plus a few others will be the total amount that will be excess of their needs at that time and I have no idea whether this is the projection for some little time in the future, I imagine that this may be for say 2 or 3 years. The next part of the budget is would this housing be put in crown owned housing pool at the end of August. On the suggestion that I have put forth I have endeavoured to the housing would become available or come into the crown owned housing pool as it became vacant. In other words, it wouldn't of necessity have to be dealt with in a whole block, it would be as they become vacant. I do believe that some of them could conceivably become vacant possibly by the month of May or June. This is the information that we have been kindly supplied with by the local DPW and the Canadian Forces. Everyone has been very co-operative in supplying us with as much information as possible on this thing and I want to make it very clear that at the local level here we get first class co-operation from all these people in our endeavours to find some kind of acceptable solution to this. I want to suggest something else too and that is housing is very badly needed in Whitehorse. We go along with this but also there is a question as to how much people can pay for housing and one of the questions that remain unanswered at the present time that if this housing we are talking of here, did become available in the public sector as a unit for rental purposes or for sale or what have you. Is it going to be available on a basis that ownership or tenancy is available at a price that people who are the potential customers can afford to pay. This is the question we cannot answer at the moment. Also too, the influx of this type of housing into the local economy or into the public domain, in my opinion, has got to be done on a basis that is not going to make it, literally speaking, impossible or will create a great vacuum in the private sector of the economy on behalf of these people who at the present time either make their living from an apartment block, rentals or contemplate putting up apartments or build, renting more houses. Well now, I know this may be looked upon aswell, even the influx of 150 houses is not going to bother this too much but this is the question that is quite important to answer and has a lot of bearing in the final analysis of what is the best means of dealing with this Hillcrest housing. I simply bring them forward as points that we have uncovered in our investigations that indicate that this is indeed a very complex and vexing problem, particularly when we need the housing so badly.

MOTION Mr. Chairman: Councillor Dumas.
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Mr. McKinnon: I wonder if I can continue in thisMr. Chairman, is it the intention of the Administration to bring legislation dealing with the establishment of the public housing corporation before the Fall Session of Council?

Mr. Commissioner: Mr. Chairman, the Legal Adviser tells me that this is a legislation to give effect for this is in the discussion stage at the moment and while nothing is programmed I think that I would be safe in saying that if the advisability or the desirability of creating a public housing corporation to give effect to the use of the Hillcrest area was indeed shown that this was desired, I am quite confident that we could by some means or another give credence to legislative confidence in this field at the Fall Session.

Mr. McKinnon: Mr. Chairman, my whole point was that this problem as I stated at the Fall Session of Council was ...in 1965 and there was a suggestion at the time when the public housing corporation be set up to alleviate these problems which we are foreseeing. However, nothing has been done since that time and the concept of the public housing corporation was for the Yukon to immediately take over existing surplus crown owned houses because it's to be administered as rental projects and put up for sale as required or as requested. Houses should be sold to selective buyers at a price set by the corporation which would be in line with the current market value and locality as the local economy and demand develop houses may be put on the market for sale. The Territorial Government and Federal Government departments will contract with the corporations to supply their staff house requirements. Mr. Chairman it is my contention that had this been acted on when it should have been that we wouldn't be arriving at this problem that we do at this table today. I don't know whether the Fall Session of Council would be too late for such a corporation be set up to actively be able to put people into housing for the winter under this type of a programme. I think it's something essentially needed in the Yukon it's something that the Province of Ontario put into effect last fall because they saw their need for exactly the same type of corporation to handle housing of this nature. I think this is the ideal solution to the problem and whether the fall is too late and whether the legislation at that time dealing with the problem in this matter will be too little, too late I'm not prepared to say at this time, perhaps other members have suggestions they want to pass on.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: I suggest that it will be too little and too late and as for the comments of the Commissioner regarding the feasibility of the individual renting in this area or any other area where it is available, I suggest that the gouging that's going on in some areas in Whitehorse right now would make any reasonable housing rental project come as manna from heaven and as far as purchasing is concerned the inflated prices of housing in Whitehorse would again make any houses that were to come on the market from this area, they've got to be reasonable according to the standards we are following today, and the inflated prices that have been charged. This housing problem is one that exists across the nation and I think in a sense we are fortunate here in the Whitehorse area that we do have 176 dwellings being made available to somebody and we must assume they are going to be used by somebody even if the Government gets it. Surely they're not going to do like what they did with the 28 or 30 that they have in the Takhini area. I suggest also that since we do have 176 dwellings being made available that we as a Council, a responsible Council, must act at least to let the Federal Government know what we want done and I think we should act at once. The people of the Territory expect that. In fact we know, as Councillor Livesey and Councillor Shaw has pointed

Mr. Dumas continued:

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out that the Federal Government can ignore us certainly they have # 2 done it in the past in various other areas but we must act within the framework of our competency to act and to recommend and stress very strongly what we feel should be done about housing in our area.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I feel that there is an emergency and I am sure that Mr. Legal Adviser if upon the instructions of the Commissioner were told that there is emergency in the housing matter, then legislation would be brought forward within a very short time i.e. less than a week because we have seen where emergency legislation has been brought forward four times in one day, especially when it's dealing with taxation. We have lots of bills come forward real quickly. Now, I'm suggesting Mr. Chairman that because we require emergency legislation to deal with this matter, the legislation from which the Honourable Member from Whitehorse North questioned the Commissioner. Should this be worked upon immediately and I wonder at this time Mr. Chairman if Mr. Commissioner will say whether he is prepared to ask for this legislation to be brought forward because of the emergency of the situation.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, if we are satisfied in our own mind that this is the means of dealing with this why we will do our very best. There is only one thing that I question of the situation and that is whether or not this is the solution of the only problem that we have and our ability to get a hold and create legislation of this nature is not quite as simple as what it sounds on the surface but I'm certainly not going to hide behind this as any stumbling block I will put it this way, I am not going to use this as an excuse for in-action as far as the administration is concerned. I think that this should answer the Councillor's question. I don't think this would be a proper thing for the administration to do. The answer to the problem and how we feel about this should not stand in the way on that particular thing. As far as the matter of a week is concerned this is something I will not

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, as far as the housing authority is concerned I introduced the resolution in Council before, long before the Davis report was made public on very similar lines and we can see just what the results have been. They have been negative. They have been negative because in the first instance to set up an authority, this authority must have the money, finances to build houses or they must have houses to acquire. There is no point Mr. Chairman in indulging in pipe dreams that you could set up the housing authority and start in the housing business without any money. It's going to take millions of dollars to do. to build houses to rent them or sell them so therefore we must go to the Federal Government to get this money or to get these houses which we are endeavouring to do now, we are trying to get these houses made available. Now, I have a question or two that I would like to satisfy myself on Mr. Chairman. I have a question for the Honourable Member from Whitehorse West, and his desire is very, very sincere. That's very good to acquire the Hillcrest property or to have it made available let us say should be the correct word. Would the Member feel Mr. Chairman that it would be satisfactory if we got part of this housing complex or would he feel that in order to make it work, the whole area should be made available.

Mr. Chairman: Mr. Dumas.

Mr. Dumas: Mr. Chairman, I would like to see the whole area be made available but really, if we can do anything, if we can get

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Mr. Dumas continued:
half or a quarter or any houses available to do something about the situation, good, we are moving in the right direction. Partial or all and for all naturally.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Would the Honourable Member, Mr. Chairman, know what it would cost, the amount of costs involved in such a complex where you have half Federal and half privately owned property in this area together. The problem is, the problems of - let's say managing..

Mr. Chamberlist: No problem at all.

Mr. Chairman: Order, please.

Mr. Dumas: I couldn't put a figure on what it may cost to maintain the area but I suggest that it would probably be less than any area possibly in the Yukon because of the set-up that they have and there is one thing that comes to mind when we talk about possibly dividing the area I understand information received since yesterday that the whole area was built as a package deal so you find here where you are in the situation where we have sewer lines and so forth heading across peoples' properties, no thought of these ever being individual packages but we would expect that the whole area would go as a package. Mr. Chairman, I have a motion that I've watered down somewhat in order that it will be acceptable to the whole Council and the order if I can get the idea across and what I am mainly interested in is this housing being made available as soon as possible for public use. Now, if we use the housing authority to do this, fine. If we use a company to buy this area and rent it out, fine. If they do want to sub-divide it and sell, fine. I don't care but we here are interested in the future of the Yukon and the future of the Yukon depends so much on people that unless we do something to ensure these people a place to live they're just not going to come up here or they're not going to stay here. This is the thing that we have to concern ourselves with. These people and this is an opportunity for trying to do something about it and with that I would like to go ahead with this motion. I move that recommendation be made to the Federal Government that the Hillcrest housing be made available for public use as soon as it is released by the Department of National Defence.

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

Mr. Shaw: Could I ask a question of the Commissioner to let me know approximately how many houses will be in this particular area. This is just approximately about ten or fifteen, it doesn't matter and how many houses, these are crown houses, at present in the Municipality of the City of Whitehorse at Riverdale.

Mr. Commissioner: Well, these figures are an approximate figure, Mr. Chairman, and I stand to be corrected on them accurately. In Riverdale there are 55 individually crown owned houses and there are several duplexes I believe 5 duplexes. In downtown Whitehorse there are two apartment buildings, they are located close to the R.C.M.P. compound and there are several individual family dwelling units in downtown Whitehorse. How many, I don't know for sure but but I don't think it exceeds ten. In the Hillcrest area there is a total of, I believe it's about 170 or about 180 and this includes a block of Steelex buildings that are in effect duplex buildings. I believe in round figures, around 150 individual family dwellings and the balance of the 180 odd is in duplex type buildings. I'm sorry I don't have the figures available in Camp Takhini but there is a considerable number of duplex type units in the Camp Takhini area and there is also a considerable number of individual and duplex type units in the Valleyview area. Now I don't think that

Mr. Commissioner continued:

the housing, the C.N.T. housing is looked upon as crown owned housing, I believe that it is directly owned by Canadian National Telecommunications and also I do believe the housing owned by the Northern Canada Power Commission in Riverdale is also looked upon as being owned by N.C.P.C. It is not looked upon as crown owned housing.

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Mr. Chairman: Is there any further discussion on the motion. I have a motion before me, it has been moved by Councillor Dumas, seconded by Councillor Chamberlist that recommendations be made to the Federal Government that the Hillcrest housing be made available for public use as soon as it is released by the Department of National Defence. Be prepared for the question.

All: Question.

Mr. Chairman: Are we agreed?

All: Agreed.

Mr. Chairman: Any contrary? I shall declare the motion carried.

Mr. McKinnon: Mr. Chairman, at this time I wonder if I could rise to present a further motion. Mr., the Honourable Member from Whitehorse West expressed from his duties as a member of salary negotiation committee with the Yukon Teachers Association and I would move that Mr. Dumas be appointed as a committee of one to meet with the Administration to discuss the disposal of housing in the Hillcrest area, as very well qualified to do this being in the real estate business.

Mr. Chairman: Can we have a seconder? I will have to then declare that there is no motion.

Mr. McKinnon: Mr. Chairman, I will have to rise and speak that this is an opportunity where this Council could have put a member of this Council in a position to meet and deal with the Administration, to be able to discuss how this housing should be dealt with in the Hillcrest sub-division. Here we have a member of Council whose constituency Hillcrest falls under and also is a member of real estate in Whitehorse and knows full well the problem of housing in the Yukon and this suggestion has been turned down. I just can't follow the thinking of this committee.

Mr. Chairman: Mr. Livesey.

Mr. Livesey: Well, I think for the benefit of the Member, Mr. Chairman, it would be much better if he did not because he possibly could be misjudged as having a pecuniary interest and I think.., I don't doubt the capability, I think the capability is definitely there but for the Member's own protection, I think it would be far better if this didn't go through.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: This is one of the reasons why I did not second, the other reason was that my concern is for those people that I represent who already live in the Riverdale area, those Civil Servants, the information that I have from many of them who have called me in the past few days, since the Commissioner's opening address is to ask me to strongly protest their being moved out of the houses they have looked after so carefully and done work on them at their own expense for so many years, just being taken out of the area without consideration. This is why if the suggestion was that I have joined another person in being on a committee of this nature I know I would have been able to take care of those people that I represent.

MOTION #2 Mr. LChairman: Councillor Shaw.

Mr. Shaw: I have a question Mr. Chairman, I'd like to ask the Commissioner a question. The person, the employee of the Government who lives in one of these houses, are they forced to live in these houses or can they get their own houses?

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: To the best of my knowledge there is no compulsion in this regard Mr. Chairman. In fact I think we have quite a few people who work in the Federal Civil Service who have been desirous of and do in fact built or bought their own housing in the community in the course of the last few years and have lived in those houses. I am certainly not aware of any compulsion in this regards.

Mr. Shaw: Thank you Mr. Chairman.

Mr. Chairman: Have we anything further on this subject, gentlemen?

Mr. Livesey: May we call 12 o'clock?

Mr. Chairman: I have a motion that we call it 12 o'clock.

Mr. Chamberlist: I'll second that motion.

Mr. Chairman: Agreed?

All: Agreed.

Mr. Chairman: I will declare Committee in recess until 2:00 o'clock this afternoon.

RECESS

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March 8, 1968.
2:00 o'clock p.m.

Mr. Chairman: At this time I will call Committee to order and we will go to Sessional Paper No. 9

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UNIFORMS
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TIONS
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Mr. Chamberlist: Mr. Chairman, this Sessional Paper now advises us that there is money made available in the 1968-69 Budget for the purchase of uniforms and I am pleased to see that this has now taken place and is up to Council when we are dealing with the Budget to approve this item. However, the further information **that** is in this Sessional Paper to which I have taken some objection and upon which I intend to speak now, is that section that says that on future uniforms in future years it will be by a 50/50 arrangement and to quote the words used at the latter end of the Sessional Paper, that is "50% paid by the Government and 50% recoverable from the individual; this shall be ongoing." I might advise Members of this Committee that I have over the past few months done some research work into the operation and various aspects of various correctional institutes across Canada, and from the report and information book that I have got together I have brought out for your consideration the facts that in the provinces of B.C., Alberta, Saskatchewan, Manitoba, and Ontario, the correctional institutes operated in those provinces supply an annual issue of uniforms or its equivalent. Now, they say its equivalence because they also supply where there is medium-type institutions a blazer and a flannel pair of slacks in lieu of uniforms where inmates have to be taken out to various places, and these are all paid for in full by the respective provincial governments, and only if any part of these uniforms are lost or misused then it is up to the individual to replace those parts of the uniform that have been misused or lost. Now, in the Northwest Territories Department of Corrections they had suits supplied in lieu of uniforms. You will realize that for almost a year now anyway the officers in our Correctional Institute have been using their own suits and own clothes without any recompense at all. Now, it was found and I understand there is going to be a change, but in the Northwest Territories they found that the suits were an impracticability, and my understanding is that it is to be dispensed with because there is a somewhat of a rotation of employees between the main institute and the camp that they have there as well which hadn't been too impressive when the public see the officers taking care of the inmates. Now, it is recognized from many government sources that a uniform helps the morale of the individual wearing it, and impresses the public. It impresses the public that some authority exists in the structure of the organization itself. I would point out that airline employees, both male and female, postal employees, R.C.M.P., servicemen, even service station attendants and security guards in various organizations, even a detective agency; they all have uniforms which are supplied to them, and after fair wear and tear they are replaced at no cost by the organizations. We must keep in mind that the salaries paid to our correctional people and the nature of their employment; there must be a firm policy of government to subsidize the uniforms because it adds more incentive to the - it acts as an additional remuneration of value in respect to the particular positions that they hold, and if you want to keep them you must do these little things because after all they might tend to sell their services for a more lucrative offer in the free enterprise system. I have this morning - I beg your pardon, it was yesterday afternoon - spoke to a number of individuals of the correctional staff and asked them their view on this, and I am afraid, Mr. Chairman, that there doesn't seem to be much satisfaction in the idea that they will have to pay towards the

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uniforms and one particular person said 'Well, if I go and use my uniform and paint my house and there is paint all over the place, I expect to replace it, but if during the course of my work with fair wear and tear, there is necessity for me to replace the uniform why should I have to pay when the uniform has been worn during my particular job?' Now, I speak on this because there is a set policy as I have already stated with a number of governments in Canada to supply the uniforms, and I am not in agreement with compelling the guards to be placed on a 50/50 arrangement for replacement simply by fair wear and tear. If, and I repeat, if they misuse their uniforms or lose their uniforms, not only would I say that there should be a 50 per cent toward them, I think they should pay the whole shot towards them, but while they are using the uniforms in their duty, I think they should have their uniforms replaced at no charge, and this should be on the ordinance.

Mr. Shaw: I have a question, Mr. Chairman, of the Honourable Member from Whitehorse East. These uniforms are used in British Columbia, are they uniforms that are purchased in the normal retail, the wholesale market, or are these tailored-made in the institutions of British Columbia, the penal institutions?

Mr. Chamberlist: Well, sir, I could not answer where they come from or how they are - where they are manufactured. I do know they are given at no charge to the guards and are replaced at no charge to the guards after fair wear and tear. I haven't got the information that the Member for Dawson requires.

Mr. Shaw: Mr. Chairman, I raised the question because we are spending public funds and at the same time we have to look into the cost of operations of these various things and just where one policy starts and one policy ends.

Mr. Chairman: Is there anything further on this Paper?

Mr. Chamberlist: I don't quite see, Mr. Chairman, what reference the Honourable Member from Dawson City said his remarks are to the point that I have raised. I will try and perhaps make it a little clearer. My supposition is this, that the uniforms are part of the equipment of the correctional system, and it would appear to me that if there was a mattress in the correction system, for instance, that through fair wear and tear was no longer in use - satisfactory to be in use - I would suggest that it would be replaced exactly the same way as if these correctional people were living in staff houses that were furnished by the government, the government wouldn't come along and say 'Well, I agree, this mattress is no longer satisfactory for sleeping on. It has had its fair wear and use. We're going to supply you with a new mattress, but you have to pay 50 per cent of it.' My submission is that these are uniforms as part of the equipment of the system. The fact that we do not have any tailors as inmates in the correctional institute to make suits for the uniforms for the guards has no bearing on the point in issue, and the point in issue is whether the staff should be charged because they haven't used the uniforms in the conduct of their duty. As I say, especially as to fair wear and tear, and this I think is the main point that must be decided, whether it is right to say to the correctional staff that these uniforms must be paid for in that manner.

Mr. Shaw: Mr. Chairman, that is the point. The suggestion here that we have in number 9 seems quite fair to me. The whole thing boils down to dollars and cents. Now, if a person in his employment only has to pay for half of the clothes he uses, that is quite

a consideration. I have to pay for all of my clothes. A nurse that works in the hospital has to pay for her clothes; a janitor that works in this building has to pay for his clothes; the Commissioner has to buy his clothes as well as all the administrators. I would assume that if a person is given a uniform and then only has to pay half of the replacement, one of the objectives in this is to assure that he will make the maximum use of this clothing that he is using in the course of his work, and it sounds pretty reasonable to me. That is the attitude I would take, Mr. Chairman. The reason I asked about whether the inmates made it in British Columbia, and I think they are made in the prison; then, of course, we have a very economic situation because all you have to pay for is the material, and at the same time you are possibly training some people to fill a useful occupation when they get out of the cooler, so that it does look like a fair arrangement and I think we're still ahead of the game.

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

Mr. Chamberlist: Well, in that case, Mr. Chairman, I would leave it at the moment. I would not have anything further to say on it.

Mr. Chairman: Mr. Commissioner, I wonder if at this time if you may have an answer to the question raised on Sessional Paper No. 8 as to how many briefs have been submitted to the Carr Commission?

Mr. Commissioner: The question again, Mr. Chairman. I'm sorry.

Mr. Chairman: The question was asked yesterday as to how many briefs had been submitted to Carr Associates in respect.....

Mr. Commissioner: No, I do not have any more up-to-date information at this time than what I was able to give Council when the question was first asked.

Mr. Chairman: Thank you, Mr. Commissioner. The next Sessional Paper is Sessional Paper No. 10, Fitness and Amateur Sports Policy.

Mr. Dumas: Mr. Chairman, I'd like to discuss this paper but I do think we should have the Recreational Director for the Territory here, and he is at this moment tied up with the Polar Games which are being held in Whitehorse, so maybe we could leave this until such time as he can be present.

Mr. Chairman: Is Committee agreed?

All: Agreed.

Mr. Chairman: Gentlemen, we will then proceed to bills. Bill No. 2. An amendment was proposed to this bill and it has not been as yet decided by Committee. I shall read the amended sheet that we have. "Section 110 of the Motor Vehicles Ordinance is repealed and the following substituted therefor: 110(1) When a vehicle bearing the sign "school bus" has stopped on a highway to receive or discharge passengers or while the vehicle is displaying alternately flashing lights, a driver approaching the school bus from either direction shall stop before reaching the school bus. (2) A person who is required by sub-section (1) to stop before reaching a school bus shall not proceed to pass the school bus, (a) until the school bus resumes motion, or (b) until the driver of the school bus indicates by a signal that he may proceed, (c) where the school bus is displaying alternately flashing lights until the lights stop flashing."

BILL #2
MOTOR
VEHICLES

BILL #2
MOTOR
VEHICLES

Mr. McKinnon: There are two things here that aren't necessary, Mr. Chairman, in my estimation, and the first is there has to be an addition to the regulation stating that all school buses in the Territory now have to be equipped with flashing lights, and also to make this workable there has to be a date of coming into force as a further amendment to this Ordinance so that when these vehicles are all equipped with flashing lights then this Ordinance can come into force by Order of the Commissioner.

Mr. Legal Adviser: Mr. Chairman, with respect, I had prepared a draft on those lines and a regulation is in fact being prepared to make it compulsory for all school buses to have these type of flashing lights, but it was pointed out to me by the Motor Vehicle Registrar that as the amendment reads: 'When a vehicle bearing the sign "school bus" and displaying alternately flashing lights has stopped...'. Now, at present there are some school buses which do not have flashing lights, so a person will not commit an offence by passing that school bus because it will not in fact be displaying flashing lights, so the amendment holding back the coming into force of the section is unnecessary, because - I'm not sure if I make myself clear on that.

Mr. Chamberlist: Mr. Chairman, how do we corrolate the reading of sub-section (1) to sub-section (2) and the rest, because right at the beginning it says; 'When a vehicle bearing the sign "school bus".....', etc., you can't proceed, as I see it, while the bus has flashing lights. This is in section 1. You can't proceed. Now, in (2) if, for instance, 'the driver of the school bus indicates by a signal that he may proceed...', sub-section (1) still says that you can't proceed. Do you see the point I am getting at, Mr. Legal Adviser? In that sub-section (1) you can't proceed when the lights are flashing. Now, in section (2)(b) the driver indicates that he may proceed, then he still can't proceed.

Mr. Legal Adviser: With respect, Mr. Chairman, as I see it the person must come to a stop, and when he sees a bus which is - it must be fulfilling two conditions; one, it must bear the sign school bus, and second, it must be flashing its lights. Now, when he sees that he must stop, and one would assume he is going to remain stopped until a certain change of condition occurs. Now, he can go forward when any one of three things happen: when either the bus itself moves on, or the driver says come on, or the driver switches off his lights.

Mr. Dumas: Mr. Chairman, I think the Honourable Member from Whitehorse East is mistaken when he says the first part says you can't proceed. It doesn't say that at all. It says that you shall stop. There is nothing about proceeding at all. You shall stop, and then you can proceed if you fulfill any of section 2. It just says that you have to stop before you can proceed.

Mr. Chamberlist: Its confusing.

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

Mr. McKinnon: Mr. Chairman, I wonder if I could ask when the regulations will be coming into force making it mandatory for all school buses to have flashing signals?

Mr. Legal Adviser: The first of September, Mr. Chairman.

Mr. Shaw: Mr. Chairman, should we not have an addendum to this to the effect that it could be given assent to to become in effect on a date as set by the Commissioner?

Mr. Chairman: Who would you direct that to, Councillor Shaw?

BILL #2
MOTOR
VEHICLES

Mr. Shaw: Well, it appears that the Honourable Member from Whitehorse West has the answers to that question.

Mr. Dumas: Mr. Chairman, it is not needed as the Legal Adviser Pointed out under section (1), it is only if the flashing lights are on the vehicle that we have a problem, so it could come into effect immediatcly.

Mr. Chamberlist: I disagree with it.

Mr. Dumas: I would like to move that Bill No. 2, An Ordinance To Amend the Motor Vehicles Ordinance, be reported out of Committee as amended.

Mr. Chairman: I am afraid, gentlemen, that - I can offer possibly little direction here. I would suggest that if we are agreed with the amendment then someone would have to move that we accept this amendment. The normal form would be that section (1) of Bill No. 2 be deleted and amended to read, and then you have to read the full amendment.

Mr. Dumas: Thank you, Mr. Chairman. I would like to move that section (1) of Bill No. 2 be deleted and the section inserted as follows: 'When a vehicle bearing the sign "school bus" and displaying alternately flashing lights has stopped on a highway to receive or discharge passengers, a driver approaching the school bus from either direction will stop before reaching the school bus.

Mr. Chairman: And sub-section (2) as well.

Mr. McKinnon: That was just a typographical error, Mr. Chairman.

Mr. Chairman: Then you would have to say - Gentlemen, I am just trying to offer an easy out here, but however then you would have to amend your motion to read that section (1) of Bill No. 2 be amended - Pardon me, that would be section 110(1) be amended as differentiating it between sub-section (2).

Mr. McKinnon: It would be very easy to report it out of Committee without amendment, Mr. Chairman.

Mr. Chairman: What is your pleasure, gentlemen?

Mr. McKinnon: Mr. Chairman, as far as I can understand it, there were two typographical errors in this bill. In (b) there should have been an or which was left out, and the or in section (1) should have been an and, and with the correction of these two typographical errors on this bill before us. I think it would be proper to move Bill No. 2 out of Committee without amendments.

Mr. Legal Adviser: As a result of putting in the or it became necessary in the interest of better English to change the position of the words so that the words 'displaying alternately flashing lights' has been moved slightly forward to make a more clear and concise sub-section.

Mr. Dumas: Mr. Chairman, can I withdraw that recent schmozzle, and I would propose that all of section (1) be deleted and a new section (1) as follows be inserted. "Section 110 of the Motor Vechicles Ordinance is repealed and the following substituted therefor: "110(1) When a vehicle bearing the sign "school bus" and displaying alternately flashing lights is stopped on a highway

BILL #2 to receive or discharge passengers, a driver approaching the school
MOTOR bus from either direction shall stop before reaching the school bus.
VEHICLES (2) A person who is required by sub-section (1) to stop before
reaching a school bus shall not proceed to pass the school bus,
(a) until the school bus resumes motion, or (b) until the driver of
the school bus indicates by a signal that he may proceed, (c) where
the school bus is displaying alternately flashing lights until the
lights stop flashing."

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

Mr. Chairman: Are you agreed?

Mr. Chamberlist: Contrary. I would ask that my contrary vote be recorded.

Mr. Chairman: I will so record. What is your further pleasure in respect of this Bill?

Mr. Shaw: Mr. Chairman, I would move that an ordinance to amend the Motor Vehicles Ordinance be reported out of Committee as amended.

Mr. Livesey: Second that.

Mr. Chairman: Are you agreed?

Mr. Chamberlist: Contrary. I would ask that my contrary vote be recorded.

MOTION
CARRIED

MOTION CARRIED

BILL #7
LIQUOR

Mr. Chairman: We will now proceed to Bill No. 7, An Ordinance to Amend the Liquor Ordinance. "The Commissioner of the Yukon Territory, by and with the advice and consent of the Council of the said Territory, enacts as follows: 1. Section 20 of the Liquor Ordinance is hereby amended by adding thereto immediately following sub-section (1) the following new sub-section; "(1a) An applicant for renewal of a licence shall not be required to provide an affidavit or detailed sketch of the premises in accordance with sub-section (1) hereof unless a structural change has been made in the premises since the previous issue of a licence in respect of the premises." 2. Section 24 of the said Ordinance is amended by adding thereto immediately after sub-section (2) the following new sub-section; "(3) This section shall not apply to an application for renewal of a licence.""

Mr. Dumas: Mr. Chairman, before going into any long dialogue on this amendment, I would like to ask the Commissioner if there is not in fact a completely revamped liquor ordinance coming up in the next session of Council?

Mr. Commissioner: It is certainly our intention to have one here then.

Mr. Dumas: Thank you.

Mr. Chamberlist: Mr. Chairman, this new proposed liquor ordinance is not here and there has been many months passed since we have been promised that this piece of legislation would be coming before us. In this particular instance I will not in any way lay blame to our administration, and when I refer to our administration I'm not referring to this Territorial Council's administration, because we have no administration, and when I say that I am not saying it unkindly. I'm just saying it so that it should be made clear that

we are alone as has already been expressed the administration that BILL #7 does exist is the Government of the Yukon Territory, and we are not LIQUOR any part of that Government. I do not blame the Administration because this piece of legislation is not here. It is the obvious attitude again of those who are responsible for getting legislation back to us in Ottawa who must be blamed, but yet I cannot understand why the Administration here cannot forget completely that they have even sent this legislation to Ottawa, and not start getting some legislation made up here. We now have, and I say this because I am satisfied that this is so, a capable Legal Adviser to prepare legislation, and he has prepared legislation where we have found very little fault with. It would appear to me that it would be far beneficial to this Council and in fact to the Territory if we commenced now to make sure that all our legislation initiates here in the Yukon Territory. I am sorry that the legislation has to initiate from the Administration. I would much prefer to see it initiated from the elected representatives, but this again is another matter. Now, with this particular Ordinance that has been placed before us to amend the Liquor Ordinance, I will show how, if we accept a change to section 21 (a) as has been suggested, we would in fact be condoning the already illegal manner in which certain establishments are operating in the Yukon Territory with the sale of liquor. For instance, if we said that no affidavit will be required with the prescribed form, and the prescribed form - if you will refer to the regulations which is form 1 of the Schedule of the Commissioner's Order 1967-163 - there is a question that is asked there whether the applicant is the owner or the true lessee of the premises. Now, he doesn't have to sign an affidavit. Consequently, as you know, there are situations where to overcome or attempt to overcome the Liquor Ordinance present licences are putting in management, as they call it, for a fixed sum of money a month, and then make the application. Now, if there is no affidavit, the Commissioner has no way of knowing whether in fact the statements that are within that application form are indeed true statements. By the same token, it could be well said that even if an affidavit is attached, there is no knowledge that the contents of the application has been truly filled out. The application for a renewal of a licence, and I am suggesting this, and I have argued this in some other place yesterday - is that the application itself is for a licence. It is headed such, and without an affidavit an attempt might be made to apply for five or six licences on the same application. I will be asking very shortly Mr. Legal Adviser to say why notwithstanding that this application is an application for a licence, singular, that applications will even be considered when it asks for two licences at the same time. Now, this is a section dealing - asking for the affidavit. I raise no objection to sub-section (1) where it is not necessary to put in a plan unless there are structural alterations carried out. I can see that. This is a very, very reasonable section of the amendment. I have no argument with that.

Mr. Chairman: I wonder if the Honourable Member could restrict his remarks to the amendment at hand.

Mr. Chamberlist: I am dealing with the amendment and, sir, I have the right to deal completely with the whole Ordinance because it is an amendment to the Liquor Ordinance.

Mr. Chairman: Well, I'm going to have to insist on relevancy here.

Mr. Chamberlist: Well, sir, I will have to in that case go over your head if you do raise that, and ask for a ruling which I do not wish to do, because it is most improper, with respect, Mr. Chairman, for you to interrupt me at this stage because you may be a little tired of hearing about liquor licences and Liquor Ordinances.

BILL #7 I am now standing in my position as an elected Member of this
LIQUOR Council.

Mr. Chairman: I would just notify the Honourable Member I had merely issued a warning to him that I will not tolerate irrelevancy in this matter. You may proceed.

Mr. Chamberlist: Well, I'm sorry I cannot accept your warning because the warning is unwarranted. Now, I've lost my line of thought here through your interruptions. If you will allow me just a moment and I will continue. Yes, now, I am dealing with section 21(a) and the application for a renewal of a licence, and all my remarks are relevant, gentlemen, because they deal with the application for a renewal of a licence. Now, as I have said, and I must repeat to get back to my line of thought - there seems to be no objection to me at all to the elimination of any further plans when dealing with a renewal. My point here is that the affidavit must be part of the application for a licence whether it is for a renewal of a licence or whether it is for an application of a new licence, because with renewals it is quite often that the contents of the application become changed, and it is necessary for the Administration to make sure that the application for the renewal is exactly the same as the application in the original instance for the licence itself. Now, this is my argument dealing with that particular section. Now, before I go on other sections, perhaps other Members may like to have something to say about it.

Mr. Shaw: Mr. Chairman, I have a question. I see section 24 - I note in the original '58 Ordinance - I haven't got the details of that. I wonder if someone could inform me.....

Mr. Chamberlist: 24?

Mr. Shaw: Section 24...what that all contains? I haven't got the consolidated one here.

Mr. Chairman: Is there any further discussion on Bill No. 7?

Mr. Chamberlist: Well, I beg your pardon, I have already asked you, Mr. Chairman, that I have other matters to discuss in Bill No. 7, but I sat down to give the opportunity to anybody to make any replies to my remarks on that first section. Do you wish me to continue with the rest of Bill No. 7?

Mr. Chairman: Well, as I have stated before, the Chair would most appreciate dealing with the matter at hand before proceeding on with some other tact. I am wondering if we could resolve the question in front of us at this point in time, if the Honourable Member would so agree?

Mr. Chamberlist: I don't follow your question, but I will carry on. I have already made my remarks with reference to 1. Now, dealing with 2. The 2 which is section 24 reads as follows at the moment: "In support of an application for a licence in the municipality of Whitehorse, the applicant must produce to the Commissioner a resolution of the City Council approving the granting of a licence." My first remarks on this is that I consider that the whole section is ultra vires for the simple reason that control of liquor is in the hands of the Territorial Government, and I don't think that the Commissioner has the powers to say to the city of Whitehorse, tell us whether we shall grant a licence or not. I know why this section was put in at the time, and I

was particularly concerned with this section, and I'm speaking relevantly because I am speaking about this section. It was an intent at that time to do some damage to me, which I am not concerned with now. I am concerned as to whether this is a legal section. Now, before I go on, I would like to hear from Mr. Legal Adviser whether in his opinion this section is actually ultra vires of the situation.

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Mr. Legal Adviser: Mr. Chairman, my considered opinion in regard to this section is that it is quite intra vires. This Council, when it has the power to make legislation, can make any legislation it wishes in relation to the matter at hand, and if it wants to put in a condition that an applicant must fulfil before he applies for a licence, then it is within the competence of the Council to insist on that condition. This is because of the annual nature of this condition as it reads at present that this amendment is brought forward, because it might be slightly tedious if every single applicant for a licence every year must go and get a special resolution from the Council. At this stage there are quite a lot of licences being held in the city of Whitehorse, and it is weary on the time of the Council as well as the checking that is involved by the Liquor Controller and by each applicant that this section is put in for the ease of the position once you get your first licence.

Mr. Chamberlist: Well, Mr. Chairman, I have heard the Legal Adviser's opinion, but in all cases one does not necessarily have to accept the opinion of the Legal Adviser. I don't accept it in this particular case because I cannot see how powers that have been given to the Commissioner can be delegated to somebody else, and this appears to me what has happened. Now, dealing with the proposed addition to it, I am opposed to it because on the principle that this shouldn't be here in the first place, and notwithstanding that - notwithstanding that this section is in there, it is obvious that nobody is taking any notice of it because of a recent application where there was no resolution placed in. As far as I am concerned, I will not support the amendment to this Ordinance as it is. I will agree to the - I would ask, Mr. Chairman, that Mr. Legal Adviser now give a reply to my points that I have made in section 1 of this ordinance to amend the liquor ordinance dealing with the affidavit where I feel that an affidavit must be attached to the renewal - to the application for renewal for a licence, because it must be a sworn application to show that those statements under which the applicant is making an application for a renewal is correct. Otherwise, he can say whatever he likes in his application.

Mr. Legal Adviser: Mr. Chairman, the purpose of the affidavit at the back of the application is to verify a series of facts which are alleged to be true in the application by the applicant. It is proposed that the renewal form will be a very short form and he will be asked, are there any changes since the last application was granted, or some words to that effect, and the main application which would be a highly legal form will remain continuously on file. If there are any changes, structural changes, that might need inspection, well then there will be a place where he will indicate this, and then in that case he will have to fill out a complete new form, give indication of what the changes are, and so on. It depends on the wish of the Council at any time whether they want to attach an affidavit to a short form or not. It is just a matter of form that you say he must fill in an affidavit as well as an application form but it doesn't add any particular sanctity to it, because if the application is false, he will be refused his licence and the fact shall be ascertained.

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Mr. Chamberlist: Mr. Chairman, I have just learned something. Is Mr. Legal Adviser suggesting that there is going to be another form for a renewal of a licence, or are we dealing with the situation as it is in the Ordinance as it is now, using the forms in the regulations that have already been prescribed? This is what I am referring to. I'm saying that if we are using the same application form for a licence which is form 1, then the affidavit must be attached to it, notwithstanding. Unless you're going to make a new application form, and if you're going to make a new application form for a renewal then, with respect, you should say so - I've wasted my time talking. I'm sorry. I'm sorry, indeed, if it was your intention to make a new application form, but I can only read this on the basis of the forms that are already existing.

Mr. Legal Adviser: The general design is that instead of treating every application every year as if its a complete new premises, just built in that year, we are trying to move over to a renewal of a licence on a simple form or simple statement each year, but as the existing ordinance is designed this is a new conception. The original ordinance set out in terms, in various places, that every application is a fresh application and he has to go through the whole rigamarole for a renewal that he would have in the first application, although in practice it is not quite adhered to. This is as the law states. We are trying to modernize our procedures a little bit. Now, just exactly what form this new form will take, I could not say, but I would intend it to be a very, very short form, indeed.

Mr. Livesey: Mr. Chairman, I rise to discuss this question shortly, although I have had nothing precisely to do with this question of bringing this amendment to the Ordinance before this Committee, I have been listening to complaints during the last five or six years from numerous operators, especially in the outlying areas, where they think it is an absolute waste of time to keep repeating on every application for their premises the same thing as they did when they made the original application. This complaint has been steadily made to me. It was made to me on numerous times when I wasn't even on the Council, during the last three years, and they complained bitterly about it. 'When are they going to find out in Whitehorse that we have been carrying on business legally here on our premises for the last ten years? Why do they keep challenging the situation and wanting us to apply for a licence when no material changes have taken place and where they have given us a licence once upon these grounds the same grounds now apply? Why should we keep repeating yearly the same thing, make the same application as if we were trying to get a new licence rather than trying to get a renewal of a licence?' Now, to me this is quite simple. I don't see any problem there. If there are problems, well I am quite prepared to listen to them, but it seems to me this is just a simple matter whereby those who have had licences for years want to get a licence again next year, don't want to go through every year the same paraphernalia when, quite obviously, if they were licenced the previous year to operate their business properly, why should they make a renewal into a sort of an investigation of what has gone on before, which has been accepted. This is it, so the way I look at this amendment here, is this gets rid of the problem. I feel its quite simple. Thank you, Mr. Chairman.

Mr. Chamberlist: Mr. Chairman, I concur with your remarks - with the Honourable Member from Carmacks-Kluane's remarks with reference to the fact that some people have to fill out exactly the same thing year after year, year after year. I am suggesting, and I quite agree, that if there is to be an abbreviated application

form for a renewal, this is fine, but there should be an affidavit attached to it that the applicant has said that what is in his request for a renewed licence is the same as the original licence, so that the Administration can be assured by affidavit that there has been no changes in the operation. I will give two instances right now of where they may be abused and where there has been abuse. One operation in the Whitehorse North Member's constituency have changed operators of the cocktail lounge, the cabaret lounge. Now, they have no power under the Ordinance at all to do what they are doing, that is leasing the premises to other people to sell liquor. There is no power whatever in this Ordinance, but the eyes are being closed to it. This Ordinance is not being properly acted upon. We have no Liquor Inspector. We have been without one for months. It is a known public thing that these abuses are taking place. It is known that these people go to the Liquor Store and purchase liquor for sale in that place, that cheques are accepted by the liquor vendor when they know that they cannot sell to these particular people because the licence is not in their name. This is going on, and this is why I say that there should be an affidavit so that when the time comes along when we do have that Liquor Inspector, he, in his duties, can pay a visit to these people and say, 'Well, look, this is your affidavit. You have said that you are the true owner and lessee of this place, that you are operating this place; how come that these other people are buying the liquor for resale?' This is one of the points, a very important point. Just two or three days ago - and I don't know if the Administration is aware of it, but I am aware of it - another place here in town where there is this type of arrangement, a person goes in to buy liquor. He gives a cheque. The Liquor Store supplies them with the liquor. The person isn't the licensee - supplies them with the liquor. Two days later, the Liquor Superintendent has to go and tell the actual licensee that the person who is buying the liquor and running his particular premises gave him a bum cheque. Now, these are the things I am talking about, and this is why I say that we have to make sure that these things are protected, and the only way you can prevent it is by having an affidavit there, so that you can go to the applicant and say to them, 'Well, look, this is your affidavit. How come?' And why isn't the Liquor Control going after these people that are buying liquor without having the right to buy liquor. Why are, in fact, the Liquor Control selling people liquor that haven't got the right to buy liquor for public sale? Why is this being done? There were many other things that came out in another place relating to this, but dealing with these things, I say that we have a function to make sure that especially when we're making amendments, that the amendments are for the better of the situation. We know that this is a darn archaic piece of legislation as it is in any event. It is an absolute mess, but while we have something to work with, and while we are waiting for fresh legislation, we have got to make sure that we make what we have got work, and this is, I think, a case in point of where both these subsections that are being referred to need to be taken a real good look at from all angles, and I hope that the Legal Adviser - I'm sincerely hoping he is not disagreeing with me just because he wants to disagree with me, or just because he wants to make it administratively easy to.....

Mr. Chairman: Order, please. It is not permitted for Members to cast dispersions at a certain.....

Mr. Chamberlist: There are no dispersions cast. I said I hope that this is not the case. I am not casting dispersions. I particularly put those words in. I was very careful in choosing my words, Mr. Chairman, because I am concerned that we as

BILL #7 responsible - and we really are responsible people - must recognize
LIQUOR that where there is legislation it must be followed as closely as possible. We must protect in certain ways where we can protect. This way we're going back a little, instead of going forward. Now, as the Commissioner said, there is going to be new legislation brought in, I can't see the hurry for making these amendments, but I do see the hurry for an early appointment of a Liquor Inspector, and at this time, Mr. Chairman, I would ask Mr. Commissioner to say if he can when a full-time Liquor Inspector is going to be appointed?

Mr. Chairman: Well, at this time I am going to declare a recess, and you can carry this debate following the recess.

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Friday, March 8, 1968.

3.30 P.M.

Mr. Chairman: I will now call Committee back to Order, gentlemen. We are now dealing with Bill No. 7.

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Mr. Chamberlist: Mr. Chairman, my voice is now clear. I will be pleased to withdraw the objections that I have raised if I could receive from Administration some assurance that the proposed form that will be prepared for a renewal of a licence will have a place at the bottom of it where the applicant making the application for the renewal will indeed say that the contents of the application is true in every respect.

Mr. Commissioner: Mr. Chairman, subject to anything that I would be advised to the contrary, I would certainly give assurance that this will indeed form part of the application form, or should I say that the short form of the application for licence renewal. I think that is a better way of putting it and I would like to ask the Legal Adviser if there is any impediment to us having as a portion of this renewal type short form some indication that the signer of this form is indeed stating that these conditions do in fact exist in the present as they have done in the past.

Mr. Legal Adviser: Mr. Chairman, the intention is to have a short form at the bottom left-hand corner of the form saying the facts herein stated are true and then he signs that. Now, if we insisted on that affidavit there are very many places where it is very difficult for a person to get a Commissioner for Oaths. It is usually a local lawyer or some person in the town, and I think to ease the public themselves they should not have to produce on each application a full form of affidavit such as is on the back of the form itself. And in fact certainly at least in one case where a person did not complete this affidavit the application was considered on the basis of being an application even though the affidavit had not been filled. Now, the purpose of putting an affidavit on any document such as this is so that if a person makes a false statement, which is false to his knowledge, he can be prosecuted for perjury orof offence. But in fact, I am not familiar with any case in the last ten or fifteen years that I ever heard in Canada where, when a person fills in an application - an affidavit to the facts of an application they are in fact prosecuted for perjury. The usual remedy is that if the mis-statement is discovered the person's licence is not granted, as the case may be, but an oath is comparatively a sacred thing and should not be always used on every single document that you have to fill in for the government. It seems to me slightly unnecessary to go through the motions of having a full affidavit..... bottom left-hand corner just saying that the facts herein are true; that should be sufficient.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, I am quite prepared to accept that, although Mr. Legal Adviser went on to another subject. The application he referred to was only considered after considerable cost and a writ of mandamus was granted. The applicant then was refused on the ground of being an unfit person but that has no bearing on the fact - the fact was nevertheless that an affidavit was required before

BILL #7

Mr. Chamberlist continues the application itself would be examined. However, I am prepared to accept that as long as it will have those particular words on the form itself. It would answer the thing that I was worried about.

Mr. Chairman: Mr. McKinnon.

Mr. McKinnon: Mr. Chairman, there is a glaring inconsistency in the Liquor Ordinance that I brought to the attention of this, or one that has been made known to me through several judgments in the Magistrate's Court and which I brought to the attention of this Council at the Fall Session--because of the rush of legislative pressure at that time I was informed that there would be an amendment to cover this at this Spring session and I wonder Mr. Chairman if I could ask Mr. Legal Adviser if such amendment will be forthcoming.

Mr. Legal Adviser: I would need to get out the file dealing with the particular question. So far as my memory serves me it was a statement by the Magistrate in the Police Court that it was illegal to transport liquor from the liquor store to a person's home.

Mr. McKinnon: Mr. Chairman, with respect, it is as illegal ...as the Liquor Ordinance now stands under Section 45, sub-section (2) for a person to bring liquor that has been legally purchased in a liquor store to his car outside the liquor store and from his car when he arrives home into the house itself and technically speaking, a member of the constabulary can stand outside the liquor store and arrest every person coming from that store and-in the stage between the store and his car and then he could follow that person home and when he got out of the care and was attempting to transfer the liquor from his car to his house he also could be arrested on a further charge.

Mr. Commissioner: Correction there, Mr. Chairman, if he is arrested in the first instance, it should have been confiscated by the officer at that particular point and the second part just doesn't follow the first part.

Mr. Legal Adviser: My recollection, Mr. Chairman, on looking into this I was satisfied that it is not an offence to bring liquor from the liquor store to the car or from the car to his house. My recollection is that I formed the opinion at the time that the opinion of the learned magistrate was not in accordance with the law.

Mr. Chamberlist: It is a very peculiar thing but I will read that particular section because to my meaning I would agree with the learned magistrate "except as authorized by this Ordinance no person in this Territory, by himself or his clerk servant or agent, shall have or keep liquor purchased from a liquor store in a place other than the residence in which he resides or in a motor vehicle in a manner authorized by Section 48". So consequently he can keep it in his residence or in his motor vehicle but when he gets it in the liquor store that distance between the liquor store and going to his car he has got it in an illegal place.....

Mr. Commissioner: A Drive-In liquor store is the answer.

Mr. McKinnon: Mr. Chairman, there have been charges under this Section and people found guilty. Mr. Chairman, if I may I would like to read from this judgment which is from the learned magistrate in the Magistrate's Court in and for the

Mr. McKinnon continues...

Yukon Territory, 24th of June, 1964. And the learned magistrate states: "Now, looking at the Liquor Ordinance, Section 8 provides that every person with the exception of the people under the age of 21 or who are interdicted or people who are apparently under the influence of liquor, are entitled to purchase liquor from a liquor store or from a licensee and to possess and use the same in accordance with this Ordinance and the Regulations. The Liquor Ordinance also provides for the sale of liquor by the Vendors and it sets out the hours during which you can purchase. So it is clear on reading the Ordinance that it is quite lawful to go into a liquor store provided that you do not fall within the exceptions set out in sub-section (1) of Section 8 and purchase a bottle of liquor. In so doing you are breaking the law. But if you have that liquor outside of the liquor store in a place other than the residence in which you reside then you are doing something which is in contravention of Section 45 subsection 2(a). I think this is the clear meaning which must be assigned to that particular section. In interpreting legislation I must first of all look at the legislation itself. If the words are clear and unambiguous then I must assign that meaning to it because the legislators are taken to intend what they say in clear unequivocal language. The language used in this section is that no person shall have liquor purchased from a liquor store in a place other than the residence in which he resides. I think this is very clear and I don't think I can assign any other meaning to it. The only exception seems to be that a person can keep liquor in a motor vehicle provided he keeps it in the motor vehicle in accordance with the provisions as set out in Section 48. Now in your particular case there is no question of a motor vehicle being involved but in passing I think I should say that it would appear to me that in order to have liquor lawfully inside a motor vehicle the vehicle would have to be driven into the liquor store so that it could be placed in the motor vehicle in order to get it lawfully inside the motor vehicle because in taking it from that building to the motor vehicle a person would in my opinion be breaking the law by having it outside the liquor store and outside of the motor vehicle and in a place, that is on the street, which is not the residence in which the person resided. Obviously the clear meaning that this section has never really been considered by the people who are responsible for the legislation. When I say that I don't mean it disrespectfully; I mean that they haven't considered it in the light of all of the sections of the Ordinance. No doubt they either overlooked it completely or alternately thought erroneously there was some saving provision in the Ordinance permitting the person to transport the liquor from the liquor store where he makes the lawful purchase to his residence where he can lawfully keep it. But there is this blank in the legislation that no provision is made for a person to have the liquor lawfully in his possession during that period of time. Consequently I have no alternative but to find you guilty as charged. I think I should also say that I believe it would only be proper for the Crown to have what I have had to say about this case transcribed and a copy sent to the Territorial Council for their consideration because to me it is obvious it is something which requires some change." Mr. Chairman, this was in 1964 and as far as I am concerned they are still being charged as being guilty under this Section of the Ordinance so if we made it unambiguously clear what we intended then people who generally under the Liquor Ordinance go up and just

BILL #7

Mr. McKinnon continues...
necessarily plead guilty wouldn't have this guilty charge on their record.

Mr. Legal Adviser: I don't recollect exactly what happened but I do remember that Councillor McKinnon did bring the matter up as a two part question outside the Council and my recollection is - I'm not too sure of this. The matter was raised at the time; what happened I don't know but I think that we formed the impression that this was not contrary to the law - certainly that people were not prosecuted for this particular offence in the normal way. That is genuine purchases of liquor going to and fromhome.

Mr. Dumas: Mr. Chairman, with all due respect, I don't think it really matterspeople are still getting fined for this.

Mr. McKinnon: There was one in 1967, with respect, on November 20th, the same charge, same judgment ...a fine of \$15.00 and again the Magistrate brought the attention "my recollection of this matter is this - and there is a Judgment of mine on it - it is to the effect that if anyone has in his possession liquor, either outside the liquor store, or outside in his motor vehicle, but not in the proper place in his motor vehicle, or outside his home, he is guilty of an offence. In other words, and I stated this specifically in that Judgment, it is illegal for a person to have in his possession a bottle of liquor which he has lawfully purchased in a liquor store the moment he comes out of the liquor store. He is breaking the law. It seems to me that every citizen in the Yukon Territory who purchases liquor lawfully and walks out of the liquor store with it in his possession is guilty of an offence. The Ordinance, as far as I know, has not been changed in respect to this, and I don't think, if this is not going to be enforced in respect to every one we should deal only with some people in utilizing this particular section ".

Mr. Chamberlist: Mr. Chairman, we, after all Mr. Legal Adviser has asked and received as accepted recommendations from Magistrate Trainor in other matters, I wonder why Mr. Legal Adviser can't say why these judgments which have been brought forward cannot influence Mr. Legal Adviser to make an immediate amendment to this or does Mr. Legal Adviser request that we move an amendment here now.

Mr. Legal Adviser:An amendment like this involves quite a lot of policy decision because there is more to it than just legalizing a man to go from the liquor store to his car and from his car to his house. There is a whole question involved of whether or not the Council will permit people to possess liquor on the street or somewhere like that in the normal way. It is a policy decision which means a certain amount of drafting but this matter will be dealt with in the comprehensive liquor legislation which is coming. But there is no particular machinery for bringing the attention of the administration to a particular judgment of the Police Magistrate's Court. Although the Magistrate might so direct but there is no machinery whereby this is automatically done, to the best of my knowledge.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Alternately then Mr. Chairman, would it be possible

Mr. Dumas continues...

BILL #7

then for the Commissioner and the administration to impress upon the local constabulary that they would rather not see charges brought under this Liquor Ordinance.

Mr. Legal Adviser: Once again, we are dealing with the prerogative that the power of prosecution does not rest with us, it is the prerogative of the Attorney General and we cannot direct the Attorney General as to how he is to conduct his business.

Mr. Dumas: Supplementary then, Mr. Chairman, we have got to bring legislation in, and bring it in damn quick

Mr. Chairman: Order please.

Mr. Dumas: to stop this sort of thing. There is nothing wrong with that according to Beauchesne.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: To be precise, Mr. Chairman, it is not true that it is not the carrying of liquor or possession of liquor that involves an offence, it is the consumption of liquor that involves an offence? And if one carries liquor on ones person isn't a person a conveyance? I always understood that the fact that you have a bottle of unopened liquor was not an offence but it is an open bottle of liquor to the extent that it has been partially consumed, or consumed, or caught in the act of consuming such liquor that was an offence. If it is an offence to carry a full bottle of liquor unopened I would like it shown to me in the Ordinance where it states such.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman I feel that I should reply to Councillor Livesey because that 45 (2) starts off by saying "except as authorized by this Ordinance no person in the Territoryhave or keep liquor purchased in a liquor store other than in the residence in which he resides or in a motor vehicle and there is no other exception to that. Well this is the unfortunate thing about it. I think we have a responsibility to do our best to see that really people who are innocent of an offence do not get charged with an offence. Now we talk about wasting of time - look at the time of the courts that are wasted when a judgment follows a judgment and nobody takes any notice of it. When I am told in other relevant matters that the Ordinance itself is in a mess, the administration find time to make an amendment on a stupid administrative thing that we have just been talking about and then there seems to be reluctance, absolute reluctance on the part - to prepare something in this manner. I think it is wrong. I would suggest that something be done now; it's so important. Supposing some people get - the police take notice of lets say these Votes and Proceedings. Perhaps they are doing this to try and - they recognize that this is wrong. The police are sensible people. They recognize that they have to force the law and they may well want that this be brought to the attention of the legislature so that it will be changed. I think we should do something about getting it changed if at all possible.....it wouldn't take long.....

BILL #7 Mr. Chairman: Councillor Livesey.

Mr. Livesey: Well, if you are going to look at it from a minute point of view and looking at all very, very small portions. How about the company and the organization that transports liquor into the Territory from Iron Creek to Whitehorse; not by a bottle at a time; the whole stockload, how do they compare with the individual and the individual is certainly going to be fined for carrying a bottle out of a liquor store when he purchases it. It doesn't make a grain of sense to me, not one grain.

Mr. Chairman: Councillor Gordon.

Mrs. Gordon: Mr. Chairman, may I direct a question to Commissioner Smith or Mr. Legal Adviser? In the sale and purchase of liquor throughout the Territory in liquor stores are not all spirits taped with the seal of the Yukon Territory?

Mr. Commissioner: Mr. Chairman, beer does not have any Territorial seal but all other spirits have; I would like to say that insofar as the liquor Ordinance is concerned it has got more holes in it than a piece of Limburger cheese and these holes have been created by more midnight moves and efforts on behalf of alleged wrongs and attempting to right them on the spur of the moment around this Council table than all the Ordinances that we have in the green book all put there together. I strongly recommend to you that while I realize the matter is a most obnoxious one and it would certainly appear from the information that has been read here today that it no doubt has got the potentiality of working a hardship on people and I certainly don't think that we should condone this and I personally don't. I do feel that there is a lot more to it than the simple matter of people carrying liquor out of the liquor store to their car and from their car into their home. All I can tell you is that Administration is just as desirous as the legislators are of having laws that are applicable and sensible and I would ask at this time if you would see fit to leave this particular problem with Administration with the understanding that we will endeavour to at least appraise you of the impact of any changes that could conceivably be made at this time in the course of this coming week after the Legal Adviser has had an opportunity to take a look at it.

Mr. Chairman: Gentlemen, what is your pleasure with regard to this Bill. Councillor Shaw.

Mr. Shaw: Mr. Chairman. Just one question. I haven't spoken on this matter at all and the point I don't see is that there is a law against drinking in a public place or there are restrictions on drinking and laws against drinking in a public place but is there any law about having liquor that is unopened, on a person? There is nothing to say you can't have it. It says you may do this and you may do that but it does not say what you may not do and I cannot see any part there where it says you must not. And incidentally, while we are talking about midnight moves, there have been a tremendous amount of them in the liquor ever since I have been here. I have never yet introduced one and, - by God I did in 1962.

Mr. Commissioner: Mr. Chairman, and I might say that was the worst midnight move we ever had

Mr. Shaw: Well, the move was for a specific purpose, Mr. Chairman, and of course every one else had to get on the

Mr. Shaw continues...

BILL #7

Band wagon and that really fixed things. Had it been left as it was - temporary measure - it would have been fine. But this comes up every year, but this particular move that we are discussing right now; if it is a move, or whatever it is, has been at least thirty years in the Ordinance. At least thirty years! This isn't any midnight move where you can't pack a bottle of booze from one place to the other, and since that time since all these legal-beagles have got together and tried to pick holes in everything that is possible to pick holes in, that is when the problem started. There is an old saying that if you have got no lawyer in the town why you don't have any problems but if you have two you have a heck of a time and that is what has happened here. Mr. Chairman, some of these things you'd think that you were carrying a time bomb out of a liquor store; you were packing bombs instead of a measly little bottle of booze. And all the ruckshun that comes from it and all the legal sayings and all this - I don't know. I think we could spend at least two months every year in this Council Chamber working out problems on liquor - at least - and then we wouldn't solve them. In my estimation it is almost getting that we don't have any Regulations at all - just let everybody go to it.....

Mr. Chairman: What is your pleasure in respect to Bill No. 7?

Mr. McKinnon: Could we leave Bill No. 7 in abeyance until we work out an arrangement with Mr. Legal Adviser and Mr. Commissioner on these inconsistencies that I.....

Mr. Livesey: Do I understand that we are going to work on the minor inconsistencies and the major problems are going to be left as best they may to solve themselves. As far as I can see the whole Liquor Ordinance is a problem from beginning to end. Now just where do you start and.....

Mr. Chamberlist: I suggest we start by leaving this just as it is - leaving this alone right now.

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

Mr. McKinnon: Report progress...

Mr. Chairman: Does Committee agree?

All: Agreed.

Mr. Chairman: The next matter will be Bill No. 10. You have the sheet proposing the amendment. (Reads Bill No. 10, An Ordinance to Amend the Jury Ordinance).

BILL #10

Mr. Chamberlist: Mr. Chairman, I understood that when we asked - when it was asked that Probation Officers be added there was no reference to Social Workers. I wonder if Mr. Legal Adviser can say why this piece was added.

Mr. Legal Adviser: Mr. Chairman, it was pointed out to me when I was drafting the change, that Probation Officers only cover a narrow class of one or two people who are engaged in that particular type of work. At present in the Territory probation work is also carried out by people who are designated as Social Workers, and who work in close conjunction with Courts in Dawson City and other places and the particular legal description which is employed here

BILL #10

Mr. Legal Adviser continues.. is taken from the most recent classification of the Civil Service and covers the people who in fact are doing probation work. The spirit of the amendment is to include Probation Officers because that is the official designation of the two officers who are working here but Social Workers is the official employment designation of some other workers who in fact exclusively deal with probation work and some who deal with probation work only on a part-time basis.

Mr. Chamberlist: Mr. Chairman, this may be satisfactory in a large area like the Whitehorse area where there is sufficient people to choose from but if for instance there is a requirement for a jury to be called in Dawson to sit by the time you take all the people who are exempt and any extra people now listed in this, there is nobody left in Dawson City. How would they get a jury together. This is the problem that you might be faced with. You would have to start picking a jury from elsewhere than where the court would be sitting. Wouldn't that cause some trouble?

Mr. Commissioner: Mr. Chairman, this is conceivable in any part of the Territory and even I would suggest Mr. Chairman, if we had no list of exemptions this could conceivably be a problem. But I think the intent is, and I trust that Council would agree with this, that we wish to remove from the compulsion of jury service those people who by virtue of their day to day employment are very closely working with the end result of court decisions and this is what we are seeking in this particular amendment.

Mr. Chairman: It will be necessary for someone to propose the amendment.

Mr. McKinnon: I don't understand why all the exemptions under present Section 7. I don't know why at this time it is necessary to exclude telegraph, telephone and radio operators.

Mr. Commissioner: These are essential services in the community.

Mr. Legal Adviser: These lists tend to grow and they are seldom changed by eliminating a particular category. But this seems to be a reasonably up-to-date list in that they talk about nurses in active practice, doctors in active practice, lawyers in active practice and so on, with a view to cutting down the list of persons who had the exemption or not no longer need the particular exemption. In many parts of the world the exemption includes members of the public service and that exemption and classification, if included here, it would really cut down....

Mr. Dumas: What about television operators, Mr. Chairmanbecoming an essential service in this community.

Mr. Chamberlist: Very soon, I think, that will not surprise me when we see excluded members of the public.

Mr. Chairman: Gentlemen, I wonder what your pleasure is in relation to this Bill.

Mr. McKinnon: Why officers and men of the Armed Services?

Mr. Legal Adviser: One must be always willing in the Armed Services to obey the Queen's command.

Mr. Shaw: Mr. Chairman, I would move that Bill No. 10, Section 7, sub-section (hb) be amended to include section (hb), persons employed in the public service of the Territory classified as Probation Officers and Social Workers, be included. BILL #10

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

Mrs. Gordon: I will second this Motion.

Mr. Chairman: Proceed Councillor Chamberlist.

Mr. Chamberlist: I thought that perhaps before we go ahead with this and before we have a latter amendment, I wonder if we can leave this in abeyance and get (k), I heard my colleague from Whitehorse North refer to this. 7 (k) which reads as follows "officers and men of the regular Naval, Army or Air Forces of Her Majesty in Right of Canada, that altered to be the Canadian Armed Services or.....that should be renamed? So that we could have the correction on one amendment.

Mr. McKinnon: Well, Mr. Chairman, following the ecumenical movement of the Honourable Minister of National Defence there is no longer a regular Naval, Army or Air Forces or Her Majesty in Right of Canada in Canada at this time.

Mr. Chairman: I wonder if this is not a general review through all Ordinances; rather than taking one they should all be done at the same time. I have a motion. Moved by Councillor Shaw, seconded by Councillor Gordon that Section 1 of Bill No. 10 be amended to include the following (hb) persons employed in the Public Service of the Territory classified as Probation Officers and Social Workers. Are you prepared for the question. Are you agreed? Any contrary? I would declare the Motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Shaw: Mr. Chairman, I would move that Bill No. 10, An Ordinance to Amend the Jury Ordinance be reported out of Committee as amended.

Mrs. Gordon: I would second that Motion.

Mr. Chairman: It has been moved by Councillor Shaw, seconded by Councillor Gordon that Bill No. 10 be reported out of Committee as amended. Are you prepared for the Question? Are you Agreed. Any contrary. I would declare the Motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Chairman: I believe this takes us right up to date on Bills with the exception of the Low Cost Housing Bill 13. I believe we were awaiting information on this.

Mr. Commissioner: Mr. Chairman, at your convenience I have something of interest here that I could give to Council?

Mr. Chairman: As we are out of work this would be the most convenient time.

Mr. Commissioner: In my opening remarks to Council earlier this week I intimated that I was hopeful that my Minister

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Mr. Commissioner continues would have some information for us concerning some changes to the Canada Shipping Act and I would like to confirm that there is a news release now which does in fact do this and it is headed up "Exemption of the Alaska Ferry System from Canada Shipping Act. The Northern Development Minister Arthur Laing announced today that the Government had given approval for the Alaska State Ferry System to carry Canadian commercial traffic on route to and from the Yukon between the Port of Prince Rupert B.C. and Haines Alaska. Previously such traffic movements were moving between two points in Canada via water transportation must be transported in Canadian ships. The exemption just granted is for a period of one year and will be reviewed annually. This action, Mr. Laing explained has been taken in response to representations received from many sectors of the public in the Yukon and will provide an alternate means of moving freight into the region. Because of the limited access routes that are available advantage must be taken of every one Mr. Laing explained since there is no Canadian shipping organization currently providing a ferry service for large commercial vehicles nor does it appear one will develop in the near future it seems **only** reasonable to take this positive step towards improving transportation service for the Yukon. "I believe" Mr. Laing said "that Governor Hickel of Alaska in particular will welcome this move on the part of the Canadian Government since it is likely to provide a higher utilization of the Alaska Ferry System during the off-season winter months". Mr. Laing recalled that last year the Canadian Government had decided to maintain the Haines Road between the Port of Haines and Haines Junction on the Alaska Highway on a permanent year-round basis, making it possible for Canadian trucks to use this route was the next logical step in improving Yukon transportation systems. He hoped that these two steps which also benefit the United States and in particular Alaska will be regarded by the appropriate Governments as a practical demonstration of the desire of Canadians to co-operate in developing the economy of the region as a whole. In this connection Mr. Laing said he hoped that perhaps reciprocal arrangements could be made so that freight originating in the Yukon could move to southern markets by the most economical and efficient means."

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All: Hear, hear, hear!

MOTION
NO. 6.

Mr. Chairman: I have just been advised by Councillor Shaw that we do have one Motion we can discuss; that is Motion No. 6 of this morning respecting the Municipal Ordinance. Councillor Shaw, would you proceed.

Mr. Shaw: Thank you Mr. Chairman. Do you wish to read the Ordinance. It has been read in Council I believe.

Mr. Chairman: It is not necessary to read it as the Motion has been passed.

Mr. Shaw: The Motion has been approved to discuss in Committee. Now Mr. Chairman this last number of years we have had quite some difficulty in relation to elections, both in the municipality of the City of Whitehorse and in the City of Dawson. I was in this Council at the time that these laws were passed and agreed to them. The methods used were-- sounded very reasonable and very good. However, in practice they have fallen down in a number of ways. I would feel, Mr.

Mr. Shaw continues...

Chairman that it is this Council's duty to endeavour to make laws to serve the public whom we serve, in such a manner that they can be followed very clearly and if at all possible, to eliminate as much ambiguity as possible. The existing problems that we have had, in both the municipality of the City of Whitehorse and the City of Dawson, is that both these elections, or the bigger part of them, have been voided. One of the big reasons for it, and the way the law stands right now it is going to be just as unenforceable in the future as it is now, is the fact that a person has to pay \$180 rent per year. The Returning Officer, when this person comes to vote, must take the affidavit of the applicant. And this persons votes, and if it happens to be a close election, as has happened in the past, the losers immediately get up and holler "foul" and it goes before the Judge and the whole kit and kaboodle is thrown out. Now this has created a great deal of trouble and is costing the ratepayers of the City concerned a great deal of expense. When we look at the amount of people that voted, I have the figures for the City of Whitehorse in the last election. There were 1273 people voted out of a possible 2067 on the roll. Out of that the Judge found nine ineligible to vote. Now that is less than one-tenth of one percent so that it is fairly obvious Mr. Chairman that it takes very little to create a large uproar, with the result and trouble we had. To get away from this particular problem I have proposed, and Mr. Chairman this is a proposal; Council may have other proposals, I don't know, but I feel it is time to make a constructive approach to this that we can talk it over; come to some conclusions. These in turn can be passed along to the municipalities concerned and by this Fall we should be able to make a change in the Act or the Ordinance so that we can get away from this continual wrangling and hassling and expense that is created needlessly. I have proposed that a person is eligible to vote in the normal election for Council and Mayor. There is one proviso that he is a Canadian citizen or a British subject. He may be a ratepayer or spouse of a ratepayer that entitles him to vote. The next qualification is that he has resided within the municipality for not less than twelve months immediately prior to the date of the election. He doesn't have to pay any \$180 in rent. That part of the clause, Mr. Chairman, by following this over the years, that it is impossible to prove and it is very easy to disprove; so that all a person has to do is come up and take the affidavit and he can vote and in the past and then it can be kicked out. This way it is a matter of twelve months residence in the municipality. I would say a person who has lived in a municipality for twelve months would have some right to take part in the affairs of the municipality in limited matters such as voting for a representative. The next section is what I had under Section 2 as you will note, that when a plebiscite or referendum is taken for various and sundry subjects; important matters of money such as creation of debentures or some other type of referendum then a person must be a ratepayer or spouse of a ratepayer and have resided in the municipality for eight months. does not get a vote in matters such as that. This has been entirely - it is necessary to put this section in too Mr. Chairman because there is no other reference to it. I think that if we have instituted such an amendment as this.

MOTION
NO.6

Mr. Shaw continues...

this is for the consideration of Administration, Mr. Chairman, if we have an amendment like this, we could have avoided this problem which we have in Whitehorse right now and and the problem which we have just concluded in Dawson.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I don't think the Motion goes far enough. I think the whole Ordinance should be replaced and it is my hope that by the Fall Session we will ask if this is possible.....whether some help can be given to bringing this about with the Municipal Ordinance completely being redone. I have in the last couple of minutes just counted the number of amendments and additions that have been carried out on the Municipal Ordinance since its inception as a new Ordinance in the second session of 1959-to the second session of 1966 there have been a few more amendments and alterations since that time, and I have come to the number of 137. Now, to go along with Councillor Shaw and just amend these two particular sections, I think we would be adding more problems to ourselves and I wonder if perhaps the Administration - Mr. Legal Adviser or the Commissioner, can give any information as to when the new Municipal Ordinance, consolidated properly, might be forthcoming for Council.

Mr. Commissioner: Mr. Chairman, we are endeavouring to have this available for the Fall Session of Council. I wonder if I might be permitted to pass on an observation here. Our legislative programming here in the Territory in an orderly manner of up-dating our legislation, is at least three years behind at the present time, and is going further behind every day of the week and there is no use of me hiding behind any cloud of smoke or verbiage hereany different than this. This is the actual truth of the matter and while we are doing our very utmost to try and up-date the most important Ordinances, two of which in particular you have been discussing here this afternoon, we also have a multitude of others of lesser importance in toto but just as important to the people who have to comply with them but there would also be a lot of amending and up-dating and we are doing our utmost to bring this about but we cannot promise any miracles but I certainly do feel that next in line to the Liquor Ordinance I think the Municipal Ordinance is probably the most urgent one that we have that you get a complete, up-dated situation on and remember that what we are going to be looking for is a Municipal Ordinance that is not only going to affect municipalities as we refer to municipalities now but is going to refer to all forms of local government here in the Territory; in other words the whole package of village, type municipality, city type municipality, improvement districts and so on down the line to be part of this whole total package so that we will in effect not only be dealing with the Municipal Ordinance but all the complementary Ordinances that have occurred over the years that should in fact be part of an Ordinance concerning local government in the Territory. This is what we are attempting to do and I would refer the question further for any comment that Mr. Legal Adviser might have to make that would be beneficial to Council.

Mr. Chamberlist: Would it include corporations?

Mr. Legal Adviser: I would add this to what the Commissioner has said, Mr. Chairman. In drafting legislation of this type it is common practice to be courteous to subsidiary bodies of the Territory and to ask their opinion on the various matters that you intend to put into legislation. Some times this takes a certain amount of time and delays matters and the matter has to be drafted and there is toing and froing between here and Ottawa and as a result this type of legislation is quite tedious and difficult to draft.

MOTION
NO. 6

Mr. McKinnon: Mr. Chairman, far be it for me to be a supporter of a midnight motion and I would only hope that by the fall session there will not be any election between the one that is now being held and the one that---the one that is being held in the Municipality of Whitehorse and the one that will be held in the Municipality of Dawson and if we canwith a revised Municipal Ordinance and I think the matter should be allowed to

Mr. Shaw: Mr. Chairman, I very much appreciate the sympathy expressed by the Honourable Member from Whitehorse North but Mr. Chairman, if gambling were permitted, I would be quite prepared to bet him \$50.00 that there is no Municipal Ordinance, revised Ordinance this Fall. Four years ago, Mr. Chairman, we stated on labour to effect a minimum wage and we still, the Ordinance has been made but it still isn't passed; it still isn't - I should say the Labour Provisions Ordinance still hasn't taken effect. And I can understand some of these things because it takes time. Drafting is a specialized job; it is something that when you take a whole Municipal Ordinance, Mr. Chairman, it would appear to me that it would take one expert at least six months with nothing else to do, to redraft a Municipal Ordinance. It is a big, big job. This, what I have proposed, is to be presented in the Fall after everyone has gone over it thoroughly, the Administration, the municipality of the city of Whitehorse, the City of Dawson, so they can look at it and present their views. There is nothing that is mandatory in any of this. Let us get on with the job in filling the hole that badly needs to be filled. Just because there is a hole in the road we don't say we will wait until they build a new highway and everybody can pile into it all the time. And this is exactly what is happening in these elections. Here's two in the space of what - two weeks thrown out - that is ridiculous! It shows that there must be something wrong with the law when these things can occur. Is this for the benefit of the ratepayers who have to pay for the cost of having these elections - having two elections in one year for the same thing. Is it beneficial that the Judge has to trot back and forth all over the Yukon Territory to hear applications because the law - there is something wrong with it? I don't think so. I think it is about time we got down to filling up these very bad holes at the moment and then in a year or a year and a half or two years we will have a completely new Municipal Ordinance. I doubt if it will be before that if we look back on past performance and the availability of help now. This is the first time that we have a Territorial Legal Adviser and it is working out wonderfully; it is a real good step in the right direction. One man! How much work can he do? There is only so much work that a man can do and it appears to me that the Legal Adviser we have must be kept continually occupied in the duties which he has in the Territorial Government and being the Legal Adviser for Council without having

MOTION #6. Mr. Shaw continues...
any spare time, if he has any, drafting Ordinances which is an extremely complicated process and particularly when you get a whole Ordinance. I recollect when we first worked on this Municipal Ordinance I think it took the Council about a month to decide that it was good to pass or not to pass - after it had all been made up. So here is something Mr. Chairman that I feel something like this should be sent to the municipalities and that all concerned should hash it over and let us get this working for this fall so that when elections come next December we won't have a repetition of what we had last year. This is utterly ridiculous to continue in that vein.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Well, Mr. Chairman, I am not in favour of any midnight moves either. However, I can certainly see where the Honourable Member from Dawson is trying to do something about the horrible situation which faces us here today and I don't think laughing at it is going to solve it. I would far prefer to see some action if it is agreeable, especially in those municipalities concerned; if it is agreeable to them I would certainly prefer to some action rather than to take another chance on the next election and run the risk of having the same thing over and over again. Surely we just can't sit and stare at it and do nothing and then expect to get something out of that which has already failed. This surely is the principle that we are looking at. We are trying to eliminate a failure and trying to bring some positive action to try to prevent what has already occurred and surely if we don't realize that now at this point, at this table that the failure of of the Whitehorse municipal election and the failure of the Dawson election isn't sufficient evidence to tell us that something is wrong, I would like to ask Committee just what it needs before we come to the point of realizing that there is definitely something wrong with the legislation and with all the other programs that go towards providing an essential framework for an election that will stand up under test. Now we just don't have that, that is quite obvious. There have been two failures; and if they both failed surely we should do something about it and I certainly concur with the Member from Dawson when he feels that this question should go before the municipalities to see how they feel about it. I am all for further consultation and not this cutting off of consultation. I think we should take a closer look at trying to set an example whereby when we are going to work with the municipalities not provide them legislation for them either without their consent or anything else. We must work closer with the municipalities I think that is an example, perhaps, so that the Federal government may feel the same way about us. So, we work closer with the Federal government and the municipalities work closer with the Territorial government. I think that is a good move. I see nothing wrong with it. Thank you Mr. Chairman.

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

Mr. Legal Adviser: I will just say one thing. It's not completely the fault of the present Municipal Ordinance that the elections in two municipalities were reversed by the Judge. The fault was that voters who were not entitled to vote were included in the list of voters. It is very hard to draft legislation which, if it is not observed when the list is being prepared, causes an election to be voided.

Mr. Legal Adviser continues.

If the law as set out in the Municipal Ordinance had in fact been carried out as assigned the probability is that there would have been no void election in either place but there is a necessity to make clarifications and improvements in this legislation but I wouldn't be satisfied that there is any immediate urgency to change the law but there is a certain amount of need to carry out the law. MOTION #6

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I would like to give a very good illustration of how a person lost his vote. He was a rate-payer and owned property in the City of Dawson. However, he was nine miles up the creek. He was mining all summer. So when he came to Dawson to cast his ballot he was ineligible because he had not resided in the municipality for six months immediately prior to the election. He was refused a vote. Whether he can or not is not the point Mr. Chairman. The point is he didn't get the vote because that is the way the ruling was --the Returning Officer.....

Mr. Chairman: Order gentlemen, order.

Mr. Shaw: That is what I am talking about, Mr. Chairman, the facts, not what can be and can't be and can be argued in Court. He lost his vote, or she, it happened to be a woman. The other is where the people that the Indian Affairs had built houses for and they lived in the community. They are disenfranchised by the vote because they do not pay to the Federal government for their homes so they lose a vote although they live in the municipality and have to abide by the laws of the municipality and have resided in the municipality all their lives. They can't get a vote. That is the existing Ordinance Mr. Chairman. That is why the election in Dawson was thrown out; because these people did not pay rent - \$180 rent. I think there were twenty of them or something like that. So they are disenfranchised. That is what I am talking about - I am not being facetious about this. I think that if people live all their lives in a certain area I feel they should be entitled to a little say in who makes the laws for them but through our Ordinance we have taken that right away because of a monetary consideration. That is ineffective at the best. It is a certainty to someone who lives in a municipality that they are going to contribute something to that municipality in some form or other and therefore are entitled to have some small say as to how the municipality should be run but the Judge has given his decision that these people were not so therefore those are the facts Mr. Chairman. Whatever you can say: you can or you can't, these are the facts in what happened. I think I go by facts, not what might be theory.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, the problem has been brought up by the Honourable Member from Dawson is not a problem of the Municipal Ordinance itself. I think in Dawson they should be getting themselves a more knowledgeable Returning Officer because of that simple thing that a man is working on a claim somewhere this doesn't deprive him of his place of residence.....place is Dawson. However, there is a need for a new Municipal Ordinance, and certainly there is a need for a consolidation in any event, now or our existing situation, of our existing Municipal Ordinance and if one cannot be done cannot the other be done. That is, get a consolidation together and then you can see about amending

MOTION
#6

Mr. Chamberlist continues...
a consolidated Ordinance but as it is now you have to jump from different Ordinances for about eight years if you want to refer to anything - this is the thing there and this is difficult for a Returning Officer, well, when he is trying to administrate an election. I think that anything that can be done to alleviate the situation would be beneficial. If a new Ordinance can come in, be brought to bear by the Fall, very good, if it can't I think that Administration certainly should make an effort to consolidate the existing Ordinance.

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

Mr. Livesey: Yes, Mr. Chairman, I have a positive suggestion, I wonder why it has never been considered; that the Government should train individuals to take on these jobs. I think that the day has long gone when in the north we can afford all this fooling around because we are trying to do the best we can to obtain officials in various areas throughout the country and especially in the north where there isn't the opportunity to become familiar with all the problems of either the Canada Elections Act or the Territorial Ordinance covering elections. So they do the best they can and use various interpretations that may come forth in areas, especially this far north in Canada. I think, practically eliminate the possibility of what you might call 100% election at any time to such an extent that if anyone deemed it worth his while he practically could upset any election by being that meticulous as to try to describe every move and action and every line and dot over the i. I think this would be the case. Definitely would be the case. I think if this is the situation, I think that the Territorial government definitely would be money ahead and so would the public who is paying the taxes if the government could see to train Returning Officers to the extent that there would be experienced person at the head of affairs when elections take place. I think this would be worthwhile.

Mr. Chairman: Mr. Shaw:

Mr. Shaw: Mr. Chairman, it seems in my discussions and statements of what happened that there was a great shaking of heads and nashing of teeth. I would like to direct a question to Mr. Legal Adviser, Mr. Chairman. Would the Legal Adviser, I wonder, have the Municipal Elections section in front of him, Section 238 and that it states that - for brevity I'll go to the sub-section. Sub-section (a), a ratepayer or spouse of a ratepayer, or is an occupier or spouse of a householder who has resided within the municipality for not less than six months immediately prior to the date of the election. Would that not indicate the person must have resided in the municipality for six months prior to the election in order to be eligible to vote. Am I - could you please give me a ruling on that so I will know in the future.

Mr. Legal Adviser: I can't give you a ruling that is binding. The Honourable Member states the apparent meaning of the section. It appears at first glance to be an extremely harsh section and if the complete meaning of this was given to it "has resided in the municipality for not less than six months immediately prior to the date of election, and it was to be interpreted in a harsh fashion by a Court,

MOTION
#6

Mr. Legal Adviser continues..
it would invalidate almost every voter because any person who left to curl in another jurisdiction might lose his vote in the next election, but I doubt if the Court would give that harsh a meaning; it would interpret it broadly, a person who resides, maintains a residence and lives - in other words that would mean he could go away for a period. It would be a matter for the Court to decide what the length of period would be during which he could be absent without breaking his continuity of residence. It is a question of factfor court to dispute.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Thank you Mr. Chairman. I think that that provides the answer to my question. To give an answer to this it requires a Court. Now how in the Sam Hill can we expect a Returning Officer to interpret - how can we Mr. Chairman when it is very difficult for a Legal Adviser to interpret. I think, as the Honourable Member from Whitehorse East would say, I rest my case on that.

Mr. Legal Adviser: But I would point out to the Honourable Member, with your permission, Mr. Chairman, that a ratepayer doesn't come within the six month period; this is one that applies to a household. A ratepayer can reside where he likes but a householder must reside in the jurisdiction, so to speak.

Mr. Chamberlist: With respect, Mr. Chairman, I would have to differ with Mr. Legal Adviser because if a ratepayer, is Mr. Legal Adviser suggesting that a man who owns property that hasn't been here in Whitehorse for the last five years has got a vote. No, he must be a ratepayer and resident within the municipality, but the point that I would make to you at this time is this. The Canada Elections Act has a definition of what is a resident. It is a place where a person normally sleeps - this is the Canada Election Act, and because a man is out working on a particular job on contract for some time, he sleeps out there but he normally sleeps in his place of residence. This has been argued two or three times and it has been ruled on. I think that the problem is that there is a necessity of Dawson City to have a more informed Returning Officer.

Mr. Shaw: Mr. Chairman, the necessity is to change the law so that everyone can understand it - not just have interpretation from the Court. I have always maintained that and I haven't changed my opinion.

Mr. Chairman: Councillor Chamberlist.

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

Mr. Shaw: I'll second the Motion.

Mr. Chairman: It has been moved by Councillor Chamberlist, seconded by Councillor Shaw that Mr. Speaker do now resume the Chair. Are you prepared for the question? Are you agreed. Any contrary? I declare the Motion Carried.

MOTION CARRIED

MOTION
CARRIED

MR SPEAKER Mr. Speaker: I will now call Council to order. May we
RESUMES have the report of the Chairman of Committees.
CHAIR

REPORT OF Mr. Taylor: Mr. Speaker, Committee convened at 10.25 A.M.
CHAIRMAN to discuss Bills, Sessional Papers and Motions. It was
OF moved by Councillor Dumas, seconded by Councillor Chamber-
COMMITTEES list that recommendations be made to the Federal Government
that the Hillcrest Housing be made available for public
use as soon as it is released by the Department of National
Defence. This Motion carried. On motion Committee
recessed at twelve noon and reconvened at 2.10 P.M. It
was moved by Councillor Dumas, seconded by Councillor Shaw
that Section 1 of Bill No. 2 be deleted and amended to read
as follows: Section 110 of the Motor Vehicles Ordinance
is repealed and the following is substituted therefor:
110(1) when a vehicle bearing the sign "school bus" and
displaying alternately flashing lights has stopped on a
highway to receive or discharge passengers, a driver
approaching the school bus from either direction shall stop
before reaching the school bus. (2) A person who is re-
quired by sub-section (1) to stop before reaching a school
bus shall not proceed to pass the school bus, (a) until
the school bus resumes motion, or (b) until the driver of
the school bus indicates by a signal that he may proceed, or
(c) where the school bus is displaying alternately flash-
ing lights until the lights stop flashing". This motion
carried with Councillor Chamberlist opposed. It was
moved by Councillor Shaw, seconded by Councillor Livesey
that Bill No. 2 be reported out of Committee as amended.
This Motion carried, with Councillor Chamberlist opposed.
It was moved by Councillor Shaw, seconded by Councillor
Gordon that Section 1 of Bill No. 10 be amended to approve
the following: "(hb) Persons employed in the Public Service
of the Territory classified as Probation Officers and
Social Workers. This Motion carried. It was then moved
by Councillor Shaw, seconded by Councillor Gordon that Bill
No. 10 be reported out of Committee as amended. This
Motion carried. It was moved by Councillor Chamberlist,
seconded by Councillor Shaw that Mr. Speaker do now
resume the Chair and this Motion carried.

Mr. Speaker: We have heard the report; are we agreed?

All: Agreed.

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

AGENDA Mr. Taylor: In respect of the agenda, Mr. Speaker, I would
suggest Bills, Sessional Papers and Motions for Monday
morning.

Mr. Shaw: Mr. Speaker, we have the problem, or the matter of
sitting for tomorrow morning.....

Mr. Taylor: Mr. Speaker, I would move that Standing Order
No. 2 be suspended and the Council do not sit again until
Monday morning.

Mr. Dumas: I will second the Motion.

Mr. Speaker: Moved by the Honourable Member from Watson
Lake, seconded by the Honourable Member from Whitehorse West
that Standing Order No. 2 be suspended and we do not sit
again until Monday morning. Is the House prepared for the
question on the Motion? Are we agreed. I will declare the
Motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: May I have your further pleasure.

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

Mrs. Gordon: I would second that Motion.

Mr. Speaker: Moved by the Honourable Member from Whitehorse East, seconded by the Honourable Member from 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: The House now stands adjourned until ten o'clock Monday morning.

Mr. Speaker read the daily prayer. All Councillors were present.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will call Council to order. I have for tabling this morning, gentlemen, Sessional Papers No. 13 to 18 inclusive. Are there any Reports of Committee? Introduction of Bills? Notices of Motion or Resolutions?

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion this morning respecting Saturday morning Council sitting.

NOTICE OF
MOTION #10

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

Mr. Dumas: I would like to give Notice of Motion re Sessional Paper No. 16.

NOTICE OF
MOTION #11

Mr. Speaker: Are there any further Notices of Motion? Under Orders of the Day Notices of Motion for the Production of Papers. Under Motions for Production of Papers Moved by Councillor Taylor, Seconded by Councillor Chamberlist, reference Territorial Fuel Contracts. Administration is respectfully requested to provide Members of Council with copies of Full Contract Tender Specifications. Is the House prepared for the Question on the Motion? Are we agreed? I will declare the motion carried.

MOTION FOR
PRODUCTION
OF PAPERS
#2

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Motion 7, on the Order Paper. Moved by the Honourable Member for Watson Lake, seconded by the Honourable Member for Carmacks-Kluane Lake re Select Committee on Labour, That a select Committee of the Whole be now constituted for the purpose of considering all matters relating to Labour Legislation and practices in the Yukon Territory. Would the Honourable Member be prepared at this time to discuss this question?

MOTION
NO. 7

Mr. Taylor: Yes, Mr. Speaker, Motion No. 7 brings to Council means of dealing with very, very, very urgent and pressing problem; that is the matter, the general subject matter of labour as it applies to the Yukon Territory. It was felt by myself and several other members that we would be wise in dealing with this matter, in view of past experience, to form a select committee encompassing all members of the House; to deal specifically with two aspects of labour before us. One is the urgent problem of hiring practices in the Yukon Territory as they pertain to labour unions. The other is the matter of dealing with the labour legislation which is now before the House upon which recommendations have been solicited from both labour and management. It has been suggested that in dealing with the matter of labour legislation that we could possibly sit in another place and hold hearings and I feel, as the Motion suggests, that a select committee on labour to conduct these hearings would be the best course of action to follow and consequently I have proposed a motion which would in effect, if accepted by Council, would establish this most important committee.

Mr. Speaker: Is there any further discussion? Would the House be prepared for the question at this time? Are we agreed? I would declare the Motion carried.

MOTION
CARRIED

MOTION CARRIED

SESSIONAL PAPER #12. Mr. Speaker: Motion No. 8, moved by the Honourable Member from Whitehorse North, seconded by the Honourable Member from Whitehorse West, Sessional Paper No. 12 be moved into Committee of the Whole for discussion. Are we agreed? I'll declare the motion carried.

MOTION #9. Mr. Speaker: Motion No. 9, moved by the Honourable Member for Whitehorse West, seconded by the Honourable Member for Watson Lake that Sessional Paper No. 11 be moved in Committee as a whole. Are we agreed? I would declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: Are there any questions?

QUESTION RE CHARTER CITY WHITEHORSE Mr. Chamberlist: Mr. Speaker, I have a question for the Commissioner. Would the Commissioner advise when the copy of the charter requested of the City - of the corporation of the City of Whitehorse is going to be presented to Council?

Mr. Commissioner: Mr. Speaker, just as quickly as we can locate either the document itself or the closest thing to it that is in existence. I am sorry that I cannot be any more definitive than this but we are doing our best and we will report to Council just as quickly as possible whether our search has met with success or whether they have met with failure.

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

QUESTION RE SOUND SYSTEM Mr. Dumas: Mr. Speaker, I would like to ask Mr. Commissioner if there is any further information or if there have been any forward steps in connection with obtaining a new sound system for the Chambers.

Mr. Commissioner: Mr. Speaker, to the best of my knowledge there was a motion passed at the Fall Session of Council in this connection and as a consequence of this I requested that the necessary investigation as outlined in this motion would be put into effect and that as soon as these were completed an appropriate amount of money would be placed in the budget for 1968-69 for this. Until such time as I have a report from the Legislative Programming Committee I cannot give you any further information on this.

QUESTION #12. Mr. Taylor: Mr. Speaker, I have a written question directed to Administration this morning. It reads as follows: In view of the fact that the draft agreement respecting the take-over of fresh water fisheries by the Yukon was transmitted by the Department of Fisheries to the Minister some two months ago, could the Administration determine from the Minister as to when the same agreement will be presented to Council for its consideration?

QUESTION RE AMUSEMENT TAX Mr. Chamberlist: Mr. Speaker, I wish to address a question to Mr. Commissioner. Mr. Commissioner, what further information have you, can you give to Council with reference to the removal of the amusement tax? This is subsequent to a question already asked.

Mr. Commissioner: Mr. Speaker, I placed this question in the hands of the senior administrative officials the day it was asked and I have nothing Mr. Speaker, unless Mr. Clerk has... I'll see if I can't get this brought forward. The question was asked almost a week ago Mr. Speaker.

Mr. Speaker: Are there any further questions?

Mr. McKinnon: Mr. Speaker, I have a written question for Administration this morning:

QUESTION
NO. 13

- (1) What will be the percentage subsidy by the government to the total capital cost of the Porter Creek Water System?
- (2) What were the percentage subsidies by the government to the total capital costs of:
 - (a) the Watson Lake Sewer System.
 - (b) The Mayo Sewer and Water System.
- (3) Does the subsidy to the Capital Cost of the Porter Creek System follow the recommendations of the Policy Paper on the Provision of Water Supply and Sewage Disposal Services in the Northwest Territories and the Yukon which forms Appendix H of the report on the Interdepartmental Committee on Federal Territorial Financial Relations. Thank you Mr. Speaker.

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

Mr. Dumas: Mr. Speaker, I have a written question for the Government? What is the Government doing to ensure the prevention the pollution of Yukon waterways by both industrial and domestic sources?

QUESTION
NO.14

Mr. Commissioner: Is this a written question?

Mr. Dumas: Yes.

Mr. Speaker: Are there further questions? If there are no further questions may we pass to public Bills and Orders?

Moved by Councillor Taylor, seconded by Councillor Dumas that the Amendment to Bill No. 2, An Ordinance to Amend the Motor Vehicles Ordinance be now read for the First time.

FIRST
READING
BILL #2
MOTION
CARRIED

MOTION CARRIED

Councillor Chamberlist voted contrary to the Motion.

Moved by Councillor Taylor, seconded by Councillor Dumas that the Amendment to Bill No. 2, An Ordinance to Amend the Motor Vehicles Ordinance be now given second reading.

SECOND
READING
BILL #2
MOTION
CARRIED

MOTION CARRIED

Councillor Chamberlist voted contrary to the Motion.

Moved by Councillor Taylor, seconded by Councillor Dumas that the Amendment to Bill No. 2, An Ordinance to Amend the Motor Vehicles Ordinance be now read for the third time.

THIRD
READING
BILL #2
MOTION
CARRIED

MOTION CARRIED

Councillor Chamberlist voted contrary to the Motion.

Moved by Councillor Taylor, seconded by Councillor Dumas that Bill No. 2, An Ordinance to Amend the Motor Vehicles Ordinance, be adopted as written

TITLE
ADOPTED
BILL #2

MOTION
CARRIED

MOTION CARRIED

Mr. Chamberlist voted contrary to the Motion.

Mr. Speaker: I will declare that Bill No. 2 has passed this House.

FIRST
READING
BILL #10
MOTION
CARRIED

Moved by Councillor Shaw, seconded by Councillor Gordon, that the Amendment to Bill No. 10, An Ordinance to Amend the Jury Ordinance be given First Reading at this time.

MOTION CARRIED

SECOND
READING
BILL #10
MOTION
CARRIED

Moved by Councillor Shaw, seconded by Councillor Gordon that the Amendment to Bill No. 10, An Ordinance to Amend the Jury Ordinance be given Second Reading at this time.

MOTION CARRIED

THIRD
READING
BILL #10
MOTION
CARRIED

Moved by Councillor Shaw, seconded by Councillor Gordon that the Amendment to Bill No. 10, An Ordinance to Amend the Jury Ordinance be given Third Reading at this time.

MOTION CARRIED

TITLE
ADOPTED
BILL #10
MOTION
CARRIED

Moved by Councillor Shaw, seconded by Councillor Gordon that the Amendment to Bill No. 10, An Ordinance to Amend the Jury Ordinance be adopted as written.

MOTION CARRIED

Mr. Speaker: I will declare that Bill No. 10 has passed this House.

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

Mr. Shaw: Mr. Speaker, I would move that Mr. Speaker do now leave the Chair and that Council resolve itself in Committee of the Whole to discuss Bills, Motions and Sessional Papers.

Mrs. Gordon: I second that Motion.

Mr. Speaker: Moved by Councillor Shaw, seconded by Councillor Gordon that Mr. Speaker do now leave the Chair and Council Resolve itself in Committee of the Whole to discuss Bills, Motions and Sessional Papers.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: The Honourable Member for Watson Lake will take the Chair in Committee.

Mr. Taylor takes the Chair.

SESSIONAL
PAPER
#10.

Mr. Chairman: The first item of consideration will be Sessional Paper No. 10 related to Fitness and Amateur Sports and I believe we have a gentleman coming to assist us in the matter so I will declare a short recess at this time.

RECESS

Mr. Chairman: I will call Committee to order, and we have with us Mr. John Thoreson to discuss the matter of Sessional Paper No. 10 related to fitness and amateur sports policy. Would the gentlemen please proceed.

Mr. Dumas: Mr. Chairman, I would like to know Mr. Thoreson's reasons for suggesting that under 16 competition outside the Territory not be included and used as a fund. SESSIONAL PAPER #10

Mr. Thoreson: Well, Mr. Chairman, replying to Mr. Dumas, that section, Sections "a" to "i", restrictions on the use of the fund are Ottawa policy, not ours.

Mr. Dumas: Mr. Chairman, has the fund not been used in the past for this purpose?

Mr. Thoreson: I think it has been, and probably on some type of special dispensation from Ottawa.

Mr. Commissioner: Mr. Chairman, this is the whole idea of bringing forth this policy paper now and there have been instances where the funds that we have available under this program have possibly not been applied in accordance with the way the National operation is laid down and this is really the most important aspect of this whole thing - to bring forth this policy paper at this time, which through Mr. Thoreson I can assure you is outlined to comply with the Federal Act so that when we do make our annual - or have our annual audit, there is no question that we will find ourselves being disqualified from participation in any or all of the funds due to mis-application as per the Federal rules of the game.

Mr. Chamberlist: Mr. Thoreson, when you went to Yellowknife to discuss the Arctic Games, is it proposed that the funds will come out of the program if the Arctic Games go ahead?

Mr. Thoreson: I don't believe so Mr. Chamberlist. There has been no provision in that regard in our next year's budget. This was a result of discussion between Councillor McKinnon and myself.

Mr. Chamberlist: Mr. Chairman, that doesn't actually answer my question - where would the funds come from for that particular

Mr. Thoreson: For the Arctic Games?

Mr. Chamberlist: Yes.

Mr. Thoreson: We have suggested, as indicated in this Paper that it would be a special grant consideration aside from the shared cost part of the business manager's sports conference.

Mr. Chamberlist: Would it come out of this fund or any part of it?

Mr. Thoreson: No.

Mr. Chamberlist: Well, when you went there where did the travel expense to Yellowknife come from - what part did that come from?

Mr. Thoreson: This would come from the fund but it would not be shared by Ottawa.

Mr. Chamberlist: Mr. Chairman, you say that it did come from the fund?

Mr. Thoreson: For that trip

Mr. Chamberlist: For that trip - well I bring your attention

SESSIONAL
PAPER #10

Mr. Chamberlist continues to "a" where there is an exclusion that "trip, or travel of Territorial staff outside the Territory .."

Mr. Thoreson: That is right, this part of it would not be shared by Ottawa. It would come entirely from the Territorial part of the budget for this year.

Mr. Chamberlist: I don't follow it at all; there is one fixed fund I understand.

Mr. McKinnon: Gentlemen, I wonder if I can verify this. There is a certain amount of funds under the Fitness and Amateur Sports in the Territorial budget every year. Now out of this whole amount of this fund certain projects are recoverable from the Federal government; ones that are accepted by the Federal government under this program. Some of them are not acceptable. Our Director of Recreation may use these funds for other purposes which are a total cost to the Territory and are not shared by the Federal government; in other words we don't get 50% of the cost of these projects back because they are not approved by the Federal government. One of them was the trip that the Director of Recreation and myself went on to Yellowknife to try and organize the Arctic Winter Games. This is not shareable by the Federal Government. The total cost is to the Territory.

Mr. Chamberlist: This is the very point I make. If you read it says "at the Territorial level" it is not to be used for travel of Territorial staff outside the Territory.

Mr. McKinnon: Federal money.

Mr. Chamberlist: This is a separate sentence. It begins-- it is a - I don't want to read the whole thing but I would suggest that it is read in part: "the primary purpose of the program is to increase the number of participants at all levels and non-competitive activity and to raise the skills with which they participate. At the Territorial level it is not to be used for travel of Territorial staff outside the Territory. Now explain that.

Mr. Commissioner. Mr. Chairman might I - I think the point which is raised is actually a very good point and I think that we must understand that while the paper that we have before us is outlining the use of funds that we anticipate getting Federal participation in the cost of, this does not preclude us from having other activities and other functions come under the Director of Physical Fitness and Amateur Sport that he will do outside the scope of the Federal-Territorial Financial participation that will be done on behalf of the Territory that will beto the Territorial budget and that will come up for vote by this Council as part of their Territorial budget package. I think this would be a clear way of defining it but the question that is raised is a good one. This can not be looked upon as participating-type funds. In other words, if we are going to do other things we have to provide the funds for them ourselves.

Mr. Chamberlist: Mr. Chairman, under (i) one of the exclusions "some activities under study - e.g. boxing and baton twirling." I wonder if you might tell me Mr. Thoreson why boxing is to be removed from....

Mr. Thoreson: I'm afraid that I can't tell you in detail why boxing is excluded at the moment except that it has been

Mr. Thoreson continues... noted in correspondence from the Director in Ottawa that it is under study by officials of the Directorate as to its suitability for inclusion under Fitness and Amateur Sports. In other words I think the Federal people are questioning whether they should through Fitness and Amateur Sports be encouraging boxing.

Mr. Shaw: Mr. Chairman, I wondered if the Director of Physical Fitness and Amateur Sports has been in the north end of the Territory to have meetings with athletic groups in that area to try and get matters such as this organized except out of the immediate vicinity of Whitehorse?

Mr. Thoreson: No, Mr. Shaw I haven't got to the northern part of the Territory as yet but I understand there is correspondence on its way to me to arrange a series of meetings in the Dawson, Mayo and Elsa area the last week of this month or the first week of April.

Mr. Shaw: I am very pleased to hear this Mr. Chairman, as soon as possible when you take into consideration that it took practically the whole High School of Dawson to come down here and arrange games and competing against much larger schools and still carried off I think about third in all this effort. It shows that there is considerable interest in that area and that perhaps we should try and encourage this just as much as possible and certainly give them every service. They are certainly looking forward very much and when I informed them a number of months ago that we would have a Director of Recreation, they are looking forward to seeing the gentleman just as soon as possible.

Mr. Chairman: Mr. Livesey.

Mr. Livesey: Mr. Chairman, I have two questions to ask..... One was with respect to the appointment of the Honourable Member for Whitehorse North with respect to this program. When I heard it I didn't understand it and I wondered if I missed something somewhere because I certainly have no background and I wondered if this was an Administrative appointment or not. The second question I have this morning is with respect to sports activities in Haines Junction. I wonder if the sports activities which were inaugurated prior to my election last Fall came under this program because I understand during the winter months the community club of that area; when there were no funds to pay this gentleman, paid the funds out of their own pocket and this is the position I understand took place in that area and I was wondering if that..... answer to your question.

Mr. Commissioner: Excuse me, Mr. Chairman, could I ask if Councillor Livesey would just ask the first part of that question again?

Mr. Livesey: Well there were two questions. One was the question of the appointment of the Honourable Member from Whitehorse North with respect to this Physical Fitness program and the second was with respect to the question of the appointment of a person at Haines Junction to take care of the sports activities there and whether his fees that were due to him should come from this fund. It was my understanding that during the winter months money had been put up by the Community Club and they had run themselves mighty short.

Mr. Commissioner: Mr. Chairman, with respect to the first part of the Councillor's question, Councillor McKinnon has

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Mr. Commissioner continues....
no appointment that I am aware of unless it is an unofficial one under the Physical Fitness and Amateur Sports Program and at my personal request he accompanied our Director of Physical Fitness and Amateur Sports as a delegate for the Yukon to a meeting that was called in Yellowknife where all three northern governments were sitting down to discuss the possibilities of northern winter games and I would like assure Council that although it comes under the heading of physical fitness and amateur sport has nothing at all to do with the program or the paper as such that is before you now; in other words we are not trying to put something underneath the carpet here ...indicate that participation in the Northern Winter Games, if they ever come about, is part of this policy paper that is before you now. I think that this is really the question asked here. Now, secondly, the detailed question concerning the payment of a person at Haines Junction, unless Mr. Thoreson happens to know this off-hand and I doubt very much if he does, I will have to take this under advisement and find out exactly what the circumstances are surrounding that particular situation. I would be very happy to do so providing of course that Mr. Thoreson does not have the information.

Mr. Thoreson: I think that I can probably answer that question Mr. Commissioner. The Haines Junction Club has been participating in the physical fitness fund; the wages for the Sports Co-Ordinator are an approved project for this year. Unfortunately, the first two claims for payment from the fund after they had paid the Co-Ordinator's salary for the first two half month's period were misdirected by the Treasurer and did not arrive at my desk - lost somewhere and was brought to my attention when I visited the club a month ago. We have now found the claims and I think we are up-to-date with the payments to that man as of now.

Mr. Dumas: Could you tell me how much is allotted for this salary?

Mr. Thoreson: \$525.00 a month.

Mr. Dumas: \$525.00 a month for the Sports Co-Ordinator
.....

Mr. Thoreson: Who also acts as the Caretaker, icemaker, etc, for the community centre.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman,....suggested that every small district that requires a Sports Co-Ordinator in the Yukon, I think -- is this on a yearly basis Mr. Thoreson?

Mr. Thoreson: This particular project is five months.

Mr. Chamberlist: Five months, so if we have ten different small communities we are going to be spending more money than the funds now have available. While I am on my feet Mr. Chairman, I would like to say that I see nothing sinister in a member of Territorial Council who has been active in sports for the community for so many years being appointed to attend the conference that was held with reference to the Arctic Games; my question of course deals with whether the funds are coming out - the funds for the expenses for that

Mr. Chamberlist continues...
trip are coming out of this fund or elsewhere. I would ask Mr. Chairman to draw Members of Committees attention to page 3, second paragraph from last where there is a reference to the Community Development Grant I spoke last week in support of Community Development grants being placed in one hand, in the hands of the Commissioner and I must say now after some consideration I find that I am in error in supporting that. I have come to the conclusion that I fear the Commissioner and his actions, and therefore I would like to make it clear at this time, because it is mentioned in here, that I am not in favour of the community grant situation being changed. I want to say also at this time that I feel that Council must now, members of Council must now do their best that control is not completely turned over to the Commissioner of the Territory because the matters that have come of recent - recent matters are such that it has been shown that he does not care any longer for the legislature, or the legislation that is laid down and I am saying this because I want to make it clear that I will not support the community grant system as it is now.

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

Mr. Taylor: Mr. Chairman, I might say that I am very pleased that at this point and time we have come up with a proposed policy in relation to fitness and amateur sport. I can recall when the Fitness and Amateur Sports Program began here in the Yukon some years ago and the problems inherent with it. There was no firm policy that I can recall being laid down with this particular grant and expenditures and it is indeed gratifying to see a proposal which if accepted would offer some firm rules and guide lines as to how this money could and would properly be spent to its greatest advantage here in the Territory. Accordingly, from what I have seen of the paper, I tend to agree with it at this point and time. I think it is good and I think it is sound. However, I think that the policy that has been laid down for all Canada tended to overlook one item of importance and this is the geographical problem, and possibly the sociological problems that are inherent in the north and not in other areas of Canada. I am having trouble with the cost-sharing relation to - under 16, Competition Outside the Territory. The very nature of our geographic location in the Yukon. Now I would like to speak at this moment about Watson Lake. This also could affect Dawson or Haines Junction and indeed Whitehorse. Now in Watson Lake, I might also state that it reads here in the foreward the Honourable Allen MacEachen, Minister of National Health and Welfare "The Fitness and Amateur Sport Program is therefore concerned with all Canadians, from the young athletes competing in international competitions to those who seek recreational activities at the community level." We have for instance in areas of hockey, in softball, which are both two very widely recognized sports in Canada; we have bantam and pee wee which are not covered by our educational program, or our Education Department for any financial assistance and consequently operation and maintenance assistance will have to be gotten elsewhere. Now these people at Watson Lake for instance, compete with Cassiar, B.C., with Fort Nelson, B.C. and even Canada Tungsten in the Northwest Territories. It is an area problem and I am sure I speak for all of those who are sports minded in that area, that we would certainly like to see some consideration given in this policy to allow these children, or the youngsters to compete, as they have been, and to get some assistance to help them travel and this type of thing. It is also generally accepted that when the senior teams go to these various communities they take the

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Mr. Taylor continues...
pee wee team with them and we have one in that particular field of endeavour and so forth. It was also pointed out that certainly in the Community of Watson Lake, the youngsters there and the youngsters I believe at Ross River have been excluded from the Polar Games program by the Department of Education and were not permitted to compete with other communities in the Yukon; certainly not this year. I think some consideration should be given to our kids down there who wish to participate in this Fitness and Amateur Sport Program. Other than this I feel that some consideration should be given to this. I feel that the general outline, the policy as outlined in Sessional Paper No. 10 is excellent.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I understand by what we - by the discussion we have had within the last twenty minutes that exceptions can be made to subsections (a) and (i) by using the Yukon Territorial portion of the funds. I certainly agree with the Honourable Member from Watson Lake that these under 16 competitions.....talking about outside the Territory should be encouraged and am I correct in assuming that in fact you could make allowances in the Territorial portion of the fund for this type of thing.

Mr. Thoreson: Well, not only the Territorial portion of the fund, Councillor Dumas; I think there has been a bending of the Federal policy in regard to the Yukon considering our special geographical situation and there has been approvals for trips by under 16 aged teams from Watson Lake to Carriar from Whitehorse to Fairbanks and so on in the past and I think that within reason this kind of thing can be continued. But I think we should still aim at developing in the Territory as much of this competition as possible in activities like the Polar Games, so that we are not spending the bulk of the Fitness Fund paying for gasoline and air tickets. In regard to the Polar Games, Councillor Taylor, I think that the initial decision to exclude Watson Lake from participation was taken at the Watson Lake level.

Mr. Taylor: This is quite correct, this was taken by the teachers at the Watson Lake level who seem to exercise much more influence in education activities than the Superintendent.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: What equality of purpose is behind this Physical Fitness Grant system. It seems to me that certain areas in the Territory are not only well advised but they have been participating in the fund program and fund distribution and other areas are totally ignorant of what is going on and get nothing and in some instances when they have come to the point that they feel they need assistance in the Physical Fitness exercise why they are told in Whitehorse, of course there is no more money in the funds; it has been over-subscribed and somebody here wanted a quarter of it and somebody wanted an eighth of it and so on. Just where do we go here. Surely this Physical Fitness Program is an equality form of approach for the benefit of the health of the citizen at large and to the nation as a whole. Surely this program is a program of equality amongst individuals and then surely each could be provided with the same opportunity. Mr. Chairman, I would like to ask Mr. Thoreson

Mr. Livesey continues
how a club interested in sports activities, whether hockey or skating or whether curling, or whatever it is; how do they go about obtaining assistance under the funds?

Mr. Thoreson: Mr. Chairman, the situation to which Councillor Livesey referred, I think, without naming the club in question, is known to us and their needs are being looked after; you might tell them, before the end of this month. Again, this was because of lack of policy last year, I think, was an oversight at the outset of the fiscal year in regard to that particular club. But as far as all the organizations and clubs in the Yukon who may wish to participate in the fund are concerned, all of them have been now, sent at least two separate information sheets and questionnaires concerning their requirements concerning leadership training programs, their forecast of programs to be conducted during the coming year and the financial needs that may result from them. And as we get these back we will be able to draft our program of leadership training plans and so on and get them organized and then have a much better idea of what kind of budget situation we are going to be into as far as supporting local programs are concerned.

Mr. Livesey: Well, another question, Mr. Chairman. As far as sending out information is concerned; how has it been dealt - has it been sent to recognized community clubs registered under the Societies Ordinance or sent to schools or school principals or athletic clubs, or who are these people?

Mr. Thoreson: It has been sent to every organization that we think can or will make use of the fund, including Community Clubs, schools, athletic organizations, interested citizens, other Departments of the Territorial and Federal government.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, since the subject of the Polar Games is brought up I would like to dwell for a short time on it. In further answer to the Honourable Member from Watson Lake's query, I did some looking into the fact that Watson Lake was not represented. I was told that the decision was made at the local level not only by the teachers but by some members of the P.T.A. down there. This is what I have been told. At any rate this was not an official Department of Education function this time round although it had the co-operation and to some extent participation of the Department of Education, it was an activity that was initiated by individual teachers in the Whitehorse area and it is my hope to present to this Session of Council or the next Session of Council a resolution that will formalize and recognize the Polar Games as an annual event. They went over very successfully; all the children, all the students that came in from out of town or other Yukon Communities and B.C. and Alaska and the Northwest Territories enjoyed themselves thoroughly. I think it served a very fine purpose and I think we owe a vote of thanks to Miss Carol Keddy and the teams that helped her organize this program.

Mr. Chairman: Councillor Taylor.

Mr. Taylor: Well Mr. Chairman, in conclusion - I wasn't aware of this Polar Games problem until I started receiving complaints from parents and by the time I got into it things

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PAPER #10 Mr. Taylor continues....

were too far organized by the Watson Lake teachers or segment of the teachers and phone calls failed to see us participate but I am prepared to move heaven and earth to make sure that our children do participate next year in the Polar Games and I feel that Ross River should be dealt with in the same manner. For High School competition Watson Lake they forgot that there are no more High Schools there around the country; Canada Tungsten high schoolers are off in Yellowknife and these people are scattered in various outside schools so I am in hopes that this will happen. To get back to the paper, if, as Mr. Thoreson has outlined Mr. Chairman, some latitude can be exercised in the implementation of this policy as per our former discussion affecting the younger people of the community, then I certainly lend my wholehearted support to the policy as outlined in the Sessional Paper. Thank you Councillor Chamberlist, I will now resume the Chair.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, in relation to these Polar Games, I regret very much that I was out of the Territory for the first time in many years when this was implemented and the program was started so I was not too aware of the ramifications involved in the effort and when I returned I only had a few days to go to Council. However, I would like at this time Mr. Chairman congratulate all the people who must have worked very hard in organizing this very successful event. I can assure you Mr. Chairman that in the future when I am around I hope to contribute a little more to the organization or the help with than I have been able to at this particular time. And certainly Councillor Dumas will get my support in this paper that will probably be coming up later this Session or next Fall, but in the meantime I do feel that there was an excellent job done and particularly the organization it must have taken to get something in its initial stages. It is always difficult and there are always problems that this might be left out and that might be left out and it will take a few years to get organized.

Mr. Chairman: Gentlemen, at this point and time we will call a recess for a change of stenographers.

Monday, March 11, 1968.
11:00 o'clock, a.m.

Mr. Chairman: I will now call the Committee back to order. We have second Sessional Paper No. 10 relating to the Fitness and Amateur Sports policy. Councillor Chamberlist. SESSIONAL
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Mr. Chamberlist: This Sessional Paper finishes up by saying this: "The foregoing outline policy is submitted for the approval of the Council. If acceptable of the regulations embodying this policy will be brought into effect." This is the policy I supported in the main but not completely. I am not at all satisfied with the possibility of what might occur to the paragraph, the second from last paragraph, page No. 3. I think it should be clear first the matter of the community development grants that should be clearly clear before this particular policy is entered into and beyond that I am not opposing, myself to the policy. I would suggest, Mr. Chairman, that this be left in abeyance until such time as the community development grant has been discussed completely.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: As far as the fund is concerned, how do the public know when to make proper application and when the fund is over subscribed, how long it takes to over subscribe it or even how to get at it and I was wondering Mr. Chairman if Mr. Thoreson could advise us on how we stand at the moment with regards to the next amount of the fund available for this programme. Where do we stand now, are we partly subscribed, wholly subscribed, over subscribed. Just where do we stand? This is for 1968.

Mr. Thoreson: For 1968-69 Councillor Livesey, we stand waiting for a budget to be approved. There has no allocation been made for 1968-69 funds.

Mr. Livesey: This may be quite correct Mr. Chairman but it is holding the list in the back pocket just the same.

Mr. Thoreson: There is no preliminary or advance allocation of this fund at this time for the next fiscal year. The requests have gone out for information from communities as to their needs for local programmes. We have been receiving forecasts of leadership training programmes that are required, an indication of something in the neighborhood now of sixty to sixty-five clinics have been requested for the next fiscal year and our planning will take those into account as the first priority of leadership training.

Mr. Chairman: Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, These were always advertised in the paper in the past, were they not, that the applications would now be accepted to different community needs or different community funds who were interested in applying for money as a physical fitness and amateur sports.

Mr. Thoreson: Well, we can advertise as well as contacting every known community organizations, sports groups and schools which we have done already, Councillor McKinnon, but under this policy these would not be considered applications as such, they would be considered forecasts of needs and even under the present system this is all the applications have really done because very often programmes that have been forecast a year in advance don't happen or they cost less than they have been forecast so that the allocation in April, say, for the complete fiscal year, this doesn't ..in fact it turned out not to be very accurate.

SESSIONAL Mr. Commissioner: Mr. Chairman, these funds have not been getting
PAPER # distributed on what I consider to be a basis that has permitted all
10 interested organizations to have an opportunity to get their requests
or estimates of need in. It has happened that certain organizations
by virtue of their proximity to the seat of Government and by virtue
of the fact that they have known either through their membership or
through local inquiries that these funds were available, they have
applied for them and they have received them, properly so, but this
does not preclude the fact that this is exactly what one of the aims
of this paper is at this time to get laid down policies so that we
can effectively see that all possible participating organizations
in the Territory, that we have their estimates and we can deal with
them on a kind of an across the Territorial equitable basis. This is
exactly what we are trying to do, and the question raised by Councillor
Livesey I think is a very good one because, in fact, not all organi-
zations have been aware, nor have we had any policy to deal with all
the organizations.

Mr. Chairman: What is your pleasure in relation to this paper,
gentlemen?

Mr. McKinnon: Mr. Chairman, I'd like to ask Mr. Thoreson how the
Federal Government looks on providing grants or providing financial
help for teams travelling to Alaska.

Mr. Thoreson: The Federal Government I think, looking back
over correspondence, have questioned every application we've made
for this kind of thing. They're not happy about it, but they have
bent the rules as I have indicated before in specific instances.
I don't think they would give us a blanket approval for this kind
of thing. We still have to have every individual project approved
by Ottawa and at any time they may come up with a "no" on one of
them.

Mr. McKinnon: Mr. Chairman, I would be very interested if Mr.
Thoreson would let us know if they do come up with a "no" when
there's requests for funds for teams to travel to Alaska centres
because considering our geographic location, I think that it's a
natural area to which we should be looking for competition.

Mr. Shaw: Mr. Chairman, this physical fitness and amateur sports
programme has been an ambiguous type of a policy or a programme
ever since its implementation. It has been very difficult to really
know just what is applicable and what assistance is applicable I
should say and what is not. In fact the persons that are adminis-
trating in Ottawa had some difficulty in really knowing just where
it applied and where it did not so that when the director for this
programme was obtained for the Yukon I felt that it was a tremendous
step forward in this utilizing this programme to its fullest step
and I am hoping that a considerable emphasis will be placed on this
programme for children that attend school. Myself, I think that
the whole programme should be put towards competitive games ex-
pressly for the school children. That is from the commencement
until they finish their education. That is the important part to
me however how the programme is laid on by the Federal Government
will have to abide by the rules and regulations, something like
these games that have just taken place where this programme really
shines. However, to get back to the personnel part, the director
serves a tremendously useful purpose by being able to contact and
I think this is very important that every effort should be made
by the director to get the outlying communities to personally meet
these people and to answer their questions and help them to re-
solve their problems. In the past I have always notified the people
through medium of the newsletter on briefly what can be done and
who can be contacted and I find that just through the medium of
newspapers it doesn't work out too well. It's a way of informing
people but nothing takes the place that actually meeting these
people, discussing the problems and informing them how they can

Mr. Shaw continued:

be assisted and I have great hopes Mr. Chairman for the fact that SESSION- we have a director that can personally appear before these various PAPER organizations in all parts of the Territory and help them with #10 their particular problem and I feel that the fact that we can get up some terms of reference is also a big step forward because prior to this the terms of reference were extremely vague. It seems like they are getting straightened up and it has taken about ten years to do it so I hope that we make better progress and if we can get terms of reference so that the people will know just exactly where they are situated; that the administration will know where they can go and get this program on the road. I would assume that the fact that we have a paper that sets out some reference and if everything doesn't work perfectly there is no particular reason why in the future we cannot change it but I think we must make a start to have something down concrete so that we will know where we are going.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I agree with the essence of the paper, or the principle of the paper and just about everything in it but I have to concur with the Honourable Member from Whitehorse East. When we discussed Sessional Paper 4, Community Grants, it was left, the matter was left to be deferred for further consideration by the unanimous consent of Council. Until we decide to do something about this community grant I don't see how we can accept the paragraph that the Honourable Member from Whitehorse East pointed out because it said that recreation equipment is not to be provided through either existing fund meaning either the Fitness and Amateur Sport Fund or the Community Development Grant and our hands will then be tied. Now maybe it should be that the Community Development Grant should not be used for this purpose but I don't think that it is up to Sessional Paper No. 10 and a discussion under Fitness and Amateur Sport Policy to tie our hands with Sessional Paper No. 4 which is what we would be doing, so as I say I agree in principle with the whole paper and I would like to see it passed but I think something has got to be done with that paragraph that was inserted.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, there is also another question here too - application and distribution of assistance should be channelled wherever possible through a single community authority or Territorial agency - all assistance should be provided on a shared-cost basis with participants sharing a percentage of costs on a scale to be outlined in the Regulations. Now, it is becoming more and more clear that as a legislative body we should be interesting ourselves in the control of subordinate legislation. This is one of the things we have to take more interest in and I was wondering if a reference to regulations, Territorial Regulations or Federal Regulations.

Mr. Chairman: To whom would you address that question?

Mr. Livesey: The Commissioner.

Mr. Commissioner: As far as I am aware we would be talking here about Territorial Regulations, Mr. Chairman, and our whole package has got to fit into the Federal requirements but up until now we are right back to what I have already intimated. We have no policy, no regulations, we have no nothing; we are getting down to the seat of our pants so to speak and this is what the policy paper is outlined to help to bring about some kind of regulation which is written down that everyone is aware of and these are the regulations that will affect the distribution of this fund. So certainly in the first instance we are talking about those existing Federal regulations and in the second instance we are talking

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Mr. Commissioner continues about our own regulations to give effect to the distribution of these funds that will fit into the Federal pattern.

Mr. Chamberlist: Mr. Chairman, I would move at this time that this Sessional Paper be left in abeyance until Sessional Paper No. 4 has been dealt with.

Mr. Chairman: Gentlemen, it is not necessary for a Motion - you simply indicate to the Chair you wish this matter deferred.

Mr. Chamberlist: Thank you Mr. Chairman, this is what I wish - that the matter be deferred.

Mr. Chairman: Does Committee agree to defer Sessional Paper No. 10?

All: Agreed.

Mr. Chairman: Mr. Thoreson, I would like to thank you for assisting the Committee in its endeavour.

Mr. Thoreson: Thank you.

Mr. Chairman: Next we have Sessional Paper No. 11 re Staff Upgrading Programme. Have we any discussion on it? Mr. Dumas. SESSIONAL PAPER #11

Mr. Dumas: Mr. Chairman, the last sentence that your approval is requested, I had a chance to look over the programme and it seems to me a very sound one. I wanted it into Committee so that Councillors would have an opportunity to speak on it if they so wished. It's my feeling however, that it's an excellent paper and I would like to see this upgrading programme initiated as soon as possible.

Mr. Chairman, Here, here.

Mr. McKinnon: Mr. Chairman, I said I was, that I should add that the budgetary programming committee looked into the idea of staff upgrading and recommended it unanimously and a report of that committee will be forthcoming.

Chairman: Councillor Livesey:

Mr. Livesey: Mr. Chairman, this wouldn't be another way of increasing the size of the administration would it? It says it is required of the administration of the body to administer upgrading in the programme. Now, I admit quality, yes certainly this quality, I can also see the quantity as well and it seems to me that just about everything ...every time we turn around, everything we do means more administration, less legislative body legislative body as of course is confined in number by Federal statute. The Federal act of Parliament, it doesn't seem to me that the administration is going to be confined in this area at all and this I think over the years it's been one of our problems that the time of the administration has been increasing at a tremendous rate and the cost has been going up, the cost of government, but the number of people to support that cost is not going up. As a matter of fact I think the higher you go up and the larger your administration becomes the smaller your population will become for the simple reason they certainly are not going to be able to take on even that percentage of the load that Federal Government demands from the tax payers of the Yukon Territory and I think over the last year or year and a half we have been more or less brought face to face directly with this situation. So, just passing these things by and saying yes this is only a few more staff and a few more and I understand now Federal Government has frozen staff increases as far as the Federal Government itself is concerned and I did notice with some concern here the other day where the explanation was made that this did not necessarily apply to the Territory. Well, the point is just how far can we go on so many dollars, I mean, we've got to arrive at a point somewhere whereby we are going to say this is about far enough, as far as we can go for the amount of supporters we've got to cover the percentage of cost and we assume to be our own with regard to the expenses to the administration. Surely this is a sensible point Mr. Chairman.

Mr. Chairman: Mr. Dumas.

Mr. Dumas: Mr. Chairman, I wonder if the Commissioner could advise as to the administering of this programme would require additional staff or whether it would be done with this staff.

Mr. Commissioner: There's certainly no indication of any kind either in word or even obliquely of any sign that gives rise to the fears expressed by Councillor that this is another means of increasing the size of Territorial Government staff. The whole object of the exercise which I have personally charge of bringing forward is that we will establish an on going programme of staff upgrading throughout the Territorial elements. Now, you have it in certain degrees already insofar as your teaching staff is concerned where you have a programme in the teaching contracts that

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Mr. Commissioner continued:
educational leave and credits for improvement and certification and effectively what we are endeavouring to do here extend or to institute some type of a similar programme for the other members of the public service. It is not too easy in many instances for people to say that they are content to say that they are all for the position of salary level that they have in the Territorial Administration at the present time and other instances I find that we have been having forced to recruit senior positions when in fact I feel that we should have been promoting people to these positions but unfortunately due to the fact that they did not have the necessary educational background it precluded them having this opportunity and this is a programme designed to benefit our Territorial public service individuals and ultimately to benefit the public service of the Territory to the betterment of everyone who lives in the Territory. I strongly recommend to the Council that they give their wholehearted support to the programme that will ultimately be to the benefit ..just as useful as what benefits can accrue to the Territory.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I can see where a programme could have some quite tremendous advantage and even if there are certain aspects of it that I have talked about that is, these people who may attend I would presume that they are taking their full salary while they enrol in a particular course and just one matter comes to my mind of the persons go and do take the course it is at the expense of the Yukon in order to give better service the more qualified persons, local persons, to take part in the administration, would there be any provisions for example that a person who was going out on this course at the expense of the Government of the Yukon Territory would they be required to stay on the job as an employee of the Territory for any period of time so that so at least they would be getting the advantages of having expended these funds while these persons just going on this trip and then as they were better qualified they can perhaps get another job some place else and we would be out that \$1500.00 per person. That's the part that I'm a little concerned about Mr. Chairman. The required, say after they get this course or if they do sever their connections with the Government, if they will recompense the Government for this course.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: The importance of such a regulation of this nature ...and while I certainly agree with the Councillor's concern and I have this concern myself in this regard I would hesitate very very much to try to give effect to a regulation of this nature. I am afraid that we would find ourselves in a position of having an unenforcable regulation on our books but on the other hand, I think that we are dealing with a group of people who recognize the benefits that will accrue to themselves and to their fellow employees by participating in this type of upgrading programme and I would make this prediction that the question that has been raised here now will ultimately become a very minor concern and because the number of people who will participate in the programme simply willtheir own personal advantage would have no thought in mind at all as to the fact that it was a public service that made this possible and for them to just simply turn around and disregard this and take off to what they consider greener pastures once the upgrading programme has been made available to them as an individual I am quite confident that it will be very very miniscule and will not be a matter of concern that I know that the Councillor expressed at this time and I personally had this in mind, I feel you are dealing with people who are interested in making their career in the public service I think this is going to help them retain them in the public service of the Yukon Territory to the benefit of all concerned and the question that has now been raised because of one

Mr. Commissioner continued:

smallness in relation to the total, I would want to assure Council that the question should in itself has definitely been well of concern and has been fully discussed at the administrative level with one of the potential pitfalls of the expenditures that we are asking of Council

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Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, I agree with the principle of the paper. I question the impropriety of bringing forward figures of amounts that are a matter of budgetary matter just whizzed by the financial advisory committee a budgetary item and yet brought before this Council before the budget has been presented. This paper should have stopped right after 4. The amounts of money, the discussion in Council after it is presented by the body. Now, if you approve this paper now then when the budget is discussed that's it. You've approved the paper you will have to approve the budget you have no other alternative. The budgeting committee has passed this item now you know about it. Now this is another thing with the last Sessional Paper, again that last paper you'd have been in the same position. I submit that where there is money involved for the budget that the responsibility not to make any reference to any budgetary item until it comes before Council and I am annoyed that the administration should do that. Many a Government has fallen for disclosing budgetary items.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Thank you Mr. Chairman, I want to make my position clear on this point. I see nothing wrong at all with the improving the position of the staff members of the administration and for any upgradings that can possibly be done because quite obviously that the more efficient the staff may be the more economical their operation in the long run. This is quite obvious and there isn't any question in my mind whatsoever. The point that I was trying to make was their increasing the administration at a particular point in time. I think we should question every attempt to increase the size of the administration because quite obviously the larger the administration as we know from a stand point especially of political science and other questions that we look in this house why, the more administration, the less democracy and the less free movement the people have or choice in what they need to suit them in society. This is the question but to look at it and this is why I brought up this other point this morning with regard to control some order of legislation. Thank you Mr. Chairman.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, in view of the fact that we have been assured by the Commissioner that the paper is brought into effect will not increase the number of administrators or employees in the Territory I think that problem solves itself. However, I think the member of Whitehorse East has a very interesting point and as a matter of information I would like to hear from some other members of the financial advisory committee or from the administration on this point.

Mr. Chairman: Councillor Shaw will you take the Chair please?

Mr. Shaw: Certainly.

Mr. Taylor: Well Mr. Chairman, there is something to be said to what the Honourable Member from Whitehorse East has stated but I think when one proposal such as staff upgrading programme was presented it was presented as I recall in the viewing of this matter in the budgetary committee, we looked at this and we felt that there are some items that we deal with in the budgetary review committee that require the more or less concurrence of other

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Mr. Taylor continued:

members of Council those are the heavier policy matters that generally speaking is always brought before Council as per the financial advisory committee. Now, when you really look at it when we sit down we talk about sessional paper No. 11 we're asking whether or not Council would concur with this, now, there's some funds mentioned here ..but the very first thing, the first question any Councillor is going to ask when this word on the second page not here, what's this going to cost us and the administration are duty bound to stand up in this Council Chambers and say, well, as we see it it's going to cost you so and so and certainly another Member will always rise and say well how do you break that down how do you figure that out. So I rise to the defence of the administration on this one. I think that they've laid it out clearly and as they see it and had they not we would have asked them questions in any event so consequently we just kind of avoid it. So these are my feelings. While I'm on my feet, I think this programme is sound, I think that we have within our administration very capable people who no doubt when some additional training as is suggested here on the staff upgrading programme could certainly benefit themselves and therefore in the service of the Territory had a much better job and indeed may illiminate going outside to find experienced personnel. We will create them right here at home when this system that we endeavour. So I certainly support the proposals outlined in the Paper and I will certainly support any Motion that we concur with this Paper when it's presented.

Councillor Chamberlist: I repeat, Mr. Chairman, that I do not argue the principle of the paper itself, but after our Financial Advisory Committee meeting with the Committee set up by the Administration and called a Budgetary Committee, I mentioned to the Commissioner that somebody had asked me for specific figures and I told him I would not give it to him. He said, that's right, God; the whole thing will fall to the floor. This is what the Commissioner tells me and then he goes and does the very thing that he warned me against doing. This is why I say I have no faith in the Commissioner at all. This is ridiculous, telling us what to do and then doing something entirely different completely. This Legislature is being destroyed bit by bit by the antics of Commissinner Smith and I have no doubt in saying that.

Mr. Taylor: Order, Mr. Chairman, I don't believe that it is proper for any Member to cast dispersions on members of the Administration.

Mr. Chamberlist: This is the truth and I stand by it. I support it.

Mr. Taylor: Mr. Chairman, in this respect I think, in all charity we are looking for policy advice. The Administration is certainly looking for advice on policy and if the Council was just to accept this then no doubt this item will appear in the budget, the forthcoming budget, and I find nothing wrong with it. I see nothing lurking in the shadows here. I think it's a very sound proposal which was presented in honesty and in its best light. The Administration merely seeks to learn from us whether or not we are prepared to support such a policy. I find nothing wrong here and I really don't think that the Administration in putting this up has any ulterior motives.

Mr. Chamberlist: Mr. Chairman I have no suggestion nor am I suggesting that the administration^has done anything with an ulterior motive in mind. I say this, Mr. Chairman, that where an amount of money is being suggested in the budget it should not be disclosed until that budget is discussed by this Council and when it is it means there is a reason that it's being done because the policy itself is the tendency the administration wishes to get to. I have already said I would support the policy but I cannot support the Paper because it has the budget on it. This is what I am arguing about and I am sure the Members of the Council must see the principle involved. That there has been a budget item disclosed before it has reached the Members of Council. I have almost been sworn to secrecy. I have maintained that secrecy about any item even if it was just five dollars because I feel that I have the responsibility as a Member of the financial advisory committee not to discuss funds until such time as the budget has been presented and this is not anything that I inferred.

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Mr. McKinnon: Mr. Chairman, There is a certain amount of truth in what the Honourable Member from Whitehorse East has said. I would suggest though, Mr. Chairman, that if the policy paper were presented to this Council and there was a policy going to involve any money, yet it was a principle that we all agreed that if we were presented with a paper without figures the obvious question and the best question would be what is it going to cost us before we agree with the policy and we have to know what it's going to be. I suggest Mr. Chairman if it had been a simple sentence in the paper if this is approved in principle by Committee the estimated cost of the programme if approved by the Council will be something to this effect that would satisfy all the statutes I am referring to.

Mr. Taylor: Mr. Chairman, I'd just like to point out that the Government in this paper is not disclosing any part of the budget agreement. I believe it was the Honourable Member for Whitehorse East who rose to say he had discussed this in the Budgetary Review Committee. I can see nothing here. This paper states that if we accept such a policy, it is estimated to cost fourteen thousand dollars. So consequently, it can only be concluded that the Administration has said nothing as to whether this is in the budget or not. They are asking for our approval so that it may be included.

Mr. Chairman: Order. Order. Order.

Mr. Taylor: Any disclosure of what has gone on in the Budgetary Review Committee is not disclosed in the paper. It is only disclosed by the Member himself.

Mr. McKinnon: Mr. Chairman, I just suggested the wording could be a little tidier. It says it is proposed to initiate a program and this is what it is going to cost. I would say that if the policy is initiated and the policy approved by Council, the estimated cost of this program will be such and such. I think that this will get around any difficulties, if the Administration were to be a bit more careful in the wording of items that are going to appear in the budget when they present Sessional Papers, there would be no objection at all.

Mr. Legal Adviser: The Chairman is just trying to point out this is the exact wording used by the administration, the first section of page 2 says it is proposed to initiate the programme in three stages and the last words are the estimated total cost of \$14,000.00 Possibly it might be clearer if those two sentences were not supported by the estimates but this is what they say.

Mr. Taylor: Thank you Councillor Shaw, I will resume the Chair. What is your pleasure in relation to this paper, gentlemen.

SESSION- Mr. Shaw: I would move that we accept the policy in the Paper and
AL PAPER when we get to the budgetary part, that will have to be discussed
11 in the budget as it is.

Mr. Chairman: I have it that you wish to move that Committee con-
cur with Sessional Paper No. 11.

Mr. Shaw: Concur with the proposals, Mr. Chairman, this is not
the time to approve a budgetary expenditure I don't believe, but
I would concur with the proposals.

Mr. Chairman: Along the same line then.

Mr. Chamberlist: I will second the motion on the basis of policy.

Mr. Chairman: It has been moved by Councillor Shaw, seconded by
Councillor Chamberlist, that Committee concur with the policy
proposals outlined in Sessional Paper No. 11. Are you prepared
for the question? Are you agreed? Any contrary? I will declare
the motion carried.

MOTION CARRIED

SESSION- Mr. Chairman: We will proceed with Sessional Paper No. 12.
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#12

Mr. Livesey: May we call it twelve o'clock, Mr. Chairman?

Mr. Chairman: Oh yes, I'm sorry. I didn't notice the time. I
will declare Committee in recess until two o'clock this afternoon.

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Monday, March 11, 1968.
2:00 o'clock p.m.

Mr. Chairman: At this time I will call Committee to order, and we are discussing Sessional Paper No. 11 on the staff upgrading program. I don't believe there's anything else. We've concluded a motion on this. The next Paper is Sessional Paper No. 12, on the Alaska Highway take-over, and I believe this was Mr. McKinnon's. **SESSIONAL PAPER #12**

Mr. McKinnon: Mr. Chairman, I wonder if Mr. Commissioner is available. I don't think the question was answered. The exact question was: Is the take-over date still April 1st or not. The answer that came back is that it is unknown when the transfer will be made.

Mr. Chairman: I'll just declare a short recess while we await the arrival of Mr. Commissioner.

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Mr. Chairman: I will call Committee to order, and we are dealing with Sessional Paper No. 12 and we have with us Mr. Commissioner. I wonder if you will proceed.

Mr. McKinnon: Mr. Chairman, I'm extremely worried about the Alaska Highway take-over date. This has been a no-man's land now for approximately two years and neither the D.P.W. employees nor the Territorial Engineering employees seem to know exactly what area these negotiations have reached at this time, how close they are being to finalized and if, in fact, when the negotiations are to be finalized. As a result of this, I understand that maintenance requests from the Department of Public Works here are at a minimum this year on the Alaska Highway because the Department of Public Works employees were led to believe this take-over would be this year. Now, in fact, it appears that this may not be the case. I wonder if Mr. Commissioner could have any further information to give to us because I'm worried that the state of the Alaska Highway will not be in good repair this year because of the lack of knowledge as to when the Territorial Government will be taking over the highway.

Mr. Commissioner: Well, Mr. Chairman, the amount of definitive knowledge that I can impart to Council on this is practically nil. I say....I tell you that the negotiations concerning the change-over in the maintenance procedures from it being the responsibility of the Federal Department of Public Works to it possibly being a responsibility of the Territorial Engineering Department are being dealt with at a much higher level than I have access to at the moment and we are continuously supplying information, background material, and for all practical purposes we have run out of things that we can supply them with. I don't wish to make it appear that I am avoiding trying to come to grips with this problem, but I really cannot give you anything definitive on it and I have mentioned this as one of the subjects that conceivably could be dealt with very constructively when Mr. MacDonald, our Deputy Minister, visits with Council on the twentieth of the month. I can further amplify my remarks by saying that the whole scheme of this take-over was the one that was proposed here and was given advice on by Council, if I suggested it was two years ago, I'm sure I'm not stretching the time element at all, and there have been one hundred and one surveys, discussions, position papers, details down to the number of boulders per square yard practically on the highway, have taken place in

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Mr. Commissioner continued:
this regard. Our Deputy Minister should certainly be the man who could give us the most up-to-the-minute advice on exactly where these things are at the present time. The matter of what is involved in the thing will have to come before Council and also, for those Members of Council who were a party to the last financial agreement discussions that we had in Ottawa, I think it was made very clear at that time that whatever the financial requirements were, they would be outside of the current agreement, and it was made very clear also at that time that the reasons for this were, that simply there was nothing firm as to what arrangements could conceivably be entered into.

Mr. McKinnon: Mr. Chairman, am I to take it from this that there is no member of your senior administrative staff that is actively engaged in consultations with the Federal Government in any discussions they have on the take-over of the Alaska Highway?

Mr. Commissioner: No, that is not right. Our Engineering Department Head, Mr. Baker, along with Mr. Choates, are working constantly on these particular things, but as I say, the decisions as to how these things are to be dealt with are, literally speaking, a matter on the Cabinet level for approval before they will even be available for us to accept or reject. The latest possibility of dealing with this has been a suggestion that it would form an agreement possibly along the lines of the Engineering Services Agreement, where the Territory would do certain things on behalf of the Federal Government with regard to the maintenance of the Alaska Highway and there would be one hundred percent recovery for this particular work. Mr. Baker and Mr. Choates have done a tremendous amount of research and suggestion as to how this conceivably could be done.

Mr. Dumas: Mr. Chairman, this sounds very much to me like another situation where decisions are being made regarding the Yukon thousands of miles away and we will receive the results of their decisions eventually, all be it the fact that Mr. Baker is involved to some extent for consultation purposes. I find it rather alarming that we're kept, and the Commissioner is kept, in the dark to some extent on what's happening regarding the Alaska Highway, because after all it concerns the Yukon more than anybody else. I wonder, if this Committee agrees, if we might ask the Commissioner to pass on our concern to his Minister.

Mr. Commissioner: Mr. Chairman, I am continually expressing my concern on the indecisiveness of this matter to the Minister, and Councillor Shaw and Councillor Taylor were present at a meeting in Ottawa at which I reiterated very, very clearly the situation including the morale point of view concerning the maintenance of the highway. I think that these two Councillors will remember this statement. It was roughly to the effect that we had a group of people who were working on the Northwest Highway System, on the Alaska Highway System, who by virtue of the indecisiveness or the failing to come to grips with these various proposals were finding it very difficult to plan for their own future and whether they were going to be Federal employees or Territorial employees or if in fact perhaps they would not wish to make a change, if there was a change-over. Also, that planning of the operational end of it at the Department of Public Works level was, literally speaking, very, very difficult because they did not know if they were going to be responsible for it. I don't think it

Mr. Commissioner continued:

would be a fair statement to say that I am completely in the dark in the matter, but I am completely at a loss to be able to say when this matter is finally going to come to a head and what will be the final suggestion as to how it will be brought to a head. There was very great concern about the provision at the Federal budgetary level to the monies as to whose budget they were to appear in, and this is an inter-departmental matter over which I am afraid I have no say at this level, and the suggestion to overcome this has been the suggestion that contractual arrangements that follow along the lines of the Territorial - Federal Engineering Services Agreement. Considerable proposals have come forth on this basis and until now I have not heard back as to whether these things can be worked into a proposal or whether they cannot be.

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Mr. Shaw: Mr. Chairman, I have a question I would like to ask at this time. It may lead to another question to follow it along. There's something that has never been determined in my mind and that is the actual position of the Alaska Highway. Is this highway the property of Canada insofar as it is the responsibility of the Department of Public Works to maintain and operate or is it a responsibility of the Northern Affairs Department for which the Department of Public Works does the work for. That would be the question, Mr. Chairman. Who does the highway belong to?

Mr. Commissioner: Mr. Chairman, to the best of my knowledge, I have operated on this assumption that in the first instance the maintenance of the highway is a responsibility of Canada and the Department that has been assigned responsibility for the maintenance of it at the present time is the Federal Department of Public Works. I am subject to correction on this, but to the best of my knowledge this is the chain of command you may say with regard to this.

Mr. Shaw: That would lead to another question then, Mr. Chairman. I'm asking if my assumption is correct, that we could assume that if the Territorial Government would take over the operation and maintenance, which would be a good sensible way of maintaining it, then we could assume that Canada would recompense or reimburse the Territorial Government from year to year for having done that work...that it would not be you might say a charge upon the Department of Northern Affairs and in turn we would consider this as an international federal highway.

Mr. Commissioner: Mr. Chairman, while this may be a desirable situation to look upon it in this manner, I think that this is one of the pit-falls that has been run into at the Federal Government level as to whose budget the necessary monies for maintenance and capital work projects as well on the highway is going to fall into. It involves itself in, as I understand it, questions concerning the roads to resources program and various other things that in the first instance come under the Department of Indian Affairs and Northern Development, so that the intricacies of that part of it I am unable to throw very much light on but they would appear to me to be very great stumbling blocks insofar as getting this thing dealt with at the present time. It was as a result of this great amount of stumbling blocks that the thinking of using an agreement something along the lines of the Territorial Engineering Services Agreement has been proposed to see if this could be a means of working this particular situation out.

SESSIONAL PAPER #12 Mr. Chamberlist: Mr. Chairman, a question addressed to the Commissioner. In view of all that you've said, Mr. Commissioner, can we now assume that the take-over of the highway will not be on April the first?

Mr. Commissioner: Well, I would put it this way, Mr. Chairman, that if indeed the contractual type of arrangement that is presently the one that is being talked about and that we are continually supplying information on...if indeed this is to be the one that is to be used and conceivably is the one that could come before Council for them to pass their judgement on, it is inconceivable to me as to how in the first instance it could be available, and made use of, by April the first, 1968. On the other hand, if this is the type of agreement that comes before Council and Council did see fit that this was an acceptable means to them to deal with this, this would be an arrangement that wouldn't necessarily have to date on the basis of the fiscal year. In other words, it wouldn't necessarily be tied to the fiscal year, whereas the original idea where the Territorial Government would act as an agent of our Federal Department and take-over the maintenance of the highway, this one would be tied to the fiscal year. There would be no other means of getting funds for it, but on a contractual type of arrangement it wouldn't be tied to the fiscal year. So that, if indeed this is what is brought forth it would be something that would be much more pliable in its application and much easier to identify, and in my opinion it conceivably could be a much more straight forward agreement that Council would have an opportunity to get a hard look at. But, certainly I do not see in my own mind how this matter could be brought to a head at this late date for April first. Now, I say this subject to verification of my statement or should the contrary from the Deputy Minister when he is visiting with Council here next Wednesday.

Mr. Chairman: Have you anything further in this regard? Then, I'll declare Committee in recess for tea at this time.

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March 11, 1968.
3:30 o'clock p.m.

Mr. Chairman: At this time I will call Committee to order. We have two items left; one is Bill No. 7 and the other is a Motion for discussion respecting kindergartens. What is your pleasure?

Mr. Dumas: Mr. Chairman, if I may lead off in the discussion regarding kindergartens. I have before me a research paper on the importance of kindergartens, and I would like to very briefly go over it to stress once again the dire need for a kindergarten system in the Yukon. Psychologists and psychiatrists and educators throughout the country and indeed around the world stress now the importance of pre-grade or pre-school education. The early years of a child's life have a most important influence on his later achievements. There is now popular among educational psychologists what is known as a critical period hypothesis which states roughly that there are certain years in the development of an individual at which he can best learn certain things; writing, speech, understanding, it is suggested, and indeed 50 per cent of knowledge is learned before the age of six - between the ages of zero and eight years old. The most rapid growth and stable characteristics occur before six years old. Early learnings remain with the child, with the individual for the span of his life. Longitudinal studies have established these to be not conjecture, but facts. These are studies taken over a period of ten to twenty years. We know all the other reasons; all the reason why there should be pre-school education, why there should be kindergarten, why they are necessary. Equalized and improved opportunities for education are a necessary and desirable thing, certainly in the Yukon where we have a lot of youngsters who don't have access to many of the advantages that children in developed communities may have. Early childhood education, it is suggested by the experts should be an integral part of schooling. They say it should be a part of schooling, not something that is a voluntary on the family's part, but it should be integrated into the schooling system, and this is what I am proposing now. The kindergarten should form a bridge between the home and the school. It should lay the foundation of good school behaviour. It will meet the education needs of children between the ages of four and six, and it is now generally accepted that the age of six is arbitrary for learning and that children in fact can learn a lot more than we have been teaching them before age six. With this in mind, a proposal has been put forward for co-operative community kindergartens. One of the arguments we had against kindergartens in the last session was costs. Indeed, the last Council suggested the cost somewhere in the millions of dollars. Well, this proposal for co-operative community kindergartens involves a cost of approximately \$97,000. The idea is to "develop kindergarten centers or classes in residential areas, and avoid bussing and transportation costs. a) Use church halls, basements or residences, as long as these facilities meet the standards required for licensing of kindergartens; b) Utilize school activity rooms if available. In general, at this time try to avoid any demands for a building program; c) The schools adequately located for use might make their facilities available for summer kindergartens. (Avoid transportation requirements)." In each area "set up co-operative kindergarten committees to work with teachers and parents, to maintain effective operation, co-operation and teacher support. Set a nominal fee to cover housing, equipment, supplies for all participating students." "Permit....." - and this is important, I suggest - "referrals from welfare or any other department of government affairs, to attend with special arrangements for fees." Thereby allowing those who cannot afford to pay for their children to go to the present kindergartens that are set up, to go to these

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kindergartens without any cost if necessary. "Include kindergartens in school ordinance, so as to control licensing health, instruction, certification, and training of instructors. Develop a series of training programs for all kindergarten instructors. a) Night classes; b) Summer classes; c) Practicums in methods at summer kindergartens. Department of Education be responsible for appointing, training, certificating and paying of kindergarten instructors." This, too, I suggest is important. The way the present system is, or the present non-system, any individual fairly well can set up a kindergarten and there is no inspection or licensing of same. It in fact becomes a nursery. "Allow for development of a very flexible kindergarten programs for isolated native communities. Establish a definite kindergarten program, publish writs and curricula to be followed." Now, I suggest this plan, if followed, could be instigated within the next year, indeed for the next school year in September throughout the Territory at a minimum cost to the Territory, and yet ensuring kindergarten or pre-grade school classes for all of the children of the Territory. I would like this Committee's approval on the principle of co-operative community kindergartens subject only to approval at budget time for the allowances for funds that would be necessary.

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

Mr. Chamberlist: Yes.

Mr. Taylor: Mr. Chairman, firstly I would like to ask - direct a question to the Honourable Member from Whitehorse West and ask who is the author of the report or document he was just reading from?

Mr. Dumas: I prefer not to answer that question.

Mr. Taylor: I wonder, Mr. Chairman, I would like very much to know who set forth these proposals. I think Committee should know who the author of this particular document is.

Mr. Dumas: Mr. Chairman, I am making the proposals. The proposals are here; that is the main thing. As for the preamble, this is information that was garnered at the University of British Columbia.

Mr. Taylor: Mr. Chairman, the proposal, or the document from which the Honourable Member was reading obviously refers to the Territory. I was just wondering whether it was from a government source or an independent source or from what source. In any event, I don't think it would be breaking any trust or reason to say that I believe the Budget Review Committee have dealt with this particular subject to some extent. I cannot say what their decisions were or what was discussed, but I believe it was indicated at the Fall Session that the Administration would be forthcoming with proposals on a co-operative-type kindergarten at this session, and indeed no doubt this matter will be coming before us when we do discuss the budget and I would suggest that this would be the time to deal with the matter, and I wonder what is to be hidden by not disclosing the authorship of the report which has now been read into the record of Council. I find that very odd to understand why the author of this could not be made known in so far as that it is in the record. It would be nice to know who prepared this information.

Mr. Livesey: Mr. Chairman, on a point of order. Would the Honourable Member be prepared to table the document?

Mr. Dumas: Certainly would.

Mr. Taylor: Thank you. I will resume the chair, Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I think it is very, very good of Councillor Dumas to read so thoroughly the second session of the 1967 Votes and Proceedings where he brings so much preamble information on his talk today with reference to the support of kindergartens. I would suggest that we follow the suggestion made by Councillor Taylor to leave the matter in abeyance until the budget period when the subject matter may be discussed in full at that time with reference to funds for any proposed proposition.

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Mr. Dumas: Mr. Chairman, with respect, it seems that some of the Members here, of course, have access to information which I haven't had access to, and I had prepared this submission without knowing that kindergartens were coming up this session or indeed they were going to be discussed in the budget. The preamble information, if you wish references, I have five references here - reference books, which you can go to to find out where I got that information. Naturally a lot of it goes along with what the Honourable Member in fact said, the last session of 1967. I don't think it is necessary to reveal source of information, and it would seem that some of the Honourable Members are quite aware of what the source of the information, but here again we're left in the dark, we who are not on the Financial Advisory Committee, as to what is coming up. Now, do you suggest, and is this the normal procedure, and I ask this for information, not to discuss anything that may be coming up, and how do we know what is and what isn't coming up? What is the normal procedure on this? Do we wait for the government to submit everything to us, or do we go ahead and find it somewhere else?

Mr. Chamberlist: Mr. Chairman, I think that all members of the Financial Advisory Committee should be congratulated on the fact that they are able to maintain the secrecy of the budget and all the meetings discussing matters in the budget, and I would prefer we leave as is until discussed.

Mr. McKinnon: Mr. Chairman, with all due respect, the Motion simply calls that the matter of pre-school education, particularly a system known as co-operative community kindergartens, be discussed in Committee of the Whole, and I suggest that this is exactly what we have done, Mr. Chairman. It asks for no policy, no principle, no guidelines, no acceptance of anything whatsoever.

Mr. Shaw: One question, Mr. Chairman. The Honourable Member from Whitehorse West has stated where there are some reference for components of this plan that he has listed. Would he happen to have listed any that may be.....not components of the plan in his most thorough research?

Mr. Dumas: No, I haven't, Mr. Chairman. Let me then try for this. Could I get an agreement on the principle of co-operative community kindergartens?

Mr. Chairman: Mr. Chamberlist, would you take the chair again?

Mr. Chamberlist: Yes, Councillor Taylor.

Mr. Taylor: Mr. Chairman, as I have stated and I am sure other Members have stated here this afternoon. I think this is a matter that can only be discussed when we are in a position to discuss the financial aspects of such a program which, of course, weigh very heavily on the success or failure of accepting a principle, and I would strongly feel that the matter should be left in abeyance until we do get down to matters fiscal, at which time I am sure it will receive the greatest of consideration by all Members of Committee, but I honestly don't feel that this is the time and the place to accept anything in principle until we see the whites of their eyes, so to speak, and find out what this is going to cost in dollars and cents. I think that is the sum total of it.

MOTION #3 Mr. Shaw: Mr. Chairman, we are asked to accept the principle. Now, KINDER- my principle in the matter of this particular subject is actually GARTENS a matter of dollars and cents also incorporated into this. If we have the money to do some of these things we can see where it will not spread into something that is going to be fantastic in future years. It may have quite a lot of merit. In my particular area in Dawson, they do have a kindergarten which is subscribed to by the parents, which is working out very well. There are some people who are operating it and they have found it quite successful, but of course they are a little short on funds. Now, if I was asked in my capacity as a Member of Council whether I felt this was good to have or bad to have, I would say it would be good to have, and I would say it would be good to help these people and people who likewise do it in other areas of the Territory. I am not against having kindergartens, but my attitude has been a matter of dollars and cents. Now, when the Honourable Member from Whitehorse West was discussing co-operative measures in this way and that way, it was very general. It did not state whether we would have to hire qualified teachers at \$6,000 and \$7,000 a year, in Dawson it is done by a spare time person, who does the job and does a very good job at it, and is paid a nominal amount for doing it, and that is within the confines and within the means of people who pay for it. Now, to help on a situation such as this, the principle such as that to help people like this, I am not against, but I do not feel that we can go into an expansive program such as was intended when this originally came before Council. There is no question about that, there was a tremendous amount of money involved, so that we have to look at it, or I have to look at it, Mr. Chairman, on the amount of money that we have available, the amount of money that 15,000 or 16,000 can dig out of their pocket to pay for these things, and all the ramifications that would be involved in it, so to give my feelings, Mr. Chairman, I am not, just as a matter of course, opposed to kindergartens, but I am opposed to having to tax people for a luxury that they may not have the means to pay for. Now, some people call it a necessity, some people call it a luxury.

Mr. Dumas: Mr. Chairman, I think education can hardly be called a luxury at any level. At any rate, I would like to remind this Council that last fall they turned down the principle of kindergartens. Yes, you did. It was what some Members called a double-barreled motion, one half of us being on the principle of kindergartens, the other half being on the establishment of kindergartens, and the whole thing was thrown out, and this is what I ask the Committee to do now - support the principle.

Mr. Taylor: I'll resume the chair.

Mr. Chamberlist: I am as firm a believer in the need for kindergartens as any person in the Yukon Territory, but with respect, Mr. Chairman, I would say to the Honourable Member from Whitehorse West that he has not asked to support the principle of kindergartens, he has asked to support the principle of kindergartens in a certain manner. Now, because that certain manner involves funds and because there are certain matters which cannot be discussed now, because of the funds that are involved, I hope that the Honourable Member will see this and not press the point and make us talk about things we should not talk about until the matter of funds are brought before this Committee.

Mr. Chairman: Is there anything further on this item?

Mr. Livesey: Well, Mr. Chairman, I think to discuss it now when we know it is going to come up in the budget is, as far as I am concerned, an exercise in semantics, so I think it would be much preferable to discuss it when the budget is brought before us.

Mr. Chairman: Well, gentlemen, the next remaining items that we can deal with is in bills. I wonder if you would be prepared to deal with Bill No. 7 at this time, the Liquor Ordinance?

BILL #7
LIQUOR

Mr. Shaw: Agreed:

Mr. Chairman: Councillor McKinnon, I believe you have something on this proposed amendment.

Mr. McKinnon: No, Mr. Chairman, if anyone else has any discussion on it, I am completely satisfied with the Bill as it now stands.

Mr. Chamberlist: Mr. Chairman, I am wondering what point there is in making any amendments whatever to the Liquor Ordinance. It seems to me this additional amendment becomes superfluous to an already ordinance that is shown to be superfluous by the Administration. I am wondering whether it is now the intention of the Administration to have this ordinance repealed and act by edict and dictate. I think that there is no point in making amendments where the actual legislation itself is not being followed, especially where the legislation, which is the law of the land and which is interpreted by the courts, and where certain portions of the Liquor Ordinance has been interpreted by the courts, and upheld by the Court of Appeal of the Yukon Territory, how the Administration can then go beyond it and overrule the courts. While that situation exists, I will vote against any amendment to any piece of legislation of that nature.

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

Mr. Livesey: Mr. Chairman, the way I see it, I understand the principle brought to the attention of the Committee by the Honourable Member for Whitehorse East. However, if we are to understand the whole of the Ordinance in that light, then of course we can wash our hands of the whole thing, and we would be without an Ordinance of any type or description for quite some time to come. Now, there is always an immediate need for people who are presently in business and have an investment in the affairs of the Territory, and to continue. In this one particular aspect, in relation to thier application for a licence under the old system, to me merely because we feel the rest of the Ordinance is open to question, I don't feel personally that this would help matters, and this is just a short thing, this is not a question of attaching it, which no doubt we could do if we so desired. I do feel that assisting those who presently have a licence and wish to renew their licence next year in order to continue with the principle involved when they first took out their licence will not deter us in any way, shape or form in our thinking about the rest of it, and I concur with the Honourable Member in this regard. I do feel that we need, certainly, a thorough revision of the entire Liquor Ordinance, but I understand the Administration is going to look after this in any event and that they are certainly working on it. However, on the interim period, here is a way we can assist those who have run into a problem with regard to a renewal of their licence, and, Mr. Chairman, if we can assist them now to get out of their difficulty, I don't feel we are doing anything particularly wrong. I think we are doing something right if we can help them anyway. Thank you, Mr. Chairman.

Mr. Dumas: Mr. Chairman, I move that Bill No. 7 be reported out of Committee without amendment.

Mr. Chairman: Is there a seconder?

BILL #7
LIQUOR

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

Mr. Chairman: Are we agreed?

Mr. Chamberlist: Contrary. I ask that my contrary vote be recorded.

MOTION
CARRIED

MOTION CARRIED

Mr. Chairman: The only remaining bills for the edification of Committee are the Labour Bill, which we will be starting some work on Thursday, and we also have the Low Cost Housing Bill, awaiting information, which brings us to the end of bills. We have caught up on all our motions. We have Sessional Paper No. 4 on Community Development and Other Grants, which is now in abeyance, and Sessional Paper No. 8, awaiting information as to how many briefs have been submitted to the Carr people, and we have Sessional Paper No. 10, which is linked with Sessional Paper No. 4. Otherwise Committee is now concluded with all the business that it can do at this time.

Mr. Commissioner: Mr. Chairman, with regard to this number of briefs that have been submitted to these Carr people, I have been unable until now to secure this information, and I am very hopeful to have an answer on my desk tomorrow, and I can then give this information to Council. Council, I think, will understand that I have to secure this information from the Carr Associates themselves.

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

Mr. Shaw: Are you suggesting, Mr. Chairman, that we are out of work?

Mr. Chairman: This is quite correct.

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

Mr. Shaw: I will 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 CHAIR-
MAN OF
COMMITTEES

Mr. Chairman: Mr. Speaker, Committee convened at 10:25 a.m. to discuss Bills, Sessional Papers and Motions. Mr. John Thoreson attended Committee to discuss Sessional Paper No. 10. It was moved by Councillor Shaw, seconded by Councillor Chamberlist that Committee concurs with the policy proposals outlined in Sessional Paper No. 11, and this motion carried. Committee recessed at 12:00 noon and reconvened at 2:45 p.m. It was moved by Councillor Dumas, seconded by Councillor McKinnon that Bill No. 7 be reported out of Committee without amendment, and this motion carried, with Councillor Chamberlist contrary. It was moved by Councillor McKinnon, seconded by Councillor Shaw that Mr. Speaker do now resume the Chair and this motion carried.

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

All: Agreed:

Mr. Speaker: May I have your further pleasure?

Mr. Taylor: It seems as Committee at this time have caught up with all the work that it can do, however tomorrow it is entirely possible that some further sessional papers will be introduced and I suggest that our agenda do contain bills, sessional papers, and motions, should there be any.

Mr. Speaker: Are there any additions?

Mr. Taylor: The one further addition, Mr. Speaker, would be the matter of meeting with people from labour groups tomorrow at 2:00 p.m. tomorrow afternoon.

Mr. Speaker: May I have your further direction?

Mr. Shaw: Mr. Speaker, I would move that we call it 5:00 at this time.

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

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: Is there a quorum present Mr. Clerk?

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 Papers 19 and 20 and also for your attention a reminder from Mr. Commissioner with reference to the luncheon at noon today addressed to Mr. Speaker; "Would you please extend to the Territorial Council an invitation on my behalf to attend a luncheon of the senior Department heads and members of building and construction trade unions at Mimi's Restaurant on Jarvis Street on March 12th at twelve noon. Signed Yours sincerely, James Smith, Commissioner". Are there any reports of Committee? Introduction of Bills? Notices of Motion or Resolution?

Mr. McKinnon: Mr. Speaker, I beg leave to introduce Notice of Motion concerning Community Development Grants.

Mr. Speaker: Are there any further Notices of Motion? Under Orders of the Day, Notices of Motion for the Production of Papers. Are there any Notices of Motion for the Production of Papers. There are no Notices of Motion for the Production of Papers before the House but we do have Notices of Motion for the Production of Papers passed as Item No. 1 and 2. Under Motions we have this morning Motion 10. It was moved by the Honourable Member from Watson Lake, seconded by the Honourable Member from Whitehorse West, reference Saturday Morning Council Sittings. That Standing Order No. 2 of the Rules of Council be amended by the deletion of any reference to Saturday morning sittings of the Yukon Legislative Council. Would the Honourable Member be prepared to bring the matter to the attention of the House at this time?

MOTION
NO. 10

Mr. Taylor: Mr. Speaker, thank you, I would. Mr. Speaker during the past several years in Council, with the changes in the working hours of Administration, it has become evident that consideration should be given to amending the rules of Council as they refer to Saturday morning sittings. The custom a number of years ago was that Council would sit from the hours of ten o'clock to the hours of twelve o'clock on Saturday mornings and of course this is found in our Rules of Standing Order No. 2, in the rules of the Legislative Council of the Yukon Territory. In more recent years it has proven unnecessary to sit on Saturday mornings because it involved many members of administration being here who would normally have their Saturday free. It also seems that it is somewhat foolish to have to sit on Friday night and suspend rules in order to avoid Saturday morning sitting and so it occurred to me that possibly the best approach would be to amend the rules whereby if Council chose to sit on a Saturday morning they could do it by merely a Motion in Council. Therefore that is what the Motion is intended to do, to delete any reference to Saturday morning sittings from the rules of Council.

Mr. Speaker: Any discussion?

Mr. Dumas: Question.

Mr. Shaw: Mr. Speaker, I will have to agree with the motion

MOTION
NO. 10

Mr. Shaw continues...
because it has not turned out very practical to have something in the rules of Council which does not operate. In agreeing with the Motion I agree, or will concur, I should say because it hasn't worked out. I am very sorry Mr. Speaker that it hasn't worked out because it used to work out at one time. There were no problems involved. They used to meet every Saturday morning. At no time did I note any evidence or any rejection of it by Administration; the people who were asked to attend did attend. This was rejected by the Council itself. These last number of years, until it has become a habit not to sit on Saturday morning. The reasons I have always wanted it to continue on a Saturday personally was the fact that it makes it possible for a person to get home more quickly after attending to the duties of Council. However in view of the fact that it doesn't work there is no use, let's say, beating a dead horse, it doesn't work, so I will concur with the Motion.

Mr. McKinnon: Mr. Speaker, Saturday morning sittings may not have caused the member from Dawson any problems but I assure you they caused other members considerable problems.

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

All: Question.

Mr. Speaker: Are we agreed?

All: Agreed.

Mr. Speaker: I will declare the Motion carried

MOTION
CARRIED

MOTION CARRIED

MOTION
NO. 11

Mr. Speaker: We have Motion No. 11. Moved by the Honourable Member from Whitehorse West, seconded by the Honourable Member from Watson Lake that Sessional Paper No. 16 be moved into Committee of the Whole. Are we agreed? I will declare the Motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: Are there any questions?

QUESTION
RE
FINANCIAL
ADVISORY
COMMITTEE

Mr. Shaw: Mr. Speaker, I do have a question. We have a committee formed at the present moment, the Financial Advisory Committee, and I presume it is still functioning. I wonder if there is any report from the Financial Advisory Committee Mr. Speaker, of any sort; perhaps they could inform Council if there is any progress, when we can expect the Budget, a few things like that.

Mr. Speaker: To whom do you direct your question?

Mr. Shaw: I direct my question to to the Chairman of the Financial Advisory Committee, Mr. Speaker.

Mr. Chamberlist: Mr. Speaker, because of the matters that are involved by the Financial Advisory Committee, I would ask the indulgence of the Member from Dawson not to proceed with that particular question until Members of Council have had an opportunity to discuss the subject matter in caucus.

Mr. Speaker: Any further questions.

Mr. Taylor: Mr. Speaker, I have a question I would direct to the Commissioner this morning. In view of the recent attempts

Mr. Taylor continues....

in Motion by Yukon Legislative Council to have the Indian Act amended and in view of the fact that Section 95 of said Federal Indian Act runs in conflict with the Canadian Bill of Rights I wonder if Mr. Commissioner could advise me as to whether he has received any communication which would indicate when this change will be effected.

QUESTION
RE
INDIAN
ACT

Mr. Commissioner: Mr. Speaker, amendments and our complete rewriting of the complete Indian Act have taken up the time to a very considerable degree of some of those learned men of the Canada Civil Service plus a goodly portion of the elected people who sit in the House of Commons plus representations from all the Indian people across Canada and a tremendous lot of work has been done on not only this particular section of the Act that you are referring to here but the rewriting of the whole Act itself. It is my understanding that a government paper on this matter was placed before Cabinet not too long ago outlining the proposed changes and that at the present time this is in the hands of the Parliamentary Committee. As to when it will be coming forth from this Committee and changes brought into effect I am afraid this is something beyond my perview Mr. Speaker, but this is the last report that I have in conversations of an informal nature with my Minister on the particular subject of the total Indian Act itself.

Mr. Taylor: Thank you Mr. Speaker.

Mr. Speaker: Are there any further questions?

Mr. Taylor: I have just one further question this morning. I am wondering if Mr. Commissioner could advise me as to whether or not the current fiscal agreement has been signed?

QUESTION
RE
CURRENT
FISCAL
AGREEMENT

Mr. Commissioner: Mr. Speaker, the status of the current fiscal agreement is that it has had all the necessary approvals and signatures except for the Minister of Finance, The Honourable Mitchell Sharp, and it is possible that he has signed it this week and I am not knowledgeable of that particular situation. This was the status of our fiscal agreement the day after I stood in the House and gave assent to amendment to the Agreement, I forget what Bill number it is. And that is the situation to the best of my knowledge.

Mr. Taylor: A supplementary question, Mr. Speaker. In respect of the amended fiscal agreement which we, which I refer to in my prior question. Am I to understand that there has been a further addendum and if so when would we get the addendum. I refer to the existing addendum which provides that new revenues will be raised by a 10% tax on accommodation. Has this been removed and when will we have a copy of the new amended section of the fiscal agreement?

QUESTION
RE
ADDENDUM
FISCAL
AGREEMENT

Mr. Commissioner: Mr. Speaker, subject to my further perusal, the actual agreement itself what the Member has in front of him now is the Committee's report. It is not the Agreement and in the Agreement it refers to dollar bills to be raised by taxation, to the best of my knowledge. It does not spell out under what taxation form they are to be raised. I will take this matter up with the Territorial Treasurer who normally deals with this particular document and find out if indeed there is a requirement for further addendum. To my knowledge there is not but it is something that unless Council hears further from me on it I would say that there is definitely there is no addendum of this nature.

Mr. Taylor: Thank you Mr. Speaker.

Mr. Speaker: Are there any further questions? If not will the Honourable Member for Watson Lake please take the Chair?

Mr. Speaker: Councillor Livesey.

QUESTION NO. 15 Mr. Livesey: Mr. Speaker, I have three written questions this morning. No. 1, Territorial Parks. "What were the results of the feasibility study to establish two Territorial Parks in the Yukon carried out during the month of August, 1967 in accordance with the 1966-67 Annual Report of the Department of Indian Affairs and Northern Development?"

QUESTION NO. 16 Question No. 2 Travacon Study. In view of the June 1967 estimated completion date of the study by Travacon Research Limited of Calgary, Alberta. Could the Administration advise Council when the results of this study will be made available to all members of the House?

QUESTION NO. 17 And my question number 3, Revenue from the Sale of Crown Lands. What is the approximate amount to be returned to the Territorial Revenue Account from the sale of Crown lands under the control and administration of the Commissioner during the year 1967-68? Thank you Mr. Speaker.

Mr. Livesey resumes the Chair.

Mr. Speaker: Public Bills and Reports.

THIRD READING BILL #7 MOTION CARRIED Moved by Councillor Dumas, seconded by Councillor Taylor that Bill No. 7, An Ordinance to Amend the Liquor Ordinance, be given Third Reading at this time. MOTION CARRIED

Mr. Chamberlist voted contrary to the Motion.

TITLE ADOPTED BILL #7 MOTION CARRIED Moved by Councillor Dumas, seconded by Councillor Taylor, that title to Bill No. 7, An Ordinance to Amend the Liquor Ordinance, be adopted as written. MOTION CARRIED

Mr. Chamberlist voted contrary to the Motion.

Mr. Speaker: I will declare that Bill No. 7 has passed the House.

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

Moved by Mr. Shaw, seconded by Mr. Chamberlist, that Mr. Speaker do now leave the Chair and Council resolve itself in Committee of the Whole to discuss Bills, Sessional Papers and Motions.

MOTION CARRIED MOTION CARRIED

Mr. Speaker: The Honourable Member for Watson Lake will take the Chair in Committee.

Mr. Taylor takes the Chair.

Mr. Chairman: Gentlemen, we have only four items which we can deal with this morning and they are Sessional Papers 4, 8, 10 and 16. I will just declare a short recess that you may get your papers ready.

RECESS

Mr. Chairman: We are discussing Sessional Paper No. 16 SESSIONAL
respecting office space for the Yukon Territorial Government. PAPER #16
Will you proceed.

Mr. Chamberlist: I wonder Mr. Chairman if we can get a history of this from somebody.

Mr. Chairman: Who was it asked that this be referred to Committee. Could someone refresh my memory?

Mr. Dumas: I did Mr. Chairman.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: I would like to know how the government - according to this was for a total of 13,500 feet and there are some extra square feet in the building that the Government would like to now rent. I understand that this going to represent a saving to the government of \$1277.00 per annum. I would like to ask the Commissioner if there have been any problems in the Lynn building.

Mr. Commissioner: Mr. Chairman, could you be specific? Do you mean heating the building, lighting?

Mr. Dumas: Is the heating adequate? Is the lighting adequate, the toilet supplies and so forth adequate.

Mr. Commissioner: Well, to the best of my knowledge Mr. Chairman they are. I'm not - I can't speak.....knowledge of this particular situation but if there are deficiencies or complaints along these lines they have not arrived at my ears and I would that when they haven't they must be getting attended to or I would have heard about them by this stage of the game.

Mr. Chairman: Anything further on this Sessional Paper 16?

Mr. Shaw: Just one question Mr. Chairman. When the Department of Education, Personnel and Corrections are put in this building then there will be just one, or possibly two departments, Liquor and Public Works that will not be contained in this building. Is that correct, with the exception of Administration here.

Mr. Commissioner: With the further exception of the old Library building close to the theatre, I forget the name of the street but it is just a couple of blocks away. It is used by the Department of Welfare. They have two of their organizations located there; one is the Alcoholism Consultant and there are other people of the Welfare Department operating in that building. I'm sorry I don't know just which section.

Mr. Chamberlist: Mr. Chairman, I wonder if the Commissioner could say how many people are involved in the administrative part of the Corrections Department that require office space because I understand that all administration of Corrections was to be carried out from the jail itself.

Mr. Commissioner: This is not quite correct Mr. Chairman. Mr. Morrow, who is the Director of Corrections and the stenographic assistants that he has are the administrative people that Councillor Chamberlist is asking about and they are at the present time located in office space of the top floor of Building 204 in Camp Takhini.

SESSIONAL

PAPER #16 Mr. Chairman: Mr. Shaw.

Mr. Shaw: Might I ask a question, Mr. Chairman. Would not the office facilities that the Correctional Institute be in the Correctional Institute? Is that not common?

Mr. Commissioner: The office space in the Medium Security Building; the one located close to Takhini is occupied by Mr. Ogison and his immediate administrative staff who are charged with the day to day operational facilities of that particular facility and the minimum security operation.... Mr. Morrow is in charge of the complete total program and his offices are away from the institution itself and from an administrative and practical point of view this appears to be more efficient and a proper manner of dealing with this and this is the report that I have from my administrative people and I have no reason to doubt that this method that they have of dealing with this has proven to be satisfactory.

Mr. Chamberlist: Mr. Chairman, from paragraph seven of the paper it would appear there is to be a saving once this move is approved, a saving of \$1277 per year. I would say that we should accept these recommendations. I think it would be a benefit, not only of savings but of centralizing the offices of various departments. I see no objection to the paper itself.

Mr. Chairman: If it is the wish of Committee to concur with this Sessional Paper a motion would be quite in order.

Mr. Shaw: I would move that this Committee concur with Sessional Paper No. 16.

Mr. Chamberlist: I would second that Motion.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: I would like to have something to say about that. I hope that the wrong impression isn't going to be gained from the fact that we accept this Sessional Paper. I think the way we accept this Sessional Paper is in the light of the fact it is about the best we can do and the plan under the present circumstances may be the best we can obtain but I hope it is not going to be misconstrued to the point where the public may think we agree as a unit here with the situation that we face as far as occupation of additional space for the government is concerned but as far as I am concerned as an individual member on this Council I certainly do not approve of the rental system that we are operating under today, Mr. Chairman. I think that this can certainly be improved and I would much prefer to see the original proposal of a number of years ago whereby we proposed to establish our own Yukon Legislative building and government building that would house the entire Territorial government. This I believe would be the best plan, and still is the best plan. Thank you Mr. Chairman.

Mr. Shaw: Mr. Chairman, in making this Motion I made it in view of the fact that we have before us now that this is contracted for ten years, this building. I did not approve of renting when we could build. However we are faced now with a ten year rental agreement so I would concur with the paper.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: Likewise I, it is the paper, the information that is before us I agree with. At the same time I agree with

the sentiments of the Honourable Member from Carmacks-Kluane. We have to deal, however with the situation as it is now as a saving, a beneficial administrative and this is the thing that matters at the moment.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I would just like to point out at this time that I think the advisability of entering into a ten year rental agreement is questionable in view of the fact that the political climate and political structure and administrative structure in the Territory may change at any time, we hope, and we may find ourselves saddled with a building which we in fact don't want. I would like to make that point at this time.

Mr. Chairman: Is there anything further gentlemen, before I put the question?

Mr. Chairman: The question has been called. Are you agreed with the Motion? Any contrary. I declare the Motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Chairman: Gentlemen, that seems to have concluded all work in Committee at this point and time. What is your further pleasure?

Mr. Shaw: Mr. Chairman, if we have nothing further to discuss there is no point in being here. It would appear to me Mr. Chairman that we are now awaiting the budget. I understand the normal difficulties in working out something like that and it might be quite a few days possibly before we get this. I haven't any advice either one way or the other but if we are not going to receive the budget which is the main item of this Session for a week or ten days or five days, I think that consideration might be given after we have had a meeting this afternoon which is scheduled that it might be a very sensible idea to have a recess and then come back and take on the balance of the work. I recollect last Fall we went from day to day, about half an hour a day, sometimes just barely meeting and then going on until the next day for another hour. I would not like to see a repetition of that this year. If we have any business let us do it; if we haven't let us take off for three or four or five days and come back and attend to business.

Mr. Chairman: Well I think this is a matter to be discussed when we discuss the Agenda. What would be your pleasure at this time?

Mr. Livesey: I concur with the sentiments of the Honourable Member from Dawson. Since we started this Session last fall it seems to me that the members from the outlying areas are once again going to be penalized and it looks like we are going to be in the same position all over again and as the Federal government has only provided a one trip per session for members from outlying areas to come to the capital city to attend government sessions why once again we are going to be at the wrong end of the stick and this situation as well, and I personally don't see any reason why we should stay here and wait for business to come before us irrespective of whether - there is no question in my mind as to the reasons why, the question is, what I am looking at is the practicality of the situation that is facing us and we have to look at it flatly. That is how it has to be done and I don't feel there is any reason for us to stay here if we have no work to

Mr. Livesey continues...

do. This doesn't make any sense to me whatsoever.

Mr. Chamberlist: Mr. Chairman, I trust that the Honourable Member from Carmacks- luane won't object if I question his wording. He says "since we started this Session last Fall". I am sure he may well want to be corrected.

Mr. Livesey: Yes, Mr. Chairman, if that is what I said I certainly would like to be corrected on it. What I meant to say was "since we started as Councillors and we were elected in September last year". Our term of office - it seems to me that we returned home in our first Session and it looks as though we will have tothis Session and it is a serious matter and should be considered by Council.

Mr. Chairman: Gentlemen, just in order, we can leave this until we have dealt with the agenda in Council state but however in Committee this afternoon we will no doubt resolve into a select Committee on Labour. For Wednesday there is a proposal which will be discussed in caucus. For Thursday we have public hearings; Thursday afterooon which would mean that if you so desire we could get on to the Labour Legislation Bill on Friday and no doubt that would take us through Monday or Tuesday and by that time we could expect some further word forthcoming from Administration so I really see no great problem. Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, I want there to be no misunderstandings concerning the budget situation and it not being here in Council at this particular time. I take full responsibility for this. It was my desire to reconstitute the method of dealing with the Financial Advisory Committee with regard to its function related to the Territorial budget and for reasons over which no one had any control at least.... individual members of the Financial Advisory Committee, it was just not possible for us to get the three people together at a time most convenient to all until very late in the day and this is the reason why I think it only right that the responsibility for this course of action should be intimated to this Committee at the present time....and I am quite confident that there will be no lack of effort on the part of my administrative officers or the people who are forming the budget programming committee to clean up their work and allow us to get this budget before the House just as quickly as possible. But I want to make it very clear that there is no intention on the part of myself or the members of my administration to delay bringing work forward to Council to hold out of town Councillors here for any longer period at a time than is absolutely necessary. I couldn't agree more with the sentiments along this line but I think it only right that the reasons should be made very clear at this time.

Mr. Chairman: What is your pleasure?

Mr. Shaw: Mr. Chairman, I am not blaming anybody, either the Administration or Members of Council or anybody at all. All I am doing is stating facts and what I am doing Mr. Chairman is stating that I am fed up with having to come to Council for a week for a half an hour a day or an hour a day in order to close up then come back the next day for another hour. This is utterly ridiculous. If we have got some work to do I'm here to do it but I don't want to spend a whole week doing two hours work. Those are my sentiments and I feel very strong about this. Some members may enjoy it but I don't. When I come here I like to work and like to get the work done and get back to where I belong and I am prepared to stay

Mr. Shaw: continues...
here as long as there is anything to do, provided I am kept
employed doing it usefully.

Mr. Chairman: May I have your further pleasure, gentlemen?

Mr. McKinnon: Mr. Chairman, I would move that Committee
recess until three o'clock

Mr. Chairman: Gentlemen, I would like to draw to your
attention that it will be necessary to go back into Council
because we will be sitting in select committee this afternoon.

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

Mrs. Gordon: I will second the Motion.

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

MOTION CARRIED

MOTION
CARRIED

Mr. Livesey: Thank you Mr. Chairman.

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

Mr. Taylor: Mr. Speaker, committee convened at 10.25 A.M. to discuss Bills, Motions and Sessional Papers. It was moved by Councillor Shaw, seconded by Councillor Chamberlist that Committee concurs with Sessional Paper 16. This Motion carried. It was moved by Councillor Shaw, seconded by Councillor Gordon that Mr. Speaker do now resume the Chair. This Motion carried.

REPORT
CHAIRMAN
OF
COMMITTEES

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

All: Agreed.

Mr. Taylor: Mr. Speaker, we will be sitting this afternoon.
Our agenda indicates that we should be sitting this afternoon
in select committee on labour and I suggest that we recess
until two o'clock.

Mr. Speaker: Is the House agreed?

All: Agreed.

Mr. Speaker: The House now stands in recess until 2:00 P.M.
this afternoon.

RECESS

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Tuesday, March 12, 1968.
2:00 o'clock p.m.

Mr. Speaker: I will now call Council to order. May I have your further pleasure at this time, gentlemen? BILL #8

Mr. Shaw: Mr. Speaker, I would move that Council resolve itself into Select Committee of the Whole to discuss matters pertaining to labour.

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

Mr. Speaker: It has been moved by the Honourable Member for Dawson, seconded by the Honourable Member for Whitehorse East, that Mr. Speaker do now leave the Chair and that we resolve ourselves in Committee of the Whole to discuss matters related to labour. Is the House prepared for the question on the motion?

Mr. Taylor: I believe that was Select Committee of the Whole, Mr. Speaker.

Mr. Speaker: May I make that correction....Select Committee of the Whole?

All: Agreed.

Mr. Speaker: Is the House prepared for the question on the motion? Are we agreed? I will declare the motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: The Honourable Member for Watson Lake will please take the Chair in Committee.

Mr. Chairman: Mr. Clerk, I wonder if we could have with us at this time Mr. O'Reilly, Mr. Whiteford and Mr. Fraser. I will declare a short recess while we get things organized.

RECESS

Mr. Chairman: At this time I will call Committee to order. As you know, this is a Select Committee to look into the matter particularly today of hiring practices in the Yukon. We have with us three gentlemen to assist us in these discussions. We have Mr. Whiteford, Mr. O'Reilly and Mr. Fraser. I wonder, gentlemen, if you would care to proceed with these discussions.

Mr. Dumas: Well, Mr. Chairman, without beating around the bush, I'd like to get to the heart of what I consider to be the matter and that is what is the current practice of hiring amongst unions for employment in the Yukon, and by this I mean, is it necessary for an individual who wants to work in the Yukon to hire on outside in a Vancouver office say.

Mr. Chairman: To whom would you address this?

Mr. Dumas: Mr. O'Reilly.

Mr. Chairman: Mr. O'Reilly. It is not necessary for you gentlemen to rise.

Mr. O'Reilly: Well, Mr. Chairman, there are various hiring procedures and practices in the building trades. The building and construction trades are made up of some eighteen craft organizations and they all have their own hiring procedures

BILL #8

Mr. O'Reilly continued:
under the terms of their agreement. However, in reference to the Yukon Territory, and I think this is how it's worked with most crafts in the past, that if they don't have a local office, a local hiring office, or a local union office, that the contractors if they were assigned to the trade agreement phoned ahead orders for that particular trade for skilled personnel. However, I think in the past, and if it hasn't been the practice in the past, in the future it should be that preference should be given to people in the area. Of course, there's a lot of aspects to the hiring of local people in the area. For instance, when you're getting into the mechanical trades you can't just pick up any local resident and put him into any specific trade. For instance, if a mine development in the area requires steam fitters, you couldn't very well go to the manpower centre or the unemployment centre and take the men in there and put them in a steam fitting job. However, I believe in talking to the pipe fitters' organization and if there are men available in the Yukon Territory, then preference will be given to these people. I think that this has been the practice in the past although I have heard of a couple of instances where there's a stumbling block and it has run into problems. But, I think a lot of this has developed over maybe lack of knowledge in the Territory; contractors signaturing to agreements, they're paying top rates, top conditions, and instead of picking up your local residents, they will bring in trained tradesmen from the Province of B.C. I think it is a concensus, and in talking to all the building trades, that we are all willing to bend over backwards, and if they haven't in the past, to give preference employment to residents of the Yukon Territory.

Mr. Dumas: Mr. Chairman, I appreciate that fact, but, Mr. O'Reilly, what I'd really like to know is if it's necessary for a person who lives in Whitehorse and is a qualified tradesman to go to Vancouver to register with an office in Vancouver to be hired on a job, say, at Anvil or somewhere else in the Territory.

Mr. O'Reilly: Would you define that to be a union member or just a tradesman?

Mr. Dumas: A tradesman. We'll say a tradesman who wants to join the union so that he can go on the job. Is there any allowance made so that he can join that union up here and receive certification here in the Yukon rather than having to go to the expense and delay of going to Vancouver or any other place in Canada for that matter. And, supplementary to this, I might ask at what point you establish local offices or normally you establish local union hiring offices.

Mr. O'Reilly: Well, at the present time in the Yukon I believe we have the carpenters establish a local, and I believe the pipe fitters have established a local and the painters. This might be the extent of it. However, if there are qualified tradesmen in the area, I don't think that any organization, any of the craft unions, will deny this craftsman an opportunity to take his trades test which is something that we must have in order to protect the organization. Once this man has passed his trades test, we are in a position to sell this man to the contractors. In other words, all we have to sell is labour and we must have the top labour to sell because when we go to the bargaining table we have to be there with the position that we're offering top tradesmen to our contractors. Now, if the man is a union member and he lives in Whitehorse, Dawson City or wherever...Watson Lake, the minute he is out of work, he can send a telegram or telephone to the dispatch offices which are normally, in most instances, and especially in the

Mr. O'Reilly continued:
 mechanical organizations, are in Vancouver. This man is registered as unemployed, he can specify whether he wants to work in the Yukon Territory or whether he will work wherever work is available should the dispatcher call him. If he is unemployed in the Yukon Territory and a job comes into the Yukon Territory, he will get a wire or a telephone call or clearance of some kind to proceed to this contractor on a certain site. Should he wish to work the full jurisdiction of the trade that he belongs to, he may get a wire to go to Prince George, he may get a wire or telephone call to come into Vancouver to work. So therefore, he has the Province of British Columbia and the Yukon Territory in order to cover his field of appointment.

Mr. Chamberlist: Mr. Chairman, my question will be addressed to Mr. O'Reilly. Mr. O'Reilly, as I understand it, isn't it so that even if a person who belongs to a union, living in the Yukon, and sent a telegram to a Vancouver hiring office, his name would be placed on a list of people who are available for a specific job, and that isn't it so that his name will go on the bottom of the list until those people who are ahead of them get the opportunity of this job whether they are in the Yukon or not. Is this correct?

Mr. O'Reilly: No, that's not altogether correct. For instance, this is an example, if you have a teamster driving for, say, 918, he is laid off, he registers with the teamsters' union to go to work for another company. If he is asked for by General Enterprises to go to work for them, the teamster's union will clear him. Should he be working for another contractor and 918 wishes him back, he could also get this employee back. If I don't make it clear enough, Mr. Whiteford here is a representative of the teamsters' union and maybe he could clarify it.

Mr. Chamberlist: I would clarification on that, Mr. Chairman.

Mr. Whiteford: Well, I think there's a bugaboo about this hiring hall. We do have a closed shop in the basic trades. 213 teamsters do. We definitely, if we have members in the Yukon Territory, for the benefit of the contractor, that are qualified people, naturally they'd go to work first regardless of any list. I mean, this would only be common sense. We do this in the Province of British Columbia, whether it's Cranbrook, or whether it's Lower Mainland, or Prince George, or where it might be, if the contractor phones in or wires in and asks for we'll say, a tandem dump truck driver, and if he's in Prince George and we have a member there, regardless of where this man is on the list, he will go. But, mind you, he has to be on the list because one thing that we have to remember is the contractors, with our fringe benefits in our agreements, have a little knack of stealing employees from each other you know, because they have to pay for the employees going from point A to point B and they try to name requests sometimes because they already know the fellow is in the area. If the man is unemployed he will be on our dispatch list, and if he's a local resident and he's qualified, you have to remember this also, gentlemen, that we have members and you have a list as you say from top to bottom, if you're a contractor in an area, whether it's... wherever it is under our jurisdiction, you have to, if a man phones in for say a cat wagon operator, which is an eighty thousand dollar piece of equipment, we have to weigh the difference between sending a local resident to that job that can't qualify to operate that eighty thousand dollar piece of equipment against the man we have to ship from Vancouver, Cranbrook or Kamloops or where it might be. So, there's all kinds of

BILL #8

Mr. Whiteford continued:
little gimmicks in this dispatching business that you have to remember the contractor you have the agreement with also has a beef with you too if you say, all right, you have a local resident but he might not be qualified. If the man is qualified and is a local resident, we'll ship him first. Does that answer your question?

Mr. Chamberlist: I'm not satisfied that he's answered the question but your answers are going to be considered, given consideration by all Members of Council. Now, you're dealing specifically there in that answer, Mr. Whiteford, with a person that belongs to the union. Now, in the Yukon, as you know, we're a burgeoning type of area. There are many people who are not union members and a job situation comes up here, they have their families here, they've been a resident for many years, now they want to join the union. They now have to get in touch with the union in Vancouver and they are told, and we have a number of instances where they're told, we've already got 100 people on our list who are unemployed so you cannot join our union at present, notwithstanding that there is employment for him up here. Now, would you say, Mr. Whiteford, that this is where preferential opportunity of work is being given to our local people when there is work available for them. They are being stopped from joining the union simply because you have 100 people unemployed in Vancouver.

Mr. Whiteford: Well, let me ask you a question in return.

Mr. Chairman: I wonder if we could have an answer to begin with, and I've exercised some latitude here...I think we'd best put these questions through the Chair. I wonder if you could answer.....

Mr. Whiteford: Answer the question? Well, I can't answer the question unless I ask my friend a question here. Are you talking about a man who is demanding to join the union because he's going to work on a job that is already organized in union, or he just wants to join the union. May I ask that question?

Mr. Chamberlist: Well, Mr. Chairman, it matters not in my opinion. He is a resident of the Yukon. I'm not talking in terms of whether he wants to work on a specific job or whether he wants to join a union. I am just asking, Mr. Whiteford, whether preference is to be given to those 100 people who are on your unemployed list in Vancouver for work that is available right in the Yukon where this local man is available.

Mr. Whiteford: If we have an agreement with a contractor who has a job, and I'm speaking now for our own local union, Mr. Chairman, if we have an agreement signed with that contractor who comes into the Yukon and we have 100 unemployed members, we would then ask that contractor to take our unemployed members, which we have an agreement with him, regardless of where it might be. However, if we were organizing, we would also expect these people that this gentleman is speaking about...everybody has the right to join a union, not just to join a union because it suits them at that time, that they have to be a member to work there. We would like to see all of these people who are qualified to belong to the union, in the Yukon, join the union because they want to be union members, not because they have to be union members to go to work on that particular job. I think this is what he's speaking of.

Mr. Chamberlist: Perhaps Mr. O'Reilly can answer this question. I understand, Mr. O'Reilly, that in the various organizations...let me make it clear first that I support the union organizations as such and collective bargaining as such. In many organizational by-laws, you have in those organizational by-laws certain restrictions against people who are not in your union and certain rules relating to employment of those people in the union. I have in front of me, and I'll quote parts to help Mr. O'Reilly to answer this. I'll give a copy of this to yourself. Local 835, official publication of the Beverage Dispensers and Cullinary Workers Union, dated September, October, 1967, and there are certain working rules laid down in that. In part, it says in one paragraph, "No one but a member in good standing shall be eligible to be referred to a job except where in the opinion of the dispatcher there is no member in good standing qualified to fill the vacancy, in which case, with the consent and approval of the secretary, the dispatcher will take applications for a membership for such person as required to fill the vacancy." No doubt other Members of Council will ask you questions on this basis. Mr. Chairman, may I give this copy to Mr. O'Reilly?

Mr. Chairman: Yes, proceed.

Mr. Chamberlist: Now, just dealing with that particular paragraph, Mr. O'Reilly, it would appear that notwithstanding there may be somebody up here to fill a vacancy, he has to get in touch with a dispatcher at Vancouver, and there have also been cases in this particular organization where the individuals have been compelled to go down to Vancouver first, sign up as a union member, come back here and wait their turn, notwithstanding there is employment for them here. I wonder if you can explain whether I have interpreted this particular paragraph correctly.

Mr. Whiteford: Mr. Chairman, I'd like to answer that question.

Mr. Chairman: Proceed.

Mr. Whiteford: Ed Carlson, who was present here, representing this particular local union you are speaking of, and myself with 213, have, as of today, hired a local resident to represent the union you're speaking of now, to do this particular job and look after the local residents.

Mr. Chamberlist: Thank you, Mr. Chairman.

Mr. O'Reilly: Thanks for the news.

Mr. Whiteford: As a matter of fact, the man who was hired is in the gallery...a local man.

Mr. Commissioner: What happened to the original man you sent up. He didn't like the climate or something I understand.

Mr. Whiteford: I don't think he liked the way you people treated him so he went home.

Mr. Chairman: Order, gentlemen. Councillor Chamberlist, would you take the Chair a moment?

Mr. Chamberlist: Yes.

Mr. Taylor: Well, Mr. Chairman, it seems to me that we are in somewhat difficult circumstances in trying to deal with the matter generally inasmuch as we have some twenty or thirty

BILL #8 Mr. Taylor continued:

unions represented here, many of which are here today, each having a different hiring practice - closed shops and so forth. I think that what we are to concern ourselves with the most is the matter of what happens to the John Q. citizen, tradesman in the Yukon Territory. Now, I have, through personal contacts, met carpenters, truck drivers, heavy equipment operators, involved in several unions, and I've discussed this too with people representing unions, but I've had these employees come to me and say, and these are people who live in the Yukon and who have families here, and who depend so much on keeping here in the Yukon. These are not people who would just pick up and go and take a job in Vancouver because a union had a job for him in Vancouver. These are stable people who have built a house and put their roots down here in the Yukon, and up until a couple of years ago when these major projects such as Anvil, Clinton and the others that involved labour unions, these people have had the freedom of working. I mean, they go to a job and they get work and they do their job and when they finish they move to another job or whatever the case might be. But, in the past two years, I think you gentlemen will understand, there's been a great change in this particular position for the little tradesman in the Yukon, and so today he finds himself, as these chaps did that I've talked to, in a position where, (a) they're perfectly capable - I know one was a crane operator, perfectly capable of driving this crane, using his machine, has lots of references, and yet he would have to go to Vancouver to be hired by this particular union, and he was taking quite a chance by going to Vancouver to try and be hired because there were some ninety people on the list ahead of him, none of which were apparently crane operators, but there were ninety people ahead of him and they weren't just hiring people onto the union. Well, this type of problem has been presenting itself so widely over the past two years or so that indeed this is why we are meeting today, because the situation is so critical. Somewhere along the line, we must get all the twenty or thirty represented unions together in order that we can provide for little John Q., Yukon tradesman, you see what I mean. Now, I think that most will agree, certainly those of us who live here, that this isn't the easiest country to live in with a family. We live in a high cost area, we experience climatic differences, possibly not experienced by provincial citizens. To build a home here is somewhat rougher than possibly building one outside, and a person who stays and lives in the Yukon generally becomes what they call a sourdough, and I don't mean sour on the country and not enough dough to get out, I mean somebody who really likes the Yukon and has taken to it. So, this is the man we're talking about - John Q., Yukon citizen, and I'm wondering if, in your discussions of the past few days, that is, Mr. Chairman, in the discussions of the various unions represented here today, if they've discussed this matter among themselves and whether or not the spokesmen here, Mr. O'Reilly, Mr. Fraser and Mr. Whiteford, if they would have any suggestions to offer as to how we can cope with this situation because it seems very clearly to me that we're either going to have co-operation from the union representatives and the unions themselves, or else the only other alternative I can see is to bring down some very hard, cold, calculated legislation to provide this, and no doubt, Mr. Chairman, the gentlemen involved have considered this. I'm just wondering if they have any suggestions which they would care to put forth at this time in order that we may be able to alleviate this situation.

Mr. Chairman: Is there anybody in particular that you address your question to.

Mr. Taylor: I would, Mr. Chairman...if any member of the group with us or witnesses would indicate that he could answer the question, I would be satisfied.

Mr. O'Reilly: Mr. Chairman, I think I could answer this to BILL #8 a big degree. Firstly, I'm not aware of any craft asking people to come to Vancouver from the Yukon in order to join their union. This is the first time it has been brought to my attention. Secondly, in referring to the operating engineers, they have now opened up a local office in the Yukon, and I believe they are going to maintain it. I believe also 168 of the tunnel and rock workers have opened up an office here in Whitehorse and expect to maintain it. And, from what I can gather after this visit up here, there are going to be more offices opened. But, of course, you have to realize that this depends on the extent of work in the area. You can't have a \$900 or \$1,000 a month man on the payroll and no income coming in. In regards to getting away from trained personnel, for instance operating engineers and so forth who have now established this, they've seen the problems in the area, they've established a hiring office. The only other ones are the mechanical trades. Now, for instance, we have a company from Whitehorse called Yukon Welding who had a job up on the Clinton Creek project. They arrived on the site, they wanted to join the union. The iron workers were reluctant to give them a membership until they have taken a trades test. However, they gave them a permit to work on the project, pending such time as they took a trades test. The boilermakers also were involved, and the boilermakers... in order to be a boilermaker you must also have a trades test if you haven't served an apprenticeship. So therefore, all you can do is give these people a permit to work in a skilled craft until they have proven themselves with a trades test or have served their apprenticeship so that they are mechanics in the trade. I believe at the present time the boilermakers have found out that Yukon Welding, I believe it is, do have competent tradesmen. I believe they issued these people in the Yukon membership and I believe it's a union shop. But, we must take this into consideration, that we just can't open our books to anybody who comes in there with initiation fees in their pockets because we have an obligation to the contractors that we do business with. We have an obligation to our members that have served apprentices on the job that work with these people. And, these people must prove that they're tradesmen. In my particular business, I'm business manager for the iron workers union. If we go run a microwave tower through here or aerial tramway system as you have two of them up the highway, when I'm running a job like that, I want to make sure that every man knows what place and position he has to be in when that whistle blows in the morning, if the man working with him isn't going to get pulled through a block. These people must be first-class tradesmen, and the only way, if they do not serve their apprenticeship in each craft, they must pass a trades test to show that they are craftsmen. Again I'll go back to this, referring to people going to Vancouver to join the union, this is news to me. It hasn't been brought to my attention.

Mr. Taylor: Well, Mr. Chairman, this is no news to me as a representative because I've been getting complaints for the last two years and I'm sure that many other, if not all, Members at the table no doubt at one time or another have received a number of complaints in this regard. More particularly in the last week I've sat and observed this in progress in the discussions between the contractor and the employee in trying to resolve this thing. It was, and it still is, my hope that through such discussions, Mr. Chairman, that we are having here today that we may find a method of arriving at a solution to this problem. I would point out that this practice is a denial of what we call the Universal Declaration of Human Rights adopted by the United Nations, which states that everyone has the right to work, to free choice of employment, to just and

BILL #8

Mr. Taylor continued:
favourable conditions of work and protection against unemployment, and also under article 23, everybody has the right to form and join trade unions for the protection of his interests. If we are to basically uphold those principles, then I think that if a man who is a catskinner or wishes to join a union that looks after catskinners then he should by law be permitted to join that union.

Mr. Whiteford: That law was written by Harry Goldwater, Mr. Chairman.

Mr. Taylor: Order, Mr. Chairman. If this be the case, then he should have the right to join this union. I think that preference has got to be given in for instance here in the Yukon, in this area, to the local workmen who are skilled and capable of doing the job to be done. This is what we've got to arrive at and how we're going to do this, I don't know. It is my hope that we will not have to consider legislation to achieve this. It is my hope that we can sit down with the union groups throughout the Territory and work out a common agreement with all unions that affect the Yukon Territory. It was my hope that possibly the members here, Mr. Chairman, the representatives here today had indeed gotten together and worked something out. These are my comments at this time.

Mr. Fraser: May I say something on this?

Mr. Chairman: Yes, go ahead Mr. Fraser.

Mr. Fraser: Right now we are in the process at the present time of applying to a department in Washington, D.C., for a Charter for the Yukon Territory building and construction chains. This council will be set up and we figure that when we get the Charter back, it will be June of this year and we will be back up here again. At that time we will have the election of officers to operate that council. It is our full intention that the officers of that council will be the local residents of the Yukon Territory.

Mr. Shaw: Thank you, Mr. Chairman. So far we have kept out discussions pretty well to skilled trades. What we do have in the Yukon Territory at the present moment are many, many people that are not skilled tradesmen that have to work. They are residents of this Territory, born here many of them, and they have to find employment with an equal opportunity of any other person, particularly when it's against some person that is not a resident of the Yukon but is sent up from Vancouver or Edmonton or some other place. Now, this particular piece of paper, this is a copy from a union paper, an official publication, and it refers to, to be explicit, bull cooks or kitchen mechanics or whatever you call them, whatever the term is these days.... I've done a lot of it myself. However, these people go to apply for work and then they are told that they must go to Vancouver or they must get clearance from the dispatcher's office, and there are many hurdles put in their way that they just don't understand, particularly since these kinds of things only happened in the Yukon Territory in the last year or eighteen months. In other words, we have jumped into twentieth century labour management which hadn't existed we say, up to this time. So that these people, these are not skilled tradesmen - pipe fitters and steam fitters and have all those qualifications, they are just people that are labourers, and they have to have work. They go to apply for the job and they are told that they must go to Vancouver. Now, I happen to represent all of these people and I'm very, very concerned, I'm extremely concerned

Mr. Shaw continued:

when these people can't get a job in their native area in Canada, where they were born or where they have lived for many years, when they are told that they must go to Vancouver or elsewhere to sign up, and that is the problem, that they don't have the money or the means or perhaps the knowledge to put into being because they have not any skilled trade. They have not had the opportunity...well, some of them may have had the opportunity, but that's not the point. They are labourers. Now, when these kinds of situations occur, it disturbs me, and it would appear to me that that is discrimination to persons living in the Yukon who haven't had the opportunity of joining the particular union. The scope isn't large enough for it. So, as a result there is in fact discrimination against these people. Now, it would appear to me that, Mr. Chairman, and I wondered if these gentlemen and the people that are here today have ever considered, that these people must have employment. They must have the opportunity for employment. They must have the opportunity of joining the unions that are required, and they should get first opportunity to join. I'm referring to the what you might call semi-skilled or unskilled. These are the people that it really hits very hard. If it isn't large enough for to have a man that you have to pay \$900 a month to and have situated in Whitehorse, there should be some persons that are on the job at these different locations that can certify and qualify a man in cases like that. Now, I'm not talking about the steel worker that has to climb up five stories because obviously that man has got to have the required knowledge and documentation to be able to do that. But, I'm referring to these other little fellows that are also trying to make a living but they run into these obstacles and it's just a little too much for them. That's what I'm concerned about. That's the only complaint that I have had, is the fact that that is what's happening to these people and it's not a theory, it's a fact, because I have spoken to them and I have been told that if they go to Vancouver, if they join up...let this speak for itself, "Cullinary members may not solicit employment at the job site, and any member so doing will be immediately removed from the job and may face charges through the local union." Now, that's fairly obvious, Mr. Chairman, that this fellow, this unskilled man, that is trying to get a job to support himself is going to have some problems which I do not think...it's very unjust to them.

Mr. O'Reilly: Mr. Chairman, if I may just answer this and use one instance. We run into this in various areas, of course, in organizing that in the Prince Rupert area, the Kitimat area, and all these areas. Eventually the building trades people have organized and signed agreements with contractors in the area and eventually you have a 100% area. I'd like to just point out for...make a point, in one area which refers to your Territory, and that is Clinton Creek project, and in referring to local 835 cullinary workers' union. You'll notice in here that this refers to our union members. Now, local 835 were asked by the building trades on this project, and the cooks and cullinary staff in the cookhouse, to come into the area, sign these people into their organization, and have this catering firm sign the standard collective agreement. These procedures were all gone through. The organizer was in the area, signed these people up and went on the negotiations. No agreement was reached. However, one agreement was reached, that these cooks and cullinary staff would be put at the rate of pay of the standard collective agreement as was being discussed at that time. It wasn't three days later that all at once these cooks and cullinary staff were unable to handle the job. They were not qualified now, yet the employer had to pay them another \$1.35 or \$2.00 an hour over and above what they were paying them prior to the union coming in. They requested the cullinary

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Mr. O'Reilly continued:

workers' union, 835, to take these people off the job and supply them with competent people from Vancouver. Now, we run into this everyday in an organizing drive. A good percentage of maybe not the chiefs, the second cooks, the bakers who are from Quebec, but the rest of these people, the staff, were local people. They were people from the Yukon, from Clinton Creek or Dawson City, they were Yukoners....dishwashers and the rest of it, unskilled people. These people this company didn't want to keep because they were not even capable of washing dishes. Now, the union has got to protect these people. He's gone in there, the representative, has signed these people up, taken them into the organization, he's got them a dollar an hour increase, and all at once he can't handle the job. Now, what do we do in an instance like this? The union says, they're members of our organization, they were good enough to work for you before they joined the union, certainly they must be good enough for you now. It happened on this project that it was made so tough on these employees that they quite and were replaced by people who had passed trades tests and so forth and were dispatched in the Yukon from Vancouver. This is the local that you are talking about, 835. They took all these people in their organization. So, we have to be in a position, once we take these people into the organization, to protect them. They were good enough to work for a dollar an hour, why aren't they good enough to work for two dollars an hour. Yet, the company says they're not worth two dollars an hour, if we're going to pay this, you send us in some better trained staff. We have an instance up the highway here where some building trades went in to attempt to sign up a construction job. None of these people were Yukoners. These are out of the Territory people. They were out of B.C.'s jurisdiction, and this is a sticky wicket that we're into now, and there's one trade being stuck because they went in there to attempt to assist the contractors in the Yukon Territory and British Columbia on fair tendering and fair bidding basis. Now, gentlemen, this Territorial Government and the contractors in the Yukon and the building trades are going to have to work together to straighten out the Yukon Territory, because there's no use in me being in here with a signed agreement to any building trades union, and asking this contractor to pay the top rate when a contractor could come in here from Saskatchewan or Quebec with their employees at two dollars or less an hour than what I tendered this contract on.

Mr. Chairman: I must interupt here. We're trying to keep the question and answer in the discussion to hiring practices and I would appreciate it, Mr. O'Reilly, if you would confine your remarks to hiring practices.

Mr. Whiteford: Mr. Chairman, I'd like to ask a question here about hiring practices.

Mr. O'Reilly: Well, if I may just go a little further on the hiring practices then. This is one instance at Clinton Creek on the hiring practices where the Yukoners were not good enough for this job because they signed the union agreement, they had to come in from outside, and this isn't right.

Mr. Whiteford: The strange part about it is, you know, as far as 835 is concerned in that Clinton Creek deal, is that the people who were doing the catering were from Montreal. They were all French Canadians that were in Clinton Creek at the time they were signed up.

Mr. Chairman: Well, they were Canadians.

Mr. Whiteford: They were French Canadians.

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Mr. Chairman: Well, they were Canadians. We prefer to think of them in that way.

Mr. Whiteford: I'm not saying anything against French Canadians, but they were French Canadian people, and they were signed up in the union and, as Brother O'Reilly said, after they were signed up in the union they weren't, as far as the company was concerned, they wanted better people. They phoned that local union and asked them to ship people up from Vancouver, which they did. They replaced them, and they had an argument about it. The other thing is, as far as the Member here stating about the local people and their employment, and the small people as he stated, I stay in a hotel in this town and I've known these people who own this hotel for many, many years. The manager of this hotel by the way is waiting tables. Talking about the small people that wash dishes and wait tables, do you know why the manager of this hotel is waiting tables and washing dishes? Because right here in the Yukon Territory, he can't find anybody to take this type of work. And, I can prove it to you. He just can't get anybody to do this type of menial work right here in your own Territory, and this is in the Edgewater Hotel. The manager is waiting tables. So, I mean, when you're talking about your local people and the common people, or whatever you want to call them, there isn't too many people that want to work in the Yukon Territory right now that should be really unemployed because as I understand it, there is lots of work for people who want to work. The only thing that comes up now is the fact that a union job in the Yukon Territory is just a little bit different than the average, everyday job that you have here. Now, you have union contractors and you have non-union contractors and all of a sudden your Yukon people who, if I was a business agent going down the road trying to sign them up, will tell me to get lost because they're afraid of their boss. But, when it comes to Parsons out here at Anvil Mines or some other union job that is already set up for him with union rates and conditions, then you people start screaming that your people should have it. I think your people in the Yukon Territory have a little job to do too. They want to be union, they want to get the benefits of union, they had better start joining unions not just when it suits them but right now. We're willing to take them and we're willing to look after them, but not when they can walk onto a job and say, this is a union job in my home town and I'm going to get all the benefits and I'm going to be a union member while it's here, and afterwards.....

Mr. Chairman: I'm sorry to interupt you, Mr. Whiteford, but you're going beyond the scope.

Mr. Whiteford: This is union hiring we're speaking about.

Mr. Chairman: Please, just.... Go ahead, Councillor Taylor.

Mr. Taylor: I just wanted to comment on that. There have been stated some particular instances where, rightly or wrongly, things haven't worked out. It seems to me that a man should be paid the money he's worth and if he's not worth the money you're paying him, then pay him less, and if he doesn't like it then he doesn't work but, however, apparently that isn't the way it goes. Everybody has to make the agreed upon wages so I gather. But, what I think is more important, and it was also stated too... I would like to comment on, Mr. Chairman, Mr. Whiteford's remarks that there are some instances where an operator cannot

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Mr. Taylor continued:
find employment or find someone to do the job. I can't necessarily agree that this is entirely the case. It may be that the employer doesn't wish to hire an employee, I don't know. It may or may not be so, but these are isolated instances. I think what we've got to concern ourselves with here is policy. We do, indeed, have a great number of Yukon residents, some old residents and some new, who would like to settle here and to engage in work. Now, in the past two years with the growth of union activity in the Yukon, and I don't say it's bad as I believe very strongly in the initial concept of unions, but we are tending to isolate the working man of the Yukon Territory within his own environment, and this is bad. We're isolating him from where he used to be able to go and get a job here and get a job there, now he must belong to various unions to get on various jobs. This is what we've got to concern ourselves with. He must have the right (a) to go to the job that he is suited for - if he's a truck driver, a good cook, a good muck stick operator - he must have the right, if the contractor agrees that he will be suitable, then to join the union, become a member of the union, and go on the job. He should not be required....or not allowed to work, even leaving when one job finished and he goes home and another job starts up, even at that he should be given some consideration if his record is good and the employee has indeed been a good employee, he should have first refusal on the next job within the area, within the Yukon, or within the North, rather than dragging people out of his environment because when you take him away, you take away a population and when you replace him with someone who is up here just for three or four months, you take away money out of the economy, you take it down into other areas of Canada, and this is working to a detriment in the Yukon Territory. So, indeed, what we must do is we've got to establish a policy. Now, whether we establish this policy by joint...by getting together in joint form is one thing, or, if we can't do this, we have an obligation to protect the people in the Yukon, the working man in the Yukon, then we must take the course that I'm sure none of us wish to take but we may have to take and that is the course of bringing down legislation to insure that the rights of the working men and women in the Yukon Territory are preserved. This is simply it. I think it's the philosophy, the concept, that we've got to get working on.

Mr. Whiteford: Mr. Chairman, may I ask a question of the speaker?

Mr. Chairman: Go ahead, Mr. Whiteford.

Mr. Whiteford: Can you say to me, as a union representative, that if I sign a man up in the Yukon Territory into the teamsters' union which I represent, that I would only permit him certain privileges, in other words, that he would only be allowed to participate as a member in the Yukon Territory and that he would be allowed to go to work in the Yukon Territory, however, if I found that I could give him a job in Cranbrook, B.C., and he could move his family from the Yukon Territory to Cranbrook, that I would have to refuse him the right to do this because he is a resident of the Yukon and it would be effecting the economy of the Yukon Territory. Is this what you're saying?

Mr. Chairman: Will you answer that, Councillor Taylor?

Mr. Taylor: Mr. Chairman, I'll answer that quite clearly by saying that that is not what I'm saying and it could never be construed in what I've said. What I'm saying is, if a man who lives in the Yukon hires on a project in the Yukon Territory, Mr. Chairman, he should be given prior consideration over a man sitting in Vancouver, if the man in the Yukon can do the job. And, if the man has satisfactorily concluded the job, for instance, the job is completed, like Clinton Creek or Anvil or any number of things, if the man's record is good and he goes back home and awaits another job and another job comes up in the Yukon, fine. This does not exclude him from going anywhere else in the country, but I'm saying here, in the environment of the Yukon, he should be given some consideration. BILL #8

Mr. Whiteford: Mr. Chairman, I just want to make one statement on that. When a man is accepted into membership in our union, and I think I can speak for all of the unions present, when he is accepted as a full member of this union or any union, he is entitled to all the benefits and privileges of that union in the jurisdiction of that union whether it's in the Province of British Columbia or the Yukon Territory. Now, we have people who join the union here and we don't sign them up and stamp them Yukon Territory. They are a member of the union, and if they want to, and there is a job, and it's available for him, and they're starving to death here in Whitehorse, they can go to work anywhere in B.C. or vice versa, and that's all I want to say. In other words, once we accept....

Mr. Chairman: Mr. Whiteford, I wonder if you could speak a little bit slower.

Mr. Whiteford: I'm sorry, I didn't even know she was taking notes. Once we accept a member, he is not a member for the Yukon Territory or a member for the Province of British Columbia, he's a member of the union, and he's entitled to all of the privileges that that union can provide for him, and the jobs wherever they might be. We want this understood. So, it works on both sides of the line, for B.C. and for the Yukon people.

Mr. Taylor: Just one final comment. We seem to be all talking about benefits. What about the detriments, Mr. Chairman?

Mr. Chairman: Would you like to express an opinion on the detriments to the Yukon people?

Mr. Whiteford: I don't think there's a detriment. As a matter of fact, Mr. Chairman, fifteen years ago we had a full-time business agent up here and I came up here with the teamsters. We organized White Pass Yukon Truck Lines, Northern Freightways, Loiselle and we spent in our local union, 213, over a hundred and eighty thousand dollars of British Columbia dues paying members' money to organize these people and I don't think you'll find a complaint today from the people in White Pass about being union members.

Mr. Dumas: Mr. Chairman, I think we're getting a little bit away from the whole point of this exercise. The Honourable Member for Watson Lake has mentioned three times that we may have to bring down hard legislation. I suggest that the very reason for having this discussion here today is that we can work something out amongst all of us that is going to be satisfactory for the Yukon, and I'd like to commend the union on the education that they have already given in the fact that they're taking into consideration some of the complaints that we've raised. Another fact for commendation is that they gave tests for tradesmen, which is something that we've been lacking up here for a long time. I would suggest that

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Mr. Dumas continued:

this problem is not one that can't be worked out amongst all of the unions and amongst people that are concerned with union members, labourers and tradesmen in the Yukon.

Mr. Chairman: Thank you, Councillor Dumas. Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, I would personally like to have union policy as it now stands clarified to me. We've heard complaints from several of the Councillors that people that they determine are qualified in their trade were told that before they could be employed on a Yukon job, they would have to go and get certification from a Vancouver office. Now, I would like to know first of all whether they could document such instances and if so, if such cases can be documented and approved, what would be the union reaction to such statements if, in fact, they were true. I wonder if Mr. O'Reilly could answer that.

Mr. O'Reilly: Yes, I would like to answer that. If these instances have occurred, we'd certainly like to have them documented and brought to our attention, and I think if these instances have occurred, that this will be taken up with the organizations involved and we'll see that this doesn't occur because, let's face it, contractors hire men from day to day in an advisory capacity. These people make mistakes too. Unions hire new business agents out of the field who are not familiar with the full itinerary of this local union, and they can go out and make mistakes and errors as well. It shouldn't mean, if a business agent gets on the road and makes some mistake, it shouldn't influence the whole building trades. It should be brought to the attention of the business manager of our organization and his executives. But, I would certainly, the building trades would certainly like to see any documentation on this if this has happened.

Mr. McKinnon: Mr. Chairman, this clarifies their policy to me and I'm very satisfied with Mr. O'Reilly's answer if this is in fact the truth. The other question I would like to ask is, what is the procedure for a person who feels that he is a qualified tradesman and wants to join a union and yet the trade that he is in does not have an office in the Yukon.

Mr. O'Reilly: Well, as I pointed out...I don't know whether it was to Mr. Laing or whoever it was. We've met on this situation time and time again as far as the Yukon is concerned with the government. But, our own organization for instance, and our trades tests, if there was a dozen men in this area that thought that... or had worked at our trades say, for instance, on non-union jobs, but hadn't served their apprenticeship, if they were of the opinion they could pass the trades test, we'd be only too glad to bring our committee in here and test these people. These people are tested not just orally or written, they're on practical tests as well. These people have to know all phases of the trade, and a steam fitter is the same. You can't make a steam fitter overnight. In fact, some steam fitters you don't make them over three or four years. That's why some of these apprentice from two years to five years. All this must be taken into consideration. If we're going to upgrade these Territories, if we're going to upgrade the tradesmen, this is what we're going to have to do, is look into this training situation. I think that a lot of the building trades can offer a training program like we have in B.C., the apprenticeship programs to residents of this Yukon. I know my organization will.

Mr. Taylor: Thank you, Councillor Chamberlist, I will resume the Chair. I think we'll call a recess to accommodate the change of stenos.

RECESS

March 12, 1968.
3:30 o'clock p.m.

Mr. Chairman: Well, at this time I will call Committee to order and we are discussing hiring practices as it affects labour in the Yukon Territory, and I wonder if you gentlemen would care to continue.

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Mr. Livesey: Well, in respect to labour practices and the background related to it, I think that it should be made more than clear that the people who live up here in the north irrespective of what the Federal gentlemen feel about, they think that the resources in the north belong to the people who live here, and if there is any work they feel that the workers to get out those resources are there, or should be, and if there is going to be any direction as to who should be hired and who should not be hired, I think that the general feeling is that that direction should come also from here. I think if we don't look at these things in this light, we are not going to grow. Now, the way it is though, and the way it has seemed to have turned is that companies whose parents are not here and have come from other places, they are taking out our resources and the jurisdiction over the hirement is coming from British Columbia. Now, I think this associates itself with the probability and the possibility with reference to hiring practices and all other questions related to it of the possibility of legislation. Now, my question is, Mr. Chairman, I wonder if Mr. O'Reilly could tell me if they have thought about this question seriously similarly to what they have done in Alaska and I believe in Alaska to protect the employees of that state, the State Legislature have brought down legislation which requires that when any union receives a local membership of one hundred members or more that they must establish a local union in the area. With regard to the question of jurisdiction, I believe that as far as legislation is concerned that the unions that we are now dealing with as far as companies are concerned, especially in the mineral industry in the Yukon, their jurisdiction comes about by statutory legislation coming from the Parliament of British Columbia. Now, I wonder how the union feels, as a second question, with regard to their feeling about their jurisdiction in the Yukon, because up to the present moment we have no legislation on the books with regard to the question of hiring practices. Therefore, it doesn't appear to me that the jurisdiction does extend here especially as far as legislation is concerned. It is merely now a question of facility, rather than jurisdiction. Now, I wonder if Mr. O'Reilly could give me his thoughts on both of those two questions?

Mr. O'Reilly: Well, firstly on legislation, if you are going to legislate hiring, you're going to legislate yourself out of business. That's my thinking on it to start with, because you are not going to develop this Territory with the construction worker that you have in the Territory today. You're going to have to develop this Territory with a heck of a lot of help, and in order to develop this Territory you're going to have to develop it with tradesmen that are going to be needed in these different projects to develop the country. In the mining, and in probably the pulping, and the rest of that is going to come into the Territory, so to pass right to work legislation or hiring legislation for Yukoners, I don't think you would be doing yourself any justice. You could legislate yourself to this extent and every drifter from here to Nova Scotia could drift into the Yukon Territory and be a resident of the Territory and not be a tradesman that could develop your Territory for you, so looking at this aspect of it I think, gentlemen, that we should get away from the past and start getting into the future. It is evident here that feelings have been hurt in the past, some

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practices haven't been carried out the way they should have been on maybe union side, contractors' side in the past, but I think we should get away from the past and get into the present. So much for legislation. As far as the hiring practices are concerned and the jurisdiction of the unions, jurisdiction of the local unions are set down in convention by each international union. In other words, the unions that now have headquarters in the Province of British Columbia, in the city of Vancouver, have also in most instances been given the jurisdiction of the Yukon Territory, and so with Alberta, the local unions that are centralized in Edmonton have been granted the jurisdiction for that part of the Northwest Territories lying directly north and I believe to the 102nd parallel, and then you get into Saskatchewan's jurisdiction, and the one big reason for this was that there wasn't the construction work in the Territories, both this Territory and the Northwest Territories, that would constitute building and construction trades representatives and union members in those areas, that they had to go into those areas to develop them. The climate has got a lot to do with it. I would say that probably 50 per cent of the mechanical trades that would work in the Yukon if they belonged to this organization, that they would spend their winters in the south if there was no work here in the winter months. I've spent some three winters up in this country and I would rather have been in Hawaii, but we, the locals that have set up in the Province of British Columbia, through convention have been granted the jurisdiction of the Yukon Territory, which includes the - I could speak for the plumbers union, the boiler-makers union, the iron-workers union, the machinists union and so forth; yet there are other building and construction trades unions that have been granted through convention to set up locals in this area because they felt that the work was there, the tradesmen were there, and this is what they have done. They have set up locals in this area, and once the work in the area increases for each trade, there is no doubt in my mind that through convention that locals for every trade will be set up in the Territory, but it is just not feasible, for instance, for my trade to set up a local here. I have, at the present time, approximately 38 members working in the whole of the Territory. This will increase to approximately 100 during 1968, and then maybe increase as the work picture increases, if the money is spent in the Territory to develop it, but as far as the jurisdiction of the unions that don't have a local set up here, they have been granted the jurisdiction of the Territory by their international unions through convention. Does this answer your question at all?

Mr. Livesey: Mr. Chairman, I was thinking more of jurisdiction by right, and when I was thinking of the residents of the Yukon who pay taxes in the Yukon, and the residents of British Columbia who pay taxes in British Columbia, and when we look south, of course, we never forget the fact that Mr. W.A.C. Bennett not only wanted to bar us, but he wouldn't take us, but it didn't happen, and I am wondering - I'm sure that the jurisdiction that Mr. O'Reilly is talking about is the jurisdiction of his organization, but makes no reference to legislation, and I feel that in this respect that the unions that operate in British Columbia operate within the Labour Legislation of the Province of British Columbia, and it would appear to me that eventually I don't think that anyone in the Yukon will ever turn down any help or any advice or anything that can be done to forward our progress towards the time when we are going to become a province, but this all depends on our resources, our labour, people who are hired here, people who will live here, and people who will spend their wages here, and this is all tied to jurisdiction, and I feel this means the jurisdiction of the people who live in the Yukon Territory as to who should be working the mines. This is what I feel. Now, I am not turning anything down by making this statement, but I was wondering when it comes to jurisdiction, whether you're thinking about legislative jurisdiction or whether you were

thinking about the jurisdiction extended to various locals that come from the head office of certain unions, which I think is normal for progress moving in outer areas, but it seems to me that in British Columbia you are certainly within your own circle there, but when you overlap into the Yukon, it seems that the governing here as yet hasn't taken any stand on this issue, and this is a very serious point, and that is why everything that is said here this afternoon, Mr. O'Reilly, I think is definitely very, very serious as far as we are concerned.

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Mr. O'Reilly: Well, if I may just add, Mr. Chairman, to this, in the political aspect of it we would, as building and construction trades people, would rather leave the politics, no matter what politics is of the Province of British Columbia or the Yukon Territory, because the only political connection that the building trades have is with the Department of Labour, and the Labour Standards. We have to abide by the Labour Standards in the Province of British Columbia when our members work there; we have to abide by the Department of Labour Standards in the Yukon Territory when we work in the Yukon Territory, and that is our extent of political affiliation, and we would just as soon - in fact I don't think that I am prepared to discuss politics in any way

Mr. Livesey: Mr. Chairman, that wasn't my point. It wasn't a question of politics, but it did certainly have a relationship to the granting of bargaining rights, which I think in British Columbia, as you have said, it comes from the law. The law provides the right to bargain in British Columbia within the meaning of the act, within the meaning of the Labour Statutes of British Columbia, and here we don't have that yet, but there is going to be a time when we'll have to certainly seriously think about this situation, and if that is the case then, it would seem to me that the Government of the Yukon Territory then would be the arbitor when it came to the granting of the right to hold bargaining rights for any company within the boundaries of the Yukon Territory. This is my point, rather than any reflection on.....

Mr. O'Reilly: Yes, well in answer, Mr. Chairman, I am sorry if I misconstrued the political end of it, but when we come at present into the Yukon Territory, whether it is to work, whether our members are working for a Yukon contractor or a contractor that comes into the area, this contractor does not carry his provincial certification with him. When we come to work in the Yukon Territory, or for instance, if we sign up a contractor, we must apply under the Federal Act for certification for this contractor to be certified in the Yukon Territory. Is this.....

Mr. Livesey: Well, yes, Mr. Chairman, that's what hurts, that's really what hurts. We feel that any certification should be granted by the Government of the Yukon Territory.

Mr. O'Reilly: Well, we have no control over this.

Mr. Livesey: No, no this is true, but I am merely bringing up this point because this will definitely have a bearing on hiring practices. There's no question about it, and no doubt this is where we may need a great deal of help in this, so that we can organize ourselves properly and provide the proper type of legislation so that our resources, and we have got to think about this - some of those resources are going to rub off in the Yukon, so that we can hang onto them.

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Mr. Whiteford: Could I ask a question, Mr. Chairman? This is why I was a little puzzled about your statements a number of times about passing legislation in the Yukon that might be injurious to us getting together. It seems to me - it rather puzzles me a little bit that the Yukon Territory, you sign up for a group of people and you apply for certification Federally, which is to Ottawa. Now, the legislation you're speaking of or referring to, would that be a Federal legislation or would that be Yukon legislation; I mean how would it effect the union? This I would like to know.

Mr. Chairman: This would be Territorial legislation, speaking from the Chair, I would suggest.

Mr. Whiteford: And how would that effect the unions that were Federally certified for an employer in the Yukon Territory? Could you answer that one for me?

Mr. Chairman: Well, this would be determined by whatever legislation.....

Mr. Whiteford: In other words, this would be like a city by-law as against provincial law. Is that it?

Mr. Chairman: Not necessarily. Mr. Commissioner, did you have any comments on this?

Mr. Commissioner: Yes, just to finalize that question. Actually, what would transpire when Territorial legislation came into effect, it would take precedence in all areas except those areas which by Federal statute are reserved for the Federal Government - such things as railways and this type of thing, but one aspect that I am most anxious to hear and this has a tremendous amount to do with hiring practices. I think we should just get some record here from the union people as to their general attitude on this question, and that is that by virtue of the general isolation of a lot of our labour force, it is absolutely inconceivable that the people involved can ever qualify as trades people without union assistance to do so. Now, we can have the Vocational Training School, we can go for practically everything in the encouragement of apprenticeship programs and everything, but these things can never get off the ground without union help and participation, and the only place that this can be made available is in many instances where the applicable industry is operating on a full-fledged capacity, and one question that I would like to hear discussed, and hear comment on is what is the general attitude of the construction trades, unions, and those affiliated along similar lines with the graduates from our training programs here, particularly those that we are able to deal with through the Vocational Training Program that are effectively speaking ready to go into the apprenticeship field, and which we don't have very much real apprenticeship opportunities here. Now, I happen to have been brought up in a home where union activity was pretty well known, and I know it was a matter of father seeing that the number one son, and the number two son, and the number three son all got into the same union under the same scheme of things, and I think this paternalistic system is a very fine idea, but as a consequence of this many of our people here, and I am talking about the younger generation, are literally speaking frozen out at the present time of getting into properly organized, oriented union-agreed-upon apprenticeship-type schemes, and I would like to know just what is your union's general attitude towards this? Are you going to help us participate in this type of a thing where when people are - have free apprenticeship training, are you going to assist us to get these people into areas where they can effectively participate and get the necessary qualifications to become journeymen and further make themselves completely qualified?

Mr. O'Reilly: Well, Mr. Chairman, maybe I can answer this to some extent. I happen to be on the Apprenticeship Selection Committee for our organization, and I know practically, or every mechanical trade, has an apprenticeship scheme. However, they were all drawn up, the by-laws and so forth, along with the Provincial Department of Labour, and the apprenticeship system. Now, I think, as probably you are aware, that Manpower, under the Manpower Training Act, the Federal Government is into this. Now, for instance, our organization as iron workers, we put 30 apprentices into that school every five months. These are pre-apprentices. When these applications are selected, it doesn't matter whether that applicant is from Tuktuk, whether he is from Whitehorse, whether he is from Vancouver Island, the application is there with his schooling, his school record, his references, and if he qualifies he will be selected. Now, under the Manpower Training Act, they can select a certain amount of seats in that school for training these people, which is Federal Government. That last class was selected out of 30, Manpower selected 15. If the young fellow lives in Whitehorse and has two children, they will pay his transportation to Vancouver to where the vocational school is established, and he is entitled to \$90 a week while he is going to this school. After he serves his pre-apprenticeship training, which is, as I said earlier, five months, he is then indentured to the union, not to the contractor, because one contractor may not be able to keep this apprentice working. He is indentured to the local union, and that is where he goes to work from, and under the terms of our agreement, we say where every four or seven journeymen are hired, they shall employ one apprentice, and this is the assistance that, as far as the organizations are concerned, go towards training apprentices. Then they serve their - they get credit for their first five months of school - they get one year's credits. Then they serve two more years in the field, coming back for upgrading every six months, but there is no problem to train any of the young fellows here through our vocational school, because the contractor that works in the Yukon is subscribing to our apprenticeship program and the plumbers, and the machinists, and the boiler-makers, the same as the contractor who is working in B.C., so we must give equal assistance to all applicants for apprenticeship into the trade. Now, as far as upgrading is concerned, this is the people that have never served an apprenticeship who want to go into the upgrading, the unions to date have, to my knowledge, nothing on this. The Federal Government is bringing in some, or has brought in some legislation to upgrade people, but as far as apprenticeship training program, I believe every organization is involved and assists in this situation.

Mr. Commissioner: I would take it then, we're very aware of the Manpower training situations and we are fortunate to be able to participate in it - I think the gist of the thing is that we can anticipate that we are not going to find ourselves unable to get these people placed with the unions on the basis of the fact that they are an appendage of the British Columbia jurisdiction of the union, and they are going to have to take their place at the end of the line in this regard. In other words, what you're telling me, Mr. O'Reilly, Mr. Chairman, is that you are not going to pay any attention to their original place of residence; you are prepared to extend to these people the same terms and conditions irrespective of where they come from?

Mr. O'Reilly: That's right, Mr. Chairman, and this also includes colour, race or creed. This is not on the application and no attention is paid to this as well.

Mr. Chamberlist: Mr. Chairman, my first question - I wonder if Mr. O'Reilly could say that his last remarks is also the opinion of all unions here with you today, all union representatives here

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LABOUR with you today? Can you speak on their behalf and especially perhaps Mr. Whiteford could speak on behalf of the teamsters union in that particular regard, because there has been the problem with the teamsters.

Mr. O'Reilly: Well, Mr. Chairman, I don't believe that the teamsters have an apprenticeship scheme program.

Mr. Whiteford: Excuse me, Mr. Chairman, are you talking about race or creed?

Mr. Chamberlist: No, no, no, no, no.

Mr. O'Reilly: To my knowledge, I don't think that the teamsters have an apprenticeship program.

Mr. Whiteford: Yes, we do have one, Mr. Chairman, and I'd like to say this in speaking on behalf of the basic trades that with contractors and the three-way pact agreement that we have in the Province of British Columbia, there is money paid in by the contractors to set up a training program. I think the operating engineers program is now in effect. I am not too sure about the labourers and town rock workers. Their program could be or is in effect, and ours will also be, and this by the way is sets per hour paid by the contractor to train the people to go out on the job to do the work the way they want done.

Mr. Chamberlist: That indeed is a satisfactory answer, I thought, and the thing that has been worrying me personally.

Mr. Whiteford: Feels strange to see a truck driver trained.

Mr. Chamberlist: Yes. In many ways it is quite flattering that union organizations have taken so much interest in the future of the Yukon. I hope it is not because the arch enemy of labour who heads the government in the south has chased you up here to look for new fields to conquer. It obviously appears to me that some of you have considered that the Shangrila of British Columbia isn't so, and you can see that there is a greater future up here. Now, it is our hope, and I'm sure other Members of Council will agree, that there is an attitude of co-operation must take place between the unions and those that are here to protect the interests of our people, and I feel that there has been many reason for complaint, and I am personally going to document at least twelve cases of which have been spoken. I understand other Members of Council are going to do the same to let you know in clear-cut terms that these things and prejudices against the people of the Yukon are taking place. You have heard other Members speak about proposed legislation that could be brought down if the co-operation that we ask for, on behalf of our people, does not take place. I put it to you this way - it would be quite a simple thing to do for this, the Yukon Territorial Council that is, to introduce legislation, and I want all union organizers to remember this, that this can be done, to make it illegal for an employer to honour a contract signed on behalf of his employees in another jurisdiction. Now, I am saying this because if there is any attempt in the future - we might as well lay the cards on the table - to penalize our residents of the Yukon Territory and although I have expressed myself, I am fully in support of union organizations, but if those organizations work to the detriment of the people of the Yukon, I will have no hesitation in supporting the principle that unless you have - your union has a hiring hall within the geographical borders of the Yukon Territory, that the contract would be declared illegal. I make this point clear so that you know we mean business, that we want to see our people get advantages of every employment that is available, and we have a responsibility to do that. I won't be lacking in my responsibility and I'm sure you will find that all Members of this Council won't be lacking in their responsibility.

Mr. Whiteford: May I ask a question on that, Mr. Chairman, on that last remark about the unions being forced to have a hiring hall within the boundaries of the Yukon Territory? Is this what your remark was?

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Mr. Chamberlist: Yes, my remark is if.....

Mr. Whiteford: You are now speaking on behalf of the Territorial Government?

Mr. Chamberlist: No, I do not speak on behalf of the Territorial Government, Mr. Chairman.

Mr. Whiteford: I was wondering how the contractor would feel about this remark, you know, considering that we just got finished talking about a training program for people. If you people stated that we must have a hiring hall within the Territorial boundaries of the Yukon Territory, and this particular contractor wanted certain types of people that were not available, you're not only doing a dis-service to the contractor, but you are doing a dis-service to the available people who are qualified to do this work, because in most cases the unions have a clause that states where people who are not qualified to do that type of work in the area will be shipped in at the expense of the contractor, and you understand what this means when you say that you will insist the unions have a hiring hall within the area means that they will apply to that hiring hall and will be giving away all of the benefits and rights that the union has negotiated on their behalf, and I think that's damn stupid legislation.

Mr. Chairman: Order, please. We will keep our language Parliamentary, please.

Mr. McKinnon: Mr. Chairman, I would just like to comment on the remarks of the Honourable Member from Whitehorse East. Under the system of government, Mr. Chairman, that we are saddled with at this time, each Member does speak for himself and not for the Council - they speak individually, particularly in my case, I am much more prone to try and go along the lines of finding methods of co-operation between the union officials and the Government of the Yukon Territory so that we can both work together for the betterment of the Yukon Territory and primarily the people of the Yukon Territory that live here. You will find me always ready, willing, and able to deal and co-operate. The Honourable Member from Whitehorse East made, more or less, a threat of legislation providing this co-operation was not met. To this time, today and in the past, have had nothing but co-operation from the different union officials, and I am sure that if this can be continued we will find that legislation of the type stated by the Honourable Member from Whitehorse East, speaking on his own behalf, will not be necessary in the Yukon Territory. Thank you, Mr. Chairman, I thought it worthy to clarify the point.

Mr. Livesey: Well, that brings up an interesting point, Mr. Chairman. I was wondering if Mr. O'Reilly could inform us with regard to the criteria at which point in time the trade union would establish, voluntarily, a hiring hall in the Yukon Territory.

Mr. O'Reilly: No, I don't think there is any specific time to establish a hiring hall in the Yukon Territory. I can think of numerous trades, and they are sitting in the Gallery, that it would be just useless for them to have a hiring hall in the Yukon Territory because you wouldn't find one of their tradesmen in the Yukon Territory for maybe two years; maybe a big training push was put on - maybe one year; maybe not for ten years, so why would they set up a union office here or a hiring office if there was no people in this category

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LABOUR that were working in the area, or lived in the area. Certainly we are establishing a building trades council in this area, and when the secretary is selected, who will be from the Yukon, and selected by this Council here, he will be able to take up a lot of these questions, he'll be able to answer a lot of these questions, and he will be of big service to the members in the area, to the Council, and to the betterment of the Territory, but I just couldn't say when a local union would put an office in this area.

Mr. Livesey: Well, Mr. Chairman, when I made reference to criteria, I was thinking of when you do establish a hiring hall in any area, not the Yukon Territory - surely there must be a basic, fundamental principle upon which you, as an organization, realize and then proceed, and I was wondering what those principles were, and if you could establish them here so that we could have a better understanding of your thinking with regard to hiring halls.

Mr. O'Reilly: Well, we're all in favour of hiring halls - organized labour as well as contractors because they know where the trained pool is and where to get their men when they need them in a rush, but I don't think there is any basic policy that I know of within the building trades of when they will put a local in the area. Some may have a policy when they reach a certain amount of members in the area, but my organization, for instance, last year had 200 people working in the Yukon Territory for four months. A representative was through the area once a month. If there were any problems or disputes or differences, this was taken up by this representative, but none of them required a hiring office here in the Yukon Territory. However, if there was a man out of work in the Yukon Territory, he would be working on the job in the Territory, but there was no need for a union hiring all as such.

Mr. Whiteford: Could I ask through the Chair the reason for the Member wanting to know about a local union being established in the area?

Mr. Livesey: Yes, the reasoning behind it, of course, is the question that obviously if we are going to work the resources of the Yukon Territory, and I hope we certainly are going to work them, and it looks as though we were going to work them, and management certainly would be interested in where they are going to find their employees, and as our resources are worked, well quite obviously we hope that the Yukon will grow and more and more people will come to the area and settle here, and as more and more people do, I would feel personally that this would be an incentive towards a local distribution of employment, locally in the area. This was what was behind my thinking, but what I was thinking was I was wondering if Mr. O'Reilly could give me his thinking so that I would become educated.

Mr. Whiteford: Well, I'd like to give you my thinking through the Chair, Mr. Chairman, regarding establishing local unions. As I understand from a short conversation with you in the hallway that you had been at one time connected with unions. I think you have to understand that unions - the membership paying their dues is what makes or establishes a union. Now, the smaller the union and the bigger the territory, the more dues they have to pay. This is quite simple mathematics. Belonging to a union that is already established - they are going to pay less dues per month and get good service, or they should get good service, and as members they have the right to demand it. Now, if they decide in this area, and I don't know of any union represented today, except maybe the carpenters who have been established for a long time here, that can really say that there is enough people under their jurisdiction to form a union and charge the dues, a reasonable monthly due structure

and still operate and get the service that they would get from a larger local. You understand what I am saying now? You also have - and remember when you're talking about \$4.00 or \$5.00 or \$7.00 or \$8.00 or whatever it is a month, you have affiliations per capita that you have to pay out of this, so you don't just take the \$7.00 and put it into the treasury. So, if you only have 50 members, or 25 members, or even 100 members, these people are really, as a local union, out on a limb. Whatever money they put in is all they've got to work on. They've got no help and, let's face it, unions have one right - to deal with their employer, and if they're not satisfied with the negotiations and the way they're dealing, they have a right to go on strike. This is the only weapon that unions have. I mean it is a startling fact, but strike is what a union is entitled to do according to the laws of any country. Now, you can only go on strike if you can afford it, and if you can't afford it you don't go on strike, so I would say that I don't think that you people have to worry about when the unions will form a local up here. I think that members, the people who are paying the dues and are accepted as members, will make that decision with the union involved when the time is right and when they think they can support themselves without having to pay an exorbitant fee per month. Does this answer your question?

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Mr. Livesey: Yes, Mr. Chairman, it certainly contributes to what I was trying to obtain from Mr. O'Reilly.

Mr. Dumas: Mr. Chairman, I think most of the problems we have had regarding hiring practices in the past year or so are a direct result of our extreme growing pains. I feel also that the unions are made up of responsible members, the executives certainly are, and I would like to think, and I do believe, that these problems will be ironed out now that the unions have been made aware of them, and aware of our feelings on them, and the people of the Territory's feelings. So, I am prepared personally to adopt a wait and see attitude, and let the unions go ahead and tackle this problem, because basically they are intra-union problems with hiring practices in the unions, and as I say I am prepared to wait and see what happens and have a further look at the problem at a later date.

Mr. Chamberlist: Mr. Chairman, I would like to point out to these gentlemen here that when my colleague from Whitehorse North suggested that I was making a threat, let me assure you there is no threat intended. I thought it should be clear that the Territorial Council has certain responsibilities to carry out if they do feel eventually that after all considerations by the union organizations, the situation isn't relieved for the people that we represent, and certainly we have some quite heavy debates, and I could debate that thing with him, but we're not here to debate with him now, we're just here to try and get from you the co-operation we need, and this is all that I'm concerned about. The one point that I would wish to bring up at this time is the reference that Mr. O'Reilly made a little awhile ago to the need for tradesmens' qualifications and examinations before permission to work would be granted, and during our coffee-break I ventured to give my views to one of your people and with which he agreed with me, and I would put it to you this way - we have many people up here who are capable tradesmen, and I have employed many myself, who are not necessarily able to accept an examination or pass an examination, but they are people who are capable tradesmen, people who have been employed up here on some of the larger projects. Is it the suggestion of Mr. O'Reilly that you would not allow him to work if he was unable to pass one of your trade exams, notwithstanding he has been working in the trade here for 20 years in the past? I would like to answer that question because it is of great interest to a large number of trades people living and working up here who have never had the opportunity to

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LABOUR take the technical side of their training to make them tradesmen but who have, because of their practical use in the particular trade, have and do enjoy the name of being an expert top tradesman. I would ask you to clarify your stand on that particular issue.

Mr. O'Reilly: Well, Mr. Chairman, you're never going to develop the Yukon Territory with every tradesmen in this category. Further, I would say this that there is textbooks available to this type of employee, an unlimited amount of textbooks, so that this man can put himself in a position where he can qualify the trades test. I, being a contractor, paying the top rates in the industry, I wouldn't want a second-rate mechanic. If I were a contractor in the industry when this man was sent to me on a top rate, I would want to be able to ask him for a certificate, and I don't think there is any excuse for a mechanic not having a certificate, or not being able to pass a trades test because there is just too much literature and text available to him to study this to become a top tradesman. Now, furthermore, I would just like to - I don't know if you are in the construction business, but if you are, here is the problem we have run into - gone into a contractor's office and we say you have competed on this job. You're a non-union contractor. Do you wish to sign the agreement? He says no, I don't want to. Go out and sign up my employees. If they join the union, that's fair enough with me. You go and sign up all his trade mechanics who are getting \$2.00 an hour, as I have pointed out before; he is now in a position to sign an agreement to pay them \$4.25 an hour. He says please replace these tradesmen, now that I've got to pay them another \$2.25 an hour, they have no trades test, they haven't been through the apprenticeship program; they are not tradesmen. Your agreement says that you will supply full and qualified tradesmen. Now, is it Territorial people here going to support the building trades unions when they go out to the non-union contractors that are now in the Territory, sign up their employees, and then be faced with the residents of the Yukon Territory to be sent home and replaced with trained mechanics because these people don't have the qualifications, but I must say this in answer to your question, if you have a 25-year man who does not hold a certificate, there is no excuse in the world why he shouldn't have one, because everything is available for him to obtain it.

Mr. Chamberlist: Well, I understand what you say, Mr. O'Reilly, but..

Mr. Chairman: Please go through the Chair.

Mr. Chamberlist: Oh, I'm sorry, Mr. Chairman. I understand, Mr. Chairman, what Mr. O'Reilly said, but I wondered if Mr. O'Reilly can sell his idea to the electrical trade union. For your benefit. I have been in the electrical construction industry since I have been knee-high to a grasshopper, and my father before me, you see, so I am familiar with the construction industry. Now, my point is this, there are people who are tradesmen, not specifically in the electrical trade, but in other trades who cannot read a text book. There are plumbers and fitters who are top tradesmen; there are steamfitters who are top tradesmen, because they are practical tradesmen. Now, as I said there is a difference between a tradesman vocational-wise only, and technical. It is the submission of Mr. O'Reilly, Mr. Chairman, that only those that can read are tradesmen. Well, I beg to differ because we have up here and these are the people that I am concerned about, that we have up here skilled tradesmen who I would employ with 20 years service much quicker than the boy who has passed an exam who has just reached the age of 21 years. Surely, Mr. O'Reilly is not suggesting, Mr. Chairman, that this boy of 21 who has just passed a test is a superior tradesman to the man who has been handling the tools for 20 or 15 years. This is the thing - the answer that Mr. O'Reilly must come up with.

Mr. Whiteford: May I ask a question through the Chair?

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Mr. Chairman: Order, please. One person at a time.

Mr. Chamberlist: This is an answer that must come of what happens to those tradesmen who are already up here, have their roots here - one in particular I know is a man of 50 born here with his family here, who hasn't got a tradesman certificate, but as well qualified as any that I have come across in the plumbing industry. Is this man deprived of being referred to as a journeyman just because the union says this is our hiring practice and we do not consider you a tradesman, so that your employment must stop now, and that you must start an entirely new and different vocation. You must go and employ yourself as a street sweeper if you want to. The fact that you have been in this trade all these years matters not to us. Now, this, with respect, Mr. Chairman, is what Mr. O'Reilly has to sell to me in a hiring practice.

Mr. O'Reilly: Mr. Chairman, if I may I would sure hate to be the electrician that came to this foreman and couldn't read blueprints and had to hook up a hot line, I would sure hate to be this journeyman, because if this man can't read the print - as you say he can't read or he can't write, he can't understand symbols, and he is to hook up a hot line of 280,000 volts, I would sure not want to be the journeyman to work under a forman who couldn't write or read blueprints.

Mr. Chamberlist: Mr. Chairman, I certainly wouldn't like to be employed with somebody who talks about 280,000 volts in a manner that makes it a little bit illiterate in itself, with due respect.

Mr. O'Reilly: I'm not an electrician, I'm sorry.

Mr. Chamberlist: That's why. You see, this is why you wouldn't understand the situation and what you said is so far removed from the very principle that I am extolling now. I cannot really continue beyond saying to you, Mr. Chairman - beyond saying to Mr. O'Reilly there must be consideration given by union organizations to those people who do not satisfy your by-laws but satisfy the requirements of the people of this Territory. To me, this is more important, if they have proved, Mr. Chairman, beyond any reasonable doubt that they are skilled tradesmen, that they have served the people in the Yukon as skilled tradesmen, then I would, with respect say, Mr. Chairman, that it is beyond the competence of a union to come along and say to these people you shall not be employed.

Mr. O'Reilly: Mr. Chairman, I don't think that there is any implication that the union says they won't be employed. You have to realize that this trade test isn't a union test. This trades test is a trade test within the trade, and I am certainly glad that the electrician that wired up my house had a certificate because I would feel mighty uneasy to have an electrician come in and wire up my house with my wife and kids living in there, that didn't have a certificate or couldn't read the blueprints of the installation and the hooking up of these electric stoves and furnaces and the rest, I would certainly - I think that this chap would be well advised to get his nose into some books and get himself a certificate and take his trades test because I certainly wouldn't want to put my family in that situation with an electrician wiring my house.

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Mr. Chamberlist: Mr. Chairman, the Second Narrows Bridge fell down. That was done also by qualified certificated people, you know. You can have a fire in any premises.

Mr. Whiteford: That was faulty steel. Are you talking about the tradesmen on that bridge?

Mr. Chairman: Order, please. We can only have one person talking at a time in the proper sequence of order.

Mr. McKinnon: Mr. Chairman, I seriously suggest we're getting away from our purpose that we're here for, and that's to be of mutual benefit between the union representatives and the elected Members of the people of the Yukon Territory, and I am extremely interested in looking into the field of union co-operation in an attempt for graduates of the Yukon Vocational School to be able to get licenced under some system or another. As it is now, they come out ready to be apprentices. They apprentice for their period of time. There is no procedure in the Yukon whatsoever that they can be licenced. There is no competent board to review their apprenticeship status and give them a licencing certificate to be a qualified journeyman. I spoke with some of the members at lunch this afternoon, and the carpenter trade in particular seemed quite willing to send up a licencing board so that these people could be certificated. Now, I wondered if this is general throughout the union, and if Mr. O'Reilly or Mr. Fraser can speak for the union that they would be willing in all the trades to do this type of licencing or certificating for the people of the Yukon Territory?

Mr. O'Reilly: Well, Mr. Chairman, one instance I would like to point out is local 170 of the Pipefitters Union - they have a mobile unit going around. In fact, I believe they had their trades test in Prince George when I was on my way up, and they will move into every and any area and give the trades test so the people can take the test. Our organization - our trades test or examining board are portable, and I couldn't say this for all the trades whether they move in the other areas. In the Kitimat days when there was 4,000 or 5,000 people in there, some of them had to move in this area, examining boards, so the construction worker could take his trades test on the big projects. In the apprenticeship, of course, it's different, because this young fellow takes his trades test when he graduates. The day he leaves that school is the day he takes his trades test. With the mechanic that doesn't serve an apprenticeship, well this is another thing. He takes a trades test whenever he can get in to take a trades test, or whenever the portable board is there to examine him, and in this modern day and age, we're eventually going to get away from these people that are jack of all trades and master of none. There are going to be all skilled crafts, and the only way you're going to have all skilled crafts is through the apprenticeship training program. I mean this might not be 100 per cent in my time, but in the future it will.

Mr. Chairman: Just in speaking from the Chair, I think one question that must be sitting in the back of many Member's minds at this point, just before we leave this subject, is the standards that we speak of, these trades tests, are they in excess of those which are required by the Federal vocational people? In other words, are they any harder than what is attained in a vocational training school or are they indeed the same?

Mr. O'Reilly: They are indeed the same books. The same text books are used by the person that can't serve an apprenticeship when he is learning at the trade. He has the same text books that are used in the school, and the test is given on the same basis.

Mr. Chairman: Thank you.

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Mr. O'Reilly: Although, not quite as technical on some of it.

Mr. McKinnon: Under the Apprentice Training Ordinance, and this is what most of the provinces have so that they can share in Manpower grants, we have an ordinance applicable to the Yukon Territory so that we can share with Manpower grants also from the Federal Government. There are 24 areas that fall under the Apprentice Training Ordinance. Now, it is absolutely impossible with the limited population of the Yukon Territory to set up licencing boards in all of these 24 apprentice areas, and I think this is one area where we could work for the mutual benefit of everyone in co-operating with the different licencing boards, and if the representatives of the unions could help the Yukon Territory in any way in the facilities of these licencing boards available to the Yukon Territory at such a time when there are certain number of apprentices who would like to be licenced, I'm sure that it would be very helpful to us, and I would like the representatives to examine whether under their trade this would be possible to help the Yukon Territory.

Mr. Shaw: Mr. Chairman, the objective of this meeting, I think, is to listen to the various problems that both we, as representatives have, and the problems that the members that are here from the unions have, and to try and resolve some of these problems. I think that this discussion has been or should be most fruitful because it does give our concern somewhat of a picture of what is at present occurring, and I wondered if Mr. O'Reilly would feel that through these discussions the unions collectively are well aware of the fact now that problems do exist and that every attempt will be made to try and iron them out to see that it will be to the mutual benefit of all the people concerned, especially in the Yukon, being a small fraction that it is, we will certainly get some very serious considerations in order that they may, we'll say, get fair treatment in these matters.

Mr. O'Reilly: Well, Mr. Chairman, I don't think there is any doubt in my mind, and I don't think there should be now any doubt in Council's mind - looking at the gallery there, I think we've got every trade representative of the 18 crafts who were interested enough to come into this area for a week or whatever time they have to spend in here to try and straighten out any problems or any misunderstandings that there has been in the Territory, and hope that we can by experience, can remedy any malpractices that have gone on, but we certainly are going to look for some support from the Council as pointed out with the non-union contractors in the Yukon Territory. All of these contractors have employees that have been with them a good number of years, and when we go in and sign these employees up and tomorrow the contractor says you're down the road because you can't fill the bill on some technicality, we would certainly like to have some support to say well, these dozen men or these two dozen men were good enough to work for you for a year, or two years, or six months; now, because they are a member of the union you have had to increase their rate by a dollar an hour, they're no longer of any assistance to you, or you want a better mechanic, and these are some problems that are between ourselves and our contractors, and we go through these problems every day with our contractors, but if we don't send them all top-notch men, we stand to ridicule and no organization is foolproof, no organization has all top-notch men. Some are always better than others, and I think out of this meeting here - it has been very informative, and I think there will be a lot of meetings going on after we leave here, and I think you'll see nothing but betterment come out of this for the Yukon Territory.

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Mr. Chairman: Well, gentlemen, at this time I think we have more or less gone about as far as we can go today. It's been a heavy load on the stenographer, and we still have to conclude, and I was just wondering in summation, if we allowed a couple of minutes for each gentleman here in case there was something they wanted to say until we brought this meeting to a close. Mr. Whiteford?

Mr. Whiteford: Nothing to say.

Mr. Chairman: Mr. O'Reilly?

Mr. O'Reilly: I think it has all been discussed pretty well.

Mr. Chairman: Mr. Fraser?

Mr. Fraser: Well, I was just going to say one thing as far as the apprentices out at the Vocational School up here are concerned that I had a meeting with Mr. Laing of the Department out in Vancouver and we requested Mr. Simpson, the Director of the British Columbia Apprenticeship class, to attend that meeting, and he gave his full assurance and co-operation with the Vocational School up here in regards to the training of apprentices. I don't know if they have ever been in contact with Mr. Simpson on this, but he said that he would be willing at any time to be of full assistance in his office in B.C. as far as the apprentices are concerned.

Mr. Chairman: On behalf of all Members of Committee I do wish to thank you and your colleagues for coming to this discussion, and showing your interest and giving us the information that you have, and consideration that you have. I'm sure that I speak on behalf of all Members of Committee when I speak at this time.

WITNESSES
LEAVE

WITNESSES LEAVE

Moved by Councillor Shaw and seconded by Councillor Chamberlist that Mr. Speaker do now resume the Chair.

MOTION
CARRIED

MOTION CARRIED

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

REPORT
OR CHAIR-
MAN OF
COMMITTEES

Mr. Chairman: Mr. Speaker, the Select Committee on Labour convened at 2:05 p.m. to discuss matters related to labour. Messrs. O'Reilly, Whiteford, and Fraser attended Committee to assist in discussions related to hiring practices in the Yukon Territory. I can report progress in this matter. It was moved by Councillor Shaw, 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?

All: Agreed.

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

Mr. Taylor: Mr. Speaker, in respect of the agenda, we have little before us to accommodate ourselves tomorrow and I believe that the Financial Advisory Committee would usefully employ themselves during the day on matters financial and I would recommend that we do not sit again until Thursday morning at 10:00 a.m. I would so move, Mr. Speaker.

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

MOTION CARRIED

MOTION
CARRIED

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

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10:00 o'clock A.M.

Mr. Speaker reads the daily prayer. All Councillors present.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will call Council to order. I would like to draw to your attention this morning the first page of the Rules of the House, supplied by the Clerk. I would also like to table Sessional Papers Nos. 21, 22, 23 and 24 and also a letter addressed to Mr. Speaker from the Commissioner which reads as follows: "In compliance with Motion for the Production of Papers No. 2, copies of the Tenders for Fuel Supply have been handed to each member of Council, and I now table that document. Are there any reports of Committee?"

Mr. Dumas: Question of privilege, Mr. Speaker. I beg the indulgence of the House so that I may leave any time after ten-thirty? It is a matter of urgency.

Mr. Speaker: Is the House agreed?

All: Agreed.

Mr. Speaker: Introduction of Bills. Notices of Motion? Or Resolution?

Mr. Taylor: Mr. Speaker, I would like to give Notice of Motion respecting Sessional Papers Nos. 21, 22, 23 and 24. NOTICE OF MOTION NO. 13.

Mr. Speaker: Are there further Notices of Motion? Are there any further Notices of Motion this morning? Under Orders of the Day, Notices of Motion for the Production of Papers. We have no Motions for Production of Papers and standing on the Order Paper, Motion for the Production of Papers passed No. 1 and No. 2. Under MOTION NO. 12 Motions we have Motion No. 12. It is moved by the Honourable Member from Whitehorse North, seconded by the Honourable Member from Whitehorse West. It is the opinion of this FINANCIAL AGREEMENT Council that when the Federal-Territorial Financial Agreement for the years 1969-71 is negotiated, consideration shall be given to the implementation that the principle of community development grants should be specifically itemized and written into the Appropriation Ordinance. Would the Honourable Member be prepared to discuss this Motion at this time?

Mr. McKinnon: Yes, Mr. Speaker, I would not like to take up too much time of the House in discussing this Motion as it has already been discussed thoroughly in Committee. First of all behind the Motion, and it has been stated many times in this House that there cannot be the slightest question in my mind that any member of this Council should have any control over any part of monies raised through taxation. Every member who spoke on the principle of community development grants agreed with the principle of this. Mr. Chairman, Mr. Speaker, excuse me, we have been informed by the Commissioner that due to the lateness of the day it would be impossible to incorporate the principle behind this Motion in the Budget for the present fiscal year. The Motion merely indicates that at the time when re-negotiation, or negotiation for the new fiscal year 1969-71 begins, that at that time there should be consideration given to the principle that all Members have espoused in this Chamber that the

MOTION
NO. 12

Mr. McKinnon continues...

Community Development Grant should be specifically itemized and written into the Appropriation Ordinance. Mr. Speaker, it does not say that it is going to come about, that if conditions completely unfavourable to the spending of these monies should be put forward by the Federal Government then the principle behind this Motion will have to be foregone. However, things remaining as they are, I can see no real objections to the idea behind this Motion, Mr. Speaker.

Mr. Speaker: Mr. Taylor.

Mr. Taylor: Mr. Speaker, this has long been a subject of some controversy, certainly with this Council. The Motion states that having been accepted, would say that consideration shall be given to the implementation of this particular principle as expounded by the Honourable Member from Whitehorse North. There is no doubt it is a principle which has a great deal of merit. However, I could not concur with this Motion because I feel we are crossing bridges before we have come to them. The matter of Community Development Grants is near and dear to everybody's heart in the Yukon; certainly in the outlying districts for this money provides our community recreational facilities to a great extent to all communities throughout the Yukon where we do not have a diversity of entertainment as you have in the larger more populous centres. I feel that this matter will properly be discussed when the next fiscal agreement is negotiated. Certainly it shall. It forms part of the existing fiscal agreement and I think it would be premature not to pre-suppose what the thinking will be of Members of Committee or Council as the case might be when they do discuss this when negotiating the next Fiscal Agreement and therefore I would like not to commit myself to any course of consideration until such time as we specifically deal with this question. This is about all I have to say on it. We have talked a great deal on this subject but I will oppose the Motion and I will cross that bridge when I come to it but I will not pre-commit myself to consideration of any sort at this time.

Mr. Speaker: Mr. Shaw:

Mr. Shaw: Mr. Speaker, in my opinion the motion is a little ahead of time at the present moment. I agree with the principles as expounded by the Honourable Member from Whitehorse North. I think I have stated that on various occasions. However, when we have principles that we must invoke, there are also certain protective measures that shall be taken involved with these principles insofar as past practice has pointed out that by invoking a principle it has, and I state this Mr. Speaker, I state this because I know that these are facts, have been harmful to some sections of the Yukon population. In my previous discussions I have agreed with the principle. However, I felt that in all fairness to the people in the Yukon Territory, we should have certain guidelines whereby we could follow these principles. Principles are something that can be bent in many ways. It is considered by many people that when a government loses a vote, they get out of power but some people figure that is not so. Now there is nothing - principle is more involved in a matter such as that. However, whichever side you happen to be on you may look at it in a different manner and you may be right and you may be wrong. Then in other words let us say that that principle apparently is extremely debateable so that we do have a certain area where protection must be given in line with principles so that in this particular Motion Mr. Speaker, the matters of protection which I ask for are not included in this Motion, and being somewhat of an old hand at this business

Mr. Shaw continues...

I would say that when the matter comes up for consideration the first thing that would be considered is the fact that this is the way the Motion reads. The other was just talk. Here is a Motion that is passed by the Yukon Council; this is what we have. It doesn't say anything about what is my concern and when the decisions come about what is my concern Mr. Speaker, will be considered as mere verbiage. It is not contained in the Motion. This is what the Council of the Yukon Territory wanted; this is what we are going to invoke. So, in conclusion Mr. Chairman, I will agree with the principle but I don't agree with the Motion at this time.

Mr. Speaker: Order.

Mr. Shaw: We have until this Fall to consider the matters of the Financial Agreement for 1969-71 and I am sure that the Honourable Member from Whitehorse North, will find me most amenable to this principle, providing a principle of persons having their just any equitable share is also..... and that is all I have to say on this matter Mr. Speaker.

Mr. Speaker: Thank you Mr. Shaw; Mr. Dumas.

Mr. Dumas: Mr. Speaker, the Honourable Member from Watson Lake said that the Community Development Fund is something that is near and dear to the hearts of all Yukoners, especially to those outside of Whitehorse. I suggest that this is probably so but neither this Motion or any other suggestion regarding the Community Development Fund would deny Yukoners the use of this fund; it is merely putting it on a more equitable basis, a more democratic basis for distribution. The Motion merely asks for consideration; consideration at a future date. Now, if this Council is not prepared to consider something at a future date then I suggest that the whole exercise that we went through last Fall went for naught because last Fall we asked the Federal government to sit and talk and consider problems with us. We can make these demands of the Federal Government but apparently these demands cannot be made of us. I wonder about this Community Development fund and I wonder about all this talk of principle. If a person agrees with the principle of the Motion then surely he must agree with the Motion, because it is merely consideration of a principle. The principle, the idea of an individual spending a taxpayer's money, this is what we are talking about. And anybody that sits in this Council or any place else tells me that it is all right for one man to say where the taxpayers' money is going and make no mistake about it Mr. Speaker, it is one man that decides where the taxpayers' money is going. Anybody that does that is going against the principle of democracy and the principle of our..... that principlenice as it may be to have this money to spread around

Mr. Speaker: Any further discussion. Mrs. Gordon.

Mrs. Gordon: I represent one of the outlying areas Mr. Speaker, and I concur with the Honourable Member from Watson Lake and the Honourable Member from Dawson and to the Honourable Member from Whitehorse West, I would say that I think at this moment in the evolution of our Territory we are approaching a bridge but maybe by the time we reached that bridge it may have been washed out. We have other considerations to make at that time at which this principle will apply far more wholeheartedly than it does at this moment. I would not cross a bridge before I come to it

MOTION #12 Mr. Speaker: Councillor Chamberlist.

Mr. Chamberlist: Mr. Speaker, there is a lot of difference between the principle of an idea and attempting to say that being opposed to a specific motion, especially when it is submitted, I submit Mr. Speaker, in a somewhat lackadaisical manner. I made special notes of the remarks made by the Honourable Member from Whitehorse West when he used the words, at some future date, as if he were reading the words from the Motion. Now, if those words at some future date would have been the time, I may well have been inclined to take another look at it, but here is a date specific that is mentioned in this Motion. I have already made myself clear that on the general principle I am in favour but that I have also said that I do not wish to place in the hands of the head of the Administration powers beyond which he already has. Now this is my objection and I say this because we do not know what is in store for us in a somewhat faded white paper, which is fading into the distance; that is to be presented to the Federal House of Parliament. Now until such time as the content of that document is made known and until such time as we know that indeed any financial agreement will be referred to as a Federal-Territorial Financial Agreement or the terms under which any finance and taxes in the Territory ought to be spent, how it is possible at all to even consider a motion of this description. I think that the Honourable Member from Whitehorse North has been somewhat premature in bringing a Motion of this type forward but then there are some of us with grey hair who have the knowledge to stop and wait before proceeding on our actions. I would also say some of us with grey hair and some of us without hair. I am therefore suggesting Mr. Speaker that the Motion being premature, it is not against the principle that I will vote in this instance. I will vote against the reference to when the suggestion is to be implemented. I think that the Motion itself is an exercise in partisan politics and I welcome it

Mr. Speaker: Order, Order!

Mr. Chamberlist: completely but it must be also understood that those of us who are in responsible position to accept or deny the needs of the people of our individual constituencies have the right to wait until all matters pertaining to the development community grants are before us. I do not think that we can act on this Motion until such time as the proposed White Paper and the contents thereof is made known to us and I would therefore vote against the Motion.

Mr. Speaker: Would the Honourable Member wish to close the debate.

Mr. McKinnon: Mr. Speaker, the espousal of a principle is never premature or lackadaisical. If the Honourable Members will go back to the Votes and Proceedings when I was a member of Council prior, they will see that I have never waived on the principle of these community development grants. I have always stated that it was wrong for an elected member to have any say in the spending of one cent of a tax dollar and Mr. Speaker, I would challenge any member to say I have ever waived in the espousal of that principle. This Motion, Mr. Speaker, does not commit this Council to changing the spending of the monies raised through the Community Development Grant in any way whatsoever. It merely states that when re-negotiation of the three year agreement comes up, at that time consideration should be given to changing the method in which

Mr. McKinnon continues..

MOTION #12

the Community Development Grants are dispersed. It is nothing but putting on record a statement of the principle that every Councillor here has mouthed and when they have a chance to do something about it, refuse to do. Mr. Speaker, when I was on my Sabbatical from Council and away from.....

Mr. Speaker: Order!

Mr. McKinnon: one could take an objective look at the Proceedings of this Chamber at that time.....It always puzzled me how the Councillors could mouth, mouth endless streams of verbiage in favour of the principle of responsible government yet when the positive action in this direction that would be presented at the Territorial level, complete condemnation of such an idea would be immediate. Mr. Speaker, I think that this is just further proof of what Ithen still holds true by many of the members of this Council Chamber. I have read into the record, Mr. Speaker, where Mr. Thomas's thesis on the granting of responsible government to the old North West Territories, now Saskatchewan and Alberta, and one of the best moves that Frederick Haultain ever made in showing the Federal government at Ottawa that they were now ready to accept the principle of responsible government was when they decided to get rid of their slush fund and Mr. Speaker, at that time Ottawa considered that now the Territories were ready and able to govern themselves because they realized and put into practice the principle that now elected members would no longer have control over any of the taxpayer's money but it would be in the Administration Ordinance specifically where it belonged. I cannot see how an Honourable Member can misread a Motion which to me is extremely clear. It changes nothing, the only thing it does is make them put their principle where their mouths are. Thank you Mr. Speaker.

Mr. Speaker: Are you prepared for the question on the Motion.

All: Question.

Mr. Speaker: Are we agreed?

All: Division.

Mr. Speaker: Division has been called. Will you proceed
Mr. Clerk.

Mr. Clerk: Member from Whitehorse North.

Mr. McKinnon: Yea.

Mr. Clerk: Member from Whitehorse East.

Mr. Chamberlist: Nay.

Mr. Clerk: Member from Dawson:

Mr. Shaw: Nay.

Mr. Clerk: Member from Watson Lake.

Mr. Taylor: Nay.

Mr. Clerk: Member from Mayo.

Mrs. Gordon: Nay.

Mr. Clerk: Member from Whitehorse West.

MOTION #12 Mr. Dumas: Yea.

Mr. Clerk: The division is two yea; four nay.

Mr. Speaker: Thank you Mr. Clerk. I declare that the Motion has not carried.

MOTION
DEFEATED

MOTION DEFEATED

Mr. Speaker: We will now proceed to the question period. Are there any questions?

QUESTION
NO. 18.

Mr. Chamberlist: Mr. Speaker, I have a question addressed to the administration's Legal Adviser. Mr. Legal Adviser, if Federal Bill No. C186, passes in the Federal House, will the terms take precedence over our proposed Labour Provisions Ordinance?

Mr. Legal Adviser: I am not familiar with what is Bill C186.

Mr. Chamberlist: Well, I wonder if I could give you notice of that question so that you may - Bill C186 is the Canadian Labour Provisions.

Mr. Speaker: Yes, I would suggest from the Chair that the Honourable Member will be well advised, I believe, to give notice of motion. Any further questions?

QUESTION
RE
TENDERS
FOR
SUPPLIES

Mr. Dumas: Mr. Speaker, I would like to ask Mr. Commissioner if there is any preference given or special allowances made when tenders for supplies are called, for suppliers in the Yukon Territory.

Mr. Commissioner: Mr. Speaker, no, the regulations, as they are written, to the best of my knowledge, do not indicate any special preference for the geographical location of the tender.

QUESTION
RE
ANTI-
NOISE

Mr. Chamberlist: Mr. Speaker, this is a question addressed to the Commissioner. Will the Commissioner consider taking steps to alleviate the distress of Councillor Shaw by asking the Municipality of the City of Whitehorse to have a noise by-law passed so that he can get some sleep at night?

Mr. Speaker: Mr. Commissioner, would you care to answer that?

Mr. Commissioner: Mr. Speaker, I don't know what authority I would have in this particular regard but as I certainly have a particular interest in the health and welfare of all Councillors if my suggestion to the city that a by-law such as this would be in the interests and help to propogate the general attitude of our legislators here I will be very happy to ask the City of Whitehorse to give some consideration to this particular matter, with particular regard to Councillor Shaw, and also I understand to the Speaker of this august body who, by virtue of their long-time association with a certain hotel in this town, they should certainly be entitled to some consideration along this line.

Mr. Speaker: Are there any further questions?

QUESTION
NO. 19.

Mr. McKinnon: Mr. Speaker, I have a written question? In a Press Release from Ottawa dated March 8th, the Honourable Minister of Indian Affairs and Northern Development, Mr. Laing announced that \$75 Million Dollars was to be cut from his Departmental estimates. Mr. Laing stated that spending in all Departments will be trimmed to compile the reduction.

Mr. McKinnon continues....

What will be the effect on the Yukon from these reductions?

Mr. Speaker: Are there any further questions?

Mr. Taylor: I have a question I would like to direct to the Commissioner this morning. I would like to ask the Commissioner if he could advise me if he is as yet able to say when these frontier-package television facilities will be placed in the communities of Dawson, Mayo and Watson Lake as referred to in the last Session.

QUESTION
RE T.V.
FRONTIER-
PACKAGE

Mr. Commissioner: I am afraid I cannot give any definitive answer to that. We are constantly made aware by things that have to do with these frontier packages that the CBC are proceeding with them and when I say this, for example an inquiry concerning land as to where the facility itself would be located which would indicate that they are working on it but as far as me being able to give any definitive answer to this I can't do no more than say that as information comes to us I will be very happy to pass it on to the House.

Mr. Speaker: Mr. Dumas.

Mr. Dumas: Mr. Speaker, on the first day of this Council Session the Speaker asked the Clerk of the Council to have keys made for each Council Member. It has been some ten days now; of course we all know how long it takes to cut a key. I am wondering if there are regulations, security regulations or something to this effect that will not allow us to have keys.

KEYS FOR
COUNCILLORS

Mr. Chamberlist: Point of order; who is this question addressed to?

Mr. Dumas: The Commissioner.

Mr. Chamberlist: Oh, thank you.

Mr. Commissioner: Mr. Speaker, this request has been passed on to the Department of Public Works who control this aspect of the building here. I don't know just how far they have gone on the matter. I saw yesterday or the day before that I think they have the locks removed on some of the doors around here while they were in the process of cutting keys. Perhaps Mr. Clerk may have something I am not aware of on this subject, Mr. Speaker, that will throw some light on this.

Mr. Clerk: Mr. Speaker, the keys are available for the Councillors this morning. However, there was an error made in the one door. That lock is missing this morning and it is being fixed at the moment and as soon as it is installed everything is ready to go.

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

Mr. Taylor: Just one note, Mr. Speaker, is that question number nine has been answered as of this morning.

Mr. McKinnon: Mr. Speaker, what is the status of Crown land in the metropolitan area of Whitehorse at this time? Has it now been turned over to the Territorial.....

QUESTION
RE STATUS
CROWN LAND
IN WHITE-
HORSE AREA

Mr. Commissioner: Mr. Speaker, the map outlining the exact area which is effectively pretty well in line with the metropolitan area, is in the process of being approved under the change which have recently been given effect to in the House of Commons. I believe that there are three or four different Federal statutes involved and we anticipate that this matter will be concluded almost any day and that this transfer will then take effect by that time. I can assure you that as soon as it has been I will be advising Council whether Council is in session or whether it is not.

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

QUESTION
RE
RESOURCE
CONTROL

Mr. Taylor: Mr. Speaker, I have one final question. I would direct this question to Administration. Possibly Mr. Commissioner can answer this question. In view of the fact that resource control as it affects the Yukon Territory, is now in the hands of the Department of Northern Affairs and in view of the fact that indeed it is a duplication because we do have a Federal Department of Mines, Energy and Resources, I am wondering if Mr. Commissioner, or the Administration, or any member of the Administration could inform me this morning as to whether any consideration has been given to turning this resource control in the Yukon Territory over to the Department of Mines, Energy and Resources.

Mr. Commissioner: Mr. Speaker, if such consideration ever has been given I am certainly not aware of it in any way at all.

Mr. Speaker: Are there further questions. If not we will proceed to Public Bills and Orders.

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

MOTION
CARRIED

MOTION CARRIED

Mr. Chairman: Gentlemen, the first item of business is Sessional Paper No. 4. I will declare a short recess until we get our papers in order.

RECESS

Thursday, March 14, 1968.

11:00 o'clock, a.m.

Mr. Chairman: At this time I will call Committee back to order and the first matter of consideration is Sessional Paper No. 4. We'll proceed. SESSIONAL
PAPER #4

Mr. McKinnon: I would move that the contents of Sessional Paper No. 4 be accepted by this Committee.

Mr. Dumas: I second the motion Mr. Chairman.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Well Mr. Chairman, we have a motion that leaves one very little leeway. Now Section No. 4 states: "The function of Community Development Grants is to assist in the provision of lasting amenities in outlying areas such as a community club building. That is very good but, there are many Mr. Chairman, there are many facets of this besides community club buildings such as a community club building that is somewhat restricted and we have matters such as a swimming pool, we have matters such as a skating rink, we have matters such as a playground we have matters such as, possibly, a recording system in a in a very small community so this is somewhat restrictive if we go by just exactly what is meant by this particular section. I personally, I might as well reiterate, because we are getting to this where it is necessary, I don't object to this money going to the budget, all I have asked for Mr. Chairman, and I see it in no document, this is what we always have to go by when this petition, this information comes about when we refer to the specific paper, to the specific motion, not to what Members may discuss and I have stated very clearly very emphatically that I do not object. I think, I agree with the Honourable Member from Whitehorse North on the matter of principle to provide, the matter of principle Mr. Chairman can be construed in many ways. A man does a crime he gets hung or is sentenced to be hung. A person who has made an act to pass a law or gives an opinion that this person shouldn't be hung. Again it's the principle the law says a man shouldn't be hung. So therefore we cannot go exactly according to how a principle is laid out, how a principle is thought about but not laid out, that's what I should say. Now if this has flexibility as I have pointed out, all communities, small areas they have an awful time in sometimes determining what their requirements are until possibly the last moment. I know that that is not according to Government principle because we have to have these recommendations in months and sometimes a year or two before. If it has the flexibility which I require and the security which I am asking for by all means, I agree. The flexibility is such that we have the right, the Members have the right to introduce these expenditures into the Spring Session and into the Fall Session. In other words, we don't have to wait a period or start two years ahead in order to get them. That's all I ask Mr. Chairman, I know it will make a lot more work trying to get these fellows to get cracking on these things but nevertheless that is the case. I'm in agreement with that proviso, the other proviso is that this money is allocated in the normal course of events to each electoral district as it has been in the past that they are entitled to that. Another proviso is, Mr. Chairman, the lapsing balances will only occur at the end of the agreement with the Government of Canada, not from year to year because many of these projects due to climatic conditions and what not cannot be foreseen in the winter or....cannot be completed in less than a year. If I am assured Mr. Chairman that these things will be in fact put into a paper I will certainly go along with it and I can say that I can't see anything unreasonable about that, it's a matter of endeavouring to have as much as possible for the people of the

SESSION- Mr. Shaw continued:

AL PAPER Yukon. It doesn't take anything away, it doesn't give anything, it conforms with these exceedingly high principles that have been espoused here from time to time and that's all I ask.

#4

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, as far as I am concerned there is only one portion of this whole paper which consists of four complete pages that has to be answered right now and that's the last three lines which reads as follows: "Unless Members of the Council have any change to suggest in these arrangements, it is proposed to put this integrated grant formula into effect without delay." My opinion, these are the only three lines that matter. I would suggest therefore that when it is written in this particular way we are being told what is going to take placenecessary, any change is requested. Well, I for one will say this, this whole matter should not be discussed any further until the next time a fiscal agreement notwithstanding whatever type of fiscal agreement it is, is discussed and it shouldn't be raised nor should the Commissioner be given the authority to put this grant formula into effect without delay as he puts it for I would suggest that we proceed on the motion that has been moved by the Honourable Member from Whitehorse North and proceed rather to vote it down.

Mr. Chairman: Councillor Livesey:

Mr. Livesey: Well Mr. Chairman and all other Members I am also agreed in principle, no question about that but there have been a lot of other principles that have been disregarded in Yukon Territory and I notice some Members believe in The principle of good Government, the principle of the people being responsible for their own government, their own affairs. The principle that after an election the people can put their promises in effect. This never took place in the Yukon at any time I know of. All these things, if we want to we can go back and discuss them. Hundreds and hundreds of these principles. Every last one who wants to and keep on expounding here hour after hour about those principles that have been not abolished by us, decried by us or turned down by us but for the fact we don't have the legislation coming from the House of Commons to provide for these things. We can talk about this until we're black in the face, it doesn't alter the fact that the question of trying to build up the Yukon Territory and I would suggest to Committee, Mr. Chairman, that it is in the outlying areas where the building needs to take place and I would also further suggest that the individuals who are elected by the members in the outlying areas surely know more about what is required in those areas than anyone else each in their turn in an individual way. Surely this is common sense, common sense thinking and I object to some of these statements in this, one that says this present system of dispensing money without first receiving details, proposals, and reports following the expenditure, now there may be some reason to believe that part of this is true and part is not but as an elected Member of this House at no time did I give those others aid and I recall where any money was ever expended in the area of Carmacks - Kluane Lake while I was a Councillor for which there were no detailed reports, no detailed points asking for capital money and a capital grant for that area. Now when we talk about principle let's look to the future as well. There's a good many things can happen to this grant no matter what we do, even if we put it in the budget and we change the Government system. Perhaps the word that's been used about it will

Mr. Livesey continued:

turn from an individual to the majority in power in this House when they decide what they will do in accordance with the budget and perhaps in accordance with their view as a body and as a governing body. There are lots of things we can talk about but in the meantime I don't feel that we should throw away a point that we can raise, the bargaining point in connection with the next fiscal agreement. I don't think we should throw it away at this table because we can use this particular item when discussing with the Federal Government our problems in the north and we can use this as a bargaining point. No question about it, why throw it away, why not hang on to it until we have got to the stage where we're sitting down across the table talking with the Federal Government in power at that time covering the next financial agreement for the Territory. We can use this as a bargaining point, we don't need to premeditate and take these things away or tell them what we're going to do before we sit there and that's tantamount of what we are doing, what we would be doing if we agreed with the motion as it is presently being placed before this Committee and I would suggest Mr. Chairman, that we would not be proceeding in a sensible manner by following this motion. Thank you Mr. Chairman.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman there are a couple of things that I missed earlier on, I wonder if we could get some explanation, on the last sheet showing the various amounts of money and how they are used in the Sessional Paper, under Electoral District, Whitehorse East showing N. Chamberlist, it shows for instance that Whitehorse School of Dancing and Centennial Programme. I wonder why the names of this present Council headed on there without showing that it was previous Council Members that allocated this amount of money, this doesn't show, it's alright in the case of those Members who are still in this Council. Now, I notice that, especially in the case of the Honourable Member from Whitehorse North, Mr. McKinnon, it would appear the way it is put down there that he has already contributed part of the funds to these three particular associations. Now, I come to Dawson and Mayo and these are the questions - since when is Mac's Electric Yukon Limited, Klondike Express Limited, Brainstorm Freighting, Yukon Consolidated Gold Corporation, General Enterprises Limited, I was wondering if these have not been properly placed. The same thing with Mayo which quite possibly is before the Honourable Member from Mayo's time that payments should be made out to General Enterprises, Old Crow, Lunde Metals limited, it would appear to me that the way this paper has been presented leaves room for questioning and I wonder at this time, Mr. Chairman if the Commissioner could give an explanation of these amounts and if they were in fact for any particular community funds? Community grants

Mr. Commissioner: The last Iin Dawson

Mr. Chamberlist: All of these items Mr. Chairman, that relate to...

Mr. Commissioner: I think, mind you I would have to go to the Treasury Office to determine this for positive but I think what possible knowledge I am able to supply possibly the Councillor from that area could supply. In this situation here most of these expenditures were incurred on authorized or agreed upon as community projects and the bills instead of them being paid through the community organization have been approved by the Councillor and sent in here and we have paid them direct to the supplier or the contractor as the situation may be. I am almost positive that this is exactly what has transpired in this particular case.

SESSIONAL PAPER #4 Mr. Chamberlist: I wonder if the Councillor from Dawson could give us the information affecting those particular projects these monies were paid out to so that we know that they were paid out for projects.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: The first item of \$2000.00 to the Kiwanis Club were to construct bath houses at the swimming pool. They undertook the management of the swimming pool at Dawson City and this was necessary to pay for the labour, materials constructing the swimming pool bath houses, showers and all this kind of stuff. The next item is Mac's Electric, I requested them to wire up the community hall at Old Crow. The next is the City of Dawson which were two sums one of which was \$1,006.00 and one was \$3,094.00 so that they could complete their centennial project on the Community Hall. The Klondike Express Mr. Chairman is the amount of freight on material for the Old Crow community. All transported from Whitehorse to Dawson. The Centennial Programme is also a part of the Community Hall to this centennial committee. The Brainstorm Freighting is freight to take material brought by the Klondike Express on the river boats from Dawson to Old Crow. The Yukon Consolidated Gold Corporation for \$30.00 are two heaters which were purchased for the Old Crow community. Incidentally these heaters would cost you about \$40.00 a piece or \$50.00 a piece if you bought them in the normal channel. I got two for \$30.00. General Enterprises are supplies in which these transportation companies hauled up there and the City of Dawson is another expenditure for the Community Hall. That is where the difficulty comes Mr. Chairman, in Administration. It's fine to say you put these things ahead but these people in Old Crow don't know where to order anything so I have to be purchasing agent a business agent, draw up the plans and correlate the whole matter and when the bills come in I check them all over, I make sure that these supplies have reached their destination and then I make a request to the Territorial Government to pay these bills. I don't handle any money. There is no one up there than can possibly handle it being situated 500 miles from here so that there is no other way of working something like that. Those are the expenditures, Mr. Chairman, I hope that clarifies the, all of it.

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

Mr. McKinnon: Mr. Chairman, I think I was asked a question according to Councillor.....statements.

Mr. Chairman: Proceed.

Mr. McKinnon:and I would wish to assure him that any money which appears as expenditure from the Community Development Grant of Whitehorse North for 1967-68 were expended by the former Member of Council from Whitehorse North. I have been asked by various organizations since being elected to this Council to contribute to different funds, to different projects that I have told them that no money will be forthcoming from the Community Development Grant at Whitehorse North until the system of distribution changes or the distribution of these Community Development funds. This is how strongly I believe that the present system of distribution of these funds is wrong and that maybe not a very smart political move on my part or there are many people in the electoral district of Whitehorse North that are going to suffer because of the stand that I am taking that I could not in conscious, and I say this seriously, in all seriousness, distribute any of the funds in the Community Development Grant until the matter of distribution is changed.

Mr. Chairman: Mr. Chamberlist will you take the Chair a moment?

Mr. Taylor: Mr. Chairman, in order that I might lay before you SESSIONAL the opinions as expressed by the people I represent, in particular PAPER #4 the electoral district of Watson Lake, our only complaint with the system is we don't have quite enough money. We figure the figure of \$8000.00 to cover an area as extensive and a number of communities as numerous as we have in that large electoral district \$8000.00 doesn't go very far between five community clubs on capital projects. I think somehow we get off on a tangent and some members say that we have direct control in the spending of this money I would say that we have indirect control but I cannot agree that we have direct control of the expenditure of these funds. Well, I think all Members will agree that within our various districts from time to time people come to us as elected members or representatives of them and they ask us if we would give consideration to bring representation on various issues. Now in the case of community clubs I have received one here dated March the first which I received a few days ago and one community club, this one happens to be Teslin Community Club and they start off by saying, "Dear Mr. Taylor, enclosed herewith for your consideration and presentation a draft of the proposed addition to the Teslin Community Association Hall. Now, this is for your consideration and presentation. They've asked me now if I would go and present this to the Administration for their consideration because they are looking for some money out of this fund and they go on, they give the estimated cost of the addition would be \$5933.00 as opposed to having the cost of having a private contractor undertake the work for \$7500.00. The labour would be provided by hiring unemployed Teslinites. These are good things. This is working fine. Now, what do I do with this, I take this and I present it to the Administration, now what does the Administration do with it, they go and send it to the Engineering Department. There is a nice plan submitted with the cost estimates, plot plans, the engineer looks it over, advises his Commissioner as to whether this is a worthwhile expenditure or whether it is not. The Commissioner then, as a representative of these people, comes to me and says to me, Mr. Taylor would you approve this or would you approve part of it or what do you think about it and having contacted the other clubs in my district as I'm sure other Members do I would make a recommendation that possibly not all of it be paid out, that a portion go to this project and a portion go to that project but this is the job and the duty of a representative of the people. Now in relation to Sessional Paper No. 4 I find several areas where disagreement one is on page 2; "if the organization which is to receive the benefit cannot supply a detailed outline of how they propose to spend the money prior to the expiry of the fiscal year, the money should lapse in the same way as all other appropriations and there should be no provision for carryover of accumulated Community Grants funds from year to year." I am in complete disagreement with this practice on that basis alone I could not accept this paper but I think, more important than anything else, we should recognize that the matter of community development grants form a part of what I consider a fiscal agreement with Ottawa. In this case it's a two year fiscal agreement. It's interesting to note that in the departmental committee on Federal-Territorial Financial Relations, no doubt with the consent of the Honourable Minister, when they were preparing this draft after last year and prior to the cutbacks of this summer, put without an addendum payment of contribution towards capital costs of community centre to a maximum of \$28000.00, they cut that in half, they didn't feel that it was enough so they decided to cut this to \$4000.00 to go to these many districts. But it points up one thing that time to agree or disagree with the principle of expenditure of grant money and the amounts to be included in the fiscal arrangement, be it two years, three years, five years whatever the period of the agreement is, when we negotiate that particular fiscal agreement it has been pointed out by Mr. Commissioner and other Members that there is no other way in which this programme could be implemented in this

SESSIONAL Mr. Taylor continued:

PAPER #4 fiscal year due to the lateness of the acceptance of the budget. However, this is a matter for consideration when we next discuss the fiscal agreement which I assume will be done by Committee of the Whole sometime this fall or winter. This morning in the House the matter came under consideration and many of the Members felt that it was a little premature the discussing of this at this time and that the matter should be deferred until such time as the fiscal agreement was discussed and I submit, Mr. Chairman, and for the edification for all the Members of the Committee the same thing follows, I believe the same thing should follow in relation to this paper and I think the matter is going to have to receive a great deal of consideration when next we discuss the next fiscal agreement with the inter-departmental committee on finance and those are my comments.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I suggest the Honourable Member from Watson Lake went a little too far when he made us aware of this application that he had before him. If he had stopped at the point when he said the Commissioner comes back to him for his recommendation on where this money should go or be spent, he would have had a much stronger argument but in the end, as he pointed out, he will recommend that either all or part of it be spent as applied for which goes to prove our point. The Honourable Member from Dawson, Mr. Shaw, pointed this out also when he said he does some wise shopping which I think is a wonderful thing, he is doing some wise shopping with the tax payers money which is good of course. Both the Honourable Member from Watson Lake and the Honourable Member from Whitehorse East said that they thought that the time to consider these things was at the time of the next financial agreement discussion and this of course what was said in our motion of this morning which was defeated and voted against by both these Honourable Members.

Mr. Taylor: Mr. Chairman, just in answer to the reply from the Honourable Member from Whitehorse West, he seems to be going around in ever diminishing circles again. I think he must also concur that the final decision in relation to the expenditure of these funds is from the Administration and only the Administration. They are the judges and they are the people who distribute the money. After thorough review of the programme and I think they also will agree that all monies in this fund can only be expended on to those associations which are listed under the Societies Ordinances of the Yukon Territory in order to be eligible to receive these funds and this being the case to be a member of the Societies Ordinance you must submit an audit every year. So consequently the Councillor has not full control, he can only recommend.

Mr. Chairman: Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, I would like to suggest that the organizations that I have received requests from are much blunter and more honest and probably less politically sophisticated than the organization as the Teslin Community Club. I have two requests recent requests in front of me for Community Development Funds. One from the Whitehorse Ski Club agree on the promise that assistance from Councillors H.E. Boyd and J.K. Thompson, the club proceeded with the planned improvements. "We received the sum of \$1600.00 from Mr. Thompson, we request your consideration in assuming one third of the cost now which is \$600.00." From the Grey Mountain Golfing Club; "We trust this request for \$6324.00 will be given your favourable consideration." Mr. Chairman, these organizations know where the loot is and they know who has the say in who distributes the loot.

Mr. Taylor: Mr. Chairman, possibly the Honourable Member can go and inform his constituents what the real situation is.

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Mr. McKinnon: They know.

Mr. Chairman: Order, order, please.

Mr. Livesey: Well Mr. Chairman, I would like to bring some clarification to this paper. I believe that this is what we are discussing. It says here; "Unless Members of the Council have any change to suggest in these arrangements, it is proposed to put this integrated grant formula into effect without delay." I would suggest to you Mr. Chairman, that in my area this cuts us off for an entire year. That's the end of it. As soon as this paper goes into effect irrespective of all the high minded breaks that can be attached to it and all the superlatives, I would suggest that this finishes any contribution this year to the electoral district of Carmacks-Kluane Lake. That's the end of it. This can easily be explained, I understand the Honourable Member from Whitehorse West would like it explained, when these requests come in from various communities and various associations registered under the Societies Ordinance for the Yukon Territory and addressed to the Member of Council for that particular area, most have to be informed that there is only \$8000.00 to be distributed. Some come up with the request for the whole amount for their own particular area and in my area I have five areas that need assistance for \$8000.00. Now, taking \$8000.00 as one complete figure how much building can you do with \$8000.00. This is what I would like to know. So to start off with the agreement right now it means to say that these requests from these local areas will have to be discussed at the Session, the way I see it, and if they're not discussed at the Session that's the end of it so that the \$8000.00 that will be for Carmacks - Kluane Lake right now will go to the end of the year and will lapse for the simple reason the building season is gone, the summer's gone and no amount of discussion next fall would tempt anyone to go out at 40, 50, 60, and 70 below, as I have seen it in Beaver Creek, in November to do anything out there at that time. So the building season's gone, in other words, what this is saying here to me is that these grants will have to be allocated at the Spring Session and therefore all the consideration that will ever go to these grants will have to come before the Spring Session. Well now, out of the five areas that I'm thinking about and there may be more yet, I already have two submissions. One is for a much larger amount than I think can be considered because of equal distribution and I don't feel that anyone or the Administration or anyone connected with this appropriation when considering it, have to look at the whole picture rather than one, the whole thing has to be looked at but to cut it off before we even move on it to me is absolutely ...I don't see how you can expect to move on it and anyway ...this is the case and this is a problem that has to be faced and I would suggest Mr. Chairman, that you give serious consideration to this because the plan of action to start with, as I remember it, wasn't the public in the Yukon Territory voluntarily to tax themselves at two bits a bottle on liquor. This was the idea what for, to promote community development, this is what it was for and not in those areas where they already had community development. I felt that it should be mostly in those areas that had no community developments and this was the picture. Now, this is the practical aspect of it, we can look at the other side of it if we want to but the practical thing if we can come across a solution think out a solution, I think we're going to over the next year or so but I don't believe we should do anything right now on this particular paper, Mr. Chairman.

Mr. Chairman: Gentlemen, I believe the Commissioner has some comments to make. Is it agreed?

SESSION- All: Agreed.

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Mr. Commissioner: Mr. Chairman, the question has been asked as to the propriety of paying some monies directly to organizations such as business firms as opposed to organizations as are listed in the explanatory notes on the back of page three and there are some instances they transpire, generally speaking, in connection with communities where there is no organization that qualifies under the Societies Ordinance and it is at the request of the direction of the Councillor of the area that we disburse funds to other than the community organizations who are registered under the Societies Ordinance. I can't think of any instances other than the one mentioned here at the table this morning namely the Community of Old Crow which isunder the Societies Ordinance and at the request of the Councillor of the area these bills have been paid directly to organizations that have supplied the services. I just want to make this clear that this is done on the basisare not initiated at the administrative level. Now, I want to have a further word here, if I may, in connection with the general policy behind this paper. Naturally the conversations around the table centre around the item No 1, the Community Development Grant, I want to bring to your attention, and just reflect a moment on my opening remarks to this paper and that is that the matching grant for tourist projects and the special contributory grants from the Administration's point of view and the manner of distribution of these funds is of utmost importance to us and while I can understand the Councillor's concern on Item No. 1, I would certainly like to feel that this Paper was not going to be allowed to pass without some comment concerning these other grant situations as well because it is the potential abuses that are available with the combination of these grants that has prompted the Administration to bring this Paper forward in the first instance. Now also, I think I have made it very clear to you that it is not our intention to even suggest that the funds available for 68-69 under the Community Development Grant system would be tampered with or would be required to have prior budgetary approval on an individual basis. I spoke in Council on this the other day and I intimated at that time that Community Development funds for 68-69 could be handled in the following manner, that the lapsing balances now available can be \$8000.00 per riding for 1968-69, could be voted as a lump sum for each constituency in the budget that is coming forward here the next few days. Secondly, that application for monies during 1968-69 could be passed through the budget programming committee who could either recommend them to me as being satisfactory expenditures or recommended that they be turned down and thirdly that starting in 69-70 the projects could be planned on a Territory wide basis for the length of your fiscal agreement. In other words, if we wind up with a three year fiscal agreement you could deal with projects on a Territory wide basis for the span of that agreement. This will eliminate the possibility of any lapsing balance which is not the problem we will have to deal with, remember that what we were talking about here in lapsing balances which occur at the terminal point of a fiscal agreement. These are the ones that we are concerned about and fourthly, that the system that we're proposing here is the only way that the small communities are ever going to get a proper sum of money to do anything with. The present method of allocation continuously benefits Whitehorse and distributes too small amounts over too small an area in the small communities and it is with these thoughts in mind, it seems to me we are both on the same wave length, the Administration and the Council here, that we seemed to have diverged somewhere along the line as to the fearfulness of application and I would like to assure Council that there is no intention on behalf of myself or any member of the Administration to divert from their proper channel these particularly beneficial grants no matter what name they may be called under and I would strongly recommend to you that your

Mr. Commissioner continued:

thinking with regard to the special contributory grants and the matching grants for the tourist projects are deemed to be looked upon as the present and with regard to the Community Development Grant that they be looked upon as something that will transpire with the next fiscal period, not the fiscal period that we are in right now and I would be happy to answer any questions or give any further confirmation along these lines that Council feel would be required in order to set their minds at ease along these lines.

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Mr. Chairman: Councillor Taylor.

Mr. Taylor: Well Mr. Chairman, I can see what Mr. Commissioner is proposing however I must say I disagree that this is the time to effect the change. As I've stated before that this should be done only when we resolve the matter in fiscal negotiation. I can't see where it's going to do any harm to leave the entire grant situation where it sits for the balance of this current fiscal year and being changed the next, go around on the fiscal negotiation and I am unalterably opposed to any change in the system at this time and I wish to go on record as saying this because there is no motion which meets necessarily the requirement underneath or above the Commissioner's signature where he states; unless any Members of the Council have any change to suggest that it is proposed to put this integrated grant formula into effect without delay and I can't see the necessity for it until we get around to the fiscal negotiation. I will resume the Chair. Councillor Chamberlist.

Mr. Chamberlist: Thank you Mr. Chairman, now there is one point that has already been previously expressed by myself and the Members from Carmacks-Kluane and Watson Lake. To me, the remarks that we have heard from the Commissioner is a contradiction to those last three lines of this Paper. Where the Commissioner has said that ..words to that effect; "let me assure you that this won't go into effect until the next fiscal arrangement"but the Paper itself says quite clearly; "Unless Members of the Council have any change to suggest in these arrangements, it is proposed to put this integrated grant formula into effect without delay" and this is the thing that worries me, the difference between what has been said verbally here and what is written and it is because of that I could not support the Motion as it is.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, there are sections of this particular paper that I'm a little concerned about. I believe in exploring all avenues of the Paper and presenting everything, I note that on page two on Matching Grants for Tourist Projects and in this it states that for expenditures on approved capital and promotional projects in the interest of tourist development the annual amount of the grant must not exceed 50% of the total cost of the approved project or projects. Now, in my particular area we have what is known as the Klondike Visitors Association which does a tremendous job in my opinion Mr. Chairman, of promotion. For example, they have sixty thousand pamphlets, I believe, to issue all over Canada on that area in which they receive a 50% matching grant. Now this is good, that's quite sound. They also have another project Mr. Chairman, in which they the nationally known theatrical group which gives shows in the Palace Grand. This is quite an undertaking very expensive, it takes a tremendous amount of free time given by the people voluntarily so that not only do we bring people up to Dawson City to see the beauty of, and the history of the country, they also view the beauty of the balance of the Territory because that is at the end of the line so there is no question and I say the end of the line with no disrespect to that particular area.

SESSION- Mr. Chairman: Order please.

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Mr. Shaw: However, it is the purpose(laughter) in the Yukon Territory so I think that term is quite apt. This organization puts on the shows I have stated and also the members of that community Mr. Chairman, we have many laughs of derision possibly on some of the remarks about the community which I think are really unjustified but we must have humour in this legislation once in a while, it breaks the tension so I have no serious objections. Now, they put on a show and in that small business community the people themselves raised \$2000.00, that's a lot of money from such a few people. It's a tremendous amount of money and a tremendous sacrifice in order to promote tourism for the whole of the Yukon Territory. In making that effort Mr. Chairman, me as the speaker for that area come here and I put the proposition before the Council and I put it to the Administration that they make available a grant, \$3.00 to everyone that is put forth by the people there up to a maximum of \$6000.00 grant from the Territory. Now there are times that the community has not been able to get the whole \$2000.00 to makethem quality for the \$6000.00 so whatever they could collect they couldn't get the whole \$6000.00 they got \$4000.00 or \$5000.00 whatever it may be. Last year, in most years are able to make, to get that amount. Now, they in conducting this show are utilizing something which the Federal Government in their wisdom have also felt was a very good thing when they built the Palace Grand Theatre.

Mr. Chairman: Order please.

Mr. Shaw: There are some very mean persons who for political reasons, at the time it was constructed, made a great hullabaloo about it and no hullabaloo about the millions of dollars spent in the Eastern part of Canada. That's all past history, however, this is a large expenditure so we feel that that must be utilized so this programme goes on. This programme provides a revenue of close to \$26,000.00, that is the revenue Mr. Chairman and of course these expenses that pay for the show and so on but the Territorial Government I think very wisely and very generously assisted of course agreed to by the Council which I think it most commendable which I most appreciate they do permit an amount of up to \$6000.00. The community itself produces of about \$20,000.00 in one form or another so that if this section under Section 2 were put into actual practice it will mean just one thing Mr. Chairman, that this type of promotion will have to cease because it's just not possible, the dollars and cents do not stretch that far. There is a limit to what these people can do so this effectively would close down this type of goal. I have just brought that up as a matter of discussion because I have noticed that. As far as the balance of it occurs, the grants to the community clubs I would challenge, Mr. Chairman, any person or persons to prove that I ever at any time turned down any legitimate organization for the monies that they could receive or to any, the amounts they required providing they could provide the necessary data to support their application. Even one or half a one or a quarter of a one.

Mr. Chairman: Is it your desire to deal with this question now or do you wish to deal with it when next we sit again. What is your pleasure?

Mr. Commissioner: Mr. Chairman, could I just set one thing at ease for Councillor Shaw here that the very problem that he has mentioned that connection with Dawson is dealt with on page three under special contributory grants. The amount of a grant item No. 3 may vary if circumstances warrant that in each case a substantial contribution by the organization will be required. In the normal course of events the amount of the grant should be based on the financial capabilities of the organization to meet its anticipated

Mr. Commissioner continued:
requirements and in any case the organization's contribution should be not less than 25% of the total expenditure. So I just rise to make it clear that the very point that Councillor Shaw is concerned about with regard to the K.V.A. and the Palace Grand Theatre project whereby a three for one situation exists, certainly there is no intention of disturbing that. This comes under special contributory grants, it does not come under a matching grant for tourist projects. This is another item altogether.

Mr. Chairman: Well, I have a motion before me. It has been moved by Councillor McKinnon and seconded by Councillor Dumas that the content of Sessional Paper No. 4 be accepted. Are you prepared for the question.

Mr. McKinnon: No, Mr. Chairman.

Mr. Chairman: Question has been called.

Mr. McKinnon: Mr. Chairman, am I to understand that if the House is not prepared for the question the Member in Committee wishes to rise and speak that he is not going to be given the opportunity to do so?

Mr. Chairman: The question has been called would Committee agree

Mr. Chamberlist: agreed, the Committee agreed. At this time with respect to Orders of the Day we call it 12:00 o'clock?

Mr. Chairman: I'm afraid we wish to go back into Council at some stage of this morning's proceedings so that we may sit this afternoon in Select Committee of the Whole.

Mr. Shaw: Mr. Chairman, I would move that the Speaker do now resume the chair.

Mr. Chamberlist: I will second that, No, I can't, there's a motion on the floor already.

Mr. Chairman: You gentlemen make it very easy for the Chair. Do I have it then that it is not your ...I will not accept the Motion at this moment until I resolve the question that has been placed. Is it your decision that the Honourable Member from Whitehorse North do now speak. The question having been called. Councillor McKinnon.

Mr. McKinnon: Well Mr. Chairman, I would just like to say that I have never seen so many red herrings pass around Committee Table as I have this morning. It would do justice to that other place and you can all be proud of yourselves as politicians. Mr. Chairman we have been assured by the Senior Executive Officer of this Administration that there will be no change whatsoever in the distribution of grants for 68-69. We have also been assured that lapsing balances only lapse at the end of the financial agreement with the Federal Government because the Auditor General will not accept the concept of lapsing balances. From year to year within the agreement the lapsing balances remain in the constituency as they do at present. One of the strongest arguments for acceptance as it stands is that representatives from the Whitehorse areas as myself will be able to contribute some of the Community Development Grants, monies that we do not need in this area because we are admirably served by facilities to members from the outlying districts. Mr. Chairman, it is my strong belief that many of the Whitehorse area Councillors will do this. I for one have stated in this House before and will state again that I am willing to contribute some of

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Mr. McKinnon continued:
my Community Development Grant money to outside areas if you could assure me of worthwhile projects because I am aware of the lack of facilities in these areas and I want to help them build facilities in these areas and this alone is an extremely good reason for accepting the contents of this Paper. The only change if we accept the contents of this Paper that it makes is that after the next fiscal agreement is signed that then projects which are now voted in one lump sum in the budget are specifically itemized in the appropriation ordinance and accepted by the Council as a Whole and Mr. Chairman, no matter all the red herrings you drag across this Committee Table it is still practised that the Member for the area has the say in where his Slush Fund goes and that is fact. Well, Mr. Chairman, responsibility is a two-way street. We ask, we demand and we make threats to Ottawa that we will do this if we do not get this and I Mr. Chairman, am not in the background when it comes to asking and demanding more responsible assistance of the Government for the Yukon Territory but as I say this is a two-way street and we have to show that we are responsible citizens and responsible representatives also. Here is an opportunity for this Council to stand and show that they are now ready to accept the responsibility of democratic institution and I say if we let this chance pass then Ottawa has very good reason for not throwing any more responsible systems of government our way. Thank you, Mr. Chairman.

Mr. Chairman: Question has been called. Councillor Shaw. Order.

Mr. Shaw: Can I talk on the question? I didn't ask for the question.

Mr. Chairman: Mr. Shaw, please speak to the seat. Gentlemen, do you wish that Councillor Shaw be permitted to speak, the question having been called.

Mr. Chamberlist: The time is going on Mr. Chairman and I would....

Mr. Chairman: I am wondering if I can have your concurrence or otherwise that Councillor Shaw now be allowed to speak.

All: Agreed.

Mr. Shaw: All I ask Mr. Chairman, is that at this time if the Member moving the Motion and the seconder of the Motion would ask to withdraw this, the motion it would enable this matter to be reported as progress rather than bring it up...to conclude it at this time merely because it happens to be six minutes after twelve.

Mr. Chairman: The question has been called. It will require, again, the consent of the Committee.

Mr. McKinnon: If the Committee wishes to discuss this further I believe so strongly in this that you can discuss it for a week if you want to and I'll be here to discuss it and if it's the wish of Committee to be discussed further, that the question not now be called and I withdraw my motion, I will do so .

Mr. Chairman: What is Committee's opinion in this regard.

Mr. Chamberlist: Mr. Chairman, I am in agreement in allowing the Honourable Member from Whitehorse North to withdraw this motion if he so wishes.

Mr. Chairman: Would Committee agree to this proposal?

Mr. Shaw: Has the Secunder agreed, Mr. Chairman?

Mr. Chairman: Well, I'm first of all, question has been called and SESSION-
it is my duty as your Chairman to put the question. Now what I'm AL PAPER
asking is ...do you agree to this course of action? #4

Mr. McKinnon: I would move Mr. Chairman the question not now be
put and that I be allowed to withdraw as mover of the motion.

Mr. Chamberlist: With respect, Mr. Chairman, the Hounourable
Member from Whitehorse North knows that he cannot but annul a
motion on the floor once he alresdy has a motion there.

Mr. Chairman: The motion the Councillor is suggesting is quite in
order, however, well, it just further complicates the issue.
Gentlemen, I wish the announcement from you whether you would
agree to this course of action in the withdrawal.

All: Agreed.

Mr. Chairman: Are you prepared to withdraw your Motion?

Mr. McKinnon: I am, Mr. Chairman.

Mr. Chairman: Is the seconder prepared to withdraw the Motion?

Mr. Dumas: I am.

Mr. Chairman: I would entertain at this time that the Motion be
brought forward to move the Speaker back to the Chair.

Mr. Shaw moved and Mr. Chamberlist seconded the Motion.

Question. Agreed. Contrary. 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. Taylor: Mr. Speaker, Committee convened at 10:45 a.m. to
discuss BillsSessional Papers and Memorandums. It was moved by
Councillor Shaw, seconded by Councillor Chamberlist that Mr.
Speaker now resume the Chair and this motion carried.

Mr. Speaker: Are we agreed to the report of the Chairman of the
Committee.

All: Agreed:

Mr. Speaker: As you are all aware, we are going to meet in
Special Committee this afternoonin the Law Library to discuss this
question of Labour and Labour Provisions and other matters. How
do you wish to proceed.

Mr. Taylor: Well, Mr. Speaker I would suggest in order to facili-
tate matters that you recess Committee unfil approximately 4:00
o'clock or 4:30 this afternoon in order that we may conduct these
sittings. I don't know when they will be concluded. It was to be
my suggestion that at this time we adjourn Council in order that
we may have the freedom of the afternoon however, whatever time you
set for reconvening Council if you so choose to keep Council going
today would determine the length of time that we could conduct our
or pardon me, that we select committee on labour to conduct their
affairs.

Mr. Speaker: Will the House agree that the House stand adjourned
until such time as we have concluded our discussions in Special
Committee on labour conditions?

All: Agreed.

Mr. Speaker: The House now stands adjourned until further notice.

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March 14, 1968.
4:30 o'clock p.m.

Mr. Speaker: I will now call Council to order. Are there any reports from the Chairman of Committees?

Mr. Chairman: Mr. Speaker, no we have no Reports from the Chairman of Committees. However, in respect of the agenda for tomorrow, Mr. Speaker, we have several sessional papers, and then I believe we will proceed with Bill No. 8, the Labour Bill.

Mr. Speaker: Does the House agree to the agenda, and are there any further submissions?

Mr. Chamberlist: Mr. Speaker, I would move that we call it 5:00 o'clock.

Mr. Shaw: There was one question I was going to ask, Mr. Chairman. Are we making a time certain for meetings of the Select Committee on Labour - future meetings?

Mr. Chairman: At the present time, Mr. Speaker, there are no proposed future meetings on the Committee on Labour, unless something does arise, if the House so desires, to sit in Committee again, but we have concluded the work we have set out to do at this point.

Mr. Shaw: I merely raised that question, Mr. Speaker, in view of the fact that it is intended by the whip - I don't know what you might call him at the time - to discuss this bill tomorrow when there may be further representations. That's all I raised that for.

Mr. Chairman: Well, Mr. Speaker, the Committee has concluded what it had set out to do. However, if there are any more submissions which may embody amendments to what we have achieved already, we can always do this during discussion of the bill.

Mr. Speaker: Is there any further business?

Mr. Shaw: I would second the motion from the Member from Whitehorse East.

Mr. Speaker: I wonder if the Honourable Member for Whitehorse East would raise on his motion again.

Mr. Chamberlist: Mr. Speaker, I am quite confused as to why Mr. Speaker didn't rule the discussions that were going on after my suggestion that we call it 5:00 o'clock out of order. However, I will move at this time that we call it 5:00 o'clock.

Mr. Speaker: Well, I failed to hear a seconder, and the House had not given the sufficient notice as to the application of the agenda for tomorrow.

Mr. Shaw: I will second the motion of the Honourable Member from Whitehorse East, Mr. Speaker.

MOTION CARRIED

MOTION
CARRIED

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

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Friday, March 15, 1968
10:00 o'clock a.m.

Mr. Speaker reads the daily prayer. All Councillors present.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to order. I have for attention the tabling of Sessional Paper No. 25. Are there any reports of Committee?

Mr. Taylor: Mr. Speaker, I have to table this morning the report of the Select Committee on Labour who sat yesterday afternoon, March 14th, and rather than read the report I would prefer that - I have copies for all members of Council and with the permission of the House I would so table these documents.

Mr. Speaker: Are you agreed?

All: Agreed.

Mr. Speaker: Introduction of Bills. Notices of Motion or resolution? Under Orders of the Day, Notices of Motion for the Production of Papers. Are the order papers clear on Motions for the Production of Papers and Motions for the Production of Papers passed. Under Motions we have Motion No. 13, which reads: Moved by Councillor Taylor, seconded by Councillor Gordon that Sessional Papers No. 21, 22, 23 and 24 be considered in Committee. Motion carried.

MOTION
NO. 13

MOTION
CARRIED

MOTION CARRIED

Mr. Speaker: I wonder Mr. Clerk if we could have the Commissioner here for the question period. I will call a five minute recess.

RECESS

Mr. Speaker: I will call Council back to order. You may proceed.

Mr. Taylor: Mr. Speaker, I have a question I would direct to Mr. Commissioner this morning. In the light of the news coverage in relation to statements by the Minister and others in Ottawa that there would be serious cut-backs affecting the treatment services given to native people in the Yukon and the Northwest Territories, of course. I wonder if Mr. Commissioner could advise us if he has had any communication in this regard and if indeed these cut-backs will affect our Yukon native citizens.

CUT-BACKS
AND
TREATMENT
OF NATIVE
YUKONERS

Mr. Commissioner: Mr. Speaker, on this question I spoke with Dr. Butler of Northern Health Services in Edmonton a few minutes ago and as far as can be determined the initial implications that seem to be contained in this news release that was heard on the National news last night, I believe, would not appear to affect the native people north of Sixty. Dr. Butler has intimated that he will look into this matter further and write to me, and also that he contemplates being in Whitehorse in the latter part of next week, possibly Wednesday, Thursday and Friday, at which time he will be in full knowledge of the implications of these things and if it was Council's wish to meet with him at that time he would be most happy to do so.

QUESTION
RE NATIVE
TRAINING
IN
TECHNICAL
FIELDS

Mr. Taylor: A supplementary question to my last question involving the Minister, it is further reported last evening via the news media that the Minister, in addressing the Prospectors and Developers Convention in Toronto stated that he felt industry should play a greater part in the training of Indians and Eskimos in technical fields within the mining industry and I am wondering if Mr. Commissioner has received any correspondence or any information from the Minister as to whether or not the Minister now intends to develop a program of social education at the community level to make this possible for our natives.

Mr. Commissioner: Mr. Speaker, I'm afraid that I can't enlighten Council on that particular aspect of the question. I can say that in co-operation with the Department of Man Power and our own Vocational Training School that a program of training for people particularly directed toward industry that is applicable in the Territory is going to be undertaken and this of course will be over a period of time; it isn't going to be a crash program starting tomorrow morning that will last for six months and this will be the finish of it and this is particularly oriented or particularly designed towards the indigenous residents of the Territory and it is hopeful that this will enable these people to take their part at the level in industry that in the process of developing the resources of the north will be able to develop them and create economic benefits right in the Territory as a consequence of this. But I am afraid that I cannot enlighten Council on the actual question that the Councillor has asked. I am afraid that this is something that willto the Minister himself.

QUESTION
RE RIVER-
DALE
SHOPPING
CENTRE

Mr. Taylor: My third question, Mr. Speaker, directed to Mr. Commissioner this morning relates to the proposal at the Fall Session of the Riverdale shopping Centre, and..... development. I am wondering if he could inform me this morning as to whether or not he has released the ground for the development of this project.

Mr. Commissioner: Mr. Speaker, the necessary steps have been taken under the application that was made by the promoters of the shopping centre, I believe either the survey has been done or is in the process of being done. As soon as this is completed and a title created there is going to be a request come before Council that will provide the necessary funds for the installation of services and the next step will be to put the land up for public tender so that it will be available for these developers or any other similar developers to buy this particular property.

Mr. Taylor: Supplementary to that Mr. Speaker, am I then to understand that indeed the developers who requested the land will have to go on a competitive basis to get the land rather than being able to buy it outright as they initially applied to do?

Mr. Commissioner: This is absolutely correct, Mr. Speaker.

Mr. Speaker: Are there any further questions?

QUESTION
RE
MEDICARE

Mr. McKinnon: Mr. Speaker, I would like to ask Mr. Commissioner what is the status of Medicare in the Yukon?

Mr. Commissioner: To put it in the proper perspective Mr. Speaker, I would suggest that it is about the same status of confusion here as it is elsewhere in Canada and perhaps when Doctor Butler is here, if it is Council's wish to

Mr. Commissioner continues...

speaking with him I would suggest that he would be the authority to give a much more definitive answer to Council and I am sure he would be much more satisfactory than anything that I can say.

Mr. Chamberlist: Mr. Speaker, a question to the Commissioner. Does the Commissioner now that it has been ascertained that the only Legal Adviser to the Territorial Government gives legal advice to the administration, what consideration will be given to a legal adviser being obtained for the use solely for the Territorial Council Members?

QUESTION
RE
ANOTHER
LEGAL
ADVISED

Mr. Commissioner: Mr. Speaker, I'm afraid I am at a loss to answer that question. The Legal Adviser who we have is certainly, to my understanding, that he is here for the function of being Legal Adviser for Council and Legal Adviser for Administration. I certainly don't know anything different.

Mr. Speaker: Any further questions?

Mr. McKinnon: Mr. Speaker, under questions the Clerk of the Council has informed me that Question No. 19 of mine is essentially the same as number 10 of Councillor Taylor's and it would be more administratively simple if they could answer one instead of both of them and I would ask Council's consent to Question No. 19 of mine being withdrawn from the Order Papers.

QUESTION
#19
WITHDRAWN

Mr. Speaker: Are we agreed?

All: Agreed.

Mr. Speaker: Are there any further questions at this time; if not may we proceed to Public Bills and Orders? May I have your pleasure, gentlemen?

Moved by Councillor Shaw, seconded by Councillor Dumas that Mr. Speaker do now leave the Chair in order that we now convene in Committee of the Whole to discuss Bills, Sessional Papers, Memoranda and Motions. Motion Carried.

MOTION
CARRIED

MOTION CARRIED

Councillor Taylor takes the Chair in Committee.

Chairman: We will be discussing Sessional Papers and I will declare a short recess.

RECESS

Mr. Chairman: I will call Committee back to order and we are at Sessional Paper No. 4. What is your pleasure in respect of this paper?

SESSIONAL
PAPER #4

Mr. Livesey: Well, Mr. Chairman, I have a motion for Committee this morning and as everyone is feeling very happy I figure this would be a good time to bring it forward. It is moved by myself, seconded by Councillor Gordon that the suggestions contained in Sessional Paper No. 4 be withheld until discussions reopen for the formulation of the new fiscal agreement with Ottawa.

Mr. Chairman: Could I have a copy of the Motion, please?

Mr. Shaw: Mr. Chairman, I wonder, in relation to the Motion when we can expect this fiscal agreement from Ottawa?

SESSIONAL
PAPER #4

Mr. Livesey: Mr. Chairman, if I could answer that. I am of the firm belief, although I have no actual knowledge of course on when discussions may open but I am of the firm belief that it must transpire this year because if it doesn't there will be nothing for the 1969 season when surely our present agreement is ended so in order that the Territorial Government and Ottawa do not get into the type of tangle which they got into before. I firmly believe that they will think seriously about discussing this next agreement in the not too distant future. I don't feel that they will allow this to transpire and overlapreasonable period for discussion which is this year.....has to be this year.

Mr. Shaw: Another question Mr. Chairman. There are certain sections in this Sessional Paper No. 4 that I am quite in agreement with. And there are of course sections that I am not in agreement with. I wondered, in accepting this Motion whether we could be fairly well assured of coming to definite conclusions on this some time in the fall. I say this Mr. Chairman because if the conclusions of this paper are not arrived at until this time next year there will not be time to make the necessary local arrangements with the community clubs and all this sort of thing in the particular outlying areas so it would be necessary, it would appear to me that this paper will be resolved next Fall in order to give appropriate time to make the necessary arrangements. Another thing I might add it would also appear that if this were passed in time it would really not come into effect until the new Agreement in any event.

Mr. McKinnon: Well Mr. Chairman, I am not going to prolong the debate on this. I am absolutely opposed to this Motion of Councillor Livesey for reasons that I stated many times in this House. I think that the arguments that will be valid in 1969 are completely valid at this time and place and the outline of the paper, Sessional Paper No. 4 is completely acceptable to me now and I think the delay of the principle involved and to frustrate the principles involved and non-acceptance of Sessional Paper No. 4 at this time just shows that members are a little frightened of standing up and accepting their responsibilities Territorial Council.

Mr. Livesey: Mr. Chairman, I would like to object to that statement. I don't think I have ever accused any Member of this Committee of being afraid of anything and I am not going to because I think we have got perhaps some of the strongest people in the north that you could think of and I would hate to think that any one in the Yukon is going to subscribe to the fact that I have made this Motion simply because I am cringing in mortal fear, what of is what I would like to know, Mr. Chairman. I have merely stated my opinions and I can assure you that they have no association with fear whatsoever.

Mr. Chairman; Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, Councillor McKinnon seems to have an opinion that if there is disagreement with a Motion of his that he thinks is a principle, tends to show that there are other members of this Committee who are fearful. How he has the thinking lined up in that particular way I cannot understand because he personally knows me well enough to know that I haven't got too much fear. The only think I fear occasionally is -- I'll stop there.

Mr. Chairman: Order, order please.

Mr. Chamberlist continues...

I think that the remarks of Councillor McKinnon are most unwarranted and if he hasn't any fear of not being called a gentleman he should withdraw his remarks.

SESSIONAL
PAPER #4

Mr. Chairman: Gentlemen, I have a Motion before me. It has been moved by Councillor Livesey, seconded by Councillor Gordon that the suggestions contained in Sessional Paper No. 4 be withheld until the discussion is reopened toward the formulation of a new fiscal agreement with Ottawa. Are you prepared for the question; are you agreed. Any contrary. I declare the Motion carried.

MOTION CARRIED

MOTION
CARRIED

Mr. Chairman: Gentlemen, the next Sessional Paper is co-related, or was deferred until this matter has been resolved and this Sessional Paper is No. 10, Fiscal Fitness and Amateur Sports Policy in which the Commissioner or Administration asks for concurrence or otherwise of the content of this paper. What is your pleasure?

SESSIONAL
PAPER #10

Mr. Livesey: Mr. Chairman, if I might speak on Sessional Paper No. 10 and I would like to point out that there is a lot of information in this particular Sessional Paper No. 10 that I am not entirely satisfied with at all for it seems to me that in various areas throughout the Yukon Territory there are some areas in the Territory that obtain benefits from the paper and there are other areas which are not obtaining benefits from it. And I believe I asked a question in Committee the other day with respect to how one organization may go about obtaining assistance from this fund and several questions upon which I have not as yet been satisfied and I think that other members of the Committee felt the same way and this is why we deferred the paper. Before wanting to go along with it I would certainly like to know more about it.

Mr. Chairman: The paper has asked for your concurrence or otherwise. I would like some direction from Committee as to the way they wish to proceed in this matter.

Mr. Dumas: Mr. Chairman, I would like to move that this Committee concur with Sessional Paper No. 10.

Mr. Chairman: Is there a seconder?

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

Mr. Chairman: Is there any discussion.

Mr. McKinnon: Mr. Chairman, this is going to be an extremely interesting vote for me because if Members will look back in the Votes and Proceedings they will see that the reason that this paper was deferred was because it had some mention of the allocation of community development grant and it tied in with Sessional Paper No. 4. Well Sessional Paper No. 10 says that it has been observed that the allocation of Community Development Grants for this purpose is frequently inadequate and the question has been asked whether special community centre regulations and grant structure required to provide this assistance, similar recreation equipment is not to be provided through either existing funds andnot to be provided through either---and consideration might be given to a separate grant structure for this purpose. Mr. Chairman, this was the intention of Sessional Paper No. 4 that there would be a different reallocation of the Community Development Grant and also a system of special contributory grant set up

SESSIONAL
PAPER #10

Mr. McKinnon continues... so that ideas outlined in this paper could be met. Now we've deferred the paper on the community development grants until the next financial agreement and how members are going to vote in favour of the principle of this paper after turning down the principle of the other paper...until 1969 is going to be extremely interesting.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, when Administration bring forward Sessional Papers which place the Members of Council in this position where they have to have a conflict, this is damaging I think to the purposes of this Committee and I think it is because reference to the community grant is in there I will have to vote against this paper.....

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

Mr. Chamberlist takes the Chair.

Mr. Taylor: Mr. Chairman, I rise once again to point out, as I stated earlier in debate on this at another time, that after all these years we have finally got a policy in relation to physical fitness and amateur sport disbursement. I feel that the policy is basically sound; at least it is a policy - something to start with; something to get our teeth into and possibly we may find some aspects of this policy to be inadequate or not quite functioning properly, it is our duty to make changes in this. However, for the first time since the physical fitness and amateur sports grant was made available to the Yukon Territory we have a policy. In relation to the community development position, the position is clear. It is merely pointed out here that community development grants are inadequate for capital expenditures. The physical fitness and amateur sports policy talks about operation rather than capital and I whole-heartedly support this policy and this paper. I would certainly support it Thank you Councillor Chamberlist, I will resume the Chair.

Mr. Chairman: Is there anything further on this?

Mr. Dumas: Question.

Mr. Chairman: Question has been called. The Motion - it has been moved by Councillor Dumas, seconded by Councillor McKinnon that Committee concurs with the recommendation contained in Sessional Paper No. 10. Are you prepared for the question? Are you agreed? Any contrary? I will declare the Motion carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Chamberlist voted contrary.

SESSIONAL PAPER #16 Mr. Chairman: Mr. Clerk, have we cleared on Sessional Paper No. 16. I wonder if you could assist me here.

Mr. Clerk: Yes sir, there was a Motion for concurrence on the 12th of March Mr. Chairman.

SESSIONAL PAPER #21 Mr. Chairman: The next Sessional Paper will be Sessional Paper No. 21.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman,.....I accept the idea that the school be named Jack Hulland School. However, I would like to draw Council's, Committee's attention to the last paragraph of this Sessional Paper which reads as follows: I would like to recommend that we also place a plaque in the school in memory of Mr. Hulland and that at the official opening of the school we invite Mr. Hulland to attend as our guest.

SESSIONAL
PAPER #21

Mr. Commissioner: Mr. Chairman, I stand to apologize; I'm very sorry about this. I would ask that Council accept this in the spirit in which it is written, with no deceased involved here.

Mr. Chairman: Anything further in this Paper.

Mr. Livesey: Mr. Chairman, I thought they were trying to indicate a projected image.

Mr. Shaw: One thing I see omitted in the soliloquy. Mr. Hulland is also an ex-Territorial Councillor.

Mr. Chairman: Do I have it that we are clear on Sessional Paper No. 21?

All: Clear.

Mr. Chairman: Next Sessional Paper is Sessional Paper No. 22.

SESSIONAL
PAPER #22

Mr. McKinnon: Mr. Chairman, I wonder if I could move at this time that Mr. McKenzie be invited before Committee when we discuss Sessional Paper No. 22 and also explain to Committee the Policy Paper on the provision of water supply and sewage disposal in the Northwest Territories and the Yukon.

Mr. Chairman: It would not be necessary to propose a motion as with concurrence of Committee I could defer this matter and make a note of same. Does Committee agree?

All: Agreed.

Mr. Commissioner: Have you a day certain Mr. Chairman?

Mr. Chairman: No, we have no day certain at the moment. I have so noted. The next Sessional Paper is Sessional Paper No. 23. Councillor Chamberlist, would you take the Chair.

SESSIONAL
PAPER #23

Mr. Taylor: Well, Mr. Chairman, as members of Committee will recall, for some time now, it has gone beyond weeks and months, it has gone beyond years, it has been the decision of Council by Motion and certainly my efforts as the member for the Watson Lake electoral district; it has been our desire, the joint desire that we move the J.P. court out of the Police Barracks at Watson Lake and move it into some other quarters. Quarters have been established in the Centennial Centre in Watson Lake suitable to handle this facility as I pointed out earlier. The Magistrate's Court, when it comes from Whitehorse to hear cases in this community use this facility. However, there is an absolute reluctance on the part of the Royal Canadian Mounted Police and the J.P.s to bring their proceedings into the open and into the public eye. It is my understanding that when this matter was raised at the Fall Session by Motion and agreed upon that at least one J.P. had quit. Well as far as I am concerned, if we are to consider justice

SESSIONAL
PAPER #23

Mr. Taylor continues....

being properly served in the north or anywhere else in Canada we must then indeed take the proceedings at any cost out of those police barracks and place them out in the public where the public can be invited to attend as is done here in the City of Whitehorse. Now it is recognized of course that we have no direct control over the administration of justice but it is also recognized that all efforts have been thwarted in our attempts to have this undertaking concluded. Again, we find in Sessional Paper that no agreement has been reached as yet. Well, how many years and file building and great expense to the public do we have to go through before this is done? This is a simple request. You merely, instead of holding this court in the R.C.M.P. barracks you take it over and open the doors to the public and hold it in the Community Hall, or the Centennial Centre as you prefer. And I really don't know how we are going to get this. I certainly don't feel another Motion is in order. This is the only reason I didn't present it as a Motion because there are already so many Motions on this subject and gotten nowhere and another one wouldn't seem to have much effect. Something has got to be done because this is a very, very, very bad situation at Watson Lake and I am sure the same situation exists in other areas in the Yukon. I wonder if Mr. Commissioner has any thoughts on how we can effectively implement this particular desired policy because it would appear that the only link between us and the Department of Justice is indeed the administration and in that respect this is the only person we can turn to. I wonder if Mr. Commissioner could comment?

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, I don't think that there is anyone who has tried to press this matter since the last Session of Council, and the problems that were brought before us at that time than I have, and I have taken the matter up with my Deputy Minister who in turn is negotiating with the Deputy Minister of Justice in this particular regard. I am sorry I can't go any further at this time to say exactly where these negotiations are at except what I have told you in this paper here that they are at a critical stage and I would strongly recommend to Council that this be an item that they bring particularly to the attention of Mr. MacDonald when he is to meet Council here this coming Wednesday because it is at this level and this level alone that we are going to be able to bring about constructive actions that will move towards implementing a course of action that Council has been advocating for some time.

Mr. Chairman: Councillor Taylor.

Mr. Taylor: Again it comes back to the frustration of hearing that negotiations are going on between Ministers and the Ministers don't seem to be accomplishing very much these days; at least accomplishing very much to the good. Something has got to be done and as an individual I serve notice right now that unless this matter is resolved before this Council has prorogued, it is my intention to mimeograph out typewritten sheets of paper indicating a person's right before the law and encouraging everybody, no matter what the offence, to plead not guilty and wait until the Magistrate comes down to Watson Lake if it means this is what we have to do to have the Court proceedings held in the community hall and out of that police barracks. I don't know, I suppose it is going to be pretty tough on the people held in custody but if this is what we have to do this is what we have to do. At least he'll have his day in court in front of his peers and the public eye.

Mr. Taylor continues...

It puts the Magistrate on his toes; it puts the Police on their toes and it also puts the accused on his toes and as I say, unless this problem is resolved by the end of this Session I shall get a mimeograph machine and I shall see that everyone, regardless of who, gets a copy of this document and I will circulate it widely and then the Magistrate can deal with the whole workload.

SESSIONAL
PAPER #23

Mr. Chairman: Councillor Livesey.

Mr. Livesey: In support of Councillor Taylor I would like to point out to Committee that I have been asking myself during the last ten years for the court cases in outlying districts to be held not in police barracks but in community centres, community halls, places where the public can attend and I have also, I believe, stressed on a number of cases the necessity for training of Justices of the Peace because I don't feel personally if the Justice of the Peace is not entirely firm in his convictions on questions of law well some doubt obviously can arise in the public mind as to its relationship as to any decision made and I have always felt that training just helps them in their work and helps the public to understand the meaning of law and the meaning of Justice. I would like to direct a question to Mr. Chairman at this time and ask the Commissioner if the program for training Justices of the Peace is in operation at the moment as it was some time ago and if it is the intention of the Administration to see that throughout the Territory cases in outlying areas are tried and conducted in places other than police barracks.

Mr. Commissioner: Mr. Chairman, in reply to the first portion of this question, it is definitely a necessity to have some kind of training program for Justices of the Peace and other similar types of appointed people, Commissioners for Oath and Notaries Public and Coroners. In this regard I have asked John Parker to see if we cannot lay a program of this nature and I am very hopeful to have something constructive to announce along these lines in the near future. As far as the second portion of your question is concerned, Mr. Chairman, this relates entirely to the question that was raised in the Motion, or the Question that the written answer is before you on and I can say that the problem is not only confined to Watson Lake and the answer is not confined to Watson Lake. The question prevails practically throughout the Territory and whatever the answer is for one part of the Territory it must be the answer for all the Territory.

Mr. Taylor: Mr. Chairman, I would just like to point out the importance of this matter can possibly be described in the Canadian Bill of Rights where under Section 1, sub-section (b), the right of individual to equality before the law and protection of the law. Section 2, sub-section (a) No law of Canada shall be construed or so applied as to authorize or affect the arbitrary detention of person or exile of any person. I say this is being abused and abused badly. And subsection (e) of Section 2 "that no law of Canada shall be construed or applied so as to deprive a person of the right to a fair hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations" and in that you have the answer. The rights and obligations are being denied at this present time as long as this practice is continued. Thank you Councillor Chamberlist, I will resume the Chair.

SESSIONAL
PAPER #23

Mr. Chairman: Is there anything further? Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I think that one of the problems we are faced with is that Administration has no direct line to the Department of Justice. Administration here can only go through the Minister of Indian Affairs and Northern Development when dealing with Justice but this doesn't prevent us as individuals from making our protests where protests are necessary regarding justice in the Territory directly to the Minister of Justice, that is. I can assure members that the Minister of Justice that we have at the moment, Mr. Trudeau, would gladly have items of this description brought to his attention and I am quite prepared to bring it to his attention and if Councillor Taylor and other members of Council that feel likewise. The way to get things done of this nature when we see that the Administration are not successful in doing it to do it ourselves, not completely depend upon the Administration to do it because I noticed the Commissioner referred to training of J.P.s - having training program for J.P.s and Commissioner of Oaths and I am not going to suggest that there should also be training sessions for Commissioners of the Yukon Territory but at the same time I feel that perhaps the fact that the Commissioner hasn't impressed upon the Minister of Northern Affairs the need to, for the Administration to be able to deal directly on certain matters with Ministerial heads, department heads. It is obvious that here is a case in point where after the many remarks and discussions that have been made in Council since this Council commenced in the second session of 1967, there has been nothing done since that time and I would respectfully suggest that if administration do not go directly to the Department of Justice and tell them that the wishes of Council are not being complied with, that we do it as individual members and I would suggest that in many instances on many matters that we by-pass the Commissioner because he could only work through his Minister. He has said this in Council himself that the only way he can get to a particular Department is to make the request through the Department that employs him. If we do this, this way we can show to the other Ministers in the Cabinet that we are not satisfied with the system of government because we can't get to them so we are doing what we think is best and at least I think we will get the courtesy of a reply directly to our problems. I have been doing this on a number of things and I might say that I have been fairly successful in having certain matters where the rights of individuals have been interfered with in many ways, getting them attended to and therefore my suggestion to Councillor Taylor is to follow this particular line and go ahead and I am sure that he will find that something will be done about it. It is a disgraceful situation that exists, especially that Watson Lake area and I am gradually coming to the opinion - I hate to be critical of the R.C.M.P. because they have a job to do and we have a responsibility to support our Police Force. Where they are not recognizing our function then we must go over their heads. I have every reason to feel that if we go over their heads we are going to get the results that are required. Thank you Mr. Chairman.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I must fully concur with the remarks of Councillor Chamberlist. On various occasions when problems had arisen; possibly on the spur of the moment,

Mr. Shaw continues....

affecting the area which I represent; I happened to be there. I communicated directly with the Minister of the Department concerned and quite frequently also sent a copy of the communication to the Member of Parliament representing the area and in all cases; I think I can say in all cases I had excellent service Mr. Chairman. I wonder if such an attempt has been made by the -by any members concerned in relation to the Justice of the Peace court proceedings and these other areas direct to the Minister concerned. As Councillor Chamberlist has so rightly pointed out Administration must work through the Department of Northern Affairs and when you work through various and sundry Departments well you haven't a direct hot line. You are going through all kinds of communications and in the process quite a lot of static comes along and possibly jumbles the message when it gets to the other end so when you do communicate direct I think this is a very sensible way of doing it.

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

Mr. Taylor: Well Mr. Chairman, just in answer to Councillor Shaw, indeed I think we have done better than that. This Council on more than one occasion has directed a motion by firm motion this complete legislative body, or a majority thereof, to the Minister of Justice and still nothing has been done. Possibly that Motion has never got to him - or those Motions - I would have to go back through Votes and Proceedings to find this. There have been Motions directed to the Department of Justice and the Minister of Justice but to no avail. It is really an exercise in frustration. As I say, the only way I can see that we can proceed now is to take action, the only action a citizen can, and that is to start having people, no matter whether a parking ticket or what, just have them plead not guilty and have the Magistrate down to hear the cases and maybe this time the Department of Justice or the R.C.M.P. might mellow in their thinking and move their court moved out of the Watson Lake barracks.

Mr. Chairman: A note from the Chair. **Mr. Chairman, there** are some citizens who plead not guilty even to parking tickets.

Mr. Shaw: Mr. Chairman, I agree that the Council has done this but as an individual representing a certain area I have written on quite a number of occasions direct to the Ministers concerned and it doesn't matter what government happened to be in power, I have always received a letter in return. Sometimes all I got was sympathy, I'll admit, but quite frequently I got excellent action. I am not referring to the process of going through Council. I realize the difficulties involved. A direct letter to the Minister concerned, polite letter setting out the facts is extremely helpful.

Mr. Taylor: Mr. Chairman the Minister is off campaigning with the rest at the present time and I see no opportunity to him back to his desk if this is an important step in the course of events and I want action; I wanted action years ago

Mr. Chairman: Order please.

Mr. Taylor: So, as I say the only effective course I can see to follow is the one I certainly will follow unless the matter is resolved by the time Council prorogues. We will get action one way or the other,

SESSIONAL
PAPER #23

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

Mr. Chairman: Is there anything further on Sessional
Paper No. 23?

Mr. Livesey: Mr. Chairman, I would like to clarify one
point and that is the question of training Justices of the
Peace was taken up I believe both in our visits when I was
last on the Council in 1963 and 1964 and after discussions
with the Department of Justice in Ottawa I believe there
was one training session taken and I haven't heard of any
since then, which is one of the reasons I brought up that question.

Mr. Chairman: Anything further at this time. I'll declare
a recess.

....

Friday, March 15, 1968.
11:00 o'clock, a.m.

Mr. Chairman: At this time I will call Committee back to order and we have for consideration Sessional Paper No. 24.

SESSION-
AL PAPER
#24

Mr. Chamberlist: Mr. Chairman would the Legal Adviser, would he be able to come?

Mr. McKinnon: Mr. Chairman, I am informed that the Legal Adviser is tied up this morning with the meeting of the Legislative Programming Committee which we have no access to.

Mr. Chairman: Would Mr. Clerk determine as to whether he will be available or not. I'll declare a short recess.

Mr. Commissioner entered, then Mr. Legal Adviser.

Mr. Chairman: I will now call Committee to order and we have with us Mr. Legal Adviser. We are dealing with Sessional Paper No. 24. Would you proceed gentlemen.

Mr. Chamberlist: Mr. Chairman, the Members of Committee will know we have some discussion in relation to the proper status of Whitehorse and in past discussions we have had the Administration's Legal Adviser tell us that the, that Whitehorse is a City and I requested a copy of the charter of the incorporation of the City of Whitehorse to show that in fact that Whitehorse had been incorporated as a city. This has not been forthcoming for the obvious reason that a charter does not exist. The City of Whitehorse is part of the name of the Municipality of the City of Whitehorse. I wonder Mr. Chairman, if the Administration's Legal Adviser would care to state now that this Sessional Paper No. 24 has been outlined for Council and whether he has changed his views that Whitehorse is only a Municipality as has been expressed by other members of this Committee in preference to his views that Whitehorse is an incorporated city.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: I didn't think the Honourable Member meant me Mr. Chairman.

Mr. Chamberlist: I refer to the Administration's Legal Adviser, it's quite clear.

Mr. Chairman: Gentlemen, the Legal Adviser present in these Chambers at this time is a Legal Adviser to Council and we will accept him being as such because that is exactly what he is. Mr. Legal Adviser would you care to speak.

Mr. Legal Adviser: Mr. Chairman, the basic position appears to be that under old ordinances provisions were made for charters and such but in 1949 the present Municipal Ordinance came into force and now, the copy I have before me here is the ordinance of the Yukon Territory, 1959 which incorporates the same terms in respect to the matter we are talking about. Under terms of that particular ordinance they set up a type of organization which we would call a Municipality and a municipality means any portion of the Territory established as a municipality under this or any other ordinance and this body which is known as a municipality covers an area of land and often to people who govern the municipality in accordance with the law. Now, when the ordinance came into force the City of Whitehorse became a municipality. There is no such thing in law at the moment in the Yukon Territory as a city. The organization is known as a municipality and would include such a thing as a village, town, or a city. Now, when the Municipal Ordinance came

SESSIONAL Mr. Legal Adviser continued:

PAPER # 24 into force in relation to Whitehorse it established a municipal body known as the Corporation of the City of Whitehorse in accordance with the Commissioner's published proclamation which in fact although it's not here, I have seen the photostat copy of the, it's here on the back of the Sessional Papers, a public notice given to the inhabitants of Whitehorse of the Councillor appointments and all the provision that makes an ordinance being Chapter 8 having been complied with that there is now in effect the City of Whitehorse, I mean the Municipality so the name is the City of the Municipality of Whitehorse in the same way that the City of Dawson. There is no charter and there could have been no charter in the course of the law.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: I would like to continue. Mr. Chairman, I take it that from remarks just made that it is agreed now that the Municipality of the City of Whitehorse is not a chartered corporation.

Mr. Legal Adviser: That is quite clear. It is not a chartered corporation, there is no provision for a charter for any local government body in the Territory.

Mr. Chamberlist: So that Mr. Chairman, it would appear further then that Part 1, Section 4 of the Municipal Ordinance has no validation at all where it reads the Corporation of the City of Whitehorse established by the Municipal Ordinance of the Revised Ordinances of the Yukon Territory, 1958 is continued for the simple reason that the Corporation of the City of Whitehorse has not been established because there is no such thing as a corporation of the City of Whitehorse.

Mr. Legal Adviser: Mr. Chairman, I thought I had already said that in the Municipal Ordinance when it came into force there was established a Municipality of the City of Whitehorse and the correct title is the Corporation of the City of Whitehorse and established under that Act and with the Revision of 1958 and then in 1959 there was another Revision of the Ordinance and it continued the situation in force from 1949 when the Municipal Ordinance first came into being and that is and correctly set out here that the Corporation of the City of Whitehorse established by the Municipal Ordinance is continued and its boundaries as set out in Schedule B. This was an ordinance bringing all these other smaller ordinances into one large body.

Mr. Chairman: Is there anything further on this? Councillor Livesey.

Mr. Livesey: Yes, Mr. Chairman, with respect, it seems to me, my layman's mind that what we are talking about elections being definitive so far as democracy is concerned and we are trying to prove that that which is is not and that which is not, is, which seems to be a reversal although I don't profess to understand all the fine points of the Paper before us. But one point, as far as the layman's mind is concerned is primarily the fact that it was turned down. It did not receive the vote, did not receive the sixty-six and two-thirds majority required, therefore it is not, now something which is turned down in a democracy surely should not be, no attempt should be made to point out to the public that something that they don't want well, that's what they got. This is bad. The same thing that came up with the time situation, the same thing there. That which we don't want is turned down by vote, this is what you've got, I think Mr. Chairman in all fairness, something has to be done to clarify the idea so that the public will understand what democracy means. It means what it is supposed to stand for and I've always understood that vote was the criteria, you

Mr. Livesey continued:

want something you vote for it. That's what you get. If you vote against it, you don't get it and it seems to me we have two glaring instances here before us, of late, where the vote means nothing, absolutely nothing at all and this can lead, I think, to far more complicated and confused circumstances in the future if we don't take a check on this and try to make a proper clarification. Thank you Mr. Chairman.

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Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I would like to remind the Honourable Member from Carmacks-Kluane that we here in the Yukon live under a slightly different system. Where the vote really doesn't mean that much as witnessed at the close of last Session when somebody from our Council on the Legislative Programming Committee, we as the representatives of the people voted to do this and of course it was turned down so what's done here is done in keeping with a lot of things that have been done in the Territory over the last sixty years.

Mr. Livesey: Mr. Chairman, I object to that statement because I think the two areas are totally different. Quite obviously the vote in the areas that I am discussing is relative to matters to which the public should decide and may decide. This other question with regard to the Legislative Programming Committee lies in our thoughts as the proper way of going about it but I don't understand at the moment that the Council can decide this issue themselves. We can say we want it but I don't understand we can place a person on the Legislative Programming Committee as such but I certainly do agree that he should be able to but I don't understand that he can.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I don't follow the Honourable Member from Whitehorse West in the point at all. He must fully appreciate that when any member of Council brings up a point of this nature it is primarily, I feel, to show that Legislation is secondly to the rule of Commissioners. Now this Paper before us shows this explicitly and the situation has not changed, not one iota since that time. Where it had already been shown that notwithstanding legislation and requirements of legislation on our books the Commissioner may and does over-ride that legislation and makes the decisions himself. Now, in this particular Paper before us it is quite clear and in paragraph 1 that an ordinance which was called the Whitehorse City Charter Ordinance was passed by the Council. Now, in that ordinance was a section which was Section 228 calling for a plebiscite before the ordinance would be brought into force. Paragraph 2; the plebiscite on the question was called for, it was defeated. Now, because it was defeated the ordinance did not come into force so, what happens then? A new Municipal Ordinance was passed and with a clause that it should not come into force until the Commissioner proclaims it. Then, the Commissioner at that time proclaims it, as in Section 4, over-ruling the vote of the people not to do a certain thing. Now, this is the point that I speak of, that the Commissioner over-rides the Legislation and it has not changed a bit at all because the Commissioner does the same now. Now, I don't know whether we must correct it or whether it is now because, it is recognized that what has taken place has taken place and must continue. This is a fine point of law, I haven't even taken the trouble to look at it and I have no intention of doing it but it's the point that I make, is that the power of the Commissioner goes beyond the power of the Legislation and when the Honourable Member from Whitehorse West protests our protests you are in actual effect condoning that type of situation. Now, this is why this is brought up in my opinion, this is my thinking of it, I say that because the original townsite of White-

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Mr. Chamberlist continued:

horse with the areas that have been brought into it is now the Municipality of the City of Whitehorse, brought into effect by an Order of the Commissioner contrary to the wishes of the people and I say that in future where legislation specifically defines what has to be done that this must come first to the wishes of one individual who may well be placed in the position of acting completely in fury on matters as in principles. I am the leader.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I'm afraid my point missed the Honourable Member from Carmacks-Kluane, the Honourable Member from Whitehorse I apologize for confusing them.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: Mr. Chairman, a Municipal Ordinance was passed in 1949 by this Council and it was passed, so far as my information is aware, because the people who were then living in Whitehorse at that time did not wish a charter in the particular terms of the particular ordinance which was then before them, to come into force. The Council then passed legislation creating a comprehensive municipal system and one section of the bill which was passed by this Council says that it shall come into force on a date to be fixed by the Commissioner. After the normal procedure to see that the organization was set up for the bill the Commissioner in accordance with the order of this Council brought it into force. Everything that was done and was complained of in fact in this particular procedure was done by this Council.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: I have a question. I am looking for information and this question will be directed to the Honourable Member from Whitehorse East and the Honourable Member from Carmacks-Kluane. Would they feel that the actions of this Council or Commissioner in Council in creating the City of Whitehorse was contrary to the plebiscite taken would be unconstitutional that No. 1 question, the second question, in order to straighten this matter up, would they feel that the municipalities of both Dawson and Whitehorse should again have a plebiscite in order to determine whether the people in fact did want this in this constitutional manner.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: I am going to answer that question in two ways. The Honourable Member from Dawson is not understanding my portion of the debate on this. I do not know what the legal ramifications are as to whether the constitutionality of the set up of the existing municipalities are correct or not because I am accepting first in the case of Dawson City that it was indeed a chartered corporation. I have gone that far back and I have satisfied myself that that was the case originally with Dawson, there is no doubt about that particular point in my mind. The point that I make is that the legislation that speaks must be followed at all times and if the legislation says that a certain thing must be done before an area can be brought into being of the Municipal Ordinance and it is not done and something else takes place then it is improper and this is the way that certain ordinances, certain pieces of legislation are being taken care of now. This is the point that I make and it is because when the people originally, the Whitehorse area turned down the Section 228, to turn down the requirements of Section 228 of the City of Whitehorse rather, it would refer to the Whitehorse City Charter Ordinance to overcome it by a Commissioner making legislation to suit the needs where the people are not concerned and not being asked, this is improper.

Mr. Chamberlist continued:

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Now, I cannot tell you the legal aspects on the questions that the Honourable Member from Dawson has asked for the simple reason I have not looked into it and therefore I cannot answer you directly otherwise I would.

Mr. Shaw: Mr. Chairman, the point that I don't quite understand is in so far as the establishment of this municipality which was originally rejected by the people, I believe twice, the Council or the Commissioner in Council passed an ordinance, in other words, they nullified the fact that it was necessary to have a majority for some reason or otherwise and they made the ordinance, they created it, they must have done it, it states so in 1949. I was at the north end of the Territory at the time, I just got the back lash, but the Council created the ordinance. The Commissioner followed the instructions, now where the Council qualified to make that ordinance, I think that would be the question.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: The Honourable Member from Dawson must realize, when the Honourable Member says he doesn't realize before I said anything I hope he's not suggesting that this applies to everything. He doesn't realize that Members of Council today and I would say this with all respect to those past Members of 1949, are I believe in all instances far more knowledgeable in dealing with legislation than they were in those days and one need only to look back on some of the things that have been done in the past. Now, I refer to this Part 1 of this Municipal Ordinance of 1949 which in itself shows how ridiculous legislation can be. In Section 3 of it, it has almost identical words to what it has in Section 4, only in Section 3 it is right because in Section 3 it says the Corporation of the City of Dawson established by the Municipal Ordinance, Chapter 79 of the Revised Ordinances of the Yukon Territory 1958 is continued and its boundaries set out in Schedule A. Of course it's continued because it always was a corporation of the City of Dawson so that by law it is perfectly right. They were just continuing what was in existence but 4 then also says the Corporation of the City of Whitehorse established by the Municipal Ordinance, Chapter 79 of the Revised Ordinances of the Yukon Territory 1958 is continued and its boundaries as set out in Schedule B. How can you continue something that didn't exist? This is what I'm getting at and this is legislation in there and this is the stupidity of it so because the suggestion is that in 1949 something was done, you know, surely Mr. Legal Adviser isn't going to suggest that because it was done in 1949 that everything was all right and if it was right it must follow that this is right and if it was wrong it must follow that this is right notwithstanding that was wrong. It falls back on the words that were echoed by the Honourable Member from Carmacks-Kluane. The principle of the whole thing of what I am saying is that legislation is legislation, it has to be followed by the Administration. When the Administration sees fit to do something that is not in the legislation then, as I said the other day, tear the legislation up. But the main point that I have satisfied myself with is now a reversal of the opinion given by the Legal Advisor that the City of Whitehorse is indeed the Municipality of the City of Whitehorse and it is not a chartered corporation. I think the point has been won.

Mr. Chairman: Is there anything further on this. Councillor Livesey.

Mr. Livesey: Well, I don't wish to continue this debate any further than necessary Mr. Chairman, but my name mentioned I believe by the Honourable Member from Dawson. My point in bringing this to the attention of the Committee this afternoon is simply one of ideals. In this country we are supposed to have fought numerous

SESSION- Mr. Livesey continued:

AL PAPER #24 wars on the basis of the vote. The fact that we believe in the majority rule and if we are going to laugh at these things or smile about them we're going to be placed in a position where we may be accused of laughing at the very things we believe in and this is what turns Government into juggernauts rather than principle areas that follow the directions of the public and put them into power. This is the point that I want to make out and I think it would be, it behooves all of us, each and every one of us to realize that if we believe in the democratic system and are prepared to fight for it to maintain it in this world, then surely at home it must be just as sacred as it is outside and if the public say we don't want something surely they shouldn't have it. This is the simple point I'm making and if they vote for something that is voted down in my view is out and something that is not voted down is in. It's just as simple as that. Thank you Mr. Chairman.

Mr. Chairman: Is there anything further in this debate or in this paper. Councillor Gordon.

Mrs. Gordon: I don't know whether I'm being obtuse or what but I still can't get into my mind just exactly the point that these Honourable Members are making. To me it is quite clear as said out here that somebody is missing the point. An ordinance was created to give a plebiscite, the plebiscite was negative and a Council following that plebiscite made legislation, a Council in this Chamber, which was acted upon. I think the Paper is quite clear.

Mr. Chairman: Is there anything further. This concludes then, discussion on Sessional Paper No. 24. There is one remaining item and that is the matter of a memorandum respecting Tender of Fuel Contracts. Is it your desire to start this debate at this time or do you wish to do it this afternoon.

Mr. Chamberlist: I move that we call it 12 o'clock at this time because it may constitute

Mr. Shaw: I second the motion Mr. Chairman.

Mr. Chairman: Do Committee agree that we call it 12 o'clock?

All: Agreed.

Mr. Chairman: Committee stands at recess until 2:00 o'clock this afternoon.

RECESS

Friday, March 15, 1968.

2:00 o'clock p.m.

Mr. Chairman: At this time I will call Committee to order, and I'm wondering, Mr. Clerk, before we proceed, if you would know if Mr. MacKenzie would be available to discuss Sessional Paper No. 22 this afternoon, say at 2:30.

Mr. Commissioner: What is this on, Mr. Chairman.

Mr. McKinnon: It's on the sewer and water system.

Mr. Chairman: The next item of business is a memorandum respecting TERRITORIAL Territorial fuel contracts. I'm wondering, Councillor Chamberlist, FUEL could you take the Chair? CONTRACTS

Mr. Chamberlist: Yes, Councillor Taylor.

Mr. Taylor: Mr. Chairman, as a result of a Motion for the Production of Papers today, we have tabled and received a copy of the Territorial Government tender for fuel supply for this current year. Now, last year we had much debate and many problems related to this particular document and the obnoxious section of this can be found in Section 10 which states the lowest price for each product at each location at which delivery is specified may be accepted. ie. Contract may be awarded according to location and not necessarily according to lowest overall bid. The section I more particularly refer to follows: Qualifying conditions to this paragraph will not be considered. Now, last year a great hue and cry went up among the oil suppliers throughout the Territory who had bid on this identical basis when indeed a qualification was accepted by the Administration from the White Pass & Yukon Route and the overall bid that was given to them, even though the individual oil contractors had successfully bid as low bidders in the general areas throughout the Territory. I refer to Votes and Proceedings of the First Session - 1967, page 323, in order to refresh my memory where it is pointed out qualifying conditions to this individual, or, pardon me, qualifying conditions to this paragraph will not be considered, which appeared in the last year's deal. I noted at that time that in the bid the White Pass & Yukon Route...no, pardon me, following the tender of their bid, some later date from when their tenders were bid, they put in an additional tender in which they stated that if they had...let's see, White Pass & Yukon Route qualified their bid by stating that if they were awarded the contract for supply of fuel at all locations, it would give an additional four tenths of a cent discount on the quoted prices. This is what it was all about. This was deemed by many Members of Council to be a qualification. The Commissioner was in power to make the decision as to whether it was or whether it wasn't indeed a qualification, and acting on the advice of the Legal Adviser of the day, decided that he would not consider it to be a qualification but it would result in some saving to the Territorial Government in the amount of \$1,763 so he allowed the contract. As a result of this, one of the other oil companies decided he would take the Commissioner to court in this matter and sue, or, I don't know what happened, or try and have the bid thrown out and the contract tendered to the individual other operators. I think the matter did go to court. I don't know what the result was, but in talking to the British American Oil Company who contested this, I was told that if this was to continue they would just quit bidding in the Territory. In other words, if it is the intention of the Administration to keep giving these contracts to the White Pass & Yukon Route, accepting qualifications from them which they would not accept from other companies, then it was kind of pointless them bidding on our contracts at all and we would be at the mercy of one or two oil companies and pay that much more for our fuel having outlawed competitive bidding. Now, as I stated before, this

TERRITORIAL Mr. Taylor continued:

FUEL qualification consideration is now included again in the tender form
CONTRACTS for this current year and quite frankly I would like to see something
done about this. I don't know whether the White Pass again will do
this and I certainly feel, and I would like the assurance of Mr.
Commissioner, that this, what went on last year, will not go on
this year. I would like, Mr. Chairman, to hear from Mr. Commissioner
on this matter.

Mr. Commissioner: Mr. Chairman, I certainly cannot give that assurance because until I have the situation in front of me so that I can ascertain that it's impossible for me to give such a commitment as has been asked for.

Mr. Shaw: Mr. Chairman, this would be directed to the Commissioner. This is very much a bowl of contention, this particular paragraph that's in. Is there any reason why there couldn't be in the contract another section or subsection that could state that an overall price could be given or in effect a lump sum price could be given or a reduction in the lump sum price could be given so at least the tenders would all know that they would have the same right which would be very clearly laid out.

Mr. Commissioner: Mr. Chairman, to the best of my knowledge, and this is subject to the Legal Adviser telling us to the contrary, our Engineering Department, at my request, have had the wording of this contract call and the specifications that are outlined herein very carefully vetted before these tenders were called this year, and it is my understanding that the Legal Adviser's advice to the Engineering Department was that the manner in which they were wording and calling this contractual arrangement was intact as far as legal aspects were concerned. Perhaps Mr. Legal Adviser might like to say a word on this, Mr. Chairman, but this is certainly my understanding of that particular situation.

Mr. Taylor: Well, Mr. Chairman, it would appear to me, and I don't think I would be very far wrong in stating that the reason that Section 10 remains the same as it was last year is because the Territorial Government was not defeated in court in this issue and therefore could conceivably feel that they have good grounds in order to allow it to continue again this year, which I suppose makes some good sense if you're on that ball team. But, it is my intent to do everything possible to see that this does not happen again. I don't believe that when you say that qualifications will not be accepted, we should recognize that we will not accept them. This is my point in argument. I feel that we should recognize this. What went on last year was very shameful. I note that in discussion of this in Votes and Proceedings last year, both Councillors Boyd and Shaw got into it. Councillor Shaw pointed out, "It does appear to me though, Mr. Chairman, that perhaps the future contract was something like this should be shied away from, and it will certainly be a lesson, but in the meantime I think we have just been locking the door after the horse got out or burnt up, whatever you are adding here, and serves no useful purpose." I think Councillor Shaw summed it up very well, but now, before this contract is let, I think they have an opportunity to rectify this most deplorable situation and this is my intent in having this paper brought to the table.

Mr. Chairman: Mr. Legal Adviser, would you like to make a comment on the document

Mr. Legal Adviser: I'm not conversant with the whole history of this matter before it came to me, but presumably acting on the Commissioner's instructions Mr. Koken of the Department of Engineering came up to me and he gave me the history of this pretty much as Mr. Taylor has outlined. So, I went down to the, being a cautious

Mr. Legal Adviser continued:

sort of person, I went down and tried to find the judgement that was delivered by Mr. Justice Parker in a case which arose out of this contract. It appeared, I think it was the B.A. Oil Company had taken an action against the Commissioner asking the Court to intervene and declare that the contract that had been awarded to White Pass & Yukon was invalidly so awarded and they wanted this finding. I'm not sure of the exact form of action that was taken as it was one of the prerogative type of writs like certiorari, who some of my learned friends are very familiar with. Anyway, the judge delivered a judgement but the judgement was not written down, so we have to try and get back the tapes and the tapes hadn't been kept, or at least not in an easy accessible place in any way where we could get the tapes to find out exactly what the judge said. The clerk had not kept a record but the deputy clerk had kept some notes of what the judgement was. This is the normal form of proceedings. Unless the judge has a specific reason for giving a legal judgement, it's normal, and in 95% of the judgements in the Territorial Court or any court of that rank are just a refusal of an application. The judge may give a few remarks but unless somebody wants the exact text of the judgement, then the main thing that is concerned is the order made by the judge. In this case it was an order of refusal. But, one would gather from the notes that I was able to obtain that the judge felt in the action that he had no jurisdiction to interfere in what was basically an Executive act and there was no obvious reason on the document as to why he would have power to interfere in this matter. If the Commissioner wished to accept this particular tender then it is up to the Commissioner to accept the particular tender. There was no obvious injustice and, in fact, on the records it appeared to be the lowest tender. Now, I don't want to be taken as giving the exact paraphrase of what the judge said in the case but this was the intent, apparently, from what I could gather of his judgement. Now, coming back upstairs then, with the documents in my hand, I examined the files and I found that my predecessor, Mr. Hughes, had given an opinion last year that it was difficult to say whether or not, in the circumstances of that case, the additional discount that was offered on the face of the tender, and this wasn't an accompanying document, apparently on the foot of the tender was stated the words that a discount of 5% will be allowed if the supplier gets the contract for all the various outlets. This wasn't deemed to be a qualification. This was a discount, so, with my custom caution, my opinion therefore was that since the form of the document had stood up to one contest on certiorari, it would probably stand up to more and I advised that no change be made in the documents. That's exactly how it is. Now, for what it is worth I can say that it is extremely difficult to come to a firm decision in some of these legal matters, but you're paid a sum of money and you've got to make up your mind and I have made up my mind that this decision was the correct one. The overall object of the government as such is to see that in the letting of a tender such as this that most goods are obtained for the least expenditure of money and so far as I could see, the duty of the Engineering officers who were letting or advising on the letting of this contract is to see that this is done. It would be a different policy matter if for a particular reason in say one place where there was only a single outlet from the tenderer it was decided that as a matter of policy we would pay more to another person to put in a second outlet or to create an outlet in a particular place. The quarrel regarding the tender and its acceptance I gather is that one particular tenderer appears to be in a position to tender at every outlet in the list and some of the people who would wish to tender are only in a position to tender in respect to one, two or a number of outlets and therefore cannot offer the same service and therefore cannot offer the same discount at every location. But, in dealing with this I posed a specific question to the Engineering people - were they satisfied that if a person tenders them all and

TERRITORIAL
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TERRITORIAL Mr. Legal Adviser continued:

FUEL gave a discount in the form of last year, this is not any tender,
 CONTRACTS which would be the cheapest? And, I got the answer that the particular method they had recommended last year was in fact cheaper and they were able to give a figure in dollars that it was cheaper. That was all that concerned me. If the Council or somebody wished, as a matter of policy, to raise the cost to the government, it's purely a matter of expenditure of money on a policy matter and not basically on a financial matter.

Mr. Taylor: Mr. Chairman, it's interesting to note now that the Administration have not only viewed this but now we find that they have agreed to leave it the same way. I think it must be clearly understood that last year the White Pass & Yukon Railroad or White Pass & Yukon Fuel Division, or whatever it is called, when they tendered this contract they first, the same as everybody else.... Pacific, British American, Esso, Royalite, Texacco, Chevron....these are people, residents, for instance in Watson Lake, all with bulk capability. They sell in bulk. These people bid, as did White Pass, and so White Pass bid on the individual locations as prescribed in the tender form, then as all others did, or some of the others did, not all, they bid the overall price and submitted their tenders. All the other oil companies looked and saw the qualifying conditions to this paragraph will not be considered and so they did not include any qualifications either at the time of tendering or indeed after the time of tendering. Only one company did, and that was White Pass. I had the documents tabled at the Spring Session one year ago in this Chamber and in it was the letter from White Pass appending their already submitted tender that stated, "If however we are awarded the overall contract"...if...that, in any man's language in a qualification. There is no way of calling it a discount. He said, we will give a discount of four tenths of a cent. That has got to be a qualification...if however we are awarded the contract, or the overall contract, we will give you a discount of four tenths of a cent per gallon. That's a lot of gallonage, and I'm quite confident that the other oil companies that were interested in tendering the total Territory, or who are indeed this year interested in bidding the total Territory, would just love the opportunity to do a thing like that. But, you're telling them in your tender they won't be considered and yet you considered this. Now, this is up to the Commissioner to make the decision unfortunately. It puts him right on the spot. In Sessional Paper No. 70, dated April, 1967, submitted to the First Session last spring, and this is from context, Commissioner states, "When submitting the bid, it noted that if it was awarded all the oil supply contract, it would supply the oil at an overall price per gallon which was lower than the price quoted by it for individual area contracts. I considered very carefully whether this was a qualification and therefore obnoxious or whether it was a discount. I was advised that this was not a qualification as phrased, but a discount." I say today, and I'll keep saying, that that was bad, bad, very bad advice. "I was also advised that it was in my discretion to reject any or all of the bids and that I was not bound to accept any bid even though it was the lowest available. Calculation demonstrated that by accepting the discount proposition there would be a saving to the taxpayer of approximately \$1,763." Well, there was a saving to the taxpayer by accepting this condition but it did a very great disservice to everybody else who bid the contract and made a mockery out of our tendering of contract. As I stated before, I would like to see the Administration change this and absolutely not accept this.

Mr. Shaw: Mr. Chairman, I would like to ask a question of the Legal Adviser. It just seems to be a problem of interpretation more than anything else, and there must be ambiguity otherwise people wouldn't find it necessary to go to court, whether they were successful or otherwise. Would there be any harm, would it be something

Mr. Shaw continued:

that would be against the public interest to have a section following Section 10 something to the effect that notwithstanding Section 10, a discount price can be quoted where it involves all of the complete requirements in the Territory. Would there be something wrong with putting that in?

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Mr. Legal Adviser: No, I don't think there's anything wrong in that. It could be clarified by adding to Section 10 something like, where a bidder bids for more than one outlet, he may quote a discount for the acceptance of his offer in respect of all the outlets quoted by him, or words to that effect. That means a person could put in a 5% or a 10% discount, whatever they liked. A discount for...he applied for three places and he gets all three, then his discount comes into operation, the same for any group of others. We can make this document anything we wish. This is just instructions for convenience. We're not legally bound by this. These are our instructions to the tenderer. The legal contract comes into operation at the point when his tender is accepted by us. This is instructions to him as to how to submit a bid. The contract comes into operation at the point when these bids are accepted. There's no objection to adding this but, as I say, I should really be responsible for this because I followed the easy road I suppose.

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

Mr. Chamberlist: Mr. Chairman, I have had some considerable experience with tenders and bidding procedures and notwithstanding that Sub-section 10 of this document that we have in front of us, Section 15, it says that any tender will not necessarily be accepted is really the more damaging than any of the other parts of the specification. However, standard proceedings in the Canadian Construction Association tender bids that where the words, qualifying conditions for this paragraph will not be considered, or any related words of that type, it means exactly what it says. Now, I recall that about four years ago, the company that employs me bid on four grader stations and when the bid on the four grader stations were submitted, because it would be an easier way and cheaper to purchase materials in bulk, I added on the bottom of that bid a discount of 6 1/2% will be given if the four... the bid for the four contracts is accepted. There was a protest made by another electrical contractor and after a meeting in the Commissioner's office where the former Commissioner and the former Legal Adviser attended, the former Legal Adviser said exactly the opposite to the opinion he expressed on this last contract that we are talking about. Now, he said then that my bid could not be accepted because, and he pointed out this particular section, because I had put in a qualifying condition. Now, I remember this distinctly and I still have the file available and I'm quite prepared to show you the letter under Mr. Hughes' signature sent to me that the Territorial Government could not accept my bid because I had put, and he used those words, a qualifying condition, and it was rejected completely. Now, how on earth can you correlate the decision of one man or the opinion of one man one day and another opinion of the same man on another day. It can therefore only be assumed and I already have had this experience, that this particular Legal Adviser makes his decisions in accordance to who he is dealing with. This may be applying to our present Legal Adviser as well, but however, the situation as we have now is this. We have to deal with a situation where if you have these types of words in there, how are you going to rule. Will the Administration rule on the basis of what the actual words say and mean, that qualifying conditions to this paragraph will not be considered, or are you going to wait and see who gets the bid and then decide what the intent of these words are. Now, this particular case that went to court, and there was a ruling I recall that the matter was an Administrative one and certiorari, he didn't lie because of that because it happened to deal specifically with a contract and not with legislation where the

TERRITORIAL Mr. Chamberlist continued:

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CONTRACTS Administration then becomes a quasi-judicial function and, of course, my learned friend forgot to tell the Members of Committee that there are cases of this nature that do exist referring to Halsbury's Laws of England, Canadian Abridgement and Mew's English Law as well. So, I don't accept any particular information of that kind or a reference to the judgement made by Mr. Justice Parker on this matter of the B.A. versus the Commissioner of the Yukon Territory and I can assure Mr. Legal Adviser, Mr. Chairman, that it is not very necessary for him to put an umbrella up for me to know when it's raining. I thank him, of course, for the help he thought he might be giving me at that time. But, to come back to this situation, I cannot help but agree, Mr. Chairman, with the remarks made by Councillor Taylor that there should be a clarification and a firm clarification, and if it is not firm...this is just to be just as fair to B.A. and to White Pass and to everybody else because the boot may well have been on the other foot and I think it should be clearly laid out that any discounts may not be used as a qualifying condition or that discounts may be used as a qualifying condition. In either of those conditions, it would apply to everybody. I think it's quite proper that the discussion on this particular memorandum has taken place because it should clear the air not only for this particular contract but to all other contracts so that people who are bidding know they are bidding on a fair and equitable basis without the possibility of the Administration being able to decide when a particular condition applies to a contract. Thank you, Mr. Chairman.

Mr. Chairman: Is there anything further on this item?

Mrs. Gordon: Mr. Chairman, may I ask a question? It's not in actuality in relation to this particular tender, but it is in tender forms in general. I'm wondering if I might pose a question to the Commissioner and ask whether it is a practice to keep a record of whether conditions by tenders have been met. In other words, if someone has submitted a tender and not fulfilled the tender in reality and then at a future date submitted a tender for the same type of work, is the work that he has done in the past taken into relationship in his subsequent tender form in acceptance.

Mr. Commissioner: Mr. Chairman, if there is any practice of this nature, it has certainly never come to my attention. All the tender calls that have been opened during my term in office and the recommendations from, in most instances, the Engineering Department, they have been based on the facts before them at that particular tender call. In other words, I think what is being asked here, Mr. Chairman, is do we maintain a blacklist of suppliers that would prevent people from bidding on a future contract on the basis of incomplete or improper work on a current contract or past contract. If such is the case, it has never come to my attention. I think this is the question, Mr. Chairman.

Mr. Shaw: Mr. Chairman, I'm not concerned with who gets the contract. I feel that there are possibly other facts that have to be considered besides the exact lowest bid. I quite understand that, however, I do feel that the contract should be laid out very clearly so that we don't have the difficulties that we've had in the past. I wondered if the Legal Adviser would be contemplating cleaning up this particular section for what the requirements are this year in view of the discussions that have taken place so there are no ambiguities and everybody knows where they're situated in respect of whether they can or cannot give a discount.

Mr. Legal Adviser: Mr. Chairman, it's not basically a question of cleaning up. When I say there's no legal objection to something being done, that does not necessarily mean that there's no Administrative

Mr. Legal Adviser continued:

objection to it being done. This is basically a question of where the Commissioner is taking tenders and consults with the Engineering people to see if a legally unobjectionable clause such as suggested by my learned friend, to say that a discount shall not be treated as a condition. Now, a condition, a qualified condition doesn't appear to me to include, whatever the Legal Adviser in the past might have waived in his decision or his advice, it appears to me that a discount is not a condition. But whatever that may be or not, certainly there's room for clarification if the people who are now tendering do not understand this from the result of the law case that was held last year. But, if it needs clarification this can be inserted. So far as allowing every person to give conditional discounts on the condition that you do this, that or the other thing as opposed to the overall picture, that's something the Engineering Department will have to advise on to say if it will be feasible for them to make the particular calculations in relation to the amount of fuel used at each point. It would mean a lot of calculation on their part and they might not be willing to allow this just for clarification. But, as I say, I'm sure the Commissioner will consult with them on that point and if it is agreeable and administrative feasible, then as far as the law is concerned there will be no particular objection to my drafting it on the tender form.

Mr. Shaw: Mr. Chairman, the British American Oil Company, from my very minute knowledge of oil companies, is a large concern, a large corporation. Now, I do not belong to the fraternity of learned legal friends so I do not know the ins and outs of many of these legal phrases, but I do know that this British American Oil Company is a large corporation. Now, this corporation must have batteries of lawyers that can determine on certain issues and they apparently determined that they did not receive an equitable chance or an equitable opportunity with some other bidder. So, they took it to court because they must have felt they had a good chance of getting an answer. However, as these things do happen, this was not a legal matter, it was some other matter. They didn't get the right habeas corpus or whatever you're supposed to put in. The results were that it was thrown out. That's why they put these latin phrases in. It is very easy to confuse everybody. But, the point is, Mr. Chairman, that they did feel that an injustice had been done so they took it to the court and the court didn't say whether it was or whether it wasn't, they just said, in effect, that it was beyond their competence to give an answer. It wasn't a legislative matter, it was something the Commissioner had the right to do whatever he wanted to do or somebody else had the right or whoever it was. But, it still didn't settle the question as to whether it was against the contract. That still hasn't been settled. So, why for goodness sake do we enter into the same yard stick and get the same sort of a problem again when it appears to me that simple English would define whether you could or whether you couldn't. That just seems common sense to me, and all I would ask, Mr. Chairman, in my very unlearned lack of phraseology that we put it down in a language that you can take a child out of highschool and let him understand what it means.

Mr. Legal Adviser: The account of the law case is not quite as grotesque as the Honourable Member would have us believe. But, these large companies, as he says, have got large batteries of lawyers and they now know what the position is. They now know that as far as this Administration is concerned, is they put in a bid in the same form as White Pass put in last year, that is adding a discount at so many cents a gallon, that this will not be regarded as a qualifying bid, and I'm not sure that we should hold their hands past this point. They now know their position. They now know the view we take or the Commissioner takes, so they can act accordingly. I'm sure they received the Votes and Proceedings, they see the newspapers, and they can guide themselves accordingly.

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TERRITORIAL Mr. Livesey: Well, Mr. Chairman, I would like to add a few words
 FUEL to this debate, and it seems to me that when there is a contract up
 CONTRACTS for which the public may be expected to pay money on behalf of the
 support of their own government, that everyone who bids for the con-
 tract should bid on an equal basis. Everyone should be treated in
 the same manner, identically in the same manner, with no discoveries
 in any other direction, but anything that is equal to all concerned.
 This is my first point. The second point, I can't quite understand
 where you have a public bid for the purchase of goods and chattels
 for the continuance of public service, that where the criterion is
 the cost, that anything that affects that cost isn't a qualification,
 isn't a condition. Surely if I purchase goods at ten dollars a
 thousand and somebody offers them to me for nine ninety-five, surely
 that's a condition of the sale. The sale has been changed by that
 amount so it must be a condition. I can't understand where it is
 not a condition. Another point is, I'm wondering if the Territorial
 Government have considered the possibility that there are people in
 outlying areas and possibly in this district that would like to put
 in a private bid for the particular area in which they reside to
 supply the same goods and materials that are being supplied now by
 one supplier. Now, in the question of contributions towards the
 paupers of the realm as far as the Yukon is concerned, it seems to
 me that most business people whether they are large concerns or
 small pay the same licence, so surely they should be treated by the
 same government in exactly the same way. Therefore, I would feel
 that they should be considered to be equal too, and especially where
 perhaps the cost of delivering these goods throughout the Yukon is
 raised in some instances by the fact that certain deliveries have
 to be made in one area as an isolated area whereas all the others
 can be considered under a certain other form of delivery system.
 I've heard it said by more than one contractor that having supplied
 this small corner and that one over there, this puts it in an
 entirely different position altogether. I've wondered many a time
 if the Territorial Government haven't considered allowing certain
 isolated areas to offer their bids on what they would supply to the
 Territorial Government the same goods and services. Now, I know in
 another area of the same type of contract where it applies to Federal
 Government contracts, I made inquiries a number of years ago on the
 sale of gasoline and other fuels, and on the basis also of a contract,
 and I was informed that the local person couldn't be considered be-
 cause he couldn't guarantee the specifics of the goods that he
 delivered or the services required even though he was delivering
 exactly the same services as others were for the same contractor.
 This is the kind of shilly-shallying that goes on, so that the
 individual attempting to maintain a business in one particular area
 has to meet this kind of totally unfair type of competition, and
 yet he is expected to pay the same price to support that operation.
 I would like to, Mr. Chairman, ask the Commissioner if he would at
 this time...if the Territorial Government have considered the
 possibility of certain isolated local areas supplying goods in that
 area to support the operation of the Territorial services in that
 district.

Mr. Commissioner: Well, Mr. Chairman, as a generalized question,
 this question is impossible to answer with due respect, Mr. Chairman,
 because to the very best of my knowledge the type of purchasing we
 are dealing with here in this fuel oil situation does not appear,
 at least by virtue of the tenders that came in here last year, to
 emanate supply-wise and otherwise in about possibly two or maybe
 three points in the Territory...this is the original supplies.
 From that point on the companies that are involved in the bidding
 seem to use agents that they have located in various areas, and I
 am just assuming that the successful bidder, no matter who he would
 be, would not be using one truck or one vehicle to deliver all over
 the Territory. He would be using his agents that are located in
 the various parts of the Territory to do the supplying. Now, with

Mr. Commissioner continued:

regard to this fuel contract, if memory serves me correctly, my inquiries last year showed that for the gasoline for example, this was delivered at the agent's pumps throughout the Territory upon demand to authorize Territorial Government vehicles. Now, this is certainly local supply if ever there was. What the agent gets paid for performing this service by the supplier, I'm sorry, I don't know off-hand, but we were given that list and we have that information available. Now, with regard to bulk deliveries of fuel oil for heating or other similar purposes, I am assuming that bulk deliveries, where they are available in an area, will be made by the local agent, and where this was not possible that the successful bidder will have to arrange for some other form of delivery. But, with this fuel oil contract, I don't think I have to tell any Member of Council here that this has been a form of contention as to its method of calling for as long as I have been knowledgeable of what goes on in the Territorial Government. This is nothing new at all, and it has been given out in all manner of different formulas. It has been given out strictly on the basis of local suppliers and it has been given out on the basis of one supplier on the understanding that he would use local agents. It has been given out on an item by item basis. In other words, when I say item by item I mean that the fuel oil would go to one company, the lubricating oil would go to another, and the gasoline would go to another. It has been given out on a Territory-wide basis. If there has been one formula for giving this out, I'm sure there has been six or seven of them, not one of which would appear to satisfy all concerned. And, the question that the Councillor raises, if there is anyone more interested in seeing local businesses, particularly in the outlying parts of the Territory, are given ample opportunity to bid on these things, I am certainly in favour of it. However, by the time all the criteria has been examined and the Commissioner of the day, no matter who he is, has word from the Engineering Department who are responsible for the day to day operations, by the time he has heard from the Legal Adviser as to the legality of the paper, he becomes so thoroughly confused that how in the name of goodness you're ever going to get complete satisfaction out of this, I'm sorry, I just do not know. I would say this, Mr. Chairman, that the different methods of giving this out that have been tried over the years, I'm sure doesn't leave very much more variation left. There may be some. I don't know what they are.

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Mr. Chamberlist: I wonder at this time, Mr. Chairman, if the Commissioner can explain one particular item that seems to be running free, these places called public outlets. What is meant by public outlet.

Mr. Commissioner: Mr. Chairman....

Mr. Chairman: Proceed.

Mr. Commissioner: A service station that anyone would go to to buy fuel products from.

Mr. Chamberlist: Do I understand from this that the government is calling for bids on gasoline to be sold to public outlets?

Mr. Commissioner: May I explain, Mr. Chairman?

Mr. Chamberlist: I'd like an explanation.

Mr. Commissioner: For example, government vehicles are given an authorized list after the contracts are let for the year as to where fuel supplies for these vehicles may be purchased and the price that will be paid for them is part of the bid price, and this is where delivery is affected. For example, if the British American Oil

TERRITORIAL Mr. Commissioner continued:

FUEL Company was the successful bidder and their outlets were to be used
CONTRACTS throughout the Territory for delivering to government vehicles, this
list is given to people who drive government vehicles. When they
are in a certain area, this is where they are to procure their fuel
supplies.

Mr. Chamberlist: I'd like to continue on this line, Mr. Chairman.
From this do I understand that this excludes privately owned gas
pumps and only applies to gas pumps that are owned by the people
who are bidding? Is this the intention?

Mr. Commissioner: No, Mr. Chairman, I don't think there's anything
restrictive in that nature. I think what it means is that it would
be up to the company that was bidding to, say for example, Haines
Junction...it is up to them to tell us which outlet or which several
outlets that their products are to be available at at this fixed
price in that locality for delivery to government vehicles upon
request.

Mr. Livesey: Well, the point I'm getting at, Mr. Chairman, is that
if there ever was a condition of haves and have nots, I've never seen
anything more glaring than this one. When you can see certain in-
dividuals throughout the Yukon who, every year without fail, get
this business and every year without fail the others along side him
get none, not for one year but ten years, twelve years, fourteen
years, one after the other. Surely there's something wrong some-
where. This is the situation that we're faced with here in the
Yukon Territory in this particular field of operation. That's the
problem. In other words, the ones with tigers in their tanks get
all the business and the ones with lions in their tanks get none.

Mr. McKinnon: It's horse shoes....

Mr. Chairman: Order, gentlemen.

Mr. Livesey: That's just about the size of it, and I think it's
high time something was done about looking into this for the sake
of fair play if for the sake of nothing else. There's something
wrong surely when people paying the same licences and operate the
same businesses can be working and fighting to maintain some service,
and especially in these outlying areas where everything you get you
have to fight for...if you want water, you've got to dig for it,
if you want a piece of ground, you can fight Ottawa to get it, and
if you want a licence, you've got to go and buy it, if you want
power, you've got to supply it yourselves. This all comes from the
operation of the individual yet he can sit there and it doesn't make
any difference. He's shunned like there's something wrong with him.
He's absolutely shunned. They don't look at him at all. He just
sits there and gets none of this business. The fellow next door,
boy, there he is. The handouts are going around all over. There's
something wrong somewhere, Mr. Chairman, and I think it should be
investigated.

Mr. Chamberlist: Mr. Chairman, the Honourable Member from Carmacks-
Kluane, by his age should have learned there is no such thing as
fair play in the administration of the Government of the Yukon
Territory.

Mr. Shaw: I'm afraid I can't agree with the Honourable Member for
Whitehorse East in his last remarks, but it is fairly obvious who
has the fuel oil and petroleum products and who doesn't. That's
a fact and I don't know what can be done about it as far as the
Administration is concerned. I think if we can get this Public
Utilities Commission going as I've been asking for for quite a
number of years, I think that that might turn up a few things.

Mr. Shaw continued:

I think that if we could possibly stay with the object of this discussion here which is to clarify Section 10. That's all I'm concerned with.

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Mr. Chairman: Well, is there anything further on this matter?

All: Clear.

Mr. Chairman: We will then proceed to Sessional Paper No. 22, and I believe Mr. MacKenzie is now with us to discuss this matter.

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Mr. MacKenzie, Territorial Treasurer, enters Chambers.

Mr. Chairman: Would you proceed. Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, I have Sessional Paper No. 22 before me. I don't know whether Mr. MacKenzie has a copy of this or not but it came before Council yesterday. In it is a question I was asking: "Does the subsidy to the capital cost of the Porter Creek water system follow the recommendations of the policy paper on the provision of water supply and sewage disposal services in the N.W.T. and the Yukon, which form Appendix "H" of the report of the Inter-departmental Committee on Federal Territorial Financial Relations?"

Mr. Chairman, I am told that the cost distribution for the Porter Creek piped water system is in accordance with the policy paper, Appendix "H", in this Report. In answer to a question, No. 13, at this Session, Mr. Chairman, 1968 - Second Session, asking what will be the estimated cost per year to the user on a 100' x 200' lot when the Porter Creek water system goes into operation. The answer is that it will be \$97.49 per annum, estimated at \$.70 per foot of frontage for capital and \$.20 per foot of frontage for operating, together with an estimated \$7.49 for each average dwelling connected to this system. Now, Mr. Chairman, what I would like explained to me is how the \$97.49 is arrived at through the policy for the provision of water supply and sewage disposal services in the Northwest Territories and the Yukon, considering all government subsidies and frontage charges and other taxes.

Mr. MacKenzie: I understand you wish to know how these figures are arrived at. Is that the point?

Mr. McKinnon: Yes, Mr. Chairman, considering that I have been told that it follows the paper on the provision of water supply and sewage disposal services in the Northwest Territories and the Yukon which forms part of our two year fiscal agreement with the Federal Government.

Mr. MacKenzie: Well, let me explain. We have three parties sharing in the cost of this system for Porter Creek. You have the Federal Government, the Territorial Government and the private users. Now, in regard to capital, the Federal Government pay their full share at one time, immediately. The Territorial Government does the same. So, that leaves only the private users.

Mr. McKinnon: What is the Federal Government's share and the Territorial Government's share, Mr. Chairman?

Mr. MacKenzie: The Federal share is \$1,380,000....I beg your pardon, \$1,380. The Territorial share for occupied lots is \$33,157 and for empty lots \$86,991. That leaves the private users share at \$333,417. The total cost of the system is estimated at \$455,000. Now, out of the....

Mr. McKinnon: Mr. Chairman, I wonder if I could have how this follows Section 14 of this policy paper, which states that the

SESSIONAL Mr. McKinnon continued:
PAPER #22 capital cost of the facility are borne by the responsible governments while the operating costs are borne by the consumer.

Mr. MacKenzie: Yes. There is a qualification to that though and that is the Territorial Government will bear the capital cost, or part of the capital cost, the private users portion, up to an amount equivalent to the operation and maintenance costs.

Mr. Commissioner: Excuse me, Mr. Chairman. This is stated later on in the paper though, this qualification, is it not?

Mr. MacKenzie: Well, it's hard to follow it there.

Mr. McKinnon: You'd better believe it.

Mr. MacKenzie: But, basically the idea is this. The private users pay the operating costs of their system, their share of the system, and the Territorial Government pays the capital costs, but the Territorial Government only pays for the capital costs up to an amount equivalent to the operation and maintenance costs. In other words, the amortization payment is equal to the operation and maintenance costs. If there is any excess, then that excess is borne by the private users.

Mr. McKinnon: Mr. Chairman, then certainly it's to the advantage of the community that is receiving the water service to put the operating cost into an astronomical figure so that this money will be paid back as part of the capital cost by the participating governments. The more inefficient that you can run a system the more you can get out of the governments that are participating.

Mr. MacKenzie: You're speaking of running the system which, of course, involves operation and maintenance costs. Let me go a little further now. I said that the capital cost of the private users' share was \$333,472. Now, out of that figure the Territorial Government will pay \$94,056, and that figure is arrived at in this way: The amortization payment on that \$94,056 is equivalent to \$6,741.90 and that is the amount of the operation and maintenance costs. So, from this....

Mr. McKinnon: Of the estimated operation and maintenance costs....

Mr. MacKenzie: Of course, we're estimating here.

Mr. McKinnon: And multiplied by twenty years amortize payments?

Mr. MacKenzie: It's amortized over thirty years.

Mr. McKinnon: It's multiplied by thirty then, right, okay.

Mr. MacKenzie: Now, I mentioned before that the private users' share was \$333,472. Of that, we will pay \$94,056, so that leaves....

Mr. McKinnon: And the Federal Government will pay....

Mr. MacKenzie: They've paid their share before. Let's forget about the Federal Government. That's paid for. So, that leaves the private users with \$239,416.

Mr. McKinnon: I'm weakening....

Mr. MacKenzie: Yes. Let me go over it again now quite briefly. The object of the policy is that the users shall pay for the operation and maintenance costs and the Territorial Government will pay for the capital costs.

Mr. McKinnon: To a certain extent....

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Mr. MacKenzie: That's up to the value of the operation and maintenance costs. They were in this particular case \$6,471.90.

Mr. McKinnon: Right. So....

Mr. MacKenzie: Just a moment. You assume that to be an amortization payment and you find the principle represented by that amortization payment, and that works out at \$94,056 which we then pay.

Mr. McKinnon: All right, Mr. Chairman, now you're going on hypothetical figures as to what the operation and maintenance is going to cost on this system.

Mr. MacKenzie: Yes.

Mr. McKinnon: Certainly, we have to. All right, let's go further in this hypothesis. We assume that the citizens of Porter Creek go together and form a village or a local improvement district. Now the cost, or the water system will be operated by the Village of Porter Creek. Now, it would be to the advantage of the Village of Porter Creek to, let's say, make sure that the operation and the maintenance of the water system fell into about a twenty thousand dollar a year bracket because then they could recover six hundred thousand dollars from the Territorial Government to the cost of the water system. Well, if this isn't a perfect example of the government subsidizing inefficiency, I don't know could be.

Mr. MacKenzie: You're assuming that we would approve an operating cost of twenty thousand dollars.

Mr. Shaw: Between words and figures, Mr. Chairman, I don't know how it's possible to make things more difficult for the average person, whom we are supposed to be serving, to understand. Here we have a system at Porter Creek. It appears to me that all the government needs to say, if everyone will agree to this situation, we will pay so much per cent of the capital cost, the Territorial Government will pay so much per cent and the users will pay so much per cent, and then the users are told that it's going to cost so much for operations, this is how much it's going to cost, are you also prepared to accept that.

Mr. Chairman: Order. Order.

Mr. Shaw: Certainly, I would really like to see some justification for all this....I can't think of a word for it, I don't think it's been coined, but....how it can be understood.

Mr. Commissioner: Mr. Chairman, if this was applied, if this situation that Councillor Shaw has brought out was applied, it would be utterly impossible for anybody in the outlying areas to ever pay the bills for their sewer and water. Now, the whole purpose of this exercise, and I am going to agree that as an exercise in verbosity, this takes the cake. I couldn't agree more. But, the end result is this that in Porter Creek when this system is installed, the user, who is the person who really cares, the guy that has to dig up that money every month to pay the bills, is going to wind up paying something in the neighbourhood of \$95.00 per year to secure water into his house. Now, he doesn't care whether it's capital or o. and m. or what it is. All he cares about is that's what he's got to pay. Now, in Watson Lake the individual who is going to have sewer services there is going to pay effectively \$60.00 in a year. This is all he cares about. He doesn't care how in the name of goodness he gets the thing or doesn't get it. Now, in Mayo they're going to have both sewer and water so they're going to pay effectively a total of \$275 a year. In Whitehorse they're going to have to pay \$120 a year plus his frontage which I believe runs in the neighbourhood

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Mr. Commissioner continued:
of about \$30, so that the total cost would be approximately \$150. For Dawson Creek I think it's about the same, \$150 a year. The idea of this formula is used throughout the Territory. The end result is to get some kind of reasonable and equitable means of paying for this service in the Territory.

Mr. MacKenzie: Basically they are trying to get this devised so that if private users who are living far of this system want to be connected up, then they pay for it. Anybody with a house, say, a half mile away will know that if he wants to be connected up, he can't be connected up and we pay the cost. He's got to understand this.

Mr. McKinnon: Isn't my example correct, Mr. Chairman? The more inefficient the operation and maintenance is, the more the capital costs will be received from the participating governments.

Mr. MacKenzie: I mentioned that we would not go for an inefficient operation. We would not approve these costs.

Mr. Shaw: Mr. Chairman, I appreciate the remarks the Commissioner has just made and I agree with the end results. I think that it's really something, but, when someone in my constituency asks me how it works, I could tell them anything similar to that without knowing what I was talking about and they'd be just as wise as what I was.

Mr. McKinnon: Mr. Chairman, I would certainly like to invite Mr. MacKenzie out to the next meeting of the Porter Creek Citizens' Association.

Mr. MacKenzie: It's not so difficult to understand at all. It's a fifty-fifty sharing operation. You bear the o. and m. costs and we bear the capital, up to a point. Then we bring in these far away people who are made to pay for connecting up to the system naturally. That's all it is.

Mr. McKinnon: Mr. Chairman, let's go a little further in this. Now, in answer to Question No. 13 that I've asked, I've been told that the percentage of the subsidy by the government to the Porter Creek water system will be on the average 20% of the total capital cost of this system, and the average user, on 100' x 200' lot, will be paying \$97.49 a year. In the same answer I'm told that the people living in Watson Lake will receive a 60% subsidy on the total capital cost of their sewer system and will be paying a total cost of only \$60.00 for their sewer system. Now, we're getting a 20% subsidy and have to pay \$97.00 a year for water and the people in Watson Lake, three hundred miles to the south, are getting a 60% subsidy and they only have to pay \$60.00. Where is the equitableness in this situation?

Mr. MacKenzie: You are comparing two different formula. This new formula applies to Porter Creek and it does not apply to Watson Lake or Mayo. In the case of Mayo, for example, the capital cost was worked out at 25% of the cost mains. That's all we called upon the users to pay, just 25% of the cost of the mains.

Mr. McKinnon: Under which formula was this, Mr. Chairman.

Mr. MacKenzie: That was a practical arrangement to arrive at a reasonable annual cost.

Mr. McKinnon: Could we have a practical arrangement instead of this sewer and water policy paper?

Mr. MacKenzie: Well, you have it.

SESSIONAL
PAPER #22

Mr. McKinnon: I'm getting it, that's what's happening. I can feel it too....in the back.

Mr. Chairman: Order, gentlemen.

Mr. Shaw: Mr. Chairman, I would suggest that perhaps to assist the Honourable Member from Whitehorse North, that Mr. MacKenzie be a guest speaker at the next meeting of the Porter Creek Citizens' Association.

Mr. Chairman: Well, gentlemen, at this time I will call a recess. Councillor Livesey will have the floor after we come back.

RECESS

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3:30 o'clock p.m.

Mr. Chairman: I will now call Committee back to order and we are discussing Sessional Paper No. 22. Did you have anything further in this regard? SESSIONAL
PAPER #22

Mr. Livesey: Mr. Chairman, I would like to ask a subsidiary question on this subject, and I would address this to Mr. MacKenzie, I wonder if any formula has been worked out for Haines Junction in this regard.

Mr. MacKenzie: The formula, Mr. Chairman, that will apply to Haines Junction will be that which we have just been discussing.

Mr. McKinnon: That's what we just clarified.

Mr. MacKenzie: I think you now understand how it is applied.

Mr. McKinnon: Mr. Chairman, now that we have complete clarification of the cost sharing principle as outlined in this Paper, I would like to draw Committee's attention to section 26 of this policy paper on sewer and water, and it states that it may be necessary for any given system particularly a pipe system to charge slightly less than the actual operating cost at the outset in order to encourage more consumers. Mr. Chairman, I understand that the government is going to pay a subsidy which will be the monthly amortization of the capital cost but it can't exceed the monthly operating cost. Now, in section 26, the government is going to try and get as many people in on the system originally, even charging less than the actual operating cost at the outset in order to encourage more consumers, but the actual operating costs at the outset are going to be the monies on which the percentage is worked out that they are going to give a subsidy to the system, so what you are doing is going to be giving a subsidy less than what the actual operating cost is of the system. This is completely unfair to the people.

Mr. MacKenzie: No, no, I would say that the subsidy will be calculated on what the operating costs should be, even though in any particular system, this section 26 might be applied, that is to say a lower operating cost than actually is charged. We would not use that as the basis for the subsidy, we would use what the real costs were - the real operating costs were.

Mr. McKinnon: Mr. Chairman, under section 26, as I read it, that you're trying to lure people in on the system at an operating cost to them which really isn't a truthful cost.

Mr. MacKenzie: That's right, less than the actual. That's what this section means.

Mr. McKinnon: So then when you have them all on, then bang here's the actual operating cost. Mr. Chairman, I knew the government worked in many ways of duplicity, and now I know it for a fact.

Mr. MacKenzie: We haven't had occasion to apply this section, and what will happen when the need arises, I don't know.

Mr. McKinnon: I'll tell you what will happen when the need arises if it is on the Porter Creek water system, Mr. Chairman, you'll hear some awful belling from this quarter.

Mr. Livesey: I was just going to say, isn't the government, as we have been looking at it for a long time, the government works in mysterious ways, its wonders to perform. Doesn't this fit? The first word is correct.

SESSIONAL
PAPER #22

Mr. Chairman: Councillor Dumas.

Mr. Dumas: I was just going to commend Mr. MacKenzie for his frankness.

Mr. Chairman: Is there anything further on this Paper?

Mr. Chamberlist: Mr. Chairman, I would suggest that this Paper be placed somewhere for posterity.

Mr. Chairman: Have you any further requirements of..... Order, please. Have we any further..... Order, please. Have we any further requirements of Mr. MacKenzie at this time?

Mr. McKinnon: Perfectly clear, Mr. Chairman.

Mr. Chairman: Thank you very much, Mr. MacKenzie, for your assistance.

Mr. MacKenzie leaves Council Chambers.

BILL #8
LABOUR
STANDARDS

Mr. Chairman: Order, please. I wonder now if we could proceed to Bill No. 8, Labour Standards Ordinance. Councillor Dumas.

Mr. Dumas: Mr. Chairman, I wonder if it is advisable to proceed with this bill in view of the fact that submissions will be received up until Tuesday on this.

Mr. Chairman: In this regard, gentlemen, a Select Committee was formed to hear submissions from industry and copies of this legislation were sent to all sources here following the fall Session of Council, and briefs were received and if any further briefs are received, it would be up to any Member of Council to bring them to the attention of Committee should they contain something that we have overlooked. Otherwise, I feel we must proceed with this matter at this time.

Mr. Shaw: Mr. Chairman, I wonder in persuing this particular Ordinance if, rather than going through all the sections, we could start at the sections on which we have heard briefs or complaints about, and endeavour to resolve those as we go along.

Mr. Chairman: Well, I believe, gentlemen, it will be necessary to read the entire bill, and it would be more in order to go section by section because the bill must be read in any event, and as we come to these sections why certainly Members could concur, or amend, or propose amendments. I would suggest one thing, that if amendments are proposed that rather than moving an amendment at this time, possibly Mr. Legal Adviser could be given the philosophy in which Committee would like embodied into the Ordinance and he could draft proposed amendments and redraft them down until we could get them into some workable form, rather than proposing amendments right off the board at this time. Does Committee agree with this proposal?

All: Agreed.

Mr. Chairman: This is Bill No. 8, an Ordinance to Provide for Labour Standards in the Yukon Territory. "1. This Ordinance may be cited as the Labour Standards Ordinance. 2. In this Ordinance, (a) "Advisory Board" means the Advisory Board established under subsection (1) of section 47; (b) "collective agreement" means an agreement in writing between an employer or an employer's organization acting on behalf of an employer, on the one hand, and a trade union acting on behalf of the employees in collective bargaining or as a party to an agreement with the employer or employer's organization, on the other hand, containing terms or conditions of employment of

employees including provisions with reference to rates of pay and hours of work; (c) "day" means any period of twenty-four consecutive hours; (d) "employee" means a person employed to do skilled or unskilled manual, clerical, technical, operational or administrative work; (e) "employer" means any person who employs one or more employees; (f) "general holiday" means New Year's Day, Good Friday, Victoria Day, Dominion Day, Discovery Day, Labour Day, Thanksgiving Day, Remembrance Day and Christmas Day and includes any day substituted for any such holiday pursuant to section 25; (g) "industrial establishment" means any work, undertaking or business of a local or private nature in the Territory and includes a branch, section or other division of such work, undertaking or business; (h) "member of a family" in respect of an employer means the employer's spouse, parent, grandparent, step-parent, child, grandchild, step-child, brother, sister, half-brother, half-sister, and a person who stands in loco parentis to the employer or to whom the employer stands in loco parentis whether or not there is any degree of consanguinity between that person and the employer, and includes an illegitimate grandchild of the employer and the parents and grandparents of an employer who is an illegitimate child." BILL #8
LABOUR
STANDARDS

Mr. Chamberlist: Question. I wonder, Mr. Chairman, if Mr. Legal Adviser can clear for the benefit of Members of Committee the meaning of that legal phraseology which.....

Mr. Legal Adviser: That seems to me to be a very clear section, Mr. Chairman. The words in loco parentis are Latin or bog-Latin for in the place of a parent, and they have a clear legal meaning. It is intended to include illegitimate children because the normal legal definition of a child or grandchild does not include illegitimate children, so it is necessary to put those in, and this is similar in content to the type of definition you have in a Workmen's Compensation you were talking about.

Mr. Shaw: Loco does not mean insane then, Mr. Chairman.

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

Mr. Dumas: Under item (m) wages, we discussed yesterday the possibility of trying all these different definitions of wages that we have in this bill together. At what point should we do this?

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: Well, my advice to you, Mr. Chairman, would be not to attempt to do it, but to leave wages as they are set out in the logical place where wages are included in various forms and then deal with it as you come to it, but to take wages out of everywhere means throwing the whole scheme of continuity of the Ordinance into a cocked hat.

Mr. Chairman: Councillor Shaw.

BILL #8 Mr. Shaw: Mr. Chairman, there is just one matter in respect of
LABOUR that. I would refer this question to the Legal Adviser. Where you
STANDARDS have wages, wages are a set amount; a bonus is an amount that is
not set, it is based on certain conditions. However, it is included
as wages. Is that the intent that bonus should also be included as
wages as it reads?

Mr. Legal Adviser: I would suggest - I don't want to avoid answer-
ing the question, but wages has different meanings. This is the
standard meaning. Now, it is going to mean in the Ordinance this,
where you're talking about the wages for work, then the week must
be a minimum and so on. This type of thing, but it requires a
different meaning when you're talking about how you calculate wages
for the purpose of calculating a man's holiday pay, and what the
total of his wages were for the year. It is going to be a different
way when you talk about wages for the purpose of he gets one day
off for Christmas. Does he get in effect half pay for that day,
or does he get a full day's pay the same as the day before, and it
is a question of the policy for the Council to decide in each case
what they mean by wages when they're dealing with the amount the
man is going to be paid in relation to the particular thing we are
dealing with at that particular time.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I tend to agree with the Legal
Adviser that wages in different sections mean a different thing, and
because of that I would feel that it would be the proper thing to
leave it and just do as Mr. Legal Adviser says, and just deal with
a point of wages as we come to each particular section where it
refers to wages.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I'll go along with that generally, but
then shouldn't we add a half sentence in section (m) saying except
where described otherwise, or however you put it?

Mr. Legal Adviser: Except as provided in 18(2) - at that section
you'll find its different.

Mr. Chairman: Are you clear on section 2?

Mr. Dumas: Ok.

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

Mr. Chamberlist: Question. I wonder if Mr. Legal Adviser will
say why this particular section doesn't say that this Ordinance
applies to employment in or in connection with the operation of
any industrial and commercial establishment. I think that should
be in there.

Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: Well, industrial establishment appears to include
a commercial establishment. It would be defined as such. Industrial
establishment has been defined in the beginning at paragraph (g) of
section 2 "any work, undertaking or business of a local or private

nature in the Territory and includes a branch, section or other division of such work, undertaking or business". I mean, if it becomes necessary to include a commercial establishment, that may be, but we want to see and refer back, will that be necessary.

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Mr. Chamberlist: Mr. Chairman, I think it is necessary because you will find in other ordinances we have reference to commercial and industrial, and we have, for instance, references in zoning areas to commercial and industrial, so there must be a difference as to industrial labour and commercial labour. It may well be that commercial labour is somebody who is, for instance, a store clerk would be working in a commercial establishment. Somebody who is working in a mine is an industrial worker, so it is just to have it in there. It should be no extra problem just to put in of any industrial and commercial establishment. We can save a long argument with just putting in a couple of words in there.

Mr. Legal Adviser: With respect, sir, drafting is a technical matter and one of the cardinal rules of drafting is never to use an unnecessary word if that's at all possible. If the words industrial establishment mean what we hope they mean, then it is unnecessary to add to them by saying industrial and commercial establishment because commercial establishment is included in the meaning of industrial establishment. It means unnecessary words and it's adding a certain amount of doubt. I mean, I'm in the Council's hands, but from a drafting point of view if it is unnecessary then I would suggest don't put it in, but if for some particular reason it at all becomes necessary I would agree and put it in, but until that point comes I would resist the suggestion.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: I was going to ask - it doesn't seem to me to be a very big point in view of the fact that it is already covered in the interpretation, however if it would make the thing more clear, I would suggest it be done, but that is up to the Committee to decide.

Mr. Chairman: Have you anything further on section 3?

Mr. Shaw: Clear.

Mr. Chamberlist: It's not clear. No, I'm sorry I have to differ there. I've had far too much experience with differences between what is industrial and what is commercial. I would suggest also that the interpretation - if in the interpretation section under (g) it says industrial establishment includes commercial, then it would be clear, but it doesn't say that. Now, commercial to me is an important thing, because driving a truck - a man might be driving a truck for a commercial establishment. He's not doing work of any industrial nature, but he's driving a truck for a commercial establishment. Workmen's Compensation Ordinance - there are sections in there that talk of industrial and talk of commercial establishments. Insurance companies talk of industrial and talk of commercial, and they're the people that really look closely at words. I'm just bringing this point up so we don't get some organization for some reason or another try to upset or run into legal actions because of this, and if there is no strong objection by Committee, I see no reason why it shouldn't be put in there. I feel that it should be in there.

Mr. Dumas: Mr. Chairman, I'm inclined to agree with the Honourable Member for Whitehorse East and I would suggest that it be included in the interpretation as the Honourable Member has suggested - industrial establishment includes commercial establishment and means any work undertaken, etc.

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Mr. Legal Adviser: Once you start adding words, they must be given a meaning in court. If you want to expand it in this manner you then have industrial establishment means any work, any undertaking, and any business. Now, that's what is there. You have then got to add in and also means any commercial undertaking, any commercial work, or commercial business, as if there is a distinction between them, and if you land up in the Territorial Court, you'll find that somebody is going to start working to find out what is the difference, and it will include works and undertakings for which no pay is made, and it'll start invading the private enterprise of a person who is repairing his own car may find himself landed up in court because he's worked for an extra hour on Sunday. You don't know what's going to happen when you put in extra words without a clear purpose for doing it. If it is unnecessary it shouldn't go in. If it is necessary it should go in.

Mr. Chairman: Councillor Dumas:

Mr. Dumas: Mr. Chairman, then this means my real estate and insurance office is an industrial establishment and so is the New Imperial Mines.

Mr. Commissioner: Under the meaning of this Ordinance.

Mr. Legal Adviser: In this Ordinance, yes, because it is a business.

Mr. Chairman: Are we clear?

Mr. Shaw: Clear.

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

Mr. Chamberlist: Mr. Chairman, this particular section has caused considerable trouble between employers and employees and I think the Commissioner, in his past experience, has had much experience with this particular one. Quite often people come in and they apply for a job. You tell them what their rate is, you tell them their hours are 44 or 48 hours. They plead with you for extra work, for extra overtime work, for extra hours, and they go ahead and they do extra hours. Six months later they leave your employment and the first thing they do is they go to the Labour Provisions Officer and they're suing. Now, as far as I am concerned if an employee makes a specific arrangement with an employer to work x number of hours for a fixed amount of dollars, and this has been agreed on between the two parties, it shouldn't be made illegal. Now, this is the thing that is really upsetting and this happens because you never know when you're going to have an employee go and sue the employer once they've made this arrangement. Now, I would like to get the Commissioner's views on this particular one because I know he has had much experience in this particular section, dealing with this particular section.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Well, Mr. Chairman, with respect, the item that the Councillor refers to I am in full agreement with it and it must be spelled out, but I don't think that this is really the section

that we want to be looking at in this regard. Now, subject to what the Legal Adviser would say to the contrary, I would suggest that this section is to remove any impediment to any presently existing contractual arrangement other than verbal contractual arrangements. In other words, union agreements that an employer-employee relationship may have. I think what the Councillor is referring to is one that as he says I have run into on several occasions, much to my chagrin and cost to my employer, but I don't think this is the section. I think it is later on that this particular anomaly occurs in the Ordinance. Perhaps I have this entirely analyzed wrong now, but I stand to be corrected on this.

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Mr. Chamberlist: Mr. Chairman, this is not the section I agreed to deal specifically with, but because of this section it means, I feel, that you cannot make any arrangement with any employee. That's where this section comes into it. You can't make any arrangement with any employee which is less than the arrangement within this Ordinance, notwithstanding that the employee wants this arrangement his or herself, and this is where I raise the point on this particular section.

Mr. Commissioner: I am corrected on that, and I certainly appeal myself that this should certainly get a pretty good airing, and my suggestion would be, subject to the Chairman and Council's approval, that this particular section might well be left in abeyance until we have looked at a lot of other pertinent sections here and reflect back on this particular one. I am sorry, when I spoke I thought there was a further section that dealt with this, but the Legal Adviser has told me not, that this is the intent of this, and it certainly has been the cause of more problems with the Labour Provisions Officers' duties than any other single thing that I am personally aware of unless the Clerk would like to correct me on this one, and I would strongly suggest that Council would come back to this section after having considered the implications of other possible applicable sections.

Mr. Chairman: Yes, this, for the edification of Committee, is an extract from Section 4 of the Canada Labour Code, pretty well word for word except that the word act, of course, has been replaced by ordinance. However, if Committee so desires, I will note this for further consideration. Does Committee agree to this?

All: Agree.

Mr. Chairman: I will so note.

Mr. McKinnon: Mr. Chairman, what happens to conditions of an employee that are less favourable to him to the terms under this Ordinance? When I worked for the Canadian National Telegraphs I was a member of the Order of Railroad Telegraphers, and we had a working agreement with the union and it allowed that we had a certain rate of pay, and also that we had certain holidays that we were given. Now, under the Ordinance and under our union agreement - under our union agreement, the holidays that we were given were not the same as those that are in the Territorial Ordinances. Now, were we allowed these holidays under the Territorial Ordinances, or were we not?

Mr. Legal Adviser: Well, you're asking me to construe something that is many miles down the track, you might say. Holiday here means these particular days or at the discretion of the employer under certain circumstances, this would be one of them, although the CNR would not be covered by this legislation. It would be days in lieu.

BILL #8 Mr. McKinnon: But there was no consideration in days of lieu,
LABOUR Mr. Chairman.
STANDARDS

Mr. Chamberlist: Mr. Chairman, this would be a good time to ask Mr. Legal Adviser why the CNR are not covered under our Labour Provisions legislation in the Yukon Territory.

Mr. Legal Adviser: What we are attempting to do in this legislation is to enact legislation that is within the legal competence of this Council, and therefore you see the definition their business of a local or private nature in the Territory, and they have, you might say, become terms of art because they are taken from the Yukon Act and similar words in the provincial legislation. We can only regulate businesses which come within local or private nature according to our Yukon Act or in a particular province, in the BNA section 92, I think, which deals with a province's power. Interprovincial, or intra-provincial, or international businesses and businesses which come within the terms of reference of the Federal Government in all the provinces, although they have legislative competence in this Territory for all this, they only exercise it in practise in relation to banks, telecommunication and such like things which would be legislated for in the Federal Government in the other provinces.

Mr. Chamberlist: This opens up a real field of discussion, Mr. Chairman, because - is it the suggestion, Mr. Legal Adviser, that any company that, let's say, has a Canadian charter - that is registered as a Canadian company, such as banks, and a lot of insurance companies - they are not subject to our laws? I don't follow this at all.

Mr. Legal Adviser: It depends on what you mean subject to our laws. All we are attempting to do in this is to enforce the law like a sheriff within the range of his own six-gun. That's what we're trying to do, and we don't want to step too far and go outside our competence.

Mr. Chamberlist: Why not?

Mr. Legal Adviser: Because we mightn't be able to make it stick.

Mr. Chamberlist: Then I think, Mr. Chairman, while working on a labour provisions ordinance it is necessary, I think, to make sure wherever we can we should do our utmost to bring into our legislative laws those people that are outside of them because it appears to me most improper that the Canadian National Telecommunications which takes so much money out of this area is excluded from our laws. After all, they took over the Yukon Telephone Company, which was not excluded from our laws because that was a Yukon Telephone Company, and they took over their franchise, and now we find that this is exactly the case and we now have no way of protecting those people who live up here and have made their homes up here, but are employed by Canadian National Telegraphs. This is just one example.

Mr. Legal Adviser: If the Honourable Member has any serious complaint about it, possibly the proper place would have been when he was an observer at the Constitutional Conference in Ottawa. This is the proper place, not here, because we can't decide these things here.

Mr. Chamberlist: I'm very pleased, Mr. Chairman, that Mr. O'Donoghue recognizes the fact that I was there. Some people seem to have forgotten that, and I can assure you that I discussed many matters with various people, but this is the first time that I have been made aware, otherwise I would have taken it up, I can assure Mr. Chairman, the Honourable Legal Adviser that I would have taken it up, because it seems to me where we have people here who are citizens and for the purpose of our elections, electors, we're unable to protect their

rights, and I feel that I want to protect their rights, and if for the sake of convenience and making it an easy life for us, that the Legal Adviser says we don't want to go beyond the end of the shotgun, I mean what type of language is this. Surely, we have a responsibility to make sure that we legislate for the benefit of all our people, not for some of our people, and then again I come to the question, who does Mr. Legal Adviser represent here? He represents the people, I understand. Now, I want to know why, what, and what we can do to include in our Labour Provisions Ordinance legislation that will make it so that all people who are employed in the Yukon Territory are protected by our labour laws? Now, can this be done? If not, why not, and if it can be done, how can we go about and do it?

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Mr. Chairman: Mr. Legal Adviser.

Mr. Legal Adviser: The only way I can see to do it is to secede from the Federation of Canada, but that's neither here nor there....

Mr. Chairman: Order, please, order.

Mr. Legal Adviser:because as long as we as the Yukon Territory stay within the Federation of Canada, we are going to be bound by the laws of Canada, and the Parliament of Canada has seen fit in its wisdom to limit the legislative competence of the Territorial Council in certain ways. One of those ways is to give us the same power of legislating in this field as all the other provinces have; no more, and no less. Now, the CNR and such organizations come within the framework of the Canada Federal laws dealing with labour relations and labour standards itself, and that is how they are governed. Now, if we step one inch beyond our own legislative competence, there is a danger that the whole ordinance may fall to the ground, and even complicated frameworks for this type of legislative enactment to try and evade this quite commonly falls to the ground. There was an instance just the other day in Ontario where the Ontario Government set up a scheme for running suburban trains for commuters to and from Toronto, and they set up a complete company, a complete organization, the whole thing, but they happened to lease some sections of track from the CNR which were not in use, and because of that the Federal Railways Board stepped in to govern the whole affair; it was contested right to the Supreme Court of Canada, and it was held that once they used a section of track, a vacant track that belonged to the CNR, they automatically put themselves within the Federal legislation and the Provincial Government was completely incompetent to make any legislation dealing with it all. It's just as simple as that. Now, it is very easy to go past this. This has been legislated on and fought to the Privy Council, to the Supreme Court of Canada times without number, and it may be over-cautious on our part but we have spelled out the legislative competence that lies here of a local or private nature because that is taken from the Yukon Act, which in turn is taken from the BNA Act, and we might wish to change it, but unfortunately as the Constitution of Canada is we can't.

Mr. Chamberlist: Mr. Chairman.....

Mr. Chairman: Mr. Livesey.

Mr. Chamberlist: Can I follow my particular line, please?

Mr. Livesey: I will allow the Member.

Mr. Chairman: Proceed. Let's not pursue this too far.

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STANDARDS

Mr. Chamberlist: Well, with respect, Mr. Chairman, this is open for debate and I intend to pursue it as far as I can.

Mr. Chairman: Well, I just say that several other Members do have views they wish to express.

Mr. Chamberlist: I am quite prepared to sit down, Mr. Chairman, and allow other Members to pursue their views, but don't restrict a debate.

Mr. Chairman: Thank you, Councillor Chamberlist. Councillor Livesey.

Mr. Livesey: I will allow the Member to continue.

Mr. Chamberlist: Thank you. I appreciate your help. My concern is that there are not only, Mr. Chairman, the CN Communications that are involved here, there are other Crown companies. Now, I would want to know whether this would apply to all Crown companies. Would it apply to Northern Canada Power Commission? Would it apply to the CBC? These are the things I want to know, and if this is the case, I think we should be making strong representation to make sure that we can get these things into our legislation, and the example that has been given by the Legal Adviser about the railroad track would tend to me to appear that because it happens to be Crown property we have no - we can't do anything with it, which brings back to my point another thing of going along with Crown property in the area here, that we have got a responsibility and I think it is up to the Legal Adviser if this Committee so wishes for him to look into matters as to how these people can be brought into the sphere of our legislation. Now, I wonder if Mr. Legal Adviser can tell me if this same thing applies to the Northern Canada Power Commission employees and the CBC employees?

Mr. Legal Adviser: I wouldn't think so. The Commissioner has pointed out the provisions of paragraph 10 of section 92 of the BNA Act which is one of the things that limits our competence and the province or the Yukon has exclusive power in local works and undertakings other than lines of steamships, railways, canals, telegraphs and other works and undertakings connecting the Province with other provinces or extending beyond the limits of the Provinces; or lines of steamships between the Province and a foreign country, and so on. These things are laid down. Now, we don't deal with the incorporation of companies except our own companies, and they may or may not, depending on what they do, come in within the competence here, but as far as the one that you have mentioned so far, such as companies dealing with railways, steamships, telegraphs, communications and so on, they certainly would not come within the competence of this legislation. Branches of banks might. It would be a thing we would have to look up, but there are three volumes doing nothing but dealing in cases involving disputes between the Provincial Attorney-General and the Federal Attorney-General on this very matter, and there is upwards of \$15 million and \$20 million spent in any period of four or five years in law costs trying to decide the questions that we are debating now, and we're doing it for free.

Mr. Chamberlist: Well, I still haven't got an answer whether this applies to the CBC which is a communication system. Now, does this apply to the CBC?

Mr. Legal Adviser: I would say no.

Mr. Chamberlist: But it is a communication system. This is what you have said earlier on. You said because CNT was a communication system, this is why it applies because it was part of.....

Mr. Legal Adviser: It does not apply.

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Mr. Chamberlist: So now CNT does not apply?

Mr. Legal Adviser: This Ordinance does not apply to any business that comes outside local and private nature, and the CNT in my opinion at the moment does not come within this, neither do the railways and so on, once they have businesses across the boundaries taken by and large, whether it is the boundaries in the air or on the ground.

Mr. Chamberlist: Now, the question that I have asked - does the CBC? You said CNT, but I'm asking CBC. Does the Canadian Broadcasting Company.....I know what I'm asking. My language is clear. Does it apply to the Canadian Broadcasting Company? Is that on the same terms as the CNT? I would like to know because that is something I wish to follow up. Now, could you reply to that.

Mr. Chairman: Order, please. The answer has twice been given to that question being no.

Mr. Chamberlist: With respect, Mr. Chairman, if the records would be seen, you would see that the Legal Adviser mentioned CNT. I am asking CBC.

Mr. Legal Adviser: Mr. Chairman, usually as counsel I do the **cross-**examining, but here I am being cross-examined. I have said several times that this does not cover, this legislation, the CBC in my respectful opinion.

Mr. Chamberlist: Alright. Ok.

Mr. Chairman: Councillor Livesey, would you proceed at this point.

Mr. Livesey: Well, I sat here long enough to find out part of my discussions in any event. The trade union movement recognizes and has done for many years these matters which come under federal jurisdiction for which they act as bargaining agents are questions of a totally different matter, of a totally different nature than those which are of local origin. This is precisely what is being explained by the Legal Adviser. For instance, as far as the CNT is concerned, to the best of my knowledge and belief, they have been represented for many years by the Telegraphers Union with headquarters in eastern Canada, and you have a total different system, and it brings up a very interesting point, Mr. Chairman, with regard to the employees on the Alaska Highway now working for the Department of Public Works. When the Territorial Government takes over, they could raise a question here, although I haven't pursued the matter at the moment, but it is certainly true that there is a distinct difference and that the ordinance we are discussing here is of a local nature only. It doesn't touch anything which comes within the purview, in my view, of the Federal Government.

Mr. Chairman: Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, I would like to ask Mr. Legal Adviser - as I see it, won't this ordinance really apply to a very minute segment of the labour force of the Yukon Territory? I'll give my reason for this, Mr. Chairman. It is because as I understand it that the Government of the Yukon Territory at this time does not certify the unions working in the Territory. This is done through Federal certification. Is this not correct? As such, they will come under the standards of the Canadian Labour Standards Code, not the standards that the Territorial Government provides.

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Mr. Commissioner: Mr. Chairman, union certification and labour standards are two different things.

Mr. McKinnon: Do the provinces certify the unions within their borders or does the Federal Government certify the unions working within the provincial borders?

Mr. Legal Adviser: I'm not sure of the answer, but I think that they certify the unions that are working within their own boundaries.

Mr. Chairman: It is.

Mr. McKinnon: Yes, Mr. Chairman, if the Provincial Governments certify the unions working within their borders, then it is a matter of course those unions are going to have to follow the labour legislation and standards of that Province. If they are certified by a Federal Government agency or by the Federal Government, then certainly they're going to follow the standards set out by the Federal Government and not by the Territorial Council.

Mr. Legal Adviser: This is a matter of internal discipline or internal arrangement, but they're certified by the Federal Government but the law relating to labour standards is dictated where it is of a local or private nature by the wishes of this Council.

Mr. Commissioner: Mr. Chairman, every labour union that has a certification to organize the people and represent their members in collective bargaining procedures in the Yukon Territory, as a prior requirement to do this legally, requires certification from the Canada Labour Relations Board. Their employees, not the unions employees, but the unions membership when they are working within the confines of the Yukon Territory fall into the same categories as any other people working here. For example, the people who drive the trucks here for the White Pass and Yukon Route - they belong to a teamsters local that has certification from the Federal Labour Relations Board, but they work under the labour laws of the Yukon Territory, so that there must be no misunderstandings about that particular point because it is going on right here in Whitehorse and throughout the Yukon right at the present time. Certification comes from the Federal Labour Relations Board. Disputes under this are detailed under a Labour Disputes Act of the Federal Government that is that the referees of this are those people appointed by the Canada Labour Relations Board, but the laws under which those men work that belong to that union are the laws applicable here in the Yukon Territory.

Mr. Shaw: Clear.

Mr. McKinnon: Mr. Chairman, with respect, under 92(10) which the Honourable Legal Adviser has stated the exceptions from under the BNA Act, I can understand his point that Crown corporations like the CNT and the CBC do not fall within the purview of either the provinces or the Territory. However, the section 92(10) of the BNA Act give local works and undertakings those powers to provincial legislatures to make laws and regulations under. There is not an applicable section comparable to this in the Yukon.

Mr. Legal Adviser: This is not quite accurate, Mr. Chairman. The wording of the Yukon Act is a paraphrase of this and it just says matters of a local and private nature in our list of confidence in the Yukon Act itself. If the Honourable Member will look at.....

Mr. McKinnon: But it specifies here.

Mr. Legal Adviser: Yes, but the limitation on the Yukon is that it can never, under the terms of the Yukon Act, have any greater authority

in any particular matter than a province has under the BNA Act, so they have seen fit to shorten the phraseology used. In other words, they have brought up a more up-to-date term of words by just using the sentence, because it comes directly from the Yukon Act. BILL #8
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Mr. McKinnon: Well, Mr. Chairman, I am certainly interested in hearing the Commissioner's reason. I understood his reasoning up to a point but I cannot get the connection where just because - what arrangement the union has made with the Territorial Government - are they agreed that they will fall under the purview of the laws of the Yukon Territory? Who forces them to follow the laws of the Yukon Territory rather than the Canada Labour Standards Code?

Mr. Commissioner: Well, Mr. Chairman, you are in two different fields here. The union is a corporate body; the individuals who belong to the union are the individuals for which we have the competence to legislate. There is two different fields. Now, the next aspect of the question is, and I think that this is possibly what Council is going to be asking is, do we have the legislative competence to set up here in the Yukon Territory an equivalent of the British Columbia Labour Relations Board for the purposes of certifying labour unions and dealing with labour disputes, and to the best of my knowledge and subject to what the Legal Adviser might say to the contrary, it is certainly my understanding that we do have that legislative competence.

Mr. Chairman: Is there anything further on this item before we proceed along?

Mr. Shaw: Clear.

Mr. Chairman: The next section is the fun section, section 5. I'll read the section.

Mr. Commissioner: Mr. Chairman, is it my understanding that we are coming back to section 4?

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

Mr. Commissioner: Mr. Chairman, could I ask something here before we get on? There has been innumerable disputes already in the courts here in the Yukon Territory under 5.(2) "The working hours of an employee who is employed in a shop..." I couldn't think of any stupider definition that what this one replaced here under (j) and I would strongly recommend to Council that we ask the Legal Adviser to take this under advisement and possibly have the benefit of taking a look at some of the cases that have already been before the courts here, and possibly be prepared, before we finalize this bill, to come forth

BILL #8 with a further definition of this particular term. I'm going to
LABOUR give you a case in point. Where you are carrying on a manufactur-
STANDARDS ing and a selling job on the same premises. Where does the shop
start and where does the industry begin? This is going on in
several locations throughout the Territory.

Mr. Chamberlist: Well, Mr. Chairman, its because.....

Mr. Chairman: Order, please. Councillor Dumas.

Mr. Dumas: If the Honourable Member is inclined to reply to the
statement of the Commissioner, I would be glad to listen to him.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Thank you. It is because of that particular
thing that I raised the question in regards to industrial and
commercial because here we have 5.(1) and 5.(2), one is making
reference to subject to this part the working hours of an employee
shall not exceed eight hours in a day and forty-eight hours in a
week, and then it goes on in the next one to say the working hours
of an employee who is employed in a shop shall not exceed eight
hours in a day and forty-four hours in a week. Now, this is
where we are going to start getting into a legal argument as to
where the difference is, and I hope Mr. Legal Adviser can see
this particular point when I brought it up where a shop can be
considered commercial. Otherwise, it can be considered industrial,
and this is where I think there should be some clarification in
this. I know that the Commissioner was referring to some other
items as well, but this was the specific reason why I brought that
up.

Mr. Commissioner: Well, Mr. Chairman, I'm sure that the Legal
Adviser will be happy to bring this forward.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, we have heard quite a few protests over
this part and various protests. I think it all boils down to this -
some of the submissions have suggested that a regular work week be
one of forty hours, and anything over that be overtime and be
allowed. Everybody that has made submissions have suggested that
overtime be allowed because of the special conditions that we have
in the Yukon Territory. Now, the unions for their part have said
that anything - the submissions that I have before me and those
made in person - have said that the normal work week should be
forty hours and they should be allowed to work over forty hours as
long as they're being paid overtime rates, 1½ times or whatever it
may be, and this I think is the essence of the problems concerning
this whole part, and it is my suggestion and submission that
forty hours be considered a normal work week and anything over
forty hours - that employees may be employed over forty hours a
week, but where they are, overtime be paid.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: To go back to this shop business. What is a blacksmith
shop? I can think of other shops.

Mr. Commissioner: They're not applicable.

Mr. Shaw: I can see the point of defining what a shop is, whether
it is a store, but the existing part in relation has been brought
up on many occasions by many people is the matter of working over-
time. Now, in working overtime at certain vocations, jobs, it may

create a danger over working too many hours in a straight shift, but for example you have firemen. They work, I think, 44 hours a week - I don't know what but they go two days off and two days on, or three days off and three days on, so that they found that works well for all of them. However, I cannot see the point in the normal activities why legislation should say that a man can't work ten hours if he so wants providing it isn't hazardous of course for the workmen. It would appear to me that we are endeavouring to create legislation to stop or to avoid excesses, to avoid exploitation, not to tell employees what they may do, or employers what they may do. Just to prevent people being exploited. I cannot see why, personally, we have to restrict a man working eight hours a day if he is quite prepared and willing and able to work ten hours a day.

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

Mr. Chamberlist: Yes, go ahead.

Mr. Taylor: Mr. Chairman, in respect of this section I think that we will have a lot of repetition in remarks each time we come back to this; the old arguments will come up again. I think it has been generally agreed by those who have dealt with this section 5 that it certainly needs a good overhaul in order to straighten it out. I think that - I gathered anyway - the majority of Council agreed that some provision has got to be made for essential industry, such as were outlined in the briefs submitted to the Select Committee on Labour. I think it was also understood that there are other industries, in particular people working in the bush on surveying, not necessarily mining, but surveying and other related projects where it would be very foolish to restrict a person's working day to eight hours a day or forty-eight hours a week, or whatever it might be. I am confident that the Legal Adviser has taken note of these things and I would suggest very strongly that at this time we allow the Administration to take all of section 5 and any other appropriate sections and try and work on something, and that we move along in the bill to another area while this is being done and refer back to it. Otherwise, I think we're going to start wasting a lot of time, and when we come back to the amendment or the proposed amendment, the same old arguments will come up again. So, in order to save time and save duplication of discussion, I just suggest this.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I think there is a lot of merit in what the Honourable Member from Watson Lake has suggested. At any rate, I think to get into a real debate on this section at this time might not be a wise idea. I note that it is 25 minutes before the hour and certainly if we are going to carry on and discuss this, it'll probably take more time than we have left today, and it might be a good thing to start off on Monday morning.

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

Mr. Chamberlist: Quite frankly when I enter debate, I enter debate because of the simple reason that there are matters to be debated and I just don't like being restricted. This particular section takes away completely the essential requirement of an area that needs time and labour to progress, and it removes the willingness that a lot of people have that want to work during the long hours so they can meet their requirements and their bills for the winter months. I think that I agree that it should be completely overhauled and especially sub-section (3) which makes it an almost

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criminal offence for any person to want to work. Now, what is going to happen to us? Are we going to turn out people that are a bunch of soft jelly-gutted people just to work a few hours at a time when they want to work. We should be encouraging them. I don't want to encourage my youngsters to grow up to say that now you're going to work forty-eight hours, next time you're going to work forty hours. The next thing you know, in twelve years time people will be just wanting to work a ten-hour week and we'll be making legislation for them. It is here now, and we're not looking after the things that we should be looking after for this type of area, the Yukon, that is in an embryo stage now. No, as far as I am concerned, this we can lose completely, this section, but we should take a real good look at it and pull it to pieces until we've got something available that gives the right to people who want to work to work.

Mr. McKinnon: Mr. Chairman, after that stirring speech I feel like grabbing my shovel and heading up for the hills. However, is it under section 6, Mr. Chairman, and I would like to ask this of the Legal Adviser, the intent that regulations that will be made under this Ordinance will be quite lax in allowing companies and people, because of the shortness of the construction season and because of the different nature of their work being in the bush, that they will be allowed to work over the number of hours without too much problem that are set down under section 5. I understood that this was going to be the intent of the ordinance.

Mr. Legal Adviser: Yes, this is correct. I don't believe there is much maneuverability about section 5. It lays down the maximum, either forty-eight or forty-four, unless you come within either one of the exceptions which are listed in sub-section (4), or the Advisory Board which is going to be set up out of the Ordinance includes you in a class which advises the Commissioner to establish, which might be say emergency repairs, surveying, certain types of mining operations, say staking claims and so on. I can't think of them now, but no doubt they will be brought up, and these will be listed out in the regulations or special commissions from time to time, and it is under section 6 that these will be made, and then under section 7 will be provisions for averaging hours of work. In other words, there are certain types of occupations - I think I mentioned this before - say nurses doing a fortnight, and then they might do a lot of work in one week and then take time off the other week. There might be other occupations similarly occupied - although they don't come under our jurisdiction, say sailors or fishermen might do big hours of work and then average it out over a period and this would be in order, provided this was done with permission of the Board. Now, so far as the prohibition is concerned, unless section 5(1) and (2) are passed in some form as a prohibitory section limiting the hours of work, well then there is no point in dealing with the ordinance at all because this is the only part of the ordinance of any value in that sense. The rest springs from this - it lays down the hours of work, and then it deals with holidays, pay rates, overtime and so on, but unless you lay down the hours of work, the structure on which the whole thing is built is worthless.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I can understand that to lay down the law that such and such - that so many hours should constitute a day's work, and so many hours should constitute a week's work because we are involved in matters of overtime, but when we say that a person cannot work more than eight hours unless you get a special permission from the Administration or whoever is unfortunate enough to have to rule on these things. What are we trying to accomplish? Who are we protecting or what are we trying to protect? I don't see

the point in forcing people to have to write letters to someone to ask if they can work an additional hour a day or a week a day or whatever it may be unless it's a hazardous occupation. Otherwise let's remain just as free as we can and let us say that if we must safeguard people, not dictate to them what they shall do and what they shall not do, but a good illustration would be somebody working in a store - we'll just use that for an example. They can only work so many hours a week, so in the meantime Christmas comes or summertime comes where they have to work additional hours when it is necessary, but they can't employ them, but they can go next door and they can get somebody to work for them who is working his forty-eight hours and something else and that's quite alright. I don't see that it is necessary to restrict the hours except where hazardous conditions exist.

Mr. Chairman: Mr. Legal Adviser:

Mr. Legal Adviser: Mr. Chairman, I don't want to be interrupting the debate, but most of the things that are in this new ordinance are already in force so that if this bill isn't passed, well then the existing provision remains in force. Some of the sections are taken directly from it and this is one of the sections.

Mr. Shaw: In the Dawson area they work sixty and seventy hours at mining and that isn't in the section. How would that apply? This is what they have been doing. They have to do it. They've only got three months in which to operate, and if this is the present rules and regulations that we have, how come that those people are working additional hours?

Mr. Chairman: Is that addressed to the Legal Adviser?

Mr. Shaw: I don't know who I address it to. It just doesn't seem to stack up. Now, if permission is gotten for that, why - I doubt if any of these people have written and asked to do it because there are a dozen or so that do.

Mr. Legal Adviser: This is already covered - if the question is addressed to me. The maximum number of hours is laid down in section 3 of the Labour Provisions Ordinance, and it is laid out as a maximum for a mining operation as eight hours in any day or forty-eight hours in any week.

Mr. Chamberlist: Mr. Chairman, the purpose of this Ordinance is to consolidate all these other ordinances dealing with labour, and if they were not being consolidated that would be one of the items that I would - even if I had to put a private Member's in beg leave to introduce to correct. Now, first of all this 5(1), if it would start off with subject to this part the normal working hours - the word normal in there so you know what you're talking about - this would be one thing, but that hasn't got that in there, and you know the general idea that number 6 might apply because it's by - the Commissioner can make regulation - we're going away from the very thing we're trying to protect ourselves from and that is governing by regulations instead of having legislation. Now, section 5 - it has already been expressed by people that have come before the Select Committee and by a number of Councillors here - it is not satisfactory as is, and if the wishes of this Council, and I would move at this time that section 5 be not passed and that the Administration be asked to review that. Could I have a seconder for that motion?

Mr. Chairman: Well, gentlemen, I thought I made it clear that when we started, and we did agree by unanimity, that we would not propose fast motions in respect of this; we would merely try and offer our guidance to the Legal Adviser to prepare amendment.

BILL #8 Mr. Chamberlist: I'll withdraw that motion, then.

LABOUR

STANDARDS Mr. Chairman: I would suggest that we have some time to consider this matter over the weekend and I would draw your attention to the time.

Moved by Mr. Dumas and seconded by Mr. Shaw that Mr. Speaker do now resume the Chair.

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
CHAIR-
MAN OF
COMMIT-
TEES

Mr. Chairman: Mr. Speaker, Committee convened at 10:20 a.m. to discuss bills, sessional papers, motions and memoranda. It was moved by Councillor Livesey, seconded by Councillor Gordon that the suggestions contained in Sessional Paper No. 4 be withheld until discussions reopen towards the formulation of a new fiscal agreement with Ottawa. This motion carried. It was moved by Councillor Dumas, seconded by Councillor McKinnon that Committee concurs with recommendations contained in Sessional Paper No. 10. This motion carried. Upon motion, Committee recessed at 12:00 noon and reconvened at 2:00 p.m. I can report progress on Bill No. 8. It was moved by Councillor Dumas, seconded by Councillor Shaw 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 direction.

Mr. Taylor: Mr. Speaker, for the agenda on Monday we have Bill No. 8, the Labour Bill, and no doubt we will have further sessional papers for that time. Otherwise, the Committee are pretty well caught up on memoranda, motions and sessional papers at this point.

Mr. Speaker: Now, before we rise, gentlemen, I would ask if you would that you keep Tuesday evening clear as I have an item that I wish to bring to your attention and will do so first thing Monday morning.

Mr. Shaw: I would have a question, Mr. Speaker. I wondered if you would have any idea - I realize it takes a great deal of work but it would be nice to know the possibility of when the budget will be laid down.

Mr. Speaker: Mr. Commissioner.

Mr. Commissioner: If I had the necessary foresight into the future, I could no doubt get this down to a very specific date. I am very hopeful and I use the word hopeful, Mr. Speaker, that we will have the budget available for tabling in Council on Thursday or Friday of this coming week.

Mr. Speaker: Thank you, Mr. Commissioner.

Mr. Shaw: Mr. Speaker, in relation to that then we have the Labour Provisions Ordinance to consider and that's all we have until Thursday. On Wednesday I believe we have the Deputy Minister. It would appear to me that possibly we could have a recess until Wednesday when we can meet with the Deputy Minister and carry on from there, because it appears that certainly Monday we should be able to conclude

the Labour Relations Bill, and then Tuesday there would be nothing to do again, so that way we could - some of us could take off to our respective homes and come back full of vim and vigour and vitality and be able to get into the business on hand which will be a full slate. I would state, Mr. Speaker, that the Commissioner did say, and I'm sure he was quite sincere, that every effort will be made to have this here by Thursday, but I do not quite understand him saying positively it would be here by Thursday. This is a little bit beyond his control and so therefore we still might have Thursday and Friday in which we could operate on the Labour Bill.

Mr. Speaker: Mr. Taylor.

Mr. Taylor: Mr. Speaker, I cannot agree. We've got the Labour Bill and from what I've seen so far in dealing with this bill, we're going to be a long, long, long, long time dealing with it as the votes and proceedings of this afternoon's discussions will show, and I would suspect that it's entirely possible we will be a week at least on this subject unless we can get down to more - we've only got to item no. 5 today, so it'll give you some indication of how long it is going to take. There are over 50 items - 53 items, I believe, in this bill which must be considered. I would also suggest that no doubt forthcoming the first part of the week will be more sessional papers and indeed I feel we can usefully sit until Wednesday morning possibly when the Deputy Minister could be with us, and I still feel that we came here to do a job. We were elected to be Territorial Councillors to do that job or else we should never have run, and it is my intention to stay here and do the work as long as the work is here to be done, and as long as I can see that there is work to be done, as I can now, I feel that we should continue and sit on Monday as programmed.

Mr. Dumas: Mr. Speaker, with all due respect to the Honourable Member from Watson Lake, we have discussed this problem once before this week and I don't think anybody here intends or wants to be lax in their duties or their job. I think it's only fair to the Members who live out of town if we have an opportunity such as I believe we have now to break so that they can get back to their ridings if they wish to, we should avail ourselves of this opportunity primarily for their sakes, and with that I go along with the suggestion.

Mr. Chamberlist: Mr. Speaker, I rise to suggest that we make a compromise between the suggestions of the Honourable Member from Dawson and the suggestion of the Honourable Member from Watson Lake that we recess until Tuesday.

Mr. Taylor: I don't accept that, Mr. Speaker. I came here to do any work, and I believe there are two Members that wish to go home out of the whole Council, and that is going to leave five of us here. There's no doubt three Members from Whitehorse could be doing work because they live here and work at their other employe, but it means for the rest of us that we sit in hotel rooms and stare at four walls until once again we can get this Council together. I personally do not like this particular arrangement.

Mr. Dumas: Mr. Speaker, I thought there was an agreement amongst all Members of Council made earlier this week. I'm sure the Honourable Member from Watson Lake was involved in it.

Mr. Taylor: I was involved in no agreement - I was involved to the agreement that if there was not work to be done on Monday morning, and this was to be assessed Friday night, then we go home. Indeed, Mr. Speaker, there is work to be done Monday morning and therefore I have not broken any agreement at all. There is work to be done Monday morning. I say let's get on with the job and do that work on Monday morning, Tuesday morning, Wednesday morning, Thursday

or Friday or any other day. There is work before this Council at this time. I say get on with it.

Mr. Shaw: Mr. Speaker, there seems to be disagreement in various factors for various and sundry reasons. I must say I resent the implications that I might not be here tending the duties I undertook - that's not correct. I will be very frank. When I work, I work; and when I horse around, I horse around, and when you keep going here for an hour today and an hour tomorrow, that in my estimation, Mr. Speaker, is horsing around. I will bring this to a matter which Council itself can decide, Mr. Speaker. I would make the motion that Council be recessed until Wednesday morning.

Mr. Dumas: I second the motion.

Mr. McKinnon: Mr. Speaker, I'd like to speak on this motion, if I may.

Mr. Speaker: I haven't read it from the Chair yet. Moved by the Honourable Member from Dawson, seconded by the Honourable Member from Whitehorse West that we recess until Wednesday morning. Proceed, Councillor McKinnon.

Mr. McKinnon: Mr. Speaker, with all due respect to the commissioners for mastication, I do not feel as a Member of the Budgetary Programming Committee and the difficulties that we have already encountered, that we will be presented with the Budget at least before a week Monday. Mr. Speaker, I believe if we met Wednesday with the Deputy Minister, Mr. MacDonald, that we will in very high probability have all of Thursday and all of Friday to deal with the Labour Standards Ordinance prior to the Budget arising at this Table, and I would concur with the motion because I think it would be a good chance for those Members from the outlying districts who would like to go home for this break to have a chance to go home.

Mr. Taylor: Mr. Speaker, I do not concur with the motion and I protest if Members so choose to vote for this motion and are in favour of it, I protest the fact that there is work to be done before this legislative Council and that it is being ignored. It is my submission, Mr. Speaker, that while there exists a bill of great magnitude it is going to take days of debate and amendment to conclude it, and while this sits before us, I feel it is unbecoming of this Council to adjourn. I feel that if, on following the meetings with the Deputy Minister that the budget is not in sight, then for three or four days that would be the time to recess if there was no work to do, but as long as there is work to do, we are shirking our responsibility by not sitting here and doing it, and I protest the motion.

Mr. Speaker: Mr. Chamberlist.

Mr. Chamberlist: Mr. Speaker, I tell you I have been accused of all sorts of things, and now I'm being accused of shirking my responsibility just so we can make it convenient for those Members who come from out of town to include the extra couple of days with the weekend. Now, quite frankly I don't see anything wrong with programming what we have left so that it runs in with the other work that is coming along, and it would appear to me that if I didn't make any comments on the Labour Provisions Ordinance on Monday if we were sitting, we could complete it in about three hours and we find then you'd have three days, so to me I have to support the motion on the basis that it's a sensible motion obviously, because I can assure you that I'm going to be doing some speaking on the rest of the legislation but I'm going to do my speaking when its

available and we can do it on Thursday or Friday as well as we can do it on Monday, but why just put ourselves in the same position for next weekend when we can get over and finish what is to be done this weekend. Let our people go.

Mr. Speaker: Is there any further discussion on the motion?
Order. Are we agreed?

Mr. Taylor: Contrary, and I wish my vote recorded as being contrary in the records, Mr. Speaker.

MOTION CARRIED

MOTION
CARRIED

Mr. Speaker: Is there any further business, gentlemen?

Moved by Councillor Shaw, seconded by Mr. Dumas that we call it 5:00 o'clock.

MOTION CARRIED

MOTION
CARRIED

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

Mr. Speaker read the daily prayer. All Councillors were present.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to order, and I have for your attention this morning the tabling of Sessional Papers No. 26, 27, 28 and 29. Are there any reports of committees, introduction of bills, notices of motions and resolutions?

Mr. Taylor: Yes, Mr. Speaker, I would like to give notice of motion respecting Territorial contracts and PSV applications. I would like to give notice of motion respecting Anvil Agreement, Sessional Paper No. 25, and Notice of Motion respecting Sessional Paper No. 29, Freshwater Fisheries.

Mr. Speaker: Thank you, Mr. Taylor. Are there any further notices of motions or resolutions? If not, may we pass to orders of the day. Notice of motion for the production of papers? We have no motions for production of papers on the order paper and no motions for production of papers passed. We will now proceed to the question period. I wonder if Mr. Clerk would obtain the Commissioner for the question period.

Mr. Legal Adviser: Mr. Speaker, perhaps at this time it might be convenient to inform the House as a result of the debate on the last day the Council sat concerning the tender forms for the fuel oil contract, that the Head of Engineering informed all those who had taken out tender forms of the gist of what was said in Council to the effect that a discount offered in the term of the discount that was offered last year would not be regarded as a condition forbidden by section 10. The closing date was the 20th for having the tenders in. It was necessary to send a telex to these people informing them of what I have said to the effect that if other people put in a discount, it would not be regarded as a condition, so they would be aware of the position.

TENDER
FORMS RE
FUEL OIL
CONTRACT

Mr. Taylor: I have a question to direct to Mr. Legal Adviser, Mr. Speaker, and that would be would Mr. Legal Adviser feel that in view of the fact that the tenders close today, the 20th, that people have had sufficient time to adjust and amend their bids accordingly?

Mr. Legal Adviser: This was done before today. This was done at the opening of office hours on Monday by telegram. Now, it is a matter for themselves - if any of them request time or say they have been taken at a disadvantage, then the matter will be considered, but it would have no repress that I am aware of to deal with it.

Mr. Speaker: Are there any further questions?

Mr. Taylor: Yes, I have a question for Mr. Commissioner this morning - a rather important question, Mr. Speaker. I would like to ask, Mr. Speaker, if Mr. Commissioner could inform me as to just what happened to the long-awaited and much-needed public utilities system which this Council has sought to acquire some time ago?

QUESTION
RE PUBLIC
UTILITIES
SYSTEM

Mr. Commissioner: Mr. Speaker, could I ask the privilege of having Mr. Legal Adviser answer this because this is concerning a legal legislative process here - would this be satisfactory?

Mr. Speaker: Agreed.

Mr. Legal Adviser: Mr. Speaker, there was a certain amount of correspondence to and from Ottawa concerning this matter, and it appears that the matter is now approaching a point in stage and we would expect to have a bill concerning this at the Fall Session.

Mr. Speaker: Are there further questions?

Mr. Taylor: I would like to ask another question this morning, Mr. Speaker, directed to Mr. Commissioner. I wonder if Mr. Commissioner could enlighten me as to just what is the purpose of the reported visit of the Minister of Northern Affairs and the Russian Ambassador is to the Yukon at this time?

Mr. Commissioner: I'm sorry, Mr. Speaker, I don't know what their purpose is. They simply advised me they were coming. They're going to be over-nighting here, and as to any official explanations I'm afraid I don't know, sir.

Mr. Taylor: Am I then to conclude that possibly not only the people of the Yukon, but the Commissioner of the Yukon has lost the confidence of the Minister at this time?

Mr. Speaker: I rule that question out of order. Are there further questions? If not, may we pass to public bills and orders? May I have your further pleasure.

Moved by Councillor Shaw, seconded by Mr. Dumas that the Speaker do now leave the Chair and Council resolve itself in Committee of the Whole to discuss Bills, Memoranda, Motions, Sessional Papers and also to meet with the Deputy Minister of Northern Development and his Aides.

MOTION
CARRIED

MOTION CARRIED

Councillor Taylor takes the Chair in Committee.

Mr. Chairman: I'll declare a recess at this time.

RECESS

RECESS

Mr. Chairman: At this time I will call Committee to order and we have with us Mr. John MacDonald, the Deputy Minister of Indian Affairs and Northern Development; Mr. Clare Bolger, the Director of the Northern Administration Branch; and Mr. Digby Hunt, the Director of Resources and Development Group. I believe this is a general discussion and I believe possibly Mr. MacDonald might have some information for Committee at this time.

Mr. MacDonald: Mr. Chairman, Mr. Speaker, Members of Council, I have no general statement to offer other than to say that in consultation with the Commissioner I wanted one of the earliest acts on my becoming Deputy Minister of the Department to be a visit to the Territory and to meet with Council because I think that personal contact is extremely important for discussion of complex issues. With the best of intent on both sides, when points of view are reduced to the thin dimension of pieces of paper, a lot of the flavour is lost, a lot of the give and take that is possible between us - human beings - is lost. The Yukon is a very exciting place to be in this area. It looms very large in our perspective for a variety of reasons, but the most outstanding of course is the pulse of economic development that one can begin to feel emerging now to take the place of aspirations and hopes and expectations which were all good fun for a long while, but in the long run are pretty thin diet and it is nice now to be able to see the specifics beginning to emerge, give substance to the aspirations with which certainly

the people who have lived here over a long period of time have lived with. We see these things now in the shape of such projects as Anvil where we're no longer talking about the ifs and maybes, but about an accomplished and concrete fact, a specific commitment by people who have no other particular commitment to us are not, in other words, self-persuaded, but are working from sheer, hard, cold economic logic and it is the best proof of the economic base, the potential economic base of northern Canada and of the Yukon Territory, in particular. This is the encouragement. This is the pulse rate that I speak of. We are giving and have been giving for the past several years, primary attention to the subject of economic development because we feel that this is the underlying base that must be found upon which to structure everything else. We have and have had great belief in the economic potential of the north. To us it has seemed to be a self-evident fact that the wealth was here and that the wealth would take on current value within a foreseeable period. One might have difficulty in being precise in terms of measuring that time because we are geared to world conditions, world markets. We are geared in part to technological developments, to meet the transportation and other barriers that we are all familiar with which effect the marketability of this wealth, but that it would come has never been a matter of doubt in our minds. What we have tried to do and what we believe we can do is make a contribution in collapsing or reducing the time lags which would otherwise take place if there is a failure to foresee what these developments were, what these developments could be, and to make sure that we have the social and other capital in place to do those things that government must do to ensure that if the fruits are ready to be taken that they can in fact be taken, and the benefits enjoyed in our time. Well, these are generalizations, but the primary purpose of my visit, Mr. Chairman, was to pay a formal call upon Council as one of the earliest acts of my taking office that I do hold, to enjoy the opportunity of individual and personal contact with Councillors, and to make myself available for discussion in this way on any topics and points that Members would like to raise, and to the best of my ability to handle them, talk to them, if I indeed have the facts to so do. I'd like to think it would be possible to do this more often. If it seems to be mutually agreeable and profitable, I would like to make myself available for more frequent contacts of this kind based on the doctrine that I indicated earlier that face-to-face contact is so much better than arm's length dialogue through the rather thin latitude allowed by paper correspondence. Thank you, Mr. Chairman.

Mr. Chairman: Thank you, Mr. MacDonald. Councillor Dumas.

Mr. Dumas: Mr. MacDonald, do you have any idea when the White Paper will be tabled before Parliament?

QUESTION
RE WHITE
PAPER

Mr. MacDonald: The difficulty we're finding with the White Paper is that as we got into it we found that we are lacking two elements of information which were pretty critical as a foundation for any kind of structure that might be put forward in a White Paper for discussion, and this was some sort of detached or arm's length view on the economic outlook for the Territory, and another one, more technical study, of the tax base and the tax potential. Both of these elements are pretty critical when one talks about altering the structure of government in the Territory, and of course both you and we had earlier concluded that these were gaps in our knowledge and you will recall that, at your request, we have commissioned two specific studies on these points. One of these we have with us, but just barely. I have not yet, myself, been able to read the results. The other I think is not due until September - this is the economic study, and we're giving thought to how we might accelerate

QUESTION
RE WHITE
PAPER

that, or get some earlier feedback which might help us frame it, but these are the factors which have made it difficult to meet the earlier timetable we had in mind, so my answer, Mr. Dumas, is that I have an idea but it is unfortunately generalized right now. I don't like to think of it being delayed until we get the economic study, and yet it has been put to us, for example, by the Department of Finance, who are involved in the discussions we are having with them, as to the kind of financial framework which might be constructed here; they have made the obvious point, 'Well, how do you know what you're talking about when you haven't got the results of the study that you have admitted you need?' By commissioning it, we're trying to see what we can do about that. I'm hopeful of having further discussions at a very senior level with the Deputy Minister of Finance and the Secretary of the Cabinet within the next two weeks, I hope, in which we will see to what extent we can get a meeting of minds that would obviate the necessity of waiting for the full results of the economic study.

Mr. Dumas: Mr. Chairman, a supplementary question. We were given to understand that the White Paper was on constitutional reform, but something that has passed the minds of a few of us is the immediacy of a connection between an economic study and a paper on constitutional reform. Maybe you could enlighten us on that, Mr. MacDonald.

Mr. MacDonald: Well, yes, I think when we're talking about constitutional reform, we're really talking about how can we place in the Territory genuine responsibility and a complete responsibility with the Elected Representatives of the people in the Yukon, and of course the critical word here is responsibility. To shape your views on that, one has to form some kind of judgement if it is possible about the nature of the economic development that is going to take place and the rate at which it is going to take place, so that you can have some kind of - it is a contribution to the time frame. In other words, there are any number of possible views here about the nature of the development that will take place in the Territory and in the Northwest Territories, and at the rate at which it will take place, and it can be held in abstract at least that this could have a bearing on the kind of structure you would try to put down for discussion. Does that respond to what you had in mind?

Mr. Dumas: I'll accept that.

Mr. MacDonald: I'll confess that there is room here for debate. That is why I am trying to indicate that I'd like to see whether or not we can proceed somewhat short of waiting for the economic study, which I think will make an important contribution. Maybe we can get some interim data from the consultants, you see, somewhat before they are ready to commit themselves fully in their definitive work, which would be sufficient for the purposes of this exercise, because I don't think the economic report is an absolute in that sense. It is only going to be one of the helpful guides to the kind of structure. I think possibly the tax study is more critical and has a more direct bearing.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, Mr. MacDonald, I'll use some of the expressions you have used in your address.

Mr. MacDonald: That's always a bit unfair.

Mr. Chamberlist: Firstly, I agree that face to face matters of this nature are much better to discuss than those areas where we send correspondence to each other. Since November, we had four, five or

maybe six different days up to the middle of January when this White Paper was supposed to be tabled, and now we have the latest date yet that we have received as after September. My concern....

QUESTION
RE WHITE
PAPER

Mr. MacDonald: With respect, Councillor, I have not stated that it would necessarily be after September. I have tried to indicate that it is our hope - it is one of the considerations which have been raised and I am trying to suggest that we're trying to find now some agreement by which we can move before that and by process of maybe getting an interim report from the consultants.

Mr. Chamberlist: I'm sorry if I misinterpreted what you said, because my understanding was that you had said that there are two particular things that have to be waited for before a White Paper could be considered, and from that I took it that the White Paper would not be tabled until such time.....

Mr. MacDonald: No, I'm sorry. If I left that impression, that was not the impression I wanted to leave. I merely wanted to indicate that it had been raised that these two studies we had commissioned were going to be important contributions to the discussion.

Mr. Chamberlist: Mr. Chairman, the judgement that I have formed on responsible government is that judgement that has been the evolution of responsible government in the British Parliamentary system. This is something that we do not have, and most Councillors here are very much concerned about. Now, we are awaiting the taste of the flavour that you have referred to, and I would wonder, Mr. Chairman, if Mr. MacDonald can tell us if he knows what type of political reform is in store for us. This is what we really want to know about. I mean, so far we have been unable to get from anybody what may be in the future for us, and if you can help us with this, I'm sure it will be appreciated.

Mr. MacDonald: Well, Councillor, I think if you referred back to the British tradition, and I'm sure therefore you will accept what I am going to say as being, I think, properly within the confines of that, and it is this that a Public Servant in public should be seen really and not heard on these matters. We may have our advice to tender to the Minister but any pronouncements about the constitutional and political structure governing the electoral system within an area is properly out of the mouths of Ministers only, and not out of humble servants. I can only indicate this properly, I believe, personally that the White Paper will be a discussion paper. Secondly, it won't be a cut and dried sort of proposition. Hopefully, if the imagination remains sufficiently fertile, there will be some alternatives so that we can get our teeth into what sort of suit of clothes seem to fit the circumstances here, but I would beg you to release me from any attempt to publically indicate what might be the nature or the advice or the discussion which might lead eventually to the government's formal indication of the frameworks which it thinks might properly fit the circumstances of the Yukon Territory circa 1968.

Mr. Chamberlist: Mr. Chairman, in reply to the first part of Mr. MacDonald's answer, I can just say touche.

Mr. Chairman: Councillor McKinnon.

Mr. McKinnon: Mr. Chairman, I would like to state at the outset that I have always felt that Ottawa has laboured under a false illusion that their granting of democratic institutions to her colonies to the north somehow dependent on the economic situation present in the Territory at that time, I believe this is a fallacious argument. It has never been brought under British constitutional

QUESTION RE HOUSING principle anywhere and I refuse to accept that there is any connection between the granting of responsible government to the Yukon Territory and the economic condition of that Territory at the time. The two to me are incompatible. Everyone who lives in Canada has a right to live under democratic institution, no matter if it is a deficit area or as we seem to be vastly arriving at a has area. One area where I have been very concerned is in the field of housing in the Yukon Territory. Now, as you know there is \$100,000 granted in the Budget for low cost housing. Last year there were some 65 loans processed in the Yukon Territory to provide for the building of low cost housing. One of the areas which I represent, the Porter Creek subdivision, has just burgeoned because of this low cost housing application, and it has been a tremendous success. Now, with the increase in building costs, it is impossible under the Low Cost Housing Ordinance as it now stands for a person to build a decent home with the provisions that they now are. The maximum home that can be built is to the extent of \$10,000 before a second mortgage loan can be applied to the person who gets the first mortgage loan under the Low Cost Housing. Correspondingly, and to make a long story short, this Council passed a unanimous resolution asking for a change in the Low Cost Housing Ordinance so that the first mortgage loan was to \$10,000, the second mortgage loan was to \$1,000 regardless of the finished cost of the house. The Council felt that this would really ease the housing problem in the Yukon Territory. The Administration accepted the unanimous advice of this Council and passed this on to Ottawa for their acceptance. To this date we have received no indication that the Federal Government is going to go along with the thinking of the Council, and I think this is an area where the people of the Yukon have declared what they thought would be proper for this monies - not an increase in the monies available under the low cost housing loans, but a different application of the money. Now, the elected representatives of the Territory said it can best be used in this manner. The Administration said we agree with the Council; we think that you do know best, and it can be best used in this manner. Now, we're told by Ottawa again that they know best how this money should be applied and you people really don't know how to apply it at all down there. I wonder if we can receive assurance that the ten and one as recommended by this Council will be in effect this year.

Mr. MacDonald: I have somewhat difficulty in recognizing myself in both parts of your remarks because I don't know of any attitude on our part that I can recall that involved saying that. I would like to say, with respect, to the earlier portion of your remarks for the sake of the record that I did not state, and certainly if I have left the impression, I would like to correct it, that the establishment of full-fledged democracy, that is responsibility with the elected representatives, for those matters which affect the area, affect the quality of life here is dependent upon economic circumstances. All I wish to convey was that the economic outlook might, or again it might not - until one has it one doesn't know - might make an important contribution to the nature of this solution, and that is all I wished to convey at that point. On the subject of low cost housing - I'm not familiar with the specifics. I might ask Mr. Bolger if he would comment on this. It appears to me that this may be linked to the statutory provisions of the National Housing Act, and if that were the case of course it would make some limitation on our flexibility of responsibility.

Mr. Bolger: Mr. Chairman, I'd almost like to take notice of this question to study a little further some of the notes I have here, but a general impression I have of the problem raised by Councillor McKinnon is that we have little or no hope of getting Cabinet approval for a further expansion of the low cost housing arrangements

which now exist; that the arrangements which now exist are intended QUESTION
as the supplement to the National Housing Act. They are a low RE HOUS-
cost housing provision for people with low incomes, and that an ING
extension of this brings a conflict with the arrangements under
the National Housing Act administered by CMHC. Now, I have some
further notes with me here which I would like to study before I
say anything further in addition to that.

Mr. MacDonald: Might that be acceptable for the moment, Mr. Chairman
and Council

Mr. McKinnon: For the moment, Mr. Chairman. I disagree with what
Mr. Bolger has said.

Mr. MacDonald: Well, as I say I, myself, am not familiar with the
specifics of the provision and we could consult on this.

Mr. Chairman: Councillor Chamberlist:

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. MacDonald can say
what the Department's attitude would be towards the obtaining of
the housing in the Hillcrest area. No doubt, Mr. Chairman,
Mr. MacDonald is somewhat familiar with the various debates that
have gone on in this Council Chambers and also some correspondence
that has been sent to the municipality in reaction to this particular
area. Would Mr. MacDonald at this time express the opinion of his
Department as to how these houses should be taken over?

Mr. MacDonald: Well, Mr. Chairman, Councillor, we had a very
active discussion on this subject with the Commissioner yesterday
on my arrival; and with the representative of National Defence and
the Department of Public Works. Our attitude is that we would very
much like to be guided here by your wishes. We, or that is the
Federal Government, does not want to remain in a landlord position
with respect to these houses. We recognize that they would make a
very important contribution to the stock of housing available, and
therefore a very important contribution to a social problem. There
is some very legitimate discussion and debate apparently over the
location of the housing and the impact this could have on the future
development of social services as between Whitehorse and these
somewhat detached communities. I think we could say that were we
all with the benefit of hindsight proceeding anew, we might see
this stocked into the Whitehorse community where we would greatly
strengthen the tax base, but as a result of our discussion yesterday
the Commissioner is going to work out several lines that we were
exploring in terms of cost of what these alternatives might represent,
and they range over a great number of possibilities from a housing
corporation in the Territory to other possibilities which I don't
think I'd like to mention right now because they might be starting
hairs that really aren't worth pursuing until one knows something
pretty factual about the costs that might be involved, but basically
they're surplus to the requirements of the Federal Government and
they should enter into the stock the housing available in the area.

Mr. Chairman: Mr. Chamberlist.

Mr. Chamberlist: A supplementary question, Mr. Chairman. Can the
Deputy Minister give an assurance that the Federal Civil Servants
will not be forced to move into that area so that a separate conclave
of Federal Civil Servants is made?

Mr. MacDonald: In my view I can't speak for all Departments as
emphatically as that. I can only indicate that my view as the
Deputy head of our Department - I can indicate the view that I would
carry into any debates within the structure of our government in

QUESTION
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Ottawa and it would be to the effect that we ought not to have separate enclaves of Federal Civil Servants, and it would be my hope and it was my hope years ago when I was Chairman of the Northern Housing Requirements Committee that as we progressed in the economic effecting and structure of the north that it would be less and less necessary for us to own property on behalf of our employees, that this would increasingly become a personal and community responsibility and that we could ultimately hope to see these that exist now disappear.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, some of the questions have been answered, but this is in relation to housing. Now, in 1965 in the fall, I believe, I did introduce a motion in relation to establishing certain means, methods of handling housing in the Yukon, and I think in that motion I had where a Yukon Housing Authority was to be established. Later in the year a Mr. Davis of some department of government - I can't quite recollect which one - also proposed this similar type of system, and of course quite recently in Council an extended motion was also passed in relation to this matter of housing. I recollect about 1945 or '47, somewhere in that area, there was no housing available in Whitehorse for employees of the various departments of government and they embarked on a system of building houses. They had to have houses for people to live in. This has extended into some ramifications, not only in the Federal Government, but now the Territorial Government is finding it necessary to embark on the same sort of program. This may have been something that was quite necessary a number of years ago, but times are changing now and I was wondering, Mr. Chairman, if Mr. MacDonald has given consideration to the fact that if possible and where possible that the government itself go out of the housing business. In other words, they sell these houses which employees of the government are living in right now. Give them the first opportunity to purchase them at a depreciated value or whatever is reasonable under the circumstances, and if possible to get out of this housing business, to put it on a normal basis that where the persons living in the Yukon have a stake in the Yukon. They own this house, they are part of it. It is my theory that as long as you have someone that can put all their goods into a truck on two minutes notice and take off from the Territory, that we do not have and will never have that permanency in settling. I wondered, Mr. Chairman, if the government are looking towards this so if possible all these houses, and I mean all of them, are made available to the persons living in them to purchase them at a reasonable rate, and from there on either sell them or have what we might call a Yukon Housing Authority that will have complete control of all Federal and Territorial buildings so we can get some system to these housing arrangements in the Yukon that now, I would say, is in very much of a mess.

Mr. MacDonald: Yes, Mr. Chairman, I can say without any hesitation that leaving aside any attempt to say when we're at that particular point in time ready for this, that the objective that we should be shooting for is for the Federal Government, and I would think the Territorial Government, to be out of the landlord position as far as its own employees are concerned. This, in an earlier stage of development, was an inescapable responsibility. The stock of housing just wasn't adequate. It wasn't growing fast enough to meet the numbers of people who were coming in. I think we should be trying to move out of that position. I leave aside as I say

any attempt to make a judgement as to when we are ready. I would look upon it possibly as a gradual approach so as not to disturb the housing market generally, to attempt or run any other kind of risks that we could be somewhat unpredictable. You will still be left with what might be described as a social problem, and this takes me to the earlier portion of your remarks - the housing authority. It seems to me that this is where the true role of governments lie, and it hasn't got to do whether a person is a Civil Servant or our employees, yours or ours, but whether or not we have a number of our population who cannot get adequate housing accommodation within their range of means to purchase them and there is no government that I know of dealing with regional or municipal affairs that has been able to escape accepting this responsibility, and they are doing so through the device of a housing authority. I would presume that this housing authority would confine itself to that area that I have described. I don't think we want to be providing housing through a housing authority either by rent or any other means for people with the economic means to look after their own interest. In that respect I subscribe wholeheartedly to your remarks about where the interest of this community, I think any community, namely in a people who have got a stake in the community. Their interest is here because they've made an investment and this, again, is not a unique phenomenon - its true everywhere we go, but without question in my view at least the Council, the Government of the Yukon Territory will be left as all other governments have been left with a social responsibility to face, and the housing authority, I think, would be inevitably the technique you will have to rely. So, I guess my answer to both your questions is yes.

QUESTION
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Mr. Shaw: Thank you, Mr. Chairman.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, along the same line. It has always been my contention that the government should get out of housing, and I suggest that if the government were to get out of the housing field and apply 80 per cent of the present housing costs to wages on a pro rata basis so that the present Federal and Territorial employees could afford to build or buy, we would be better off all the way around. The Federal Government would no longer have the heading of housing. They would save probably 20 per cent of present costs. The Federal employee, I think, would be quite happy with the increased wages and the opportunity to make a personal investment for his future and build up a home and of course the community would be better off because we would have a more stable community, more permanent type of resident than we now have, and personally I think the sooner we can get something done the better it is going to be for all of us.

Mr. MacDonald: I'd like to say that generally I agree. There are always complications when you take this back into the question of wages and salaries because we have relationships to keep in mind not only within our own structure but what the impact is between Federal Civil Servants and the other people residing in the community. We don't want to increase the gap any more than we can help. I'd just like to reiterate that I think housing should be generally become a personal problem for those who have the capacity, and a social and governmental program for everybody for those who haven't, and it shouldn't be determined on the basis of who your employer is.

QUESTION
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Mr. Chairman: Mr. Livesey.

Mr. Livesey: Mr. Chairman, we have often heard, especially over the last decade, I think, about the problem of very few people living in the Yukon Territory. Usually when someone says well, that's the reason why you're not a province or you haven't gone half way to becoming a province - they always look at the number of people we have here, and I always remind them about the fact that we're not even running the store - somebody else is running it, it's not us, and when we look at what we are running it is very little. We have no control over land, no control over mining, no control over water. In fact there is very little control over anything that amounts to anything that could complement anything that we would like to do to bring more people to the Yukon. I think that one of the essentials of having more people here and having the money to run a government on is land settlement, and I would like to ask the Deputy Minister, Mr. Chairman, if you could tell us this morning in Committee how the new proposal towards land settlement will help us not only to find more Federal land available to the Territorial Government, more Federal land available to the individual person here in the Territory on which to either build a home or settle, and also with regard to more available land and space for prospective agriculturalists and farmers who would like to come to the Yukon to produce food to complement our new move towards economic expansion, because personally I don't see how you can define one from the other. It seems to me that wherever there is people there must be food, and wherever you are going to grow food there must be land and we seem to have 207,076 square miles of land in the Yukon Territory, most of which is doing precisely nothing at the moment but acting as a wilderness area, and for no other purpose. I would wonder, Mr. Chairman, if the Deputy Minister could inform Committee with regard to the question of more land being available for all these various purposes.

Mr. MacDonald: Mr. Chairman, Councillor, I am not, I'll confess, fully familiar with land administration in the Territory. I can assure you that we have moved and will move to strike down any impediment to the fullest possible utilization of land in the Territory, and that we will move and have moved to see that within the organized municipalities that these matters are dealt at the local level and dealt with expeditiously. We have just succeeded in having the Land Grants Act amended to simplify enormously cumbersome procedure which was characteristic of it, and I would be happy to personally review any other procedures which are drawn to our attention which would act in any way as an impediment. Now, of course, the granting of land to anybody is a serious act. We don't want to give it to frivolous persons who have no real intention of using the land in the development of the kind you spoke of, Mr. Speaker, and the question of the potentialities of agricultural development which of course characterized the settlement of other areas are possibly arguable but I'm no agronomer, and providing we have persons of serious intent there is no arguable reason in my view why such a person should not be given the opportunity, and as I say I would certainly give you my undertaking that we will be quite alert to any suggestions, any problems that are raised that in your view are impediments and we will discuss fully and frankly with you what our policies are, and move in the directions I have indicated.

Mr. Chairman: Well, at this time I think I'll declare a short recess for coffee.

Wednesday, March 20, 1968

11:00 o'clock A.M.

Mr. Chairman: I will call Committee back to order, and I believe Mr. MacDonald has something he wishes to ask at this time. DISCUSSIONS
RE LANDS

Mr. MacDonald: Mr. Chairman, I wonder if I might ask Mr. Hunt to elaborate on some of the specifics of the things we are trying to do in the land transaction area and further to my earlier remarks in response to Mr. Livesey.

Mr. Hunt: Mr. Chairman, perhaps Council Members are aware of some of these things Mr. MacDonald referred briefly to the amendments to the Territorial Lands Act which will provide in the speed-up of the grant of letters patent and this is perhaps just one of the things we hope can be accomplished. Another area I think that I understand has been a problem in land disposals is the survey of lands outside sub-divided areas in the outside communities and we are now trying to look into this to see if there is any way in which, on application for land, this process can be speeded up. As Members I am sure, will appreciate, while leases can be granted with reasonable facility, this outright disposal can't be done until the land has been surveyed and I believe this has been a delaying factor. So, we are trying in those areas to speed things up. The new system of notification replacing the grant of letters patent we hope will be in operation within a few weeks, hopefully during April. And finally, I would just like to say that certainly I would be most appreciative of learning of any suggestions or ideas where in the past perhaps delays or what might appear to be delays have crept into the picture and we would want to do everything we can to overcome these and to make lands available as quickly as possible. In the last statement I would like to suggest that perhaps we could and should look into becoming more aggressive in encouraging utilization of land and we will be moving out in those areas to see whether we can encourage people to take up land and put it into use wherever possible.

Mr. Chairman: Councillor Livesey.

Councillor Livesey: Mr. Chairman, I would like to pursue my original question. I would like to move, perhaps in a different direction and that is, I would like to couple my thinking at this time with the statement of the Deputy Minister earlier along in our discussion this morning that the question of economics of the Territory were contributing factors towards establishing of the contents of the.... White Paper. Now it seems to me, as I related before that practically everything of any value doesn't belong to us, or they say on paper it doesn't. And we are reminded, and were reminded during the last year or so that if you do not supply so much in taxes, we will cut off 4/5ths or something of that nature so that.....exactly the position where you are making this contribution and we are making that contribution therefore, and we have heard of course, we are living in a deficit area and so on. Now, it seems to me totally the opposite and in our discussions with Ottawa I think what should be going on is that if we look at this 4/5ths - what Ottawa is contributing to the tax structure of the Territory, this is really to me rent; this is rent for the land that government is holding in an area which we are attempting to control. Rent for what is available here in the Yukon which we think rightfully belongs to us, and I believe that this same question came up for discussion in the

Mr. Livesey continues....

DISCUSSIONS
RE LANDS

Sold Northwest Territories Council with the Federal Government of that Department, with regard to the question as to whether the Federal Government was prepared to pay to the Old Northwest Territories..... It is just a question of trying to equate what really is ours and what is really the Federal Government and I understand that under the British North America Act of 1871 that the Imperial Parliament..... announced andgive to the Dominion Parliament a right to provide in Section 4 peace, order and good government for the Northwest Territories, the Old Northwest Territories, peace, order and good government. I have searched high and low and I cannot find where they transferred to the Dominion Parliament complete and total sovereignty, I haven't seen this. So I feel that, it seems to me that what we have here surely belongs to us the same as what they have in British Columbia belongs to them and Saskatchewan, I am sure what they have belongs to them and so, if anyone wants to hold what we think is ours surely they should pay rent for it or they should believe that what they are giving us, really not giving us gifts, merely an exchange of values on the same basis as the Federal Buildings. We don't pay rent - the Federal government doesn't pay rent on the Federal Buildings but we are given a grant in lieu.....a grant in lieu of what is being supplied, so I can't see--especially with regard to land why there is this criteria, why this criteria has been set up? And I wonder if Mr. MacDonald could attempt to enlighten us?

Mr. MacDonald: You really want to put me on the spot, I think. As I indicated to Councillor Chamberlist, it is very difficult for me to stay within the bounds of propriety and discuss several of the aspects that you have raised. There are a great number of philosophic points that you have raised, constitutional points. I think I can only deal rather in certain positive points as we see them as administrators and as for, if I may, abstract ways and economists. Things have no real value in the abstract; they only have value in use and whether one debates just who we mean when we speak of us; whether we mean we as Canadians or whether we are regionalized are things which are both in the philosophic and in the political realm, I can't venture. But I do know what is necessary to give the wealth that arises out of useage real meaning in the northern Territories and that is the vast investment which is, I think, in excess of the capacity of any group of 1500 or 10,000 people. It is a sheer arithmetic factor; I mean we need to develop the northern Canada which has unusual - exacts unusual costs of development. We need a great strength; its greatest possible base that we can find. I think happily that this is the great strength that Canada is, or has. So when one takes a balancing of accounts, I just simply suggest that you should not lose sight of the factor of public investment that is quite outside any dialogue that may have transpired between the Government of Canada and the Territorial Council on the operating expenses of the Territory which are the current day to day expenditures I think you touched upon. This country, to be properly developed, is going to demand vast expenditures in roads, railroads and other extraordinary measures, or extraordinary measures on top of those. Things which we cannot quite foresee to give this portential wealth actual usage value. I think that it is going to be, and I think it has been accepted by all Canadians as a special obligation which has properly fallen on all Canadians to contribute towards. I think this has been in the past and I think it is going to continue to be the Canadian attitude in the future but I think that Councillors, as far as I can delicately tread over the points that you have made.

Mr. Livesey: I have a further question Mr. Chairman, With GENERAL regard to the taking out of our resources out of the DISCUSSION Territory, it seems to the layman in the Yukon that these RE THE resources are ours and someone from the outside now has raised NORTH - the money to take them out of the Yukon. Now someone else- LAND, who doesn't belong here, is apparently controlling those DEVELOP- people who are going to help take these minerals out of the MENT. Yukon, hired from Vancouver. It seems to us that we haven't still got control of the situation, not rightfully so. We have fringe control but, it is the same thing perhaps around Dawson City - what have we got left there for all the gold that has been taken out of the Yukon. Actually the Yukon has not been able to collect a tax on it. We've had all the various side issues and the domestic operation. We have had thesebrought into the area but theon the export of crude oil from Venezuela - I understand the country at one time was getting something up to 50%on everything that was trans-shipped out of their area and I believe all the various Shahs.....they collected a tremendous amount of money because somebody wants to pick up what they have got - something being exported out of their area. But precisely what is the Government of the Yukon Territory getting out of any of the minerals now that are being **shipped** out of the Yukon Territory; just precisely what we are getting out - outside the domestic question such as the matter of building roads and side issues and the food that the people are going to eat and so on and so forth. Really, what are we getting out of it?

Mr. MacDonald: Well, I think, firstly what you are going to get out of it is the economic growth of the Yukon Territory which I take it is the fundament of one which we are all agreed. Economic growth means the metrics of a lot of other activities which give a quality and flavour to life. It is the absence of this over a very large part of the period of the Yukon Territory that is denied to you. Some of these factors which enter into the quality of life. It gets to be quite a philosophical discussion when one goes further and further as to what we are talking about, one of the roles of government at respective levels. As to the control by persons outside, I take it that we speak of Vancouver and it sounds to me that this is a matter of labour relations and I don't think that it is a phenomenon peculiar to the Territory. It enters in cross-border and other areas as well, but the references to the exactments which countries like Venezuela may be able to obtain have to be looked at in the context of the bargaining position if you will. Any nation - these would be the rest of the world - and this is simply the law of supply and demand. Now at the present moment we are trying desperately to invite the rest of the world to look closely at the potentialities because these are large capital.....are involved. The Anvil Development for example is something on the order of \$60 Millions of dollars of capital formation. Now this cannot even be raised in Canada itself although a significant element was. We are talking either as a Territory or as a nation as a whole about at what price will we sell our very handsome heritage. I think we will probably behave just like almost all other peoples have behaved. It will be a matter of bargaining from time to time and this bargaining will, as I have indicated, be materially affected by supply and demand. There are enough inhibiting factors right now that frighten investors about the north that we don't feel at this moment like adding too many to them. Our whole policy and posture has been the pursuite of investors to try and persuade them that their view of the inhibitions of the north are exaggerated. This is why we have developed these films. This is why we engage in speakingthat is why we have private meetings with people and we get some farsighted people pursuing, quite

DISCUSSION Mr. MacDonald continues...

RE LAND, properly, their self-interest, such as Anvil, are now
DEVELOPMENT beginning to come. The fact that they are now beginning
ETC OF to come, the fact as I mentioned earlier, our aspirations
YUKON are being translated into fact is helping and will help
us enormously with other investors throughout the world
to bring about what I would have assumed, something we are
all agreed upon, a quickening of the pace of economic
development. I haven't any doubt that at some future date;
I can't put a point of time on it, when the balance of
supply and demand will turn markedly in our favour both in
Canada and in the Territory; that the terms of trade can
be altered in our favour but I think it is a moment of
time.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Well Mr. Chairman, some of the many
frustrations that Members of this Council have are the
frustrations of not being able to participate in the
legislation and the preparing of the legislation which is
placed before this Council. It has already been intimated,
Mr. Chairman, to us when the Territorial government is
referred to and when the Administration is referred to it
is one and the same. The Administration is the Territorial
Government and the Territorial Government is the Administra-
tion. Obviously there is a Territorial Government and there
must be an opposition and we have been placed in that
position that we are the opposition. Now, there - we know
full well that the Yukon Act advised that the governing
of the Territory includes the Territorial Council but the
government is the administration. On November the 29th
of last year Councillor McKinnon placed a motion before
this Council and it read as follows: That a member of the
Yukon Legislative Council be appointed to the Yukon
Legislative Programming Committee. This, Mr. Chairman, in
case Mr. MacDonald is not aware, is a committee that has
been set up by the Administration for legislative planning,
and the reply to that motion was given in Sessional Paper
No. 86, 1967 Second Session, was as follows: This is an
executive organization composed of certain heads of the
Departments of the Territorial Government. The Motion requests
that a Member of the Council be made a member of this
Committee. Since the forthcoming White Paper on Constitutional
change will deal with the whole matter of how members of the
Legislature out to become active participants in the
administrative process, it is considered advisable to withhold
any action in this regard until the contents of the White
Paper are known. Well Mr. Chairman, it would appear to me
that this is doing nothing but condoning the, the absolute
and objective system of colonial administration that exists
in governing this Territory. Now in Councillor McKinnon's
Motion, which incidentally was passed unanimously by all
members of Council and the obvious reason is there, it was
apparent that members of this Council are vitally interested
in the legislation that is passed before us and when we are
thrown a bucket of cold water in our efforts to participate
in proper responsible government, I would then say that it
is then necessary for us to go beyond the Administration and
seek redress because here is a reason for redress. Now I
wonder Mr. Chairman if the Deputy Minister is prepared to
either advise the Commissioner himself or ask his Minister
to advise the Commissioner that wherever possible, the
Territorial Council participate in legislative planning by
having Members of the Legislative Council attached to this
Programming Committee, it may well be said, after I have
spoken, that a step has been taken by including Members
of the Financial Advisory Committee into a budgetry committee.
This may well be but at the back of my mind is a thought

Re Sessional Paper
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and I said before, I am always suspicious because of our type of government. Back in my mind is the thought that the knowledge of the Minister knowing that we already put by certain amendments, delayed the signing of an agreement. We also had another one - method - and that method was dealing with supplies and the idea of it was - as I say in the back of my mind - that if we were part of that we could not object to the supply so this is the reason we were brought into this. Now that has worked very well and as a matter of fact I think that the administration should be congratulated on the fact that they did bring us into the picture. Now I see no reason why we cannot be brought into this picture on this Legislative Programming Committee. It is vastly important to us. And because we have this answer, this Sessional Paper No. 86, as I say we have to go beyond that and I would ask Mr. Chairman if the Deputy Minister can, at this time, say whether he is prepared to at least discuss this matter with the administration of the Territorial Government and ask that Legislative Members of Council be included in this planning committee. Thank you.

Mr. MacDonald: Mr. Chairman, in response, I would like to say two or three things. One, I genuinely regret if Council took the reply as being a bucket of cold water on the concept. I think what was tried to convey there in reference to the White Paper was the genuine belief and hope that what will result from that will close the circle completely and in a sense overtake any such, you might call, interim or piece meal report by making the elective and executive functions indivisible. As I say, I can't go too far in this direction as I indicated earlier. I don't believe that it was an attempt to resist innovation and I think I am in a happy position, quite accidentally to assure you that if the suspicions had grown in your mind in regard to the budgetary committee, that I don't really believe they are founded. I think the Commissioner has been, on his own initiative quite desirous of involving the Council far more deeply in these matters in a transitional measure moving to what we all know is going to be something else and I say, hopefully close this circle. So that Council will get at the central issues of government and I think anyone would accept the starting point for that is at the budget process as this is where, away back, we go back to the British tradition again and we come to the Ways and Means Committee which became the front of the question of parliamentary control and the involvement of the legislature in the governing of the country. And I think that, as far as I know, is the primary reason and it seemed to be the best starting point. The Commissioner is present here and has taken note of the observations. I'm open to discussions with the Commissioner at any time but I would like to reserve any further comment about the manner in which the discharge of business is accomplished as between the Council and the Commissioner, partly on grounds of ignorance and partly on grounds of discretion.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I'll have to give a little rundown summary of this particular matter because I'm not quite sure whether the Deputy Minister would be involved in this particular matter. It is getting to be a large department. When I first came into the Yukon I think it was the Department of Northern Affairs and in the ensuing thirty years or so they have changed the name so many times that it is very difficult to know just what function the Department does. At the present moment they have the longest title that I can recollect. It is the Department of Indian Affairs and Northern Development, I believe, which brings into the Northern Affairs Department the matter of administrating the Indian people of the

Mr. Shaw continues....

CO-OPS Yukon and of course the balance of Canada. In this period
 AND of time that I have been here there have been certain changes
 NATIVES that have been made respecting the Indian people. I can't
 GENERALLY give you the exact dates but they have had certain added
 responsibilities or we should perhaps call them rights. They were given the Federal vote. In 1944 they first started, the government did, of making their greatest effort to get the children to attend school. They did that by means of cutting off the Mother's Allowance if the children did not attend school; which was a wonderful thing, they went to school quite rapidly. A little later on they received the Territorial vote, that was another right. Later on yet legislation was created by this Council to permit them to have the same drinking rights and responsibilities as any other citizen. In the meantime the Department of Indian Affairs have stressed and have made considerable progress, and I think should be complemented on every effort they have made to give them the best education possible, both from the academic point and also vocational. So, these are things which have been done and I think the various authorities should be commended on putting this through and I just speak of the Yukon Territory so I am not aware of what happens in other areas of Canada, but apart from that the concept or the mechanics of the whole structure have remained very much the same with the exception as I said, of course, the education and health; the welfare has remained the same. It is more or less of a hand-out proposition. Three years ago I introduced a motion into Council asking that a co-op be established at Old Crow, or that an investigation be started so that something could be done because these people are very handy, very clever with their hands and some co-operative movement could possibly be started with their concurrence in arts and crafts. Well this was three years ago Mr. Chairman and nothing has been done to date although on a couple of occasions, on enquiry, I was told that somebody is going to look into the matter but so far as I am aware of nobody has. The Department, and I wish it understood that this is no personal reflection on any one, but they sent a man from Vancouver or Ottawa or Regina or gosh knows where in Canada to come up into the Yukon to operate the Indian Agency to undertake any of the programs that they may have; which to me have changed very little. It would appear to me, and this is one of the questions that I would like the Deputy Minister perhaps to comment on, is that to try and institute programs which will make these people a little more self-sufficient at things that they can do themselves such as I mentioned - a co-op. I realize that you can't force any one to go to work but certainly encouragement could be taken. Another matter, and I have brought that up; this very same question quite a number of years ago in these Chambers and that is that I have never seen, and there may be in other parts of Canada but of course I refer to the Yukon, I have never seen a person of Indian heritage who is involved in this Department except in the capacity of clerk or stenographer or something like that. It would appear to me that one of the important things, vital issues in matters such as this, are to have Indian people themselves in quite high administrative offices in the Yukon that they can go around, they can propose certain programs which we can introduce and thereby these are the people, in my estimation, that would be most knowledgeable on what their own people wanted and it appears to me that there must be - perhaps you can't find one in Whitehorse or in Dawson or wherever it might be - but there must be many Indian people who are extremely well qualified to undertake a task such as this and I wonder Mr. Chairman what Mr. MacDonald might have to say about this matter and whether there are in fact programs that may be started with this objective in view to make these people more sufficient by

Mr. Shaw continues....

themselves and under the direction and guidance of their own people.

INDIANS
OF THE
YUKON

Mr. MacDonald: Mr. Chairman, I think I can speak with some detachment on this because I have not been personally involved hitherto. The Indian Affairs Branch was, in fact, only joined to our Department to create the present Department, about two years ago and therefore I must say that it is a very sadly abused branch and I think I would like to put some of the history in perspective so that hopefully people will look with a little more sympathy on the efforts of the people, the very fine people who are working in this area to do, Councillor, exactly what you have indicated. But the problem is of course before us. In less than a decade through a great and happy awakening of conscience on the part of Canadian society, we have been trying, as a government, to do something about the so-called Indian problem. In less than a decade the resources applied have risen from something in the order of 13 Million dollars a year which is what we are putting out on this account, to over 140 Million in the current year. Now this is an enormous expansion of ideas and programs for which you must find qualified people to execute. So that if you will find instances where people agree with you but there is a gap between that and getting it out on the ground; this is one of the problems. We are trying to move happily, sort of further awakening of interest in the public is helping us attract people who are qualified to help out and in particular, as our educational programs succeed we are getting Indian people. We have a very significant number of them; I'm afraid I cannot recall off the top of my head how many we have but I have a fact sheet that was given to me in Ottawa and I was impressed by the numbers - an absolute quantity - of the people who are working in the Indian Affairs Branch at the present moment. Now, the seniority or levels of sophistication at which they will operate with increase with time as the products of the schools they mature, but bear in mind too that Indians, like all of us, have different ideas about what they want to make their vocation in life so sometimes the very alert and aggressive Indian who is educated and sophisticated does not always or necessarily want to come and work in the Indian Affairs program. He may have been fully integrated indeed into society and got off into other pursuits that interested him more. Nonetheless we agree with you wholeheartedly how desirable it will be to bring increasing numbers not only into administration but into the senior administration of Indian programs. On the co-operative concept we have employed it extensively with the Eskimo and it is an ideal instrument. And our Regional Director was just talking to me this morning about a situation where this is going to be put forward in a certain area. It does not happen to be the one you referred to and I will be happy to have a look into what has not happened in the situation you have described. So, I ask for some sympathetic understanding of a dedicated people who have been working in this field which I think is an area of critical interest to the country as a whole. The policy is directed toward self-determination of individuals. The main foundations of the program are education first, housing second, so that the children growing up have the capacity to make their decisions and with some faith in deeply imbedded instinct that we think is in every human being, we think these decisions will be the right decisions; that they will be away from any possible tendency to permanent dependency which everybody worries about, I think, in certain situations, which arise out of what you might call a cultural decay or social stagnation, or whatever words you want to put on it. So I think, Councillor, there is nothing what you have said that we could fail to agree with you and I think that we are making

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Mr. MacDonald continues... hopeful progress on the specific areas that you have mentioned, the utilization of the co-operative technique the moving of people away from an attitude of dependency but that means an extraordinarily difficult problem of bringing some kind of viable economic means to them where they are immobile and if we feel that we have difficulties, and had difficulties in moving a territory like the Yukon forward to where it belongs, this is nothing compared to the problems we will face in bringing economic means to certain remotely placed Indian groups to meet the test that you have just indicated. And finally, we are employing increasing numbers of Indians and try to do so wherever we can and this is a function of the supply as they come through the educational system and then make their own personal choices and I think one further footnote; we are increasingly, with our agreements with the large resource people who come within our realm making it a condition that they co-operate and taking them into gainful employment where we are able to provide with the trained skills that they would need for such purposes and the Anvil Agreement which we have tabled; you will find clauses of that nature there.

Mr. Chairman: At this time gentlemen I think, in view of the lunch commitments, I'll call Committee into recess until two o'clock this afternoon at which time we will pursue this matter further.

Wednesday, March 20, 1968.

2:00 p.m. o'clock.

Mr. Chairman: At this time I will call committee back to order and we are furthering discussion on the debate this morning. I wonder if Councillor Chamberlist, if you will take the Chair at this time.

DEBATE ON
NORTHERN
AFFAIRS

Mr. Chamberlist: Certainly.

Mr. Taylor: Well Mr. Chairman, I have not had an opportunity this morning to engage in debate but there are at least four areas which I feel quite strongly on, I think we should have some comments on from Mr. MacDonald, Mr. Chairman. Firstly, I noted the remarks from the Honourable Member from Dawson in relation to role played by the Department in and on behalf of our Native citizens who we represent at this Table and I have noted in relation to many things over about twenty years now the complete and utter reluctance of Indian Affairs Department at all levels other than here in the Yukon in all Administrative levels a complete reluctance in the part of the Indian Affairs, Mr. Chairman, to embark upon a programme to education at the community level in order that these people might indeed be brought to a level in the Yukon as in the other areas in Canada where they become participants in this great development rather than onlookers or, shall we say, spectators. Now, I was browsing through for instance the Anvil Agreement and I find in there something that absolutely astounds me, that subject to Sub-section 3 "Employ competent local residents particularly Indians and Eskimos, in truth I don't believe there are any Eskimos in the Yukon right now, there are possibly one or two, to the extent of at least five percent total number of employees in the first year rising to ten percent in the second year and twenty-five percent in the fifth year, that's when the mine comes into production. Well, this completely unworkable as certainly the Indian Affairs Department must realize. Unworkable because indeed the people have been denied the social education at the community level and therefore get deeper and deeper into the depths of deprivation and squalor. I am quite confident that there is very little useful, or there are very few jobs that the natives of the Yukon where they could occupy themselves in the useful work at Anvil or indeed any other occupation without the benefit of social education at the community level and for some reason Indian Affairs, I will say, will blow millions of dollars, absolutely waste it, throw it away and yet refuse to embark on such social programmes that would make the people available for this industry and to allow them to participate in this industry and so my question would be to Mr. MacDonald in this sphere - is it anticipated that now that the Department to which he is Deputy Minister is giving serious consideration to implementing a policy of social education. That would be my first question.

Mr. Chairman: Mr. MacDonald.

Mr. MacDonald: Mr. Chairman, in the words of that famous dialogue "I'm glad you asked that question." With all due respect, whatever may have been in the course, going back twenty years, I can speak with confidence in what we are doing today and what we have been doing in the last decade. I made mention this morning of the literally fantastic development or allocation of resources that the country has made towards the solutions in this area. The concept of social development is not neglected. There are problems of priority of course. As I mentioned, when you increase programmes from a level of about thirteen million dollars to over 140 within a decade I would like you to think about figures and see what that represents in administrative organization and getting the qualified people necessary to discharge these programmes. You did use the expression of the Indian Affairs Department blowing millions of dollars wasted, I really can't accept that, I don't think there is

DEBATE ON Mr. MacDonald continued:

NORTHERN factural evidence to support it, most of the money which is going
 AFFAIRS in these programmes are going in an area that I'm absolutely one
 hundred percent confident is in the right place and the bulk of the
 money on the aid on the Indian Programme is going into education.
 Now this is education of the basic sort I grant. I will also grant
 that we are already implementing where we can that it means voca-
 tional training, it means adult training. There is a problem of
 priorities, we are not at a loss to know what we should be doing,
 our problems of course are the funds for these purposes, the people,
 the facilities to do them. Now, in the Provinces this takes the
 form of working out agreements with them to take the Indian people
 into the stream, into the main stream of their educational process,
 the vocational training processes, in Federally involving the Dep-
 artment of Manpower which we will again hoping to be involving to
 greater degrees here in the Yukon and the Northwest Territories.
 There is no dispute between us on the major point of what you have
 said that social development as you call it or some kind of equip-
 ment which will permit the Indian people who have been following
 in what may be called the traditional way of life, fit them to enter
 into the kind of economic processes we have been talking about.
 There is no dispute about this at all. You refer to the Anvil
 Agreement, I wish you would look at that rather more sympathetically
 because it's the first occasion, it's a bench mark which we have
 pinned down a major employer to a commitment providing we are able to
 deliver. Now we know and the Anvil people know and you know that
 you're quite right that we will not be able to meet these targets,
 these will be extraordinarily difficult to do so if we can't find
 the bodies but at least we have the employer legally and fearfully
 and morally committed to taking people if we can train them and
 provide them to him and that's a great advance and I would hope that
 the Council would welcome this as I am almost certain they do. The
 problem here is education. There are many debates as to education
 for what, how to educate, who should educate, but I think we're all
 in agreement as to what direction we want to go in, which is that
 the Indian must be given the equipment to participate fully
 economically and socially in our society, in the Yukon Territory
 and in the rest of Canada. Now, I'm rather new in this area and
 I cannot speak with confidence and detail about the various reasons
 of the Indian Affairs programme. If I had to make a surmise as to
 why we, if we are not in fact not as advanced here, is it I think
 because the Indian problems is much more critical in the much more
 heavily developed areas as in the south. There is where they are
 deeply enmeshed and involved in the problems than I think this may
 possibly have accounted for certain orders of priority if that is in
 fact the case but I can only conclude by saying that we agree whole-
 heartedly that social development and this has been given many names,
 community development, with community development officers, we have
 tried desperately to recruit the professional people who can make
 a contribution in this area. We cannot secure them, there is a
 very under populated profession, we have over sixty vacancies if
 my memory serves me at last count in the social area. These are
 people who would be trained and have the capability to move in
 communities to identify the people who are natural leaders in the
 Indian communities, to try to identify the kind of assistance in
 the way of training that might be appropriate, sensible in that
 particular area, see that that training is provided, see if any
 other material can be furnished to help to accomplish their job but
 primarily to get the Indian people themselves to take the training,
 to want to move in these directions. There are of course, a great
 number of difficulties in this area.

Mr. Taylor: Mr. Chairman, I guess, as all things in politics
 certainly I cannot agree with Mr. MacDonald, Mr. Chairman, and I
 would certainly hope that the day may come when I would be able to
 take some of the senior officials of this Administration and take
 them to the villages and show them exactly what I'm talking about

Mr. Taylor continued:

because apparently seeing, believing and it is very important that we cannot get the senior executive personnel into these villages so that they may have a better understanding of what these problems are and until the Indian Act is deleted, it is considered to be the most discriminatory piece of legislation in Canadian Law Books and should be repealed completely and until this matter of social education at a community level is tackled and faced there can be no hope for such things as embodied in this agreement and incidentally if this is unworkable and were it possible that you could get Indian citizens into this particular complex, I am very sure that organized labour would make sure that they didn't get that opportunity in any event because we have already gone through that and we have been dealing with this and unless these are very highly trained people who passed the test with the labour unions there is very little chance that they'll be employed in this particular function, it sounds good to the rest of the people in Canada but frankly I don't believe it. The next area I would like to approach is the matter of the take-over of the Alaska Highway and this is a subject which we have been bantering about for some time. Council have failed to get any information on this, the Commissioner indeed has very little information on it and I am wondering if it would be fair, Mr. Chairman, for me to conclude in view of the fact that this is the 20th day of March and only ten days to go until the target date of April the first that we may conclude that indeed, the Territory will not be asked to take over the Alaska Highway this year and if this be so is there now a new forecast date for discussions to begin with the people of the Yukon or the Council of the Yukon in relation to the take-over of the Highway.

Mr. Chairman: Would you like to answer that for us Mr. MacDonald?

Mr. MacDonald: I don't know whether I'd like to answer that, I'd just like to say that a few of the statements that Councillor Taylor had made, I don't want to engage in prolonged and extensive debate on this but merely to record I cannot accept them, I do not believe they are factual, I do not know what you would have us do. Would you have us conclude, not put such provisions in the Anvil Agreement? We propose this as a pattern for the major resource agreements and employers to make a legal obligation on their part. I do not believe the labour unions will oppose that, in fact we had that discussion precisely on this point with the Canadian Congress of Labour and in fact I doubt very much the labour unions would dare oppose the integration of the native people in the labour force if they could be equipped with the skills and I want to repeat again that far from being needed to be told that we know what these problems are and I can assure you we are well aware of what they are. This is our business and men have been devoting a great number of their years to understanding what the Indian problems are and they are working as fast as possible with the fundamental resources but problems which have been in the making for hundreds of years are not solved in a week or a year or five years. I think the country as a whole is allocating enormous resources and they are directed entirely to this question of education in all its forms. Now, on the Alaska Highway, can you give us an up to date report on the status of that..

Mr. Chairman: I wonder, with respect, Mr. MacDonald, if you would address through the Chair?

Mr. MacDonald: Sorry. On the question of the Alaska Highway, Mr. Bolger could give us the up to the minute picture on that.

Mr. Chairman: Mr. Bolger please.

Mr. Bolger: Mr. Chairman, very briefly the situation is that discussions are continuing with the Department of Public Works with a view to have the Yukon Territorial Government take over the

RE ALASKA Mr. Bolger continued:

HIGHWAY maintenance of the Alaska Highway. I think Councillor Taylor is quite correct in surmising that this is now impossible for the first of April, it being only ten days away but I understand also that subject to the Territorial Government's approval when the arrangements can be proceeded with there is no particular reason why the take-over has to be geared to the first of the fiscal year. It is possible that a contractual arrangement could be made which would start during the course of the year. Now, the discussions are continuing with the Department of Public Works, we're awaiting proposals from them now as to when they would be prepared to see the Territorial Government take over the financial arrangements that would be put into effect to permit this to take place and as soon as we have their proposal which we are expecting any time, we will be touch with the Commissioner on it.

Mr. Chairman: Councillor Taylor.

Mr. Taylor: Well, yes, then I sincerely hope that we will have an opportunity to consider this somewhat before we get involved in this agreement. This brings me then to my third question would be in relation to the Anvil Agreement. I note in the agreement that there is a reference where the Minister will request the Commissioner to establish an area and so forth and put in streets and sewers and things. When may we expect to be faced with this probability for consideration. In other words, when will an agreement be brought forward to Council for our consideration and rejection or acceptance as in relation to the Anvil programme.

ANVIL Mr. MacDonald: This question might be answered either by Mr. Hunt
PROJECT or by the Commissioner who are both involved in the negotiations as interim.

Mr. Chairman: Mr. Commissioner, would you care to answer it?

Mr. Commissioner: Mr. Chairman, I would suggest that perhaps Mr. Hunt might likely have some more current observations on this than I have.

Mr. Chairman: Mr. Hunt will you avail yourself of the opportunity?

Mr. Hunt: As I recall correctly, I believe that some time now some time now since a letter was sent by the Minister, I believe, to the Commissioner, attaching a copy of the agreement and making the formal request to start looking into this matter. I believe that's correct. With respect to the situation as it now stands I am not sure if I am any more up to date now than the Commissioner would be.....possibly Mr. Bolger.

Mr. Chairman: Mr. Bolger could you discuss this please?

Mr. Bolger: I'll offer what I can Mr. Chairman. The Department has an agreement as probably most Members of Council know, with the mining company for the preparation of a development plan for the Anvil Townsite for the facilities they foresee requiring there. This report is due sometime within the next month and when it is due the Commissioner should be in a position with the information we can give him from that report and supplemented from other sources to come to Council with proposals which will outline the full scope of the development with all its implications. I gather that it is a matter of concern to the Commissioner and to Council that the townsite development should be considered with all its implications so that it will be known who is going to be responsible for what, who is undertaking what, and on that basis negotiations and discussions can proceed so the key to it at the moment is the feasibility report from the mining company under contract with the Department and this is expected in about one month's time.

Mr. Chairman: From the Chair I would like to ask a question of you ANVIL
Mr. Bolger. I understand that the streets are being laid out PROJECT
and staking is being done for this townsite. Is this correct or is
this not so.

Mr. Bolger: This is certainly not our understanding, Mr. Chairman.

Mr. Chairman: Perhaps the Commissioner could.....

Mr. Commissioner: Mr. Chairman, this is all news to me if this is
being proceeded with.

Mr. Taylor: Mr. Chairman, I have other matters that I wish, but I've
had the floor for sufficiently long I suppose, but there are many NORTHERN
other areas such as Fisheries, Federal Cut-backs, there are many AFFAIRS
things and maybe some of the other Members might like to interject
but before I resume the Chair I had one other matter that has been
troubling me for some time and that is the matter of resources in
the Territory which now fall under the Department of Indian Affairs
and Northern Development and it occurs to me that we are undertaking
a very very costly and expensive duplication of services in rela-
tion to our resources. Indeed, our resources are under the control
of two Federal departments, one called the Department of Mines,
Energy and Resources and the other being the Department of Indian
Affairs and Northern Development. Now, I'm wondering if possibly
Mr. MacDonald would be able to assist me in this manner Mr. Chair-
man, if the Department has given any serious consideration whatso-
ever to turning over oil, mines, waters and anything that they do
have control over in the form of resources to the Department of
Mines, Energy and Resources which is a Federal department set up
for this purpose with the idea that they would hold them in trust
for the Yukon for the day it does achieve its independence. I'm
wondering if I could have an answer.

Mr. MacDonald: The answer Mr. Chairman is no. The second comment
is that there is no duplication of services. Two departments do
not control the resources, only the one department does and that
is the Department of Indian Affairs and Northern Development. The
Department of Mines, Energy and Resources provides services in the
geological survey at our request but that's the extent. The govern-
ing Organization Act of 1966 divided the responsibility but the
Minister of Indian Affairs and Northern Development has the res-
ponsibility for all resources north of the 60th parallel.

Mr. Taylor: Would the Department Mr. Chairman, entertain proposals
aimed at this transfer of resources in view of the fact that it
would then leave them holding this responsibility of Indian Affairs
given more time?

Mr. MacDonald: I think this is, Mr. Chairman, a matter for the
Government of Canada. I don't think I would care to comment.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, the question arising out of the answer
given by Mr. MacDonald to the Honourable Member from Watson Lake
is.....Mr. MacDonald mentioned a need, I think, for community
development. Now, I am wondering if there is any thought given
to the setting up or the hiring or placement of community develop-
ment officers anywhere in the Yukon but particularly in this area.

Mr. MacDonald: I can't answer specifically Councillor but I believe
it is one of our areas of greatest difficulties. We recognize the
need, it is probably one of the most delicate and difficult jobs
to perform, it needs a certain kind of person who can rather than
dominate the Indian people, help to discover within themselves the

DEBATE ON Mr. MacDonald continued:

NORTHERN capacity to do what they want to do and be of assistance rather than
AFFAIRS press. As I mentioned before we have a great number of vacancies
we have had the greatest difficulty getting this programme off the
ground for this very reason. In the whole field of social work and
social welfare is as you know a field that has grown enormously the
last couple of decades and the supply of people hasn't kept pace
with it and as I say, we have, we think competitive salaries in this
area but we still have difficulty in attracting the number of people
that we need to cover Canada. I can't, I'm sorry, answer your
question specifically about the Yukon Territory.

Mr. Dumas: I take it, Mr. MacDonald, from what you say that if
there were somebody in the Whitehorse area who was qualified by your
standards that quite likely he would be placed in this area.

Mr. MacDonald: I would certainly recognize that the Yukon area
contains a great number of Indian people who need the kind of social
development that Councillor Taylor was describing a moment ago and
with which we are in full agreement.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Thank you Mr. Chairman. My question directed to the
Deputy Minister Mr. MacDonald with reference to Indian Affairs. It
seems that the entire country including the Yukon Territory as far
as the Indian people are concerned that these attempting to live
within the meaning of the Indian Act at least for the last hundred
years and this Indian Act has provided the type of segregation for
the Indian people from the rest of us that we more or less deplore
as far as Quebec is concerned in their efforts to become a segregated
Province. In one instance we have provided the segregation in
legislation and the other we are attempting to solve by other means.
Now, it seems to me that if we're going to talk about providing an
opportunity for the native people of Canada which I would rather
call Canadians rather than Indians for I feel that the word Indian
is a misnomer from the very beginning. We want them to become
responsible yet we have legislation on the books that provides them
with a separate status from each and everyone of us. It has for
many years provided a separate form of education for them. It
provided a system whereby all black heads were together and the reds,
and greys, and blondes were in another group altogether. This is
even with education. Then we wonder why they have not accepted the
responsibility that we expect from the average Canadian and I am of
the firm belief that the Department of Indian Affairs and Northern
Development are exceptionally and exceedingly interested in providing
the new status and a new relief for these people so that they will
have, feel that they have a responsibility and I do feel, Mr.
Chairman, that the same type of responsibility I'm talking about
applies to us as Councillors, they don't want to give us the res-
ponsibility, well of course we can't expect to attain it. It's the
same way with the native people. Now, I wonder if Mr. MacDonald
could advise the Committee this afternoon as to what progress has
been made not only towards the improvement of the Indian Act but the
entire elimination of the Act altogether with the exception perhaps
of the benefits they accrue from such acts in order that we have
equality in Canada rather than this separate status for one section
of our community which is a very bad thing. I wonder if Mr.
MacDonald could help us in this respect.

Mr. MacDonald: Yes Mr. Chairman, I would be quite happy to. I
think we all agree that the present Indian Act is an impediment to
the kind of, what do call it integration or whatever you want to
call it, that I think we want and have to presume Indians want. I'm
happy to tell you that the Indian Act has been completely redrafted
and just before I left, the Minister announced a process of consul-
tation which is to take place, based on this draft act throughout

Mr. MacDonald continued:
the country with the Indians themselves. Some twenty-two meetings will be organized across Canada. The draft legislation will be placed before them and their views secured. A variety of other techniques of consultations are going to be brought into play. It is a radical revision. On the question of separate status and to this you would link, I guess, the question of reserves. We're in more difficult grounds, first of all the Constitution automatically gives them a separate status and the reserves exist and are not something that the Indian Act enforces. It is something which is psychological need in the minds of many Indians. It's a very delicate ground. It would be wrong for the Government of Canada, of Society, to take an attitude one way or the other about this feeling on the part of the Indians who are really sincere in their belief that the Indian should be entitled to form their own judgement about what they want in Canadian society. At the moment, for historical reasons as they view it, the Indians, the reserves represent to many Indians the last tangible and visible asset that they have remaining to them and therefore the reserves take on a very important psychological consideration in their minds and then the Indians themselves, and some of them at least, attach great importance to their enshrined status in the statute and it doesn't seem to us to be very helpful to try to disturb that if it is not the wish of the Indian people themselves. We have tried to lay the stress elsewhere and confidence in the educational process, both in the pure sense of the word and the social kind that Councillor Taylor was talking about earlier. With the view that with the passage of a generation or so that these things might melt away, that is, the fundamental human instinct to participate if he is given the equipment to participate and has the capacity to make his free choices, that possibly some of these things now which seem so troublesome may fade but that if one were to move consciously to try to deprive it might be so viewed as an attempt by the Canadian Society to go back once more on its word to the Canadian Indian and these are enshrined as you know weak treaties which are solemn conventions and pacts between their predecessors and our predecessors so it's in this delicate area but as to the objective I think I would agree and I think the new Indian Act will, you will find, strike away a great deal of what you talk about and which I think Councillor Taylor talked about it being discriminatory, it is, we don't like it, it's not our Act, it was done by our forefathers. We have had the greatest difficulty of discovering the will of the Indian people and it's important that they be made to feel that it is their will and we're going through now this round of consultative measures designed to letting the Indian people express themselves to become knowledgeable about the Act so that they could appear before Parliament, the committee which will be set up to consider the Act in an informed way and make their views known. This Act which will go out, this draft is not a rigid document but there for discussing, for discussive purposes.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: I wonder if Mr. MacDonald could advise the Committee if there is presently any thought or any programme in their planning which would provide that the Indian people who in a good many respects can only trap and when there is no trapping they starve to death, there is no other work for them so what do they do, they apply for relief, they go on welfare and this sort of thing. Has the Department envisioned an idea of trying to get these people to understand the idea of going to work every day to providing for themselves. If this is too much of a shock to provide some form of plan whereby they can participate in providing part of what they need from their own efforts because I believe that this programme of attempting to become responsible after so many years of not being required to be responsible is not going to be something that is going to be easy for them to participate in because they have

DEBATE ON Mr. Livesey continued:

NORTHERN AFFAIRS become more or less like a person that has perhaps in a good many instances provided for himself entirely free from other societies and has not become involved in it so he is an individual unto himself and that is apparently the position they're in. Now, I was just wondering if the Department has thought of the idea, as I have right now about thirty five applications from the Indian people in my area where they want windows fixed up, they want tile for their flooring in their cabins. The places where they live today are in a total shambles in some respects. There is plastic where there should be glass and the places have no paint, not anything, the whole place is deteriorating and one place up around Carmacks, there are three people living in a building, I think they are over eighty years of age, that I can't even stand up in. Now these are facts and I feel that if they can't provide these things for themselves and there is a general tendency today it seems to me retard the idea of giving them anything to solve this present difficulty to provide decent habitation. Is there any programme there by some form of, that they can contribute towards this or is this whole massive programme of Indian Affairs of 105, I thought it was 105, but now I hear it's 140 million dollars, is this all administrative process, paper process, office work, plans, or towards say for instance providing homes for these people or is there any part of this being to help these people to help themselves because I think this is the best plan - to assist them in this regard. Thank you Mr. Chairman.

Mr. MacDonald: Mr. Chairman, there is no disagreement on, on the philosophy on the Councillor's last remarks. The bulk of the money that I refer to of 140 million dollars is in education and housing. The idea of self help is central, it is not always easy mind you, this is again part of this question of social education, you've got to reach people, you've got to change attitudes. You are admittedly facing a problem of social stagnation. If you have a pattern that's been set for generations it's very very difficult to change it overnight and that's what we talk about when we talk about community development officers or someone or some person to get at the very point of what you are talking about. Everybody recognizes that we are in very real danger here because of necessity as the traditional way of life of the Indian was lost through one reason or another. It has been a matter of sheer human decency that they be provided with sustenance but if you continue this over a long period of time it's an artificial way of life and the only thing that is constructive and possible for the long term is some kind of wage or salary earning employment and this is at the nub of it, this is at the nub of our concern for economic development in the North and in southern Canada where we have large Indian communities. It is one of the reasons why we want to hold open the door when these agreements with Anvil and other companies as they come forth but it is a problem of social education admittedly and a most difficult one .

Mr. Chairman: Councillor Taylor.

Mr. Taylor: Well, I can only concur with the thoughts that have been expressed in this regard that Councillor Livesey's problem comes back to social education and the community's level as to all these things and as has been stated, we all recognize it and unfortunately very little has been done about it, done about that particular aspect of it. I hope that the HonourableMr. Chairman, don't think I am being disrespectful in my remarks and my approach to some of these things, I do not wish to leave impressions, it's just the way I am, I like to get at the facts as closely as possible. I may be a little blunt, there is one other thing that I had not intended to raise until tomorrow or when discussed in Committee in relation to the Anvil Agreement but I feel that Mr. MacDonald and the other gentlemen here may have formed within theand I find something I find fairly repugnant in this agreement in Section 8 where it

Mr. Taylor continued:
states 1. "The Minister will instruct the Commissioner to facilitate the granting of a public service vehicle licence under the provisions of the Motor Vehicle Ordinance, Revised Ordinances of the Yukon Territory 1958, Chapter 77 to a Canadian trucking company selected by Anvil. Now, it's always been my understanding that we were elected by the people to come here under, and to legislate under Section 16 of the Yukon Act in those areas of confidence and this is one of those areas of confidence and I find it very, very difficult to believe as colonistic as we are that the Department or the Minister would flagrantly go and feel that they could instruct the Commissioner to over ride the right of the Council. The Council have set down the manner in which a public service vehicle licence will be given and I don't see where Anvil, the Minister, indeed, the Prime Minister should have any more rights than the people for whom we legislate and I'm wondering if any of the honourable gentlemen here might be in a position to inform me under what section of the Yukon Act this was put into this agreement and indeed why the Yukon Council was not consulted in this matter before this formed agreement between a Federal minister and the mining company.

Mr. MacDonald: ...the powers of the Minister, Mr. Chairman, of the Yukon Act?

Mr. Taylor: In relation to this Section 8 of this agreement.

Mr. MacDonald: I am not aware of any limitation on the power. The section refers to a standing ordinance of the Council already formulated which has to be approved by the Governor in Council of Canada. The references to the Commissioner, who is a representative of the Minister, not to Council, I think having said that if we're going to be legalistic about it, I've said that probably the wording was infelicitous, generally throughout the agreement we have employed the language requested and I can only say that probably this slipped in. I think you will look throughout the agreement for which we remain very proud, the language employed is request. I hope not too much will be made about words of this kind.

Mr. Taylor: Mr. Chairman, I submit that it's words of this kind that effectually control any control we thought we had. If the Minister has the right to instruct the Commissioner to go and issue a licence in any other manner than approved by this Council, approved by the Minister then I will resist it and certainly I am sure the people of the Yukon will resist such a move. I think that we're talking about a step towards more responsible government in the Territory and Ottawa keep telling us, you better start shouldering your responsibility up there, then here is a case of where we try to show our responsibility and once again it's taken away from us. So, I just leave you with that. Just one final question before I resume the Chair, I was wondering if Mr. MacDonald could inform me Mr. Chairman, as to how long it would take to get this Fisheries agreement into, assuming Council will agree to take on Fisheries, how long it would take to implement this particular programme, the take over of the fresh water fisheries.

Mr. MacDonald: Mr. Chairman, I will have to ask Mr. Bolger to.

Mr. Chairman: Mr. Bolger.

Mr. Bolger: Mr. Chairman, my understanding is that if Council agrees to take it over and in accordance with the terms that have been suggested by the Department of Fisheries, it's a matter of getting an Order in Council to put it into effect from the Federal point of view and the time required for such an Order in Council would be, I think, be of the order of two to three months.

DEBATE ON Mr. Taylor: Thank you Councillor Chamberlist, I will resume the
NORTHERN Chair. Councillor Chamberlist.
AFFAIRS

Mr. Chamberlist: Well Mr. Chairman, I've been so long in the Chair, of course I have something to speak about and that I'm able to speak now on some of the questions and answers that were made. Councillor Taylor raised a very exceptionally good point with reference to Section 8 of the agreement, of the Anvil agreement. I am already aware that in my opinion the Commissioner of this Territory goes beyond these means in issuing licences. We have something of that matter going on already and when I see it put in an agreement that he may do so contrary to the provisions of ordinances of this Territory and where I see in Section 8 (1) that the words "that the Minister will instruct" then the hair on the back of my neck raises in exactly the same way as Councillor Taylor but then I go on to Section 8 (2), now this is different because somebody is going to deal with British Columbia so it says "The Minister will request the appropriate authorities". In other words, in the Yukon Territory it doesn't matter, we'll tell you what to do but in B.C. we'll ask you for something. At this particular point I will be seated and allow if I may Mr. Chairman, Mr. MacDonald to clarify why, if he can, why the Minister has power to instruct the Commissioner to facilitate a licence which is part of our legislation yet he has to deal politely with the Government south of us.

Mr. Chairman: Mr. MacDonald.

Mr. MacDonald: Mr. Chairman, I first wish to suggest a correction. If you will read Section 8 carefully you will see it doesn't state that it will instruct the Commissioner to issue a licence contrary to the ordinance, quite the contrary, it says to issue a licence in accordance with the ordinance. Now, that's a fundamental point under the provisions

Mr. Chamberlist: Under the provisions of the ordinance.

Mr. MacDonald: Under the provisions which I agree to be in accordance with but I think you would take my point, it doesn't say that it would be done contrary to the point. I think it's a fundamental thing. I'll tell you, as I said before, right now as far as I am concerned I'm sorry it wasn't a request. If you will be so kind as to look at other provisions of the Act, if you would look for example of what we were talking about a little earlier the townsite agreement, you will find that the language employed with respect to the Council is precisely that we employed with respect to British Columbia. The Minister undertakes to request the Council to engage into an agreement for the provision of a townsite.

Mr. Chamberlist: Mr. Chairman, I beg to differ that the words, the word contrary means anything different than what is there because I still say that notwithstanding that the Commissioner does already issue licences contrary to the Ordinance so this is another matter but I think you should follow it up Mr. Deputy Minister with respect because it will be very interesting to recognize what takes place. Now, with reference further to the Anvil townsite, I asked from the Chair a question as to whether any work was being done there because it is my information that there is certain survey work going on in a specific area which has already been chosen as a townsite before this Council has even had any consideration given to this. Now, my particular information on about this area is because I've been making some inquiries and I find that during casual discussions to various people from general contractors down to the Department of Public Works and other people with a good knowledge of that area find that there is numerous strong objections to the particular area that has been chosen. Now, what I'm afraid of is this area will be chosen and those people who know about this

Mr. Chamberlist continued:

area, the Members of Council here will not get an opportunity to express an opinion on it. Now, I would bring these notations to your attention that it's necessary for certain reasoning and observations to be made about the area that's being worked and checked and surveyed and some stakes being put in, that because of the financial commitments that might be made upon the Territorial Treasury at a later date. This is why no townsite should be chosen until those who are responsible for the funds to maintain that townsite comes about. Now, my understanding is that the areas under reserve and consideration are about five miles downstream from the ferry crossing of the Pelly River and about one and a half miles north of the River. Now I am told by a number of people that in the particular area that is being surveyed now that they have a large problem about perma frost in that the multiple expenses of construction in these areas of perma frost and especially the sewer and water and etc. would just increase the cost of the capital outlay which perhaps we are not directly involved with now but it would certainly increase the cost of the maintenance which we would be involved in at a later date. Now, I also find that, from information received from the weather people, the Department of Transport and some other weather people that the area that is being worked now is 20 to 30 degrees colder than the mill site area. Now the mill site stands on a fairly high elevation, now as an example for instance, they have Mayo and Elsa could be quite close to each other but they have different temperature conditions. Now, you've got to consider the effect of heating costs, frozen sewer and water lines, frozen lines to dwellings, the vehicle operation where they get sometimes around the site, where the townsite is proposed to be. Now, it's about 60 degrees when it's about 30 degrees below, near the townsite. I don't think there has been sufficient study given to that nor has there been consideration to coming along to Council so that for instance Councillor Taylor, this is in his area, he has a direct line to most of the people, when he is not being asked about it some of us - I have many of the principals of the mine living in this area who talk to me from time to time and let me know what they think, I have many people who are going to live and work up there they have come to me but more than likely they will come to other Members of Council, Mr. Chairman, and they said, "well why don't these people come and ask us something. Why are they going to work and putting this townsite in". So therefore I am asking, Mr. Chairman, if Mr. MacDonald can say whether this sitethat is being worked on now although everybody expressed surprised when I asked from the Chair, I don't know anything about this. Mr. Commissioner said, "first I heard about this", you gentlemen said " first I heard about it" but it's a fact that some work is going on there, is going on right now. Will, Mr. Chairman, the Deputy Minister say that the townsite will not be chosen until such time as the matter is discussed in Territorial Council.

Mr. MacDonald: Mr. Chairman, I've got some clue now as to what work might be going on, we all expressed surprise because we couldn't think of anything being staked out but of course as we said earlier the Department has a perforce entered into a feasibility study with the company so that the questions that you have raised in fact are considered professionally. I'm sorry the contract isn't between the Territorial Government and the company because these things are real indeed, the questions that you raised are very proper ones and I wish you would take these responsibilities. We have entered into the contract in order to save time because nobody else did and as you know there is a deadline here and sixty million dollars worth of capital being committed to bring this thing into being. I don't think that any townsite has been chosen with finality at this moment and I would certainly hope that these questions that you raise are indeed investigated and I think Mr. Hunt is here and will certainly see that they are passed on, I would be pleased if you would directly or through the Commissioner do so yourselves because of course these

DEBATE ON Mr. MacDonald continued:

NORTHERN are the questions that should be looked at. A townsite shouldn't
AFFAIRS be created in abstract but to come back to the first point under
RE ANVIL the agreement we requested, the Minister requested, the Commissioner
TOWNSITE and the Territorial Government to build this townsite for Anvil and
you would indeed be one and should be one of the principals in it
and in the course of which I would expect these questions would
indeed be debated whether in fact indeed the proper, technical, and
local opinion has been brought to bear on the choice.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: There is one question on my mind right now that
I would ask Mr. Chairman, of Mr. MacDonald when I can come back to
the main thing after the coffee break. I would like, Mr. Chairman,
Mr. MacDonald to say I, when the Travelcon study is going to be made
available to Members of the Territorial Council and you did mention
during lunch and it might have slipped through a lot of people in...
You already had a copy of the study on hydro power in the Yukon.
When will that be made available to the Territorial Council.

Mr. MacDonald: The Travelcon study we are trying to have printed.
We had hoped that it would be a public document but if the Members
of Council would like a mimeographed copy, I would be happy to have
it made available immediately and on the Ingledown study I would
be equally happy to have it made available. These studies are
commissioned for the purpose of informing the public, you, us,
everybody.

Mr. Chamberlist: I take it Mr. Chairman, from Mr. MacDonald's
remarks that we will be receiving these real early, not next Fall
Session because we are always told it will be next Session.

Mr. MacDonald: You bet.

Mr. Chairman: Well I think at this time we'll call a recess to
change stenographers.

RECESS

Mr. Chairman: I will call Committee back to order. I believe Councillor Chamberlist has another question.

Mr. Chamberlist: Yes, Mr. Chairman. I would like to hear, Mr. Chairman, from Mr. MacDonald any information he can give to this Committee on the Medicare Program which some provinces have accepted and some not, how it is going to affect us, when it will come into force and what is to be done about the portion that has to be paid for those families of federal civil servants who live in the area.

QUESTION
RE MEDICARE
PROGRAM

Mr. MacDonald: I wonder, Mr. Chairman, whether this question is appropriately addressed to me or to the Commissioner.

Mr. Chamberlist: Mr. Chairman, Mr. Chairman....

Mr. MacDonald: On the basis that I'm not proposing legislation to the Council.

Mr. Chamberlist: Mr. Chairman, I am putting this question to Mr. MacDonald through the Chair in the hope that he may have some information to impart to the Members of Committee here without using the old expression too much about passing the buck.

Mr. MacDonald: Mr. Chairman, I can make some comments on ~~some~~ **some** aspects of your question but as to any announcement of what legislation might be put before Council, I really do feel that I would be out of my depth to attempt to anticipate what you either refer to as the Administration or the Commissioner might put forward. If the Commissioner would take the, say, forepart of the question, I would be prepared to comment with respect to the Federal Government aspect attitude in connection with any fiscal collations that might arise.

Mr. Commissioner: Mr. Chairman, I think this is really the question that we are interested in. The element of legislation can only be brought forward to the Council after the second part of this question has had some discussion and we have some ideas as to what the financial committment or the financial requirement is going to be. I think it is a reasonable statement to say at this time that under the terms of the present fiscal agreement that we have with the Federal Government, there is no provision for us to finance the Medicare Scheme no matter whether it was offered to us this afternoon or not. We simply do not have that provision and I think that Members may recollect that one of the terms of the present fiscal agreement is that if Medicare was to become a reality in the Territory that the financial implication would be, or would of necessity have to be, negotiated outside the current agreement. I think, Mr. Chairman, that Mr. Bolger would confirm that particular item. I really do think, Mr. Chairman, with respect that the question of the financing of this, particularly with regard to who will assume the responsibility for those people who, by virtue of their status, are the direct responsibility of the Federal Government is going to have a big bearing on the necessary financing that the Territory would have to find and the answers to that will determine whether or not Medicare legislation or legislation to give effect to the Federal Medicare Program would in fact be brought forward to the Council for their consideration. I think this would determine in the first instance whether or not it would ever be brought forward, and in the second instance it would certainly determine the time element that would be involved in this matter.

QUESTION RE Mr. MacDonald: Mr. Chairman, may I ask Mr. Bolger to lead off?
MEDICARE
PROGRAM

Mr. Chairman: Proceed, Mr. Bolger.

Mr. Bolger: Mr. Chairman, the Commissioner has certainly put his finger on the nub of the problem. Very briefly, our understanding of Medicare with respect to the Territory is this, that the Territory, as with all other jurisdictions in Canada, may implement a program of medical care insurance, and may obtain from the Federal Treasury, the Department of National Health and Welfare, half the cost of medical care per capita on a national average basis. The national average at the moment as I understand it is running around \$45 to \$50 per person per year. It has been suggested to us that the cost in the North would be somewhat higher than that, but what the Territory could expect to receive automatically under the Medicare Act is half of that national average per capita. This leaves the other half, needless to say, to be picked up by the Territory. In the provinces, many of them as you know have decided not to go ahead with Medicare at this time. Saskatchewan I believe has a premium scheme and I believe British Columbia is going to a premium scheme, so that they will collect premiums from the people who benefit from Medicare to find the provincial share of the cost. The Act doesn't permit, in the provinces certainly, discrimination against Indians and our understanding in the discussions we've had with National Health and Welfare is that the provincial share of the cost of Medicare for Indians will be picked up by the province. Now, they may turn around and operate a premium scheme in which case Indians will buy insurance and pay the premium just as other residents of the province do, or if they're indigent then the premiums will be paid on their behalf by the appropriate welfare agency. We have been having certain discussions with National Health and Welfare with respect to both territories because Indians in the Yukon and Indians and Eskimoes in the Northwest Territories represent a much larger percentage of the population than they do in any one of the provinces. There is just no comparison. Indians and Eskimoes in the Northwest Territories are some 56% of the population. In the Yukon I believe the Indians are about 15% or 16% of the population. So, the problem with the territories, as with many other things, is not comparable with the provinces. I think what will emerge from these discussions with Health and Welfare one way or another has to be agreement that the Federal Government will pick up the tab for Indians....for Medicare for Indians, i.e., for the provincial share for indigent Indians. People who can pay for their own Medicare should be expected to do so. Now, the question I think that will ultimately face the Territorial Council, Commissioner Smith is quite right in saying there is no provision in the current financial agreement for it, the current financial agreement which now ends March 31st next, 1969. The question that has to be answered is how the Territorial share is going to be met, and there certainly ought to be no expectations that it is going to be automatically picked up in the deficit grant from the Federal Government. As I said earlier, the indications are that the two provinces going to Medicare now are going to premium schemes, therefore, people will be paying for their medical care insurance there. People are paying, those who are not indigent, are paying now and should, in our opinion continue to contribute for it. So, this will be the problem that will face the Territorial Council when the Administration is in a position to put the question to them and to put legislation to them for a decision. How is it to be financed if the Territory implements a Medicare Plan under the national Medicare Scheme.

Mr. Chairman: One question....Are we bound to accept whatever is thrown at us as in the past or do we have the option of either refusing or accepting this program.

Mr. MacDonald: Medicare is an optional program, and as we've indicated, at the present moment only two provinces are in fact going for it. It's a permissive legislation.

Mr. Chamberlist: A question now on a different subject, Mr. Chairman, to the Deputy Minister. Mr. Chairman, as we all know, we have to wait a considerable time for legislation to be viewed in Ottawa, that is, our legislation. We have, for example, a new Liquor Ordinance that has been sitting in Ottawa for some seven months I understand, and it is not here yet. I understand that in the last Session of 1967 there was a suggestion that there was a complete new Liquor Ordinance and the draft had been sent to Ottawa. We expected it to be here for this Session. We are told that the draft is still in Ottawa. I wonder, Mr. Chairman, if the Deputy Minister would say that he will make some effort to inquire as to why legislation takes so long to get to us and what steps can be taken to shorten the length of time. And also, why must it go to Ottawa in the first place.

QUESTION RE
PROCEDURE
OF VIEWING
LEGISLATION

Mr. MacDonald: Mr. Chairman, the answer of course is yes, I will. Of course, when one talks about legislation I presume you're not talking about the actual drafting of the legislation because that can indeed take more than seven months. If you are familiar with the problems of getting complex legislation through, you will know that it can take a considerable period of time. If it's solely for the purpose of review...Of course, I think the length of time, unless it's unusually complicated, a question of policy, it does seem to me rather exceptional if, in fact, it has taken this long. Finally, I think the Commissioner will confirm that we have endeavoured to arrive at new procedures for stream-lining the processing of legislation and ordinances involving much more direct contact between your drafters and the Department of Justice, and I hope that this will make a contribution to cutting down these times.

Mr. Chamberlist: It is the last portion of my question that I am very interested in, Mr. Chairman. I will repeat, why does this have to go to the Department of Justice. I'm sure that none of the provinces send their legislation to the Department of Justice in Ottawa for review.

Mr. MacDonald: This is a tricky question no matter which way I answer it. This is the present procedure. I think the thing rests upon the requirement of approval of ordinances by the Governor in Council, and I take it that the practice of referring it to the Department of Justice arises out of the requirement of the Cabinet to be advised by Justice as to whether the legislation which it is about to approve falls within the powers of the Council. This is what I would construct to be the case.

Mr. Shaw: This particular subject is of great interest to me and I think it's something that the Deputy Minister is very well concerned with and conversant with and that would be historic sites. Now, in the past we have seen the gradual erosion of historic sites in the Yukon. The buildings are falling down. Everybody is packing away as much as they can in their automobiles since roads have gone into the Klondike area. Anything that is not too hot or too heavy or well guarded for twenty-four hours a day seems to disappear. On top of that, we have a large city to the south, namely Edmonton, that has taken the name upon itself. So, when I say concerned, I say concerned, Mr. Chairman, because these are things that you cannot replace. I would commend the Minister for having the National Historic Sites Board visit Dawson City and the Klondike area last summer under the chairmanship of, I believe, Dr. Creighton. There is no doubt, it would appear to me that this Historic Sites Board has probably made recommendations to the

QUESTION RE
HISTORIC
SITES

Mr. Shaw continued:

Minister of some sort or other. I don't know what the recommendations might be. I wonder if the Deputy Minister, Mr. Chairman, would be at liberty to give us a little information in this respect.

Mr. MacDonald: Mr. Chairman, I'd be pleased to. I might say that we're all terribly concerned about the problem that Councillor Shaw has raised. I know personally that I never go into Dawson without having a strange mixture of feelings that seem to be compounded of fascination and depression. Fascination in seeing again the visible or tangible residue of history which is imprinted and will be imprinted forever I guess in our own history. I get depression from the decay and the losses that have taken place and possibly are likely to take place. It was for this reason that we arranged with the Historic Sites and Monuments Board to meet, because we know that it is one of the most critical decisions we have to face, as to what we're going to do about that. They have made recommendations and they have endeavoured to put forward a practical recommendation. It's not conceivable that we can declare the entire City of Dawson to be a historic site and endeavour to preserve everything that stands. It's just beyond the reach of the limits of practical financial consideration. So, what they tried to do, on some good evidence available, was to select about 8 to 14 buildings which, 1. had historic association, 2. were still in the condition which offered hope of preservation, and 3. had some sort of contiguity in the hope that we could possibly have some kind of controllable historic enclave in Dawson City. Immediately upon the receipt of this we have commissioned some feasibility studies as well as asking Mr. Innes-Taylor to work immediately on recording and listing a variety of artefacts which we hope we can secure possession of before they are all dispersed, and the moment we have a credible appreciation of the financial implication of implementing all or part of the Board's recommendations, we'll put it before the Minister with our recommendation. I think I'm safe in saying that the recommendation is going to be that we act to preserve.

QUESTION RE
MEDICARE
PROGRAM

Mr. Livesey: Mr. Chairman, I had a question during the discussion of Medicare that I would like to address to Mr. Bolger. I noticed that he pointed out that the average cost per person would be \$45 to \$50 per year. Now, I'm wondering if Mr. Bolger could explain to Committee whether the time factor, such as the...related to the number of provinces that are participating at any one given time would affect this figure that he gave to us insofar as it may be perhaps better for us if there is a factor involved with regard to participation in relation to the cost. In other words, if all the provinces joined across, is it that the cost will be \$45 to \$50 a year? I am wondering from what basis this amount was predicated, if participation by the provinces is involved in the cost, or is this a cost that has been arrived at by a mere straight average.

Mr. Bolger: Mr. Chairman, as I understand it, the cost is arrived at by an estimate of the average expenditure on medical care throughout the country right now. But, in actual operation in respect of the payment to participating jurisdictions, the amount paid, if I understand this correctly, will be the average cost of Medicare in the participating jurisdictions taken altogether. The national average will be taken from those provinces and territories which are participating, but for purposes of estimating in advance what the cost is going to be to a province or a territory, National Health and Welfare have come up with the figures of \$45 to \$50 per capita per year as the average cost of medical care for a person in Canada right now.

Mr. Livesey: Mr. Chairman, if only two provinces contribute or elect to join, will that affect this cost?

Mr. Bolger: It would certainly have some affect, Mr. Chairman, because what will be paid to Saskatchewan and British Columbia when they're both in the Plan. will be one-half of the average cost of actual expenditures on medical care in both provinces in the preceding year, and if a third or fourth province is added then it will be the average of the three or four provinces participating.

Mr. Chairman: Have you anything further, gentlemen? I have another QUESTION RE CUTBACKS question from the Chair. I am wondering possibly in these last few minutes whether or not we could get some idea of what type of cutbacks the Yukon will experience this year as a result of the seventy-five million dollar general overall cutback in Ottawa.

Mr. MacDonald: Mr. Chairman, I'm sorry, I can't give you any indication. The Minister and I were just going over that. We had some dispute between he and I and the Treasury on what our share of that seventy-five million ought to be, upon the test put forward to Cabinet which tended to divide between controllable and uncontrollable. This is a technical argument which we hadn't resolved when I left. It's one of the reasons I have to get back for Friday, to hold our end up in the infighting. I haven't yet been able to translate it into allocations across the areas, I'm sorry.

Mr. Chamberlist: Mr. Chairman, does the Deputy Minister hope to be a pretty good champion at this infighting?

Mr. MacDonald: Well, I've been on both sides of the fence. It's the old story of, what is it....setting a thief to catch a thief or whatever it may be, but we try to hold our end up.

Mr. Chairman: Is there anything further? I would like to thank Mr. Deputy Minister, Mr. MacDonald, Mr. Hunt and Mr. Bolger for joining with us for today's discussion. We look forward to having this opportunity again, as Mr. Deputy Minister outlined earlier, and I hope you all have a safe journey home.

Mr. MacDonald: Mr. Chairman, on my part may I say how thoroughly I've enjoyed today. I think it's been useful. We may not always agree on our analysis of the facts, but as far as I'm concerned the communication has been good, both today and yesterday. If it's thought to be worthwhile, I certainly hold myself ready to be able to do it again.

Mr. Chairman: Thank you.

Mr. MacDonald: Thank you.

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

Mr. MacDonald, Mr. Bolger and Mr. Hunt leave Council Chambers.

Mr. Chairman: I will call Committee back to order. What is your pleasure? I might inform you that you have nothing before you in Committee other than the Labour Bill at this moment.

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

Mr. Chamberlist: I will second that motion.

Mr. Chairman: It has been moved by Councillor Shaw, seconded by Councillor Chamberlist, that Mr. Speaker do now resume the Chair. Are you prepared for the question? Are you agreed? Any contrary? The motion is carried.

MOTION
CARRIED

MOTION CARRIED

Mr. Livesey resumes Chair.

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

Mr. Chairman: Mr. Speaker, Committee convened at 10:15 a.m. to discuss Bills, Motions, Sessional Papers and Memorandums. Committee first met with Mr. John MacDonald, Deputy Minister of Indian Affairs and Northern Development, Mr. C. Bolger and Mr. D. Hunt. Committee recessed at twelve noon and reconvened at 2:10 p.m. It was moved by Councillor Shaw, seconded by Councillor Chamberlist, that Mr. Speaker do now resume the Chair. This motion carried.

Mr. Speaker: You have heard the report of the Chairman of Committees. What is your pleasure?

Mr. Taylor: In light of the work before us, Mr. Speaker, we have the Labour Bill plus several Sessional Papers which will no doubt be moved into Committee some time tomorrow.

Mr. Speaker: What is your further pleasure?

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

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

Mrs. Gordon: I will second that motion.

Mr. Speaker: Before I call the question, may I remind you of the discussion this evening at 9:00 p.m. Are we agreed?

Mr. Shaw: Mr. Speaker, will you please mention where these discussions will take place?

Mr. Taylor: The Law Library.

Mr. Speaker: Are we agreed?

All: Agreed.

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: Is there a quorum present, Mr. Clerk?

Mr. Clerk: There is, Mr. Speaker.

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

Mr. Chamberlist: Mr. Speaker, at this time I ask a point of privilege if I could have Mr. Speaker's and Council's indulgence to allow me to be absent for prayers and perhaps a little later for tomorrow morning.

Mr. Speaker: I have for your attention this morning the tabling of Sessional Papers Nos. 30 and 31. Are there any reports of committees? Introduction of bills? Notices of motion or resolution? Are there any notices of motions or resolutions? Are there orders of the day? Notices of motion for the production of papers? We have no motions for production of papers and no motions for production of papers passed. Under motions we have Motion No. 14, moved by the Honourable Member from Watson Lake, seconded by the Honourable Member from Whitehorse West re Territorial Contracts and P.S.V. Applications. "That a firm policy be established whereby an employee, while in the employ of the Territorial or Federal Governments or agencies thereof, shall not be eligible to bid on Territorial Government contracts or to apply for Public Service Vehicle Licences." Would the Honourable Member be prepared to discuss the Motion at this time?

Mr. Taylor: Yes, Mr. Speaker. The motion as proposed, Mr. Speaker and Honourable Members has arisen out of a great deal of dissatisfaction on the part of the general public from time to time over the past several years in relation to people who are living in government housing and people who are on government payrolls working, oh I would suppose more on a moonlight basis, in direct competition with residents in similar businesses throughout the Territory. The matter arose last spring, the last spring session, where there were several complaints of government employees bidding and indeed outbidding native people on wood contracts and other contracts throughout the Territory, and at that time the matter was thoroughly vamped and it was stated that had the government known that these people were government employees, they would not have issued the contract. However, the damage had been done. This year again the situation has cropped up and an enquiry on my part established that there was no firm policy in this regard. In other words, the Territorial Government had nothing firm as to what to do when a government employee bids a contract or applies for a public service vehicle licence, so that is why the motion stands before us today, Mr. Speaker. It is the general feeling of people that I have been in contact with on this regard that an employee of the government living in tax sponsored housing or receiving payment from the taxpayer should not be permitted to run direct competition with private enterprise. Indeed, were they allowed to do so, this immediately means the closure of some small businesses in the Yukon and people moving away from the Territory. It is felt that if these people, and I really think the people who are aggressive enough to go after P.S.V. Licences and contracts should be given every encouragement to leave the government service and settle within the community that they may be resident in and become, like the rest of us, good solid grass-root citizens of the Territory. So, consequently, this is why I bring the motion up. I feel that policy must be established and I feel that we must attempt to restrict unfair competition practices in the Yukon, so this is why the motion stands before us today.

MOTION
#14
TERRITORIAL
CONTRACTS &
PSV APPLICA-
TIONS

MOTION #14
TERRITORIAL
CONTRACTS &
PSV APPLICA-
TIONS

Mr. Dumas: Mr. Speaker, I feel that the possibility of abuse if the practice is allowed to continue is pretty high. We have a situation where a man is assured of a \$500 or \$600 a month salary from one government or the other and at the same time is moonlighting, and I think we might find, as this has happened in the past certainly, an overlap of government where he should be working for the government and in fact he is working for himself at times, and maybe even using some government equipment or materials at times. There is a constant danger of this type of thing, but apart from that, I think the private enterprise system must be protected and I don't think that the government should be subsidizing somebody in a private enterprise to compete against those who work solely on a private enterprise basis.

Mr. McKinnon: Mr. Speaker, without going into too much detail, I will be voting against this motion on the principle that I do not believe - I believe in the least government regulation over private enterprise that can possibly be put into effect. I do not believe that government should be involved in controlling all aspects of a person's individual life. I'm a small sea Conservative from away back and have never made any bones about it. I believe that a person, even if they are in the employ of the Federal or Territorial Public Service, have the initiative and the ambition and the drive to get out and earn a few extra dollars through taking different contracts, then there is no reason why this government should be putting impediments in their way, and, Mr. Chairman, just on this principle I will be voting against this motion at this time

Mr. Chamberlist: Mr. Speaker, there are two ways of looking at this. One is the way that has been expressed by the Honourable Member from Whitehorse North, and I think the other way is the more thing. Should a person who is subsidized by the government in housing and has the opportunity of a regular source of income because of his employment with a government department use those advantages to the disadvantage of those who have entered private enterprise and are in business. It would appear to me, Mr. Speaker, that for a person that has to, in his business, pay his operational overheads, the rent and taxes on the property on which he has to maintain himself, finds himself in competition with a person who is operating a business out of a house subsidized by the government, that is by the people, and it is like giving somebody's tax dollar to be in competition with you. In other words, what a person is doing then what we all would be doing is to pay somebody to compete with us. I think that the point that was taken up by Councillor McKinnon that he is opposed to the interference of government with free enterprise is something that I feel all of us agree with, but where the free enterprise is interfered with already by those who are employed by government, then it ceases to be free enterprise. It becomes in many ways monopoly for those who have been able to be financed through their employers by government, either Federal or Territorial, to compete with those who have to pay by way of taxing, etc. to government, both Federal and Territorial, and I feel on that basis I would have to support the motion.

Mr. Shaw: Mr. Speaker, I think this is a sufficiently important subject that I should rise on my feet at this time, and I have certain qualms about making restrictions on any person in the Territory. However, it has been pointed out and I might reiterate a person working for the government, particularly in these outlying areas, do utilize the facilities provided by the tax payer to conduct their business. This is an absolute fact and I am very well aware of it. In other words, this does make for unfavourable competition. Another matter that this involves is the fact that in these smaller communities - I mean this particular matter arose in Watson Lake - it can arise and does arise in all other areas of

the Yukon. These people do have their steady remuneration and are living in houses that are provided under a scheme which they pay for in one form or another - we won't get into that part of it. However, it is not necessary for these people to have to make a livelihood at this particular vocation. In other words, to carry to more of an extreme, we could say that if three or four persons did apply for these public service vehicle licenses that already had jobs that that would certainly prohibit any other business starting in that particular area, and it wouldn't matter whether they made much of a living at it or not, it would be, we might say, a little cream on the salary which they receive, so that any other person that was attempting to make a livelihood from such a thing, from such a business, who would depend entirely on it, he would certainly be at a disadvantage, so that these abuses have crept up and in fact similar type of competition has arisen. Now, if we ever - when we have people in institutions and we decide that we will start manufacturing things, why there is a big howl goes up, or any public works. Now, you have a similar thing in this - it is part public and part private. I think I will of necessity, Mr. Speaker, in view of taking all of these things into consideration, I would have to vote along with it.

MOTION #14
TERRITORIAL
CONTRACTS &
PSV APPLICA-
TIONS

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

Mr. McKinnon: Can I ask the Honourable Member from Watson Lake a question concerning the motion, Mr. Speaker?

Mr. Speaker: Proceed.

Mr. McKinnon: If there were an area of size in the Territory that did not warrant a full-time PSV type of operation because of the smallness of the community, yet there were only persons who worked in the Federal or Territorial Government who were willing to work part-time in providing a service to that community which could not make a living out of a full-time PSV licence, would this prohibit that person who was providing a service to the community and as the only one who could provide this service from doing it because of this motion?

Mr. Taylor: Mr. Speaker, this is entirely correct. I do not foresee a situation as expressed by the Honourable Member but this would be the effect of the motion. If the service was then required and no one was there to give it, then possibly one would have to go to the government and hire those services. I believe a charge or something of this nature has been levied for such things, that is to haul gravel or something like this around the community, but I don't see this situation arising because if there is a need for services in the form of contracts someone would bid them or someone would make application on the civilian end of the stake. I did want to comment on the remarks by the Honourable Member from Whitehorse North where he talks about government controls. I think it is well to recognize that the areas we speak of in the motion - Territorial Government Contracts and PSV Applications - are controlled by government, and I think we're not going really any further into the area than what we are already in, and I would ask for support on the motion. It would clarify and establish a firm position in this regard - a firm policy.

Mr. Speaker: Are we agreed?

Mr. McKinnon: Contrary.

MOTION CARRIED

MOTION
CARRIED

MOTION #15 ANVIL AGREEMENT Mr. Speaker: Motion No. 15. Moved by the Honourable Member from Watson Lake, seconded by the Honourable Member from Whitehorse East re Anvil Agreement - Sessional Paper No. 15 - that Sessional Paper No. 25 be discussed in Committee.

MOTION CARRIED

MOTION CARRIED

MOTION #16 FRESH WATER FISHERIES Mr. Speaker: Motion No. 16. Moved by the Honourable Member from Watson Lake, seconded by the Honourable Member from Mayo re Sessional Paper No. 29 - Fresh Water Fisheries, that Sessional Paper No. 29 be discussed in Committee, with Mr. J. Summers, Fisheries Officer in attendance.

MOTION CARRIED

MOTION CARRIED

Mr. Speaker: Are there any questions?

QUESTION RE REPORT FROM DEPT. OF MAN-POWER Mr. Chamberlist: Mr. Speaker, I wish to address a question to the Commissioner. Mr. Commissioner, I understand that a report has been forwarded to you by the Vocational Rehabilitation Branch of Manpower, Pacific Region. I wonder if this report could be made available to Council?

Mr. Commissioner: Mr. Speaker, I am not aware of any reason why it cannot be made available to Council. I don't believe that there are any names. I believe it is statistical information that is reported in it, and I would simply qualify my answer in one respect, Mr. Speaker, and that is that if my memory does not serve me correctly and there are names of individuals involved in this I would say that I will remove the individuals' names but I will certainly see that the balance of the report is tabled for Council's information.

Mr. Speaker: Are there further questions?

QUESTION RE MOTOR VEHICLES ORDINANCE Mr. Taylor: Mr. Speaker, I have a question I would like to direct to Mr. Commissioner this morning having reference to the Motor Vehicles Ordinance. Has any work been done, Mr. Speaker, on the Public Service Vehicles section of this Ordinance in order to revamp it and modernize it and bring it up to present day standards, and if so, when is it expected that any such changes, if they do exist, will be brought before Council?

Mr. Commissioner: Mr. Speaker, could I ask that we have the benefit of the Legal Adviser's answer to that question?

Mr. Speaker: Mr. O'Donoghue.

Mr. Legal Adviser: Mr. Speaker, continual work is actually in operation on the Motor Vehicles Ordinance as this and the Liquor Ordinance appear to be continually under review in one section or another, and this includes the section dealing with Public Service Vehicles. Now, there is the intention of the government to bring forward legislation in the Fall Session setting up public utilities commission, and this will deal with this section of the ordinance in a different way than it is being done now, and consideration is at present being given as to whether or not even in the interim and no final decision has been reached in this as to whether a more permanent form of board will be established instead of the present system of establishing ad hoc boards for the hearing of each individual licence as to whether or not a board should sit with the same constituted members on each application from time to time and bring about a continuity of policy. These matters are in fact under review.

Mr. Taylor: Thank you, Mr. Speaker.

Mr. Chamberlist: A supplementary question, Mr. Speaker, to Mr. Legal Adviser. Mr. Legal Adviser, the board that you refer to, will they be headed by a chairman that has some knowledge of the law instead of those that are not at all familiar with the law?

Mr. Legal Adviser: Any educated gentleman that the Commissioner would ask to head the board would have a knowledge of the law, not necessarily a professional knowledge.

Mr. Chamberlist: Mr. Speaker, a question to Mr. Commissioner. Mr. Commissioner, would you say that all educated gentlemen have knowledge of the law in your opinion?

Mr. Speaker: I'll have to rule that question out of order. Are there any further questions? Mr. Taylor.

Mr. Taylor: Mr. Speaker, I would like to direct a question to Mr. Commissioner. I would like to know, Mr. Speaker, in view of the fact that the tender call for fuel in the Territory was opened yesterday, and in view of the fact that predictably only one company made an over-all bid on this, and also in view of the fact that at least two other companies bid in the Watson Lake area. Is there any possibility that the people bidding in the Watson Lake area could indeed get the contract, or must we assume that the White Pass and Yukon Route, who was the only over-all bidder, would just take the whole Territory automatically?

QUESTION
RE FUEL
OIL BIDS

Mr. Commissioner: Well, Mr. Speaker, this is a question the Honourable Member knows at the moment I cannot answer.

Mr. Taylor: Well, then, Mr. Speaker, supplementary, may I then conclude that it is a foregone conclusion that there is no possibility of anyone else, like the smaller groups bidding these separate areas, of being given a tender in that area; that White Pass and Yukon would indeed get the whole contract because being the only over-all Territorial bidder? Am I right in this assumption?

Mr. Commissioner: Mr. Speaker, this is a totally incorrect assumption, and the bids that were received on the fuel oil as well as any other bids are at the present time being analyzed by the departments that are immediately involved. In this particular case it would be the Engineering Department, who are extending and analyzing these bids, and once their analysis has been completed their recommendations will be coming forth to me, and in due course a proper allotment or a proper placing of the business that is involved in these tenders will be getting made.

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

Mr. Chamberlist: Mr. Speaker, a question addressed to the Commissioner. Will the Municipal Ordinance be reviewed so that it can be brought into one consolidated ordinance with the necessary amendments as there are 137 amendments?

QUESTION
RE
MUNICIPAL
ORDINANCE

Mr. Commissioner: Mr. Speaker, I wonder if I may be permitted to answer this question in a little bit more fully than what it was asked. May I have this privilege?

Mr. Speaker: Proceed.

QUESTION RE MUNICIPAL ORDINANCE Mr. Commissioner: The Municipal Ordinance at the present time is designed or was designed in its original concept to deal with two known municipalities and as a consequence was designed to give effect to the wishes of the Council and of the Administration of the day. That day is approximately eight or nine years gone past, and what the Councillor says about various amendments that have been made to it is unfortunately only too correct, and also only too correct is the fact that in most instances the amendments have not accomplished what the Council and the Administration of the day desired of them to accomplish. Also, as Council is well aware, we have a companion ordinance which is designed to create other forms of municipal government but of lesser stature than the two senior municipalities. This ordinance came under considerable criticism from Members of the present Council at the last session, and I feel in many instances rightfully so, that as an area development ordinance it did not go into sufficient detail to give potentially new municipalities an opportunity to really know what their responsibilities and privileges were. As a consequence, it is under review at the present time to bring forward to Council at the earliest possible opportunity an ordinance that will be designed to include the provisions of both these present ordinances, and I might ask Mr. Legal Adviser if there is a third ordinance that is getting wrapped into the one, or is it just the two?

Mr. Speaker: Mr. O'Donoghue.

Mr. Legal Adviser: The intention at present is to make an attempt to have one ordinance out of all the ordinances dealing with municipal affairs in general from top to bottom, and questionnaires are at the moment being circulated on various topics within this framework to the municipality, and Mr. Fleming is doing a big study on this, and we would hope but we could not promise to have legislation coming in the fall session.

Mr. Speaker: Mr. Taylor.

QUESTION RE LEGAL AID PROGRAM Mr. Taylor: Mr. Speaker, during the past couple of years in Council, Members discussed at some length and received quite a bit of information in relation to a legal aid program for people in the Territory, and I am wondering if Mr. Commissioner could advise me at this time as to whether any progress has been made in this regard, and indeed as to whether we may in the future look towards such a program being instituted in the Territory?

Mr. Commissioner: Mr. Speaker, there has been no progress made on this and until such times as either the Department of Justice in its present role as the Attorney-General of the Yukon decided to do something along these lines or at the Territorial level, budgetary provision could be made for this situation, there is nothing from the Administrative level that we are able to do in this regard.

Mr. Speaker: Are there further questions? May we pass to public bills and orders?

Moved by Councillor Shaw, seconded by Councillor Taylor that the Speaker do now leave the Chair and Council resolve itself in Committee of the Whole to discuss motions, bills, sessional papers and memoranda.

MOTION
CARRIED

MOTION CARRIED

Councillor Taylor takes the Chair in Committee.

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

RECESS

RECESS

Mr. Chairman: At this time I will call Committee to order and we are discussing Sessional Paper No. 25, the Anvil Agreement, which I believe all Members have a copy of. Would you take the Chair a moment, Councillor Chamberlist?

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Mr. Chamberlist: Yes.

Mr. Taylor: Mr. Chairman, the only reason that I gave notice of motion in respect of the Anvil Agreement yesterday was because I did express some concern having had a chance to peruse this document. Some of the comment I was about to make this morning, I made of course yesterday when we had the Deputy Minister in with us, but one thing I find very strange is the date of the signing of this agreement in the first instance when indeed there was supposed to be none in existence. I note that this was made on the 21st day of August, far prior to the fall session, and in effect it would appear to me then that this particular document was in existence when we came to the fall session, even though we were told that no agreement had been made. Now, secondly - my second point, of course, which I raised yesterday was the business about the native residents and their participation in the program. I dearly hope that some will be able to avail themselves of this. However, I can see problems there. My third immediate point of reference was section 8 where the Minister of course instructs the Commissioner to facilitate the granting of a public service vehicle licence to any company - trucking company selected by Anvil, which I don't agree with but I again dealt with that yesterday. Now, it brings us to page 8 of the agreement, where it is suggested, and I notice the word is request, that the Commissioner, subject to the laws of the Territory, will (a), (b), (c), (d), (f), and so forth. Now, I am wondering if it is possible for this work to be undertaken without prior consent of Council. In other words, whether the Federal Government might proceed with this program over the summer months, and it would seem to me that this work has to be done this summer, and eventually by some form of agreement turn this over to the Territorial Government in the fall, and I'm also wondering what the thoughts of Anvil are in respect of this. I haven't had any opportunity to talk to the Anvil people, although they are in my district. I just haven't had the time in the last few days since we got this agreement to discuss this with them. I wonder if Mr. Commissioner has any thoughts as to when and how this might work this summer. What the alternatives might be.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, I wonder if I could have the privilege of saying just one thing. The statement was made concerning the date of this contract and I think the inference was that it had been reported here in Council that there was no agreement. There is no and there was not at that time and there is not at this time any agreement between the Territorial Government and the Anvil Mining Corporation. This agreement was announced by the Minister himself as having been in existence, so I think there is two different aspects of it here. This document is between the Federal Government of Canada and the Anvil Mining Corporation. At the time the question was asked here at the last session of Council, the question was is there an agreement existing between the Territorial Government and

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MENT

the Anvil Mining Corporation. These are two different animals here. Now, the next question as I understand it is the Councillor is asking what is the pattern or what is the plan to give effect to the items listed on page 8 - this would be item number 10 on the agreement, and the paper - sessional paper no. 5 enumerates these items, and the answer that we have tabled here for Council starts at the bottom of the first page of Sessional Paper No. 5, and carries on here on the other side of the page on page 2, and I would say this that it would certainly not be either desirable nor would it be the intention at the present time as I understood Mr. MacDonald's remarks here for the Federal Government to proceed with this townsite without first securing the consent and participation of the Territorial Government of what is in effect a town to be created in the Yukon Territory. Now, this may not be the exact words that he used yesterday, but I am quite confident that this is the implication of what he had to say, and I could also say that this is my own attitude towards it and it is my Administration's attitude that it is most desirable that the Territorial Government with the advice and consent of the Council should be involved in the construction, or whatever you wish to refer to it, in connection with this Anvil townsite, because if this is going to be an incorporated town within the Yukon Territory, which we trust it is going to be, I certainly do think that the time and the place to foresee at least what some of the problems are going to be is at the time that before the thing is all built up and is faite accompli.

Mr. Taylor: Mr. Chairman, I certainly agree that we should give some consideration to this matter. However, this is going to be an incorporated company town. This is strictly going to be in the complete control of Anvil, regardless of how you look at it or how you consider the municipality, because these are the people who would live there. The other people in the exploration field, in the mining field in the area will of course be the Ross River area or further, now, I believe to the east where developments are starting to take place. So, in other words, we do have a company town. Do I then gather, Mr. Chairman, from Mr. Commissioner that, for instance in (b) and (c); (b) which states select the location of the proposed development area in consultation with Anvil by December 31, 1967. This is now gone by, but no doubt this will be done this summer in any event, and (c) plan and lay out the development area. The monies to be expended on this particular project will be - these monies will be laid out by the Federal Government. In other words, we will not be expending these funds, having not appropriated any or having not discussed this with Anvil. Is this correct?

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Yes, Mr. Chairman, I'm just looking on this sessional paper here. I think the - excuse me, Mr. Chairman, I wonder if the method of reading this Sessional Paper No. 5 would be in conjunction with the paper that was originally tabled in Council - I forget which session it was - but this outlined, if I remember correctly, that the initial expenditure for the town planning consultant was to be roughly in the neighbourhood of \$50,000, and at the top of page 2 this is the amount of the agreement that has been entered into between the Federal Government and the Anvil Corporation to enable the planning of the townsite to proceed, and further on it explains to you once the cost of developing the townsite is known, lots will be sold to Anvil and others at a cost which will recover the expenditure on surfacing the property. In other words, the

monies that are going to go to develop this area are to be recoverable monies, and the first instance the initial \$50,00 has been put up by the Federal Government, and further requirements of this, I think that you will remember in your fiscal agreement that this is one of the exclusions that is indicated that would be the subject to separate financing being made available to the Territorial Government by the Federal Government for the further development of this townsite.

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Mr. Taylor: Mr. Chairman, this answers my questions and I am quite prepared now to allow the matter to rest until such time as some agreement is reached or some proposed agreement is tabled before the Council for consideration of the Council. Thank you, Mr. Chamberlist, I'll resume the Chair.
Councillor Shaw.

Mr. Shaw: I have a question of the Commissioner, I note on page 7, section 8(2), which states the Minister will request the appropriate authorities in the Province of British Columbia to issue a public service vehicle licence to the trucking company referred to in sub-section (1). Sub-section (1) as you know refers to where the Commissioner gives a PSV to the trucking firm in the Yukon. It appeared to me that in view of the fact that this is stated, there may be a possibility of having a road from Whitehorse through to Skagway. I cannot think of any other place where British Columbia would fit in, so I wonder if this is possible the intention that a road may be constructed, or are there sections in British Columbia in which this properly could be involved, other than that? The question is to the Commissioner, Mr. Chairman.

Mr. Commissioner: Mr. Chairman, if you take a look at the bottom of page 6 Her Majesty will either construct a route or improve an existing route within Canada from Carmacks to a harbour at either Haines or Skagway, both in the State of Alaska, one of the United States of America. I am speaking from knowledge that I have gleaned from the newspapers, but it would appear to me that the Anvil Corporation at the time of negotiating this agreement with the Federal Government had not made final arrangements concerning how their ore was to be taken to tide water. The options that were apparently open to them were a road route with an immediate terminal at Carmacks on through to Klukshu, Champagne, and down to Haines, which would take them through the Province of British Columbia or a road route that would come through Whitehorse to Skagway, or the route that they have finally negotiated that brings them to Whitehorse and rail is used from Whitehorse on. So, it would appear to me that the erosion of time has taken care of the possibilities that are enumerated here in item no. 8 that a new carrier would be applying for a PSV licence here in the Territory. The people who are going to do the hauling very apparently have all the licencing that they need to permit them to do it, and it would also appear that none of the vehicles are going to be travelling, at least in the initial stages, through the Province of British Columbia, so while number 8(1) and 8(2) appeared to be possibilities at the time of signing of the agreement, the end result has been that neither of these two provisions would appear to have any application at the present time.

Mr. Chairman: Councillor Chamberlist.

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Mr. Chamberlist: Mr. Chairman, I will just speak - make a few remarks on the first stage of the proposed development, and perhaps Mr. Commissioner will be able to clarify some points for me after I have made a few comments. On page 4 which is paragraph 3(d) assist in the development of a development area by building a nursing station, a single mens quarters, recreational facilities, and by providing the down payment required by the Central Mortgage and Housing Corporation for residential development. Now, is it the understanding that the Anvil company will pay the down payment for the construction of residences there and who would own the residences? Would it be the Anvil company or would it be those people who will be buying them individually? That is the question I would like answered, and on page 7 the suggestions that all the planning will be complete by December 31, 1967. I wonder if we could be advised if this has been completed, and on page 8, section 10(a) establish the development area within a circle, etc., and select the location for the proposed development area in consultation with Anvil by December 31, 1967. I take it that they're referring to the development area being the townsite area. Now, has this already been done - or rather has this area already been inspected? If you refer to 10(d) subdivide the development area by July 1st, etc., and then in 2. and who will not be responsible for the maintenance and operation of any of the facilities mentioned in paragraph (d) of sub-section 1.

Mr. Commissioner: Excuse me, what page is this?

Mr. Chamberlist: That is on page 8. Does that mean in effect once the area is divided - and if the area has been chosen already and we haven't had, the Council haven't had anything to say in this matter - this is what I am thinking about - what then would be our position? We must then accept the area and be responsible for the operation and maintenance of these facilities because Anvil is not responsible for it and it certainly doesn't appear that the other party to this agreement, which is the Federal Government - they don't appear to be responsible for it, and the agreement doesn't say who will be responsible for it. Now, perhaps the Commissioner will say that because it is not part of this agreement, and on page 9, paragraph 13, the Minister will request the Central Mortgage and Housing Corporation approve passing of the loans by December 1, 1967. Has this been done? Has the approval of these loans been made, and if they are to be approved, are they to be approved for the Anvil Company or for anybody who wishes to buy a home in that area?

Mr. Chairman: Do you wish the Commissioner to take notice of these?

Mr. Commissioner: Well, Mr. Chairman, I will have to have notice on at least one of these, but I think I can help with most of these situations here. Could I start on page 4 here, Mr. Chairman, item no. (d). The question as I understand it from Councillor Chamberlist is - and by providing the down payment required by the Central Mortgage and Housing Corporation for residential development, and this of course is the Anvil Corporation that is to do this. I am subject to correction on this, but it is my understanding that the Central Mortgage and Housing Corporation in this type of a development area requires a guarantee from the loan participating company, or the loan employer in the area - they require certain guarantees in connection with the financing of their loans or they will

not make them. There is nothing in this to prohibit an individual securing the guarantee that is required here and becoming the owner of a home himself, but it is a prior requirement of the people who are putting up the money, namely the Central Mortgage and Housing Corporation, that such a guarantee in a single industry extractive resource community is required before they make these loans. Does that satisfactorily answer that part of it? Now, I have marked here item 8 on page 7. Is that correct? 'The Minister will make the selection' referred to sub-section (7)? To the best of my knowledge, this clause was never called upon to be operative because the route that was selected by the company was a route that was either already in existence or the road construction was under contract. To my knowledge the only portion of the route that required completion was the balance of the road from Carmacks to Ross River. Does that satisfactorily take care of that? Now, on page 8 - the first one here - establishing the development area. The development area had been established - now I am subject to correction on this, too - I believe that a very large area has been taken out of a distribution - I will have to look up the order that was signed in connection with this - the development area itself has not been defined, but the large area within which a development area will ultimately be located has been removed from distribution in the normal - under the normal lands activities. Does that answer this satisfactorily? I'll get a copy of the order tabled for Council, and then Council can see for itself just exactly what is going on here. The next questions we will have to get notice on the next questions that were asked. You asked considerable questions concerning the subdividing of the area. The area selection by the 31st of December, and whether it is going to be subdivided by July 1st. These are part of the unanswered questions that I think at our informal meeting last night that we indicated to Mr. Hunt that we were asking him to get this information and forward it to us as soon as possible. Now, the next question that was asked - Anvil will not be responsible for the maintenance and operation of any of the facilities mentioned in paragraph (d) of sub-section (1). I would have to have notice on this, Mr. Chairman. Now, could we turn over to page 9, item no. 13 - the Minister will request that the Central Mortgage and Housing Corporation approve housing loans by December 1, 1967. To the best of my knowledge, this refers back to the item that we already spoke of here concerning Anvil giving certain guarantees to Central Mortgage and Housing, and while I cannot confirm that the Minister has made the specific request to Central Mortgage and Housing, I am certainly not aware of any difficulty that Anvil is having in securing the monies referred to earlier in the agreement with their guarantee to the Central Mortgage and Housing Corporation. Was there anything further, Mr. Chairman?

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: On page 8(f) - sell to Anvil at a price which reflects the full cost of development any lots required by Anvil in the development area - can the Commissioner say that lots will be available there for other than those who are employed by Anvil?

Mr. Commissioner: Yes.

Mr. Chairman: Are we clear on this paper at this time?

SESSIONAL Mr. Chamberlist: No, just one more question.

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ANVIL Mr. Chairman: Proceed.

AGREEMENT

Mr. Chamberlist: I am dealing with the second stage of Anvil. I take it that, Mr. Chairman, the Commissioner will be able to assure us when the agreement comes forward that reference to the second stage will specifically be in the agreement between the Territorial Government and Anvil, because there are a number of items that really concern the Territorial Government itself - the Territory itself. I don't want to be specific on each one because it would take a long time, but as long as there is an assurance that it will be in that agreement.

Mr. Commissioner: I'm afraid, Mr. Chairman, that you have me pretty well off base on this, because I would have to have some advice from my own administrative people in this particular regard, but if Council would keep this matter in mind, and bring these matters forward when we get this agreement. Could I suggest that this would be the appropriate time for this?

Mr. Chairman: Are we now clear on this? I was going to call a recess, gentlemen, but as you know at 11:00 o'clock we are going on to another matter, and I was hoping that possibly you may be clear on this matter by now, but however if there is anything further we will carry on. Councillor Livesey.

Mr. Livesey: My question is with reference to section 3 of the agreement - construct and operate a crushing a screening plant and concentrator to produce lead and zinc concentrate, etc. In the interest of preservation of wildlife and other flora fauna throughout the Yukon, I am wondering if we could be advised whether any heavy forms of destructive chemical products are going to be used in the operation of the mine, especially in any volume, and if so, does this paragraph in its present form provide sufficient control so the Yukon Territory won't be faced with a valleyful of sulphuric acid, or whatever they may happen to use in their operations? This is the point I would like answered.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, this to my knowledge is the first time with an extractive resource development here in the Yukon Territory that the very provisions that Council have in mind when they ask a question such as this has been taken care of and while I cannot give an answer to the first part of the question because I don't understand the technical details of this, the whole idea of water pollution, air pollution, the general destructiveness of the area by the uninhibited release of tailings and the resultant killing of the growth in the general area - these are all subjects that have been taken up with the Anvil Corporation and I can give you the assurances that I get from my own Minister on this matter that they are most co-operative and that every effort is being made to give effect to the modern concept of an industry being a good citizen and not destroying all the rest of the life that is in the area in which they are located.

Mr. Livesey: Yes, Mr. Chairman, I don't feel quite satisfied with this answer. I want to know just what is going to be done, because we certainly can't go out to our enquiring constituents who, as you know, are quite insistent and continue to ask the same questions over and over again until they get

the right answers, and I feel that the general view, the answer, of course, is something that we can accept, but to my mind this isn't good enough - not yet. I don't feel any satisfaction is going to be gained by my making a repetition of this particular answer, because we still don't know anything. We haven't been told exactly and precisely what is going to happen. Whether they are going to shut off a valley or whether they are going to block it off at both ends or what are they going to do. This is the point, and I think this is a point taht we should endeavour to find out more fully as to precisely what the intentions are of the company towards fulfilling this point, which I think is a valid point myself.

Mr. Chairman: If I might from the Chair suggest that possibly this is a question that could be asked through a written question under orders of the day.

Mr. Commissioner: Mr. Chairman, could I suggest that there is a paper coming forward to Council which outlines a proposed trip in the northern part of the Territory at the conclusion of the Council Session and the Anvil areas is one of the areas that I am proposing that Members of Council and Members of my Administration will visit and I think at that point in time this would be a marvellous opportunity for interested Councillors to get these very details from the people on the ground who are charged with the responsibility of giving effect to their company's commitment to the Federal Government in this regard.

Mr. Chairman: Are we clear on this paper at this time, or do you have anything further on it.

Mr. Chamberlist: Clear.

Mr. Dumas: Clear.

Mr. Chairman: I might ask your direction before we recess - I note that the Game Director is also involved in this paper and would it be your wish that he also attend discussions on fishery?

Mr. Commissioner: Mr. Chairman, could I ask that he be allowed to attend at this time, since he was asked I think it would be a very.....

Mr. Chairman: I feel he should be here, but I was just asking Committee.

Mr. Shaw: Agreed.

Mr. Dumas: Agreed.

Mr. Chairman: I will now declare a recess.

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Thursday, March 21, 1968.
11:00 o'clock A.M.

Mr. Chairman: At this time we will call Committee back to order, and we were discussing Sessional Paper No. 29 related to fresh water fisheries. We have with us Fisheries Officer John Summers and the Director of Game, Mr. Fitzgerald to assist us in these discussions. Please go ahead. SESSIONAL
PAPER #29

Mr. McKinnon: Mr. Chairman, I wonder if we could hear Mr. Fitzgerald's and Mr. Summers general comments on Sessional Paper No. 29, if they find anything in it that they disagree with, or overall, if they accept the conditions in this paper. FISHERIES

Mr. Chairman: Mr. Summers.

Mr. Summers: Mr. Chairman, we have gone over this paper fairly carefully. There is one little item we both agreed should be given second thought. This is the matter of seasonal employment. It is my contention and through my experience that one regular employee, one permanent employee, educated in his work, is worth three seasonal employees at any time. Now this matter of seasonal employment in our Department comes up only during the salmon run which will have no effect whatever on Territorial administration. I would ask that second thought be given to seasonal employees before any action is taken.

Mr. Dumas: What section is that under, please? Mr. Chairman I wonder if the suggestion is that rather than making allowances for additional seasonal workers, allowance be made for one further additional permanent staff. Is that the suggestion?

Mr. Summers: That would be my suggestion.

Mr. Shaw: In this matter, Mr. Chairman, would Mr. Summers feel that one, that a permanent employee that had knowledge of this type of business and that the other workers would be more or less persons required for seeing, during the summer time, doing a great deal of police work and stuff like that rather than actual matters involved with fish.

Mr. Summers: Well as I said, through past experience, a seasonal man is fine in his place. First of all when you take on a seasonal employee he has to have a certain amount of pre-training to know what he is doing. This takes considerable time. You probably waste two weeks if you take him on for three months, showing him what he has to do. One permanent employee, I believe, right from the start would be all you require to start this project off but if you found a necessity, you can certainly pick up seasonal employees in your real heavy season and these should be picked with care, I assure you.

Mr. Chairman: Mr. Fitzgerald, have you any comments in relation to this paper?

Mr. Fitzgerald: Well I agree with the comments of Mr. Summers gentlemen, but I think when he refers to one permanent employee, this doesn't cover the whole field of what our needs may be in this particular Department if it comes into being. We have provision now to fill a vacancy there and the possibility of an additional person, but if it is necessary to take over responsibility of fresh water fisheries and comes under my Department, I think that we would have to have

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Mr. Fitzgerald continues...
an additional person. That will make four people, five altogether including the steno in this Department. It takes two people to keep abreast of the correspondence in this Department now. And I agree with the seasonal employee situation. In our business when we consider fish and game the problem isn't so much when your season is open; this pertains to game now; as soon as the season is closed that we have considerable problems. But I agree that a knowledgeable person certainly can perform the duties much better than seasonal employees. I feel that unless there is a permanent employee travelling with him most of the time and what have you, it would be rather difficult to keep him right on the job.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I would visualize this Department as something like this - in the first instance you would have a Director of Game and Fisheries or whatever the name happened to be. Under this person you would have a person whose main objectives would be to look after the game section. The other person would be one whose main knowledge and capabilities would be directed towards fisheries aspects of it. In other words the type of - both assistants. And from there on the balance of the staff would be in regulations, seeing that these were complied with over the Territory. In other words they would be custodians or guardians of fish and game and would work - you would still have your stenos to attend to the writing. In that way you would have an efficient Department. But there would be two persons immediately under the Director whose main functions would be to look after one or the other of these Departments. And of course they would assist each other with temporary crews during the summer time or when the workload was heavy. Mr. Chairman, I wonder if Mr. Fitzgerald, Director of Game would feel that such a line of command, as we may call it, might operate?

Mr. Chairman: Mr. Fitzgerald.

Mr. Fitzgerald: Yes, Mr. Chairman, this would more or less fall into its place. It is a good idea. We would hope eventually though to have versatile employees who could move in on any type of say infraction or be able to meet the public on matters of such and game. But the idea suggested by Mr. Shaw is, I think, sound.

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

Mr. Chamberlist: Yes,

Mr. Taylor: Mr. Chairman, generally speaking throughout the paper I find myself totally in agreement with it. It will indeed involve the expenditure of additional funds both in personnel and this type of thing but I have long felt that this is a Department of administration that we should be building. For instance the additional of Fisheries to the Game Department, I think, is going to be most beneficial to the Territory. I feel that certainly the fresh water fisheries in the Yukon Territory is unexploited, undeveloped industry which with the certain encouragement, the development of fishing lodges, the controls, the restocking, all the things that go with fishing. With these programs afoot I think you would see an influx of people coming to the Territory to enjoy this particular sport. I think you will

Mr. Taylor continues....

see that it will register one hundred fold economy for what we expend in it. I feel that the Game end of the Department must also be upgraded. I feel it is rather pointless to have one sole natural resource and this, I might remind all Members, is the only single natural resource that we have under the direct control of the Territory - the Territorial Council at this time, or the Territorial Government. And when we negotiated the current fiscal agreement the question was raised that possibly we should start putting conservation officers throughout the Territory. For instance one in the southern area, one on the Dawson-Mayo area, one on the North Highway in Whitehorse as a start. Of course, as things are often, as they turn out matters fiscal forced us out of this position. The Federal Government said no, you can't afford it and that is it. But we have to look for the day when we day start developing this Department and I think here is a good place to start. I agree that, that, it is rather pointless having control over a resource if indeed you can't control it. If you can't police it or you can't assist it. The requirement now - I believe there is an application now for a game guardian, and - a permanent game guardian, which would be, I believe, entitled Conservation Officer-if this man is enforcing Ordinances he should be called a conservation officer. Now it would seem to me that one additional conservation officer could be sought after, bringing the total staff or the staff for distribution and circulation to the Territory to two. I wholeheartedly support this paper. It is noted that any fisheries regulation would first have to be cleared through the Federal Fisheries Department and indeed it has been pointed out that this is the practice followed throughout all the provinces and I have no qualms about this. I have talked at some length with people involved in fisheries, both provincially and federally and they find that they have no problems whatsoever. The Fisheries Department has always been very liberal in their outlook towards the operation of these facilities in the provinces and I am quite confident that they will be in the Territory, so just before resuming the Chair at this point in time I just wanted to make my comments known that I wholeheartedly endorse the paper as it stands with the exceptions as outlined by the Fisheries Officer.

Mr. Chairman: Thank you, Councillor Dumas.

Mr. Dumas: Mr. Chairman, I wonder if these gentlemen can give us any idea of what the net cost to the Territory might be?

Mr. Summers: This is rather difficult inasmuch as we are operating on a much broader scale than you would be. Everything that is possibly in the technical line, professional line we have to bring these people in from Vancouver and our planting programs - the same way. We have to fly our eggs in; bring in the technicians to do the work. This is one phase of it that you would not be implicated in too heavily at the start. We also handle the salmon and amadromous species which would also be out of your sphere of influence. Therefore if we cut it down from our estimated expenditure annually to what you would be spending annually, when it regulated itself, when it levelled off, there might be some expenditure to start with for equipment and.... but when it levelled off I would assume that your expenses would be about half of ours.

Mr. Dumas: Mr. Chairman, supplementary to that. What was the income; I think you gave us this figure last Fall? The income from licences in the past year?

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Mr. Summers: \$17,000.00.

Mr. Dumas: This would double if we went along with sub-section 5....

Mr. Summers: That's right.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: I'm assuming, and I think perhaps I'm correct in this, that the Department of Fisheries, the fact that we are operating the management of certain facets of the local fishing industry, it appears to me that they are willing to give every co-operation, scientific materials, we don't have to have a biologist, scientist and so forth. That this is available from the Federal Government, and I would feel that we will get the utmost co-operation in this field which is really a specialized - a specialization which we would not be able to afford and in which case it appears to me that this was a very good program for the Territory to embark on. I was always in favour of this. The last time this matter came up I asked, before we undertook it, that we have the figures. I never did turn this down at any time. I just wanted to know the cost were. Now we are finding out what it will cost and I am quite satisfied. I think we can get our program going. We may have to go in a smaller way than might be desirable for a start. I think it will be a good thing to take it very easy and as we became more experienced, more knowledgeable it could be increased if necessary. But certainly to start I wouldn't like to see an expensive program embarked upon.

Mr. Chairman: The Commissioner has intimated he would like to say something on this matter. Is it agreed?

All: Agreed.

Mr. Commissioner: First and foremost I want to preface my remarks and questions on this to say that I personally am very much in favour of the Territory taking over this particular program. I am not entirely happy with the manner in which we can have this program but apparently this is the Federal means of dealing with us and as has been intimated this is the manner in which they deal with the provinces and they are certainly not going to change the rules as far as we are concerned. However, I also think we should be realists in what we are talking about here. And I think that you will see in item 2 it was suggested that there should be a formal agreement with the Department of Fisheries giving a precise definition of Territorial responsibilities and authority and also I might say just precisely what the Federal Government is going to continue to do here. Now if all that we are going to be doing is to be assuming the leg work on behalf of the Federal Government and **for their administrative** convenience they are going to move all their people back to the safe and sacred sanctuary of the faceless monowood down at the Federal building in Vancouver, we are going to get exactly nothing but the time of day from them, I think now is the time that all the cards should get out on the table and I personally am of the opinion that the Federal Fisheries people, once this thing is attended to here, unless we have a firm understanding with them prior to their going to depart from the Territory, and we will never see them again contrary to anything that any of their local officers may like to assure to the contrary. I want to see it in writing. Now, also, if we are going to take this over I don't see any point of taking anything over unless we are going to do a first-class job on it and at the present time I want to

Mr. Commissioner continues....

say that Mr. Fitzgerald's Department in the Game is one resource that we control here and I want to tell you that the quality of the job that is done in Mr. Fitzgerald's Department is second to none in the Territorial service and I am very sure that it is his desire that if this is going to become part of his responsibility - fisheries - that he will want to do the same quality of a job with fisheries as he does with game. As a consequence of this it is going to cost money and I would like to suggest if Council sees fit to accept this paper, and quite frankly I hope that Council does see fit to accept this paper. I think it is well presented; I don't think there is anything the matter with this at all. I certainly think that there should be two qualifications that Council is entitled to seek before they go any further on it. First of all is a policy paper. What is the Territorial government's policy with regard to fisheries going to be after we have control of it. I think that this should be accompanied by a suggested set of regulations. I realize that these regulations have in the first instance to be promulgated here before they go to Ottawa for acceptance but I certainly think this should be part of a policy paper that is brought forth before Council commits itself to undertaking this particular obligation. In the second instance I think that we should see, as a consequence of the policy paper, I think that we should see a projected budget for five years into the future. Mr. Summers, I think, will agree with me that the - in the Federal budgetary scheme of things most of their programs are either on a three year or five year cycle basis. I believe your capital programs are on a five year basis and your o. and m. program are on a three year basis; I may be wrong on the actual number of years on the o. and m. but I do believeon a two year basis. As a consequence I am quite confident that between Mr. Fitzgerald and Mr. Summers they can bring forward this information in a manner that will be quite intelligible to Council. And also as a consequence of this policy paper, it should be very clearly indicated just what we are talking about here in either restocking or other such work gets done with regard to the fisheries once we have it. Also I would like to suggest something else here, that in the normal course of events dealing with the Federal Government, it is my understanding that when we take over such things from a Federal Department we normally have an arrangement for making available to the Territorial agency, by an internal transfer; I don't know if there are monies involved or not, the applicable equipment to that particular Department and I would also suggest that this is something that should be thoroughly explored before we proceed, to see if in fact we cannot have made available to us that equipment which is particularly applicable to that section of the job that we would be doing and I am not talking about those things which would have to remain on the Federal side of the thing to take care of those fisheries obligations which they presently have; this I'm not talking about but I'm sure there must be a certain amount of other equipment that would be peculiar to that function that we would be doing at the Territorial level and this is something that should be explored as well. I don't want my remarks to be misconstrued by anyone that I am against this in any way, shape or form. I am fully in accord with it but I certainly do think that if we are going to do the thing properly that these things which I have suggested, Mr. Chairman, are very vital for Council for them to make their final analysis and final decision at this particular.....

Mr. Chairman: Councillor Dumas.

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Mr. Dumas: Mr. Chairman, I wonder if the gentlemen could tell what the non-resident licence costs in British Columbia?

Mr. Summers: Non-resident Canadian is \$3.50 and non-resident alien is \$10.00.

Mr. Dumas: Supplementary Mr. Chairman and the suggestion here that non-resident go from \$2.00 to \$4.00, would this be both alien and resident, Canadian.

Mr. Summers: We don't differentiate between

Mr. Dumas: Well, I would suggest that \$4.00 is too low since we pay \$10.00 in Alaska and most of our non-residents outside the Territory (inaudible) \$10.00.....and most of our non-residents that buy licences in the Yukon..... I would think \$6.00 would be more appropriate.....

Mr. Taylor: I couldn't agree at this particular point in time. I don't believe in underselling our resources but I think you will find there is a greater variety of fishing possibility in British Columbia and you have a developed industry - more or less - you have a Department working, constant restocking program, until we have these things I don't think we can reasonably charge excessively people who want to come and catch - Jackfish, Pike and our Grayling, Lake Trout. But however that's - everybody has their own opinions there. I concur with the comments, Mr. Chairman, of Mr. Commissioner to a very great extent. We want to see a policy paper and we would like to see a proposed budget and indeed all these other matters, but I am starting to get a little fed up, Mr. Chairman, after fourteen months of negotiation, fourteen months later we stand at the table with a paper which a lot of people no doubt put a lot of work into and we say now we have got that we have to go back to work again and we got to look into this. Now when we left at the Fall session we asked for information and we asked for a draft agreement so that we could sit at the spring session and either accept it or reject it and effect this program. And this business of three years or four years or ten years taking to implement programs in the north, as far as I am concerned, has got to stop. This is the most ridiculous thing I have ever seen in my life. This is a perfectly good program; certainly we want answers, but we wanted answers for this session. We have to go through, day after day, questions in the Order Paper and everything else to get the stuff up here. Now we've got something up here. I think the proposal is sound; I think it is good but now it is suggested that we shut it all down again and maybe next year - and I don't go along with this. I think this business of three years - three years. You want something today, you ask for it and you get it three years from now. This is the same thing with CBC, on television, on getting little LPRTs around the Territory. I am, quite frankly, fed up with it! And I am here to tell you I am going to try and do all I can to stop this kind of nonsense. Maybe responsible government in this Territory might change it. Now as I stated it before,..... here is a place where we can get it - we are accepting responsibility. We ask for more responsible government; we've got it handed to us on a platter virtually and now we are told we'd better look into this and look into that and maybe some time in the vague future we will get a draft agreement. That draft agreement was supposed to be here now, to be accepted or rejected by this Council! Until the remarks of the Commissioner, I was about to point out that in relation to our Indian people whom we discussed yesterday whom we find require industry, there's a golden opportunity, an abc

Mr. Taylor continues

type fishing guide system with standards established - somewhat - we can lean on Federal and Provincial experience in this regard to set those standards. This doesn't take ten years to implement. This could be implemented in the course of a season. There is where we could do some good. We could encourage through advertising, through the development of fish camps, through the development of these facilities encourage people encourage more and more people into the Territory. We have a Travel and Publicity Department to assist us in telling the people about this industry. All we need is the wherewithall and the organization to police it, to assist it and to aid it and here it is, laid out before us and now we are told that we've got to wait another year. I tell you Mr. Chairman and Honourable Members, as I see it, this time honoured tactic of delay that Ben Sivertz speaks about in the Northwest Territories, it would appear to me that this is what we are facing here today and I am all for the implementation of this program at the earliest possible moment.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, I would like to speak about the proximation of income by doubling the cost of licences. I would suggest to the members of Committee that this may not be necessarily so, because you double the licence certainly you are not going to double the income.....and a lot of other factors involved and a good many of the licences sold today are sold to American tourists as souvenirs for \$2.00. This is the reason they buy them, they are not going to fish at all - they pick them up as souvenirs. When a family head of family applies for a licence, having four children all over sixteen, comes into the Yukon Territory and ask what is the price; they have just been to Alaska and wouldn't fish there because of the cost; and in the Yukon it is \$2.00, they give one to each boy - so they end up with four or five licences where if it was any higher they would get one. So you can't rely on this at all and the complaints that I have personally heard about the cost of fishing in British Columbia and the cost of fishing in Alaska, with the prices they charge, most of the people that discuss it..... certainly becry the high cost of fishing..... and I personally feel that the fishing industry in the Yukon, who take it seriously, can be used as a tremendous attraction not only for the southern tourists who come north - it seems to be the only place we are aiming atwe should be aiming at the tourists from Alaska. They are tourists just the same as far as I am concerned and they are certainly interested in Yukon fishing and there is a lot of scope here, a lot of area for development in this particular field. I would like to say Mr. Chairman that I agree with a good many points brought to our attention this morning by Commissioner Smithwith regard to the taking over of the development. I certainly see....we should take over.....may as well obtain as many departments as we can and get as much control as we can but at the same time from a business man's point of view ... from the point of view of making a practical approach, I have many times seen a situation arise where some one wants to.....because most of the time they don't want to give us anything. Not to many times have we been told..... This is one area where it looks as though we can get it. And we have asked for it as the Honourable Member said and I can see no objection to moving into this field whatsoeveragree with the Commissioner that we want to know all the aspects, we want to know all the background.....we should know precisely on paper, word for word, just precisely what the

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Mr. Livesey continues....

picture is so that when we take it on there is no doubt in anyone's mind of this and we have no problems one way or the other. Where there is doubt we may have a problem. I'm not saying we should not go ahead with it. I'm saying we should go ahead with it but I still agree with the Commissioner that we should look into all the corners before we actually accept it.

Mr. Taylor: Councillor Chamberlist, I'll resume the Chair. In view of the time we will recess until two o'clock.

Mr. Chairman: Well, at this time I will call Committee back to Order and we are discussing Sessional Paper No. 29 relating to fresh water fisheries, I wonder if you will please continue. Coun- cillor Dumas. SESSIONAL
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Mr. Dumas: Mr. Chairman, In view of the Paper given to us during recess I think that sub-section 5 of Section 8 is quite in order and I was speaking to see the non-resident licences increased and one of the other Members suggested that they should be left the way they are. I am willing to compromise, go along with the suggestion in that sub-section.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, this is the first Sessional Paper that I have come across for some time, I can really say that there is nothing fishy about it so I would be quite prepared to accept as is.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: We might note that we did suggest one change on the advice of the witnesses and that is that sub-paragraph of paragraph 8, or Section 8 reads, and correct me if I'm wrong, it reads that two additional permanent staff members be taken on strength and that Section 6 be changed by deleting that sentence referring to four additional seasonal workers.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, with all respect at this time could I suggest that with regard to the personnel requirements here, that it is very difficult to be really definitive at this particular point of time. Now, assuming that Mr. Fitzgerald is going to be the man who will be in charge of this, I think that he would wish to have as much flexibility with regards to his staffing requirements bearing in mind the fact that there is going to be a monetary ceiling budgetary wise that Council will be dealing with at the time that will limit the dollar bills he will have available but I would strongly recommend Mr. Chairman, that Council will consider that they would not be attempting to tie the Administration's hands and in this case it would be Mr. Fitzgerald's hands with regard to whether or not the total dollar bills that he had available for this job was to be particularly defined as to whether they would be seasonal or full time workers. I think the experience would be the big factor in this matter and I would like to feel that there would be some flexibility available with regard to this.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, with all due respect this Sessional Paper came out over the Commissioner's signature and it was he that suggested putting in and pointing out the number of seasonal workers and the number of additional permanent staff. I just point this out in reference but I do agree with what he has said.

Mr. McKinnon: Mr. Chairman, I wonder in light of the remarks of the Councillors this morning and in light also of the Commissioner's remarks whether it would not be or whether it would be acceptable for Committee to pass this Paper with the proviso that favourable agreement could be reached with the Federal Government concerning the fisheries take over and also that draft regulations concerning fisheries would be presented before this House and if there is no

SESSIONAL Mr. McKinnon continued:

PAPER #29 more discussion on the Paper I have a motion drafted that contains the two provisos that we accept the fisheries take over when we do see these things before Committee.

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

Mr. Chamberlist: Yes, go ahead.

Mr. Taylor: Well Mr. Chairman, it occurs to me that if we so desire and with all things willing we could proceed with this matter in such a manner to implement this year this particular programme in the Yukon Territory which, at least for my part, would be most desirable for specific reasons some of which may be that for instance the fisheries regulations are already in existence but under Federal control being Federal fisheries regulations and it's my understanding that we need merely to review the existing regulations now in force in the Territory and re-apply that legislation over to the Territorial application rather than Federal application. It seems to me that this shouldn't take more than a few days to prepare these in form, draft form at least, for our acceptance or refusal or consideration. Further, the budgetary consideration as noted by the Commissioner though it is not completely clear is I think within the framework outlined in the Paper clear enough to me. Commissioner has stated that we should not tie the hands of the Director of Game and Fisheries, orif this becomes the Game and Fisheries, by committing them to full time employees or casual employees. This I concur in, we've got to watch the dollars and this is an administrative matter I feel at this particular point of time until we get this thing off the road. Now, it is my understanding that a draft agreement has been forwarded to the Minister, I don't know whether this is correct or not but this is my understanding, this has been forthcoming from the Minister of Fisheries to the Minister and if this be the case, there should be very little difficulty to having that draft agreement forwarded down here for this Session and so that when we conclude our debate in this regard, it can be sent back to Ottawa asking that an Order in Council be brought into effect to bring this whole programme into being and I feel that this is a programme that we should embark upon this current year. In other words, to get the fisheries programme on the road as soon as possible. Those are my feelings, and I feel we can do it with a little bit of concerted effort and I think that with a try we can do it.

Mr. McKinnon: Mr. Chairman: If this draft agreement is available and if Council approves of it then I agree also, that no one more would like to see this go into effect as myself however, I don't see how we can possibly say well alright we'll accept the contents of Sessional Paper No. 29 and go ahead without that agreement with the Federal Government being presented before this Table. I've had quite a few dealings and the Honourable Member from Watson Lake has too with the Federal Government over his years in Council here and when I sign any agreement with the Federal Government I want to see the "i's" dotted and the "t's" crossed before I put my signature to that agreement and I think it would be folly for this Committee to go on record accepting the control of fisheries without a formal agreement that states exactly what we are getting into and what the Federal Government is willing to give us and before this agreement is before this Council it is examined and studied and agreed upon, I can't see how we can go ahead on this at this time no matter how much we all are in favour of proceeding immediately with it but we must have this formal agreement with the Department of Fisheries and accept it before we can go ahead on it.

Mr. Taylor: Mr. Chairman, it is possible I didn't make myself clear on that point. I stated that the Minister I believe, has this draft agreement. It is merely a matter of putting it into an envelope, putting a Canadian Government stamp on it and sending it

Mr. Taylor continued:

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up here which may be assured as all things seem to be assured in that general direction but I'm saying that this can be done, regulations can be drafted in a matter of a few days, I'm sure it wouldn't take more than a week to get that draft agreement up here before our consideration. Indeed, it was supposed to be here at this Session because we asked for it last fall, the draft agreement. So, if this be the case, I say, having resolved these problems and taking a look at the budgetary consideration prior to the prorogation of this Session we should be able to conclude the matter. This is what I am saying and I think it was also pointed out this morning by Mr. Summers that he is unsure of whether he may be leaving the Territory for another posting or not in the next few years but he would certainly be available to assist in a creation and administration of this department to get it on its feet during this current year so I can't see why it can't be done.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Yes Mr. Chairman, generally I would agree with this Sessional Paper with certain administrative changes probably this is at all necessary so I don't think that it would be exactly how it should be. There is one phase of this that I read and I don't see anything definite, actually it would be the responsibilities of the Department of Fisheries. It requested that, asked they would assume this and that but it does not really state just exactly what they should assume. However, I am one of the proponents of the Yukon taking over the fisheries but I must agree very much with the Honourable Member from Whitehorse North that on account of we are signing something on behalf of the Yukon with Canada we must see the draft agreement before we can really get down to putting our names to it. I'm certainly very much in favour in principle of taking this over, very desirous in fact but until you get right down to the terms and conditions, until we see them, I think we may be rather hasty part of embarking on any programme, however favourable it may look at this time.

Mr. Taylor: Well Mr. Chairman, Just one further note then that everybody seems to be all of a sudden again in doubt as to what the Fisheries' position is. You'll find that in Sessional Paper No. 115, the first session last year which is all spelled out exactly what they'll do and I believe Councillor Shaw was with me in Ottawa when we discussed this with the Deputy Minister, Dr. Needler and from what I know the situation hasn't changed at all.

Mr. Shaw: Well Mr. Chairman, I'm not saying anything is changed, all I'm saying is that until you get an agreement which you sign you really don't know for sure just what you're into. We must have an agreement and you must see the agreement before you sign it. I'm for it Mr. Chairman, I'm very much for it, but obviously I must also accept the responsibility of knowing exactly what the terms and conditions will be.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Mr. Chairman, as I stated this morning, I feel that the basics of a sound association with this Department or with any other Department that we may take on in our effort to become a responsible organization and a responsible form of Government in the Yukon demands the exercise of every type of precaution that we may think advisable in order that when we take that first step and obtain the rights of operation of this department's basics will show us that we are proceeding in a sound and equitable manner on a business like basis and I think that these causes demand the need for our every association with every type of caution in order that our first endeavour in this regard is going to be successful. I think this is a normal expectancy so I would most certainly agree as I did before when I rose on my feet to discuss this question

SESSIONAL Mr. Livesey continued:

PAPER #29 in regards to statements brought to our attention by Commissioner Smith this morning. I agreed to those statements because I feel that this is the best approach and this is not a slur against the department in every bit and in every flavour but a sound business like approach is the best in the long run and we will take it on with no regrets if we look at it sensibly and look it over very carefully before we accept it. Thank you Mr. Chairman.

Mr. Chairman: Mr. Taylor.

Mr. Taylor: I will resume the Chair. Mr. Chamberlist.

Mr. Chamberlist: Mr. Chairman, I make a habit of always looking at the last few lines of a Sessional Paper to find out what is being asked of us and in this case the last line is of some importance in this particular regard. It says the foregoing is submitted for your consideration and advice. In actual effect we are being asked whether we agree with the principle of taking over the fisheries as outlined in this particular session. Now, this is why I stood earlier and said that I would support the acceptance of the Sessional Paper notwithstanding the fact that I agreed that we don't sign agreements until we know what is in the agreement and I think we are going away from the area of discussion and the discussion should be whether or not we can give consideration or advice and pass this information on to the Commissioner. Now, it's quite clear and in Section 2 it was suggested there should be a formal agreement with the Department of Fisheries, etc., well obviously there should be a formal agreement. What we're saying in actual fact by accepting the Sessional Paper, we are saying that our advice is yes, we agree with the contents of the Paper that there should be a formal agreement and this is all we need to say. The rest of the items dealing with it is mostly housekeeping items on how the fisheries regulations are to apply to us here. Now, to get this into operation this year and I see no reason why we cannot do it is to have the existing regulations form part of the Yukon Territorial regulations until such time as we're able to study and send the specific set of regulations to the department but the idea is this I want the Members to see this particular point that we are being asked to give consideration and advice and I reiterate that I accept what we have been advised here in this Sessional Paper and that certainly we should have a formal agreement and before we actually enter into a formal agreement there should be consideration given to the contents of the agreement by the Territorial Council. Thank you Mr. Chairman.

Mr. Chairman: Just speaking from the Chair, I would draw the attention of Members of the Committee to the fact that Section 2 of this Paper outline the terms of this agreement. I think Section 2 is what you are talking about.

Mr. Chamberlist: Right.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I would like to ask a question of the Commissioner and I refer to Section 2, paragraphs C, D. Those two sections in particular. My question to the Commissioner would be in view of the fact that it does seem a little ambiguous to me, would those two particular sections also not be too definitive to him and require clarification.

Mr. Commissioner: As I understand it Mr. Chairman, Councillor Shaw is asking as to whether or not C, D, and E are clarified? I would say that they are not particularly clear and if you read the original paragraph here Mr. Chairman, I think you will see the terms and conditions under which the Territory assumes responsibility

Mr. Commissioner continued:
would, however, be set out in a Federal Order in Council. Its main term would be as follows and I would reasonably assume that there would be considerably more details gone into in these matters, in the actual agreement itself. This is simply, as I would grasp this, a synopsis of what those terms would actually be and there no doubt be considerably more detail made available in the total bank. Mr. Chairman, this would certainly be my understanding.

Mr. McKinnon: Mr. Chairman, I have a motion that the contents of Sessional Paper No. 29 may be agreed upon with the provisos that 1. An acceptable agreement with Department of Fisheries be concluded and 2. draft regulations be presented before Council for their approval.

Mr. Dumas: I second that motion.

Mr. Chairman: May I have a copy of the motion please? It has been moved by Councillor McKinnon, seconded by Councillor Dumas that the contents of Sessional Paper No. 29 be agreed upon with the proviso that 1. An acceptable agreement with the Department of Fisheries be concluded and 2. draft regulations be presented before Council for their approval. Any further discussion on the motion.

Mr. Chamberlist: Mr. Chairman, I would like to move an amendment to the motion and I would like to add at the end of it, during this Session.

Mr. McKinnon: Mr. Chairman, could we find out from the Administration whether this is at all possible.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: At this time Mr. Chairman, without some consultation I cannot

Mr. Chairman: I wonder, just another question. Have they assured us that the administration branch out of Ottawa will have the agreement and get it up here.

Mr. Commissioner: I do believe that Mr. Bolger is on the organization end of it and I believe he is to leave shortly, if he hasn't already left but I find that I can say at the moment that we proceed as promptly as possible to a firm commitment during this Session. I am sure Mr. Chairman in this and I have acknowledged it before.

Mr. Chairman: The question has been called.

All: Question.

Mr. Chairman: Agreed? Contrary? Carried.

MOTION
CARRIED

Mr. Livesey: I just want to ask one question before the gentlemen leave.

Mr. Chairman: Certainly, proceed.

Mr. Livesey: I wonder if Mr. Fitzgerald is aware of the fact that there was a Woodland Caribou hamstrung by wolves in the game reserve between the White River and the Donjek River last weekend and I would like to know if Mr. Fitzgerald had done anything about the elimination of the wolves in that area and if he knew about the situation.

SESSIONAL Mr. Fitzgerald: We had not been making any definite effort to cut
PAPER #29 back the wolf population in the Kluane Game Sanctuary as there was
no hunting in the Sanctuary. We felt that the wolves were serving
their natural purpose in that particular area. However, we had
taken a fair number of wolves in the Donjek area just recently and
I think there were nine wolves altogether within the last two weeks.
I think it was a week ago, yes, a week ago. Mr. Livesey we will
look into the matter further.

Mr. Livesey: Thank you Mr. Chairman.

Mr. Chairman: I would like to thank Mr. Summers and Mr. Fitzgerald
for their endeavours in this effort.

Mr. Summers and Mr. Fitzgerald left the Council Chambers

Mr. Chairman: Order please. I will declare recess at this time.

Thursday, March 21, 1968.

3:15 o'clock p.m.

Mr. Chairman: At this time I will call Committee back to order. BILL #8
We are discussing Bill No. 8, An Ordinance to Amend the Labour Ordinance. We have deferred Section 5 for consideration of the Legal Adviser for a re-draft I believe. Is there anything further on this section before we proceed? It's Section 5.

Mr. McKinnon: Mr. Chairman, I wonder if I could ask Mr. Legal Adviser, under Section 5, is there any provisions made for emergency purposes?

Mr. Chairman: That is Section 10, I believe deals with that.

Mr. Legal Adviser: Accident to machinery, equipment, plant or persons, and so on.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal Adviser can say whether the Canada Labour Code standards are going to in any way interfere with this legislation, or whether this legislation would interfere with the Canada Labour Standards.

Mr. Legal Adviser: The basic position is, Mr. Chairman, as far as I see it to be, the Canada Labour Code applies to the operations which are within the legislative competence of the Dominion of Canada, and this is an attempt to cover the business which are within the legislative competence of the Territorial Council. As such, they are attempting to cover, in similar terms, two different classes of business, and since the Canada Labour Standards will be operative for some of the business in the Territory, there's a lot to be said for our legislation running along parallel lines or else there will be two sets of labour standards operating in the Territory.

Mr. Chairman: Do I have it then, Mr. Legal Adviser, that you will be re-drafting Section 5 to account for those matters referred to, both in the briefs and the comments of the Members?

Mr. Legal Adviser: Before I re-draft this, Mr. Chairman, I'd like to get it fairly clear what exactly the wishes of Council are, and I would draw their attention to the fact that the existing legislation, in Section 3 of the Labour Standards Ordinance which is presently in force covers many of these matters. For instance, in Subsection 1 of Section 3 it says, "Subject to the Ordinance, no employer shall require or permit an employee to work in any day for more than eight hours, in any week for more than forty-four hours in the case of a shop, forty-eight hours in the case of any other employee." Section 5 is taken from this. Then the exceptions are in Subsection 2. It doesn't apply to an employee who is a member of the family of the employer, a person employed searching for minerals, a travelling salesman, a person whose duties are those of a supervisory character, and a person who performs only custodial or maintenance duties. So, the exceptions to the maximum hours are wider in the new ordinance but apart to that there is very little change.

Mr. Dumas: In fact then what's been happening then is that this section has been ignored over the years, because I certainly know of many establishments who work their employees forty-eight or sixty hours a week and longer than eight hours a day in many areas. So, you're suggesting that we leave the hours of work just about the same as it is only broaden it a little. What will we do then, continue to ignore the fact that it's being...

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Mr. Legal Adviser: I'm not aware that the law is being ignored, in fact, it is my information that the law is being obeyed at the present time, but people are able to make exceptions under the existing law. By Subsection 3, it says, "Notwithstanding subsection 1, an employer may require or permit an employee other than an employee engaged in mining operations to be at his disposal during any day or week for more than the hours that are provided if he pays such employee during the hours in excess of those provided for at the rate of not less than one and a half times the regular rate of wages at which the employee is employed." And then it goes on, "Notwithstanding anything in this section, with the consent of representatives elected by employees who work in shifts in mining operations, an employer engaged in mining operations may, in order to facilitate the arrangement of rotation of shifts, require such employees to work or be at his disposal for more than eight hours in a day without paying such employee as provided for in this section unless the average number of hours over a period of four weeks exceeds eight hours per day." This is the law which is presently in force.

Mr. Chairman: I might ask, is that an amendment or is that....

Mr. Legal Adviser: This is a substance of law which has been in operation for very many years in the Territory.

Mr. Chairman: I believe that has been since amended, since the consolidation.

Mr. Legal Adviser: The ordinance has been amended in 1962 First in several other sections but this particular section has not been amended as far as I know.

Mr. Dumas: Just supplementary, I'd like to say that it has been ignored all over the Territory.

Mr. Chamberlist: Mr. Chairman, I must follow up the question I asked before and I refer to the Canada Labour Standards Code. It was assented to by the other half, other place, on the eighteenth of March, 1965, and it gives a definition of what federal work is. I'll explain why I'm asking this question, because where a federal work is involved and a contracting company carries out work on a federal work, is it the Canada Labour Code that applies or will our labour legislation apply, because, it appears to me on face value, and I thought perhaps Mr. Legal Adviser would like to study this particular thing, that in the interpretation section it refers to a federal work, undertaking or business means a work, undertaking or business referred to in Subsection 1 of Section 3 other than a work, undertaking or business of a local or private nature in the Yukon Territory or the Northwest Territories. And then, Section 3, which gives the application of the Act says again that this Act applies to and in respect of employees who are employed on or connected with any work, undertaking or business that is within the legislative authority of the Parliament of Canada, excluding any work, undertaking or business of a local or private nature in the Yukon Territory or the Northwest Territories. Then in Subsection 2 of Section....rather, I beg your pardon, in Subsection 3(i) it says again, any work, undertaking or business outside the exclusive legislative authority of provincial legislation. Now, I wonder if Mr. Legal Adviser should perhaps study it. I'm a little bit confused and perhaps you can take it at your leisure, because it does seem that there seems to be a conflict just on that particular point between federal work, that if a federal job takes place up here it appears, on face value, that the Federal Government are responsible then, or rather the people that are responsible under the Canada Code because it happens to be a federal project. It seems to exclude the territories for this purpose.

Mr. Legal Adviser: There's not much point in explaining it in relation to one work alone. It's basically a question of classes. The Parliament of Canada has got legislative competence over the Yukon and Northwest Territories, not by virtue of the British North America Act but by virtue of legislation of the Dominion Parliament in Westminster and by an Order in Council made by the Queen in, I think it was approximately 1871 or 1872 which transferred to the Government of Canada the power to make laws for the good government of all of Canada included in an area which presently includes the Yukon Territory. So, the expression, within the legislative competence of the Parliament of Canada, includes the Yukon, but does not include any of the provinces because the provinces have exclusive jurisdiction in certain fields by virtue of the British North America Act of 1867 and was applied to some of the provinces in 1905. So, when they use the expression in a federal act, within the legislative competence of the Parliament of Canada, they would include certain types of operations such as railways and communications, which are common to all the provinces, and all works within the Yukon and the Northwest Territories. It's necessary in drafting when you're dealing with a class of operation to specifically mention the Yukon Territory in order to exclude it, because if you merely say, except such works as are within the legislative competence of the provinces, then you are not dealing with local and private acts in the Yukon Territory. So, this particular form of drafting must be adopted by the federal legislation. The basic net position is that if the Federal Parliament wishes to make laws dealing with every form of operation in the Yukon it has legislative competence to do it, but it does not necessarily wish to use this power and because, in the Yukon Act, it has delegated certain types of legislative competence to this Council among which are local and private works, then we have joint legislative competence with the Parliament of Canada in respect to those matters. But, this applies only here and in the Northwest Territories and not to the provinces. There's no joint works in the provinces, only here, so that if we make a decision here we have power to do it. If Canada wishes to make legislation here, it has power to do it. But, they have attempted, in their overall Labour Standards Ordinance, to allow us to use the power given to us in the Yukon Act and not use the powers that are vested in them by the Order in Council of 1871 and the acts of the temporary government of Manitoba, or not Manitoba, Rupert's Land and the Northwest Territories of 1870/71. I'm not sure whether this makes our position any clearer.

Mr. Chamberlist: I think Mr. Legal Adviser has clarified one point in my mind. I wonder, Mr. Chairman, if he could answer, in view of what he has said, and I'm thinking in terms of a labour union at some later date might say, we don't have to follow your labour legislation because we are working on a federal project and therefore are subject to the federal labour legislation. This is the point that I wanted to make on that.

Mr. Commissioner: Could I ask a question, Mr. Chairman?

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: I think what the question is here then is what is looked upon as a local work. Now, I think this came up here once before and it seems to me that it was just a Session or two ago that this question of what was looked upon as a local work, and if memory serves me correctly, at that time we were told that although a federal contract might be let for something to be done within the confines of the Yukon Territory, that although it was a federal contract it was a local work as far as our laws were concerned. I think that this became involved in a licencing situation. I don't think it had anything to do with labour, and perhaps if we could have Mr. Legal Adviser, Mr. Chairman, just to bring us up to date on this, I think this might answer the question.

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Mr. Legal Adviser: There will be certain areas where there will be doubt as to whether the particular working people in a particular project will come under the Canada Act or under our act. Each one will have to be dealt with on its merits, and when you get into this grey area as to which line you're on or which line you're crossing then each case has to be examined separately. But, taking it by enlarge, every work in operation here will come under either the Canada law or our law. Now, it is for that reason that the Administration attempted so far as it was possible to have our laws running exactly in line with the Canada laws, so that whether or not a particular piece of work was being done in accordance with our labour standards or the Canada federal labour standards, it will not make much difference to the people on the job or the people who are in charge of the job. There will definitely be grey areas, but the vast numbers of operations will be fairly clear. It's a case of applying the law to the facts of an individual case. You might get the situations where a railway company, which is clearly federal, had some kind of a subcontracting job which in itself would come under our laws. So, there might be a grey area to it when working on a railway or working on a street. If the local manager of the C.N.R. were to build himself a house, a lot might depend on who was commissioning the house, whether it was the railway company that was building it as part of the station or whether the manager was building a private house to dwell in. This case would have to be examined clear on its merits. You'd have to get the facts and look at it and then come to a decision as best you could, and if you were in doubt, this is what courts are for. So, it's difficult for me in advance to predict every single problem that is going to arise in the application of this legislation. All we can say is that we will do our best to lay down general guide lines and when each problem comes up to be examined, someone will make a guess at the solution, and we hope the guess will be right.

Mr. Chairman: Will there be anything further on item 5?

Mr. Shaw: I have a question, Mr. Chairman. I would like to direct this to the Commissioner, Mr. Chairman, Now, Section 5, in the matter of working eight hours a day. I can understand having forty-eight hours a week because beyond that we run into time and a half overtime and that's quite understandable. It's quite understandable where persons in certain hazardous occupations or occupations that require a person to be very much awake, that eight hours would be the maximum for a day's work. The fact that in all occupation that it is necessary to get permission from the Administration to work more than eight hours a day, I wondering, from the Administration's view point, Mr. Chairman, if the Commissioner could properly explain why it would be necessary to go to all the paper work...it makes a great deal more work for all concerned.... to ask that a person get permission from time to time to do this. Why is this a necessity? What is the reason?

Mr. Commissioner: Mr. Chairman, I think that I will have to ask, after I have said a word here, that the Legal Adviser further explain this, but, in the first instance, if you don't have some mechanical means of giving effect to the law, there isn't really much point to having the law, and the whole idea of labour standards is to try to bring our methods of dealing with people who are working for wages, to bring the conditions under which they work here in the Yukon into some reasonable parallel situation with what they would find in similar conditions in the provinces. Now, with regard to why this would be necessary, or what the intent of the legislation is in the first instance here, Mr. Chairman, I would like to ask if the Legal Adviser would be permitted to answer this aspect of it, but the generalization is to try to bring our standards into some reasonable parallel situation with your Canada Labour Standards and with those conditions which already exist in the provinces.

Mr. Legal Adviser: The basic scheme, Mr. Chairman, of the legis- BILL #8
lation is that you lay down a flat number of hours per week which
will be permitted, and you do that in Section 5. You provide a
list which is the first list of eight sections which do not apply
here at all, and they are, people who search for minerals, travel-
ling salesmen, domestic servants, farm labourers, and so on, and
there's no particular objection to that list being amended by the
wishes of the Members of this Council. Now, having done that in
Section 5, then the Commissioner will establish a Board, an
Advisory Board, and the intention is that where any class, such as
the class represented in the Council Committee by Mr. Nielsen is
concerned, that they would come in and show to the Board that in
their opinion it was necessary to increase the hours, say in the
summer, to sixty hours per week, as a class, as builder's operations.
It might be that the surveyors might need the same thing. Then
the Board would make orders, and they would make an order that the
standard hours of work of any person or class thereof employed
upon or in connection with that establishment or class, which
covers a multitude, shall be increased. But, before a recommendation
is made to the Commissioner by the Board, the Board shall consider
(a) the nature of the establishment or the class, (b) the conditions
of employment, and (c) the welfare of the employees. So, if the
representations that were made to the Council were made to the
Board, one would venture to suggest that the Board, having heard
what was to be offered, and the Board would be composed of people
who live and work in the Yukon, and the probability is that there
would be one or more business people on the Board, one or more
possibly members of the trades union or people who would be affected
by such an order on the Board possibly or appearing before the Board,
so then the Commissioner would get a recommendation and would make
his order accordingly, and he would do that for the whole of the
industry or for that particular establishment or a particular trade.
Then, in Section 7, the Commissioner has power to average hours of
work, and that is that he would, in the oil industry for instance,
it might be that the drillers or tool pushers might need to work
on an eight hour shift, night and day, depending on how the operation
was organized, continuously up to six weeks at a time, and this is
what happens in that particular industry. But, then the nature
of the order would be that any person who worked this tremendous
number of hours for a certain number of weeks...it might be six
weeks...must be sent on leave and then would catch up on the leave
which was due to him, and this is the way this industry is organized.
If a rig is set up on the edge of the Arctic coast, then the men
do not necessarily want either overtime, they don't necessarily want
to be off on Sundays and Saturdays and so forth, they want to save
it up to come back to Whitehorse to be with their families. And,
the order made by the Commissioner would, in accordance I would
anticipate, in accordance with the standard practice of the trade,
and having regard to what would happen in a similar trade in Alberta
or British Columbia, would make a suitable order which would satisfy
both the employers and the employees, and each class will be judged
by that. Instead of having enshrined then a particular exception
as permanent legislation, it will remain from season to season or
year to year. The hours might increase or the hours might change
and the rates of pay and everything has to be paid in compensation,
might change. The general idea is that both the Canada legislation
and the Territorial legislation would move in step, and part of
the purpose of this legislation is to ensure that the type of fly-
by-night operation which will work people for sixty hours a week
and then occasionally disappear without paying them will not be
able to compete unfairly with the bigger employers or different
types of employers who are forced to employ trade union labour
which has a trade union to back it up and would force them to pay
higher rates for shorter hours, and then there would be fair com-
petition between everybody and no exploitation of the particular
worker who is involved who very often cannot speak for himself.

BILL #8 Mr. Legal Adviser continued:

It is for this reason that I would urge the Committee to think hard about changing the particular pattern by individual changes rather than take the pattern as a whole and deal with it in some organized schedule or fashion.

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

Mr. Chamberlist: Yes.

Mr. Taylor: Well, Mr. Chairman, in relation to this section, I think that first of all if we start categorically causing people to go before Review Boards in order that they may extend their working hours a week, I don't think we have enough money to administrate this to be honest with you. I don't know where we could find the people with which to, as I say, administrate this particular thing, because when you think about it what we're trying to do is stay as closely as possible to the Canada Labour Code but we're sitting with a kind of a peculiar situation here, climatically and otherwise. Now, during the summer months there's a great deal of work done on construction projects in remote or semi-remote areas and these involve roads, bridging and this type of thing. Now, certainly labour unions are becoming more involved as we've seen here in this last year, but indeed many people would like to work, more than eight hours a day, they want to work ten hours a day or maybe even more. You can go into categories of cooks or a waitress or we've got cat-skinners. They don't want to be restricted down to forty hours a week or eight hours a day during that summer period because what do they do for the balance of the day....sit in the bunkhouse and do nothing when they wish to be out working, and I'm sure that the contractor or the person who is causing this work to be done would also want to see the job concluded in the building season. You've got fallers, and people working in saw-mills. These people like to keep active and like to keep earning and working. You've got truck drivers, carpenters, and all these people who are essential in the construction industry in the North. It seems to me that the problem of course lies in Subsection 3 of Section 5. I feel it's too rigid as do most of the people who submitted briefs to the Select Committee on Labour who studied this matter. I think some other form has got to be found to deal with this section rather than submitting these people to a Board for approval to work their employees for these reasons and the reasons specified by those giving the briefs.

Mr. Dumas: Mr. Chairman, I wanted to emphasize a point already made by the Honourable Member from Watson Lake and remind this Committee that every brief we received, every brief, was opposed to this section, and this is from unions and from management alike. Surely if we are going to ask these people for briefs we must at least pay heed to what they say, and they're unanimous in their disapproval of this section. I was labouring under the apparent misapprehension that there was a new draft of this section going to be placed before us as a result of our discussions last day on that.

Mr. Taylor: Mr. Chairman, I wonder if, before we carry on, I could ask the Commissioner if he could conceive of any other way that we could approach this problem than the one we are now approaching in light of the odd circumstances or the individual circumstances the Yukon finds itself in as I have described.

Mr. Commissioner: Mr. Chairman, the basic idea here would be to give exemption on industry wide type basis. In other words, the representations from the....I'm sorry the name escapes me....the group of people, the builder's exchange, for example, this is the construction industry that I would assume that this would be

Mr. Commissioner continued:

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representative of, and the idea would be to give exemption to this industry as an industry. In other words, each employer in the industry would not have to make separate application for this, and the same situation would apply to the mining industry if it was the wish of the mining industry to have exemption from this. This is the manner in which the exemption would be granted. There certainly would be no great mass of individual applications having to be dealt with here, Mr. Chairman.

Mr. Taylor: Well, Mr. Chairman, respectfully, this is what I point out, that this can't work because, say we exclude these two industries, well, certainly we've got to exclude people who are working directly in the bush, in mining or exploration, but by the same token what about the forest products industry, the sawmills, what about the truckdrivers and things like this. It's just unworkable to say we'll exclude the building trades and we'll exclude this. We've got to come up with some answer which will take us right across the board in this thing. It has been stated that someone might abuse the act. Well, if we make this act so rigid that nobody can abuse it then it's going to be completely unworkable. This is why I ask, is there no one that could come up with an idea short of wiping this out completely, this Subsection 3, which would alleviate this problem because I can't see this approach that we're taking now as being a workable approach, both physically nor administratively, I really can't.

Mr. Chairman: Councillor Shaw.

Mr. Taylor: I've got a question to Mr. Commissioner.

Mr. Chairman: Mr. Commissioner.

Mr. Commissioner: Mr. Chairman, let me assure you that this particular type of thing is being worked in most other jurisdictions of Canada without difficulty, and I would also remind Committee that while we have peculiar circumstances here with regard to climate, remember that the northern parts of the provinces that are on our immediate southern borders have basically the same problems. The whole idea is just the same as the minimum wage. I mean, unless you were going to have something definable in the ordinance to which you can hang your hat, the whole concept of the thing is completely and utterly demolished. Now, Mr. Chairman has had probably more experience in contracting type business than any of the rest of us here and I'm sure that he would agree with me that this concept and this method of dealing with this is certainly not unworkable in other jurisdictions in which the very people with which we were speaking with here the other day find themselves operating in.

Mr. Taylor: Just one point, Mr. Chairman, is that, as I say, if you exempt those people who should properly be exempted, you haven't got anybody left.

Mr. Chairman: Would you like to comment on that, Mr. Commissioner?

Mr. Commissioner: Mr. Chairman, this is not so. The number of people that are employed in the Territory in service type employment, and by service I mean the service industry in general. At the present time, while I don't have the figures available immediately to me, it's certainly a very, very considerable number of people, and they are, basically speaking, the very people that you are wishing to protect.

Mr. Chairman: Order, order, please.

BILL #8 Mr. Taylor: I'm just replying to Mr. Commissioner, Mr. Chairman.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Thank you, Mr. Chairman. That's what I was wondering, Mr. Chairman. I can see where this would be quite effective we'll say at this particular time of year and of course there are exceptions to that, but mostly people are working at a steady job. However, when we come to the summer time, which is the time most of the activity takes place, then there must be exemptions. So, it would appear to me that the outfitting and game guiding department, they would require an extension. So, that's that. The construction industry, they would require an extension for the summer time. The mining, they would require an extension in the summer time. The forest products, they would require an extension in the summer time. The tourist services would also require an extension in the summer time. So, I'm just wondering, Mr. Chairman, what you have left....

Mr. Chairman: Order, order, please.

Mr. Shaw:except perhaps the government and stores that are operating twelve months out of the year, so that you are creating, you are getting all these people where you're going to have to make an exemption to all the people but a few. I'd like the Commissioner to answer that.

Mr. Commissioner: Mr. Chairman, let me put this in reverse if I may. Could I suggest that possibly 25% of our labour force is unionized, 75% is not. I can't verify these figures, but let us use this. If we don't have some legislation along these lines to, literally speaking, protect the position of those people who do not have the benefit of trade union representation, the person who is employing union labour is going to find himself at such a fantastic disadvantage competing along side the man who has a union contract that, literally speaking, they're simply not going to be in the same world as far as their ability to operate is concerned. This is simply the converse of what you are suggesting here.

Mr. Livesey: Thank you, Mr. Chairman. An essential difference I see in the legislation, between the old legislation and the new, is that the old legislation drew a dividing line between normal hours of work and overtime, and the new legislation draws a dividing line to the extent that only a minimum number of hours can be worked at any one period of time. Now, I can assure the Committee, Mr. Chairman, that where I have knowledge and experience in this particular regard, sometimes in an operation two or three hundred miles from Whitehorse at ten o'clock you have five employees and at eleven o'clock you have none. You've got to fly back to Whitehorse and get more people out from here. Sometimes the employees come out from Vancouver and all those other places and they don't have to stay for any length of time at all. I would like to know how a big hotel for instance, with the normal complement of twenty-five to thirty employees, three or four hundred miles...at least three hundred miles from Whitehorse, where you cannot hold the employees to the job and they can quite at any time, if some circumstance comes up at ten o'clock in the morning where two or three agreed amongst themselves that they've been abused or something and walk off the job, how do you continue to get this extra work done if you have to abide by a restriction. This restriction would limit your operation. You just simply would not be able to provide the services, and as some of these service organizations operate for twenty-four hours a day, not only holding employees in these outlying districts is difficult at any time of the year, more so in the winter time than it is in the summer time, but the very fact that there is nothing to prevent anyone from commencing employment

Mr. Livesey continued:

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or relieving themselves of being employed on no notice whatsoever. I know in a number of instances businesses are inclined to operate on this basis and have done for a considerable period of time. So, I don't quite understand how this limitation is going to increase the type of service that is required. I can't see it.

Mr. Legal Adviser: Mr. Chairman, this is provided for in Section 10, Subsection (c). The standard hours of work may be exceeded in cases of unforeseen or unpreventable circumstances to the extent necessary to prevent serious interference with the ordinary working of the establishment. In the case suggested by the Honourable Member where there might be a walk-out in a hotel, say, and the hotel had to keep going on a short staff, then they do the best they can and they can work twenty-four hours a day if they feel inclined. There's a specific exception for that type of thing in the Ordinance. The only thing is that as the Ordinance stands it should be reported within a month to the labour officer.

Mr. Livesey: Well, Mr. Chairman, how about, for instance, days off and irregular days off, and sometimes when employees out in these outlying areas have done so many hours of work, why, they don't see the efficiencies coming there and they give them some time off to go elsewhere there's a fight...during the summer time. This is not on a regular basis, it comes at an irregular time, in fact, there's no specific time at all that you can say when these things will occur. What I'm aiming at is trying to prevent restriction during the peak period of the working year when a good many of these companies can only reap the benefit of their investment during a short period of time, mostly in the summer time.

Mr. Legal Adviser: I'm not sure exactly what the question is. It is basic law I think in every part of Canada that an employing company or employer should not be able to make unjustifiable profits at the expense of his employees, and if a man wants to force his employees to work sixty hours a week, well then he should be prevented from it. But, if it happens to be a genuine case in that industry, well then, in common with the other people, he can make a case to the Board and they will say, all right, for three months we'll average his hours and run the average number of hours over a period of six months and then they can work sixty hours a week in the summer time and average it out over the non-busy period if that's what they wish.

Mr. Taylor: It's not my intention to take up everybody's time on such a minor matter here so all I'll say is this, that without the exclusion of pretty well all forms of labour except those included in government and those included in collective bargaining by unions, which leaves us nobody else, I can't see how this thing will work. I will change my opinion in the Bill and I will vote contrary to this Bill until this is amended or changed. That's it.

Mr. McKinnon: Mr. Chairman, to me Section 10 (c) is a further weakness of the Bill. It's a lovely sounding paragraph. It says that the standard hours of work may be exceeded in unforeseen or unpreventable circumstances but only to the extent necessary to prevent serious interference with the ordinary working of the industrial establishment. Now, this could be a catch-all phrase that anybody could circumvent the intent of the Ordinance under this section. There is nothing in any section that says how this is going to be interpreted or how it is going to be enforced, so any employer, under Section 10 (c), could allow his employees to work any amount of overtime and then say that he fell under the category of Section 10 (c). Where would this be interpreted and where would the impositions come that prevent them from doing it?

BILL #8 Mr. Legal Adviser: In the event of a charge being laid if somebody attempts to abuse the Ordinance, I would anticipate the labour officer would prosecute him, and it would be up to him to explain to the magistrate that the circumstances under which he forced his employees to work were unforeseen or unpreventable. If he proved that something happened, a boiler burst or something, it was unforeseen or unpreventable, then that's fine. If he doesn't satisfy the magistrate with the truth of what his story is, then he will be convicted. We must leave the courts some work to interpret the Ordinance because it's a question of fact.

Mr. McKinnon: Mr. Chairman, it seems to me that here we're faced with a section that is mutually discriminatory. It's discriminatory to the employer and it's discriminatory to the employee. Both labour and management have expressed dissatisfaction with Section 5 as it now stands, and I can see the point to it. I don't think there's anyone at the Council Table that has worked in the bush more in the summer than I have, and I wouldn't have been there if I couldn't have worked sixty hours or more in the industries in which I was engaged, and no one else on the jobs that I was on would have been there either if they couldn't have. You're not benefiting either side. Both object to it, and yet we don't seem to be able to come out with anything satisfactory to be able to meet the objections that both labour and management have to this clause, and they have very real objections. I can see their objections. I think where it was left, under Section 3, Subsection 3, of the old Ordinance, where it was an arrangement between the employer and the employee that if he wanted to exceed the forty-eight hours of work he could and would be paid at time and a half. The failing of the old section of the Labour Provisions Ordinance was that there was no enforcement qualification to it. I think that Section 3, Subsection 3 of the old Ordinance, with some enforcement clause and some clause whereby this management had to report to the Commissioner if they were so requested as to the overtime hours worked and the reasons for it, that this would probably be a step in the right direction. But, Section 5 as it now stands is objectionable to everybody and I can see the reasons for the objections yet we don't seem to be able to come with anything to cure it.

Mr. Taylor: I just had a question I wish to ask. If we embarked on this thing, how big a Board...I believe this is a three man Board if I'm not mistaken, and where are we going to find the money to pay this Board, because it will certainly have to sit on a daily basis.

Mr. Chairman: From the Chair, dealing with the Board comes in the next section which is Section 6, and I would suggest that we confine our remarks to Section 5.

Mr. Taylor: Just for the clarification of Mr. Chairman, I think you'll note that it refers also to Section 5 and what we are talking about.

Mr. Chairman: I can't find it, Councillor Taylor. Councillor Dumas.

Mr. Dumas: Mr. Chairman, it seems to me that just about all of the Councillors are agreed on this and all of the submissions are agreed on it and I wonder if the Legal Adviser couldn't be asked to re-arrange this section in such a way that it will be satisfactory to Council.

Mr. Legal Adviser: It's not easy to arrange this satisfactorily, Mr. Chairman. There's more to it than this. I apologize for seeming to sort of tell Council what they should do. But, the difficulty is, this Bill is presented by the Administration and it's presented after consultation and study of pallel legislation. Now, while

Mr. Legal Adviser continued:

I don't wish to let the Members think they have no right to change this, nevertheless, I feel unless we can get a clear statement of what the Members wish, you see, if they want to lengthen the hours of work or if they want to eliminate it entirely or they want to take out the permissive sections of 6 and 7. It's not easy to draft amendments in vacuole, as you might say. It's different from an ordinary small amendment. I take it that what the Members want is to concede the matters which were raised on some of the briefs, but not on all the briefs because the trade union representatives spoke quite out of the....the trade unions have agreements that they will only work thirty-seven and a half hours a week or forty hours as the case might be. The trade unions weren't particularly concerned. The employers who came before the Board, in fact, my recollection is that Mr. Choate and the man from Cassiar Asbestos both pointed out that they do not exceed these number of hours of work for any of their employees except in an emergency where a man is sent....I think the instance was given where a man is sent to an outlying place to do a job of repair on a transformer and will wish to work ten, twelve or sixteen hours rather than stay overnight in Carmacks, because apparently there's something wrong with Carmacks.

Mr. Chairman: Order, please. Order.

Mr. Legal Adviser: None of the employers themselves in fact wished to take advantage of this section. The opinions that were expressed were that other people, not me, want to exceed. The members of the builders' exchange made the point that during the season, the building season, they would want to be exempted as a group from this particular provision and this is what was put in in their written submission. The counsel that appeared for them didn't deal with this point. His point was almost entirely dealing with the right of inspection of the books of a person to see whether in fact he was paying overtime wages to his staff or not. So, if we could get some definite direction from the Council as to what their wishes are in this matter, it will then be possible to come forward with an amendment, and then it would come before the Council, either as a proposal of the Administration accepting the wishes of Council or as the wishes of the private Members to amend the particular legislation that has been proposed.

Mr. Shaw: Mr. Chairman, I would like to give my version of this. This particular Bill we are studying is primarily to prevent abuse of labour. It has some sort of a standard. Now, a person works eight hours a day and we put that down as a day's work, forty-eight hours a week as a week's work. I would feel that if any Ordinance we had that over forty-eight hours overtime should be paid, over eight hours a day overtime should be paid or over forty-eight hours a week overtime should be paid, then I don't think any person is getting abused when they're getting additional money for additional services rendered. The employer, well, if he wishes to work additional hours, then as stated, he is going to have to pay for that. So, it seems fairly obvious that unless it is necessary he won't work the additional hours. I would ask the Legal Adviser, Mr. Chairman, if it would be hard to construct the Ordinance to the effect that if more than eight hours a day was worked that overtime had to be paid, or more than forty-eight hours a week overtime was paid. Would that not serve the purpose that is intended by the way this Ordinance is constructed at the present time?

Mr. Chairman: Mr. Legal Adviser, would you like to comment?

Mr. Legal Adviser: There's no difficulty in this. The difficulty appears to centre on Subsection 3 of Section 5, which is that subject to this part, no employer shall cause or permit an employee to work in excess to the standard hours of work. And then, to take

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Mr. Legal Adviser continued:

away from the compulsory nature of this, Section 6 and Section 7 and Section 8 allow the Board, or the Commissioner on the advice of the Board, to grant exemptions to industries or firms and to permit in some of them averaging hours of work and to permit certain types of scheduling of Sundays and so on. If the compulsory nature of Subsection 3 is taken out, there seems precious little use in having a Board granting exemptions because the compulsion has gone. It then becomes a question that any employer can cause any employee to work any number of hours that the employer wishes during the week providing he can get the employee to agree to this. It then becomes no standard. The only penalty then is the fact that the employer must pay overtime to the person who so works.

Mr. Shaw: Mr. Chairman, a supplementary question. What would be wrong with an agreement such as that. If you worked over eight hours a day you get paid overtime....is something wrong with that? Is it exploitation? Perhaps the Commissioner would care to answer that, Mr. Chairman.

Mr. Commissioner: Well, Mr. Chairman, what you have here now is you're setting a standard and then permissiveness is required to go beyond that standard, and if you do not have that, if you simply write this in that where an employee works beyond eight hours or forty hours, whatever the case may be, if the employee doesn't want to work beyond this point then this can be cause for a discharge. You are removing the....all that you are saying is that an employer can require an employee to work x number of hours at all. It doesn't matter how many he works as long as after eight hours he pays him time and a half. Perhaps the employee doesn't want to work beyond eight hours no matter what he's getting paid. Maybe he finds by getting time and a half beyond eight hours that ninety percent of it goes to the income tax department. Maybe he doesn't want to support the Federal Government to this extent. He has no option at this point.

Mr. Chairman: Any further discussion?

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

Mr. Chamberlist: Mr. Chairman, my reaction is exactly the same as it was the other day. Section 5 is a section that should not be in in the manner in which it is written, and above all I object to governing by regulation instead of by legislation. I think that we should say clearly in legislation what the intention is, and I would also respectfully point out to the Administration, Mr. Chairman, that the need for us to legislate is paramount to the need for the Administration to regulate, and I think this is the important thing that applies here. In Section 5 (1), if the reference was to the normal working hours, and in Section 2 the beginning should read, the normal working hours of an employee, then there is latitude for putting in a part that would say indeed that the hours above that number of hours are beyond normal working hours. Now, it would appear to me in any event, and I've come across very, very few people who employ people in the Territory or anywhere else who are placed in the automatic position with a piece of legislation like this of having not to comply with the law, and having to get people to work longer because they have got to get their particular jobs done and the people want to work. Now, it's because the people want to work because, as other Members have already said, both sides of labour, the labour side themselves, the employers themselves, have pointed out that in their opinion this is not satisfactory, and because both sides have agreed to this we don't even have to arbitrate in this matter, we should accept this and then go along with what is required of them. Now, the Honourable Member from Whitehorse North pointed out Section 10 but he didn't go far enough

Mr. Chamberlist continued:
because in Section 10 (2) the employer has to report where extra work is being carried out. He has to report if the Commissioner or the Administration says, what extra work have you done. So, there you are, you have to fill our reports again. Now, some reference have been made to a Board, and I'm not going to talk on this Board now until we come to the next section, but I am in total agreement with what the Honourable Member from Watson Lake has said, that if you start making regulations to exempt every different type of employee you will find that the legislation itself becomes redundant and the regulations take over, because now you have government by regulation and it doesn't matter one piece at all, not one iota what is said in that section because the regulations have been made. So, I will not in any way, and I'm going to use the exact words if I can, if I can recall, of what the Honourable Member of Watson Lake has said, I would not support this legislation if the Administration are going to insist that this Section 5 be in as is, because it does nothing at all but destroy the principle of us who are legislators being able to legislate while the Administration are able to over-ride the legislation by making their own regulations, and we don't have to pass those regulations. That's my particular stand on it. What I suggest at this time, Mr. Chairman, that we continue with the other sections leaving number 5 in abeyance for review by the Administration.

Mr. Chairman: I believe the Legal Adviser would like some direction as to what to do if there is an amendment to be made, what amendment should be made, and this is what we are attempting to resolve in the first instance.

Mr. McKinnon: Mr. Chairman, could I suggest that we do proceed as we certainly aren't going to come up with an amendment at this time and place right now. We're certainly going to have to get together and argue this point out and come up with something with a consensus of Committee or Council or caucus as to what we will present to the Administration as guide-lines for the drafting of Section 5. I don't see how it can be done here at this Committee Table this afternoon. It's impossible.

Mr. Chamberlist: I concur with that thought, Mr. Chairman. This is perhaps the best bet.

Mr. Chairman: I have noted Section 4 and Section 5 for deferral. Section 6. (Reads Section 6 of Bill No. 8) Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, the first thing that I would like to comment on is, I note in the marginal comment it says, Commissioner may increase standard hours, and then when you read the body of that section, it says the Commissioner shall increase the standard hours. I wonder if Mr. Legal Adviser would like to say which is the correct thing.

Mr. Legal Adviser: There is no conflict and this is a phantom objection. What the Commissioner does is, he, on the recommendation, he shall order a standard of work thereof be increased and then it shall be increased when he orders it. In other words, he takes the opinion of the Board and carries it out.

Mr. Chamberlist: I take it, Mr. Chairman, that, in other words, he may not, he cannot say that he will not increase the standard thing, he shall increase it. This is mandatory. Now, this is a good question that I think is a good question here. I notice that there are certain things that this Advisory Board will do and this Advisory Board is established under Subsection 1 of Section 47. I take it that this Board is not an Administrative function. Is this a judicial function that will be performed here, Mr. Legal Adviser?

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Mr. Legal Adviser: It will be a quasi-judicial function because the Board shall consider certain things and therefore it must consider these things, and this is one of the functions of a court or a judge. In other words, Mr. Chairman, this particular Board will be subject to certiorari.

Mr. Chamberlist: I take it, Mr. Chairman, that Mr. Legal Adviser sees a difference between Boards that are set up under ordinance and another difference between a Board that is set up under another ordinance. I wonder, Mr. Chairman, if Mr. Legal Adviser has some policy that can be dealt with in giving legal advice as to whether all reference to the same matter is the same legal opinion.

Mr. Chairman: Is this in relation to the Liquor Ordinance or the Labour Ordinance?

Mr. Chamberlist: This is in relation to this particular Ordinance because it's got to be applicable.

Mr. Chairman: In relation to the Labour Ordinance, Mr. Legal Adviser, and the Labour Ordinance only, could you answer that?

Mr. Legal Adviser: What is the question?

Mr. Chamberlist: Every now and again, Mr. Chairman, some things fall on deaf ears and I'll accept it that.

Mr. Chairman: In order to get back to this piece of legislation, would you continue, Mr. Shaw?

Mr. Shaw: Yes. Now, it appears that, with all due respect, we have at the present moment a Board of seven in on this Labour Provisions Ordinance who are...

Mr. Commissioner: Where's this?

Mr. Chairman: Order, please.

Mr. Shaw: Mr. Chairman, I'm referring to the Council, Committee of Council. This Board, and we'll use this term to fit in, the object is to say that a man should not work anymore than eight hours. So, after this Board of seven has passed that ruling, then later on we get a Board of three who will make a different ruling in respect to that. They can say, well so and so can work. So that, we're getting a lot of Boards all right.

Mr. Chairman: Is there anything further in Section 3...or 6, pardon me?

Mr. Livesey: Mr. Chairman, 6, 7 and 8 are correlated....

Mr. Chairman: May I have that again, please?

Mr. Livesey: 6, 7 and 8 are correlated and I think also 9 and 10 are included as well.

Mr. Chairman: This is correct, but are we now clear on Section 6?

Mr. McKinnon: No, Mr. Chairman.

Mr. Chairman: Will you proceed.

Mr. McKinnon: Mr. Chairman, I suggest that Sections 5 to 10 are going to have to be reviewed at another time and another place than this Council in this Committee meeting this afternoon.

Mr. Chairman: I believe this is the meat of the Ordinance. If you are not prepared to discuss this, why you might as well throw out your Ordinance. I'm at your direction, and if you wish to proceed, I shall proceed. BILL #8

Mr. Shaw: Mr. Chairman, in respect to this particular section that we seem to be having some difficulty with, Committee seems to be fairly....they seem to know pretty well what they want. I would ask the Legal Adviser, Mr. Chairman, what would be the objections to having the same type of protection in this new Ordinance on similar lines as was contained in the section pertaining to it in the present Labour Provisions Ordinance?

Mr. Legal Adviser: There's a difference in style of operation rather than anything else, Mr. Chairman. This particular Ordinance and these sections, as Councillor McKinnon correctly points out, that Sections 5 to 10 are the meat of this Ordinance, and the scheme here is that you have a standard hour per day and a standard hour per week laid down. You set up an Advisory Board to advise the Commissioner. Then, the exceptions, whenever a person can make a case, are then listed out, in addition to the exceptions provided for in Section 5. The alternative is to have no compulsion at all about hours of work, just to have overtime paid for hours over the standard working hours, and in that case you don't need an Advisory Board, you don't need any regulations of that nature, you don't need any averaging, you don't need any scheduling. All you need is a section saying, whenever an employee works more than a certain number of hours, he shall be paid overtime pay. We already have this in force.

Mr. Chamberlist: Is there anything working wrong in this particular matter?

Mr. Commissioner: It is not working period. This didn't happen years ago, in fact, I think it was mentioned here the other day that it has taken us three years to get to this point. I think Councillor Taylor mentioned this. Ten? Excuse me, I'm sorry, it's the first error I've ever made.

Mr. Taylor: Seven.

Mr. Commissioner: I'm sorry, seven. Now we're okay. I stand to be corrected on that. But, Mr. Chairman, with all respect, the present labour legislation that we have is split up into three different ordinances which have continuous conflict with each other and are subject to complete and utter uninterpretable sections, both on behalf of labour management and the Administration. Also, in other ordinances that we have, the Commissioner's prerogative which is coming up for continuous questioning, and I certainly think that it should, is getting replaced with Boards, which is certainly the modern practice that is going on in similar jurisdictions in Canada, and all we are attempting to do here is bring our legislation at the labour standards level and in line with what is going on in the rest of the country, and at the same time consolidate, I believe it is, three ordinances here into one that we hope is going to be a lot more workable than what we have at the present time. If you take a look at page 12 you will see that the three ordinances that are suggested to be repealed are the Labour Provisions, the Yukon Minimum Wage Ordinance and the Annual Vacations Ordinance. Now, from the point of view of legislative, I shouldn't use the word, convenience, as that isn't the right thing, but certainly to bring your legislation into the day and age in which we are operating right now. This has been Council's wish to bring this forward. We have done this and certainly from the Administrative point of view, it is a vital necessity. I don't have extra copies of this, but this was laid down in Sessional

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Mr. Commissioner continued:

Paper No. 95 at the First Session - 1967, and it's dated the seventeenth of April. And, it is from that Paper and the adoption of it and the suggestions brought forward to the Administration by Council at that time that has resulted in the legislation that is before you here.

Mr. Chairman: Could I ask a question from the Chair? Mr. Clerk, as a Labour Provisions Officer, has there been a complaint about any employee working or being worked overtime, over what is considered to be the acceptable standard of working hours?

Mr. Clerk: Did you ask if there had been a complaint from an employee?

Mr. Chairman: Employee or an employer.

Mr. Clerk: Oh yes, multi. We handle multi complaints on overtime.

Mr. Chairman: In relation to the hours of work rather than the rate of pay?

Mr. Clerk: Yes, on overtime in relation to the hours of work.

Mr. Chamberlist: Mr. Chairman, perhaps....I feel sure the Clerk didn't get Mr. Chairman's question, and with your permission I will put it in this way. As a preamble, I take it that when you're speaking about the complaints that you have received about hours of work and overtime, it is that the people have been paid on a standard rate for hours extra or the overtime that they have worked. Have you had any complaints from people who have worked overtime and have been paid the proper scale, that is, overtime rates for overtime. Have they complained to you?

Mr. Clerk: No, Mr. Chairman.

Mr. Chamberlist: That's the point.

Mr. McKinnon: Mr. Chairman, I believe that the Commissioner raised an extremely valid point as did the Legal Adviser, that it is possible under the Labour Provisions Ordinance as it now stands for an employer to dictate to the employee how many hours he has to work in excess of forty-eight even though he pays them time and a half. I think this is a real weakness in the present Labour Provisions Ordinance, and as Mr. Commissioner pointed out, this could be grounds for dismissal of an employee if he did not work the hours that were dictated to him by the employer. Now this is, as I say, a very real weakness in the present Labour Provisions Ordinance, and one that we have to get around in this new one. However, I think the way we get around it is so stringent that it prohibits exactly what we would like to see an employee be able to do. How we get around this conundrum is beyond me at this point. To tell you the truth, I'm stymied, and I think that it can be worked out, but we're just going to have to get together and get our heads together and get all the advice we can and try to come up with a workable solution. I would suggest, Mr. Chairman, in all sincerity, that if it meant that we met tomorrow in Committee or caucus rather than a formal Council session and batted this around until we came up with a consensus of Council and some amendments which we could place before the Administration for their approval or otherwise, that we're just wasting our time at this Labour Provisions Ordinance here right now.

Mr. Commissioner: Mr. Chairman, with respect, could I suggest to BILL #8 you that it is simply not compatible with our progress an economic unit not to have legislation in the labour field that is not at least reasonably in step with what is prevalent in neighbouring jurisdictions. Now, if Council will accept that particular thing, I am sure that we can bring before Council, whether it be in Committee or Council or anything else that they want, I am sure that we can bring forward all the labour legislation that is prevalent in the neighbouring jurisdictions and I would like to predict, subject to what the Legal Adviser has to tell me to the contrary, that you will find that the basic standards are not very much different than what is in this Bill before you now. Mr. Chairman, might I ask the Legal Adviser if he would care to comment on that?

Mr. Legal Adviser: Well, I wouldn't care to comment on that until I have studied it in detail, but this is the modern tendency and there are departments dealing with labour in British Columbia and in Alberta, and I presume in Saskatchewan, and these departments administer the acts similar to this, but exactly what the provisions would be, I don't know. I know from personal experience in court, that the Alberta legislation had difficulty with a section which was absent in their legislation at the time dealing with averaging hours of work, and their provincial legislature, I think, introduced legislation to deal with this particular problem. But, certainly from complaints that I received when I was working in Alberta.... there were a multitude of complaints coming in about people who were over-worked and could do nothing about it as the hours stood, and they had a special department dealing with these problems and complaints and prosecuting employers who quite casually will exploit the labouring people who are working for him. But, one other point that has not been mentioned in this discussion is that as, shall we say civilization moves more broadly across the face of the Yukon to outlying places, it's not easy to attract families to come and live in places where the workmen comes and does sixty or eighty hours of work for summer times and then goes back. He's not inclined to bring his family with him and settle down here. This will continue to be a major difficulty in the Yukon as long as its seasonally operation people from outside are coming in and working for contractors and working for mines and then moving out again as fast as they've built up their stock pile and go out and spend their savings and keep their families in Edmonton or Vancouver or somewhere. We need to move with the times and have the same kind of legislation or similar types of legislation as are in other civilized communities.

Mr. Livesey: Mr. Chairman, I'd like to direct a question to the Legal Adviser. I wonder if I could ask him his opinion with regard to the question of overtime. Under the present draft, and apart from the exceptions in Section 6 and 10, is the intent of this legislation to prevent an employee from working overtime whether he wants to or not?

Mr. Legal Adviser: This is the intent, unless they come within the exceptions then they cannot work for more than forty-eight hours whether they want to or not. When they're working and they don't come within the exceptions of being a member of an employer's family or the owner of his own business and what have you, as far as employees are concerned they must be within an exception under Section 6 before they can work these hours, or an exempted industry.

Mr. Chamberlist: Mr. Chairman, that answer just tells me what I want to know, and I think it's an interference with the liberty of an individual. As far as I am concerned, I will maintain the liberty of the individual to work if he wants to work and not to work if he doesn't want to work. Now, I think we're interfering

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Mr. Chamberlist continued:

to such a great extent that we're saying to the individual, notwithstanding the fact that you want to work and you want to earn extra money in the summer to see you through in the winter time, you can't work. Now, especially when I read Section 9 (2) which says this as follows: "No employer shall require or permit an employee engaged in mining operations underground in a shaft or tunnel to work or to be at his disposal for work in excess of the standard hours of work." He's not even allowed to be there in case of an emergency because he's not supposed to be at his disposal. This is the word that is used there. Yes, well it's wrong. Because it's been there before it doesn't mean to say that it has to continue being in there. I've said before that bad legislation does not cure bad legislation. This is bad legislation. We're not going to interfere with the people as far as I'm concerned and the suggestion that Councillor McKinnon made is a good. Let's get the whole thing re-drafted so that we're looking after the interests of the people.

Mr. Commissioner: Mr. Chairman, I don't know just what we can do to get more information available for Council here to help them in their deliberations on this matter. The only immediate neighbouring jurisdiction that I know that legislation of a similar nature has been passed in recent times in in the Northwest Territories, and I think I would like to suggest that as soon as possible that you ask the Legal Adviser to get in touch with his counterpart in Yellowknife and see what their administrative problems up until now have been in this connection. This may give us at least something that we could advise Council on which would be of a reasonably factual nature, Mr. Chairman. I don't know just what the possibilities of this are....

Mr. Legal Adviser: We can get this information. I have a copy of one of the drafts that was going forward in the Northwest Territories but we have been searching for some days to see if we can find the exact final Bill or the final Ordinance which was passed in the Northwest Territories, and I can find some among either my books or the books in the library on the up-to-date legislation from B.C. or Alberta, that's if there are enough books left in the library to give a full analysis.

Mr. Chairman: Order, please.

Mr. Livesey: Mr. Chairman, this can be gotten around by an elect to work clause, and if this elect to work clause is provided those who elect to work can work and those who don't want to work don't have to. There are solutions if we want to use them.

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

Mr. Dumas: Mr. Chairman, may I suggest that we do as the Honourable Member for Whitehorse North has suggested and meet together tomorrow sometime to discuss Sections 5 to 10.

Mr. Shaw: Mr. Chairman, I would ask the Legal Adviser if it's possible to have copies of the British Columbia, Alberta, Saskatchewan, Manitoba, and possibly Ontario labour laws to....

Mr. Legal Adviser: I'll be able to get the books out and check through the amendments and get whatever is the latest volume printed of legislation. If there's anything in this section of the Alberta legislature or this particular section in B.C., I wouldn't have it, but we could clear by telex with the labour departments of B.C. and Alberta in the morning as to whether or not there is any legislation pertaining to this section, but

Mr. Legal Adviser continued: BILL #8
apart from that and apart from the qualification I gave earlier,
we will be able to produce the actual legislation in force in
B.C. and Alberta and Saskatchewan if necessary.

Mr. Shaw: I wonder, Mr. Chairman, if that would be agreeable with
Committee.

Mr. Chairman: Is Committee agreed? Would Committee agree? Is it
your wish that I report progress on this Bill?

All: Agreed.

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

Moved by Councillor Dumas, seconded by Councillor Gordon, that Mr.
Speaker do now resume the Chair.

MOTION CARRIED

MOTION
CARRIED

Mr. Livesey: Thank you, Mr. Chairman.

Mr. Livesey resumes 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 10:35 a.m. to
discuss Bills, Motions, Sessional Papers and Memorandums. Mr.
John Summers and Mr. Fitzgerald attended Committee to discuss
Sessional Paper No. 29. Committee recessed at twelve noon and
reconvened at 2:35 p.m. It was moved by Councillor McKinnon,
seconded by Councillor Dumas that the contents of Sessional Paper
No. 29 be agreed upon the provision that 1. an acceptable agreement
with the Department of Fisheries be concluded and 2. draft regul-
ations be presented before Council for their approval. Motion
carried. I can report progress on Bill No. 8. 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. Are we agreed?

All: Agreed.

Mr. Speaker: May I have your further pleasure?

Mr. Taylor: Mr. Speaker, in relation to the agenda, we have only
one matter before Council at this time and that is the matter of
the Labour Bill.

Mr. McKinnon: Mr. Chairman, or Mr. Speaker, I'm sorry, excuse me,
I think we may as well face the hard facts of life that we're at
an absolute dead-end as far as the Labour Provisions Bill stands
at this time. I think that the only thing that Council could do
is to meet in the Committee room tomorrow, be able to call witnesses
at our pleasure and come up with some type of amendment to the Labour
Provisions Ordinance that will take into account **what** Councillors
have expressed in their discussions on the Labour Bill in the last
few days. I think that we're getting absolutely nowhere in pounding
these sections around in formal Committee and I think we're going
to have to be free to be able to spend a good hard day in trying
to come up with amendments that will satisfy this Committee.

Mr. Taylor: Mr. Speaker, I would suggest that if it is the wish of Members of Council to handle this matter or this Labour Bill in this regard, then I still think we should sit and at least proceed with what Sessional Papers we can during the day and if there is time left use it in caucus to discuss this matter.

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

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

Mr. Speaker: It has been 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 prepared for the motion? Are we agreed? I will declare the motion carried.

MOTION
CARRIED

MOTION CARRIED

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

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10:00 o'clock a.m.

Mr. Speaker read the daily prayer. Councillor Chamberlist not present.

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

Mr. Clerk: There is, Mr. Speaker.

Mr. Speaker: I will now call Council to order, and I have for your attention this morning, gentlemen, that Dr. Butler of the Northern Health Service will be available to meet with the Council at 2:00 p.m. today, and I have for tabling for your attention Sessional Papers No. 32 and 33. Are there any reports of committees? Introduction of Bills? Notices of motion or resolution? Would the Honourable Member for Watson Lake please take the Chair.

Mr. Taylor: Yes. Councillor Livesey.

Mr. Livesey: Mr. Speaker, I have for the attention of the House RE ANVIL this morning a Notice of Motion seconded by the Honourable Member for Dawson addressed to the Administration that all Members of Council be provided with the complete text of any program presently established or in being which has been drafted for the purpose of the efficient and successful control of waste products from the Anvil Mining operation in the Yukon in accordance with terms and conditions of the agreement presently before Council. Thank you, Mr. Speaker.

Mr. Speaker: Notices of motion or resolution? Under orders of the day, notices of motion for the production of papers? We have no motions before the House presently on the order paper for production of papers, and none for papers passed, and no motions. May we now proceed to the question period. I wonder if I could enquire from Mr. Clerk if the Commissioner will be available at this time. I will call a five minute recess.

RECESS

RECESS

Mr. Speaker: I will now call Council to order and before we proceed with the question period, I would like to draw the attention to the House to the visitation of the students from the Glenallen High School, Alaska. You may proceed with the question period.

Mr. Dumas: Mr. Speaker, in view of the fact that a draft of a formal agreement with the Department of Fisheries was given to the Department of Indian Affairs and Northern Resources three months ago in Ottawa, how soon does the Commissioner feel it will be placed before this Council?

QUESTION
RE DRAFT
OF FORMAL
AGREEMENT
WITH DEPT.
OF FISHERIES

Mr. Commissioner: Well, Mr. Speaker, could I ask a question? Where is the factual evidence that this actually occurred? I'm constantly being told this, but no one that I am able to talk to seems to have the factual evidence of this, Mr. Speaker. If I could be advised of this, I would do my utmost to track this situation down.

Mr. Dumas: Mr. Speaker, since the Commissioner doesn't seem to know anything about this, I will try and have the document before Council before the end of the session.

Mr. Speaker: Mr. Taylor.

QUESTION
RE DRAFT
OF FORMAL
AGREEMENT
WITH DEPT.
OF
FISHERIES

Mr. Taylor: A supplementary question to this question, Mr. Speaker. I wonder if the Commissioner could advise me if he has sent a telex to Ottawa in order to - or some source - in order to get this document up here as quickly as possible? Has this telex gone forward?

Mr. Speaker: I believe the Commissioner has already answered that question. He apparently doesn't know the source.

Mr. Taylor: Well, Mr. Speaker, respectfully, I'm asking if a telex has gone to Ottawa as per our request yesterday asking for this document or if it is available.

Mr. Commissioner: Mr. Speaker, I was not in attendance at all of the session yesterday, but I don't recollect any request being made here in Council for this particular thing. It was asked of me outside of Council, and I can assure Council this matter is in the hands of my senior officers and I am sure that they are doing their utmost to secure this information.

Mr. Speaker: Are there further questions?

QUESTION
RE BUDGET

Mr. Taylor: Yes, Mr. Speaker, I have a question to direct to Mr. Commissioner this morning, and I would ask if Mr. Commissioner could inform Council this morning as to when we may expect to have the budget presented for our consideration?

Mr. Commissioner: Mr. Speaker, could I have the opportunity of at least another couple of hours on this particularly important question, and I think that I would be able to bring forth a factual answer. I don't want to deal with anything but specifics with regard to answering this question. It is too important for anything less than this.

Mr. Speaker: Are there any further questions?

QUESTION
RE
RENOVA-
TION OF
'S.S.
KLONDIKE'

Mr. McKinnon: Mr. Chairman, I wonder if I could ask the Commissioner if the Federal Government has any plans to begin the renovation of the S.S. Klondike this year?

Mr. Commissioner: Yes, Mr. Speaker, and if I may be permitted notice on this question I will bring forth the most up-to-date information that is in the building, but the answer is in the affirmative, Mr. Speaker.

Mr. McKinnon: Thank you, Mr. Speaker. That's fine.

Mr. Speaker: Are there any further questions? If not, would the Honourable Member for Watson Lake please take the Chair.

Mr. Taylor: Yes. Councillor Livesey.

RE DENTAL
WORK FOR
STUDENTS
RE AERIAL
INSECT
SPRAY
OPERATION

Mr. Livesey: Mr. Speaker, I have four questions this morning. May Council be supplied with a list of all Territorial schools throughout the Territory showing the extent of any free grants to cover any dental work for students in each school, in the trade and technical schools, and my question number two is that the Administration - could the Administration advise why tenders have been called for an aerial insect spray operation before Council has been permitted to view the Budget for 1968-69; and question number three addressed to the Administration - is the community of Haines Junction or any other community in the electoral district of Carmacks-Kluane Lake included in any proposed program to provide television service to communities outside and beyond the boundaries of the municipality of the city of Whitehorse? My last question, Mr. Speaker, addressed to the Administration - what is the date

RE
TELEVISION
SERVICE TO
HAINES
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now expecting to be the date of commencement of work to establish an LPRT radio outlet for the people of Carmacks? Thank you, Mr. Speaker.

RE LPRT
RADIO
OUTLET
FOR
CARMACKS

Mr. Speaker: Are there any further questions? If not, may we pass to public bills and orders.

Moved by Councillor Shaw, seconded by Councillor Dumas that Mr. Speaker do now leave the Chair and Council resolve itself in Committee of the Whole to discuss motions, bills, memoranda and sessional papers.

MOTION CARRIED

MOTION
CARRIED

Councillor Taylor takes the Chair in Committee.

Mr. Chairman: Well, gentlemen, we have no business left other than the Labour Bill, and I believe it was your desire to discuss this matter in caucus, and also I remind you that Dr. Butler would be available at 2:00 o'clock. Is it agreed that you wish to meet with Dr. Butler at 2:00 o'clock?

All: Agreed.

Mr. Chairman: Accordingly then, gentlemen, I will recess Committee until 2:00 o'clock this afternoon.

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2:00 p.m. o'clock.

Mr. Chairman: At this time I will call Committee to order. We have with us Dr. Butler from the Department of Health & Welfare to discuss any problems that we may have. If you would care to proceed.

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Mr. Chamberlist: I might start with the question Mr. Chairman of Dr. Butler. The Superintendent who recently left here, before he left he sent a recommendation re the setting up of the constituting a different type of Board for the hospital and I was wondering if anything has been done in reference to the constitution.

Dr. Butler: Yes, Mr. Chairman we have put the recommendations forward to our headquarters and they essentially agree with this. We had asked, it was suggested that there should be Indian representation on the Board at the hospital as well and they felt that, they just made the suggestion it should be the rate payers to have a responsible Board and if the person was not a rate payer, the Indian Agent could appoint an Indian to be a representative on the Board. We've put this act to the hospital board for the discussion but it is accepted in principle the recommendation that was made, just the minor details of the wording so I sent it back so the wording would be changed.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I understand from comments that the Government is cutting back in many fields and one of those are areas where those cut backs will take effect is Northern Health Services. Maybe Dr. Butler could enlighten us on this and how it is going to effect the Territory.

Dr. Butler: Well Mr. Chairman, We're not sure as yet, we've got a certain budget for 1968-69 which was a stand still budget and we had written to our headquarters saying that we really require more money to keep the present level of services going. Now, we haven't had word back yet but we are getting further funds. So I really can't say at this particular time, it would be surmise for me to talk about cut backs because I don't know. With the allocation of more funds there would be no reason to have a reduction in services.

Mr. Chairman: Councillor Dumas.

Mr. Dumas: Mr. Chairman, I wonder if Dr. Butler could advise us as to whether he feels the present level of services is adequate.

Dr. Butler: Well, I'm the type that's never satisfied Mr. Chairman, myself. On the other hand, I have to admit that the level of services in the north is superior to most levels of services, certainly in the northern parts of the provinces. We have a pretty good level of service right through the Yukon and right through the Northwest Territories. I would say much superior to the level of services right across the northern end of the provinces and I don't think I can be contradicted in this statement. Now, to say that it is the ultimate, this would not be true. We do require more services and I think year by year we are showing we are expanding. This year we have expanded - the past year we have expanded in the Yukon Territory.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I wonder if Dr. Butler can say how the proposed Medicare Programme will effect the Health Services in the Territory?

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Dr. Butler: Mr. Chairman, introduction in Medicare is not really my responsibility or it doesn't really come in my portfolio as such. We give certain recommendations but introduction of Medicare is a Territorial decision. We advise on the cost, the probable cost of the scheme, we advise on the way in which it should be administered but the present position as far as I understand is that the Territory have to find their share of the funds. I understand that the Territorial share is something in the nature of about 250 to 300 thousand. Now I am not certain of those figures, to the best of my knowledge this is the case. It is really the matter of the Territory deciding first of all, do you want Medicare and secondly, can you afford it, but this is not my decision.

Mr. Chamberlist: Mr. Chairman, of course the question that I asked was how the Medicare would affect the Health Services? That was the question I put. This Medicare may not encourage us to accept it.

Dr. Butler: I don't see a great change as regards the indigent people of the Territory because the indigent peoples of the Territories have free medical care at the moment so I don't think there would be any greater usage with the introduction of Medicare as far as indigent peoples of the Territories, both native and white. There would no doubt be increasing usage in the non-indigent people those who are not already covered by insurance, you always get an increase in usage in Medicare. This would put a certain extra strain on the medical facilities of the Territory. In other words, the doctors would be faced with a greater work load and it may be that the private practitioners would have to try and encourage an extra member into the community. It is very difficult to say as regards overall health, I don't think it will really make much difference because our health programme is really a preventive programme - your immunization, your follow-up, tuberculosis, and so forth and that has always gone on and that has always been free. I don't know if I've answered your question properly but I've answered it to the best of my capability.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I was wondering, in the Northwest Territories I believe they have eye specialists that do a circuit of the area every so often. Now, in the Yukon Territory, well it applies the same all over that, take someone who needs a pair of glasses at Watson Lake or needs an eye specialist's attention, any place in the Yukon they do not have the opportunity to have this, they can go to an optometrist but of course the optometrist is not an eye specialist. Now, these specialists do go on circuit in the north but it doesn't seem as if they do a great deal in that direction in the Yukon Territory and I wonder if ever a programme has been considered whereby these people would come around and the Northern Health looking after the indigents and the native population as I do believe they are and also make these facilities available to other people possibly by charge so that at least if one has to have the services they don't have to go from say, Dawson City down to Vancouver or Edmonton or some other place like that. Now, I'm not saying that this should be a free service for people who are not indigents or are not the native people but at least it does give a break to the average wage earner who has to pay his way and can do it by virtue of something like this.

Dr. Butler: Mr. Chairman, we have during the last few years increased our specialists' visits to the north and the Yukon. We have psychiatrists coming up, pediatric specialists, the ear, nose and throat people. We have ophthalmologists. In the Northwest Territories we have been sending them around more around the settlements mainly because the people cannot get, there's only air transportation, very often we charter transportation to get to the centre and therefore we have been inclined to send them more to the outlying settlements.

Dr. Butler continued:

In the Yukon, I will agree with you they have been more concentrated on Whitehorse. Again, it's because of the fact there is a road, it's easier for people to get in to the main centre and also it is sometimes a bit difficult just to get the specialist to go out to the smaller centres. I would agree with you and if it is the wish of Council we will certainly put it to the specialists to try and visit some of the major centres, I mean, he might come up to Whitehorse this time, spend so many days in Whitehorse and so many days at Watson Lake and the next time will come up and spend so many days at Whitehorse and then Dawson City and then out at Mayo, the main centres. This is a possibility and certainly if you feel this is necessary. On ophthalmology, we have always left the refraction work to the local optometrist in town and I think the local optometrist in town did give very good service to this Yukon Territory and we sent our patients to him and we didn't feel we wanted to take this business away from him because he was doing a good job and so therefore, our ophthalmologist came up to treat diseases of the eye not refractions because we felt we would be really taking the livelihood away from a present resident of the Yukon Territory.

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Mr. Chairman: Councillor Shaw.

Mr. Shaw: I can quite sympathize with that but look at it this way. I wonder if the Doctor would feel that one optometrist is sufficient personnel to give adequate care to 15,000 or 16,000 people, that's what it boils down to.

Dr. Butler: Again, it's difficult, it depends on how many hours a day he works Mr. Chairman. It's very difficult to say this but he can do this, I would say because you must remember that all the school children are first of all screened by nurses and they pick out the ones to be seen by someone else so it's not a matter of examining all so it reduces the work load of the specialist or the optometrist who is visiting the area. We never send every child to the optometrist, the nurse would go into a classroom, examine 40 children and pull out 8 of them which she will refer to the optometrist. We couldn't afford to do it any other way so this does reduce the work load.

Mr. Shaw: There's just one more question Mr. Chairman. I believe it is mandatory, in British Columbia anyway, that when one goes to get their eyes tested, to the ophthalmologist, that it's necessary to have a test made for, I think you call it glaucoma?

Dr. Butler: I have not heard that this is mandatory in B.C. I have never come across it as a mandatory regulation in Canada. We do advise it in people over a certain age as glaucoma is in a man over 40 and in those particular people we do advise it. The advice should be part of the examination.

Mr. Shaw: Well perhaps Mr. Chairman, that is a provincial law to say that when a person takes an eye test, the specialist takes this test. Maybe something like that.

Dr. Butler: Yes, it's in the test, I'm not saying everyone has to have it but when they do go to the specialist, the specialist is required to make that test. We were at one time considering bringing in routine health examinations for your older age groups in the Territory, as you know, we had up until some time ago school medical examinations and infant examinations. We were going to, in the last health plan, to extend that to the people of 40, 45, and 50, that they would be entitled to one free examination every two years or five years and in that particular examination we would make it mandatory that a glaucoma test was done. Just the same as we make it mandatory in any pre marital examination that there must be a

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Dr. Butler continued:
blood test. Just the same as in a pre-natal, in the six weeks we make it mandatory the blood must be tested for venereal disease which occurs one in 200,000 but we still make it mandatory that they should be examined for this. So I think we are both probably agreeing on this matter, in this particular age group. It is certainly very desirable and if we were paying for such an examination we would have it mandatory.

Mr. Shaw: Well Mr. Chairman, I wonder if the Doctor would know if there is equipment in the Yukon that can conduct this. Is the equipment a small thing?

Dr. Butler: The equipment is a small thing, you can place it on top of the eye. They should have it in the Whitehorse Hospital and I am sure they have.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Mr. Chairman, I would like to get some information by asking some some questions on the Whitehorse General Hospital itself. Firstly, I wonder if Dr. Butler would say whether he considers that the staff requirements at the Whitehorse General Hospital are sufficient to meet the needs distance of the hospital itself.

Dr. Butler: I would say this, at the moment certainly on your nursing staff they are at par. I would go further and I will say that the Whitehorse Hospital and I will go further and say this, the Inuvik Hospital, Frobisher, the hospitals in the Northwest Territories, Yukon, are the best staffed hospitals in the country. Most hospitals in the south cannot keep their nursing staff up to strength. We in every one of the hospitals in the north have waiting lists, if we want ten more nurses tomorrow morning we can get them so this is one of the amazing things you find in the north. You go down to Edmonton to the big teaching hospitals, you find they have an awful problem on nursing staff so I would say quite honestly the staffing portion in Whitehorse, in all your hospitals, are the best in the country.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: Mr. Chairman, I wonder if Dr. Butler could tell me does your security department recommend the staff of the Mayo General and St. Mary's Hospital in Dawson.

Dr. Butler: I am not absolutely certain of my reply in this case. As far as I am aware, the Matron or the Senior Nurse in that hospital proof their own staff. However, if they have any shortage of staff the Director of Nursing in Whitehorse gives them a list of names who have applied for the Whitehorse General Hospital and the matron writes to those girls. In other words, we help them in the recruiting efforts if necessary. Also we have as you know in the past when they suddenly short a nurse we have loaned them a nurse while they are getting another nurse on staff. For the initial recruitment it is normally in a hospital the responsibility of the matron or senior nurse or whatever you wish to call her in the institution.

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

Councillor Shaw: Just one more question Mr. Chairman. This is an exploratory one because I don't know what is all involved in it but might it appear on the surface that in view of the fact that National Health does operate this, National Health & Welfare does operate the Whitehorse Hospital and in a most efficient manner, I was wondering of the possibility, probability, feasibility, and so on of perhaps the, under some arrangement with the Yukon, if they also undertook the operation of all the hospitals in the Territory.

Mr. Shaw continued:

I refer to the Dawson and Mayo Hospitals. This would be an efficient way of doing it. I wondered if Dr. Butler has any

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Dr. Butler: Mr. Chairman, This is something I could stand on both sides of the Table and argue against it. There are some points in favour of it, there are other points against it. I think it is a matter of which really should be discussed between the Territorial people and the Federal people and I think an answer, a suitable answer which is satisfactory to the Federal and Territorial could be come up with. I really could argue on both sides of the Table, to give one instance, sometimes the Federal Government can be liable to certain parts of expenditure to which the Territorial Government may not be liable. This would be a disadvantage. On the other hand, the Federal Government have more senior careet officers who have more experience and this is an advantage and I could cite really one after the other the advantages and disadvantages of this but I think it is certainly something and which would bear discussion and I think in the next, whether it be a five year plan or an agreement, I think probably this should be thrashed out before this.

Mr. Chairman: Councillor Shaw.

Mr. Shaw: I'm thinking possibly more on administration by people who thoroughly understand exactly what they are doing.

Dr. Butler: We are prepared to give advice and we do give advice to every Territorial or private hospital. You will remember I think that last year we sent a team, a pretty high powered team of four people to go to the Mayo Hospital and the Dawson City Hospital and write a very logical and complete report on the situation. We did the same thing in the mission hospitals in Northwest Territories, and these are our recommendations and we hand this either to the Board or the owner of the hospital. These are the recommendations of what should happen. We are prepared at any time on request for a dietician for our senior x-ray technician, for our Director of Nursing here at Whitehorse to help in any particular problem, to investigate and give advice but our position at the moment are as advisers. Now, whether this should be changed, that we would have a bit more authority on this, I think this is up to discussion between Council and the Federal authorities but we are certainly willing and we realize that you have problems, just as we have problems and I think it will bear discussion but as I say, you can argue both sides of the Table on this question. You cannot give a definite view.

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

Mr. Chamberlist: Yes, Councillor Taylor go ahead, proceed.

Mr. Taylor: Mr. Chairman, I have two items I would like to deal with. First of all, I just noted, or just been informed yesterday that they were going to cut the staff of the Watson Lake nursing centre by three people, two of which are nurses, reducing the nursing staff to only three. I'm wondering now with this great surplus of nurses if at last we can put a nurse in Ross River as I've again had a request which I continue to get for nurses at Ross River, apparently the girl who is doing the dispensing there is going to become increasingly busy at the store this coming summer, perhaps we can transfer one of these nurses to Ross River.

Mr. Chairman: Doctor Butler.

Dr. Butler: Mr. Chairman, at the present I cannot promise any expansion of services into Ross River. There is a nurse dispenser going back in there, the lady who was nurses'I understand is going back in there for the summer and this may relieve the situation somewhat. As you know there is a nurse visiting Ross River twice

NORTHERN Dr. Butler continued:
HEALTH & a month and a doctor is visiting once a month. Now this is fairly
WELFARE good coverage for this community. Depending then on the development
for that area this would have to be reviewed in subsequent years as
to what facilities will be there.

Mr. Chairman: Councillor Taylor.

Mr. Taylor, Yes, Mr. Chairman, this is very good coverage if you can time your ailments to coincide with the once or twice a month visits of the doctor or nurse if that's the time you have your problem, that's pretty good but it's the other times we are concerned about. I just wish to ask that question, I have been asking that question every year for many, many years now. I've seen our Nursing Centre thrown down the drain for many many years now. I hadn't even intended on mentioning that apparently they're going to take that up with the Anvil Mining camp or something so I don't know how many more years we must wait for facilities. We've waited six or eight so far so I guess we can wait a little longer. I have one other question I'd like, Mr. Chairman, to direct to Dr. Butler, having to do with the possibility of any doctors being able to come up here and I'm wondering if the Northern Health Service would give consideration to hiring three doctors to work three eight hour shifts in the Whitehorse General Hospital to receive patients.

Mr. Chairman: Dr. Butler.

Dr. Butler: Mr. Chairman, neither the Federal Government or the Provincial Government have ever willingly gone into private practice and we only go into private practice where that need cannot be filled by private practitioners so we get out of private practice as soon as we can. In other words, like this year we were in private practice previously in Fort Smith in the Northwest Territories, we get out as soon as we get people who are willing to come in. A similar thing happened in Churchill in Manitoba. Now, Government will not compete with private practice and this I think is not alone in medicine, in other disciplines, or traditions. We feel that the answer to medicine in the north is the encouragement to private practice and we have been doing this and the records have paid off. In the last year we have encouraged four doctors to set up in private practice within the northern region. We have encouraged in the last eighteen months another four dentists to set up in private practice so our results are bearing fruits and this does give more stability than Government service for the doctor will change at pretty frequent intervals.

Mr. Taylor: Well Mr. Chairman, I would submit that there is no competition involved with private practice whatsoever here. I get a constant string of complaints more particularly noticeable in this last visit to Whitehorse during this winter and spring session that there is, when people go to the hospital with several types of ailments - from poisons, to nose bleeds, to gosh knows what, but there is nobody there to receive them. The nurse merely says, well I'll call the doctor who is supposed to be standing by and maybe an hour or two later a doctor arrives on the scene after which the patient, well conceivably could either be dead or suffer quite a bit of misery or pain, or whatever you wish to call it and what I'm merely saying is that with all that wonderful facility over there I feel that we should have doctors who could be in attendance to receive these people and look after them as they come to the hospital because a one or two hour delay in the arrival of a doctor to the hospital when someone is in need is just absolutely unheard of. It seems to me that there is no one to police the doctors and the doctors in the community pretty well have the run of the roost and it seems to me that Northern Health Services should have some say in this, after all they do own the hospital.

Mr. Chairman: Go ahead Dr. Butler.

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Dr. Butler: Mr. Chairman, before the hospital in which you get doctors waiting on call for the arrival of patients, I believe your teaching hospitals who have I believe house staff whether it be interne staff or resident staff on duty. Now you do not get this in municipal hospitals that I know of as they do not have a doctor waiting for a patient to arrive. If an emergency arrives at the hospital the doctor is sent for and I do feel that the doctor should be there as fast as he can if the nurse sends, or suggests that it is an emergency. I haven't received complaints but of course this does not mean anything but if there are complaints of this nature I am unfortunately the wrong person to be complained before. I think it should be place before the Yukon Medical Association who is the body that represents the doctors here and who represents the Government.

Mr. McKinnon: Mr. Chairman, I respectfully say that these are the very people whom we are complaining about and I find it very difficult to believe that they would be highly critical of themselves.

Mr. Taylor: This is the problem Mr. Chairman, which is really a very, very serious one and people are very concerned about it. As I say, that facility is only as good as those who are there to run it, as a Cat is only as good as the man who runs that and I feel that something must be done, certainly I don't think the doctors would resolve it, something must be done to ensure that if patients live long enough to get to the hospital where assumably they can get medical treatment, if they live that long, then they have a pretty good chance of getting attention without having to wait one hour or two hours for someone to show up and take a look at them. This is the problem and should be resolved. I think it should be given number one priority in that as I say, I can't see the doctors themselves resolving it. Somehow there has to be a policing, whether or not they do this in municipalities outside is another question, I'm talking about what we're going to do here because it is everybody in the Yukon who has to come to that hospital when in serious trouble and without anyone there it is pointless.

Mr. Chairman: Councillor Livesey. Go ahead Dr. Butler.

Dr. Butler: Mr. Chairman, in regards to the quality of care in the Whitehorse Hospital let me say this. It's about the only hospital of its size in Canada which is accredited and accreditation means that you have been inspected by an outside body who you voluntarily call in and say, now criticize me, go through every chart, go through every nook of the hospital and criticize us. They have done this three times in the Whitehorse hospital and the Whitehorse Hospital has the distinction of being accredited. There are only 48% of hospitals in the country including some of the major hospitals who have earned the title of accreditation so as far as the patient care in the hospital goes, I will stand by them that the care that has been given by the doctors in that hospital, I will stand by and say this is excellent care. Now, if there is truth in the fact that there is a delay in seeing a patient, when a patient arrives, the time when a patient arrives and the doctor arrives, I am certainly prepared to look into that and I can report on that because we can very easily check on it and if there is an unnecessary delay we take action. As far as the policing of doctors are concerned, doctors in the Whitehorse Hospital are policed if when the patient comes into the hospital, his chart is not written up within so many hours, that doctor is called before a disciplinary committee. If, when the patient leaves, he has not completed his chart in ten days, that doctor loses admitting privileges. This is part of the accreditation ruling. We have to abide by those rules in order to remain accredited. No person can go into a theatre to have a hysterectomy or to have a D. & C. unless a second doctor has also examined the case

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Dr. Butler continued: and has signed that this is necessary. These are all the principles. we have last year gone on to a special computer system which gives us a report every month, about a fifty page report which have written down all the hospital activities which we can go through and to be quite candid I can't sit here and listen to, that the quality of care in the hospital, now if there are any delays, I will look into that and certainly if there are inordinate delays I would be the first to come and say there was something wrong. If it is the wish of the Council I will look into the matter but I must say that quality of care in Whitehorse is good.

Mr. Taylor: Well Mr. Chairman, in response to this I can only say that I would most appreciate, at least for myself. Personally I can't speak for the Members, but I would most appreciate of Dr. Butler immediately looking into this. I'm sure if he checks around town he can get more than enough information to substantiate this problem and I hope that he may be able to make a report to, at least to myself and possibly all Members of Council as to what his findings are because this is a very, very serious situation and I'll let the thing rest at that point. At this time I will resume the Chair.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: Thank you Mr. Chairman. My question to Dr. Butler this afternoon is related to the medical conundrum, when is advice not advice and the way I see it - it relates to the Whitehorse General Hospital and the health insurance scheme. As I understand it people come from all over the Territory to the Whitehorse General Hospital under the scheme and on their doctor's advice stay in the hospital anywhere from two days, five days, ten days or twenty days and I understand that when you hire professional ability and pay for it why, that advice should obviously be taken otherwise there is no point in hiring professional advice. So they stay in the hospital ten, thirteen, or twenty days and after they go home, maybe a couple of months later around will come a bailiff with a sherriff's notice that they owe \$200.00 or \$250.00 and they don't understand this at all so they come to Whitehorse and some of them are put in the Small Debts Court for not paying their bill and then they try to explain to the Justice of the Peace or whoever happens to be sitting in office in there that they took their doctor's advice. He advised them to stay there and this is why they stayed, under his advice but someone else has come along in the meantime and said "oh, no, you obviously didn't need to stay in there so long. Ten days would have been sufficient for your problems to get all solved, so we're charging you for the balance irrespective of the fact that you come under the Yukon Health Insurance scheme." Mr. Chairman, I would like Dr. Butler, if he will, to explain this medical conundrum to the Committee.

Mr. Chairman: Dr. Butler.

Dr. Butler: Mr. Chairman, first of all I have to announce again here that the Territoiral hospital insurance scheme is not within my portfolio and I have nothing to do with it so let me first of all absolve myself of blame. Now I will try to explain to you the reasoning as I see it. Every insurance, whether it is on your life or on your car has certain stipulations when you pay a premium or when you don't pay a premium. There are certain limitations on every insurance and the Yukon Hospital Insurance Plan covers what they call acute care. Now, originally when the Yukon Hospital Insurance Plan went into operation there was no medical referee system and I think Mr. Shaw will remember that we were going into debt very rapidly, into bankruptcy on hospital insurance because what was happening was people were coming in to have a test and instead of staying in a hotel was staying at the hospital. People

Dr. Butler continued:

were over staying and this was no fault of the patient who had been kept in the hospital longer than they should have been kept and with the result that this was a very costly business. There was an abuse of funds and after a meeting in Ottawa it was decided to accept a medical referee system where an outside doctor would look at the patient's notes and decide whether this patient should have stayed that length of time. Now this system has its problems both in the Northwest Territories and here and also there have been many complaints about this system both from the Northwest Territories and the Yukon. Some of the complaints I think are legitimate, many of them not legitimate. One must control, one must never give the tax payer's money into the hands of a private individual without any control. We cannot do this, this is our text. Therefore, there must become control. Now, in Alberta province they work it a different way. They say to a hospital we will give you so much money to run your hospital for the year. If you're half a million in debt, don't come to us, go to your municipality or to your province and the municipality pick up the bad debt. Well, this system might work in Whitehorse, I don't know but this is the system used in some of the provinces in the south. In other provinces they do use the medical referee system. Manitoba use it, I think B.C. use it. I find it difficult to give you a solution. All that I can say is there are a lot of complaints in the system and at the last meeting of the Territorial Hospital Insurance Board which was held in Yellowknife, the doctors in Yellowknife did make representation of the hospitals in the Northwest Territories, to the Board to look into the system again and see if it could be changed or improved and the Board have promised to do this. I myself have certain ideas on how it could be improved and I have given them and I think that's all I'm prepared to say at the moment because it's really not my portfolio. I don't know if I've answered your question satisfactorily.

Mr. Livesey: Well now Mr. Chairman, on behalf of the patient and surely these are the people we represent in this House. Why, they want to know whose advice do they take. Now, do they take the doctor's advice surely I would say in a case like that it's his advice that they are taking. Now, they can't understand and neither do I that when obviously they must take his advice, they hire his professional help, then they turn around and find out it's not his advice it's taken by somebody else so this puts him in a very bad position and as you know in the last decade or so there's been a tremendous scheme to concentrate practically everything in this area so that it is the hub of a tremendous ... and everyone comes towards this area and of course don't forget it's the ones who live the furthest away, it costs them far more than anybody else. Not only is the cost of the scheme charged against them but in a good many instances the cost of travelling and loss of work while they come to Whitehorse to face this charge that I understand cannot be collected in any event, they still have to go through the motions. This is a problem and I am quite perplexed as to why I can't find out why we can't place a finger on somebody, somewhere as to whose advice should be taken. This is the point.

Dr. Butler: Mr. Chairman, I have to say to them, take the doctor's advice because I would do this myself. If I'm in hospital I'm not going to go against my own doctor's advice and I have to advise that. On the other hand, I will point out I could take advice that I should take a chartered aircraft, say to Ross River, I know that if the aircraft crashes on the way my life insurance won't cover me because it only covers schedule lined aircraft and the trouble is there's limitations in every insurance policy and there's certain limitations in a policy. Now, it is within the prerogative of the Council to change this. This is a Territorial Hospital Insurance scheme and Territorial Council have said that it covers acute care

NORTHERN Dr. Butler continued:
HEALTH & only. Now, if Territorial Council wish to change this then I think
WELFARE this is a matter for the Commissioner in Council.

Mr. Chairman: Councillor Gordon.

Mrs. Gordon: Mr. Chairman and Dr. Butler, I have before me the advertisement that went up effective July 1st, 1960 to the effect that there was Yukon hospitalization service in the Yukon Territory and it is very distinct. It says in general, the Yukon Hospital Insurance will pay the hospital on behalf of the resident for charges, 1. incurred for treatment in a hospital, in care of normal hospital staff during such time as the attending physician regards the care and medicine necessary. I don't think anything could be clearer. When a doctor has admission privileges in a hospital who should have the right to question his ability. He is licenced to practice within the Territory and when I have before me copies of refusals of payments that have been made in the Mayo Hospital, and I know that there have been some in the Whitehorse and Dawson Hospitals. I think it's time something were done that these sort of things, where a patient who has been in a hospital under the doctor's admission and on his A. & D. form it says he is under observation for concussion because he has fallen and bumped his head, that the refusal has been made for payment when it's of prime interest at any time if there is any suspicion that it's concussion, that the man be kept under observation, it's time this was changed and quickly

Mr. Chairman: Dr. Butler.

Dr. Butler: As I say, we have on this matter of Territorial Referee, we also in our government hospitals in the north, we are suffering under the same system. After all it's not the doctor that loses the money, we are losing the money and people are saving money on this is the Territorial Government because you won't pay us for the patients we treat in hospital. Similarly in the Inuvik Hospital and Frobisher, the Northwest Territories Government will not pay us for certain days which we use up in our hospitals so we also are very much aware of this problem and I think all I can say, my understanding is that there is a review of the procedures being carried out at the moment in Ottawa at the request of the Northwest Territories hospitals and the Northwest Territories practitioners who did meet with the Territorial Hospital Insurance Board in Yellowknife and we were there and were every bit as vehement as practitioners' part in it. I would like to see it in your case. But really, as I say, I'm in a difficult position here because it is not my responsibility but you asked for information and I'm trying to give you the reasoning that has been given to me, behind the rules and I will say this that you cannot have any system without controls. If you take away complete control you're going to run into trouble financially. You had before when there was no control but I think we could evolve a different system of control that would be more acceptable to the patient and more acceptable to the practitioner.

Mr. Chairman: Councillor Chamberlist.

Mr. Chamberlist: Thank you Mr. Chairman. I wonder if I could clear one point that Councillor Taylor made before and I think that it should be cleared. There was no suggestion to my mind that Councillor Taylor was suggesting that there was a lack of quality of care in the hospital. He made the specific point of saying he would support that the quality and care was tough but I don't think anybody's disputing that and I feel sure that Councillor Taylor's remarks must be cleared up. He did not say, or he did not criticize the care that was in the hospital and I think it would be improper

Mr. Chamberlist continued:

for anybody here that they were in his remarks. Now, the suggestion that Dr. Butler made in reference to private practice, that the Government are not interested in going into private practice in hospitals, I don't think there was any suggestions made there either. The suggestion that I heard the Honourable Member make was that there should be three doctors appointed as house doctors at the hospital. He didn't use the word private practice and I bring this to your attention that you brought this up yourself, the Government is not interested in putting doctors and the medical profession into private practice in competition with the other doctors who are here. Nevertheless, I think there should be competition with the doctors that are here. Right now we have close knit system in a clinic and I will not say otherwise and that the medical profession up here are overworked people. They work very hard, they put in very long hours and they are dedicated people but I do agree to what Councillor Taylor has said that people who have to go to hospitals to get some attention do wait for a long time. Not necessarily because the doctors wish it that way but because some of them are so darned tired that they can't get out of bed to answer the telephone because they work so many hours. One of the answers is this that, in my opinion, that if suggestion made by Councillor Taylor is followed that there'd be resident doctors there then it would relieve the private practitioners of the duties that are hospital duties. I see nothing wrong with the medical profession to putting themselves into one clinic, it has to go on the principle of.....they're in business too but at the same time we have to think in terms of the needs of the people besides the need of their individual requirements and in this area here this is growing and growing to an extent where they allow the doctors up here into not keeping up with the requirements of the need for the members of the medical profession. The position in the summer time especially gets to a very, very serious state indeed, especially when the doctors can't go on indefinitely, they have to take vacations and they have to take various leaves. They've got families to look after as well and other responsibilities. They have to take extra academic training as well and go out and get an extra year at some extra course. They want to keep up with the new things that come up in the medical profession all the time. Now, what I am really concerned about is that if the Federal Government were not interested in putting three doctors or at least a resident doctor who is on call and more or less live at the hospital site, and I have heard this quite often, would your department restrict the use of facilities to any other doctors but those who belong to the medical centre here. Now, the reason why I ask is this that the Yukon Medical Association that you refer to is made up completely of all those people who are members of the association called the Medical Clinic. There seems to be in the minds of many people here and I've heard this from a number of doctors too, what's the use in coming up here because to come up here I've got to join the Medical Clinic, otherwise I'm not going to get the benefits of those facilities. Now, I note, Mr. Chairman, that the Doctor shakes his head but this is the impression that is left. This may be wrong in actual fact but the impression is there nevertheless. It is quite possible, I don't know, I wouldn't say without being sure but this does actually take place that there are certain pressures put on new doctors who may come up here to attempt to try to open up new practices, but there is a reluctance on the part of doctors to come up here to open private practices and I think the reason is that they feel that the facilities at the Whitehorse General Hospital would not be available to them. Most of the doctors here, as I've already said, well, I would say all of them.....I shouldn't say most of them because that would suggest that there are some that do not act in this way, are people who are conscientious in looking after their patients, but always, I can't help thinking always to get to

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Mr. Chamberlist continued:

a doctor the need to get to a doctor, you telephone the Clinic. Now when you telephone the Clinic you're faced with one of four young ladies diagnose what's your problem before they tell you whether you can have an appointment and then they will finish up with, will it take ten minutes. This is the actual question that is asked of you, will it take ten minutes. So you say, how do I know, you know, I don't know what's wrong with me so how do I know and this is the position that you're faced with. The doctors come along and then you have to go along and they say well, we can fit you in in ten days time or some weeks time. This is actual fact and everybody will bear me out here, I mean it's become quite ludicrous in its way. You know, you're not feeling well now, you can't breathe so you get somebody to phone for you and say well, Mr. So and so he's having a tough time, he's hardly breathing and they say, well just a minute we can fit you in next Wednesday afternoon between 4:00 and 4:15, will that be alright? Well, how would you know if it's going to be alright for the guy, he's only got enough breath for about five minutes and these are the things that continually happen and these are the annoying things and the reason is because if there were doctors who were resident doctors in the hospital, any person that has a problem, he just gets in a cab and he comes to the hospital and ask to get out-patient treatment. Now, surely Mr. Chairman Dr. Butler is not suggesting that there are hospitals where they have out-patient treatment without having to wait for the private practitioners that operate within the area. This is the thing that annoys me about the medical situation here and I want to make it clear, not about the medical profession. Because of the situation I might have to have a scalpel cut into me and somebody might leave the scalpel in me and I don't want to take that chance. There are other people besides doctors who would like to get a whack at me, you see, but I just want to do my best, I just do my best though to try and follow how the people are operating here. I know, Mr. Chairman, if Dr. Butler would just, kind of get away from regular, and I'm not being impolite in this matter, regular bureaucratic type of thinking that this is the way the Government does it, we don't want to do these things because it would not be right to go into private practice, which you're not being asked to. You might feel that there is an absolute need and a requirement here to have a resident doctor in the Territory, Now, I am sure that if you took the trouble to just get an opinion from various people and you will find, I am sure, that there would be almost all except the doctors and their families who would agree that we should have some resident doctors because it really is a bad, bad situation when people have to wait a long time, they have to make appointments weeks ahead to get attention and as I say, it's not the doctor's fault, they are just over worked. There are just so many hours and so many minutes in an hour and they do their best to fit them in but I think it's up to Department to say we recognize this position and will think about doing something about it or will try as an experiment for a period of six months or a year, that we put somebody in to attend to this particular problem which is one of the most serious to the community as a whole. Thank you Mr. Chairman.

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

RECESS

Friday, March 22, 1968.

3:30 o'clock p.m.

Mr. Chairman: At this time, I will call Committee back to order. We are discussing matters related to Health and Welfare. Have you anything further, gentlemen? HEALTH &
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Mr. McKinnon: Mr. Chairman, because of the projectiles that seem to keep hitting me in the head for some reason or another, I have visited the hospital on frequent occasions and I don't know about getting in because I'm usually out cold when I get there, but I must say that once in the care of the nursing staff and the doctors is superb. I don't think that there is a patient in the hospital under the nursing staff and the doctors' care who isn't in agreement with this. I notice in the five year plan, the health services plan for the Yukon Territory for 67 to 72, that it's intended for 1970 for the Whitehorse General Hospital to come under the control of the Yukon Territorial Government. Now, the Whitehorse General Hospital operates at this time at a deficit of approximately \$287,000 a year, I believe. However, in this health plan I noted no financial arrangements between Northern Health Services and the Territorial Government to make up this deficit if the Yukon Territorial Government does in fact take over the operation of the Whitehorse General Hospital.

Dr. Butler: Mr. Chairman, yes, this was the suggestion in the plan, in the third year of the plan, and as you know, when we went to the Federal - Territorial Financial Committee they decided to only consider the first two years of the plan. So, the matter of handing over the Whitehorse Hospital to the Territorial Government did not come up. We had, in the back of the plan, showed the cost, the total cost, to the Territorial Government. You see, we, at the moment, are running Whitehorse Hospital at a cost of approximately \$42 per patient day, which is very reasonable. This compares favourably with the hospitals in Ottawa, Edmonton and Calgary in southern Canada, and compared to Alaska, as you know, the costs of \$55, \$60 or \$65 per day, yet we only collect \$25 a day from the Yukon Territorial Hospital Plan. This is the cause of our deficit. So, in the hand-over, the hospital...we suggested that the hospital would become a budgetary review hospital and then, the same as you have your Dawson hospital and your Mayo hospital at the moment are what is called a budgetary review hospitals, the Territorial Hospital Insurance Plan would pay the total daily cost and there would be no deficit. This deficit really, we have suggested should be included in Territorial Hospital Insurance funds. The reason we are not getting the full rate of Whitehorse hospital as you probably know was a Cabinet decision some years ago that we would only pay \$25, and there was Members of Council involved in this.

Mr. McKinnon: The first good deal we've ever made with the Federal Government.

Mr. Chairman: Order, please. Is there anything further?

Mr. McKinnon: Is it the intention of Northern Health Services to pursue this plan in the next Federal - Territorial Financial Agreement?

Dr. Butler: Since this plan was written, Mr. Chairman, it has been suggested to us that the Territorial Government is not yet ready to take over the Whitehorse Hospital, and it has also been suggested, as you've heard here today, that not along that but

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Dr. Butler continued: the Federal Government should also operate the other two Territorial hospitals. Now, in the writing of the next five year plan, as I said today, this whole matter should be discussed and no doubt will be discussed between the Territorial and the Federal Government.

Mr. McKinnon: Mr. Chairman, I wonder if I could ask Dr. Butler when the next three year plan will be discussed and when negotiations will take place as to what the contents of it will be.

Dr. Butler: We will be starting to prepare the plan about, I would say, May or June of this year. We'll be starting to get the bones of the plan together because we will have to have it ready for submission to Council or to the Territory by probably September. We haven't received any instructions on what the next plan is going to be, whether it's going to be a five year or whether it's going to be a one year. We have received no instructions as yet in this matter.

Mr. McKinnon: Mr. Chairman, I'm afraid that the Members of this Council know just about as much as Dr. Butler as to how long the next plan will be. We have had word from the Deputy Minister of Indian Affairs and Northern Development that perhaps we should just leave the two year agreement ride for another year. I don't know whether this will be applicable to the health plan also, but it seems to me that the financial arrangement between the Yukon Territory and the Federal Government, in both the health plan and the general agreement, is rather in a no man's land at this time.

Dr. Butler: I have nothing further to add. I have no knowledge really, more than yourselves, on this.

Mr. Livesey: Mr. Chairman, in view of the up-urge in economic activity in the Yukon, I wonder if Dr. Butler can advise me if the Federal Government or anyone connected with the hospital is presently planning any enlargement of the present facilities because I know we felt in the Territory that we had precious little to do with the building arrangements of the present structure and it was carried on, more or less, as a Federal Government operation. If there was anything in the mill, shall we say, as far as any plans for expansion are concerned, I was wondering if we could be advised of it so that we can take this matter into our own consideration.

Dr. Butler: Mr. Chairman, I don't think that certainly there would be any question of enlarging the Whitehorse General Hospital within the next five to eight years. We feel it is sufficient now. I cannot say how the population of Whitehorse is going to run, if there was a tremendous up-urge in the population we might have to reconsider this. But, we are still running well below our full occupancy right now, and we are, as you know, accommodating some nursing home type cases quite easily in the hospital.

Mr. Chairman: Is there anything further?

Mr. McKinnon: No further questions, Mr. Chairman.

Mr. Chairman: Well, gentlemen, if you have no further questions, I would thank Dr. Butler on behalf of Committee for being with us this afternoon and joining these discussions. It has been most helpful.

Dr. Butler leaves Chambers.

Mr. Chairman: The next item of business is Bill No. 8. This BILL #8 is An Ordinance to Amend the Labour Ordinance. As we have deferred Part I for the present moment for amendment, I'll proceed on page 4 with the reading of Part II. (Reads Section 11 of Bill No. 8)

Mr. Dumas: Mr. Chairman, I must rise to speak on this once again. One of the submissions that we had from United Steel Workers of America made a suggestion that the minimum rate should be \$1.75 to meet the high cost of living in the Yukon. It also would be an incentive, like the northern allowance for federal employees, for Canadians to come north and seek employment. Well, at this point in time I think \$1.75 might be a little high for a minimum rate but I think that \$1.50 would be more in order than \$1.25 is. \$1.25 is just about the standard minimum rate across Canada. Of course, as we know, here in the Yukon not only are our costs higher but our overall weight scale is probably higher than elsewhere in the country. I think to honestly reflect this and if this is going to be a minimum set of standards to use for labour in the Territory, I think that \$1.50 minimum wage would more honestly reflect the economics of the situation here in the Territory, and I would like to hear some of the other Members speak on this.

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

Mr. Chamberlist: Yes. Councillor Taylor.

Mr. Taylor: Mr. Chairman, I rise once again to voice the opinions that I voiced at the Spring Session when we...or at the Fall Session when we last dealt with this Ordinance. I think that we are entering a field in basic minimum wage which is a very complicated and involved field. I certainly have no compunction about saying that any attempt to establish a basic minimum wage must be made on a categorical basis. Many of the provinces have recognized this and indeed of classifications of labour and types of work they have established basic minimums. Indeed, the Federal Government, in respect of their public works, insist on basic minimums in various categories. This would involve heavy-duty trucking, mechanics, light-duty mechanics, diesel mechanics and so forth, and unless we can approach the matter of minimum wages in this manner, then I certainly can't agree that the increasing of the basic minimum wage arbitrarily for instance to \$1.50 would usefully serve its purpose. Indeed, there are some areas of employment that this would affect detrimentally. So consequently, I leave this thought once again for consideration of Committee, and that is of course that if we do attempt to establish any change in the minimum wage that now exists, we should do it categorically as in the provinces. Thank you, Councillor Chamberlist, I will resume the Chair. Councillor Shaw.

Mr. Shaw: Mr. Chairman, I have two questions to ask of the Honourable Member for Whitehorse West. He was quoting the United Steel Workers of America. I believe, in America, because this is an American outfit substantially it appears, they have a minimum wage of \$1.15 an hour. So, I wondered why it isn't more where they originate. Secondly, I wondered if the Honourable Member has conducted a survey of all aspects of employment in the Yukon, and in proposing an increase to what it is now, whether he would have any basis on figures or something like that to put before the Committee.

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Mr. Dumas: Mr. Chairman, I believe the minimum wage is set by each province....or by each state, but at any rate I don't see that it has any direct bearing on the problem that we have here in the Yukon. As to the other question, we haven't done a survey in any areas with the idea of applying it to different sections to this whole Labour Ordinance, and it's merely a minimum standard that I'm suggesting that we set. Now, the minimum standard, as we realize in the problem that we've had in the part just preceeding this, the problems that we have here in the Yukon are unique because of our situation, and I suggest that by the same token the minimum wage here in the Yukon should, again, as I repeat, reflect the economy of the Territory. I think it would be an enticement in some sense, in another argument for luring people to the north, that we recognize the fact that a person has got to earn more wages up here in one way or the other in order to make a good living, as compared with outside areas. There was one point I wanted to make on the minimum wage but it escapes me right now so I'll come back.

Mr. Shaw: Mr. Chairman, I can agree with the Honourable Member. I'd like to see \$5.00 as the minimum wage. I think that would bring more people in, but at the same time it might chase an awful lot of people out. I would feel that before this came in, it was introduced by this Council, this minimum wage, there were people that I believe were paying less than \$1.00 per hour which is absolutely ridiculous. Now, in \$1.25, there are not too many people in the Yukon Territory. I believe that are working for \$1.25 an hour, and those that are quite likely people that are working on a part-time basis. I don't know any tradesmen....I'm certain that you couldn't get anyone in Dawson to work for \$1.25 an hour. I don't know of anyone who works for that. I do not feel that it is the position of this Council, Mr. Chairman, to dictate what wages should be or should not be. I think that a lot of that should be by private negotiation, but I also feel that we should prevent abuses. The object of introducing this last spring was for that particular purpose, not to get into the field of negotiating what wages should or should not be because we are not aware of all the ramifications that must be involved in sensitive and delicate negotiations such as that between employer and employee, but we should do our utmost, which we are endeavouring to do at the moment, to prevent abuses, and I think that we have satisfactorily done this.

Mr. Dumas: Mr. Chairman, I have a question then for the Member for Dawson City. How did they arrive at the figure of \$1.75 last spring.

Mr. Shaw: They arrived at that figure, Mr. Chairman, in answer to that question, this was any wages paid on government contracts shall be not less than \$1.25. We thought that Parliament, in their wisdom, must have given this a great amount of consideration and that we could well follow this and it would be applicable to the Territory. Does that answer the question, Mr. Chairman?

Mr. Chamberlist: Mr. Chairman, the first thing that strikes my mind is the Honourable Member's from Whitehorse West remark that something or other had slipped his mind. Obviously, the subject couldn't have been that much important to him if he can allow these things to slip his mind that easy. It would appear to me at least the Member is speaking on the basis of the letter received by him from the United Steel Workers of America which I have a copy of. I would suggest that the way that this letter is sent out that the reference is made to \$1.75 an hour for that particular craft. Now, if the Member were to place before me the suggestion that those people who

Mr. Chamberlist continued:

are working as labourers in this particular craft should enjoy a minimum of \$1.75 an hour, then I may feel inclined to so agree because of the type of craft that it is. But, the suggestion that the letter from the United Steel Workers of America Union with the suggestion that the minimum wage should be \$1.75 should apply to all and everybody seems to me totally unwarranted. I really think that the Honourable Member from Whitehorse West is overlooking the fact that other people besides those connected with United Steel Workers of America that he represents and likewise myself....I have to represent other people besides. So do all Councillors here, but we have to consider whether a minimum rate is a fair and equitable rate overall. I am sure that in the United Steel Workers of America, they have a minimum rate set in their particular trade and of course therefore it would be it seems to me an unnecessary item for this particular local to ask for when they are already protected by their very agreements that they set up themselves. As I said earlier, if this particular reference was to the craft itself, the United Steel Workers of America, I would certainly feel inclined to go along with the proposition, but the Canada Labour Code and Standards, as has already been said, many other provinces as well have gone into very closely the minimum standards and there's a reason that, obviously, I can't bring to you because I haven't gone into it deeply, the reason behind \$1.25 being the minimum. I would think that because there are some particular types of work where more than that would not be warranted, especially when the suggestion in this piece of legislation that all those employees over the age of seventeen receive that money. It seems to me somewhat improper that a boy or girl of seventeen should receive a minimum wage of \$1.25 and a person who's got fifteen years experience as a labourer or doing a particular job should also receive the same. I would therefore suggest that if the Honourable Member for Whitehorse West wishes to reiterate that this reference is to this particular craft then perhaps we can discuss that on this basis. Thank you, Mr. Chairman.

Mr. Chairman: Well, gentlemen, I'll just remind you that a document, which you seem to be suggesting, has not yet been tabled in the House to form a part of our official documentation. Councillor Dumas:

Mr. Dumas: Mr. Chairman, I realize that those who are served by other than the United Steel Workers of America, those industries such as the hotel industry for instance, must be represented here adequately, but this was a submission made commenting on this Labour Provisions Ordinance, and the suggestion that they make is in relation to the very thing that we are now discussing, not specifically for themselves but as a minimum. I put this forward that they suggested \$1.75. In private conversations with other representatives of unions, they've suggested various figures from \$1.50 to \$2.00. I suggest that \$1.50 would be reasonable.

Mr. Chairman: Is there anything further on this section or are we clear? The next section is Section 12. (Reads Section 12 of Bill No. 8) Clear? (Reads Section 13 of Bill No. 8)

Mr. Livesey: Question. If we pass this section, Mr. Chairman, in what way will we be able to understand it, not knowing the precise objects of any regulations?

Mr. Chairman: Mr. Legal Adviser.

BILL #8 Mr. Legal Adviser: My understanding, Mr. Chairman, is that this section is in the existing Ordinance but has not been put into force. That's the basic position

Mr. Livesey: Well, Mr. Chairman, I think it behoves us to take, and always take, a second look at the existence of subordinate legislation, and I repeat the work because I believe it was recorded in the last time I used that word, it was recorded as some ordinary legislation. Subordinate legislation is something that we have to take great care of because this is a secondary type and form of creating legislation over which we have very little control. This is one of the reasons why I raised the question, Mr. Chairman, in this regard because it would seem to me that we are acknowledging something of far reaching importance with regard to junior members of our working force without knowing precisely what we're going to say okay to, and this is a very bad situation. I would much prefer, Mr. Chairman, if some advice was given to Committee with regard to what may be in the minds of the Administration with regard to the precise objects of regulations contemplated to come into force under this particular section.

Mr. Legal Adviser: Mr. Chairman, sometimes it is more difficult than others to see into the minds of the Administration and I think this is one of the more difficult times. The proclamation of the Commissioner putting this in a former Ordinance which is in force now which is Chapter 3 of the 1966 First Session Ordinances specifically accepted Section 6 which is reproduced here as Section 13, and I understand that the reason it was not put into force was that the Administration had difficulty in spelling out in satisfactory regulations exactly what occupations would be permitted to people under seventeen. It is reproduced here and I presume the same position would apply. I also presume that it's there as a safeguard in case there should arise occupations which it might be necessary to, in their own interests, refuse permission for young people to be employed in. I mean, one I can think of which would cause concern if it was not already dealt with in the Liquor Ordinance would be liquor establishments. It might be seen fit to make a blanket regulation in any occupation other than selling alcoholic liquor in a cocktail bar, or some such thing. There may be other occupations but I can't think of them at the moment.

Mr. Livesey: Well, Mr. Chairman, a supplementary question on this. During the summer time, school children are certainly employed in certain occupations and they do so in order to gain savings, a few savings, in order that they may carry on their scholastic education during the winter months, and it would appear to me from the wording of this particular section that if it's not spelled out, the particular category in which these youngsters can be employed is not spelled out in any regulations contemplated, that these people just simply cannot be employed, not because they're not fit but because it won't be spelled out in the regulations. This is why I say I feel we should know more about the regulations before we pass this section.

Mr. Chamberlist: Mr. Chairman, I think there is one word left out of here that would answer all the questions that have been raised. I think that if, in front of the word "a" in subparagraph (a) we had the word "except", it would read then, "An employer may", and if the word "only" should come out, "may employer a person under seventeen years of age except in such occupations as may be prescribed by regulations." That way the regulations then would say which ones do not apply instead of saying which ones, you know, apply right now.

Mr. Legal Adviser: This, I am happy to say at this time, appears to be a very intelligent suggestion.

Mr. Chairman: What is your....

Mr. Chamberlist: I would move at this time then....

Mr. Chairman: I will note this for amendment. Mrs. Gordon.

Mrs. Gordon: Might I ask if this would mean that a youngster of eight or ten could be taken on into any sort of job that was not prescribed as the exceptions? It distinctly says under seventeen.

Mr. Chairman: Well, I have noted this then for amendment. Shall I proceed?

Mr. Livesey: Just a minute, Mr. Chairman.

Mr. Chairman: Councillor Livesey.

Mr. Livesey: How about paper boy venders. Are they going to have to walk home and quit because we don't have it in the regulations?

Mr. Chairman: Whom do you address the question to, Councillor Livesey?

Mr. Livesey: To the Legal Adviser, Mr. Chairman.

Mr. Legal Adviser: No, I don't think they would have to go home except when they want to go home, because I would anticipate being able, in conjunction with my assistant, to come up with an amendment which would reverse the method here and would be something like this, that an employer may not employ a person under seventeen years of age except in such occupations as may be prescribed by regulation, and then add on in the second section, if he employs such a person he shall employ him subject to the conditions and so forth to be set out in the regulations. There are many occupations where we are subject to international treaty and convention where we must prohibit certain people from being employed. I can't think of them off hand. I think it's not allowed to employ them in night bakeries and it's not allowed to employ them in mining, it's not allowed to employ them in certain types of mechanical operation involving certain positions of danger and, I was going to say, chemical substances and so forth. There's quite a variety of them. I don't know what they are, but I used to handle this during one period setting up these treaties and furthering them to the Administration, and I know that they exist. This would be done by the Federal Government in this case, but we would not want to conflict with international obligations we might have as members of various commissions and treaty-signing groups of the United Nations.

Mr. Livesey: Well, Mr. Chairman, this is my last question on this. As the law is always presumed to be actually speaking, do I understand then, Mr. Chairman, that as long as it's not speaking and obviously cannot speak in that section where we have nothing for us and merely a vacuum, that all children can be employed until such time arrives that the regulations will come into force preventing such operation?

Mr. Legal Adviser: There may be other legislation as overall, a treaty, when signed by the Canadian Government comes into operation at that time, at the time specified for the coming

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Mr. Legal Adviser continued:
into operation of that treaty, and that may effect domestic legislation. We do not want to seem in conflict, and this particular section is not solely designed to take care of our international obligations. It's designed to enable categories to be specified out and at present it's not in force, but there will be parallel legislation somewhere I'm sure that will cover points raised about children or young persons.

Mr. Chairman: Are we clear? The next section is Section 14. (Reads Section 14 of Bill No. 8) Is it clear?

Mr. Chamberlist: No, I'll say not.

Mr. Chairman: Proceed.

Mr. Chamberlist: Well, Mr. Chairman, I would say that (a), (b), (c), (d) and (e) shouldn't be in there at all. It's absolutely encroachable that we shouldn't be participating in. The only sensible paragraphs are (f) and (g), because in (a) I think that it should say what are the hours that an employee has to be paid for, not left to regulation. It should say that if a person's on call, if he gets called in, he should be paid for the minimum of one hour or two hours or whatever the case may be, and that should be in the legislation. Here's an opportunity to dispense with the regulations by just putting it in the legislation. Now, in (b) the Commissioner or the Administration should have no power at all to fix the price charged for board because every job is different and every location is different. If there was a fixed amount, that would be satisfactory. You may well find that the areas in the Territory of where it might cost \$14 or \$16 to board a person a day. There might be other areas where it may cost \$8 to board a person a day. I think it should be spelled out exactly how much, because at the same time it's important so that the employee knows how much is going to be deducted from his pay cheque. Dealing with (c), this is surely an arrangement that is made between an employer and employee at the time the employee goes to work for the employer. Federal civil servants know what they're going to pay for the premises that they are going to occupy, and the same thing applies I take it to the Territorial employees that have housing. They know what they're going to pay because they're told at the beginning. There's not a regulation as to how much they're going to pay. In (d), this point deals with uniforms. It's only in certain areas that uniforms are supplied. This might leave it open to abuse that wearing apparel must be supplied to everybody that's employed, and I don't think it's the intention of those that drafted this legislation to make it appear that that would be the case. And (e), the one dealing with tools, well, that shouldn't be there at all, because if a man isn't a good tradesman and he abuses his tools, it places the employer in the position of having to make good for a bad tradesman. There is in some trades a fixed tool allowance made, but it shouldn't be left to the Administration to decide by regulation how much the charges or deductions for supplying tools should be. I know personally what can be involved with tools if you have a person that doesn't know how to use tools misuse them and have to start replacing them. I feel, unless I hear other Members of this Committee say to the contrary, I feel that (a), (b), (c), (d) and (e) shouldn't apply, but (f) and (g) satisfied with that there is a reason for those sections being in there.

Mr. Chairman: Let me ask a question from the Chair. Mr. Legal Adviser, is not this Ordinance in effect at the present time?

Mr. Legal Adviser: Not at the moment. This was in the 1966 BILL #8 Ordinances, but I don't think it's quite as detailed as this.

Mr. Chairman: I'd like to ask Mr. Clerk, is there any difficulty created with this Ordinance with these regulations at this time.

Mr. Clerk: Well, Mr. Chairman, we have got regulations fixing the maximum amount that can be charged for room and board, but the one point that must be stressed is that this only applies when the minimum wage applies. No tradesman is going to work for \$1.25 an hour. Consequently, his tool allowance is not fixed. The regulations, the way they are set up at the moment, say that a person working an eight hour shift will be paid ten dollars. At \$1.25 an hour, he makes ten dollars. His employer can deduct \$2.10 off of him that day for room and board, so his salary is \$7.90. This is the minimum salary he can make for an eight hour shift. This is all it amounts to.

Mr. Chairman: Clear?

Mr. Shaw: I'm not quite clear on just one matter, Mr. Chairman, and I refer to the brief received from the Cassiar Asbestos in relation to number or paragraph (g) of this section, and where a company has a training program. It might be an electrical company that will have a training program for apprentices or what not and to up-grade them for their particular type of work or their factory or whatever it might be, running certain types of machines, and they question the advisability or the necessity for the government to step in and say, oh, you don't train them in this way, you train them another way. This is the way we want these people trained, by such an ordinance. Now, I wondering if the Legal Adviser would not feel that the representations made on page 2, in relation to Section 14 (g) may be quite sensible and valid to take into advisement when we're passing this Subsection (g).

Mr. Legal Adviser: I haven't got these exact papers before me, Mr. Chairman, but I think it is essential that the overall control of education remains in the hands of the Administration. It's not intended to start hitting people like Cassiar Asbestos and wrecking their firm, but it is intended to catch the employer who, under the guise of teaching his employees a trade, he tried to escape his obligations. I would anticipate that the person who would deal with this type of thing would be Mr. Baston, or somebody like this, who would vet any scheme if it came in question. It isn't often that it would come in question, because an employer who provides education to his employees is usually a good employer. But, it would be somebody like Mr. Baston who would advise whether or not it was a buyable and proper scheme, and if was an attempt to evade the Ordinance then action would ensue. For this purpose, I think it essential that the government retain the power to vet such schemes.

Mrs. Gordon: I'm wondering if this is the section where a suggestion made to me in relation to the man in the small business who is outside of the townsite, then there should be any regulations applying to board and room for his employees where he has a limited number.

Mr. Legal Adviser: We're only dealing in this section with people who are on this minimum wage scale. In the case of the ordinary employee, this isn't going to apply. It's when by virtue of increasing the amount charged for board and room, the employer brings his wage scale below the minimum, but then out of protection for such a person the Ordinance moves in to back him. It's not intended to help normal operations at all.

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Mr. Legal Adviser continued:

It's only just to stop an employer attempting to use the company store type of operation to in effect defraud his employees.

Mr. Chairman: Anything further?

Mrs. Gordon: In essence what I'm getting at is that I do know of instances in the forest products industries where employees are taken outside of a townsite by vehicle. They are not paid for travel time. They get out there and work one or two hours. They're idle the rest of the day while some of the others and these are minimum wage people. They aren't paid the top wages. They aren't these craftsmen. But, they stand and wait while the trademan does his job, and he probably earns \$3.00 or \$4.00 a day and they're carted back to town. There's no remuneration or not allowance made to them whatever for this travel time or this time they're sitting around waiting. They're just common labourers and they're just paid for the hours they work. There is no provision for staying at their place of work, nor board provided for them while they are there.

Mr. Legal Adviser: A regulation made under Section 14 should take care of this problem. I suppose it's basically a policing problem. These are the regulations that we will prescribe, that when an employee is brought to a site or job when he reports for work in the morning, he must be given a minimum of so many hours of work. I'm not sure how you'd deal with a person is you bring him out and land him at the job at eight thirty and lay him off at twelve thirty, how you'd deal with the question. But, some of them being laid off should get transport back to the base at which they started. Just how you'd operate this, I honestly don't know. The most you can do it attempt to regulate by regulation under 14 (a), prescribing that when he gets to work he must be given six hours work.

Mr. Chamberlist: Mr. Chairman, I think Councillor Gordon has brought up a very valid point because I know in the construction industry this abuse of workmen does take place when a job may be twenty miles out on the highway and they work you on the job for two or three days supposition and they're told, well, you go in on the job tomorrow at eight o'clock as usual and they have to travel twenty miles to get there and then when they get there, if they're just going to get a minimum of two hours work there, then they have to come all the way back and there's no way of compensating them for the actual hour it has taken them to get there and the hour it has taken them to get back. Now, in some of the union organizations they have a clause in the agreement....I know they've got one in the Electrical Brotherhood, that the place of employment, that is the employer's office, is the place where the time starts. So that, if there is travelling time, let's say to twenty miles away would be....the commencement of work would be the travelling time from the place of employment, which would only be right. But, this I think in union agreements is taken care of, but in this particular instance that Councillor Gordon speaks about, and it may well happen on small lumber workings and perhaps small mining and construction areas where a person goes to operate a cat, let's say for a couple of hours, and he may have to drive a half hour or so to get there and then puts in two hours work and drives a half hour or so to get back from the place of his employer's office. I think there can be a way to overcome that by including that the time starts from the office of the employer. Now, if there is an office in town, let's say dealing with the Greater Whitehorse, if there is an office in town, this would be an easy problem, but sometimes you might

Mr. Chamberlist continued:
have, out on a project where there is a bunkhouse, the office will be right there of course and they might have to go from the bunkhouse somewhere in the bush five or ten miles away, but the time should start from the time they leave the bunkhouse. I think perhaps an amendment within there could be worded in some way to include for that will answer what I think Councillor Gordon is getting at.

Mrs. Gordon: I know of several instances in my own area where in the forest service products they drive as much as sixty miles to work. There is no provision, no place of board and room. They have eight or ten men. Each one supplies his own food, and where they have a cat driver, a skinner, a faller, the common labourer who is running behind and hooking up the lines to the cat and everything, if that cat is on some other kind of a job he stands there for six or eight hours until they're ready to drive back to town, and there is no provision or protection for this type of employee, and he's the man who falls in this category of minimum wages.

Mr. Chairman: Mr. Clerk.

Mr. Clerk: Mr. Chairman, I would respectfully submit that there is protection. I am sure that if this was brought to our attention it could be policed.

Mr. Chamberlist: Under what section, Mr. Chairman, is the Clerk referring to?

Mr. Clerk: Under the existing Labour Provisions Ordinance.

Mr. Chairman: This is for chokermen.

Mr. Clerk: The business of the man being at work and when he is at work, I'm sure that it can be established that....

Mr. Chairman: Oh yes. Is there anything further on this section in Part II?

Mr. Shaw: Well, there's just the matter that Councillor Gordon has brought up. I think it is very possible that these logging or sawmill operations have their whole kit and kaboodle in one punch, right where they happen to be operating their sawmill, so that they are not concerned where a person comes from. They are concerned if he's available for work, and when he's available for work, that's it. If he works two hours, three hours or four hours, or whatever it may be, he still has to go back home. Is that the...? No, well, I've got it wrong.

Mrs. Gordon: Mr. Chairman, may I answer the Member from Dawson? These people are driven each morning, picked up at seven, eight, eight thirty in the morning, driven sixty miles out of town and then returned in the evening. There's no provision for a place to eat at noon. Each one sort of has his own little billy can, a piece of hard-tack, or what have you, or if somebody else has a can of beans, well, somebody might encroach on that too. But, there's no place to stay, no provision made, none whatever. This is the question that was posed to me, is there or could there be regulations to take care of these people, or legislation to cover these sort of situations, because it's inequitable and unfair.

Mr. Chamberlist: Mr. Chairman, I wonder if Mr. Legal Adviser could express an opinion as to whether if an employer picks up people and then drives them to a site to work, within the meaning

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Mr. Chamberlist continued:
of the Workmen's Compensation Ordinance, are they....can they be compensated in case of accident, because they are in the employer's care for that period of time from the time they're picked up to the time they start work at the site? Now, this is a very important thing in a situation.

Mr. Legal Adviser: I would think that if you attempted to tell a workman that when an accident was caused in a vehicle that he was to get compensation based on the workmen's compensation scale instead of based under negligence action, he wouldn't thank you for it because the scale would be very much lower. He would do much better if he could establish negligence in the operation of the vehicle. But, apart from that, normally speaking, and this is now without looking in detail at our workmen's compensation laws, normally speaking, a person is not covered during the period....this is for workmen's compensation, not during the period he goes to and from work. One of the main reasons, and this is now in other jurisdictions with which I'm familiar, and I know there's a definite reason for this and this is that if he's covered, the employer will not provide him with free transport which he will do if the obligation isn't there. It's basically a question of insurance and so forth. You have to carry extra insurance if you're going to drive your men to and from work and have them covered for workmen's compensation. Your rate varies, and it's probably for this reason, in ease of the employees themselves, but so far as Councillor Gordon's point is concerned, I think, and this is without tying myself down to a specific, I think that the people who are picked up in the morning and brought to work should be paid from the time they were actually picked up. I think. So far as wages are concerned, there's a slightly different position in that we're operating by minimum wage legislation and I think they should be paid from the time they're picked up to the time they're delivered home. I think they're still contractually at the disposal of the employer during that period and I think they should be paid wages for that period. So far as the social position is concerned about providing them with a canteen or facility for a picnic, I'm not sure if there's an awful lot we can actually do, but if the Councillor would be good enough to give the particulars of the matter to Mr. Taylor's office, I'm sure something can be done, and certainly, the Clerk is quite confident that as far as the minimum wage as law in concerned, that he would see that they got paid during the period of their journey to and fro. I think Councillor Gordon has really got a point here.

Mr. McKinnon: Under the law as it now stands, can the employer be made to pay for the time that he is transporting to and from work?

Mr. Clerk: It seems, Mr. Chairman, that the employee is in the employer's employ when he's transporting them to work.

Mr. Legal Adviser: This is a question of fact rather than law.

Mr. McKinnon: This has been debatable in many areas in the Yukon Territory.

Mr. Legal Adviser: Could I ask Mr. Clerk a question? What is the practice of other firms that he knows of that operate in this manner? Do they pay their employees for that period?

Mr. Chairman: Mr. Clerk.

Mr. McKinnon: Mr. Chairman, when I was with the Department of Public Works, it was completely an arrangement between the departments. I was with the surveying or development engineering branch and we went to work and back on the employer's time. Other people on road maintenance were considered to be in the employ of the employer when they went to work in the morning, and came back on their own time. It was just an arrangement between the departments, and there was nothing hard and fast at all. If you worked for a department like I did, you went to and from work on the employer's time and other departments didn't have this. BILL #8

Mr. Legal Adviser: Each individual case is basically a separate case and it's not easy to lay down general rules and it's not easy above all to lay down general statutory rules because it might militate against people being employed at all in certain circumstances. This is a very basic question. At some point it must go beyond the economic reach of the employer to provide transport and in that case he will establish a bunkhouse or something and say, you start when you're on the job, and if they happen, for their own convenience, to then do the fifty mile round trip because they might happen to want to stay at home in their own house, this is something that they can do. It's a very tricky question and I think the best we can do is not deal with it in a statutory fashion but to deal with it through regulations and feel our way a little bit along the line to see what we can do.

Mr. Shaw: Mr. Chairman, many time I have seen this resolved by the....I don't know what it is right recently, the last few years, but in the past I know many places, even in British Columbia, used the common practice whereby the employer would pay one way and the employee would absorb the other way, whichever way it was, back or forth. That way seemed to be a fairly equitable arrangement.

Mr. Chamberlist: Mr. Chairman, I know that in the construction industry that people who had some work to do at Watson Lake, he would pay travelling time from Whitehorse to Watson Lake and travelling time from Watson Lake to Whitehorse. Now, certainly, if the job is in Watson Lake, we wouldn't pay time from the job at Watson Lake to the hotel where the men are staying. But, I think it's a general practice that where an employer transports his crew, he pays travelling time to the job site and also pays travelling time from the job site back. If, as Councillor Gordon says, he is not doing this, nor is he supplying board and facilities for that then there is something radically wrong, because I know that in the construction industry they make an allowance of let's say in this area here, when we had contracts with the Department of Public Works on servicing major appliances, that we had a clause in there that they would not pay board and room within eight miles of the city centre. Now, outside that area they would pay the contractor, that would be us, and we would pay that amount of money to the man. He would be taken care of all along the line, and if this is not happening I think that there's every reason why the labour provisions officer should be notified on this and then take the necessary steps. But, it is a very valid point.

Mr. Chairman: Are you clear on this part? Now we move to Part III on Annual Vacations. (Reads Section 15) Clear? (Reads Section 16) Clear? (Reads Section 17) Clear? (Reads Section 18)

BILL #8 Mr. Shaw: Mr. Chairman, on this particular matter there was reference to a submission made on this on the conflict in the definition of wages. Is that settled?

Mr. Legal Adviser: The basic position is that as this Ordinance was drafted, vacation pay is the minimum rate that an employee gets, and you ignore bonuses, tips, gratuities, and so on, but when he just misses out one day, say Christmas Day, then he gets the pay he would have got if he had been working that day. That's basically what it is if there's a normal rate of pay. Some employees are paid on a bonus system. They say if you get out so much work we'll give you so much, but if that can be averaged out then it's averaged out for him.

Mr. Chairman: Clear? (Reads Section 19) Clear? (Reads Section 20) Clear? (Reads Section 21) Clear? (Reads Section 22) Clear?

Mr. Shaw: Just one thing, Mr. Chairman, a question to the Legal Adviser. I'm just a little bit behind. Vacation pay does not apply unless the employee has worked for thirty days or more. Is that correct?

Mr. Legal Adviser: That is correct.

Mr. Shaw: Thank you, Mr. Chairman.

Mr. Chairman: (Reads Section 23) Clear?

Mr. Shaw: Mr. Chairman, in that particular one, relating back to the submission on page 3, the objections that were created, how does that work in this particular instance, Mr. Chairman. I wonder if Mr. Legal Adviser could answer that.

Mr. Legal Adviser: Which objections, Mr. Chairman?

Mr. Chairman: I believe the reference...

Mr. Legal Adviser: The annual vacations pay?

Mr. Chairman: Yes, this was the matter of notices. The company didn't understand what that was.

Mr. Legal Adviser: I think they understood it when....It's not a form, it's a period, a week, month.

Mr. Chairman: Are we clear? I would draw your attention to the time. We have a rather long section coming up next. Is it your desire to proceed or leave it to Monday or what?

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

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

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

MOTION
CARRIED

MOTION CARRIED

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

Mr. Chairman: Mr. Speaker, Committee convened at 10:35 a.m. to discuss Bill, Sessional Papers, Motions and Memorandums. Committee recessed at 10:40 a.m. and reconvened at 2:05 p.m. Dr. Butler attended Committee to discuss matters related to health and welfare. I can report progress on Bill No. 8. It was moved by Councillor Dumas, seconded by Councillor Chamberlist, that Mr. Speaker do now resume the Chair and this motion carried.

Mr. Speaker: We have heard the report. Are we agreed? May I have your further pleasure?

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

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

Mr. Speaker: It was 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 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 ten a.m. Monday morning.